

# **University of Tennessee Student Rights**

## **Student Rights - Hilltopics**

### **Introduction**

By registering in the University, the student neither loses the rights nor escapes the duties of a citizen.

### **RESOURCES FOR STUDENT QUESTIONS AND CONCERNS**

Students who have questions or concerns about any aspect of academic course work or campus life, are encouraged to seek clarification and prompt assistance through appropriate University channels. The following resources are available to address student needs:

#### **ACADEMIC COURSEWORK AND ADVISING**

Questions or concerns related to grades or academic coursework should first be addressed with the course instructor. If the issue is not resolved, then the appropriate department head, and finally the dean of the college in which the course is offered should be consulted. If an appropriate solution cannot be reached through discussions with these individuals, the staff of the Office of Undergraduate Academic Services (for undergraduate students) or the Dean of Graduate Studies (for graduate students) can offer assistance regarding the best process for resolution. Concerns related to academic advising should be addressed first with the advisor, then the director of the appropriate advising center, and finally the dean of the appropriate college.

#### **CAMPUS LIFE**

All questions or concerns related to campus life or student organizations, should be directed to the Office of the Dean of Students. Staff in this office will provide information, assist in resolving a problem, or identify the appropriate channel of appeal.

#### **CAMPUS RESOURCES**

Students who are uncertain about how to initiate the process of resolving their question or concern, may contact the Office of the Dean of Students (974-3179), the Office of Undergraduate Academic Services (974-3564), or the Dean of Graduate Studies (974-2475) for assistance in determining the appropriate administrative channel of appeal.

Staff members in the following offices provide support and guidance for students who are seeking resolution of University-related concerns. Staff will explore issues expressed by individual students, inform them of appropriate administrative channels to use for proper resolution, and will work to address the broader issues and policies surrounding the issues addressed. Each office is open from 8:00 am-5:00 pm Monday through Friday. Students

are encouraged to visit any of these offices in order to ask questions, share their concerns, or ask for assistance.

### **Office of Undergraduate Academic Services**

*(812 Volunteer Boulevard, 974-3564)*

Undergraduate Academic Services helps students with academic problem resolution. The office works with the Undergraduate Council to assist in the administration of appeals for academic dismissals, grade appeals that have gone through the college Dean's level, readmission of students who were academically dismissed after their previous enrollment at UT, and late drop appeals for individual courses. In addition, UAS educates students about an array of opportunities available to enhance their educational experiences. The office is directly responsible for the administration of First Year Studies, National Student Exchange, and the academic component of the Living-Learning Communities.

### **Dean of Graduate Studies**

*(P-105 Andy Holt Tower, 974-2475)*

The Dean of Graduate Studies is available to assist graduate students who are experiencing difficulties or have concerns related to their graduate programs.

### **Office of the Dean of Students**

*(413 Student Services Building, 974-3179)*

The Office of the Dean of Students sponsors and coordinates activities that focus on student growth and development. The office advocates on behalf of all students, supplements existing channels of appeal, and helps students resolve a variety of concerns. The Office of the Dean of Students is comprised of: Student Judicial Affairs, Student Orientation and Leadership Development, Fraternity Affairs, Panhellenic Affairs, Student Activities, Disability Services, the University Center, Adult Student Services, RecSports, and Student Publications.

### ***Incidents of Bias***

The Office of the Dean of Students, in conjunction with other offices on campus, assists students and student groups to resolve incidents of bias. Students should report incidents of bias to the proper University authority, i.e. UT Police Department, Residence Hall Director, etc. The report will then be forwarded to the Office of the Dean of Students. Students may contact the Office of the Dean of Students at 865-974-3179 with any questions or concerns.

### **Office of Equity and Diversity**

*(1840 Melrose Avenue, 974-2498)*

The Office of Equity and Diversity (OED) serves the campus in two primary roles. First, OED provides leadership, resources, services and support to the University community for the enhancement of diversity programs campus-wide. Second, OED fulfills an important compliance function by working under the various legal mandates set out by state and federal law and University policies, as they relate to civil rights, equal employment and affirmative action.

## **DISCIPLINARY REGULATIONS AND PROCEDURES**

## **FUNDAMENTAL RIGHTS OF THE ACCUSED**

Persons accused of violations of existing rules and/or regulations of The University of Tennessee, University Housing, dining services, the Interfraternity Council, or the Panhellenic Council are entitled to the following rights under The University of Tennessee Judicial System:

1. Written notice of the charge(s), account of the alleged misconduct, witnesses, and notice of the scheduled hearing delivered 72 hours before the hearing. The student may request additional time by showing good cause.
2. The right to a public hearing. A public hearing can involve only a limited number of spectators, and appropriate control measures will be established by the Dean of Students. If there is difficulty with crowd control, the hearing board chairperson can designate those parties to be present.
3. Notice of the maximum allowable penalty (i.e., permanent dismissal).
4. The assistance of the counsel of his/her choice.
5. The right to testify or remain silent at his/her option.
6. The right to present witnesses.
7. The presumption of innocence. The burden of proof rests with the University, such that the University must prove the student's guilt by a preponderance of the evidence.
8. A written decision specifying the rule violated, penalty assessed, and right of appeal.
9. The right to challenge the seating of any board member for good cause. The dismissal of a challenged hearing board member shall be at the discretion of the hearing board chairperson. If the chairperson is challenged, he/she may be excused at the discretion of the majority of the hearing board.
10. The right to have his/her case heard only on the misconduct specified in the written notice.
11. The right to challenge the admissibility of evidence.
12. The right to remain silent or confront or cross-examine all available adverse witnesses.
13. The right to appeal to the next higher board.

## **HEARING PROCEDURES:**

The following procedures are followed for Student Judicial Board hearings:

1. A quorum of three board members must be present in order to hear a case. A majority vote of the members present is required for all decisions of the board.
2. Any board member who cannot hear the evidence fairly and objectively for any reason is obligated to dismiss himself/herself from the case.
3. The chairperson shall ascertain that the accused has been advised of his/her rights and shall then read the statement of charges. A student who fails to appear before the Student Disciplinary Board in accordance with proper notification shall be deemed to have waived his/her rights to be present during the presentation of evidence to the board, to know the evidence against him/her, to present evidence

- in his/her own behalf, and to exercise reasonable cross-examination of witnesses appearing against him/her. This waiver shall become effective if the student fails to appear at the designated time and place of the hearing unless prior to the time set for the hearing, the student communicates in writing to the Dean of Students good cause for granting a continuance of a scheduled hearing.
4. The accused shall enter a plea of guilty or not guilty. If a guilty plea is entered, he/she shall be advised of the maximum penalty.
  5. The chairperson is in charge of maintaining an orderly discussion throughout the hearing. Proceedings should be conducted with fitting dignity and should reflect the importance and seriousness of the hearings. Any person who fails to follow the instructions of the chairperson after a warning shall be referred to the Dean of Students for appropriate disciplinary action.
  6. In the event that the accused pleads guilty, the board shall review the circumstances of the case and make appropriate decisions or recommendations regarding the penalty.
  7. The Dean of Students or his/her designee shall present such evidence as he/she has at the hearing, including any witnesses. He/she shall not present written statements as evidence unless circumstances make such presentation necessary and unavoidable. Under similar restrictions, the accused may present written statements in his/her defense. Unsigned statements shall not be admitted as evidence. Hearsay evidence is, however, admissible.
  8. After the presentation of evidence by the Dean of Students, or his/her designee, the accused shall be allowed to present all relevant evidence. If a not guilty plea has been entered, evidence in mitigation of the alleged offense shall be presented only after the board has determined the issue of innocence or guilt.
  9. During board deliberations, all persons except the board members shall be excused from the hearing room. All matters upon which the decision may be based must be introduced at the hearing, and the decision shall be based solely upon the evidence presented. No mention will be made during the hearing on innocence or guilt of the student's previous disciplinary record unless appropriate as rebuttal to character evidence introduced by the accused.
  10. After a determination of guilt by the board, the previous disciplinary record of the accused, if any, shall be given to the board together with the recommendation of the Dean of Students as to an appropriate penalty.
  11. After the Board determines the penalty, the accused shall be advised in writing of its decision.
  12. The results of the board's decision shall be kept on official University judicial forms, and such a record will be considered sufficient. If a verbatim record of the hearing is prepared, it shall be retained in the custody of the Dean of Students and considered a confidential disciplinary record. If necessary for adjudication of an appeal, the Dean of Students may prepare a summary certified by the chairperson of the Student Disciplinary Board or that portion of the record that has been designated by the Tribunal or Student Affairs Council as material to the appeal.
  13. A board member shall not discuss cases prior to or after the hearing. The information received by members of a judicial board during a case is considered

strictly confidential. Violations of this confidence by any board member could result in disciplinary action.

## **APPEAL AND SCOPE OF REVIEW**

### **Appellate Process**

The disciplinary action of any board may be appealed to the next higher board. The standard procedure for an appeal is as follows:

1. In all cases, the request for appeal must be submitted in writing to the Dean of Students within seven (7) calendar days of written notice of the board decision. If the seventh day falls on a weekend or holiday, the time is extended to the next regular workday.
2. If written briefs are submitted or if required by the appellate board's by-laws, they must be submitted within the same time allowed for filing a request for appeal. Under normal circumstances, appeals will be heard within fourteen (14) days after they have been filed.
3. All appeals (except those to the Student Affairs Council which may elect to hear the case de novo) must be taken upon the record made before the original board.
4. The appellate board will review the request for appeal together with any written briefs or other supporting documents to determine if the appeal presents a substantial question within the scope of review. The scope of review shall be limited to the following:
  - A. Appropriateness of the Penalty: In cases appealing the appropriateness of the penalty, the appeal board shall uphold the penalty unless the penalty is shown to be "clearly unreasonable" (i.e., "that which has been clearly and fully proven to have no sound basis or justification in reason").
  - B. New Evidence: In cases appealed on grounds of new evidence, the moving party must show that such evidence is material to the decision of the board on the issue of innocence or guilt and that said evidence could not have been discovered by due diligence prior to the original hearing.
  - C. Due Process: In cases appealed on the grounds of denial of due process, the moving party must show that the adjudicatory process of the initial hearing was not conducted in conformity with properly prescribed procedures. In this regard, the moving party must also show that the alleged discrepancy was materially adverse to the moving party's Interest. Nothing contained in the foregoing shall be construed as limiting the right of the Dean of Students to request the Student Affairs Council to review the decision of any judicial board.
5. Pending the outcome of an appeal, the penalty specified in the original decision shall not be imposed.

## **ADDITIONAL PROCEDURES**

### **Academic Dishonesty**

Student classroom conduct, including academic dishonesty, is the immediate responsibility of the instructor. He/she has full authority to suspend a student from

his/her class, to assign an “F” in an exercise or examination, or to assign an “F” in the course. In addition to or prior to establishing a penalty, the instructor may refer the case to an Academic Review Board by notifying the administrative head of his/her academic unit and the Office of the Dean of Students, which shall prepare and present the case to the appropriate Academic Review Board. In all cases involving suspension of a student from his/her class, the student must be provided a hearing, as hereinafter described, prior to the effective date of such suspension.

### ***Notification***

An instructor shall notify, in writing, countersigned by the department head, any student to whom a penalty is assigned, pointing out to the student the penalty and the route of appeal. Copies shall go to the Office of the Dean of Students, the administrative head of the instructor’s academic unit, and where different, the head of the academic unit in which the student is enrolled.

### ***Appeal of Professorial Penalty***

Initially a student shall discuss the penalty with the instructor involved and, if necessary, the department head. (When no department exists within the academic unit, the administrative head may appoint an individual to fulfill this responsibility). If the student is unable to resolve the penalty with the instructor and department head, he/she may appeal said penalty to the Academic Review Board by notifying the Dean of Students within seven calendar days of receipt of written notice of the penalty from the instructor.

### ***Academic Review Board Hearing***

The procedure for adjudication of alleged acts of academic dishonesty by the Academic Review Board shall be in accordance with the rules governing other violations of University Standards of Conduct. The procedure shall be established by the Academic Review Board with the approval of the Student Affairs Council. The procedure adopted shall provide necessary safeguards to ensure that fundamental fairness is extended both to the student and the instructor involved. The hearing procedure shall also provide for a two-step process as follows:

*Step One:* The Academic Review Board shall review all written documentation and, if necessary, conduct a preliminary investigation to determine if a full evidentiary hearing by the board is necessary.

*Step Two:* If a formal hearing is approved by the Academic Review Board, the procedure for that hearing shall include the right to counsel, the right to cross examination, the right to a closed hearing, the right to challenge members of the board for cause, and the right to receive a written decision of the board.

**DECISION AND RIGHT OF APPEAL:** If the board supports the determination made by the instructor, the case is terminated. However, an appeal based upon procedural due process may be made to the Student Tribunal in accordance with its prescribed procedure. If the board makes findings and recommendations at variance with the determination of the instructor, these recommendations shall be forwarded to the instructor and the

administrative head of the academic unit. The instructor may choose to either accept or not accept the recommendations of the Academic Review Board.

*Instructor Accepts Recommendation:* If the instructor accepts the recommendations of the board, the case is terminated.

*Instructor Does Not Accept Recommendation:* If the instructor elects not to follow the recommendations of the Academic Review Board, the student may appeal the penalty to the Student Affairs Council by notifying the Office of the Dean of Students.

### **Violation of Residence Hall Regulations**

Initially, violations of residence hall regulations will be handled by the Hall Director of the appropriate residence hall. Based upon the nature of the alleged violations and the past conduct of the accused, the Hall Director shall determine if the Hall Director Option is appropriate or refer the case to the Dean of Students. If the Hall Director Option is deemed appropriate, it will be administered as follows:

1. The accused student will be notified in writing:
  - A. That he/she is suspected of an alleged violation;
  - B. Of the circumstances of the violation;
  - C. Of his/her rights under the judicial system;
  - D. Of his/her rights to have his/her case heard by a Student Disciplinary Board;
  - E. That the Hall Director Option does not include imposition of a penalty;and
  - F. That acceptance of the Hall Director Option constitutes an admission of guilt which may be introduced at any subsequent disciplinary hearing.
2. If the student accepts the Hall Director Option, he/she shall reply, in writing:
  - A. Acknowledging his/her participation in the alleged offense;
  - B. Waiving his/her right to a hearing before the Student Disciplinary Board;and
  - C. Waiving a right to appeal the administrative decision.
3. If the student requests that his/her case be heard by a Student Disciplinary Board, the case shall be referred to the Dean of Students for action in accordance with violations of Standards of Conduct. When allegations of individual misconduct are referred to the Dean of Students, the student will be scheduled for a conference. In the event that the student wishes to waive his/her right to a hearing before the Student Disciplinary Board and have his/her case determined administratively, he/she may request the Dean of Students to assume jurisdiction. If the Dean accepts jurisdiction, he/she may, after determining that a violation was committed, impose an appropriate penalty. Once a student has been informed of his/her rights and has voluntarily waived in writing his/her right to a hearing before the board, the action of the Dean of Students shall be final except in cases of indefinite suspension or permanent dismissal which may be appealed to the Student Affairs Council. If the matter is not resolved by the conference, the Dean of Students shall refer it to an appropriate board.

## **Investigations**

All University investigations shall be conducted in an ethical manner. The policies governing searches of student rooms and effects and interrogations are outlined below. Facts and information concerning an alleged incident of misconduct involving a student or students are gathered and studied by responsible staff or faculty members. If the results of the investigation suggest a violation of University policy or standards, or if an unfounded report jeopardizes a student's reputation, the student is called for an interview concerning the report and the results of the investigation. During this interview the student is informed that the interview is a matter of record and the information given may be used against him/her but will be treated in confidence by the University.

## **Inspections & Searches**

Entry by University authorities into occupied rooms in residence halls will be divided into three categories: inspection, search, and emergency.

### ***Inspection***

Inspection is defined as the entry into an occupied room by University authorities in order to ascertain the health and safety conditions in the room, to check the physical condition of the room, to make repairs on facilities, or to perform cleaning and janitorial operations. Scheduled inspections by on-campus authorities with the exception of daily janitorial operations shall be preceded, if possible, by twenty-four hours notice to the residents. During the inspection there will be no search of drawers, closets, or personal belongings. This policy is applicable for residence halls and fraternity houses.

### ***Search***

Search is defined as the entry into an occupied room by on-campus authorities for the purpose of investigating suspected violations of campus regulations and/or city, state, or federal law. On-campus authorities will not enter a room for purposes of search without permission from the resident(s) or prior permission from a) the Dean of Students, b) the Vice Chancellor for Student Affairs, c) their designees, or d) in compliance with federal or state law.

**SEARCH OF A RESIDENCE HALL ROOM:** A request for permission to search may be made by a Hall Director, Assistant Hall Director, or their superiors when reasonable cause exists to suspect that a violation is occurring or has occurred. If permission to search is verbally authorized, it must be verified in writing to the occupant(s) of the facility searched by the hall staff member requesting the search. A copy of the authorization form shall be presented to the occupant(s) or left in the room if the occupant(s) is absent. The authorization form shall contain the following: a) description of the place to be searched; b) name of the person authorizing the search; c) description of the item(s) sought; and d) name of the person requesting the search authorization.

**SEARCH OF A FRATERNITY HOUSE:** For purposes of search, the fraternity house will be divided into open and closed areas. The closed areas will be the dorm section and chapter room. University authorities may enter the open areas for purpose of inspection or search without permission, but there will be no search of personal belongings.

University authorities will not enter the closed areas without written permission of a) the Dean of Students, b) the Vice Chancellor for Student Affairs, c) their designees, or d) in compliance with federal or state laws.

Should a resident believe that a University staff member has misused or abused his/her authority to inspect his/her room, the resident should file a complaint. He/she may prepare a written statement for review by the Judicial Advisory Board. The statement should be delivered to the Office of the Dean of Students. Or, if he/she prefers, the resident may state his/her complaint to an Area Coordinator or to a staff member of the Office of the Dean of Students. The complaint will then be investigated, appropriate action will be taken, and the student will be informed in writing of the results of the investigation.

### **Arrests**

Arrests of students on campus may be made by police officers... A student arrested in the course of an infraction of the law will be informed of his/her rights, which are: He/she may remain silent; Any statement he/she makes may be used against him/her in further disciplinary or legal proceedings; He/she may have the assistance of counsel during questioning; Counsel will be provided before questioning if the student cannot afford to hire counsel. Before interrogating a student, the police must obtain a written waiver from the student stating that he/she understands his/her rights but wishes to answer questions without the assistance of counsel. No form of intimidation or harassment will be used by University police to obtain the waiver or to coerce an admission of guilt. If he/she waives his/her right to have counsel, the student may still stop answering questions or request an attorney at any time. A student will not be deprived of his/her liberty without arrest.

### **UNIFORM ADMINISTRATIVE PROCEDURES ACT**

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 rights and privileges... An alternative to these procedures, however, is the Uniform Administrative Procedures Act (Public Acts, 1974, Ch. 725 Tennessee Code Annotated §4-5-101 *et seq.*), which became effective July 1, 1975. This 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 an opportunity for such a hearing in accordance with the provisions of T.C.A. §4-5-301 *et seq.* Whenever a student, employee, or other person, requests a hearing to which he/she is legally entitled by virtue of the Uniform Administrative Procedures Act, that hearing will be conducted in accordance with the provisions of the "contested cases" section of the Uniform Administrative Procedures Act (T.C.A. §4-5-301 *et seq.*), unless the student or employee executes a waiver of his/her right to proceed under the Act and elects to follow the procedures set forth in the student or faculty handbook or Personnel Policy and Procedure Manual or procedures otherwise in use. If a student or employee elects to invoke the hearing procedures of the Act, no right exists to pursue the University's procedures herein stated, or to appeal through the Chancellor and to the President, since the Act provides a method of review of agency action. Appropriate waiver forms are available to students or employees desiring to

proceed under the University's procedures. Contact the Office of Student Judicial Affairs, 409 Student Services Building.

### **FREEDOM OF ASSEMBLY AND DEMONSTRATION**

Because free inquiry and free expression are indispensable to the attainment of the goals of a university, The University of Tennessee encourages students to develop the capacity for critical judgment and to engage in an independent search for truth. The institution supports the rights of students and other members of the University of Tennessee community to express freely their views for or against actions and opinions with which they agree or disagree. The University of Tennessee also recognizes a concurrent obligation to develop policies and procedures which safeguard this freedom of expression but which, at the same time, will maintain on the campus an atmosphere conducive to academic work, preserving the dignity and seriousness of University ceremonies and public exercises and respecting the private rights of all individuals. The right of peaceable assembly is a guaranteed constitutional right and one which this institution does not intend to abrogate. Students, faculty and staff are encouraged to report violations of policies associated with freedom of assembly and/or expression to the Office of Student Judicial Affairs or the Office of the Dean of Students.

The following regulations are intended to enumerate the essential provisions necessary to reconcile freedom of assembly with responsibility in any campus meeting conducted for the purpose of expressing opinions of the participants.

1. Student gatherings may be conducted in areas which are generally available to the public, provided such gatherings:
  - A. Are conducted in an orderly and peaceful manner.
  - B. Do not obstruct in any way vehicular or pedestrian traffic.
  - C. Do not interfere with classes, scheduled meetings, events and ceremonies or with other essential processes of the University.
  - D. If inside a building, are held in an assigned meeting room.
2. Only meetings which have been approved in advance by the proper office may be held:
  - A. Within University buildings.
  - B. Within University stadia.
  - C. Adjacent to residential or academic facilities of the campus.
3. Meetings which would impose an unusual demand upon staff or facilities must have approval regardless of where they are held on campus.

Violations of the above University policy will result in appropriate disciplinary action.

### **FREEDOM OF EXPRESSION AND SPEECH**

The University of Tennessee considers freedom of inquiry and discussion essential to educational development and recognizes the right of students to engage in discussion, to exchange thoughts and opinions, and speak freely on any subject in accord with the guarantees of our state and national constitutions. Additionally, the University endeavors to develop in students a realization that citizens not only have the right but the obligation

to inform themselves regarding issues and problems of the day, to formulate stands regarding these issues and problems, and to give expression to their views. In discharging these rights and obligations, however, students must also recognize their responsibilities to other individuals, to the University, to the state, and to the nation. The University of Tennessee takes pride in the fact that its campus is open to free discussion and examination of views with the condition that such discussion be accompanied by peaceful methods and under peaceful conditions consistent with the scholarly nature of an academic community.

To these ends, registered student organizations on campus may freely select, without prior restraints, persons they wish to invite as guest speakers. There are no restrictions to control the point of view expressed by speakers other than those imposed by local, state and federal laws. Any person sponsored by a registered campus organization is free to speak. This openness of forum does not release speakers and sponsors from accountability to campus and civil authorities under University regulations, local, state, and federal laws; and it does not countenance disruption of the University, injury to persons or property, obscene or indecent behavior, or incitement to riot as defined by these regulations.

#### **LITERATURE DISTRIBUTION**

The distribution of leaflets and handbills and the circulation of petitions on campus shall be free and unhindered. Any material to be distributed should be in accordance with the applicable local, state, and federal laws.

Traffic and specialized usage of certain facilities dictate the following specialized guidelines:

IN THE CLASSROOM - generally not permitted; special requests should be presented to the professor using the classroom.

IN ACADEMIC BUILDINGS - requests should be presented to the academic officer in charge of the facility.

IN THE UNIVERSITY CENTER - booths are provided for organizations in the lobby of the first floor; bulletin boards and literature distribution racks are numerous. Traffic usually precludes wholesale distribution in other areas. Consult the Director of the University Center in special cases.

IN RECSports FACILITIES - requests should be presented to the front desk of the T-RECS facility for approval by RecSports administration. Requests for the T-RECS, Student Aquatic Center, Bubble, Intramural Field, HPER Building and surrounding grounds must be submitted to this location for approval.

IN RESIDENCE HALLS - distribution is limited to the main bulletin board and/or literature distribution racks in the main lobby. Distribution may not take place in the living areas of the residence hall. Postal boxes may not be used unless the material is considered U.S. Mail. For special pamphlet/leaflet distribution in lobby areas, approval of the hall student government and the Hall Director is required.

IN OUTSIDE AREAS OF CAMPUS – requests necessitating special facilities should be brought to the attention of the Dean of Students or the Director of Facilities Services.

### **NON-DISCRIMINATION (EEO/ Title IX/Section 504 Statement/ADA)**

The following policy extends to both employment by and admission to the university. All qualified applicants will receive equal consideration for admissions and employment without regard to race, color, national origin, religion, sex, pregnancy, marital status, sexual orientation, gender identity, age, physical or mental disability, or covered veteran status. Eligibility and other terms and conditions of employment benefits at the University of Tennessee are governed by laws and regulations of the State of Tennessee, and this non-discrimination statement is intended to be consistent with those laws and regulations.

The university affirmatively states that it does not discriminate on the basis of race, sex or disability in its education programs and activities in accordance with the requirements of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA) of 1990.

Inquiries and charges of violation concerning Title VI, Title IX, Section 504, ADA, or the Age Discrimination in Employment Act (ADEA), sexual orientation, or veteran status should be directed to the Office of Equity and Diversity (OED), 1840 Melrose Avenue, Knoxville, TN 37996-3560, telephone (865) 974-2498 (V/TTY available) or 974-2440. Requests for accommodation of a disability should be directed to the ADA Coordinator at the Office of Equity and Diversity (OED), 1840 Melrose Avenue, Knoxville, TN 37996-3560.

The University of Tennessee is an EEO/AA/Title IX/Section 504/ADA/ADEA institution in the provision of its education and employment programs and services.

The University of Tennessee, Knoxville, in its efforts to ensure a welcoming environment for all persons, does not discriminate on the basis of sexual orientation in its campus-based programs, services, and activities. Inquiries and complaints should be directed to the Office of Equity and Diversity.

### **POLITICAL ACTIVITY**

The University of Tennessee recognizes and appreciates the growing interest of students in the political processes related to local, state, and federal governments. Student participation in political campaigns is a natural and desirable result of the enfranchisement of all students. Accordingly, it is the intent of the University to provide, within the constraints of University regulations and local, state, and federal laws, a campus environment in which students may participate fully in appropriate political activity. Toward that end, the following guidelines shall apply to the political activity of students on UT campuses:

Registered student organizations may invite candidates for public office to speak on or in University property facilities so long as reasonably equal speaking opportunities are available to all other candidates for the same political office. Scheduling of politically related activities shall be handled in accordance with applicable University regulations.

### **SECURITY INFORMATION**

In accordance with The Tennessee College and University Security Information Act of 1989 and the Student Right-to-Know and Campus Security Act (1999 Clery Act), the University of Tennessee has prepared a report containing campus security policies and procedures, data on campus crimes and other related information. The UT Security Brochure for the Knoxville campus is available on the Office of the Dean of Students web page at <http://dos.utk.edu/> where you may print the entire document for your use. In addition a free printed copy of this report may be obtained by any student employee or applicant for admission or employment from the Office of the Dean of Students, 413 Student Services Building.

## **SEXUAL HARASSMENT**

The University of Tennessee, Knoxville, is committed to ensuring an environment which prevents sexual harassment. Sexual harassment by any member of the University is a violation of both law and University policy and will not be tolerated in the University community.

Any University employee or applicant for employment may file a complaint alleging violation of the sexual harassment policy with the Office of Equity and Diversity (OED), 1840 Melrose Avenue. Complaints of sexual harassment follow the regular UT Knoxville complaint procedures. The complainant may, at his/her discretion, make initial contact with a member of the Office of Human Resources. All complaints of sexual harassment, however, must be referred to the Office of Equity and Diversity for processing and/or central record keeping.

Any student who alleges sexual harassment by University personnel may file a complaint with the Office of Equity and Diversity or Office of the Dean of Students. All complaints of sexual harassment must be referred to the Office of Equity and Diversity for processing and/or central record keeping.

### **Victim's Rights**

Special rights attach to the victim if a suspect in a sexual offense case is a student and that suspect is charged with violating Standard of Conduct #8. Both the accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary hearing. The victim, therefore, has the right to have counsel of his/her choice present during a Student Disciplinary Board hearing. In the event a student defendant elects to have a public hearing, both the accuser and the accused have the right to have counsel as well as others present. In addition, both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceeding brought as a result of these charges.

## **STUDENT RECORDS AND DATA**

The University's policy regarding the use and release of student records is governed by Public Law 93-380, the Family Educational Rights and Privacy Act and the Tennessee Public Records Act (FERPA). Under the terms of those laws, the University and its employees are charged with protecting the confidentiality of the educational records of its prospective, current, and former students. The University will disclose educational records to individuals other than the student in accord with the limited exceptions set forth under federal and state law. All exceptions to this policy, including disclosure to non-University persons or agencies, shall be administered by the Vice Chancellor for Academic Affairs or Vice Chancellor for Student Affairs, the Dean of Students, the Dean of Enrollment Services, or the University Registrar. The student has the right to file complaints concerning alleged failures of the University to comply with the Act or the regulations. Such complaints may be filed with SEPPA, U.S. Department of Education, Rm. 5411, Switzer Building, 400 Maryland Avenue, SW, Washington, D.C. 20202- Phone (202) 245-0233.

### **Access by Student**

A student shall be permitted to inspect and review his/her records within forty-five days following the date on which he/she notifies the University that he/she desires access to such records. Reasonable requests by a student for an explanation or interpretation of records shall be granted.

A student shall be provided, upon request, with a copy of any part or all of his/her records but may be charged an amount not to exceed the University's cost of producing the copy as a condition to receiving it.

A student shall be entitled to challenge the content of his/her records. Disputes concerning the content of a student's education record may be settled informally between the University and the student. However, either the University or the student shall have the right to request a hearing in order to resolve the dispute. When a formal hearing is requested by a student, it shall be granted through adherence to the following procedures:

1. A challenge by a student of his/her records shall be submitted in writing by the student to the University official immediately in charge of the office or department wherein the particular records challenged are maintained.
2. The written challenge shall specify as briefly and precisely as possible the nature of the claimed inaccuracy or other defect in the records and the date of submission.
3. The challenge shall be signed by the student.
4. The University official in charge of the office or department to which the challenge is submitted shall mark the date of submission on the front page of the challenge.
5. Within 10 days after receipt of the challenge, the official shall notify the student in writing:
  - A. When the hearing will be conducted (no later than thirty days from the date on which notification is given or mailed to the student).
  - B. Where the hearing will be conducted.
  - C. Who will conduct the hearing (the official in charge of the office or department or his/her designee may act as hearing examiner. The hearing examiner shall not have an interest in the outcome of the hearing).
6. The student shall be provided with a reasonable period of time for the hearing and shall be permitted to offer evidence in support of his/her challenge of any records, testimony or witness, or other evidence which the student reasonably believes to support his/her challenge. The student has the right to be assisted or represented by any individual of his/her choice, including an attorney. Material which is redundant or immaterial need not be accepted or considered as evidence. The hearing examiner may require that voluminous material be summarized if he/she deems such action appropriate.
7. The hearing examiner may request the presence at the hearing of witnesses in addition to those called by the student. In reaching a decision, the hearing examiner shall consider the testimony of witnesses and all other evidence available to him/her. The student shall be made aware of and have an opportunity

- to rebut any evidence considered by the hearing examiner which would serve to disprove the student's challenge.
8. Within 30 days of the conclusion of the hearing, the hearing examiner shall notify the student in writing of the decision reached.
  9. A record of the hearing shall be maintained in the office or department concerned which notes all particulars of the challenge including date received, date of hearing, name of hearing examiner, names of witnesses, decision reached, and date on which notification of decision was sent. The record shall include a copy of the challenge, the decision, and any written or other tangible evidence submitted.
  10. Decisions of examiners shall be subject to review by the Student Affairs Council.
  11. If the result of the hearing is to deny the student's request for amendment of the records, the student is permitted to insert a written statement commenting on information in the records he/she believes to be incorrect and setting forth his/her reasons for such belief. The appropriate University of Tennessee official may also insert an accompanying statement giving reasons for maintaining the written material as is recorded. Both statements will accompany the educational record whenever it is released to any third party and will be maintained as long as the educational record is maintained by the University.

#### **Release of Records to Third Parties**

A student may request directory exclusion which prevents publication of any or all such information about him/her in the printed Student Directory and the Web Directory. To be excluded from the printed Student Directory published each fall, a student must make a request for directory exclusion no later than the 14th calendar day, beginning with the first day of classes. Exclusion of a student's directory information from the Web Directory is not tied to any deadline and the information is removed whenever a request for directory exclusion is made. A request is made by following the instructions on the University Registrar's website or in person in Student Data Resources (212 SSB) (<http://web.utk.edu/~registra>).

**A student may request that additional stringent steps be taken to prevent disclosure of directory information to UT and/or non-UT entities. These requests must be made in person in Student Data Resources, 212 SSB.**

#### **TERMINATION OF STUDENT EMPLOYMENT**

The provisions of this policy statement apply to all student employees except those on college work-study (see policy statement on termination of financial assistance.) The purpose of this statement is to provide procedures for the termination of student employees.

#### **Notice**

##### ***Non-Contract Employees***

Whenever, in the opinion of the supervisor, a non-contract employee should be terminated, he/she shall be notified in writing setting forth the date of termination. If the reason for termination involves gross misconduct, the supervisor will, prior to termination, consult with the Vice Chancellor having administrative responsibility for the employee.

### ***Contract Employees***

Whenever a supervisor is of the opinion that a contract employee should be terminated, he/she shall notify the appropriate Vice Chancellor. The Vice Chancellor shall notify the employee in writing of the reasons for his/her immediate termination or suspension, as appropriate, and of his/her right to request a hearing in accordance with the Administrative Procedures Act (T.C.A. §4-507 *et seq.*) or as hereinafter provided.

### **Request for a Hearing**

#### ***Contract Employee***

The request of the employee together with his/her election of an Administrative Procedures Act hearing or one under this policy statement shall be forwarded in writing within five working days to the Vice Chancellor having administrative responsibility for the employee. If the employee elects a hearing under the provisions of the Administrative Procedures Act, the Vice Chancellor shall forward the file to the Chancellor for the appointment of a hearing officer. If the employee elects a hearing under this policy statement, the Vice Chancellor shall immediately thereafter establish a three-member hearing committee.

#### ***Non-Contract Employees***

Non-Contract employees may appeal their termination through the appropriate Dean/Director and Vice Chancellor to the Chancellor. No right to a hearing accompanies this right of appeal.

### **Responsibility Of The Hearing Committee**

It shall be the responsibility of the hearing committee to:

1. Conduct a hearing within ten working days of the employee's request for said hearing;
2. Make findings of fact and recommendations to the appropriate Vice Chancellor;
3. Notify the employee within five working days after the hearing of the committee's findings and recommendations;
4. Prepare and forward as soon as it is practicable a written report of the hearing to the appropriate Vice Chancellor.

### **Hearing Procedures**

Employees who are entitled to a hearing as provided above are entitled to the following procedural rights:

1. A written account of the alleged misconduct or grounds for inadequate work performance;
2. Reasonable notice of the time and place of the requested hearing;
3. The assistance of a representative of his/her choice; if the employee requesting a hearing desires to be represented by an attorney, the appropriate Vice Chancellor must be notified by the employee at least three days prior to the scheduled hearing;
4. To present all pertinent evidence including witnesses;
5. To confront and cross-examine all adverse witnesses.

### **Decision and Appeal**

#### ***Hearing Committee***

The appropriate Vice Chancellor shall within five working days after receipt of findings and recommendations of the hearing committee notify the employee in writing of his/her decision and of the employee's right to appeal as provided by Article 5, Section 7 of the University Bylaws: Officers, faculty and staff members, students, employees, alumni, and all others who feel that they may have a grievance against the University shall have the right of appeal through the Chancellor to the President. An employee's appeal must be submitted in writing to the Chancellor within ten working days after receipt of the decision.

#### ***Administrative Procedures Act***

The decision of the Chancellor is final in all cases heard under the contested case provision of the Administrative Procedures Act. Further appeal shall be in accordance with the provisions of that Act.

#### **TERMINATION OF FINANCIAL ASSISTANCE**

The provisions of this policy apply to student financial assistance except graduate assistantships and fellowships. The purpose of this policy is to provide procedures for the termination of financial assistance.

#### **Notice**

##### ***Athletic Grant-In-Aid***

Whenever the Athletic Department proposes that the financial assistance be terminated within the contract period, the student shall be notified in writing by the Director of Financial Aid of the proposed termination. The notice shall contain the reasons for termination, the student's right to a hearing in accordance with the contested case provision of the Administrative Procedures Act or in accordance with the provisions hereinafter provided. Whenever athletic financial aid is not to be renewed at the end of the contract period, the student shall be notified of his/her right to a hearing, in accordance with the requirements of the Constitution of the National Collegiate Athletic Association, before the Financial Aid Hearing Committee (Article 3, Section 4 (d)).

##### ***Financial Aid***

Whenever financial aid is to be modified or terminated, the student shall be notified of the reasons for the proposed modification or termination and of the right to appeal by contacting the Director of Financial Aid. If the Director of Financial Aid is unable to amiably resolve the student's appeal, it shall proceed as follows:

1. If the appeal concerns interpretation of policy, the student shall be afforded the right of further appeal through the Dean of Admissions and Records and the Vice Chancellor for Academic Affairs to the Chancellor.
2. If the appeal concerns a disputed question of fact, the student shall be advised of the right to a hearing before the Financial Aid Hearing Committee or in accordance with the Administrative Procedures Act.

#### **Request For a Hearing**

The request for a hearing together with his/her election of an Administrative Procedures Act hearing or one under this policy shall be made in writing to the Director of Financial Aid within five (5) calendar days of receipt of the notice of proposed termination.

1. If the student elects a hearing under the provisions of the Administrative Procedures Act, the Director of Financial Aid shall forward the file to the Chancellor for the appointment of a hearing officer.
2. If the student elects a hearing under this policy statement, the Director of Financial Aid shall immediately forward the request for a hearing together with a copy of the complete file to the Chairperson of the Advisory Committee on Student Financial Aid.

### **Hearing Committee**

At the beginning of each semester, the Chairperson of the Advisory Committee on Student Financial Aid shall appoint a hearing subcommittee of not less than three (3) persons who shall be charged with the responsibility of hearing all appeals during that semester.

### **Responsibility of the Hearing Committee**

It shall be the responsibility of the hearing committee to:

1. Conduct a hearing within ten working days of the student's request for said hearing. When the University is not in session, the hearing shall be held as soon as reasonably possible.
2. Make findings of fact and a determination as to the termination of financial aid.
3. Notify the student as soon as possible of the committee's decision.
4. Notify the student of his/her right to appeal, as indicated below.

### **Hearing Procedures**

Students who are entitled to a hearing as above provided are entitled to the following procedural rights:

1. A written notice of the alleged grounds for termination of financial assistance.
2. To reasonable notice of the time and place of the requested hearing.
3. The assistance of a representative of his/her choice. If the student requesting a hearing desires to be represented by an attorney, the University must be notified by the student at least three days prior to the scheduled hearing.
4. To present all pertinent evidence including witnesses.
5. To confront and cross-examine all adverse witnesses.

### **Appeal**

#### ***Hearing Committee Decision***

The student may appeal the decision of the hearing committee in accordance with Article V, Section 7 of the University By-Laws: Officers, faculty and staff members, students, employees, alumni and all others who feel that they may have a grievance against the University shall have the right of appeal through the Chancellor to the President. An appeal must be submitted in writing to the Chancellor within five (5) working days.

#### ***Administrative Procedures Act***

The decision of the Chancellor is final in all cases heard under the contested case provision of the Administrative Procedures Act. Further appeal shall be in accordance with the provisions of that Act.

### **TERMINATION OF STUDENT HOUSING CONTRACT**

The Statement of Terms and Conditions of Occupancy of The University of Tennessee housing contract states that:

“The University may cancel the contract if the student fails to meet the full terms and conditions stated herein, for violation of University or Residence Hall regulations as stated in *Hilltopics* or *Guidebook For Residence Hall Life* which are made a part of this contract by reference hereto. Cancellation of the contract for the above reasons may result in the eviction of the student upon ten (10) days notice, except where the University determines that the continued residence of the student would pose a danger to the life, limb, health, or general well-being of other members of the residential community, in which case the student may be evicted upon twenty-four (24) hours notice.”

The procedures followed by the University in terminating a housing contract and evicting a student from the residence hall are as follows:

1. An Assistant Director or Hall Director may recommend the termination of a housing contract. If an investigation indicates that a student has violated University or Residence Hall regulations which would justify the termination of the housing contract, the appropriate staff member shall forward a written recommendation of termination together with the findings of the investigation supporting that recommendation to the Director of University Housing.
2. If the Director of University Housing determines that the alleged misconduct would indicate that the continued residency of a student would pose a danger to the life, limb, health, or general well-being of other members of the residential community, the Director will advise the student in writing that his/her housing contract will be terminated twenty-four (24) hours from the date of the receipt of the notice, the specific reasons for this action, and the time and place of the preliminary hearing. The Director of University Housing will schedule a preliminary hearing prior to the twenty-four (24) hour termination date, the purpose of which will be to determine if sufficient grounds exist to support eviction upon twenty-four (24) hours notice as provided in the housing contract. At the conclusion of the preliminary hearing the student will be advised of the decision of the Director, and if immediate eviction is upheld, of the student's right to a full evidentiary hearing, as provided in paragraph three (3) below, as soon as practicable. If the student does not attend the preliminary hearing, the termination and eviction will become effective as set forth in the original letter of notification.
3. If the Director of University Housing determines that the alleged misconduct of the student would justify termination of the housing contract after ten (10) days notice, he/she shall notify the student in writing of the date of the proposed termination, the reasons therefore, and the student's right to an evidentiary hearing in accordance with the “contested case” section of the Administrative

Procedures Act, T.C.A. §4-5-301 through 4-5-323, or by the Director of University Housing or his/her designated representative.

- A. If the student elects a hearing under the provisions of the Administrative Procedures Act, the Director of University Housing shall forward the file to the Chancellor of the University for the appointment of a hearing officer.
  - B. If the student elects a hearing by the Director of University Housing, or his/her designated representative, he/she shall schedule a hearing prior to the effective date of the termination and notify the student in writing as follows:
    - 1) The date and time of the hearing;
    - 2) That the hearing will consider the allegations of misconduct contained in the original letter of notification;
    - 3) That at the hearing the student will have the right to make a personal appearance, to call witnesses, to present evidence, and to have a representative of his/her choice;
    - 4) That the Director of University Housing will notify the student in writing of his/her decision prior to the effective date of the termination.
4. The student shall have the right of appeal as hereinafter provided:
- A. The student may appeal the decision of the Director of University Housing to the Vice President for Operations by notifying him/her in writing within forty-eight (48) hours of receipt of the Director's written decision. In the event of an appeal, the eviction will not become final until acted upon by the Vice President for Operations. Article V, Section 7 of the University By-Laws allows further appeal through the Chancellor to the President.
  - B. The decision of the Chancellor or President is final in all cases heard under the "contested cases" provision of the Administrative Procedures Act. Further appeal shall be in accordance with the provision of that Act.

## **ACADEMIC POLICIES AND PROCEDURES**

### **Student/Faculty Relationships**

#### ***Freedom of Expression***

Free and pertinent discussion is welcome at the University. Students should feel free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion. They are responsible, however, for learning the content of any course of study for which they are enrolled.

#### ***Academic Evaluation***

Students may expect their performance to be evaluated solely on an academic basis and not on opinions or conduct in matters unrelated to academic standards. Students are responsible for each course in which they are enrolled. A student alleging unfair evaluation should appeal first to the teacher, to the department head, and, if necessary, to the dean of the college in which the department is located. To pursue an appeal further, the student should submit a written request to the Undergraduate Council. Teachers are

expected to make honest, professional judgments on the academic performance of students and to make clear to them the basis for academic evaluation used in their classes.

## **GUIDELINES FOR FACULTY**

The brief statement that follows is intended to provide some guidelines for faculty members (all members of the University's academic teaching staff) with regard to the teaching/ learning process. The guidelines are offered in the form of advice and counsel; they are not so comprehensive as to cover every possible eventuality in the teaching/learning experience. There would be other equally good ways of handling some of the circumstances mentioned here. These guidelines are mainly a reminder of some of the principal aspects of the teaching/learning process which should be observed by the university teacher.

### **Course Organization**

It is the responsibility of the faculty member to organize class material as efficiently and effectively as possible at the beginning of each term of instruction. Course objectives should be made clear at the first session. At an early class meeting, the teacher should announce and discuss with the members of the class such matters as required readings, the approximate number of tests, the basis for the final grade with regard to the value to be placed on class recitation, major tests, minor tests, research papers, etc. Once such basic principles for the conduct of the course have been announced, the instructor should later make changes only after careful consideration and consultation with the students. The value assigned to tests and research papers should not be changed, unless the faculty member finds that his or her earlier expectations were unreasonable and that, for example, the number of tests, should be reduced because of the exigencies of time or a shortage of library resources. Faculty members should take great care to ensure that book orders are turned in on time so that sufficient copies of text materials can be available at the beginning of the term. Teachers should distinguish carefully between books and materials required and those recommended. The faculty member should also be concerned that the University libraries are appropriately notified about reserve materials.

### **Conducting the Course**

The faculty member should set an example for students in being faithful in attendance and punctual in starting and ending classes. Students should be informed of all planned absences as early as possible. When a faculty member must be away from class to attend a conference or deal with other professional matters, he or she should arrange for a colleague substitute, arrange a substitute class session or substitute an assignment, in consultation with the class. In an emergency, the faculty member should have the class notified through the departmental office that he or she is compelled to be absent. In presenting course content, the faculty member should endeavor at all times to adhere to his or her subject; the classroom should not be used as a theatre for expression of personal views which are not germane to the course. The faculty member should take care that the tests and all other devices for student evaluation are appropriate instruments for measuring course content. Ideally, the test will reflect the goals of the course and should serve the function of measuring the students' course progress as clearly as

possible. An instructor should be willing to discuss with a student his or her academic standing at any time during the term.

### **Atmosphere for Teaching and Learning**

It is very important that the faculty member create from the beginning, and preserve throughout the course, an atmosphere conducive to learning. Both teacher and student should feel that they have come together in the common cause of the pursuit of learning. In such a pursuit, the faculty member must be continually sensitive to students' needs, desires, and expectations and should exercise the kinds of judgments which demonstrate this kind of sensitivity. This does not mean that the faculty member is subject to the wills and whims of students enrolled in his or her course, but with such faculty awareness, unreasonable confrontations may be avoided. It is in the atmosphere of friendly and serious scholarship that the cause of learning can be most appropriately advanced. All faculty members, especially those who are official advisors, are urged to observe regularly scheduled office hours each term for consultation with students. Faculty members who supervise graduate teaching assistants should ensure that the teaching assistant has an appropriate level of competency in the classroom.

### **PROBLEM RESOLUTION FOR ISSUES RELATED TO ACADEMIC COURSEWORK**

Issues related to grades or academic coursework should first be addressed with the course instructor, then the appropriate department head, and finally the dean of the college in which the course is offered. If an appropriate solution cannot be reached through discussions with these individuals, the Director of Undergraduate Academic Services (for undergraduate students) or the staff of the Office of Graduate Student Services (for graduate students) can offer assistance regarding the best "next steps" for problem resolution. Issues related to academic advising should be addressed first with the advisor, then the director of the appropriate advising center, then the dean of the appropriate college, and finally with the coordinator of advising who reports to the Chancellor's Office.

### **UNDERGRADUATE GRADE APPEAL PROCESS**

A student may appeal grades on the basis of one or more of the following grounds:

1. A clearly unfair decision (such as a lack of consideration of circumstances beyond the student's control, e.g., a death in the family, illness or accident);
2. Unacceptable instruction/evaluation procedures (such as deviation from stated policies on grading criteria, incompletes, late paper, examinations, or class attendance);
3. Inability of instructor to deal with course responsibilities; or
4. An exam setting which makes concentration extremely difficult.

The student must take the following steps to appeal a grade:

1. First consult with the instructor and if an agreement cannot be reached, appeal to the department head.
2. The department head will review the circumstances surrounding the assignment of the grade and determine if the grade should be changed. If the department head

- recommends that a grade be changed and the instructor elects NOT to do so, the department head will appoint a committee of no less than three faculty members to review the matter.
3. If you wish to pursue appeal further, you may appeal in writing to the Dean of the college in which the department is located.
  4. If the issue is still unresolved, you may initiate the formal Undergraduate Council appeals procedure by forwarding a written request to the Appeals Committee at 812 Volunteer Blvd., Room 200, 37996-4225. Appeal information may be found at [web.utk.edu/~uas](http://web.utk.edu/~uas).

## **UT Rules -- promulgated in accordance with the Tennessee Administrative Procedures Act**

### **Chapter 1720-1-1 – Residency Classification**

#### **1720-1-1-.06 – Evidence to be considered for establishment of domicile.**

If a person asserts that he or she has established domicile in this State he or she has the burden of proving that he or she has done so. Such a person is entitled to provide to the public higher educational institution by which he seeks to be classified or reclassified in-state, any and all evidence which he or she believes will sustain his or her burden of proof. Said institution will consider any and all evidence provided to it concerning such claim of domicile but will not treat any particular type or item of such evidence as conclusive evidence that domicile has or has not been established.

#### **1720-1-1.07 – Appeal.**

The classification officer of each public higher educational institution shall be responsible for initially classifying students "in-state" or "out-of-state", Appropriate procedures shall be established by each such institution by which a student may appeal his or her initial classification.

### **Chapter 1720-1-3 – Contested Case Hearing – Waiver Policy**

#### **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.

**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.

**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.

**Chapter 1720-1-5 – Procedure for Conducting Hearings in Accordance with the Contested Case Provisions of the Uniform Administrative Procedures Act**

**1720-1-5-.01 – Hearings in Contested Cases as Defined by the “Uniform Administrative Procedures Act” (APA)** are conducted in accordance with the following procedures:

(1) Contested cases refers to a proceeding in which the legal rights, duties or privileges of a University student or employee or other individual are required by any statute or constitutional provision to be determined by the University only after that individual has been provided an opportunity for a hearing.

Contested cases may include, but are not limited to:

- (a) Student disciplinary proceedings;
- (b) Employee disciplinary proceedings;
- (c) Traffic and parking violation proceedings;

(2) Notice - A hearing in a contested case shall be provided only after each party to the contested case is notified in writing of the following:

- (a) The time, place, nature of the hearing, and the right to be represented by counsel;
- (b) That the hearing is held under authority and jurisdiction granted to the "University of Tennessee by Acts of 1807" Chapter 64 and "Acts of 1839-40" Chapter 98;
- (c) The particular University rule(s) involved;
- (d) A short and plain statement of the matters asserted. (If it is not possible to state the matters in detail at the time the notice is served, the initial notice may be limited to statement of the issues involved. Thereafter, upon timely written application by a party to the contested case, a more definite and detailed statement shall be furnished by the University at least ten (10) days prior to the time set for the hearing.)

(3) The conduct of all aspects of a hearing provided in a contested case shall be by a hearing examiner designated by the President or the appropriate Vice President/Provost or Chancellor (hereinafter referred to as "Agency Head")

(a) Pre-hearing Proceedings - An opportunity shall be afforded to all parties to respond in person or by attorney, including appropriate responsive pleadings, and

present evidence and argument on all issues involved.

(b) In any action set for hearing the hearing examiner assigned to hear the case may, upon his own motion or motion of a party, direct the parties and/or the attorneys for the parties to appear before him for a conference to consider:

1. The simplification of issues;
2. The necessity or desirability of amendments to the pleadings;
3. The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
4. The limitation of the number of expert witnesses;
5. Such other matters as may aid in the disposition of the action.

(4) Default.

(a) The failure of a party to attend or participate in a prehearing conference, hearing or other stage of contested case proceedings after due notice thereof is cause for holding such party in default. Failure to comply with any lawful order of the hearing examiner, necessary to maintain the orderly conduct of the hearing, may be deemed a failure to participate in a stage of a contested case and thereby be cause for a holding of default.

(b) After entering into the record evidence of service of notice to an absent party, a motion may be made to hold the absent party in default and to adjourn the proceedings or continue on an uncontested basis.

(c) The hearing examiner determines whether the service of notice is sufficient.

(d) If the notice is held to be adequate, the hearing examiner shall grant or deny the motion for default. Grounds for the granting of a default shall be stated and shall thereafter be set forth in a written order. If a default is granted, the proceedings may then be adjourned or conducted without the participation of the absent party.

(e) The hearing examiner shall serve upon all parties written notice of entry of default for failure to appear. The defaulting party, no later than ten (10) days after service of such notice of default, may file a motion for reconsideration, requesting that the default be set aside for good cause shown and stating the grounds relied upon. The hearing examiner may make any order in regard to such motion as is deemed appropriate, pursuant to reconsideration.

(5) Record of Contested Case - The record in a contested case shall include:

(a) All applications, pleadings, motions, intermediate rulings and exhibits and appendices thereto;

(b) Evidence received or considered, stipulations and admissions;

(c) A statement of matters officially noticed;

(d) Questions and offers of proof, objections and rulings thereon;

(e) Any proposed findings or decisions and exceptions;

(f) Any decision, opinion, or report by the officer presiding at the hearing or other appropriate University official;

(g) All staff memoranda or data submitted to the hearing officer or the Agency Head in connection with their consideration of the case.

A record (which may consist of a tape or similar electronic recording) shall be made of all oral proceedings. Such record or any part thereof shall be transcribed on request of any party, at his expense, or may be transcribed by the University at its expense. If the University elects to transcribe the proceedings, any party shall be provided copies of the transcript upon payment to the University of a reasonable compensatory fee.

Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(6) Rules of Evidence - The following rules of evidence shall govern the conduct of a hearing:

(a) The hearing examiner shall admit and give probative effect to evidence admissible in a court and when necessary to ascertain facts not reasonably susceptible to proof under the rules of court, evidence not admissible thereunder may be admitted if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. The hearing examiner shall give effect to the rules of privilege recognized by law and shall exclude evidence which in its judgment is irrelevant, immaterial or unduly repetitious;

(b) Affidavits may be utilized as follows:

1. At any time not less than ten (10) days prior to a hearing or a continued hearing, any party shall deliver to the opposing party a copy of any affidavit which he proposes to introduce in evidence, together with a notice in form provided in subsection (c). Unless the opposing party, within seven (7) days after delivery, delivers to the proponent a request to cross-examine an affiant, his right to cross-examination of such affiant is waived and the affidavit, if introduced in evidence, shall be given the same effect as if the affiant had testified orally. If an opportunity to cross-examine an affiant is not afforded after proper request is made as herein provided, the affidavit shall not be admitted into evidence. Delivery for purposes of this section shall mean actual receipt;

2. The hearing examiner may admit affidavits not submitted in accordance with this section where necessary to prevent injustice;

3. The notice referred to in subsection (a) shall contain the following information and be substantially in the following form:

The accompanying affidavit of (here insert name of affiant) will be introduced as evidence at the hearing in (here insert title of proceeding). (Here insert name of affiant) will not be called to testify orally and you will not be entitled to question him unless you notify (here insert name of the proponent or his attorney) at (here insert address) that you wish to cross-examine him. To be effective your request must be mailed or delivered to (here insert name of proponent or his attorney) on or before (here insert a date seven days after the date of mailing or delivering the affidavit to the opposing party);

(c) Documentary evidence otherwise admissible may be received in the form of copies or excerpts, or by incorporation by reference to material already on file with the University. Upon request, parties shall be given an opportunity to compare the copy with the original, if reasonably available;

(d) Every party shall have the right to cross-examine witnesses;

(e) The hearing examiner may take notice of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the hearing examiner's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The hearing examiner's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence;

(f) Following commencement of a contested case by service of notice on a party entitled to a hearing, the hearing examiner may, upon his own motion or upon timely motion of any party, decide any procedural question of law.

(7) Subpoenas

(a) The hearing examiner shall, upon request of any party to a contested case, issue discovery orders, issue subpoenas for witnesses, or subpoenas duces tecum to compel the production of books, records, papers, or other objects, which may be served by certified mail or in any manner prescribed by law for the service of discovery orders and subpoena in a civil action. Subpoenas shall extend to all

parts of the state. The witness shall be entitled to the same fees as are now or may hereafter be provided for witnesses in civil actions in the circuit court. A party making an unreasonable request for a subpoena for witnesses or for a subpoena duces tecum under this subsection may be taxed with reasonable costs as set by the University;

(b) In case of disobedience to any subpoena issued and served under this section or to any lawful hearing examiner requirement for information, or of the refusal of any person to testify in any matter regarding which he may be interrogated lawfully in a proceeding before a University examiner, the University may apply to the circuit or chancery court of the county of such person's residence, or to any judge or chancellor thereof, for an order to compel compliance with the subpoena or the furnishing of information or the giving of testimony.

(c) A hearing examiner, or any party to a contested case before him, may take the depositions of parties or witnesses, or may serve interrogatories upon any party, within or without the state, in the same manner as is provided by law for the taking of depositions and interrogatories in civil actions. Depositions and interrogatories so taken shall be admissible in proceedings under these rules. All or any part of the deposition or interrogatory may be objected to at the time of the hearing and may be received in evidence or excluded from the evidence by the hearing examiner in accordance with the provisions of these rules regarding evidence;

(d) The right to subpoena witnesses and to compel the production of records, and the right to take depositions shall be subject to such limitations and restrictions as the hearing examiner may determine to be necessary to prevent abuse and oppression.

#### (8) Admission of Facts - Discovery - Inspection of University Files.

(a) After commencement of a contested case a party may serve upon any other party a written request for the admission by the latter of the genuineness of any relevant documents described in and exhibited with the request or of the truth of any relevant matters of fact set forth in the request. Copies of the document shall be served with the request unless copies have already been furnished. Each of the matters of which an admission is requested shall be deemed admitted unless within a period designated in the request, not less than fifteen (15) days after service thereof or within such shorter or longer time as the hearing examiner may allow on motion and notice, the party to whom the request is directed serves upon the party requesting the admission either:

1. A sworn statement denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he cannot truthfully admit or deny those matters, or
2. Written objections on the ground that some or all of the requested admissions are privileged or irrelevant or that the request is otherwise improper in whole or in part, together with notice of hearing the objections at the earliest practicable time. If written objections to a part of the request are made, the remainder of the request shall be answered within the period designated in the request. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party deny only a part or a qualification of a matter of which an admission is requested, he shall specify so much of it as is true and deny only the remainder.

(b) Any admission made by a party pursuant to a request for such is for the purpose of the pending action only and neither constitutes an admission by him for any other purpose nor may be used against him in any other proceedings;

(c) In a contested case, depositions for purposes of discovery may be taken as the same are taken in courts of record, and the hearing examiner shall have the same powers and discretion with respect thereto as are vested in courts by law;

(d) Parties are encouraged where practicable to attempt to achieve any necessary

discovery informally, in order to avoid undue expense and delay in the resolution of the matter at hand. When such attempts have failed, or where the complexity of the case is such that informal discovery is not practicable, discovery shall be sought and effectuated in accordance with the Tennessee Rules of Civil Procedure.

(e) Upon motion of party or upon the hearing examiner's own motion, the hearing examiner may order that the discovery be completed by a certain date.

(f) Any party to a contested case shall have the right to inspect the files of the University with respect to the matter and to copy therefrom except that records may not be inspected the confidentiality of which is protected by law.

#### (9) Intervention

(a) All petitions for leave to intervene in a pending contested case shall state any and all facts and legal theories under which the petitioner claims to be qualified as an intervenor.

(b) In deciding whether to grant a petition to intervene, the following factors shall be considered:

1. Whether the petitioner claims an interest relating to the case and that he or she is so situated that the disposition of the case may as a practical matter impair or impede his ability to protect that interest;
2. Whether the petitioner's claim and the main case have a question of law or fact in common;
3. Whether prospective intervenor interests are adequately represented;
4. Whether admittance of a new party will render the hearing unmanageable or interfere with the interests of justice and the orderly and prompt conduct of the proceedings.

(c) In deciding a petition to intervene, the administrative judge may impose conditions upon the intervenor's participation in the proceedings as follows:

1. Limiting the intervenor's participation to designated issues in which the intervenor has a particular interest demonstrated by the petition;
2. Limiting the intervenor's use of discovery, cross-examination, and other procedures so as to promote the orderly and prompt conduct of the proceedings; and
3. Requiring two (2) or more intervenors to combine their presentations of evidence and argument, cross-examination, discovery, and other participation in the proceedings.

(d) The hearing examiner at least twenty-four (24) hours before the hearing shall render an order granting or denying each pending petition for intervention, specifying any conditions, and briefly stating the reasons for the order. The administrative judge, hearing officer or agency may modify the order at any time, stating the reasons for the modification. The hearing examiner shall promptly give notice of an order granting, denying, or modifying intervention to the petition for intervention and to all parties.

#### (10) Continuances

(a) Continuances may be granted upon good cause shown in any stage of the proceeding. The need for a continuance shall be brought to the attention of the hearing examiner as soon as practicable.

(b) Any case may be continued by mutual consent of the parties when approved by the hearing examiner.

(11) Hearing Procedures - The hearing examiner conducts the hearing in the following manner. These procedures may be altered, at the discretion of the hearing examiner, in order to serve the ends of justice.

(a) Meeting is called to order by the hearing officer;

(b) Hearing examiner introduces self and gives a very brief statement of the nature of the proceedings, including a statement of the hearing examiner's and the Agency Head's role in the hearing process;

(c) Hearing examiner then calls on the respondent asking if he is represented by counsel and if so, counsel is asked to introduce himself. The hearing officer then introduces the complainant's counsel and any other individual who may be present at the hearing;

(d) The hearing examiner reads the charges as set out in the notice with regard to the respondent with reference to appropriate statutes and rules;

(e) The respondent is asked how he pleads to the charges; if he pleads guilty, no further hearing may be necessary; if he pleads not guilty, the hearing proceeds;

(f) The hearing examiner then presents a brief explanation, primarily for the benefit of the respondent and his counsel, of how the hearing will proceed with respect to the presentation of proof including a statement that cross-examination and re-direct will be completely open and a statement of the admissibility standards for evidence in the hearing.

(g) The hearing examiner swears all witnesses;

(h) The respondent is asked if he wishes to exclude the complainant's witnesses from the hearing room so that no witness for the complainant hears the others' testimony. The complainant is given the same option with regard to the respondent's witnesses;

(i) Any preliminary motions, stipulations, or agreed orders are entertained;

(j) Opening statements are allowed by both the complainant and the respondent;

(k) Moving party (usually a University official) calls his witnesses and questioning proceeds as follows:

1. (Complainant) moving party questions;
2. (Respondent) other party cross-examines;
3. (Complainant) moving party re-directs;
4. (Respondent) other party re-cross-examines.

(Questioning proceeds as long as is necessary to provide all pertinent testimony.)

(l) Other party (usually the respondent) calls his witnesses and questioning proceeds as follows:

1. (Respondent) other party questions;
2. (Complainant) moving party cross-examines;
3. (Respondent) other party re-directs;
4. (Complainant) moving party re-cross-examines.

(Questioning proceeds as long as is necessary to provide all pertinent testimony.)

(m) Complainant and respondent allowed to call appropriate rebuttal and rejoinder witnesses with examination proceedings as outlined above;

(n) Closing arguments are allowed to be presented by the complainant and by the respondent;

(o) The hearing examiner tells the parties that he will consider all the evidence in the case including supporting written materials to support any legal objections that were made, and that a decision will be written and served on the parties;

(p) Hearing examiner closes hearing.

(12) Initial order and final order

(a) Upon completion of the hearing, the hearing examiner shall render an initial order, which shall become a final order unless review is sought by a party or the Agency Head in the manner hereinafter described.

(b) An initial order or final order shall be in writing and shall include conclusions of law, the policy reasons therefor, and findings of fact for all aspects of the order, including the remedy prescribed and, if applicable, the action taken on a petition for stay of the effective date of the order. Findings of fact shall be accompanied by a concise and explicit statement of the underlying facts of record which support the finding. The order must also include a statement of the available procedures and time limits for seeking reconsideration or other administrative

relief and the time limits for seeking judicial review of the final order. An initial order shall include a statement of any circumstances under which the initial order may, without further notice, become a final order.

(c) Findings of fact shall be based exclusively upon the evidence of record in the adjudicative proceeding and on matters officially noticed in that proceeding. The hearing examiner's experience, technical competence, and specialized knowledge may be utilized in the evaluation of evidence.

(d) The petitioner in a contested case bears the burden of proving, by a preponderance of the evidence, that an issue should be resolved in his favor.

(e) If a hearing examiner becomes unavailable, for any reason, before rendition of the initial or final order, a substitute shall be appointed by the Agency Head. The substitute shall use any existing record and may conduct any further proceedings as is appropriate in the interest of justice.

(f) The hearing examiner may allow the parties a designated amount of time after conclusion of the hearing for the submission of proposed findings.

(g) An initial order shall be rendered within ninety (90) days after conclusion of the hearing or after submission of proposed findings unless such period is waived or extended with the written consent of all parties or for good cause shown.

(h) The hearing examiner shall cause copies of the initial order to be delivered to each party.

#### (13) Review of Initial Order.

(a) The Agency Head upon his own motion may, and upon appeal by any party shall, review an initial order, except to the extent that such review is restricted or prohibited by law or rule of The University of Tennessee.

(b) A petition for appeal from an initial order shall be filed with the Agency Head within ten (10) days after entry of the initial order. If the Agency Head on his own motion decides to review an initial order, the Agency Head shall give written notice of his intention to review the initial order within ten (10) days after its entry. The ten (10) day period to file a petition for appeal or for the Agency Head to give notice of his intention to review an initial order on his own motion shall be tolled by submission of a timely petition for reconsideration of the initial order in the manner hereinafter stated, and a new ten (10) day period shall start to run upon disposition of the petition for reconsideration and to a petition for appeal or to review by the Agency Head on his own motion, the petition for reconsideration shall be disposed of first, unless the Agency Head determines that action on the petition for reconsideration has been unreasonably delayed.

(c) The petition for appeal shall state its basis. If the Agency Head on his own motion gives notice of his intent to review an initial order, the Agency Head shall identify the issues that he intends to review.

(d) The Agency Head, in reviewing an initial order, shall exercise all the decision making power that he would have had had he presided over the hearing himself, except to the extent that the issues subject to review are limited by law or rule of the University or by the Agency Head upon notice to all parties.

(e) The Agency Head shall afford each party an opportunity to present briefs and may afford each party an opportunity to present oral argument.

(f) Before rendering a final order, the Agency Head may cause a transcript to be prepared, at the University's expense, of such portions of the proceeding under review as the Agency Head considers necessary.

(g) The Agency Head may render a final order disposing of the proceeding or may remand the matter for further proceedings with instructions to the hearing examiner who rendered the initial order. Upon remanding a matter, the Agency Head may order such temporary relief as is authorized and appropriate.

(h) A final order or an order remanding the matter for further proceedings pursuant to this section, shall be rendered and entered in writing within sixty (60) days after receipt of briefs and oral argument, unless that period is waived or

extended with the written consent of all parties or for good cause shown.

(i) A final order or an order remanding the matter for further proceedings under this section shall identify any difference between such order and the initial order, and shall include, or incorporate by express reference to the initial order, all the matters required to be included in an initial order.

(j) The Agency Head shall cause copies of the final order or order remanding the matter for further proceedings to be delivered to each party and to the hearing examiner who conducted the contested case.

(14) Reconsideration.

(a) Any party, within ten (10) days after entry of an initial or final order, may file a petition for reconsideration, stating the specific grounds upon which relief is requested. However, the filing of the petition shall not be a prerequisite for seeking administrative or judicial review.

(b) The petition shall be disposed of by the same person rendering the initial or final order, if available.

(c) The person who rendered the initial or final order, which is the subject of the petition shall, within twenty (20) days of receiving the petition, enter a written order either denying the petition, granting the petition and setting the matter for further proceedings; or granting the petition and issuing a new initial or final order. If no action has been taken on the petition within twenty (20) days, the petition shall be deemed to have been denied.

(d) An order granting the petition and setting the matter for further proceedings shall state the extent and scope of the proceedings which shall be limited to argument upon the existing record and no new evidence shall be introduced, unless the party proposing such evidence shows good cause for his failure to introduce the evidence in the original proceeding.

(e) The sixty (60) day period for a party to file a petition for review of a final order shall be tolled by granting the petition and setting the matter for further proceedings, and a new sixty (60) day period shall start to run upon the disposition of the petition for reconsideration by issuance of a final order by the agency.

(f) A party may submit to the person entering the order a petition for stay of effectiveness of an initial or final order within seven (7) days after its entry unless otherwise provided by statute or stated in the initial or final order. Action may be taken on the petition for stay, either before or after the effective date of the initial or final order.

(15) Effective date of order.

(a) Unless a later date is stated in an initial or final order, or a stay is granted, an initial or final order shall become effective upon entry of the initial or final order. All initial and final orders shall state when the order is entered and effective.

(b) All initial orders shall be signed by the hearing examiner conducting the subject contested case, or a substitute duly appointed by the Agency Head, and all final orders shall be signed by the Agency Head or another University official duly authorized by the Agency Head to sign such final order in his absence.

(c) A party may not be required to comply with the final order unless the final order has been mailed to the last known address of the party or unless the party has actual knowledge of the final order.

(d) Unless a later date is stated in an initial order or a stay is granted, the time when an initial order becomes a final order is ten (10) days after entry of the initial order if no appeal is taken from the initial order.

(16) Ex parte communication.

(a) Unless required for the disposition of ex parte matters specifically authorized by statute, a hearing examiner or an Agency Head serving in a contested case

proceeding may not communicate, directly or indirectly, regarding any issue in the proceeding, while the proceeding is pending, with any person without notice and opportunity for all parties to participate in the communications.

(b) Notwithstanding subsection (a), a hearing examiner or Agency Head may communicate with staff assistants, members of the Attorney General's staff, or outside counsel if such persons do not receive ex parte communications of a type that the hearing examiner or Agency Head would be prohibited from receiving, and do not furnish, augment, diminish, or modify the evidence in the record.

(c) Unless required for the disposition of ex parte matters specifically authorized by statute, no party to a contested case, and no other person may communicate, directly or indirectly, in connection with any issue in that proceeding, while the proceeding is pending, with the Agency Head or any person serving as a hearing examiner, without notice and opportunity for all parties to participate in communication.

(d) If the Agency Head or hearing examiner, before serving in that capacity, receives an ex parte communication of the type which may not properly be received while serving, he shall promptly disclose such communication to all parties to the contested case.

(e) A hearing examiner or Agency Head who receives an ex parte communication in violation of this section shall place in the record of the pending matter all written communications received, all written responses to the communications received, all written responses to the communications, and a memorandum stating the substance of all oral communications received, all responses, made, and the identity of each person from whom the person received an ex parte communication, and shall advise all parties that these matters have been placed on the record. Any party desiring to rebut the ex parte communication shall be allowed to do so, upon requesting the opportunity for rebuttal within ten (10) days after notice of the communication.

## **Chapter 1720-1-8 – Assembly Policy**

### **1720-1-8-.01 – Introduction.**

(1) The right of peaceable assembly is a guaranteed constitutional right and one which this institution does not intend to abrogate.

## **Chapter 1720-4-2 – Types of Registered Student Organizations**

### **1720-4-2-.01 – Policy Overview.**

(1) At UT, voluntary associations of students are an important part of the educational process. The University has a positive responsibility to encourage such associations as a means by which students can develop full civic and social awareness. In doing so it neither endorses nor disclaims any particular idea, system of thought or point of view. The ultimate testing place for all of these is not in any one office or council, but in the minds of responsible citizenry.

(2) When groups of students wish to have a continuous association causing them to congregate for activities on the campus, requiring from time to time the use of University facilities and holding themselves out to the general public as a group centered on the campus, it is proper that they be registered by the University. All registered associations shall be accorded the same privileges and bound by the same obligations. Registration by the University does not constitute endorsement of the purposes or activities of an association by the faculty, administration or student body.

### **1720-4-2-.08 – Denial of Registration**

(1) A refusal by the ACSO (Advisory Committee on Student Organizations) to recommend registration of a student organization or a refusal by the Dean of Students to register an organization must be based on one or more of the following grounds:

- (a) The statement of purpose is illegal under local, state, or federal laws or does not conform with written University regulations.
- (b) The organization would, in the opinion of the ACSO or the Dean of Students, constitute a danger to the continued or proper functioning of the University.

### **1720-4-2-.10 – Appeals.**

(1) Any decision by the Dean of Students refusing to register an organization or any decision by the ACSO to withdraw registration from an organization may be appealed to the Students Affairs Council by the affected organization. In addition, any decision by the ACSO to refuse to withdraw registration from an organization upon request by the Dean of Students may be appealed by the Dean of Students to the Student Affairs Council.

(2) When a decision by the ACSO or the Dean of Students is appealed, the Student Affairs Council shall abide by the following procedures in hearing the appeal:

- (a) The ACSO or Dean of Students (depending on whose decision is being appealed) has the burden of proving the charges against the organization, including the presentation of a detailed statement of why the organization should be denied registration or registration should be withdrawn under the University's policy governing student organizations.
- (b) The organization may be represented by an advisor of its choice.
- (c) The organization may present a defense against the charges. A copy of the charges must have been provided to the organization a reasonable time in advance of the hearing, along with all information available to the ACSO or the Dean of Students in drawing up the charges.

(3) The decision of any board or administrative officer of The University of Tennessee is subject to review by the Provost and the President.

## **Chapter 1720-4-3 – Student Rights and Responsibilities**

### **1720-4-3-.01 - Introduction**

(1) The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. This University has a duty to develop policies and procedures which provide a safeguard to this freedom. Such policies and procedures are developed at this institution with the participation of all members of the academic community.

(2) By registering in the University, the student neither loses the rights nor escapes the duties of a citizen. Each student should conduct his/her personal life in the context of mutual regard for the rights and privileges of others. Therefore, it is expected that students will demonstrate respect for the law and for the necessity of orderly conduct in the affairs of the community.

(3) Students are responsible for being fully acquainted with the University catalog, handbook, and other regulations relating to students and for complying with them in the interest of an orderly and productive community. Failure or refusal to comply with the rules and policies established by the University may

subject the offender to disciplinary action up to and including permanent dismissal from the University.

#### **1720-4-3-.04 – Fundamental Rights of the Accused.**

(1) Under The University of Tennessee Judicial System, persons accused of violations of existing rules and/or regulations of the residence halls, food services, the Interfraternity Council, the Panhellenic Council, and The University of Tennessee are entitled to the following rights:

(a) Written notice of charge(s), account of the alleged misconduct, witnesses, and notice of the scheduled hearing delivered 72 hours before the hearing. The student may request additional time by showing good cause.

(b) The right to a public hearing. A public hearing can involve only a limited number of spectators and appropriate control measures will be established by the Dean of Students. If there is difficulty with crowd control, the hearing board chairperson can designate those parties to be present.

(c) Notice of the maximum allowable penalty (i.e., permanent dismissal).

(d) The assistance of the counsel of his/her choice.

(e) Testify or remain silent at his/her option.

(f) Present witnesses.

(g) The presumption of innocence. The burden of proof rests with the University, such that the University must prove the student's guilt by a preponderance of the evidence.

(h) A written decision specifying the rule violated, penalty assessed, and right of appeal.

(i) Challenge the seating of any board member for good cause. The dismissal of a challenged hearing board member shall be at the discretion of the hearing board chairperson. If the chairperson is challenged, he/she may be excused at the discretion of the majority of the hearing board.

(j) Have his/her case heard only on the misconduct specified in the written notice.

(k) Challenge the admissibility of evidence.

(l) Remain silent or confront or cross-examine all available adverse witnesses.

(m) Appeal to the next higher board.

#### **1720-4-3-.05 – Inspection and Search Policy**

(1) Entry by University authorities into occupied rooms in residence halls will be divided into three categories; inspection, search, and emergency. Inspection is defined as the entry into an occupied room by University authorities in order to ascertain the health and safety conditions in the room, to check the physical condition of the room, to make repairs on facilities, or to perform cleaning and janitorial operations. Search is defined as the entry into an occupied room by on-campus authorities for the purpose of investigating suspected violations of campus regulations and/or city, state or federal law. An emergency situation exists when the delay necessary to obtain a search authorization constitutes a danger to person, property, or the building itself.

(a) Inspection: Scheduled inspections by on-campus authorities with the exception of daily janitorial operations shall be preceded, if possible, by twenty-four hours notice to the residents. During the inspection there will be no search of drawers, closets, or personal belongings. This policy is applicable for residence halls and fraternity houses.

(b) Search: On-campus authorities will not enter a room for purposes of search without permission from the resident(s) or prior permission from (1) Dean of Students, (2) the Vice Provost for Student Affairs, or (3) Designee of Dean of Students or Vice Provost for Student Affairs, unless in compliance with federal or state law.

(c) Procedure for Search in Residence Hall Rooms: A request for permission to

search may be made by the Hall Director, Assistant Hall Director, or their superiors when reasonable cause exists to suspect that a violation is occurring or has occurred. If permission to search is verbally authorized, it must be verified in writing to the occupant(s) of the facility searched by the hall staff members requesting the search. A copy of the authorization form is presented to the occupant(s) or left in the room if the occupant(s) is absent. The authorization form shall contain the following:

1. Description of the place to be searched;
2. Name of the person authorizing the search;
3. Description of the item(s) sought; and
4. Name of the person requesting the search authorization.

(d) Procedure for Search in Fraternity Houses: For purposes of search, the fraternity house will be divided into open and closed areas. The closed areas will be the dorm section and chapter room. University authorities may enter the open areas for purpose of inspection or search without permission, but there will be no search of personal belongings or closed areas of the house. University authorities will not enter the closed areas without the written permission of the

1. The Dean of Students,
2. The Vice Provost for Student Affairs, or
3. Their designees, or in compliance with federal or state laws.

(e) Resident Complaint: should a resident believe that a University staff member has misused or abused his/her authority to inspect his/her room, the resident should file a complaint. He/she may prepare a written statement for review by the Judicial Advisory Board. The statement should be delivered to the Office of the Dean of Students. Or, if he/she prefers, the resident may state his/her complaint to an Area Coordinator or to a staff member of the Dean of Students Office. The complaint will then be investigated, appropriate action will be taken, and the student will be informed in writing of the results of the investigation.

### **1720-4-3-.07 – Administrative Procedures.**

(1) Residence Hall Regulations. Initially, violations of residence hall regulations will be handled by the Hall Director of the appropriate residence hall. Based upon the nature of the alleged violations and the past conduct of the accused, the Hall Director shall determine if the Hall Director Option is appropriate or refer the case to the Dean of Students. If the Hall Director Option is deemed appropriate, it will be administered as follows:

- (a) The accused student will be notified in writing;
1. That he/she is suspected of an alleged violation;
  2. Of circumstances of the violation;
  3. Of his/her rights under the judicial system;
  4. Of his/her rights to have his/her case heard by a student disciplinary board;
  5. That the Hall Director Option does not include imposition of a penalty; and
  6. That acceptance of the Hall Director Option constitutes an admission of guilt which may be introduced at any subsequent disciplinary hearing.

(b) If the student accepts the Hall Director Option he/she shall reply, in writing.

1. Acknowledging his/her participation in the alleged offense;
2. Waiving his/her right to a hearing before the Student Disciplinary Board; and
3. Waiving a right to appeal the administrative decision.

(c) If the student requests that his/her case be heard by a Student Disciplinary Board, the case shall be referred to the Dean of Students for action in accordance with violations of Standards of Conduct.

(2) Standards of Conduct. When allegations of individual misconduct are referred to the Dean of Students, the student will be scheduled for a conference. In the event that the student wishes to waive his/her right to a hearing before the

Student Disciplinary Board and have his/her case determined administratively, he/she may request the Dean of Students to assume jurisdiction. If the Dean accepts jurisdiction, he/she may, after determining that a violation was committed, impose an appropriate penalty. Once a student has been informed of his/her rights and has voluntarily waived, in writing, his/her right to a hearing before the board, the action of the Dean of Students shall be final, except in cases of indefinite suspension or permanent dismissal which may be appealed to the Student Affairs Council. If the matter is not resolved by the conference, the Dean of Students shall refer it to an appropriate board.

### **1720-4-3-.08 – The Hearing Boards.**

(1) Interfraternity Council Judicial Board.

(a) This board has primary jurisdiction in cases in which a fraternity, fraternities, or fraternity members having allegedly violated the IFC rules, Constitution, or By-Laws or University Standards of Conduct. Following a hearing, the board shall determine guilt or innocence and decide upon an appropriate penalty. Appeals of these decisions are to the Student Tribunal and must be made in writing within seven (7) calendar days of notice of decision.

(b) An individual(s) alleged to have violated a University Standard of Conduct will be referred to the Dean of Students for appropriate action. The Dean of Students, who will decide all jurisdictional questions, may assign jurisdiction over cases of individual discipline to the IFC Judicial Board. In such cases the board will operate under the procedures established for the Student Disciplinary Boards. Appeals from these decisions are to Student Disciplinary Boards and must be filed with the Dean of Students in accordance with the requirements of "Appeal and Scope of Review" (below).

(c) Students serving as members of the Interfraternity Council Judicial Board must be active members of fraternities, in good standing during their terms of office. Guidelines for appointing, replacing and removing board members will be suggested by the Interfraternity Council to the Dean of Students for approval. Members of this board will be required to participate in training seminars scheduled by the Dean of Students.

(2) Panhellenic Judicial Board: This board has primary jurisdiction in cases in which a sorority, sororities, or sorority members have allegedly violated the Panhellenic rules, Constitution, or By-Laws, or University Standards of Conduct. Appeals of these decisions are to the Student Tribunal and must be made in writing within seven (7) calendar days of notice of decision. Additionally, the Dean of Students may assign jurisdiction over cases of individual discipline to the Panhellenic Judicial Board. In such cases the board will operate under the procedures established for the Student Disciplinary Boards. Appeals of such decisions are to Student Disciplinary Boards and must be filed with the Dean of Students in accordance with the requirements of "Appeal and Scope of Review" (below).

(3) Student Publications Board: If, in the opinion of either the Manager of Student Publications or the appropriate student editor, a student staff member of a University publication has violated a standard in the Code of Ethics of the American Society of Newspaper Editors or other University regulation, and by doing so has compromised his/ her effectiveness in the position he/she holds, that student staff member may be temporarily suspended, for a period not to exceed ten (10) calendar days without financial penalty, until the Student Publications Board meets, considers, and adjudicates the alleged infraction. A finding by the Student Publications Board may be appealed by either party through the appropriate administrative channels.

(4) Student Disciplinary boards.

(a) Jurisdiction. The primary hearing boards are the Student Disciplinary Boards, each comprised of five student members. The number of boards required will be determined by the Dean of Students. These boards share a pool of 15 alternate members to be used as needed during the year. The Student Disciplinary Boards have the following responsibilities:

1. To hear allegations of student misconduct involving violations of the Standards of Conduct or residence halls or food services rules and regulations referred to the board for original jurisdiction by the Dean of Students.
2. To determine the innocence or guilt of the student charged and establish an appropriate penalty.
3. To hear individual discipline cases appealed from the Interfraternity Council Judicial Board and to make decisions appropriate with appellate responsibility.
4. Appeals from the Student Disciplinary Boards may be made to the Student Tribunal or Student Affairs Council in accordance with the procedure provided in "Appeal and Scope of Review" (below).

(b) Membership: During Spring Term, and at other times when vacancies arise, the Dean of Students shall call for applications for membership on the Student Disciplinary Boards by placing an appropriate announcement in The Daily Beacon. Members or alternates selected for membership must be sophomores or above. Undergraduate and law students must have at least a 2.0 overall grade point average. Graduate students must have at least a 3.0 grade point average in all graduate work attempted. Members and alternates of the Student Disciplinary Boards shall be screened and selected by a committee composed of the Student Discipline Specialist, a chairperson of one of the Student Disciplinary Boards, and the Dean of Students, or their representatives. No person may serve more than one academic year (not including summer school) unless he/she has been reappointed to the board by the screening committee (screening is not required for reappointment). A member may be removed from office, for cause, by the Student Affairs Council following notice and a hearing. At the first meeting in the fall, or after a vacancy in the office, the Student Discipline Specialist shall appoint a chairperson for each board. Unless reappointed, the chairperson's term ends at the first meeting in the fall. In the absence of the chairperson, one of the members shall assume the duties of the chairperson and shall conduct the hearing and rule on all motions, subject to objection from other board members.

(c) Hearing Procedures:

1. A quorum of three board members must be present in order to hear a case. A majority vote of the members present is required for all decisions of the board.
2. Any board member who cannot hear the evidence fairly and objectively for any reason is obligated to dismiss himself/herself from the case.
3. The chairperson shall ascertain that the accused has been advised of his/her rights and shall then read the statement of charges. A student who fails to appear before the Student Disciplinary Board in accordance with proper notification shall be deemed to have waived his/her rights to be present during the board's deliberation, to know the evidence against him/her, to present evidence in his/her own behalf, and to exercise reasonable cross-examination of witnesses appearing against him/her. This waiver shall become effective if the student fails to appear at the designated time and place of the hearing unless prior to the time set for the hearing, the student communicates in writing to the Dean of Students good cause for granting a continuance of a scheduled hearing.
4. The accused shall enter a plea of guilty or not guilty. If a guilty plea is entered, he/she shall be advised of the maximum penalty.
5. The chairperson is in charge of maintaining an orderly discussion throughout the hearing. Proceedings should be conducted with fitting dignity and should reflect the importance and seriousness of the hearings. Any person who fails to

follow the instructions of the chairperson, after a warning, shall be referred to the Dean of Students for appropriate disciplinary action.

6. In the event that the accused pleads guilty, the board shall review the circumstances of the case and make appropriate decisions or recommendations regarding the penalty.

7. The Dean of Students or his/her designee shall present such evidence as he/she has at the hearing, including any witnesses. He/she shall not present written statements as evidence, unless circumstances make such presentation necessary and unavoidable. Under similar restrictions the accused may present written statements in his/her defense. Unsigned statements shall not be admitted as evidence. Hearsay evidence is, however, admissible.

8. After the presentation of evidence by the Dean of Students, the accused shall be allowed to present all relevant evidence. If a not guilty plea has been entered, evidence in mitigation of the alleged offense shall be presented only after the board has determined the issue of innocence or guilt.

9. During board deliberations all persons except the board members shall be excused from the hearing room. All matters upon which the decision may be based solely upon the evidence presented. No mention will be made during the hearing on innocence or guilt of the student's previous disciplinary record, unless appropriate as rebuttal to character evidence introduced by the accused.

10. After a determination of guilt by the board, the previous disciplinary record of the accused, if any, shall be given to the board together with the recommendation of the Dean of Students as to an appropriate penalty.

11. After the Board determines the penalty, the accused shall be advised in writing of its decision.

12. The results of the board's decision shall be kept on official University judicial forms, and such a record will be considered sufficient. If a verbatim record of the hearing is prepared, it shall be retained in the custody of the Dean of Students and considered a confidential disciplinary record. If necessary for adjudication of an appeal, the Dean of Students may prepare a summary, certified by the chairperson of the Student Disciplinary Board, or that portion of the record that has been designated by the Tribunal or Student Affairs Council as material to the appeal.

13. A board member shall not discuss cases prior to or after the hearing. The information received by members of a judicial board during a case is considered strictly confidential. Violations of this confidence by any board member could result in disciplinary action.

#### (5) Student Tribunal

(a) Appellate Jurisdiction: The Student Tribunal consists of seven members. It has appellate jurisdiction to review decisions of the Student Disciplinary Boards, the Panhellenic Judicial Board, and decisions of the Interfraternity Council Judicial Board in those cases concerning alleged violations of the IFC rules, Constitution, or By-Laws or violations of University Standards of Conduct by a Fraternity. Any other jurisdiction may be assigned by the Dean of Students. The forms to be used on appeal and other procedural requirements shall be established by Tribunal By-Laws. The Tribunal By-Laws must be approved by the Judicial Advisory Board and the Dean of Students.

(b) Original Jurisdiction: The Student Tribunal has original jurisdiction in cases of conflicts between student organizations or conflicts between individuals and student organizations, cases which involve interpretation of the Student Government Constitution, cases of challenge to results of Student Government elections, and discipline cases involving charges of dishonesty in these elections. Procedures for hearing are set forth in the Tribunal By-Laws.

(c) Membership: During Spring Term, and at other times when vacancies arise, the Dean of Students shall call for applications for membership by placing an

appropriate announcement in The Daily Beacon. Members or alternates selected must be juniors or above. The minimum overall grade point average required is 2.0 for undergraduates and law students and 3.0 for graduate students. Members and alternates will be selected by a screening committee composed of the Student Discipline Specialist, the Chairperson of the Tribunal, and the Director of Student Judicial Affairs, or their representatives. Because of the basic appellate name of this board, special consideration will be given to an applicant with a legal background or previous experience on a Student Disciplinary Board. No person may serve more than one academic year (not including summer school) unless he/she has been reappointed to the board by the screening committee (screening is not required for reappointment).

(6) Student Affairs Council. The Student Affairs Council is the hearing board for appeals from decisions of the Academic Review Boards and the Student Tribunal and for appeals filed by the Dean of Students. It is the final decision making board in the judicial system. A majority of the Student Affairs Council shall constitute a quorum for the conducting of all business.

The council is composed of the following members:

- (a) The Vice-Provost for Student Affairs, who serves as chairperson;
- (b) All the Deans of The University of Tennessee, Knoxville;
- (c) Three (3) faculty members, associate professor or above, appointed by the Faculty Senate (the initial appointments shall be staggered in terms so that one new faculty member is appointed each year after the initial appointment); and
- (d) Eight (8) student members (one of whom shall be a graduate student), appointed by the Student Government Association, for a period of one year. The council shall periodically review the status of student conduct and the judicial system and make appropriate recommendations.

### **1720-4-3-.10 – Appeal and Scope of Review**

(1) Appeal. The disciplinary action of any board may be appealed to the next higher board.

### **1720-4-3-.12 – Student Academic Conduct**

(1) Academic integrity is a responsibility of all members of the academic community. In a university as large and complex as The University of Tennessee, a system to monitor, supervise, and guarantee the essentials of academic integrity is necessary...

(3) Instructor's Responsibilities:

(a) Academic Dishonesty. Student classroom conduct, including academic dishonesty, is the immediate responsibility of the instructor. He/she has full authority to suspend a student from his/her class, to assign an "F" in an exercise or examination, or to assign an "F" in the course. In addition to or prior to establishing a penalty, the instructor may refer the case to an Academic Review Board by notifying the administrative head of his/her academic unit and the Dean of Students, which shall prepare and present the case to the appropriate Academic Review Board. In all cases involving suspension of a student from his/her class, the student must be provided a hearing, as hereinafter described, prior to the effective date of such suspension.

(b) Notification. An instructor shall notify, in writing, countersigned by the department head, any student to whom a penalty is assigned, pointing out to the student the penalty and the route of appeal. Copies shall go to the Dean of Students, the administrative head of the instructor's academic unit, and where different, the head of the academic unit in which the student is enrolled.

(4) Appeal of Professorial Penalty.

(a) Initial Discussions. Initially, a student shall discuss the penalty with the instructor involved and, if necessary, the department head. (When no Department exist within the academic unit, the administrative head may appoint an individual to fulfill this responsibility). If the student is unable to resolve the penalty with the instructor and department head, he/she may appeal said penalty to the Academic Review Board by notifying the Dean of Students within seven calendar days of receipt of written notice of the penalty from the instructor...

(c) Hearing.

1. Procedure. The procedure for this type of hearing shall be established by the Academic Review Board with the approval of the Student Affairs Council. The procedure adopted shall provide necessary safeguards to insure that fundamental fairness is extended both to the student and the instructor involved. The hearing procedure shall also provide for a two step process as follows:

(i) Step One. The Academic Review Board shall review all written documentation and, if necessary, conduct a preliminary investigation to determine if a full evidentiary hearing by the board is necessary.

(ii) Step Two. If a formal hearing is approved by the Academic Review Board, the procedure for that hearing shall include the right to counsel, the right to cross examination, the right to a closed hearing, the right to challenge members of the board for cause, and right to receive a written decision of the board.

2. Decision and Right of Appeal.

(i) Supporting Penalty. If the board supports the determination made by the instructor, the case is terminated. However, an appeal based upon procedural due process may be made to the Student Tribunal in accordance with its prescribed procedure.

(ii) Not Supporting Penalty. If the board makes findings and recommendations at variance with the determination of the instructor, these recommendations shall be forwarded to the instructor, and to the administrative head of the academic unit.

(I) Instructor Accepts Recommendation. If the instructor accepts the recommendations of the board, the case is terminated.

(II) Instructor Does Not Accept Recommendation. If the instructor elects not to follow the recommendation of the Academic Review Board, the student may appeal the penalty to the Student Affairs Council by notifying the Office of the Dean of Students.

I. Student Affairs Council. If the Student Affairs Council supports the determination of the instructor, the case is terminated.

II. Provost. Any other recommendations of the Student Affairs Council will be forwarded to the Provost for final adjudication (when a case involves a graduate student, it shall be forwarded to the Dean of the Graduate School and the Provost for final adjudication).

III. The results of the appeal shall be forwarded by the Dean of Students to the administrative head of all academic units involved.

(5) Academic Dishonesty Cases.

(a) Procedure. The procedure for adjudication of alleged acts of academic dishonesty by the Academic Review Board shall be in accordance with the rules governing other violations of University Standards of Conduct.

(b) Appeal. An appeal of a decision of the Academic Review Board concerning alleged academic dishonesty is to the Student Affairs Council and shall be conducted in accordance with the appeal procedure specified in Hilltopics, XVI. ...

**1720-4-3-.15 – Termination of Student Employees.**

(1) General:

(a) The provisions of this policy statement apply to all student employees except those on college workstudy (see policy statement on termination of financial

assistance.)

(b) The purpose of this statement is to provide procedures for the termination of student employees...

(3) Notice:

(a) Non-Contract Employees. Whenever, in the opinion of the supervisor, a non-contract employee should be terminated, he/she shall be notified in writing setting forth the date of termination. If the reason for termination involves gross misconduct, the supervisor will, prior to termination, consult with the Vice Provost having administrative responsibility for the employee.

(b) Contract Employees. Whenever a supervisor is of the opinion that a contract employee should be terminated, he/she shall notify the appropriate Vice Provost. The Vice Provost shall notify the employee in writing of the reasons for his/her immediate termination or suspension, as appropriate, and of his/her right to request a hearing in accordance with the Administrative Procedures Act (T.C.A. § 4-507, et seq.) or as hereinafter provided.

(4) Request for a Hearing:

(a) Contract Employee. The request of the employee together with his/her election of an Administrative Procedures Act hearing or one under this policy statement shall be forwarded in writing within five working days to the Vice Provost having administrative responsibility for the employee.

1. If the employee elects a hearing under the provisions of the Administrative Procedures Act, the Vice Provost shall forward the file to the Provost for the appointment of a hearing officer.

2. If the employee elects a hearing under this policy statement, the Vice Provost shall immediately thereafter establish a three member hearing committee.

(b) Non-Contract Employees. Non-contract employees may appeal their termination through the appropriate Dean/Director and Vice Provost to the Provost. No right to a hearing accompanies this right of appeal.

(5) Responsibility of the Hearing Committee: It shall be the responsibility of the hearing committee to:

(a) Conduct a hearing within ten working days of the employee's request for said hearing;

(b) Make findings of fact and recommendations to the appropriate Vice Provost;

(c) Notify the employee within five working days after the hearing of the committee's findings and recommendations;

(d) Prepare and forward as soon as it is practicable a written report of the hearing to the appropriate Vice Provost.

(6) Hearing Procedures: Employees who are entitled to a hearing as provided above are entitled to the following procedural rights:

(a) A written account of the alleged misconduct or grounds for inadequate work performance;

(b) Reasonable notice of the time and place of the requested hearing;

(c) The assistance of a representative of his/her choice; if the employee requesting a hearing desires to be represented by an attorney, the appropriate Vice Provost must be notified by the employee at least three days prior to the scheduled hearing;

(d) To present all pertinent evidence including witnesses;

(e) To confront and cross-examine all adverse witnesses.

(7) Decision and Appeal:

(a) Hearing Committee. The appropriate Vice Provost shall within five working days after receipt of findings and recommendations of the hearing committee

notify the employee in writing of his/her decision and of the employee's right to appeal as provided by Article 5, Section 7 of the University By-Laws:

Officers, faculty and staff members, students, employees, alumni and all others who feel that they may have a grievance against the University shall have the right of appeal through the Provost to the President.

An employee's appeal must be submitted in writing to the Provost within ten working days after receipt of the decision.

(b) Administrative Procedures Act. The decision of the Provost is final in all cases heard under the contested case provision of the Administrative Procedures Act. Further appeal shall be in accordance with the provisions of that act.

### **1720-4-3-.16 – Termination of Financial Assistance.**

(1) General:

(a) Coverage: The provisions of this policy apply to student financial assistance except graduate assistantships and fellowships.

(b) Purpose: The purpose this policy is to provide procedures for the termination of financial assistance....

(3) Notice:

(a) Athletic Grant-in-Aid.

1. Whenever the Athletic Department proposes that the financial assistance be terminated within the contract period, the student shall be notified in writing by the Director of Financial Aid of the proposed termination. The notice shall contain the reasons for termination, the student's right to a hearing in accordance with the contested case provision of the Administrative Procedures Act or in accordance with the provisions hereinafter provided.

2. Whenever athletic financial aid is not to be renewed at the end of the contract period, the student shall be notified of his/her right to a hearing, in accordance with the requirements of the Constitution of the National Collegiate Athletic Association, before the Financial Aid Hearing Committee.

(b) Financial Aid. Whenever financial aid is to be modified or terminated, the student shall be notified of the reasons for the proposed modification or termination and of the right to appeal by contacting the Director of Financial Aid. If the Director of Financial Aid is unable to amiably resolve the student's appeal, it shall proceed as follows:

1. If the appeal concerns interpretation of policy, the student shall be afforded the right of further appeal through the Dean of Admissions and Records and the Vice Provost for Academic Affairs to the Provost.

2. If the appeal concerns a disputed question of fact, the student shall be advised of the right to a hearing before the Financial Aid Hearing Committee or in accordance with the Administrative Procedures Act.

(4) Request for a Hearing: The request for a hearing together with his/her election of an Administrative Procedures hearing or one under this policy shall be made in writing to the Director of Financial Aid within five (5) calendar days of receipt of the notice of proposed termination.

(a) If the student elects a hearing under the provision of the Administrative Procedures Act, the Director of Financial Aid shall forward the file to the Provost for the appointment of a hearing officer.

(b) If the student elects a hearing under this policy statement, the Director of Financial Aid shall immediately forward the request for a hearing together with a copy of the complete file to the Chairperson of the Advisory Committee on

## Student Financial Aid.

(5) Hearing Committee. At the beginning of each semester, the Chairperson of the advisory committee on Student Financial Aid shall appoint a hearing subcommittee of not less than three (3) persons who shall be charged with the responsibility of hearing all appeals during that semester.

(6) Responsibility of the Hearing Committee: It shall be the responsibility of the hearing committee to:

(a) Conduct a hearing within ten working days of the student's request for said hearing. When the University is not in session, the hearing shall be held as soon as reasonably possible.

(b) Make findings of fact and a determination as to the termination of financial aid.

(c) Notify the student as soon as possible of the committee's decision.

(d) Notify the student of his/her right to appeal, as indicated below.

(7) Hearing Procedures: Students who are entitled to a hearing as above provided are entitled to the following procedural rights:

(a) A written notice of the alleged grounds for termination of financial assistance.

(b) To reasonable notice of the time and place of the requested hearing.

(c) The assistance of a representative of his/her choice. If the student requesting a hearing desires to be represented by an attorney, the University must be notified by the student at least three days prior to the scheduled hearing.

(e) To confront and cross-examine all adverse witnesses.

(8) Appeal:

(a) Hearing Committee Decision. The student may appeal the decision of the hearing committee in accordance with Article V, Section 7 of the University By-Laws:

1. Officers, faculty and staff members, students, employees, alumni and all others who feel that they may have a grievance against the University shall have the right of appeal through the Provost to the President.

2. An appeal must be submitted in writing to the Provost within five (5) working days.

(b) Administrative Procedures Act. The decision of the Provost is final in all cases heard under the contested case provision of the Administrative Procedures Act. Further appeal shall be in accordance with the provisions of that act.

## **Chapter 1720-4-4 – Student Housing Regulations**

### **1720-4-4-.15 – Termination of Housing Contract.**

(1) The Statement of Terms and Conditions of Occupancy of The University of Tennessee, Knoxville housing contract states that:

(a) The University may cancel the contract if the student fails to meet the full terms and conditions stated herein, for violation of University or Residence Hall regulations as stated in Hilltopics or The Guidebook for Residence Hall Life which are made a part of this contract by reference hereto. Cancellation of the contract for the above reasons may result in the eviction of the student upon ten (10) days notice, except where University determines that the continued residency of the student would pose a danger to the life, limb, health, or general well-being of other members of the residential community, in which case the student may be evicted upon twenty- four (24) hours notice.

(2) The procedures followed by the University in terminating a housing contract and evicting a student from the residence hall are as follows:

(a) An Area Coordinator or Hall Director may recommend the termination of a housing contract. If an investigation indicates that a student has violated University or Resident Hall regulations which would justify the termination of the housing contract, the appropriate staff members shall forward a written recommendation of termination together with the findings of the investigation supporting that recommendation to the Director of Residence Halls.

(b) If the Director of Residence Halls determines that the alleged misconduct would indicate that the continued residency of a student would pose a danger to the life, limb, health, or general well-being of other members of the residential community, the director will advise the student in writing that his/her housing contract will be terminated twenty-four (24) hours from the date of the receipt of the notice, the specific reasons for this action, and the time and place of the preliminary hearing. The Director of the Residence Halls will schedule a preliminary hearing prior to the twenty-four (24) termination date, the purpose of which will be to determine if sufficient grounds exist to support eviction upon twenty-four (24) hours notice as provided in the housing contract. At the conclusion of the preliminary hearing the student will be advised of the decision of the Director, and if immediate eviction is upheld, of the student's right to a full evidentiary hearing, as provided in paragraph (3) below, as soon as practicable. If the student does not attend the preliminary hearing, the termination and eviction will become effective as set forth in the original letter of notification.

(c) If the Director of Residence Halls determines that the alleged misconduct of the student would justify termination of the housing contract after ten (10) days notice, he/she shall notify the student in writing of the date of the proposed termination, the reasons therefore, and the student's right to an evidentiary hearing in accordance with the "contested cases section of the Administrative Procedures Act, [T.C.A. §§ 4-5-301](#) through [4-5-323](#), or by the Director of Residence Halls or his/her designated representative.

1. If the student elects a hearing under the provisions of the Administrative Procedures Act, the Director of Residence Halls shall forward the file to the Chancellor of the University for the appointment of a hearing officer.

2. If the student elects a hearing by the Director of Residence Halls, or his/her designated representative, he/she shall schedule a hearing prior to the effective date of the termination and notify the student in writing as follows:

(i) The date and time of the hearing;

(ii) That the hearing will consider the allegations of misconduct contained in the original letter of notification;

(iii) That at the hearing the student will have the right to make a personal appearance, to call witnesses, to present evidence, and to a representative of his/her choice;

(iv) That the Director of Residence Halls will notify the student in writing of his/her decision prior to the effective date of the termination.

(d) The student shall have a right of appeal as hereinafter provided:

1. The student may appeal the decision of the Director of Residence Halls to the Vice Chancellor for Administration and Student Affairs by notifying him/her in writing within forty-eight (48) hours of receipt of the Director's written decision. In the event of an appeal the eviction will not become final until acted upon by the Vice Chancellor for Administration and Student Affairs. Article V, Section 7 of the University By-Laws allows further appeal through the Chancellor to the President.

2. The decision of the Chancellor is final in all cases heard under the "contested cases" provision of the Administrative Procedures Act. Further appeal shall be in accordance with the provision of that act.

## **Chapter 1720-4-5 – Traffic and Parking Regulations**

### **1720-4-5-.08 – Appeals.**

(1) Student and Staff Appeals Boards are appointed by the Traffic and Parking Authority:

(2) A written appeal, using the form supplied by the Parking Services Department, is the initial step in the appeals process. This must be done within fourteen (14) calendar days from the issuance of the citation or the right of appeal will be forfeited. Appeals must be made by the person cited or person to whom the vehicle is registered. Oral or written requests from other persons will not be accepted except to clarify that a person cited is not an active UT employee or student.

(3) Failure to appear without prior notice at scheduled Staff or Student Appeals Board meetings will result in forfeiture of right to appeal to the Board.

(4) A Staff Appeals Board meets as required at University Center, Room 24. A Student Appeals Board meets regularly during each semester at the same location. The Parking Services Department (974-6031) may be contacted for appeals information.

(5) Information concerning higher appeals is available for those who wish to pursue the appeals process further...