

**RULES
OF
TENNESSEE HIGHER EDUCATION COMMISSION**

**CHAPTER 1540-1-6
TUITION REFUNDS FOR ACTIVATED RESERVE AND NATIONAL GUARD PERSONNEL**

TABLE OF CONTENTS

1540-1-6-.01	Introduction	1540-1-6-.04	Appeals Procedures
1540-1-6-.02	General	1540-1-6-.05	Precedence of the Act
1540-1-6-.03	Procedure for Application		

1540-1-6-.01 INTRODUCTION. These rules implement the provisions of Public Chapter 151 of the 1991 Public Acts (hereinafter called “Act”). The Act provides tuition refunds or tuition credit to military reserve and national guard personnel attending state colleges or universities when performing active military duty during a school term.

Authority: Public Chapter 151 of the 1991 Public Acts. Administrative History: Original rule filed December 3, 1991; effective March 30, 1992.

1540-1-6-.02 GENERAL.

(1) *Definitions.* As used in these regulations (Chapter 1540-1-6):

- (a) *state college or university* means any institution operated by the University of Tennessee or the Tennessee Board of Regents which offers courses of instruction beyond the high school level (hereinafter called “institution”).
- (b) *term* refers to the timeframe in which a course is offered by the institution and for purposes of these rules includes Fall, Spring, Summer and special session terms as defined by the individual institutions. For the technology centers, “term” refers to a three month reporting period. The four terms are:

July 1 - September 30
October 1 - December 31
January 1 - March 31
April 1 - June 30

- (c) *tuition* means maintenance fees and out-of-state tuition fees. “Maintenance fees” refers to a fee charge to students enrolled in credit courses. It is an enrollment or registration fee and is calculated based on the number of student credit hours for which the student enrolls. “Out-of-state tuition” refers to an additional fee charge to students classified as non-residents and is in addition to the maintenance fee.

(2) These rules apply to any person ordered to active military service since August 1, 1990.

(3) Students seeking a tuition credit or refund must be absent in excess of thirty (30) days during the term due to active military service. Students absent less than thirty (30) days may receive a refund or tuition credit at the discretion of the institution.

(Rule 1540-1-6-.02, continued)

- (4) Students seeking a tuition credit or refund must present to the appropriate institution certification from competent military authority of the dates active duty was actually performed. Determination of the adequacy of documentation presented or the necessity for additional material will be at the discretion of the institution.
- (5) These rules apply only to the refund of maintenance fees and out-of-state tuition. Refunds for other fee charges such as student activity fees, vehicle registration fees, and room and board charges may be available based upon individual institution or governing board policies.
- (6) A refund or credit for tuition may be provided only if the reserve or national guard student did not receive a final grade in the class or course for which a refund or tuition credit is sought.
- (7) If a withdrawal occurs late in the term and one or more of the student's instructors deem that sufficient work has been completed to warrant awarding credit, fees will be assessed at the hourly rate for courses for which credit is granted, and a refund will be made in an amount equal to the difference between that assessment and the fees paid for all courses in which the student is enrolled.
- (8) Any refund or credit for tuition to which the student is entitled may first be applied to any of the student's outstanding balances as determined by the institution.
- (9) Students receiving a tuition credit or refund will be responsible for repayment of financial aid where applicable.

Authority: Public Chapter 151 of the 1991 Public Acts. **Administrative History:** Original rule filed December 3, 1991; effective March 30, 1992.

1540-1-6-.03 PROCEDURE FOR APPLICATION.

- (1) Students seeking a tuition credit or refund should so apply in a manner consistent with institutional procedures now in place for withdrawal from the institution.
- (2) Students who are unable to withdraw from the institution at the time of military activation may withdraw within a reasonable timeframe upon completion of active duty without penalty to the student.

Authority: Public Chapter 151 of the 1991 Public Acts. **Administrative History:** Original rule filed December 3, 1991; effective March 30, 1992

1540-1-6-.04 APPEAL PROCEDURES.

Appeals regarding the determination of eligibility of the student will be available in a manner consistent with institutional procedures now in place for student withdrawal from the institution or for student fee refunds.

Authority: Public Chapter 151 of the 1991 Public Acts. **Administrative History:** Original rule filed December 3, 1991; effective March 30, 1992.

1540-1-6-.05 PREDEEDENCE OF THE ACT.

These rules are subordinate to the Act and are intended to facilitate its implementation. Any portion of these regulations which are adjudicated as contrary to law are to be considered null and void. All other portions of these rules shall be severed therefrom and considered in full force.

Authority: Public Chapter 151 of the 1991 Public Acts. *Administrative History:* Original rule filed December 3, 1991; effective March 30, 1992.