

MEMORANDUM OF LAW

DATE: April 29, 1987

TO: Councilmember Judy McCarty
FROM: City Attorney
SUBJECT: Potential Discipline of Students for Off Campus
Activity

You have requested our view on whether San Diego State University could take disciplinary action against its students for conduct which occurred off campus.

As you can appreciate, this office cannot comment on the boundaries of legal authority exercised by an institution of the State of California. Sound principles of comity limit our advice to municipal versus state authority.

General legal principles hold, however, that enrollment in a state university creates a contract between student and state with two (2) implied conditions. One being that the student will not be arbitrarily disciplined and the second being that the student will be subject to reasonable rules and regulations. 61 Cal.Jur. Universities and Colleges . 130 (1980). While no California cases have been found precisely addressing the issue of off campus activity, the rules of other jurisdictions are reviewed in Annot., 28 A.L.R.4th, College Student Off Campus Misconduct, 463 (1984).

With these general principles stated, we must defer to the state institution.

JOHN W. WITT, City Attorney

By

Ted Bromfield

Chief Deputy City Attorney

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