

Due process—broadly defined as an inclusive mechanism for disciplined and impartial decision making—is essential to the educational aims of contemporary higher education and to fostering a sense of legitimacy in college and university policies. Even if due process were not required by law (as it typically is), colleges and universities would want to provide it as a matter of policy. An immediate risk is that persistent internal and external pressure on institutions to lower due process thresholds and to impose mandatory sanctions (initially in sexual violence cases, but possibly moving into other categories of student misconduct as well) will unnecessarily tip the balance of procedural due process toward reassertion of greater paternalistic control by college and university administrators. Reassertion of such control—even when disguised by progressive-sounding euphemisms—is precisely the wrong direction for institutions to take as young adults seek to develop and demonstrate new leadership skills and as more older students (including returning veterans) arrive on campus expecting to be treated like adults. Furthermore, consistent with the aims of educational institutions to model ethical behavior expected of others, core due process procedures defined in campus publications should be honored in the same way other enterprises (commercial or otherwise) are expected to keep their stated commitments.