



In Two Cases, Illinois Appellate Court Reaffirms Rule of Deference to Decisions of Academic Institutions

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In two recent decisions, the Illinois Appellate Court confirmed that Illinois courts are precluded, except in rare circumstances, from second-guessing the decisions of educational institutions regarding students. In both cases, the Appellate Court rejected pleas for mandatory injunctions that would have negated academic and administrative decisions of the particular institutions. And, in the first of the two cases, the Court affirmed, in strong and useful terms, the deferential “arbitrary and capricious” standard, which prohibits judicial review of student dismissal decisions unless the student shows that the decision lacked a “discernible rational basis.”

In ***Seitz-Partridge v. Loyola University of Chicago***, a student was dismissed from Loyola University’s Ph.D. program in Molecular Biology for twice failing an examination required for admission into Ph.D. candidacy. The student sued for injunctive relief and damages, alleging breach of contract, defamation, and related torts. The mandatory injunctive relief that the student sought included expungement of any record of her failure of the examination; expungement of any references to her having committed plagiarism during the first examination; amendment of her academic record to reflect a passing grade on the examination; and a court order reinstating her into the Ph.D. program. The University and the faculty members who evaluated the student’s exam performance were represented by Scott Warner and Ellen Babbitt, now of Franczek Radelet.

The trial court dismissed the defamation per se claim during early stages of the litigation, struck the mandatory injunctive relief claims in their entirety, and granted summary judgment on behalf of the University on the student’s contract claims. The student appealed. Although the Court remanded the defamation per se claim, finding that it had been prematurely eliminated on a threshold motion to dismiss, the Court affirmed all other aspects of the trial court’s rulings – most significantly, the contract and injunction rulings. The Appellate Court first affirmed the grant of summary judgment on the contract claims, restating the longstanding Illinois rule that courts “will not review a teacher’s subjective academic decision.” Rather, courts intervene only where the student satisfies the heavy burden of showing that an adverse decision, while “‘supposedly for academic deficiencies, was made arbitrarily, capriciously, and in bad faith.’” This requires a showing that a dismissal decision was “‘without any discernible rational basis.’” In the *Seitz-Partridge* case, no material issues of fact were raised under this deferential standard, given that the University had exercised its academic judgment in evaluating the student’s exam performance and afforded the student two opportunities to pass the required examination. Applying this same standard and relying upon these same, undisputed facts, the Appellate Court affirmed the trial court’s decision to strike all requests for injunctive relief. The Appellate Court again stressed that the student failed to establish that she met all of the requirements of the Ph.D. degree or that, in denying her admission to Ph.D. candidacy, the University “acted arbitrarily, capriciously or in bad faith derogation of a clear legal right.”

In the second recent case, ***Illinois Beta Chapter of Sigma Phi Epsilon Fraternity Alumni Board v. Illinois State Institute of Technology***, a fraternity sought to enjoin the Illinois Institute of Technology from implementing a new housing policy. This policy required first-semester students who breached their residence hall contracts by moving into a fraternity or sorority house early in the first semester to fulfill 100% of their first-semester financial obligation to the residence hall. The Institute adduced evidence in the trial court that this policy change was made for financial purposes and also due to a concern that students were “making a major decision to live in a fraternity house within one or two days of starting college.” The plaintiff Greek organizations, however, relying on a 1964 agreement and citing significant financial injury allegedly flowing from the new policy, obtained a preliminary injunction at the trial court level. On appeal, the Court reversed and vacated the injunction. The Court’s decision was premised primarily upon the adequacy of monetary damages and ripeness issues, but the Court also noted that, “[i]n general, Illinois courts do not intervene in a private



institution's right "to enforce reasonable regulations for the proper conduct of the school." Ultimately, the Court thus found that the Institute's "administrative decisions for the conduct of its institution were not appropriate for judicial intervention."

The Appellate Court decisions in *Seitz-Partridge* and *Sigma Phi Epsilon* are consistent with a substantial line of Illinois decisions, as well as decisions from the U.S. Supreme Court and other jurisdictions, that strictly limit judicial review of the decisions of private academic institutions. The Appellate Court rulings should prove useful to institutions of higher education seeking to defend against claims challenging academic—or, indeed, administrative—decisions that directly affect students.

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