

Proposed Rules
of
The Tennessee Board of Regents
State University and Community College System of Tennessee
The University of Memphis

Chapter 0240-04-03
Student Housing Rules

Presented herein are proposed amendments of the Tennessee Board of Regents submitted pursuant to Tennessee Code Annotated § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Tennessee Board of Regents to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendments are published. Such petition to be effective must be filed in Suite 350 of the Genesco Park Building located at 1415 Murfreesboro Road, Nashville, TN 37217 and in the Department of State, Eighth Floor, Tennessee Tower, William R. Snodgrass Building, 312 Eighth Avenue North, Nashville, TN 37243, and must be signed by twenty-five (25) persons who will be affected by the rule, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact: Mary M. Slater, 1415 Murfreesboro Road, Suite 350, Nashville, Tennessee 37217, Tennessee Board of Regents, 615-366-4437.

The text of the proposed amendments is as follows:

Amendments

Subparagraph (k) of paragraph (1) of Rule 0240-04-03-.02 Residence Hall Conduct and Disciplinary Sanctions is amended by deleting the text of the subparagraph and substituting the following language so that as amended the subparagraph shall read:

- (k) Possession or use of an additional air conditioner is prohibited. Portable electric fans are permitted. Ceiling fans are not permitted.

Authority: T.C.A. § 49-8-203.

Subparagraph (g) of paragraph (3) of Rule 0240-04-03-.04 Residence Hall Conduct and Disciplinary Sanctions is amended by deleting the word "West," in the last sentence of the subparagraph so that as amended the subparagraph shall read:

- (g) Visiting hours in public areas in residence halls extend from 8:00 a.m. to the close of the visitation period. Women's halls will be secured at the time of closing. The following areas are considered public: first floor lobbies of Mynders, Rawls, Smith, Richardson Towers North and South, and the Carpenter Complex Community Building.

Authority: T.C.A. § 49-8-203.

Subparagraphs (a) and (b) of paragraph (1) of Rule 0240-04-03-.06 Reservations (Deposit, Cancellation and Refund Policies) are amended by deleting the text of the subparagraphs and substituting the following language so that as amended the subparagraphs shall read:

- (a) A student must read and understand the Residence Hall Information Brochure or web page and submit the application for housing to the Residence Life and Dining Services Office. Once the Department of Residence Life and Dining Services makes an assignment, the student will be

notified in writing. A rental prepayment in the amount of two hundred dollars (\$200.00) must be made in advance for each term according to the deadlines specified by the Department of Residence Life and Dining Services. Failure to make the rental prepayment by the designated deadline may result in the cancellation of the housing assignment and the student will also be responsible for the two hundred dollars (\$200.00) rental prepayment. Students canceling after July 1 for the fall semester or after November 1 for the spring semester will be obligated for the two hundred dollars (\$200.00) rental prepayment even if they apply and receive an assignment after the cancellation deadlines. Payment may be made at the Bursar's Office, by mail to the Bursar's Office, P.O. Box 1000, Department 313, The University of Memphis, Memphis, Tennessee 38148-0313, or on the web at www.memphis.edu/cashnet.

(b) If the student fails to check-in or cancels the contract after the refund deadlines, no refund will be made. Once the student checks into the residence hall or is issued a key, the student is responsible for rent as determined in the Rent and Rent Refund Policies section of the Information Brochure.

Subparagraph (a) of paragraph (2) of Rule 0240-04-03-.06 Reservations (Deposit, Cancellation and Refund Policies) is amended by deleting the subparagraph and substituting the following language so that as amended the subparagraph shall read:

(a) Fall rental prepayments will be refunded if: (1) the institution is notified in writing by July 1; (2) the student is prevented from entering the University because of medical reasons confirmed in writing by a licensed physician/a licensed qualified medical professional; or (3) the student is denied admittance to the University. A full refund will be made in the case of death. Fall residents wishing to petition for release from their contract for the spring semester must do so in writing by November 1, current students are responsible for a prepayment fee of two hundred dollars (\$200.00) to be made prior to checking in the spring semester. Summer semester cancellation deadline is May 15. Following May, students who cancel summer semester housing will be responsible for a fee of two hundred dollars (\$200.00). Fall semester cancellation deadline is July 1. Following July, students who applied for fall semester will be responsible for a rental prepayment of two hundred dollars (\$200.00). No refunds will be made, other than for the above conditions. All cancellations must be made in writing and submitted by the specified deadline to the Department of Residence Life and Dining Services, 011 Richardson Towers, Memphis, Tennessee 38152.

Subparagraph (a) of paragraph (3) of Rule 0240-04-03-.06 Reservations (Deposit, Cancellation and Refund Policies) is amended by deleting the text of the subparagraph and substituting the following language so that as amended the subparagraph shall read:

(a) Rental payments are due in full prior to check-in or you will be placed on an installment plan with an additional installment fee. Rent may be paid in advance to the Bursar's Office, or by mailing to The Bursar's Office, The University of Memphis, P.O. Box 1000, Department 313, Memphis, Tennessee 38148, or online at www.memphis.edu/cashnet. Checks and money orders must be made payable to The University of Memphis. Early payment is recommended to avoid delay at check-in.

Subparagraph (c) (including parts 1. and 2.) of paragraph (3) of Rule 0240-04-03-.06 Reservations (Deposit, Cancellation and Refund Policies) is amended by deleting the subparagraph and parts in their entirety and relettering the remaining subparagraphs accordingly.

Part 2. of subparagraph (b) of paragraph (4) of Rule 0240-04-03-.06 Reservations (Deposit, Cancellation and Refund Policies) is amended by deleting the text of the part and substituting the following language so that as amended the part shall read:

2. Twenty-five percent (25%) of the fees will be refunded to residents withdrawing from the residence halls after the expiration of the seventy-five percent (75%) rent refund period. The

twenty-five percent (25%) refund period ends upon expiration of one-fourth (1/4) of the semester for which rent was due.

Authority: T.C.A. § 49-8-203.

Paragraph (1) of Rule 0240-04-03-.07 Miscellaneous is amended by adding a new subparagraph (c) so that as amended the subparagraph shall read:

(c) Students participating in the Freshmen First Program or the Honors Program with a meal plan with declining balance and moving out of the program to another room on campus after check-in will forfeit twenty-five percent (25%) of the cost of their rent for the original room.

Subparagraph (a) of paragraph (2) of Rule 0240-04-03-.07 Miscellaneous is amended by deleting the text of the subparagraph and substituting the following language so that as amended the subparagraph shall read:

(a) Residents claim and vacate their housing accommodations according to directions issued by the Office of Residence Life. At check-in, each resident is issued a key and an inventory form. It is the resident's responsibility to conscientiously examine the contents of the housing unit. The condition of the facility and the absence or presence of its furnishings should be noted on the inventory form. The signed inventory form is to be returned on the day of check-in.

Subparagraph (c) of paragraph (2) of Rule 0240-04-03-.07 Miscellaneous is amended by deleting the text of the subparagraph and substituting the following language so that as amended the subparagraph shall read:

(c) Failure to complete the checkout procedure will result in a fifteen dollar (\$15) improper check-out charge. Failure to personally surrender your room key to the appropriate staff member may result in any additional charge for rekeying the room. Residents will also be charged a reasonable cleaning fee when rooms are left excessively dirty after check-out. Residents of buildings with an extended contract who fail to check-out at the end of their contract period will be charged rent for the next semester. Check-out information is distributed during each semester and is also listed in The Housing Hotline.

Authority: T.C.A. § 49-8-203.

Part 1. of subparagraph (b) of paragraph (2) of Rule 0240-04-03-.08 Special Regulations Applicable to Student Family Housing is amended by deleting the text of the part and substituting the following language so that as amended the part shall read:

1. The storing, possession, or detonation of firearms, (including B-B, paint ball guns and pellet guns), weapons, ammunition or explosives, including fireworks of any kind, are not permitted on The University of Memphis controlled property. No one, including a student employed by a guard or security service, may keep any of these items.

Part 4. of subparagraph (b) of paragraph (2) of Rule 0240-04-03-.08 Special Regulations Applicable to Student Family Housing is amended by deleting the text of the part and substituting the following language so that as amended the part shall read:

4. The possession or consumption of alcoholic beverages is prohibited on University controlled property. In addition, the use, possession, or distribution of narcotics or illegal substances such as marijuana, LSD, etc., except as permitted by law, is prohibited on University controlled property. Tenants are prohibited from being under the influence of illegal drugs or alcohol while on University owned property or while attending any University sponsored activity.

Subparagraph (d) of paragraph (4) of Rule 0240-04-03-.08 Special Regulations Applicable to Student Family Housing is amended by deleting the subparagraph in its entirety and renumbering the subsequent subparagraphs accordingly.

Subparagraph (c) of paragraph (5) of Rule 0240-04-03-.08 Special Regulations Applicable to Student Family Housing is amended by deleting the text of the subparagraph and substituting the following language so that as amended the subparagraph shall read:

(c) Residents must vacate the apartment no later than the date specified on the vacancy notice. Check-out information will be provided upon receipt of the vacancy notice.

Authority: T.C.A. § 49-8-203.

The proposed rules set out herein were properly filed in the Department of State on the 12th day of November, 2008, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 30th day of March, 2009. (FS 11-22-10; DBID 3668)