



# Due Process on Campus

The right to due process means that fair procedures must be followed before someone accused of wrongdoing is found responsible and punished. This primer outlines rights that students should have within campus disciplinary proceedings and details a handful of warning signs that student due process rights may be at risk. For a more thorough analysis of due process rights on campus, consult [FIRE's Guide to Due Process and Campus Justice](#).

## PROCEDURAL DUE PROCESS RIGHTS GUARANTEED AT PUBLIC INSTITUTIONS UNDER THE FOURTEENTH AMENDMENT

Students with a protected property interest must be

given some kind of notice and afforded some kind of hearing.

**The Court in Goss** held that the opportunity to be heard includes the right to both “an explanation of the evidence the authorities have and an opportunity to present his side of the story.” Although the right to be heard does not, in the school setting, guarantee the right to a right to a formal hearing, some circumstances “may require more formal procedures.” Goss holds that the more serious the potential punishment, the more due process protections are required.

### The Right to Be Present at a Formal Hearing

As established in Goss, you have the right to hear for yourself “an explanation of the evidence” against you before you present your defense. As a result, if your public university uses a formal hearing to decide your case, you have the right, even where potential punishments are minimal, to be present at all of the hearing in order to hear the evidence being used against you.

### Composition of the Hearing Panel

Hearing boards in university disciplinary cases must be free from unreasonable bias. If you believe that the tribunal charged with hearing your case is biased, you should object in writing before the panel considers your case or as soon as possible.

## PROCEDURAL SAFEGUARDS GRANTED BY INSTITUTIONAL POLICIES OR LEGISLATION

In addition to the constitutional rights students at public institutions enjoy, students at both public and private institutions may be afforded additional procedural safeguards through school policies or state legislation. For this reason, it's important to know and understand your university's disciplinary



policies and procedures.

For example, the law does not require colleges and universities to offer a full and formal judicial hearing, but many institutions offer a more robust hearing to students accused of misconduct. Federal