

Case Brief

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Name of Case: *Raymond J. Gorman, III v. University of Rhode Island*

Who are the parties: Raymond J. Gorman, III, student, plaintiff, appellee versus the University of Rhode Island, et al., defendants, appellants.

What Court/Procedural History: United States Court of Appeals, First Circuit

Facts: In 1984, Raymond Gorman was involved in an altercation involving two university employees who filed official complaints with the university. The University Board on Student Conduct (UBSC) hearing to address one of these complaints resulted in sanctions that Gorman complied with. There was a second hearing to address the second complaint, and the hearing committee was composed of several of the same members as the initial hearing. Gorman protested claiming that these members held biased views but his objections were denied and he was found guilty. He then appealed to the University Appeals Board who upheld the UBSC's decision. Gorman failed to comply with the sanctions from the second hearing and was subsequently charged with three counts of violating the student handbook. He attended a third UBSC hearing which again included the same members that he initially claimed were biased against him. This hearing also resulted in Gorman being sanctioned to immediate suspension until all previous sanctions have been fulfilled and a disciplinary probation throughout the remainder of his undergraduate enrollment.

Gorman then filed an action against the University with the district court claiming his rights to due process were violated due to the deprivation "of: (1) an impartial and independent decision-maker, (2) a transcript and/or a tape recording of the hearings, (3) cross examination of any participant in the actions concerning possible bias, (4) representation by counsel at the hearings, and (5) review of the University's decision by a court under a "substantial evidence" standard".

Issues: Is Gorman entitled to the full-scale adversarial proceedings comparable to those afforded defendants in a criminal trial when facing disciplinary action by his University?

Holding: The procedures employed in the disciplinary actions taken by the University of Rhode Island against Gorman did not violate the Due Process Clause of the fourteenth amendment.

Analysis/Reasoning: The University may discipline its students without providing a full-scale adversarial proceeding like those in a criminal trial for the following reasons. First, due to the intimate setting of a college or university, prior contact between the participants of a hearing composed of students and faculty is likely and does not indicate bias or partiality. Therefore, there is no evidence of bias or prejudice which proves the hearing were unfair. Second, written accounts of Gorman's hearings were available and constituted a sufficient record of the proceedings. So, being denied the right to tape record the hearings was not essential and did not render the hearing unfair. Third, Gorman was allowed, and did, choose someone from within the University to assist him in his case, so his argument that he was denied access to counsel was not valid. Fourth, the right to unlimited cross-examination was not an essential requirement of due process in school disciplinary cases, and Gorman had the opportunity to cross-examine his accusers with no evidence of any limitation of eliciting the

truth. Finally, Gorman was given the opportunity to explain his version of the facts and appeal the adverse decisions, so the University did make a decision under a “substantial evidence” standard.

Other Opinions: No concurring or dissenting opinions.

Personal Views/Opinions: The courts seemed to rule in favor of the correct party in this case. Gorman was given ample opportunity to revise his actions and comply with the previous sanctions before his immediate suspension from the University. I agree that it is unreasonable to infer without evidence that a student conduct board is biased because Universities are closed environments with a limited number of people. It is likely that acquaintances will be present during a hearing.