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The federal Constitution applies with full force on the college campus. Fundamental fairness is a necessary condition of due process for students in disciplinary proceedings.

What Process Is Due?

Frank P. Ardiolo

The Fourteenth Amendment of the United States Constitution declares that no state shall “deprive any person of life, liberty, or property, without due process of law.” Due process is difficult to define precisely, because it is a flexible concept related to time and circumstances. In the words of the Supreme Court in *Cafeteria and Restaurant Workers v. McElroy* (1961), “the nature of due process negates any concept of inflexible procedures universally applicable to every imaginable situation, and it is not a technical conception with a fixed content unrelated to time, place, and circumstance.”

As a legal concept, due process has been held to have two dimensions, substantive and procedural (Alexander and Solomon, 1972). Substantive due to process speaks to the nature and purpose of rules and regulations of institutions. Courts have held that a government cannot deprive a person of a life, liberty, or property by an unreasonable act without a legitimate purpose. Procedural due process speaks to the process of judicial decision making. Obviously, it lies at the heart of the question, What process is due?

It may be of some comfort to the harried student affairs administrator in a disciplinary situation involving a student that the question “What process is due this student?” has been asked since 1200 A.D. At that time, organized learning was associated with moral development and the church. In Paris, a group of clerical students was involved in a brawl with citizens of the community and the students were arrested by secular authorities. In sorting out the conflict between town and gown, King Philip Augustus, bowing to Church pressure, granted the students of the nascent University of Paris their first privilege when he decreed: “Neither our provost nor our judges shall lay hands on a student for any offense whatever, nor shall they place him in our prison, unless such a crime has been committed by the student that he ought to be arrested. And in that case, our judges shall arrest him on the spot, without striking him at all, unless he resists, and shall hand him over to the ecclesiastical judge, who ought to guard him in order to satisfy us and the one suffering the injury” (Wieruszowski, 1966, p. 137). The responsibility for disciplining students has remained with colleges and universities for the last 800 years. However, the question of what is required to guarantee due process continues to be asked on the campus and in the courts.

This chapter undertakes to answer that question by examining current discipline issues and applicable case law. The principle of fundamental fairness will be discussed in detail, and examples of its application to discipline and academic procedures will be given. Finally, some standards for student affairs administrators in examining current procedures and practices will be suggested.

Fundamental Fairness

The evolution of the legal relationship between students and postsecondary institutions can be understood as emanating from the sources of legal constraints described in Chapter One. These sources of legal constraints continually interact with the decisions reached by courts at all levels of the American judicial system. In general, court decisions that affect the student affairs administrator relate to the administrator's functional responsibility for student discipline (Dannells, 1977).

The doctrine of *in loco parentis* comes from common law, judicial interpretations inherited from England by the American colonies. This doctrine, which governed the American college view of discipline for many years, holds that college authorities act in the place of parents. This allows institutions to make and enforce any rule concerning the moral, physical, and intellectual betterment of students that parents would make.

The civil rights movement of the 1960s forced both a legal and a philosophic change. Constitutional law, which afforded students' rights as citizens under the United States Constitution, came to predominate. No longer could the universities, through administrators, act in place of students' parents; rather, the Constitution guaranteed students certain due process rights, and it was the responsibility of the administrator to see that these rights were provided.

Today, the scene is changing again, as many current cases appeal to contract law. (See Chapter Three in this volume.) Student consumers are demanding better information choice, hearing, and safety as partners in their contractual relationship with postsecondary institutions. This shift to a view of the relationship between student and institution as contractual in nature provides a new framework for the student-university relationship (Ardaiolo, 1978). The judicial system appears to be adopting this new contractual emphasis in part because many of the issues regarding what process is due within the constitutional context seem to have been resolved to the satisfaction of the current Supreme Court.

Constitutional Issues. The death knell of the judicial doctrine of *in loco parentis* on college campuses was sounded in 1961. A series of rulings by federal courts established that students do not "shed their constitutional rights . . . at the schoolhouse gate" (*Tinker v. Des Moines Independent School District*, 1969). Depending on the situation and the case at hand, the United States Constitution was applied by the courts to the student-institution relationship. Thus, the First Amendment protection of speech, press, and religion; the Fourth Amendment protection came into play, and student affairs administrators were forced to react accordingly.

The freedoms and liberties guaranteed by the Constitution protect individual students as citizens from infringement by the U.S. Congress and state governments. As an arm of government, the public postsecondary institution is a subject to the same constitutional limitations. And, when it can be shown to the satisfaction of a court that a private institution functions in such a way that state action is present, then it, too, is subject to the same constitutional requirements (Alexander and Solomon, 1972).

All these requirements apply to public institutions. Their applicability to private institutions varies with the substance of the issue and the specific institution. It could be argued from a policy standpoint that private institutions should observe all the procedural requirements

that apply to public institutions, as this would serve to insulate them from court review. Therefore, this chapter draws no legal distinction between public and private institutions.

Chronological review of the most important federal case law shows that the term *due process* as applied to the student-university relationship and to the disciplinary and academic processes involved has been understood to mean fundamental fairness. While many authors have traced and interpreted these judicial developments, the works by Kaplin (1978), Young (1976), and Young Gehring (1976) are the most relevant for college administrators. The concept of fundamental fairness can be understood and operationalized in the collegiate setting in a way that both preserves the educative aspects of student development and does much to protect students affairs administrators from judicial intrusion.

In 1961, a landmark decision (*Dixon v. Alabama State Board of Education*, 1961) established the right of students at a state institution to notice and a hearing in disciplinary proceedings in which suspension or expulsion was a possibility. The court held that “In the disciplining of college students . . . [the university should exercise] at least the fundamental principles of fairness by giving the accused students notice of the charges and an opportunity to be heard in their own defense” (*Dixon*, 1961 at 150).

Due v. Florida A. & M. University (1963), a case involving campus discipline proceedings for students convicted off campus on contempt of court charges, is also significant. *Due* established that the standard for procedural due process in disciplinary hearing is one of the fundamental fairness and reasonableness.

In *Connelly v. University of Vermont* (1965), where a medical student received a failing grade for make-up work, the court made a distinction between disciplinary dismissal and academic dismissal (Mancuso, 1977). Disciplinary dismissal was defined as arising from violations of prescribed conduct. Academic dismissal was defined as based on academic evaluation. *Connelly* established the principle that a student must demonstrate arbitrariness, capriciousness, or bad faith before a court can interfere in an academic matter.

Esteban v. Central Missouri State College (1969) established specifications for fairness in student disciplinary proceedings, but it also recognized the unique context and constraints at each institution. The court outlined the following nine procedures (Kaplin, 1978): a written charge statement, made available at least ten days before the hearing; a hearing for the charged students before those with power to suspend or expel; an opportunity for the charged student to review the information submitted at the hearing in advance; the right of the charged student to bring counsel to furnish advice but not to question witnesses; the right of the charged student to present a version of the facts through personal and written statements, including the statements of witnesses; an opportunity for the charged student to hear all information presented against him and to question adverse witnesses personally (not through counsel); a determination of the facts of the case based solely on what is presented at the hearing by the authority that holds the hearing; a written statement of the findings of fact; and the right of the charged student to make a record of the hearing at his own expense.

In *Gaspar v. Bruton* (1975), which dealt with a case involving academic dismissal at a state school, the court recognized the property interest of the Fourteenth Amendment. However, it stopped far short of the due process standards established in disciplinary dismissals, stating “We hold that school authorities, in order to satisfy due process prior to termination or suspension of a student for deficiencies in meeting academic performance, need only to advise that student with regard such deficiencies in any form. All that is required is that the student must

be made aware prior to termination of his failure of impending failure to meet these standards” (*Gasper*, 1975, at 843).

In another U.S. Court of Appeals decision in that same year, the court extended due process protection to the student in an academic dismissal case, because the university notified a professional association of the student’s “lack of intellectual ability or insufficient preparation”; this stigmatized him, so that he was deprived of a “significant interest in liberty and property” covered by the Fourteenth Amendment (*Greenhill v. Bailey*, 1975). The court held that Greenhill should have been notified of his alleged deficiency and that he should have had an opportunity to answer such allegations personally. The landmark decision by the Supreme Court in the case of *Board of Curators of the University of Missouri v. Horowitz* (1978) has placed limitations on the application of procedural due process requirements to academic dismissals. The court ruled that the due process clause does not require a hearing before the appropriate decision-making body when a student is dismissed for academic reasons, if the student has been informed of the academic deficiencies in the question and of the danger they pose to timely graduation before it makes the “careful and deliberate” decision to dismiss her. In reaching this decision, the court assumed that the student had a property or liberty interest at stake. Noting that there is a dichotomy between academic evaluations and traditional disciplinary determinations of misconduct, the court stated: “Like the decision of an individual professor as to the proper grade for a student in this course, the determination whether to dismiss a student for academic reasons requires an expert evaluation of cumulative information and is not readily adapted to the procedural tools of judicial or administrative decision making . . . Under such circumstances, we decline to ignore the historic judgement of educators and thereby formalize the academic dismissal process by requiring a hearing” (*Board of Curators*, 1978, at 79).

The Academic/Disciplinary Sanction Dichotomy. As the cases just cited show, it is clear that the Supreme Court perceived a difference in the procedural due process requirements for the students facing academic sanctions and the due process requirements for disciplinary sanctions. A number of articles have dealt with the legal implications of the *Board of Curators* decision (Edwards and Nordin, 1981 p. 70). Of special concern are the court’s seemingly restrictive view of the liberty and property rights of students in similar educational institutions and the apparent retreat of students’ corresponding due process rights that the decision signals (Mass, 1980). Dessem (1978) interprets the decision to signify that many academic decisions will no longer be subject to federal judicial scrutiny and that institutions may even be allowed to ignore their own procedures in certain instances. He pointed out that many state constitutions may now afford students more due process protection than the federal Constitution, since appears that the current Supreme Court is restricting application of the Fourteen Amendment.

The dichotomy established in the *Horowitz* case may be very difficult to apply in fact. The court seems to say that significantly less due process is required when academic evaluative judgements, such as grading or determinations of students’ suitability for a profession, are involved than in a discipline case, when fact-finding seeks to establish whether a student violated a rule of behavior. As Kaplin (1978, p. 248) points out, it can be argued that, even in the *Horowitz* case, fact-finding was present, for the justices of the Supreme Court split on the issue, with five judges applying the academic label, two judges applying the disciplinary label or arguing that no label was appropriate, and two judges refusing to apply either label or to decide “whether such a distinction is relevant.”

While there is still some confusion about what due process, other than “careful and deliberate” decision making, is required in academic evaluation cases, La Morte and Meadows

(1979, p. 197) suggest that “students have been treated fairly when they understand as precisely as possible what is required of them, receive an explanation as soon as possible why they are not meeting these requirements and of what steps might be taken to correct their noncompliance, and are aware beforehand of the possible outcomes of their actions or nonactions pertaining to academic matters.”

Discipline as Teaching. The teaching process is unique. Courts have long recognized this, and as a result, they have been extremely reluctant to substitute their judgement for that of academic experts (Hollander, 1978). Student affairs administrators must emphasize that they are the academic experts in the matter of discipline for it is an important dimension of both student development (Greenleaf, 1978; Ostroth and Hill, 1978) and liberal education. As Brubacher (1977 p. 82) states, liberal education must “be concerned with habituation in moral conduct as well as with its theoretical analysis. It must educate the whole person, the appetites as well as intellect.”

Disciplinary truly involves teaching. A court that identified sixteen lawful missions of tax-supported higher education (*General Order on Judicial Standards of Procedures and Substance in Review of Student Discipline in Tax-Supported Institutions of Education*, 1968) included the following: “(1) To develop students well-rounded maturity, physically, socially, emotionally, spiritually, intellectually, and vocationally; (2) to develop, refine, and teach ethical and cultural values; and (3) to teach the practice of excellence in thought, behavior, and performance” (*General Oder*, 1968 , p. 133).

The significant federal court cases reviewed here all illustrate that what the federal Constitution legally requires in student discipline cases is a policy of fundamental fairness that governs all procedures. Discipline is a functional aspect of education, and the courts have been most reluctant to enter this domain.

Student affairs administrators do themselves and students a disservice if they overreact to due process requirements. A judicial process on campus that mimics a genuine adversarial court hearing is not required and only invites judicial review of the process. If we believe that student discipline has education value, then we must adhere to that belief in developing sound judicial practices. It must not be forgotten that, many times, the students who violate institutional standards are the students who can benefit most from disciplinary measures that can assist their cognitive, ethical, and interpersonal growth. As the *General Order* declared, “the attempted analogy of student discipline to criminal proceedings against adults and juveniles is not sound” (*General Order*, 1968 p. 147).

This is not to say that one does not have to be expert in administering the educational disciplinary process. There has been much litigation in this area, and student affairs administrators must be prepared to balance the need and rights of students, faculty, and the institution and do so in a way that enables students to learn and the academic community to prosper (Rutherford and Osway, 1981). While certain authors (Caruso, 1978; Ostroth and Hill, 1978; Tice, 1976) have discussed the specifically educational aspects of establishing this needed balance, it must be emphasized, first, that discipline is an integral part of the teaching process and of student development in postsecondary education and, second, that the courts, for the most part, have established fundamental fairness as the basic parameter of students’ constitutional rights.

Fundamental fairness can be defined as that which is reasonable, impartial, and free from bias. As many of the cases just cited show, the courts have defined fundamental fairness as that which is not arbitrary, capricious, or done in bad faith. Arbitrariness occurs when actions are

taken without cause in a n unrestrained or unreasonable way. Capriciousness indicates that an action or finding is without rational basis. It should be easy for student affairs professionals to understand these commonsense definitions and to articulate them in policies and procedures for dealing with students. We should, therefore, let fundamental fairness be our guide and avoid using the elusively defined term *due process*.

Administration of Student Discipline

The parameters of the application of constitutionally protected student due process rights in public postsecondary institutions as determined by the Supreme Court in the *Horowitz* case are stated in the preceding section. The knowledgeable student affairs administrator knows, however, that a number of other significant aspects in the administration of student discipline must also be considered, for lesser federal courts continue to review specific aspects of student discipline. Buchanan (1978) provides a concise overview, Kaplin (1978) is most valuable, and Young Gehring (1976) are indispensable in keeping abreast of case law and current issues. The following synopsis of case law which draws heavily from these three sources, is provided to illustrate these issues.

Specificity of Rules and Regulation. In developing rules of conduct or regulations of performance, administrators must be careful to avoid vague wording, for enforcement of vagueness can violate due process. In *Soglin v. Kauffman* (1969), the term *misconduct* was held to violate due process as a standard for disciplinary action. The general standard for the degree of the specificity required was set in the *Sword v. Fox* (1971). Under that decision, the adequate standard “conveys sufficiently definite warning as to the proscribed conduct when measured by common understanding and practice” and allows a student to prepare an adequate defense against the charge, as held in *Scott v. Alabama State Board of Education* (1969).

For example, in *Lowery v Adams* (1972), the court held that the following rule, while not as precise as it could be, was still constitutional: “any disruptive or disorderly conduct which interferes with the rights and opportunities of those who attend the university for the purpose for which the university exists—the right to utilize and enjoy facilities provided to obtain an education” (*Lowery*, 1972, at 446). However, a regulation at Jackson State University that permitted only “activities of a wholesome nature” was held to be unconstitutionally vague and overboard (*Shamloo v. Mississippi State Board of Trustees, Etc.*, 1980). The court pointed out that the regulation was so vague that different university administrators could interpret it in different, arbitrary, and discriminatory ways.

Composition of Hearing Boards. In an attempt to provide “representation with regard to race and sex on the student judicial board” (*Uzzell v. Friday*, 1980, at 1117), the University of North Carolina at Chapel Hill wet up a quota system assuring that the composition of the board was based upon the sex and race of the charged student. This quota system was help to violate both the Fourteenth Amendment and the Civil Rights Act, because the quotas violated other students’ rights solely on the basis of race. This is not a final ruling because the case is still under appeal.

However, the right of universities to specify the composition of the hearing boards has been upheld. In *Sill v. Penn State University* (1970), the university was even allowed not to use the existing judicial board but to appoint a special disciplinary panel of distinguished private citizens. Similarly, in *Winnick v. Manning* (1972), where the sole judge in a disciplinary hearing was an administrator from the dean of students office that had initiated the proceedings, the court held that procedural due process had not been violated.

Off-Campus Incidents Resulting in On-Campus Hearings. It was established in the early 1960s that institutions have the authority to initiate on-campus disciplinary hearings that follow normal procedures solely because students have been convicted of crimes against criminal or civil law (*Due v. Florida A. & M. University*, 1963). Universities may also proceed with on-campus disciplinary hearings without waiting for the result of off-campus criminal proceedings for acts that occurred on campus without fear of violating student constitutional rights, particularly the right against self-incrimination (*Furutani v. Ewigleben*, 1969). However, institutions must avoid regulations that require automatic disciplinary sanctions for off-campus convictions without providing students with a hearing or with an opportunity for students to demonstrate that they are not a threat to the institution (*Paine v. Board of Regents of University of Texas System*, 1972).

The key in deciding whether to charge a student with violation of university rules for an off-campus act is the determination that that act has some detrimental impact on the educational mission of the university (*Krasnow v. Virginia Polytechnic Institute and State University*, 1976). To cite from the influential *General Order 91968*: “In the field of discipline, scholastic and behavioral, an institution may establish any standards reasonably relevant to the lawful missions, processes, and functions of the institution... Standards so established may apply to student behavior on and off campus when relevant to any lawful mission, process, or function of the institution” (*General Order*, 1968, p. 145)

Interim or Emergency Suspension. On occasion, student affairs administrators are faced with an immediate situation the facts of which indicate that a student’s continued presence on campus constitutes a clear and convincing danger to the normal functions of the institution, to property, to others, or to the student himself. Case law (*Stricklin v. Regents of University of Wisconsin*, 1969; *Buck v. Carter*, 1970; *Woodruff v. West Virginia Board of Regents*, 1971; and *Gardenshire v. Chalmers*, 1971) has established that administrators have the authority in such situations to suspend the student immediately on an emergency basis until a regular hearing can be held. Students should be provided a preliminary hearing before the suspension takes effect, unless it is impossible or unreasonable difficult to accord it. In this situation, notice outlining the reasons for the action should be given to the student, and a place and time should be set for the regular hearing. It is suggested that the regular hearing be held within fifteen days of the original action.

Mandatory Psychiatric Withdrawal. Recently, many campuses have become concerned about the proper response to students who exhibit mental disturbance and about the legality of procedures utilized in the mandatory withdrawal of such students for psychiatric reasons (Bernard and Bernard, 1980; Zirkel and Bargerstock, 1980). In particular, university administrators have asked whether Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against the handicapped—who, under its definition, include those suffering from “psychological disorder, such as emotional or mental illness”—applies to separation proceedings for students who exhibit mental disturbance.

Case law on this particular issue is silent for public institutions. In a comprehensive review and analysis of related case law, Pavela (1982) argues convincingly that public institutions should rely on a properly drafted disciplinary code. Such a code should not use vague and ambiguous language in standards that prohibit such behavior as “disturbed,” “of concern to others,” or “abnormal”; the code should rely instead on judgement based on the observable facts of prohibited behavior. Pavela describes possible procedural standards that an institution that believes that the disciplinary process is ill suited for dealing with such instance could adopt.

Pavela believes that only in instances of severe mental disorder, where a student lacks the capacity to respond to charges of where the student does not know the nature and quality of the act in question, should the student be withdrawn and referred to an approved mental health facility for psychiatric observation and evaluation. Until the future case law provides further guidance, this cautionary approach appears to be the best.

Right to Counsel. The role of counsel for the student charged in a campus judicial proceeding has been well outlined (*Gabrilowitz v. Newman*, 1978). Two student affairs administrators involved in *Gabrilowitz* (Weisinger and Crafts; 1979; Weisinger, 1981) make it clear that this limited right of students is applicable only when the charged student faces criminal and university disciplinary charges stemming from the same incident. The institution is allowed to proceed before the criminal trial takes place, and the student is allowed to have an outside attorney present only to act in a limited and passive role, which does not include presenting a traditional legal defense. This limited and passive role allows outside counsel only to directly assist the student. The student or a chosen faculty, student or staff advisor who is not an attorney conducts the direct defense to the hearing board. Counsel has an opportunity to protect the student from self-incrimination and to observe the proceedings firsthand in preparation for the pending criminal trial. However, where a university prosecutes students before the appropriate hearing authority using an attorney or even a senior law student, the charged students have a right to be fully represented by counsel in order to preserve fundamental fairness (*French v. Bashful*, 1969).

Policy Guidelines

In this chapter, the constitutional context for discipline has been set, and certain troublesome issues have been reviewed. Such information is sterile, however, unless it is combined with suggestions for good practice based on managerial and educational experiences. This section presents some legal policy guidelines that should be considered by those who wish to develop a fundamentally fair discipline system.

Clearly Articulated Educational Philosophy. Since the time of King Philip Augustus, discipline has been a responsibility of educational institutions as we know them. This educational inheritance should be understood and clearly stated so that the court fully understands that the procedures followed were developed in good faith as part of the lawful educational mission of the university. Additionally, student affairs administrators must be able to articulate how these procedures contribute to the educational process of student development, for courts are most hesitant about intruding in matters in which they are not experts.

Specificity of Rules. The regulations of the institution should be presented in such a way that their relationship to the educational mission is readily apparent. The regulations should be specific enough that students can know their obligations in all situations. The rules should not attempt to be exhaustive, for this can be provocative to students adept at exploitation, and it can allow the system to break down under legalisms. The regulations should explain the distinction between criminal laws and institutional rules, and they should allow the university to deal with criminal arrest on and off campus.

Authority and Responsibility. The authority to act and the responsibility for action should be vested in the same administrative office. If authority and responsibility are split, the system can become unmanageable. Discipline is complex, and well-intentioned intrusions by members of the academic community can paralyze an elaborate check-and-balance system.

Additionally, a mechanism should be established that allows both for timely modification of the system as case law and experience dictate and for meaningful input from students, faculty, and administrators.

Choice of Hearing. While no legal requirement specifies who can conduct a hearing, experience suggests that charged students should be given a choice between an administrative hearing and a board hearing in order to maximize both the educational impact and the appearance of fairness to the charged students. The educational aspects of student peer review should also be encouraged. However, if peer review is provided, the student board must be properly trained and supervised in order to guarantee that the process is both educationally meaningful and legally sufficient.

Fundamentally Fair Procedures. While some lower courts have suggested specific hearing requirements that go beyond the notice and hearing required by the Supreme Court, the following can be suggested as fundamentally fair procedures: written notice of the alleged violation, opportunity for a hearing with time to prepare for it, confidentiality of proceedings, opportunity to hear all information presented and to question all who present information, opportunity to present information on one's own behalf, right to have legal counsel present to advise the student, opportunity to challenge the objectivity of judges, and a timely decision.

Appeal. An opportunity to appeal a decision is not legally required. However, an opportunity to appeal is suggested, in order both to maximize fairness and to correct any defects of the original hearing. The grounds for appeal should be outlined. These grounds could include original decision contrary to the facts, availability of new information, procedural violations, or excessive severity of the sanction.

Educational Sanctions. Once the hearing process has established the responsibility for violation of a rule, the sanction assigned to a student should be described and administered in an educational way, so that its teaching potential is enhanced. Requiring students who violate institutional rules to explore the impact of their actions on victims, to prepare papers on the meaning of education, or to attend special programs, such as an alcohol education seminar, should all be considered.

Emergency Suspension. For situations that pose an immediate threat, the institution should outline procedures for a policy of emergency or interim suspension before a regular hearing can be held. These procedures should include a policy for dealing with the profoundly emotionally disturbed. Policy guidelines in these areas minimize the potential for arbitrary or capricious decisions by administrators and outline the protections afforded to students.

Unified Academic and Social Discipline System. As the review of case law indicates, there can still be some legal confusion over whether a specific violation is of an academic or a disciplinary nature, which raises a question about the corresponding appropriate procedures. Clearly, charges of cheating and plagiarism are very similar to violations of social standards, and they should be treated procedurally in the same manner in a unified administrative system that preserves the teacher's authority to assign grades, maintains institutional efficiency, and assures procedural correctness. In academic evaluative situations that could lead to a student's dismissal and which the facts are disputed, it is suggested that procedures with constitutional safeguards similar to social discipline be adopted as a matter of policy to protect the student from arbitrary, capricious, or bad faith decision making.

Summary

Student discipline has evolved through a series of legal interpretations derived from common law and constitutional law. It has been firmly established that discipline is an aspect of the lawful teaching and student development functions of postsecondary institutions. The courts have held that the disciplinary process requires only fundamental fairness, as long as the disciplinary process as part of the teaching and educational mission of the university. As a matter of common law, the courts have adopted a doctrine of academic abstention, by which they refuse to interfere in the basic academic process of teaching and evaluating students (Edwards and Nordin, 1979). In dealing with students, the constitutional parameters of due process have been defined so that administrators faced with a disciplinary encounter who ask, "What process is due?" can answer that the institution must provide procedures governing students that are fundamentally fair.

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