

Dixon v State of Alabama Board of Education (1961): The Birth of Today's Student Conduct Process

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In February 1960 students from NC AT&T sat down at a segregated Woolworth lunch counter and would not move until served. The sit-ins launched in Greensboro, NC, quickly spread across the South. By the end of the month, a group of students from Alabama State College in Montgomery, AL, attempted to integrate the segregated diner at the local county courthouse. They complied with all law enforcement directives and were not arrested. Instead the newspapers reported that the state's Governor instructed the college president to expel the student protestors. The students continued to engage in protests and mass meetings over the next few days, initially on campus and moving off at the president's request. Most were suspended and some expelled at State Board of Education hearing called and chaired by the Governor in early March. The Board gave no rationale for the differing sanctions.

Prior to the hearing campus authorities conducted an internal investigation, but were not permitted to follow their typical process for "punishing" student misconduct. The college president's report and opinion were shared with the board, but not the students. Additionally, the students were not given advance notice of the Board hearing, not given a chance to participate in the hearing (know any of the evidence or charges against them, question complainants, etc.), have representation in the process, or present their perspective on the allegations before being removed from college. The students learned of their impending removal from the newspaper reports of the Board meeting. The President of the college prepared letters delivering the news to the students (although some do not recall ever getting the letter) and met with some students as a group and individually. There is no clarity about which precise events/actions caused the removals. There was no avenue to appeal the Board's decision shy of suing the school and the state.

St. John Dixon et. al v. The Alabama State Board of Education was filed July 1960 alleging that the students were denied their civil rights including the rights within the student conduct process that they were due. A long-standing legal precedent of in loco parentis (college administrators function in lieu of the parent) traditionally gave colleges the right to establish broad rules governing student behavior and discipline students. Finding in favor of the students, the appellate court found in favor of the students, extended rights to students thus placing limits on college's discretion in disciplining students. By the time the decision was issued in August 1961 most students were gone from Alabama and never attempted to return. (One student did request readmission.) Prior to the court's decision in that incident, the Board of Education's conduct was legally sound, but not ethically defensible.

Because of these students' actions and the events they participated in, students at state schools today have due process rights. Additionally, there is a general expectation of all colleges to address student conduct in a fundamentally fair manner. One of these students, Dr. Eleanor Moody-Shepard, now serves as a college administrator responsible for appeals within her campus' student conduct system decisions.