

Shamloo v. Mississippi State Bd. Of Trustees (620 F.2d 516) Case Brief

<p><u>Legally Relevant Facts:</u></p>	<p>In the 1979 fall semester, Shamloo was one of thirty-two enrolled Iranian students who were attending Jackson State (the University) on student visas. Ayatollah Khomeini had recently become the first Grand Ayatollah of Iran, and students participated in two demonstrations to show their support for Khomeini.</p> <p>The first demonstration was held on November 19th, 1979 in response to the presence of United States immigration officials on the Jackson State campus. The business of these officials was to review the status of Iranian students at the university. Students gathered in an area known as the "Plaza". Because students did not receive written permission to gather in the Plaza, the University considered this to be an unauthorized demonstration. Shamloo met with the VPSA before the event took place, but there are conflicting accounts of the outcome of the discussion.</p> <p>The second demonstration occurred on the morning of November 29th, 1979. Once again, a group of students gathered on the Plaza and began chanting, marching, and carrying signs. At 9:15a.m, the vice president of academic affairs (VPAA) heard the student chants from his office. This time of the year was considered "dead week", and the VPAA asked students to cease the demonstration on the grounds that (1) the demonstration was disrupting classes and (2) students needed to prepare for final examinations. At 9:30a.m, the Director of Campus Security ordered the group to disperse.</p> <p>The University brought conduct charges against 32 Iranian students who participated in the demonstrations to the University's Student Affairs Committee. Twenty of the students were suspended for periods of time ranging from 1-2 semesters, eleven students were placed on disciplinary probation for the remainder of their time at the University, and the charges were dropped against one student. Students appealed the outcomes of the judicial process, and the President of Jackson State affirmed the decisions of the Student Affairs Committee.</p>
<p><u>Procedural History:</u></p>	<p>On December 12, 1979, Shamloo and Mokhayeri filed a class-action lawsuit on behalf of all Iranian students at Jackson State University who went through the University's judicial system as a result of participating in the demonstrations. Specifically, the lawsuit asserted that the University had violated 42 U.S.C § 1983. Furthermore, the class action called for a temporary restraining order to halt the on-going judicial process. On December 13, 1979, the U.S District Court for the Southern District of Mississippi refused to grant the temporary restraining order. This decision was appealed and subsequently dismissed on December 27, 1979 due to a "lack of jurisdiction as an appeal from a non-appealable order."</p>

	On January 8, 1980, the district court heard the plaintiffs' request for preliminary injunction to halt the campus judicial process and to reinstate the plaintiffs as students. The district court refused to grant a preliminary injunction, leading to the current case.
<u>Issue(s):</u>	Did Jackson State University's regulations violate Shamloo's first amendment right to free speech? Did the University's disciplinary procedures fail to provide Shamloo with due process?
<u>Holding(s):</u>	<p>Yes, the University's constitutionally vague procedures were not suitable to uphold their right to provide procedures and a code to manage student procedures.</p> <p>Yes, but the failure to provide due process is somewhat of a moot point given the constitutionally vague nature of the University's First Amendment policies.</p>
<u>Judgment:</u>	<p>The district court's decision to deny a preliminary injunction was vacated. Furthermore, the judgement was reversed and remanded to the district courts with directions to grant the preliminary injunction sought by the appellants.</p> <p>Reversed and remanded with directions.</p>
<u>Reasoning:</u>	<p>While the Supreme Court affirmed the first amendment rights of students on-campus, it also recognized the need for university officials to define conduct and enforce standards for conduct behavior. Contrary to the district court's ruling, the judges found that the demonstrations did not meet the standards of the Burnside test.</p> <p>For the matter of "vague and overbroad" university regulations, the court emphasized that school/university disciplinary protocols need not be drawn to the same standard as a criminal code, but that they must still be comprehensible to a reasonable person. The court pointed to <i>Bayless v. Martinez</i> and the related Student Expression Area as an example of reasonable restrictions on free speech demonstrations. In a related vein, the court found the requirement that an activity be "wholesome" to be approved also constitutionally vague. The court did not take further action with regards to the claim that the University selectively applied its regulations, as the court already made clear that the appellants were subjected to the campus judicial system under an unconstitutionally vague policy.</p> <p>Lastly, the district court failed to exercise proper judgement in denying a preliminary injunction to the appellants. Namely, the appellants were subject to punishment based on an unconstitutional policy. The district court was also criticized for basing its decision in part on current world affairs at the time, namely the political turmoil that Iran had been experiencing.</p>
<u>Separate Opinion(s):</u>	There were no separate opinions delivered for this case.

<u>Analysis/Comments:</u>	<p>In considering this case, I first think of the historical context in which this case played out. The decades following the 60's and 70's sparked a new zeal for student activism and the power of social movements. For the first time, higher education institutions were learning to navigate these challenges as each institution negotiated its own approach to supporting the first amendment. One of the most poignant ways in which this case shaped the landscape of higher ed law was affirming that constitutional rights are not unlimited in scope in educational settings – they can be regulated by what the courts called reasonable restrictions (location, time, length, etc.). The court's decision in this matter also re-visited the Burnside test as a suitable way to assess university policies that may conflict with the First Amendment. While the court was generally critical of the University's policies and procedures, it did reaffirm the need for university officials to exercise some level of control over conduct in such a way "consistent with constitutional safeguards."</p> <p>From the judicial affairs perspective, this case affirmed the role and scope of the student conduct process, namely the ways in which it may or may not be enforced. For example, Judge Thornberry emphasized in his opinion that the disciplinary regulations of educational institutions "need not be drawn with the same precision of a criminal code. This case also brought to light the consequences of engaging students in the conduct process based on ill-defined policies. Namely that a constitutionally vague policy at a public institution would likely not hold up in court.</p>
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