

Student's Speech and Due Process Rights Claims Fail

One of the distinctive legal implications of being a public university is that its actions are considered “state action” in the context of constitutional limitations. This is illustrated by a recent case, ultimately decided by the Eleventh Circuit Court of Appeals (the appellate court with jurisdiction over Alabama federal cases), in which a student sued a public college for violating her rights under the U.S. Constitution. *Castle v. Appalachian Technical College*, No. 10-11546 (11th Cir. Dec. 21, 2010).

Castle, a nursing student at Appalachian Technical College (ATC), was suspended from the nursing program after several incidents involving disruptive behavior in class and inappropriate, aggressive, and threatening actions with regard to other students. The suspension followed an earlier disciplinary warning. The decision to suspend her was reached by the Vice Presidents for Academic Affairs and Student Services. Castle was given the right to appeal the suspension to an independent review committee, which she did. The committee upheld the suspension. Castle sued the two administrators (as “state actors”) for violating her free speech and due process rights. The trial court held the administrators were not liable, and Castle appealed.

Castle argued that disciplinary action was taken against her because she complained about improper conduct by a clinical instructor, who was terminated by ATC after Castle's complaints. There was no question that Castle's speech in reporting the instructor's misconduct was constitutionally protected, and the administrators could not punish her for that speech without incurring liability. The only issue, according to the Eleventh Circuit, was whether the administrators were able to show that the suspension proceeded from a lawful motive. Here the Court indicated that complaints about her disruptive, threatening behavior provided such a lawful basis for the administrators' disciplinary response and, hence, the vice presidents were not liable.

The Court then turned to the Fourteenth Amendment due process claim. Castle had a “property interest” under the Fourteenth Amendment in her continued enrollment in the nursing program and therefore was entitled to due process if that enrollment was adversely affected. Ordinarily, due process means that a student must be provided notice and a hearing opportunity prior to a suspension or expulsion. In this instance, the Court noted the absence of a pre-suspension hearing. However, since she was given an immediate right of appeal, which she invoked within several days of the suspension, her due process rights were held to have been adequately protected.

The ruling in this case involved an analysis of the somewhat complex issue of immunities under federal civil rights laws. However, on a more basic level it reiterates the fact that students at public universities have constitutionally protected rights that must be honored by institutional officials. In addition, it shows that the courts are generally reluctant to interfere with decisions affecting a student's enrollment status that are made with due attention to procedural and substantive legal requirements.