

SUPREME COURT OF THE UNITED STATES

Board of Regents of State Colleges v. Roth

408 U.S. 564 (1972) · No. No. 71-162 · Decided June 29, 1972

SUMMARY

The Supreme Court held that a nontenured public university professor hired for a fixed one-year term had no constitutional right to a statement of reasons or a hearing when the university declined to rehire him. Because the appointment created no legitimate claim of entitlement to future employment and the nonrenewal did not implicate a protected liberty interest on the record presented, procedural due process did not apply. The Court reversed and remanded, while noting that the professor’s separate First Amendment retaliation claim remained unresolved.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                   |
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| COURT                 | Supreme Court of the United States                                                                                                                                                                                                                                                                                                                                                                |
| WRITING FOR THE COURT | Justice Stewart; Chief Justice Burger; Justice Douglas; Justice Brennan; Justice White; Justice Marshall; Justice Blackmun                                                                                                                                                                                                                                                                        |
| JURISDICTION          | Federal                                                                                                                                                                                                                                                                                                                                                                                           |
| DECIDED               | June 29, 1972                                                                                                                                                                                                                                                                                                                                                                                     |
| DOCKET                | No. 71-162                                                                                                                                                                                                                                                                                                                                                                                        |
| PROCEDURAL POSTURE    | Roth brought a federal action alleging that the nonrenewal of his public university teaching appointment violated the First and Fourteenth Amendments. The District Court granted him partial summary judgment on his procedural due process claim and ordered the University officials to provide reasons and a hearing. The Seventh Circuit affirmed, and the Supreme Court granted certiorari. |
| STANDARD OF REVIEW    | Review of summary judgment; whether the undisputed circumstances established a constitutionally protected liberty or property interest triggering procedural due process.                                                                                                                                                                                                                         |
| PARTIES               | Board of Regents of State Colleges et al. v. David Roth                                                                                                                                                                                                                                                                                                                                           |

QUESTIONS PRESENTED

1. Whether a nontenured public university teacher whose fixed-term appointment expires, and whose governing law provides no entitlement to renewal, has a Fourteenth Amendment property interest in reemployment requiring notice and a hearing.

2. Whether the nonrenewal of Roth's appointment, without a charge of wrongdoing or a state-imposed disability foreclosing other employment, deprived him of a liberty interest requiring procedural due process.
3. Whether the Court should decide Roth's separate allegation that the nonrenewal was retaliatory for protected speech at this stage of the proceedings.

## **HOLDINGS**

1. A person has a constitutionally protected property interest only when existing rules or understandings from an independent source, such as state law, create a legitimate claim of entitlement to the benefit. Roth's fixed-term appointment and applicable Wisconsin law created no entitlement to reemployment, so its nonrenewal did not implicate a protected property interest.
2. The nonrenewal of Roth's appointment did not deprive him of a protected liberty interest because the State made no charge damaging his reputation and imposed no stigma or disability foreclosing his freedom to pursue other employment.
3. The Court did not decide whether Roth's nonrenewal was retaliation for protected speech because that issue had been stayed below and Roth had not yet established that the decision was based on his speech activities.

## **FACTUAL BACKGROUND**

David Roth was hired as an assistant professor at Wisconsin State University-Oshkosh for a fixed one-year academic appointment running from September 1, 1968, through June 30, 1969. He completed the appointment but was informed before February 1, 1969, that he would not be rehired for the next academic year. Wisconsin law and university rules gave nontenured teachers no entitlement to reemployment and no right to reasons or a hearing for nonretention. Roth also alleged that the nonrenewal was retaliation for statements critical of the university, but that First Amendment claim had not yet been adjudicated.

## **PROCEDURAL HISTORY**

Roth was not rehired after completing a one-year, nontenured appointment. The District Court granted partial summary judgment requiring reasons and a hearing on the nonrenewal; the Seventh Circuit affirmed. The Supreme Court reversed and remanded for further proceedings, holding that Roth had not shown deprivation of a liberty or property interest protected by the Fourteenth Amendment.

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