

Dixon v. Alabama State Board of Education, 294 F. 2d 150 (5th Cir. 1961).

Facts: Twenty-nine African-American students of Alabama State College participated in a sit in at a public eatery. A subsequent mass demonstration was held by students, including those from the sit in, outside a court proceeding involving another student. These students were reportedly in attendance at additional rallies involving hundreds of students in several cities. The president advised the student body that the demonstration was disrupting the orderly conduct of the college. After another demonstration, the president presented the names of the students and his report of incidents to the State Board of Education. The Board expelled the six plaintiffs. Each student was then notified by the Board of the expulsion decision.

The students filed for a permanent injunction to restrain the State Board of Education from obstructing their right to attend college. The U. S. District Court for the Middle District of Alabama upheld the expulsions. The students appealed. The Court of Appeals reversed and remanded.

Issue: Does due process require any notice and some opportunity for a hearing in a state supported college?

Answer: Yes.

Reasoning of the Court: Though no rule existed requiring formal charges or a hearing, the college's usual practice had been to grant a hearing to students prior to decisions of expulsion. The Court reasoned that any governmental acting to cause injury to an individual must adhere to Constitutional due process requirements. The minimum requirements of due process are to be determined by the circumstances and interests of the parties involved in the action. Actions of the government cannot be arbitrary.

Expulsion from a state college was determined to be a significant interest to an individual. Attending college is not in and of itself a constitutional right. However, 'One may not have the constitutional right to go to Baghdad, but the Government may not prohibit one from going there unless by means consonant with due process of law.' Therefore, expulsion required a commensurate level of due process since the state was attempting to prohibit an individual's privilege.

Due process requires notice and a hearing. The notice ought to contain specific charges and grounds justifying expulsion. The hearing may vary according to the circumstances of the case. The student should be given names of witnesses, a report of the facts of the allegations. The student should have the opportunity to present to a proper authority a defense and corroborating testimony pertaining to the specific charges.

Additional Comments: Only private associations may obtain a waiver granting authority to make a decision without notice or a hearing pertaining to a valuable right.