OFFICE OF THE PRESIDENT Effective Date: November 18, 2026

Contested Cases Subject to the Uniform Administrative Procedures Act

Policy Number	1.06.00.05
Approval Authority	President
Responsible Administrator	President
Responsible Office	Office of the General Counsel
Policy Contact	General Counsel

1.0 POLICY STATEMENT

This policy describes the circumstances under which Tennessee State University (TSU or University) may apply the contested case hearing provisions of the Uniform Administrative Procedures Act (UAPA), T.C.A. §§ 4-5-101 et. seq. and the procedures for UAPA hearings.

2.0 IMPORTANCE AND REASON FOR THE POLICY

This policy ensures that contested cases are handled fairly, consistently, and in compliance with the UAPA. Clear procedures protect due process, promote sound and impartial decision-making, and reduce legal and institutional risk.

3.0 DEFINITIONS

I. "**Contested case**" has the definition set forth in T.C.A. § 4-5-102, "a proceeding, including a declaratory proceeding, in which the legal rights, duties or privileges of a party are required by any statute or constitutional provision to be determined by an agency after an opportunity for a hearing."

4.0 POLICY

I. Scope

The contested case procedures set forth in the UAPA may be applicable in all cases in which the legal rights, duties, and privileges of a party are required by any statute or constitutional provision to be determined by an agency after an opportunity for a hearing. These procedures may also apply when TSU policy provides that a hearing take place pursuant to the provisions of the UAPA.

A. The contested case procedures in the UAPA may apply in the following cases:

1. demotion, suspension without pay, or termination of support staff employees where the employee has elected to pursue a UAPA hearing instead of an employee panel hearing as the final step of the grievance process;

2. suspension without pay or termination of tenured faculty for misconduct under where the faculty member has timely submitted a written request to pursue a UAPA hearing utilizing the procedures set forth in Policy 5:02:03:60 Academic Tenure for Universities;

3. suspension without pay or termination of tenured faculty for unsatisfactory performance under Policy 5:02:03:60 Academic Tenure for Universities where the faculty member has timely elected to pursue a UAPA hearing instead of hearing before a termination hearing committee utilizing the procedures set forth in Policy 5:02:03:60;

4. suspension or expulsion of a student who elects and properly requests a UAPA hearing instead of an institutional hearing under the Student Code of Conduct;

5. revocation of the registration of a student organization who elects and properly requests a UAPA hearing instead of an institutional Student Code of Conduct; and

6. any other case where law requires a contested case hearing and such a hearing is requested.

B. These procedures will not apply where different procedures are required by applicable law, such as:

1. Matters arising under Title IX of the Education Amendments of 1972 and applicable University Title IX policies and procedures.

II. Authority of the President

A. The President of the University is responsible for implementation of these procedures and has final decision-making authority in any proceeding subject to these procedures.

B. The authority and responsibilities of the President set forth herein may be delegated by the President to individual designees who are members of the staff of TSU. All references herein to the President include any designee of the President. The President shall be responsible for any action taken under a delegation of the President's authority.

III. Selection of Administrative Judge, Hearing Officer, or Hearing Committee

A. The President shall determine, in the President's sole discretion, whether the hearing

shall be held before an administrative judge appointed by the Administrative Procedures Division of the Office of the Secretary of State, a hearing officer, or a hearing committee.

B. As provided by T.C.A. § 49-7-167, the following individuals may serve as administrative judges/hearing officers:

1. A person licensed to practice law who is not employed as an attorney for the University;

2. A former state, county, or municipal judge or former federal judge or magistrate;

3. An employee of the University who has been trained to conduct contested cases, but who does not provide legal representation to University;

4. An employee of another public institution of higher education who has been trained to conduct contested cases; or

5. An administrative judge employed by the Office of the Secretary of State pursuant to T.C.A. § 4-5-301(d) to hear contested cases.

C. A hearing committee may be appointed by the President from the administrative, professional staff, and/or appropriate employees or students at TSU. The person appointed by the President as administrative judge/hearing officer shall be deemed to be the chair of the hearing committee for purposes of presiding at the hearing.

D. For matters involving sexual assault, dating violence, domestic violence, or stalking, the administrative judge/hearing officer/hearing committee members shall complete training that satisfies the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. § 1092(f)), and the federal regulations implementing those statutes, as amended. This training must take place no earlier than twelve (12) months prior to hearing the contested case.

IV. Suspensions Pending a Contested Case Hearing

The President shall have authority to suspend a student or employee pending a contested case hearing. See Student Code of Conduct; University complaint and grievance policies and procedures; and Policy 5:02:03:60 Academic Tenure for Universities.

5.0 PROCEDURES

Unless specifically stated in another policy or applicable law to the contrary, the hearing procedures set forth in T.C.A. § 4-5-301 et seq. and Tenn. Comp. R. & Regs. 1360.04.01.01 et seq. shall apply to cases heard pursuant to this policy.

5.0 AUTHORITY AND REFERENCES

- T.C.A. §§ 49-8-203; 4-5-101 et seq.; 49-7-167

5.0 HISTORY

Policy Revised: Policy No. 1.06.00.05 Contested Cases Subject to the Uniform Administrative Procedures Act

Last Reviewed: November 18, 2026