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Sequence Number: 02-12-22

Rule ID(s): 9674

File Date: 2/8/2022

Effective Date: 5/9/2022

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission: Middle Tennessee State University**Division:****Contact Person:** James C. Floyd, University Counsel and Board Secretary**Address:** 1301 E. Main Street, CAB 209, Murfreesboro, TN**Zip:** 37132**Phone:** 615-898-2025**Email:** James.floyd@mtsu.edu**Revision Type (check all that apply):**☐ Amendment☒ New☐ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0240-07-07	Residential Life and Housing
Rule Number	Rule Title
0240-07-07-.01	Purpose
0240-07-07-.02	Definitions
0240-07-07-.03	Eligibility
0240-07-07-.04	Application Process and Student Housing Agreement
0240-07-07-.05	Termination, Cancellation, and Refunds
0240-07-07-.06	Conduct and Right to Enter

Rules
of
Middle Tennessee State University, Murfreesboro
Chapter 0240-07-07
Residential Life and Housing

New

Table of Contents is added to Chapter 0240-07-07 Residential Life and Housing and shall read as follows:

0240-07-07-.01 Purpose
0240-07-07-.02 Definitions
0240-07-07-.03 Eligibility
0240-07-07-.04 Application Process and Student Housing Agreement
0240-07-07-.05 Termination, Cancellation, and Refunds
0240-07-07-.06 Conduct and Right to Enter

0240-07-07-.01 Purpose is added to Chapter 0240-07-07 Residential Life and Housing and shall read as follows:

0240-07-07-.01 Purpose

- (1) A student residence facility is a densely populated community composed of students with many different interests, habits, and tastes. Middle Tennessee State University (MTSU or University) is committed to the concept that on-campus student residence facilities should provide an atmosphere conducive to both living and learning, where in a spirit of cooperation and consideration of others, students may live, study and relax together. This rule establishes the process for managing and maintaining such an atmosphere.

Authority: T.C.A. § 49-8-101(a)(2)(A); T.C.A. § 49-8-203(a)(1)(D).

0240-07-07-.02 Definitions is added to Chapter 0240-07-07 Residential Life and Housing and shall read as follows:

0240-07-07-.02 Definitions

- (1) Assigned Living Space. The personal dwelling unit of a student and/or occupant residing within a student residence facility.
- (2) Guest(s). Any person invited by a student resident, occupant, or the University to visit in a student residence facility.
- (3) License Agreement (Agreement). The contract document setting forth the terms of occupancy of any student residence facility/ unit as between the University and student residents that occupy such student residence facility/ unit.
- (4) Occupant(s). Legal spouse or child residing with a student resident in an assigned living space. Occupant(s) may be referred to as resident(s).
- (5) Premises. Any student residence facility owned or operated by the University to provide housing accommodations for student residents.
- (6) Prepayment Fee. A payment required by the University to secure assigned living space within a student residence facility prior to taking occupancy of a particular assigned living space. The prepayment fee is applied toward housing costs except where forfeitures apply.
- (7) Semester Fee. The payment required to occupy an assigned living space within a student residence facility for a specified term.
- (8) Student(s). For purposes of this rule, any individual officially enrolled and residing on premises in an assigned living space who is a signatory to the housing license agreement. The student may be referred to as resident(s).

Authority: T.C.A. § 49-8-101(a)(2)(A); T.C.A. § 49-8-203(a)(1)(D).

0240-07-07-.03 Eligibility is added to Chapter 0240-07-07 Residential Life and Housing and shall read as follows:

0240-07-07-.03 Eligibility

- (1) Student residents residing in assigned living space must be full-time students officially admitted and enrolled at the University for the Fall or Spring semester.
- (2) Part-time students are not eligible to reside in student residence facilities unless a waiver is provided by the Director of Housing and Residential Life. Such waivers shall be granted on a case-by-case basis.
- (3) Occupant residents residing in assigned living space must be the legal spouse or child of a student resident.
- (4) Summer housing is available to MTSU students enrolled in summer courses and occupants residing with said students, provided such students are enrolled in the summer session for which they plan to reside in a student residence facility.
- (5) All students shall have an equal opportunity to reside in student residence facilities regardless of race, gender, marital status, creed, color, national origin, or disability.
- (6) No person who is registered, or required to register, as a sex offender will be eligible to reside in University residence halls.
- (7) All students who reside in student residence facilities must provide proof of adequate immunization against meningococcal disease after their 16th birthday and within the last five (5) years as required by state law unless they have a valid exemption.
- (8) Students who fail to provide proof of adequate immunization will not be allowed to reside in student residence facilities unless they have a valid exemption.

Authority: T.C.A. § 49-8-101(a)(2)(A); T.C.A. § 49-8-203(a)(1)(D); T.C.A. § 49-7-124; T.C.A. § 49-7-162.

0240-07-07-.04 Application Process and Student Housing Agreement is added to Chapter 0240-07-07 Residential Life and Housing and shall read as follows:

0240-07-07-.04 Application Process and Student Housing Agreement

- (1) To live in a student residence facility, students must complete and submit an application. Students must also sign a Housing License Agreement that establishes the terms and conditions of the student's occupancy of the student residence facility.
- (2) At the time of application, the student must also submit a prepayment fee. Semester fees are due and must be paid during the fee payment period at the beginning of each semester or summer session as applicable.
- (3) The Housing License Agreement will address the following non-exclusive list of subjects:
 - (a) Term(s) of the agreement;
 - (b) Cancellation of the agreement;
 - (c) Amounts, billing, payment, and refunds of housing fees, security; deposits, and damage and cleaning fees;
 - (d) Assignment and reassignment of rooms;

- (e) Policies and procedures governing the use and safety of the student residence facility and conduct within the student residence facility;
- (f) Rights of entry to assigned living space;
- (g) Loss of or damage to the resident's personal property;
- (h) Loss of or damage to University property;
- (i) Alterations, additions, or improvements to rooms;
- (j) Animals;
- (k) Prohibited activities;
- (l) Visitation;
- (m) Prohibition on assignment and subleasing by the student;
- (n) Termination of the agreement by either the student or the University, and options for the student to appeal the termination; and/or
- (o) Other reasonable and necessary subjects determined by the Director of Housing and Residential Life and University leadership.

Authority: T.C.A. § 49-8-101(a)(2)(A); T.C.A. § 49-8-203(a)(1)(D).

0240-07-07-.05 Termination, Cancellation, and Refunds is added to Chapter 0240-07-07 Residential Life and Housing and shall read as follows:

0240-07-07-.05 Termination, Cancellation, and Refunds

- (1) The University may terminate any Housing License Agreement in the event of any of the following nonexclusive reasons:
 - (a) Disciplinary action or violation of University rule;
 - (b) Withdrawal from the University by the student resident;
 - (c) Failure to maintain eligible student status by the student resident;
 - (d) Violation of any term of the Housing License Agreement by the student resident and/or occupant;
 - (e) Violation of any applicable law or University rule, policy or procedure by the student resident and/or occupant;
 - (f) Occurrence of force majeure events, including, but not limited to, fire, earthquake, hurricane, flood, severe storms, acts of God, strikes or labor disputes, riots or civil disturbances, war, national emergency, terrorism, threats of sabotage or terrorism, explosions, plagues, epidemics, pandemics, acts of governmental authorities, or any other occurrence beyond the University's reasonable control. In the event of a force majeure, the University reserves the right to modify housing accommodations and access to dining services;
 - (g) Change in marital or familial status by the student resident.
- (2) Student residents may terminate their Housing License Agreement in accordance with the contract provisions.
- (3) Student residents whose Housing License Agreement is subject to termination will receive notice in writing of the reasons for termination and be given an opportunity to respond prior to termination.

- (4) Any student resident who fails to make timely payment of all fees due under the terms of the Housing License Agreement will be liable for all expenses of collection, including court costs and attorneys' fees.
- (5) All refunds and prorated billing will be made consistent with University rules, policies or procedures related to refunds of student fees.

Authority: T.C.A. § 49-8-101(a)(2)(A); T.C.A. § 49-8-203(a)(1)(D).

0240-07-07-.06 Conduct and Right to Enter is added to Chapter 0240-07-07 Residential Life and Housing and shall read as follows:

0240-07-07-.06 Conduct and Right to Enter

- (1) In addition to the terms of the Housing License Agreement, student residents must also comply with all University published rules including the Code of Student Conduct. Violations of the contract and the Code of Student Conduct may result in termination of the Housing License Agreement.
- (2) Student residents are responsible for the conduct of their guests and any occupants residing in the assigned living space. It is the responsibility of the student resident to ensure that the guests and occupants understand and abide by all Housing and University rules and regulations. If a guest or occupant is involved in any violations of University or Housing rules and/or regulations, the hosting student resident, as well as the guest or occupant may be subject to disciplinary action, including termination of the Housing License Agreement.
- (3) The University reserves the right to enter any assigned living space at all reasonable times to inspect for maintenance, health, safety or emergency purposes. Inspections may be authorized anytime there is reasonable cause to believe that there is a health or safety concern or in accordance with federal and/ or state law.

Authority: T.C.A. § 49-8-101(a)(2)(A); T.C.A. § 49-8-203(a)(1)(D).

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
J.B. Baker	X				
Tom Boyd	X				
Rick Cottle	X				
Pete DeLay	X				
Darrell Freeman, Sr.	X				
Joey Jacobs	X				
Christine Karbowiak	X				
Stephen Smith	X				
Pamela Wright	X				


I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board on 9/14/2021, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 7/15/2021

Rulemaking Hearing(s) Conducted on: (add more dates). 9/14/2021

Date: 12/7/2021

Signature: 


Name of Officer: James C. Floyd

Title of Officer: University Counsel and Board Secretary

Agency/Board/Commission: Middle Tennessee State University

Rule Chapter Number(s): 0240-07-07 Residential Life and Housing

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.


Herbert H. Slater III
Attorney General and Reporter
1/21/2022
Date

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Secretary of State
Division of Publications

Filed with the Department of State on: 2/8/2022

Effective on: 5/9/2022


Tre Hargett
Secretary of State

Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

MTSU received no public comments on this rule.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

The rule is not anticipated to have an impact on small businesses.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

This rule is not anticipated to have an impact on local government.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rule describes the terms and conditions under which students may apply for, reside in, or be removed from MTSU's student residential facilities.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Matters related to the housing of students must be promulgated in conformance with the requirements of T.C.A. § 4-5-102(12)(B)(iv)(b). In addition, T.C.A. § 49-8-203(a)(1)(D) authorizes the MTSU Board of Trustees to establish policies and regulations regarding the campus life of the institution, including, but not limited to, student housing.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The MTSU Board of Trustees urges adoption of this rule. MTSU students are most directly affected by this rule. No students urged either adoption or rejection of this rule.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

MTSU is not aware of an Attorney General opinion or judicial ruling that directly relates to this rule.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

James C. Floyd, MTSU University Counsel and Board Secretary

Sarah Sudak, Associate Vice President for Student Affairs and Dean of Students

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

James C. Floyd, MTSU University Counsel and Board Secretary

Sarah Sudak, Associate Vice President for Student Affairs and Dean of Students

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

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Keathley University Center, Rm 212
Murfreesboro, TN 37132
615-898-2440

sarah.sudak@mtsu.edu

(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.

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- (6) Prepayment Fee. A payment required by the University to secure assigned living space within a student residence facility prior to taking occupancy of a particular assigned living space. The prepayment fee is applied toward housing costs except where forfeitures apply.
- (7) Semester Fee. The payment required to occupy an assigned living space within a student residence facility for a specified term.

- (8) Student(s). For purposes of this rule, any individual officially enrolled and residing on premises in an assigned living space who is a signatory to the housing license agreement. The student may be referred to as resident(s).

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- (3) Occupant residents residing in assigned living space must be the legal spouse or child of a student resident.
- (4) Summer housing is available to MTSU students enrolled in summer courses and occupants residing with said students, provided such students are enrolled in the summer session for which they plan to reside in a student residence facility.
- (5) All students shall have an equal opportunity to reside in student residence facilities regardless of race, gender, marital status, creed, color, national origin, or disability.
- (6) No person who is registered, or required to register, as a sex offender will be eligible to reside in University residence halls.
- (7) All students who reside in student residence facilities must provide proof of adequate immunization against meningococcal disease after their 16th birthday and within the last five (5) years as required by state law unless they have a valid exemption.
- (8) Students who fail to provide proof of adequate immunization will not be allowed to reside in student residence facilities unless they have a valid exemption.

Authority: T.C.A. § 49-8-101(a)(2)(A); T.C.A. § 49-8-203(a)(1)(D); T.C.A. § 49-7-124; T.C.A. § 49-7-162.

0240-07-07-.04 Application Process and Student Housing Agreement is added to Chapter 0240-07-07 Residential Life and Housing and shall read as follows:

0240-07-07-.04 Application Process and Student Housing Agreement

- (1) To live in a student residence facility, students must complete and submit an application. Students must also sign a Housing License Agreement that establishes the terms and conditions of the student's occupancy of the student residence facility.
- (2) At the time of application, the student must also submit a prepayment fee. Semester fees are due and must be paid during the fee payment period at the beginning of each semester or summer session as applicable.
- (3) The Housing License Agreement will address the following non-exclusive list of subjects:
 - (a) Term(s) of the agreement;
 - (b) Cancellation of the agreement;

- (c) Amounts, billing, payment, and refunds of housing fees, security; deposits, and damage and cleaning fees;
- (d) Assignment and reassignment of rooms;
- (e) Policies and procedures governing the use and safety of the student residence facility and conduct within the student residence facility;
- (f) Rights of entry to assigned living space;
- (g) Loss of or damage to the resident's personal property;
- (h) Loss of or damage to University property;
- (i) Alterations, additions, or improvements to rooms;
- (j) Animals;
- (k) Prohibited activities;
- (l) Visitation;
- (m) Prohibition on assignment and subleasing by the student;
- (n) Termination of the agreement by either the student or the University, and options for the student to appeal the termination; and/or
- (o) Other reasonable and necessary subjects determined by the Director of Housing and Residential Life and University leadership.

Authority: T.C.A. § 49-8-101(a)(2)(A); T.C.A. § 49-8-203(a)(1)(D).

0240-07-07-.05 Termination, Cancellation, and Refunds is added to Chapter 0240-07-07 Residential Life and Housing and shall read as follows:

0240-07-07-.05 Termination, Cancellation, and Refunds

- (1) The University may terminate any Housing License Agreement in the event of any of the following nonexclusive reasons:
 - (a) Disciplinary action or violation of University rule;
 - (b) Withdrawal from the University by the student resident;
 - (c) Failure to maintain eligible student status by the student resident;
 - (d) Violation of any term of the Housing License Agreement by the student resident and/or occupant;
 - (e) Violation of any applicable law or University rule, policy or procedure by the student resident and/or occupant;
 - (f) Occurrence of force majeure events, including, but not limited to, fire, earthquake, hurricane, flood, severe storms, acts of God, strikes or labor disputes, riots or civil disturbances, war, national emergency, terrorism, threats of sabotage or terrorism, explosions, plagues, epidemics, pandemics, acts of governmental authorities, or any other occurrence beyond the University's reasonable control. In the event of a force majeure, the University reserves the right to modify housing accommodations and access to dining services;
 - (g) Change in marital or familial status by the student resident.

- (2) Student residents may terminate their Housing License Agreement in accordance with the contract provisions.
- (3) Student residents whose Housing License Agreement is subject to termination will receive notice in writing of the reasons for termination and be given an opportunity to respond prior to termination.
- (4) Any student resident who fails to make timely payment of all fees due under the terms of the Housing License Agreement will be liable for all expenses of collection, including court costs and attorneys' fees.
- (5) All refunds and prorated billing will be made consistent with University rules, policies or procedures related to refunds of student fees.

Authority: T.C.A. § 49-8-101(a)(2)(A); T.C.A. § 49-8-203(a)(1)(D).

0240-07-07-.06 Conduct and Right to Enter is added to Chapter 0240-07-07 Residential Life and Housing and shall read as follows:

0240-07-07-.06 Conduct and Right to Enter

- (1) In addition to the terms of the Housing License Agreement, student residents must also comply with all University published rules including the Code of Student Conduct. Violations of the contract and the Code of Student Conduct may result in termination of the Housing Contract.
- (2) Student residents are responsible for the conduct of their guests and any occupants residing in the assigned living space. It is the responsibility of the student resident to ensure that the guests and occupants understand and abide by all Housing and University rules and regulations. If a guest or occupant is involved in any violations of University or Housing rules and/or regulations, the hosting student resident, as well as the guest or occupant may be subject to disciplinary action, including termination of the Housing License Agreement.
- (3) The University reserves the right to enter any assigned living space at all reasonable times to inspect for maintenance, health, safety or emergency purposes. Inspections may be authorized anytime there is reasonable cause to believe that there is a health or safety concern or in accordance with federal and/ or state law.

Authority: T.C.A. § 49-8-101(a)(2)(A); T.C.A. § 49-8-203(a)(1)(D).