

Student Disciplinary Process vs. Criminal Justice Processes

Students accused of wrongdoing sometimes face consequences in two realms: 1) the student disciplinary system, and 2) the criminal justice system. This can cause understandable confusion. What follows is an attempt to help students, families and attorneys better understand the differences between these two separate systems.

NOTE: *Double jeopardy* is a legal term that prohibits a criminal defendant from being tried twice in a court of law for the same crime based on the same set of facts. Because the University does not prosecute criminal offenses, but rather enforces University regulations, double jeopardy does not apply.

Major Differences

The Student Disciplinary Process ...

- 1) is designed to balance *freedom* and *order* while supporting a positive learning environment, and active, responsible citizenship.
- 2) enforces University regulations¹.
- 3) employs appropriate due process² guidelines outlined in [Spartan Life](#).
- 4) is intended to promote a consensus while searching for the truth.
- 5) uses a “preponderance of the evidence” standard.
- 6) expects that accused students will speak for themselves as an active participant in their own learning.
- 7) results in private records protected by federal law (FERPA).

The Criminal Justice System ...

- 1) is designed to convict and punish the guilty as form of deterring future criminal behavior, while protecting the innocent from unjust punishment.
- 2) enforces the law.
- 3) employs the due process guidelines established for criminal courts.
- 4) is intended to be adversarial, with a winning and a losing side.
- 5) uses a “beyond reasonable doubt” standard.
- 6) expects that an attorney will speak for the accused, and only rarely will the accused speak for his or herself.
- 7) results in records that are generally accessible to the public.

¹ Students enroll at MSU with the explicit understanding that they will abide by the University’s rules, regulations, and policies, and violating these can result in a loss of the privilege of attending MSU.

² For case law background, see [Matthews v. Eldridge](#) (1976), [Dixon v. Alabama](#) (1961), [Esteban v. Central Missouri State College](#), and the 1975 U.S. Supreme Court decision in [Goss v. Lopez](#), 419 U.S. 565