

**RULES
OF
THE UNIVERSITY OF TENNESSEE
(ALL CAMPUSES)**

**CHAPTER 1720-1-3
CONTESTED CASE HEARING - WAIVER POLICY**

TABLE OF CONTENTS

1720-1-3-.01	Introduction	1720-1-3-.03	Waiver Forms
1720-1-3-.02	Students Right to Hearing		

1720-1-3-.01 INTRODUCTION.

- (1) The University, with the assistance and advice of students, employees and other members of the University community, has developed procedures for handling a variety of situations involving student and employee rights and privileges. Examples of these procedures, including opportunities for a hearing, are included in the student handbook, faculty handbook and personnel policy and procedure manual. The University believes that these procedures serve well the interests of student and employees in obtaining full and fair hearings, with a minimum of expense, complexity, and inconvenience.
- (2) An alternative to these procedures is described in the “Contested Cases” provisions of the “Uniform Administrative Procedures Act”, T.C.A. §4-5-301, *et seq.* The Act provides that any party whose legal rights, duties or privileges are required by any statute or constitutional provision to be determined after an opportunity for a hearing shall be afforded that opportunity for hearing in accordance with the “Contested Cases” provisions of the Act.

Authority: “Public Acts of Tennessee, 1839-1840”, Chapter 98, Section 5 and “Public Acts of Tennessee, 1807”, Chapter 64. **Administrative History:** Original rule filed September 15, 1976; effective October 15, 1976. Amendment filed August 27, 1981; effective November 30, 1981. Repeal and new rule filed May 27, 1986; effective August 12, 1986. Amendment filed January 13, 1999; effective May 31, 1999.

1720-1-3-.02 RIGHT TO HEARING. Whenever a student, employee or other person entitled to a hearing by virtue of the “Uniform Administrative Procedures Act” requests a hearing, that hearing will be conducted in accordance with the provisions of the “Contested Cases” section of the Act unless the party requesting a hearing executes a waiver of right to proceed under the Act and elects to follow the informal procedures set forth in the student or faculty handbook, personnel policies and procedures manual or other applicable University procedure. A person electing to proceed under the “Contested Cases” provisions of the “Uniform Administrative Procedures Act” shall have no right to be heard on the same matter under a University procedure.

Authority: “Public Acts of Tennessee, 1839-1840”, Chapter 98, Section 5 and “Public Acts of Tennessee, 1807”, Chapter 64. **Administrative History:** Original rule filed September 15, 1976; effective October 15, 1976. Amendment filed August 27, 1981; effective November 30, 1981. Repeal and new rule filed May 27, 1986; effective August 12, 1986. Amendment filed January 13, 1999; effective May 31, 1999.

1720-1-3-.03 WAIVER FORMS. Appropriate waiver forms will be made available to students or employees desiring to proceed under the University’s procedures.

Authority: “Public Acts of Tennessee, 1839-1840”, Chapter 98, Section 5 and “Public Acts of Tennessee, 1807”, Chapter 64. **Administrative History:** Original rule filed September 15, 1976; effective October 15, 1976. Amendment filed August 27, 1981; effective November 30, 1981. Repeal and new rule filed May 27, 1986; effective August 12, 1986.