

Department of State
Division of Publications
 312 Rosa L. Parks Avenue, 8th Floor Snodgrass/TN Tower
 Nashville, TN 37243
 Phone: 615-741-2650
 Fax: 615-741-5133
 Email: register.information@tn.gov

For Department of State Use Only

Sequence Number: 06-10-14
 Rule ID(s): 5735-40
 File Date: 6-13-14
 Effective Date: 11-28-14

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. §§ 4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Agency/Board/Commission:	Tennessee Board of Regents
Division:	Institutional Student Housing Rules
Contact Person:	Dr. Randolph C. Schulte
Address:	1415 Murfreesboro Rd. Ste. 324 Nashville, Tennessee
Zip:	37217
Phone:	615-365-1505
Email:	Randy.Schulte@tbr.edu

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-04-01	Austin Peay State University Student Housing Rules
Rule Number	Rule Title

Chapter Number	Chapter Title
0240-04-02	East Tennessee State University Student Housing Rules
Rule Number	Rule Title

Chapter Number	Chapter Title
0240-04-03	The University of Memphis Student Housing Rules
Rule Number	Rule Title

Chapter Number	Chapter Title
0240-04-04	Middle Tennessee State University Student Housing Rules
Rule Number	Rule Title

Chapter Number	Chapter Title
0240-04-05	Tennessee State University Student Housing Rules
Rule Number	Rule Title

Chapter Number	Chapter Title
0240-04-06	Tennessee Technological University Student Housing Rules
Rule Number	Rule Title

Chapter 0240-04-01
Austin Peay State University Student Housing Rules
Repeal

Rule 0240-04-01 Austin Peay State University Student Housing Rules is repealed in its entirety.

Authority: T.C.A. §49-8-203. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed January 31, 1986; effective April 15, 1986. Amendment filed July 29, 1986; effective October 29, 1986. Amendment filed April 30, 1987; effective July 29, 1987. Amendment filed July 29, 1988; effective October 29, 1988. Amendment filed June 11, 1990; effective September 26, 1990. Amendment filed May 13, 1991; effective August 28, 1991. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed August 11, 2004; effective December 29, 2004. Amendment filed November 12, 2008; effective March 30, 2009. Amendment filed October 29, 2009; effective March 31, 2010.

Chapter 0240-04-02
East Tennessee State University Student Housing Rules
Repeal

Rule 0240-04-02 East Tennessee State University Student Housing Rules is repealed in its entirety.

Authority: T.C.A. §49-8-203. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed January 31, 1986; effective April 15, 1986. Amendment filed April 30, 1987; effective July 29, 1987. Amendment filed August 29, 1988; effective October 29, 1988. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 17, 2002; effective February 28, 2003. Amendment filed June 28, 2005; effective October 28, 2005. Amendment filed January 16, 2007; effective May 31, 2007. Amendment filed September 20, 2007; effective January 28, 2008.

Chapter 0240-04-03
The University of Memphis Student Housing Rules
Repeal

Rule 0240-04-03 The University of Memphis Student Housing Rules is repealed in its entirety.

Authority: T.C.A. §49-8-203. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed January 31, 1986; effective April 15, 1986. Amendment filed April 30, 1987; effective July 29, 1987. Amendment filed May 13, 1991; effective August 28, 1991. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed August 11, 2004; effective December 29, 2004. Amendment filed January 16, 2007; effective May 31, 2007. Amendment filed September 20, 2007; effective January 28, 2008. Amendment filed November 12, 2008; effective March 30, 2009.

Chapter 0240-04-04
Middle Tennessee State University Student Housing Rules
Repeal

Rule 0240-04-04 Middle Tennessee State University Student Housing Rules is repealed in its entirety.

Authority: T.C.A. §49-8-203. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed January 31, 1986; effective April 15, 1986. Amendment filed April 30, 1987; effective July 29, 1987. (Formerly 0240-4-4-.01 renumbered as 0240-4-4-.03 filed June 11, 1990; effective September 26, 1990.) Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed September 6, 2002; effective January 28, 2003. Amendment filed August 11, 2004; effective December 29, 2004. Amendments filed June 28, 2005; effective October 28, 2005. Amendment filed January 16, 2007; effective May 31, 2007.

Chapter 0240-04-05
Tennessee State University Student Housing Rules
Repeal

Rule 0240-04-05 Tennessee State University Student Housing Rules is repealed in its entirety.

Authority: T.C.A. §49-8-203. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed February 18, 1999; effective June 28, 1999. New rule filed February 18, 1999; effective June 28, 1999. Amendment filed August 29, 2000; effective December 29, 2000. Amendments filed October 29, 2009; effective March 31, 2010.

Chapter 0240-04-06
Tennessee Technological University Student Housing Rules
Repeal

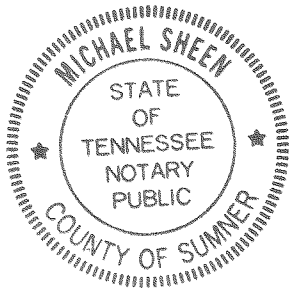
Rule 0240-04-06 Tennessee Technological University Student Housing Rules is repealed in its entirety.

Authority: T.C.A. §49-8-203. Administrative History: Repeal of all rules by Public Chapter 261 effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 17, 2002; effective February 28, 2003. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed August 11, 2004; effective December 29, 2004. Amendment filed June 28, 2005; effective October 28, 2005. Amendment filed September 20, 2007; effective January 28, 2008. Amendments filed October 29, 2009; effective March 31, 2010.

The vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Honorable Bill Haslam, Chair				X	
Emily J. Reynolds, Vice Chair	X				
Honorable Kevin S. Huffman, Commissioner				X	
Honorable Julius Johnson, Commissioner				X	
Gregory Duckett	X				
John Farris	X				
Darrell S. Freeman	X				
Tom Griscom	X				
Ashley Humphrey	X				
Jonas Kisber	X				
Fran Marcum				X	
Howard Roddy	X				
J. Parker Smith	X				
John D. Stites, II	X				
Robert P. Thomas	X				
Danni B. Varlan	X				
Deanna Wallace	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 03/28/2014, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.



Date: 4/4/14

Signature: Mary G. Moody

Name of Officer: Mary G. Moody

Title of Officer: General Counsel and Board Secretary

Subscribed and sworn to before me on: 4/4/14

Notary Public Signature: [Signature]

My commission expires on: 2-6-17

All proposed 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.

Robert E. Cooper, Jr.
 Robert E. Cooper, Jr.
 Attorney General and Reporter
6-6-14
 Date

Department of State Use Only

Filed with the Department of State on: 06-13-14

Effective on: 11-28-14



Tre Hargett
Secretary of State

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Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

N/A

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

No impact on local governments

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;

Repeals due to evolution in case law and Tennessee Attorney General Opinions over the last thirty (30) years, enhancing institutional control and flexibility in policy making. (Tenn. Op. Atty. General 99-010) Rule 0240-02-06, System-Wide Student Residence Regulations and Agreements, and Rule 0240-02-07, System-wide Residence Hall Visitation are now exempt from promulgation because any due process right that may affect a student is now addressed by the revised TBR APA Rule 0240-02-03, Student Conduct and Disciplinary Sanctions, or through a contract based action in external forums.

- (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;

T.C.A. §§ 4-5-101 et seq., Uniform Administrative Procedures Act, establishes provisions for rulemaking for Tennessee agencies; T.C.A. § 49-8-203, State University and Community College System, Powers and Duties, authorizes the board to establish policies and regulations regarding the campus life of the institutions, including, but not limited to, the conduct of students, student housing, parking and safety, and delegate responsibility for the efficient administration of the institution and its programs to the institutions chief executive officer.

- (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;

University administration, students.

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

Tenn. Op. Atty. General 85-212, determination by State Attorney General that individual TBR institutions do not have rulemaking authority; State Board of Regents v. Gray, 561 S.W.2nd 140, 142-43 (TN S Ct. 1978), determining that individual TBR institutions do not have rulemaking authority.

- (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;

Dr. Randolph C. Schulte
Assistant Vice Chancellor for Academic Affairs
Tennessee Board of Regents

Mary G. Moody
General Counsel & Board Secretary
Tennessee Board of Regents

Donald R. Ungurait
Assistant General Counsel
Tennessee Board of Regents

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

Dr. Randolph C. Schulte
Assistant Vice Chancellor for Academic Affairs
Tennessee Board of Regents

Donald R. Ungurait
Assistant General Counsel
Tennessee Board of Regents

(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

Dr. Randolph C. Schulte
Tennessee Board of Regents
1415 Murfreesboro Rd., Ste. 324
Nashville, TN 37217
615-365-1505

Donald R. Ungurait
Tennessee Board of Regents
1415 Murfreesboro Rd., Ste. 336
Nashville, TN 37217
615-366-3916

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

None