

A widely accepted assumption at public institutions of higher education is that judicial deference will be granted to the institutions over issues about student academic performance. Typically, the judiciary has held that it will not submit its own judgment in place of an institution's decisions over academic matters. Despite this general approach, it is also true that students dismissed for academic reasons are due some "modicum of due process," and schools are forbidden from arbitrarily depriving students of their constitutional rights of equal protection and due process. It is with this conflict in mind that this paper analyzes case law in which academic deference has not been granted by the judiciary. From this discussion, this article offers a dialogue regarding instances in which academic deference is not appropriate.