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JUSTICE

Supreme Court Chambers

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RE: Letter Decision - Scott McConnell v. LeMoyne College
Index # 05-4652

Dear Counselors:

Petitioner brings this Article 78 proceeding seeking judgment declaring that respondent LeMoyne College abused its discretion and failed to follow its own rules in dismissing petitioner from the LeMoyne Teaching Program; ordering LeMoyne College to immediately reinstate petitioner as a graduate student and enjoining respondent from retaliating against petitioner after such reinstatement.

The academic and administrative decisions of educational institutions involve the exercise of subjective professional judgment. Therefore, public policy compels a restraint which removes such determinations from judicial scrutiny (*Gertler v Goodgold*, 107 AD2d 481[1st Dept 1985], *aff'd* 66 NY2d 946 [1985]).

This public policy is grounded in the view that, in matters wholly internal, these institutions are peculiarly capable of making the decisions which are appropriate and necessary to their continued existence (Id.).

This is not to say however that the academic and administrative decisions of an institution of higher learning are beyond all judicial review. Thus, the judgment of professional educators is subject to judicial scrutiny to the extent that appropriate inquiry may be made to determine whether they abided by their own rules, and whether they have acted in good faith or their action was arbitrary or irrational (*Tedeschi v Wagner College*, 49 NY2d 652, 658 [1980]).

This matter involves a denial of full matriculated graduate student status to the petitioner through withdrawal or revocation of petitioner's "conditional acceptance" to the college. The court finds this to be an admissions determination uniquely within the professional judgment of those involved in the day-to-day implementation of the educational policies and academic oversight of this educational institution. The courts of this state have been meticulous in not making judgments as to the validity of broad educational policies and to exercise restraint in making the determination to sit in review of the day-to-day implementation of those educational policies. Petitioner has provided the court with no legal authority that a college admissions decision may properly become the subject of judicial review under these circumstances.

In light of the foregoing, the petitioner's application for a preliminary injunction is denied and the petition is dismissed in its entirety. This constitutes the decision of the court. Respondent's counsel to submit proposed Order and Judgment on notice.

Sincerely,

A handwritten signature in cursive script that reads "Edward D. Carni".

Edward D. Carni
Supreme Court Justice
EDC/eg