January 2007 (#'s 555 & 556)

Legal Update For Community Colleges
January 2007

Johnny R. Purvis*

West's Education Law Reporter
November 2, 2006 – Vol. 212 No. 2 (Pages 553 – 940)
November 16, 2006 – Vol. 213 No. 1 (Pages 1 – 317)

Terry James, Chair of the Department of Leadership Studies
Jack Klotz, Program Coordinator of Leadership Studies
Shelly Albritton, Technology Coordinator
Wm. Leewer, Jr. Editor, Mississippi State University
Safe, Orderly, and Productive School Institute
Department of Leadership Studies
University of Central Arkansas
201 Donaghey Avenue
316 Torreyson West
Conway, AR 72035
*Phone: 501-450-5258 (office)

The **Legal Update For Community Colleges** is a monthly update of selected significant court cases pertaining to post-secondary institutions. It is written by Johnny R. Purvis for the **Safe, Orderly, and Productive School Institute** located in the Department of Leadership Studies at the University of Central Arkansas. If you have any questions or comments about these cases and their potential ramifications, please phone Johnny R. Purvis at **501-450-5258**. In addition, feel free to contact Purvis regarding educational legal concerns; school safety and security issues; crisis management; student discipline/management issues; and concerns pertaining to gangs, cults, and alternative beliefs.

Topics:

- Abuse and Harassment
- Civil Rights
- Labor and Employment

Topics

Abuse and Harassment:

"Black Student Failed To Establish a Hostile Educational Environment"
Qualls v. Cunningham (C. A. 7 {Ill.}, 183 Fed. App. 564), May 26, 2006.

Plaintiff, a former student at Northern Illinois University, sued the university under Title VI of the Civil Rights Act of 1964. He alleged that university officials were deliberately indifferent to the existence of a racially hostile educational environment that caused him to receive poor grades and ultimately resulted in his academic dismissal. He was the Public Relations Officer for the campus chapter of the NAACP. In that capacity, he wrote several letters about racial profiling to the editor of the student newspaper pertaining to a black campus police officer allegedly terminated for complaining about his fellow officers' discriminatory treatment of black students. Because of his position and related experiences, plaintiff was fearful of the police. The United States Court of Appeals, Seventh Circuit, held that: (1) student **failed** to establish a hostile educational environment under Title VI; and (2) student **failed** to support his claim of retaliation.

Civil Rights:

"University Could Not Enforce Gender Discrimination Against Male Jewish Fraternity"
Chi Iota Colony of Alpha Epsilon PI Fraternity v. City University of New York (E. D. N. Y., 443 F. Supp. 2d 374), August 11, 2006.

All male Jewish fraternity sued university claiming that university policy of withholding official recognition of organizations that engaged in gender discrimination violated constitutional rights of its members. Fraternity moved for preliminary injunction requiring recognition. A United States district court in New York stated: (1) fraternity **satisfied clear likelihood of prevailing** on merits requirement for claim that policy violated First Amendment intimate associational rights of fraternity; (2) equal protection rights violation was **not** shown; and (3) Title IX violation was **not** shown.

"College Barred Instructor From Expressing Her Beliefs On Homosexuality In Class"
Piggee v. Carl Sandburg College (C. A. 7 {Ill.}, 464 F. 3d 667), September 19, 2006.

Former part-time instructor of cosmetology at public community college gave a gay student in her class two religious pamphlets on the sinfulness of homosexuality. The student was offended and complained to college officials. After the college looked into the matter, it determined that plaintiff had sexually harassed the student. College officials admonished her in a letter to cease such behavior; and the following semester, the college chose not retain her services. The United States Court of Appeals, Seventh Circuit, held that: (1) college **had right** to insist that instructor refrain from engaging in speech related to her religious beliefs regarding homosexuality; (2) instructor **lacked standing** to seek injunction against college's action instructing her to refrain from engaging in speech related to her religious beliefs; and (3) college's sexual harassment policy **was <u>not</u>** an unconstitutional prior restraint on speech.

<u>Labor and Employment:</u>

"Bilingual Employee Told to Not to Speak Spanish to Fellow Employees"
Rivera v. College of DuPage (N. D. Ill., 445 F. Supp. 2d 924), July 25, 2006.

Employee of an Illinois college brought two-count complaint against his employer alleging national origin discrimination because of its "English only rule" and retaliatory reprisals by his immediate supervisor. Plaintiff, who is bilingual, filed the complaint alleging that his immediate supervisor instructed him on five occasions during a five-month period not to speak Spanish to his fellow employees. A Untied States district court in Illinois held that: (1) the eight times plaintiff's supervisors instructed him not to speak Spanish to his fellow employees did **<u>not</u>** constitute an "English only rule"; (2) employee did **<u>not</u>** suffer any materially adverse employment action that would support discrimination claim; and (3) discriminatory conduct was **<u>not</u>** sufficiently severe or pervasive to rise to level of hostile work environment. **Note:** Evidence in the case indicated plaintiff was employed in the department of buildings and grounds, due to the fact he operated mowing machines and did repair work on various pieces of equipment. His supervisor did discuss with him several areas in which he needed to improve his job performance, but did not in anyway threaten him with reduced status in his job, nor possible termination. However, she did "flip her middle finger" at him on one occasion and whispered to him that he was a "fucking asshole".

<u>Note:</u> Johnny R. Purvis is currently a professor in the Department of Leadership Studies at the University of Central Arkansas. He retired (30.5 years) as a professor, Director of the Education Service Center, Executive Director of the Southern Education Consortium, and Director of the Mississippi Safe School Center at the University of Southern Mississippi. Additionally, he serves as a law enforcement officer in both Arkansas and Mississippi. He can be reached at the following phone numbers: 501-450-5258 (office) and 601-310-4559 (cell).

February-March 2007 (#'s 557 & 558)

Legal Update For Community Colleges
February-March 2007

Johnny R. Purvis*

West's Education Law Reporter
November 30, 2006 – Vol. 213 No. 2 (Pages 319 – 908)
December 14, 2006 – Vol. 213 No. 3 (Pages 909 – 1242)

Terry James, Chair of the Department of Leadership Studies
Jack Klotz, Program Coordinator of Leadership Studies
Shelly Albritton, Technology Coordinator
Wm. Leewer, Jr. Editor, Mississippi State University
Safe, Orderly, and Productive School Institute
Department of Leadership Studies
University of Central Arkansas
201 Donaghey Avenue
316 Torreyson West
Conway, AR 72035
*Phone: 501-450-5258 (office)

The **Legal Update For Community Colleges** is a monthly update of selected significant court cases pertaining to post-secondary institutions. It is written by Johnny R. Purvis for the **Safe, Orderly, and Productive School Institute** located in the Department of Leadership Studies at the University of Central Arkansas. If you have any questions or comments about these cases and their potential ramifications, please phone Johnny R. Purvis at **501-450-5258**. In addition, feel free to contact Purvis regarding educational legal concerns; school safety and security issues; crisis management; student discipline/management issues; and concerns pertaining to gangs, cults, and alternative beliefs.

Topics:

- Civil Rights
- Labor and Employment
- Security
- Torts

Topics

Civil Rights:

"Search of Student's Dorm Room Violated Fourth Amendment"
People v. Superior Court (Cal. App. 6 Dist., 49 Cal. Rptr. 3d 831), October 11, 2006.

Santa Clara University Campus Safety Service Officer (not a certified police officer) was conducting a routine bicycle patrol of the campus when he observed defendant smoking marijuana outside of his dormitory. When the safety officer asked the student what he was doing, he stated that he was smoking a blunt (a small cigar stuffed with marijuana). He further stated that it was the only one he had; but he had more marijuana in his dorm room that was for medical use. Thereupon, the defendant invited the safety officer to come to his dorm room to look at his marijuana and his medical marijuana use card. Upon arrival to the student's dorm room, the safety officer was shown two sandwich sized bags full of marijuana and a wad of cash containing $1,800. In addition, the safety service officer found two more sandwich size bags full of marijuana beneath a bunch of dirty clothes in the defendant's closet. Santa Clara Police Department was called, and two of their officers were dispatched to the defendant's dorm room. Upon arrival to the defendant's dorm room, the officers asked the university safety officer if he had received consent to search the room. The university safety officer stated that he had received consent; but it was not necessary because of the waiver the defendant had signed in his residence housing contract. Afterward, the officers enter the defendant's dorm room. The police officers claimed they were able to enter the defendant's dorm room because they had valid third-party consent from the university's safety officer. A California court of appeals held that: (1) Student's dormitory room **was protected** by the Fourth Amendment and could not be searched by police without a valid search warrant; (2) University's housing contract did not waiver Fourth Amendment rights because the agreement was akin to a landlord-tenant relationship; (3) University safety officer could not consent to a search of a student's dorm room; and (4) evidence **was admissible** under "inevitable discovery doctrine" (The purpose of the "inevitable discovery rule" is to prevent the setting aside of convictions that would have been obtained without police misconduct. The "inevitable discovery rule" applied in this case because the officers were able to observe a large quantity of what they knew to be marijuana in plastic baggies and cash on the student desk from their vantage point just outside the defendant's dorm room door.)

Labor and Employment:

"College President's Statement Not Evidence of Race or Age Discrimination"
Kincaid v. Board of Trustees (C. A. 11 {Ala.}, 188 Fed. App. 810), June 27, 2006.

Sixty-six-year-old white male staff member (co-op coordinator and counselor) of a historically black college (Stillman College), who had been terminated brought action against college for race and age discrimination. The United States Court of Appeals, Eleventh Circuit, held that: (1) Statements by president and vice-president of a historically black college, indicating that they wanted the faculty to resemble the student body, did **not** constitute direct evidence of race or age discrimination; and (2) Allegations that plaintiff was transferred as part of a plan to terminate him and that he was given poor evaluations to justify the dismissal **were insufficient** to raise an inference of pretext in race and age discrimination because the employee had been receiving declining evaluations before the transfer, and his previous supervisor repeatedly noted his need to increase proficiency with computers.

Security:

University of Utah Forbidden from Prohibiting Enforcement of Its Policy Pertaining to Firearms"
University of Utah v. Shurtleff (Utah, 144 P. 3d 1109), September 8, 2006.

University of Utah sued the State Attorney General in state court, seeking a declaration that its firearms policy was contrary to neither Utah's Uniform Firearms Act, nor Utah's Concealed Weapon Act. The university's policy prohibited students, faculty, and staff from carrying or possessing firearms on campus and while conducting university business off campus. The Supreme Court of Utah held that: (1) University's firearms policy, prohibiting its students, faculty, and staff from possessing firearms on campus was not legislative in nature; (2) University does **not** possess autonomous powers that allow it to act in transgression of legislative enactments; and (3) Utah's Constitution does **not** grant the university to promulgate firearms policies in contravention (violation) of legislative enactments.

Torts:

"Student Injured In Welding Accident Entitled to Five Million Dollars"
Lei v. City University of New York (N. Y. A. D. 1 Dept., 823 N. Y. S. 2d 129), October 19, 2006.

Student, who sustained serious burns while sculpting with an oxyacetylene torch in city university's metal lab, brought personal injury action against university. The New York Supreme Court, Appellate Division, First Department, stated that an award of $5 million for past and future pain and suffering to city university student, who sustained serious burns while sculpting with an oxyacetylene torch in university's lab, was **not excessive**. As a result of his injuries, the student endured seven operations and numerous painful treatments; required extensive physical therapy; sustained permanent significant scarring to his upper torso, neck, lower jaw and left hand, which is gnarled and his diminished grip strength. In addition, he developed serious psychological problems, many of them permanent, including elements of post-traumatic stress disorder and severe depression. **Note:** The court established that the university deviated from good and accepted safety practices by allowing plaintiff (an undergraduate student) to weld with such dangerous equipment alone, without the presence of a fire watcher and without proper protective outerwear. Furthermore, it is undisputed that defendant issued no written guidelines setting forth safety procedures for students to follow when working with dangerous machinery and instead **left** the matter of safety procedures entirely to the class instructor. While leather aprons were available to the sculpting students, their use while welding was not mandated.

Note: Johnny R. Purvis is currently a professor in the Department of Leadership Studies at the University of Central Arkansas. He retired (30.5 years) as a professor, Director of the Education Service Center, Executive Director of the Southern Education Consortium, and Director of the Mississippi Safe School Center at the University of Southern Mississippi. Additionally, he serves as a law enforcement officer in both Arkansas and Mississippi. He can be reached at the following phone numbers: 501-450-5258 (office) and 601-310-4559 (cell).

April 2007 (#'s 559 & 560)

Legal Update for Community Colleges
April 2007

Johnny R. Purvis*

West's Education Law Reporter
December 26, 2006 – Vol. 214 No. 1 (Pages 1 – 443)
January 11, 2007 – Vol. 214 No. 2 (Pages 445 – 892)

Terry James, Chair of the Department of Leadership Studies
Jack Klotz, Program Coordinator of Leadership Studies
Shelly Albritton, Technology Coordinator
Wm. Leewer, Jr. Editor, Mississippi State University
Safe, Orderly, and Productive School Institute
Department of Leadership Studies
University of Central Arkansas
201 Donaghey Avenue
316 Torreyson West
Conway, AR 72035
*Phone: 501-450-5258 (office)

The **Legal Update For Community Colleges** is a monthly update of selected significant court cases pertaining to post-secondary institutions. It is written by Johnny R. Purvis for the **Safe, Orderly, and Productive School Institute** located in the Department of Leadership Studies at the University of Central Arkansas. If you have any questions or comments about these cases and their potential ramifications, please phone Johnny R. Purvis at **501-450-5258**. In addition, feel free to contact Purvis regarding educational legal concerns; school safety and security issues; crisis management; student discipline/management issues; and concerns pertaining to gangs, cults, and alternative beliefs.

Topics:

- Labor and Employment

Topics

Labor and Employment:

"Employee's Speech About Inaccuracies and Fraud Was Not A Matter of Public Concern"
U. S. ex rel. Battle v. Board of Regents for Georgia (C. A. 11 {Ga.}, 468 F. 3d 755), October 25, 2006.

Employee in the Office of Financial Aid and Veterans Affairs (OFA) at Fort Valley State University (FVSU) filed suit against the university officials and the Board of Regents after her contract was not renewed. Plaintiff alleged that she was discharged in violation of her First Amendment rights for reporting her concerns about fraud and officials knowingly submitted false or fraudulent claims to the United States in violation of the False Claims Act (FCA). The United States Court of Appeals, Eleventh Circuit, upheld the United States District Court for the Northern District of Georgia decision which stated that employee's speech to university officials about inaccuracies and signs of fraud in student files was made pursuant to her official responsibilities, and was **not** on a "matter of public concern".

A very brief background on this case is in order for understanding the courts ruling: Plaintiff was employed in the OFA between 1987 and 1998. While working as a work study supervisor and veterans' affairs counselor, she begin to observe and document what she believed were fraudulent practices in the Federal Work Study Program. Employee took notes and made copies of suspicious documents which she stored in a safe deposit box at home. She eventually took her concerns to the OFA director; but the director dismissed plaintiff's concerns and made no corrections. A short time thereafter, she met with the university president and told him that the director was falsifying information, awarding financial aid to ineligible recipients, making excessive awards, and forging documents. The university president said nothing to plaintiff and took no remedial steps. On May 25, 1998, plaintiff received a letter indicating that her contract would not be renewed effective June 30, 1998. Plaintiff never spoke to anyone outside of the university. However, a month after receiving her nonrenewal notice she met with Department of Education (DOE) officials and provided 61 pages of documents showing potential fraud and a 32 page analysis of student files. Eventually, the university reached a $2,167,941 settlement with the DOE. The OFA director was transferred out of the OFA and resigned in May 2000.

The following represents the rationale behind the United States Court of Appeals, Eleventh Circuit's ruling: (1) For public employees to sustain a claim of retaliation for protected speech under the First Amendment, employees must demonstrate by a preponderance of evidence that (A) employee's speech is a matter of public concern; (B) employee's First Amendment interest in engaging in speech outweighs employer's interest in prohibiting speech to promote efficiency of public services it performs through its employees; and (C) employee's speech played a substantial part in employer's decision to demote or discharge employee. Once employee succeeds in showing these aforementioned factors, the burden then shifts to employer to show, by a preponderance of evidence, that it would have reached the same decision even in absence of protected conduct. (2) The First Amendment of the United States Constitution protects speech on matters of public concern made by a government employee speaking as a citizen, not as an employee fulfilling official responsibilities.

"Columbia University Department of Public Safety Terminated for Stealing From Petty Cash Fund"

Crews v. Trustees of Columbia University in City of New York (S. D. N. Y., 452 F. Supp. 2d 504), September 29, 2006.

Crews (plaintiff) began his employment in Columbia University's Department of Public Safety in 1989 as a sergeant in the department. His duties consisted of patrolling the interior and exterior of the campus, plus, supervising approximately 35 security personnel and nine student aids. Later he was promoted to captain and finally to Manager of Operations for the department. As Manager of Operations, he was responsible for a $2,000 petty cask allotment which he has to maintain, distribute, and reconcile. When a department member needed money for departmental business, s/he would complete a voucher, Crews would review the voucher, dispense the funds, and maintain receipts. Plaintiff was the only person who could dispense money from the petty cash fund, and was the only individual in the department who has a key to the petty cash box. On March 26, 2002, it was ascertained that the parking revenue receipts and vouchers did not reconcile; and money was missing from the department's safe. Crews admitted taking approximately $960 in cash along, with cash from envelopes which contained parking ticket money. However, he did promise to return all monies, which he did on April 8, 2002. Shortly thereafter, his employment was terminated. Upon his termination, plaintiff alleged he was terminated on the basis of his gender, retaliation for complaints about gender discrimination, thereby subjecting him to disparate (unequal) treatment. The United States District Court, S. D. New York, stated that: (1) Employee **failed** to establish a prima facie case (production of enough evidence) of discriminatory termination; (2) employee **failed** to establish prima facie case of retaliatory termination; and (3) university **proffered (presented) reason** for employee's termination (His admitted theft was legitimate, nondiscriminatory, non-retaliatory, and was not demonstrated to be pre-textual.)

"Terminated Campus Police Officer Failed To Establish a Case of Discrimination"
Payton v. City University of New York (S. D. N. Y., 453 F. Supp. 2d 775), September 28, 2006.

African-American probationary campus peace officer for community college **failed** to establish prima facie case that he was subjected to a racially hostile work environment, *absent evidence* his work environment was permeated with discriminatory intimidation, ridicule, and insult that was so severe or pervasive as to alter the conditions of his employment, or that any of the alleged conduct occurred because of his race. Names such as "moose" and "weasel" were not directed at him and did *not* have a racial connotation. Allegations that training director threatened to shoot trainees and his comments of being "dirty" and having a weapon were directed broadly to class and had *no* racial element. Additionally, the request of the director to see plaintiff's injured leg, who had seen plaintiff running from college to public transportation at the time he was supposedly not able to take part in running and physical fitness aspect of training, was not discriminatory.

Note: Johnny R. Purvis is currently a professor in the Department of Leadership Studies at the University of Central Arkansas. He retired (30.5 years) as a professor, Director of the Education Service Center, Executive Director of the Southern Education Consortium, and Director of the Mississippi Safe School Center at the University of Southern Mississippi. Additionally, he serves as a law enforcement officer in both Arkansas and Mississippi. He can be reached at the following **phone numbers**: 501-450-5258 (office) and 601-310-4559 (cell).

July 2007 (#'s 543 & 544)

Legal Update for Community Colleges
July 2007

Johnny R. Purvis*

West's Education Law Reporter
February 22, 2006 – Vol. 215 No. 2 (Pages 203 – 504)
March 8, 2007 – Vol. 215 No. 3 (Pages 505 – 1287)

Terry James, Chair of the Department of Leadership Studies
Jack Klotz, Program Coordinator of Leadership Studies
Shelly Albritton, Technology Coordinator
Wm. Leewer, Jr. Editor, Mississippi State University
Safe, Orderly, and Productive School Institute
Department of Leadership Studies
University of Central Arkansas
201 Donaghey Avenue
316 Torreyson West
Conway, AR 72035
*Phone: 501-450-5258 (office)

The **Legal Update For Community Colleges** is a monthly update of selected significant court cases pertaining to post-secondary institutions. It is written by Johnny R. Purvis for the **Safe, Orderly, and Productive School Institute** located in the Department of Leadership Studies at the University of Central Arkansas. If you have any questions or comments about these cases and their potential ramifications, please phone Johnny R. Purvis at **501-450-5258**. In addition, feel free to contact Purvis regarding educational legal concerns; school safety and security issues; crisis management; student discipline/management issues; and concerns pertaining to gangs, cults, and alternative beliefs.

Topics:

- Civil Rights
- Student Discipline

Topics

Civil Rights:

"Department Chair's Laptop Computer Seized by University Officials"
Soderstrand v. Oklahoma, ex rel. Bd. of Regents of Oklahoma Agr. and Mechanical College (W. D. Okla., 463 F. Supp. 2d 1308), November 22, 2006.

An employee at Oklahoma State University (OSU) found child pornography in a lock box in a storage room which was part of a faculty officer complex in the College of Engineering, Architecture and Technology at OSU. The employee identified the owner of the lock box as Dr. Michael Soderstrand, whose private office was located next to the storage room where the lock box was found. At the time of the incident, Soderstrand was employed by OSU as the Department head of the School of Electrical and Computer Engineering. Two computing security specialist for the OSU Computing Information Services went to the plaintiff's office and seized his personal laptop computer without his consent or search warrant. At the time of the time of the seizure, the laptop was on and running. The screen showed Lotus Notes, which was the university supported email client at the time and the screen showed various spreadsheets which appeared to contain office records. After reviewing the contents of the laptop, the laptop was held and retained by the OSU police department. The United States District Court, W. D. Oklahoma, held that the seizure and search of plaintiff's personal laptop **was justified at its inception** and reasonably related to the circumstances which justified the search, as required for **permissible intrusion** on constitutionally protected privacy interests of a government employee. The search **was to investigate work-related misconduct** involving possible child pornography stored on computers located in the department head's office. Furthermore, the laptop was open, on and running, with a university supported e-mail program on the screen.

Student Discipline:

Board of Regents of University System of Georgia v. Houston (Ga. App., 638 S. E. 2d 750), October 3, 2006.

Plaintiff was enrolled as a full-time student and varsity football player at the Georgia Institute of Technology ("Georgia Tech") until June 22, 2005. After learning that plaintiff has been arrested and charged with the federal crime of conspiracy to distribute marijuana, school administrators imposed an interim disciplinary suspension against him on grounds pertaining to campus safety. On August 24, 2005, Georgia Tech lifted the interim suspension and allowed plaintiff to attend classes for the 2005 fall semester (no participation in extra-curricular activities), pending a hearing. Student received a hearing on August 30, 2005, before Georgia Tech's Undergraduate Judiciary Cabinet ("UJC"). There he was given an opportunity to present his case; and during the hearing, he admitted making a telephone call in an attempt to arrange a marijuana sale between two acquaintances. The UJC voted to suspend student based on his decision "to intentionally aid in the potential trafficking of drugs." Both the Georgia Tech's Student Grievance and Appeals Committee and Vice President for Student Affairs concurred the decision to suspend plaintiff through the end of the 2006 spring semester. The Court of Appeals of Georgia stated that the student **suffered no deprivation of constitutional or statutory rights**, and there was **no right** to participate in extracurricular sports.

Note: Johnny R. Purvis is currently a professor in the Department of Leadership Studies at the University of Central Arkansas. He retired (30.5 years) as a professor, Director of the Education Service Center, Executive Director of the Southern Education Consortium, and Director of the Mississippi Safe School Center at the University of Southern Mississippi. Additionally, he serves as a law enforcement officer in both Arkansas and Mississippi. He can be reached at the following **phone numbers**: 501-450-5258 (office) and 601-310-4559 (cell).

August 2007 (#'s 545 & 546)

Legal Update for Community Colleges
August 2007

Johnny R. Purvis*

West's Education Law Reporter
March 22, 2007 – Vol. 216 No. 1 (Pages 1 – 292)
April 5, 2007 – Vol. 216 No. 2 (Pages 293 – 806)

Terry James, Chair of the Department of Leadership Studies
Jack Klotz, Program Coordinator of Leadership Studies
Shelly Albritton, Technology Coordinator
Wm. Leewer, Jr. Editor, Mississippi State University
Safe, Orderly, and Productive School Institute
Department of Leadership Studies
University of Central Arkansas
201 Donaghey Avenue
316 Torreyson West
Conway, AR 72035
*Phone: 501-450-5258 (office)

The **Legal Update For Community Colleges** is a monthly update of selected significant court cases pertaining to post-secondary institutions. It is written by Johnny R. Purvis for the **Safe, Orderly, and Productive School Institute** located in the Department of Leadership Studies at the University of Central Arkansas. If you have any questions or comments about these cases and their potential ramifications, please phone Johnny R. Purvis at **501-450-5258**. In addition, feel free to contact Purvis regarding educational legal concerns; school safety and security issues; crisis management; student discipline/management issues; and concerns pertaining to gangs, cults, and alternative beliefs.

Topics:

- Civil Rights
- Security

Topics

Civil Rights:

"University Policy Prohibiting All Solicitations on Its Library Lawn *Comported* With The First Amendment"
Gilles v. Blanchard (C. A. 7 {Ind.}, 477 F. 3d 466), February 14, 2007.

Vincennes University, the oldest institution of higher education in Indiana (founded in 1806) enrolls approximately 5,000 full time undergraduate students. A public institution from its inception, the university prohibits any speakers not invited by members of the university community. Furthermore, Vincennes University prohibits all "solicitations" on its library lawn (lawn next to the library), which is located in the middle of the campus. James Gilles ("Brother Jim" - a traveling evangelist) entered the campus uninvited, and walked to the library lawn and begin preaching. Thereupon a disturbance and confrontation occurred between him and nearby students. The confrontation intensified when the preacher call students whoremongers and drunkards. Campus police believed that the evangelist was in danger, and asked him to leave the campus. He complied and later filed suit against the university for violating his First Amendment rights. The United States Court of Appeals, Seventh Circuit, ruled that the university's policy prohibiting all "solicitations" on its library lawn, although vague when applied to exclude itinerant preacher who did not seek to solicit contributions or listeners, still **agreed (comported)** with the First Amendment. University prohibited any speakers not invited by members of the university community, which was consistent with limiting university facilities to activities furthering interests of the university community. There was **no** showing of any uninvited outsider ever being permitted to use the library lawn for any purpose. **Note:** It is true that a public college or university that permits its open spaces to be used by some outsiders could not exclude others just because the institution's administration disapproved of their message. (Rosenberger v. Rector & Visitors of University of Virginia, 515 U. S. 819 {1995})

"University Did Not Violate Adjunct Faculty Member's Constitutional Rights"
Faculty Rights Coalition v. Shahrokhi (C. A. 5 {Tex.}, 204 Fed. App. 416), November 2, 2006.

Adjunct faculty member filed law suit against university for allegedly violating his First and Fourteenth Amendments in regard to his access to the university's e-mail accounts and retaliation against him for filing suit. The United States Court of Appeals, Fifth Circuit, held that: (1) University did **not** violate plaintiff's First Amendment rights by disallowing adjuncts access to e-mail accounts during semesters they did not teach. Restricting adjuncts' sending e-mails and implementing a spam filtering system were uniformly applied system-wide, and were not content based. Furthermore, there was no evidence that policies' goal was to suppress any viewpoint; policies were necessary to control quantity of data stored on system and to filter data coming into the system; (2) State university did **not** retaliate against adjunct faculty member by reducing his teaching load from three to two classes after he filed suit against it. University officials attempted to limit adjuncts' loads in order to reduce costs. In fact, nine of ten adjuncts received only two classes, and other adjuncts had greater seniority.

Security:

"College Not Liable For Student Being Punched By a Fellow Student"
Luina v. Katharine Gibbs School New York, Inc. (N. Y. A. D. 2 Dept., 830 N. Y. S. 2d 263), February 13, 2007.

The Supreme Court of New York, Appellate Division, Second Department, held that college was **not** liable for injury sustained by student when a fellow student punched him in the face during an altercation in their classroom before the start of class. College presented evidence that it did not breach any duty owed to the student, and that a single punch by classmate **was a sudden, unexpected, and unforeseeable act**.

"University Police Officer Had Probable Cause to Arrest Arrestee"
Black v. District of Columbia (D. D. C., 466 F. Supp.2d 177), December 20, 2006.

Plaintiff was arrested on February 21, 2006, by a Howard University police officer for violating a restraining order ("RO") that was filed against him by a bus driver who was employed by the university. While being arrested, plaintiff alleged that officer used excessive force; however, plaintiff was unable to state when the excessive force was used or identify the type of force used by the officer. The United States District Court, District of Columbia, held that university police officer **had probable cause** to arrest plaintiff on **a reasonable belief** that an offense had been committed by arrestee, and the RO had been violated by the plaintiff.

Note: Johnny R. Purvis is currently a professor in the Department of Leadership Studies at the University of Central Arkansas. He retired (30.5 years) as a professor, Director of the Education Service Center, Executive Director of the Southern Education Consortium, and Director of the Mississippi Safe School Center at the University of Southern Mississippi. Additionally, he serves as a law enforcement officer in both Arkansas and Mississippi. He can be reached at the following **phone numbers**: 501-450-5258 (office) and 601-310-4559 (cell).

September 2007 (#'s 547 & 548)

Legal Update for Community Colleges
September 2007

Johnny R. Purvis*

West's Education Law Reporter
April 19, 2007 – Vol. 216 No. 3 (Pages 1 807 – 1050)
May 3, 2007 – Vol. 217 No. 1 (Pages 1 – 767)

Terry James, Chair of the Department of Leadership Studies
Jack Klotz, Program Coordinator of Leadership Studies
Shelly Albritton, Technology Coordinator
Wm. Leewer, Jr. Editor, Mississippi State University
Safe, Orderly, and Productive School Institute
Department of Leadership Studies
University of Central Arkansas
201 Donaghey Avenue
316 Torreyson West
Conway, AR 72035
*Phone: 501-450-5258 (office)

The **Legal Update For Community Colleges** is a monthly update of selected significant court cases pertaining to post-secondary institutions. It is written by Johnny R. Purvis for the **Safe, Orderly, and Productive School Institute** located in the Department of Leadership Studies at the University of Central Arkansas. If you have any questions or comments about these cases and their potential ramifications, please phone Johnny R. Purvis at **501-450-5258**. In addition, feel free to contact Purvis regarding educational legal concerns; school safety and security issues; crisis management; student discipline/management issues; and concerns pertaining to gangs, cults, and alternative beliefs.

Topics:

- Civil Rights
- Evidence
- Textbooks and Curriculum

Topics

Civil Rights:

"Terminated University Police Officer Not Entitled to First Amendment Protection"
Bradley v. James (C. A. 8 {Ark.}, 479 F. 3d 536), March 2, 2007.

On Friday, February 6, 2004, police at the University of Arkansas Police Department (UCAPD) received a call reporting a man with a gun in Hughes Hall, a student dormitory. Captain Arch Bradley, the highest-ranking officer on duty, remained at the UCAPD station directly across the street from Hughes Hall while six UCAPD officers and a group of Conway Police Department officers responded. A resident of Hughes Hall telephoned his father and told him that police were running through the building with automatic weapons. The father, in turn, called UCAPD Chief Larry James at home about what was going on in Hughes Hall. Chief James called the police station, spoke to Bradley, and decided to come in. When James arrived on the scene, the situation had been resolved. Two students had been firing BB pistols at each other and had been arrested. Chief James asked Bradley why he had not gone over to Hughes Hall. Bradley told him he had too much paperwork to do, and added that if Chief James had asked him to go, he would have immediately done so. Chief James asked UCAPD's number-two officer, Major Glen Stacks, to conduct an investigation of the incident. Major Stacks met with Bradley and Bradley told him that Chief James arrived on the scene intoxicated and had disrupted the investigation. On February 27, 2004, Steve Wood, UCA's vice president for human resources, sent Bradley a letter stating, "Your inaction on February 6th and your unsubstantiated comments about Chief James are both terminable offenses." The letter offered Bradley the choice to retire or be fired. Bradley did not respond. On March 16, 2004, Chief James sent Bradley a letter, firing him for "deliberate or gross neglect of duty" during the Hughes Hall incident. Bradley filed suit, alleging age discrimination, Fourteenth Amendment violations, First Amendment violations, violation of Section 1983, and violation of state law. The United States Court of Appeals, Eighth Circuit, held that the plaintiff's statements **were made pursuant to his official capacity as an officer and related professional duties**. Therefore, he was **not** speaking as a citizen on a matter of public concern. Thus, his speech was **not entitled** to First Amendment protection for purposes under Section 1983.

Evidence:

"Suicide Note Not Admissible as a Dying Declaration"
Garza v. Delta Tau Delta Fraternity Nat. (La., 948 So. 2d 84), July 10, 2006.

Parents of suicide victim brought action against fraternity, victim's university, and other defendants, alleging that victim's death was proximately caused by the concomitant (accompanying) negligence of defendants relating to the rape and harassment of victim; the failure to properly supervise activities of fraternal organizations on campus; and the failure to prevent such torturous activities. Plaintiffs wanted the suicide victim's suicide note to be admissible in court as a "dying declaration" (A statement by a person who believes that death is imminent, relating to the cause or circumstances of the person's impending death; also termed a "deathbed declaration".) The Supreme Court of Louisiana declared that the suicide note explaining the reasons for victim's decision to take her own life was **not** admissible in wrongful death action, alleging that defendants' negligence proximately caused victim's death, even though victim hanged herself within a day of the note being written. Where deadly trauma by hanging was inflicted subsequent to the declaration, timing of death was totally within the victim's control. Statement that death was imminent was self-serving and lacking in any recognized motivation to tell the truth because victim retained the ability to draft a statement to her liking. Accusations of others contained in the note were tainted with possible motives of self-exoneration (self-absolution), and victim was not subjected to cross-examination.
Note: On April 9, 2001, Courtney Garza, a 21-year-old college student at Southeastern Louisiana University, took her own life by hanging at her parents' home in Baton Rouge, Louisiana. In the suicide note, Courtney stated that she had been thinking about suicide for months, having been constantly depressed. She also wrote of an account in which she had been out drinking at a local lounge and ended up at an off-campus house occupied by several fraternity members. She ended up in the bedroom of Paul Upshaw, where she was raped.

Textbooks and Curriculum:

LaFreniere v. Regents of University of California (C. A. 9 {Cal.}, 207 Fed. App. 783), November 15, 2006.

Plaintiff **failed** to state claim that state university violated the Establishment Clause of the First Amendment by offering by offering a curriculum that included religious studies classes. Plaintiff **failed** to allege facts supporting the conclusion that the course offerings at the university advanced a non-secular purpose; had the primary effect of advancing or inhibiting religion; and fostered an excessive government entanglement with religion.

Note: Johnny R. Purvis is currently a professor in the Department of Leadership Studies at the University of Central Arkansas. He retired (30.5 years) as a professor, Director of the Education Service Center, Executive Director of the Southern Education Consortium, and Director of the Mississippi Safe School Center at the University of Southern Mississippi. Additionally, he serves as a law enforcement officer in both Arkansas and Mississippi. He can be reached at the following **phone numbers**: 501-450-5258 (office) and 601-310-4559 (cell).

October 2007 (#'s 549 & 550)

Legal Update for Community Colleges
October 2007

Johnny R. Purvis*

West's Education Law Reporter
May 17, 2007 – Vol. 217 No. 2 (Pages 769 – 1045)
May 31, 2007 – Vol. 218 No. 1 (Pages 1 – 785)

Terry James, Chair of the Department of Leadership Studies
Jack Klotz, Program Coordinator of Leadership Studies
Shelly Albritton, Technology Coordinator
Wm. Leewer, Jr. Editor, Mississippi State University
Safe, Orderly, and Productive School Institute
Department of Leadership Studies
University of Central Arkansas
201 Donaghey Avenue
316 Torreyson West
Conway, AR 72035
*Phone: 501-450-5258 (office)

The **Legal Update For Community Colleges** is a monthly update of selected significant court cases pertaining to post-secondary institutions. It is written by Johnny R. Purvis for the **Safe, Orderly, and Productive School Institute** located in the Department of Leadership Studies at the University of Central Arkansas. If you have any questions or comments about these cases and their potential ramifications, please phone Johnny R. Purvis at **501-450-5258**. In addition, feel free to contact Purvis regarding educational legal concerns; school safety and security issues; crisis management; student discipline/management issues; and concerns pertaining to gangs, cults, and alternative beliefs.

Topics:

- Abuse and Harassment
- Property and Contracts
- Student Discipline

Topics

Abuse and Harassment:

"Female Student Raped By Two Football Players"
Ruegsegger v. Western N M University Bd. of Regents (N. M. App., 154 P. 3d 681), November 15, 2006.

Plaintiff was attending Western New Mexico University (WNMU) on an athletic scholarship in the spring of 2004. On April 13, 2004, plaintiff was allegedly raped by two WNMU football players. Plaintiff was dissatisfied with the ensuing investigation by WNMU, and on August 19, 2004, she filed a complaint against university for the intentional infliction of emotional distress, violation of Title IX, breach of contract, and breach of an implied covenant of good faith and fair dealing. Plaintiff alleged that WNMU officials breached their contractual obligations by deliberately failing to follow WNMU policies and procedures in investigating the sexual attack, failing to provide a school free from harassment and hostility, and failing to provide reasonable support for her following the assault. The Court of Appeals of New Mexico held that student's athletic scholarship agreements imposed **no** obligation on university to provide investigatory and support services. Scholarship agreement did obligate the university to provide student with scholarship assistance for her education if she maintained an acceptable academic performance, played basketball, and complied with university regulations. Furthermore, the university handbook did **not** constitute an implied contract to obligate the university to conduct any specific type of investigation, to provide support services, or to impose specific sanctions on offending students.

"Female Soccer Player Files Suit Under Title IX"
Jennings v. University of North Carolina (C. A. 4 {N. C.}, 482 F. 3d 686), April 9, 2007.

Melissa Jennings, a former student and soccer player at the University of North Carolina at Chapel Hill (UNC), claimed her soccer coach persistently and openly pried into and discussed the sex lives of his players and made sexually charged comments, thereby creating a hostile environment in the women's soccer program. According to the plaintiff, the coach would bombard players with crude questions and comments about players' sexual activities, comments about players' bodies, expressed his sexual fantasies about certain players, and made inappropriate sexual advances toward players. The United States Court of Appeals, Fourth Circuit remanded the case back to the United States District Court for the Middle District of North Carolina for additional proceedings and considerations. In so doing, the Court stated: (1) Coach's alleged action, if proven, ***constituted sexual harassment*** based on sex; (2) Coach's alleged behavior, if proven, ***was sufficiently severe or pervasive*** to constitute hostile or abusive environment; and (3) Player's alleged report to university's counsel, if proven, ***provided*** university officials ***with actual notice*** of a hostile environment. All of the aforementioned fall within purview of Title IX.

<u>Property and Contracts:</u>

"Parent Assumed Rick of Injury When Walking Across Parking Lot"
Morgan State University v. Walker (Md., 919 A. 2d 21), March 15, 2007.

Parent went to visit her daughter at Morgan State University (MSU) after a heavy snow storm, and after driving onto a snow and ice covered parking lot, walked across the ice, fell and fractured her leg. Prior to her fall, parent noticed the crunchy ice and snow, walked very slowly, held onto cars as she walked, and held onto railing as she walked up the steps to her daughter's dorm. The Court of Appeals of Maryland held that the plaintiff had knowledge that MSU's parking lot was covered with ice and snow. Therefore, parent **assumed the risk of her injuries** as a matter of law.

Student Discipline:

"Court Lacked Jurisdiction In Motion Against Fraternity"
Jackson State University v. Upsilon Epsilon Chapter of Omega Psi Phi Fraternity, Inc. (Miss., 952 So. 2d 184), March 22, 2007.

Two students (Kenneth Hair and Anthony Hales) "tackled" a third student (Ryan Mack), who was wielding a firearm. During the scuffle the firearm discharged, wounding a fourth student (Benjamin Hart). Hair and Hales were issued disorderly conduct citations and appeared before the Jackson State University (JSU) Student Life Disciplinary Committee. After a hearing, they were found guilty of disorderly conduct and were suspended from attending JSU. The fraternity to which Hair, Hales, and Hart belonged, Omega Psi Phi, was also cited for disorderly conduct under that part of JSU student manual which provides that, if a member of a fraternity "draws attention to the organization rather than to themselves as individuals," the fraternity may be found guilty of disorderly conduct. Omega Psi Phi was found guilty of disorderly conduct because Hair, Hales, and Hart, upset that Mack had spit on the Omega Psi Phi monument, followed Mack to the student union and instigated the altercation that resulted in the discharge of the weapon. Omega Psi Phi was suspended from participating in any fraternity activities on the JSU campus until the spring semester of 2009. Thereupon, the Omega Psi Phi fraternity sought to prohibit JSU from enforcing the decision of the disciplinary committee. The Circuit Court of Hinds County granted injunctive relief, based on allegations of denial of due process. The Supreme Court of Mississippi reversed and rendered the Circuit Court's decision by stating that the fraternity and its members **failed** to comply strictly with statutory appeal procedures by failing to file petition for writ of certiorari (to be more fully informed), and to post bond with security. Thus, the Circuit Court of Hinds County **lacked jurisdiction** to hear the case.

Note: Johnny R. Purvis is currently a professor in the Department of Leadership Studies at the University of Central Arkansas. He retired (30.5 years) as a professor, Director of the Education Service Center, Executive Director of the Southern Education Consortium, and Director of the Mississippi Safe School Center at the University of Southern Mississippi. Additionally, he serves as a law enforcement officer in both Arkansas and Mississippi. He can be reached at the following **phone numbers**: 501-450-5258 (office) and 601-310-4559 (cell).

Nov Dec 2007 (#'s 551, 552, & 553)

Legal Update for Community Colleges November/December 2007

Johnny R. Purvis*

West's Education Law Reporter
June 14, 2007 – Vol. 218 No. 2 (Pages 787 – 1010)
June 28, 2007 – Vol. 219 No. 1 (Pages 1 – 345)
July 12, 2007 – Vol. 219 No. 2 (Pages 347 – 885)

Terry James, Chair of the Department of Leadership Studies
Jack Klotz, Program Coordinator of Leadership Studies
Shelly Albritton, Technology Coordinator
Wm. Leewer, Jr. Editor, Mississippi State University
Safe, Orderly, and Productive School Institute
Department of Leadership Studies
University of Central Arkansas
201 Donaghey Avenue
316 Torreyson West
Conway, AR 72035
*Phone: 501-450-5258 (office)

The **Legal Update For Community Colleges** is a monthly update of selected significant court cases pertaining to post-secondary institutions. It is written by Johnny R. Purvis for the **Safe, Orderly, and Productive School Institute** located in the Department of Leadership Studies at the University of Central Arkansas. If you have any questions or comments about these cases and their potential ramifications, please phone Johnny R. Purvis at **501-450-5258**. In addition, feel free to contact Purvis regarding educational legal concerns; school safety and security issues; crisis management; student discipline/management issues; and concerns pertaining to gangs, cults, and alternative beliefs.

Topics:

- Civil Rights
- Labor an Employment
- Student Discipline

Topics

Civil Rights:

"University Officials Not Liable for Professor's Sexual Harassment of Student"
Cox v. Sugg (C. A. 8 {Ark.}, 484 F. 3d 1062), April 27, 2007.

University student brought a sexual harassment suit (Title IX, Fourteenth Amendment, and Section 1983) action against university president, university chancellor, and professor, alleging sexual harassment by professor. The plaintiff's complaint alleged that during her senior year she went to her professor's house to write a summary of her junior year studies in France and a grant proposal. After dinner, the professor made sexual overtures, kissed her, undressed her, held her down on his bed, and said he wanted to have sex with her for the next year. When plaintiff reported the incident to university officials, she was told that the professor had engaged in this type of behavior with other students in the past. According to the plaintiff, she was not aware of any "formal discipline" against the accused professor. University officials forced the accused professor to resign his position with the university within one week after learning of his alleged misconduct. The United States Court of Appeals, Eighth Circuit, held that even if professor violated the Fourteenth Amendment by sexually harassing student, university president, and university chancellor were **not** deliberately indifferent to the offensive conduct. They were also **not** liable to the plaintiff under Section 1983 for the professor's actions toward the plaintiff. Additionally, there was **no showing** that president and chancellor had actual knowledge of professor's misconduct before student reported it to the university's grievance officer.

Buhendwa v. University of Colorado at Boulder (C. A. 10 {Colo.}, 214 Fed App. 823), Janurary 30, 2007.

Plaintiff was a student at the University of Colorado, native of Zaire, and a lawful permanent resident of the United States. Plaintiff spoke five languages and had a triple major (kinesiology, classics, and psychology). She had attempted to pass calculus four separate times, and either withdrew or received a failing grade. In the spring of 2001 plaintiff enrolled in a calculus class taught by Professor Stanislaw. She claimed that she experienced testing taking anxiety. In addition, plaintiff claimed that she injured her back and had to take pain medications which often caused her to fall asleep during class. In fact, she fell asleep before completing her final calculus exam. During the semester when she took her calculus for the fifth time, she often missed class quizzes due to her "need to be at work". In an effort to accommodate plaintiff, Professor Stanislaw agreed to ignore the quizzes she missed because "of the need to work". However, after she fell asleep during her final exam, he changed his mind and gave her a zero on each of her missed quizzes. Despite the fact that plaintiff never scored higher than 65% on any of her examinations and missed more than half of the quizzes, he gave her a passing grade of "C-". Plaintiff had an overall GPA of 1.98 and was denied financial aid for the fall semester because she did not maintain a 2.0 or greater GPA. Thereupon, she brought action against the university under Section 504 of the Rehabilitation Act and Title VI of the Civil Rights Act of 1964, asserting claims of disability and race discrimination. The United States Court of Appeals, Tenth Circuit, held that: (1) student was **not** discriminated against on the basis of a disability; and (2) student **failed** to make a case of discrimination under Title VI.

Labor and Employment:

"Technical College President's Administrative Support Person Claimed Adverse Employment Action"

Bickford v. Denmark Technical College (D. S. C., 479 F. Supp. 2d 551), March 28, 2007.

Plaintiff is a 63 year old Hispanic woman whom defendant hired in September 1997. The plaintiff's primary duties were to provide administrative support to the President of Denmark Technical College (Dr. Joann Boyd-Scotland) at the main campus located in Denmark, South Carolina. Plaintiff stated that during her employment with Dr. Boyd-Scotland she was subjected to derogatory remarks concerning her national origin and age; was required to work despite severe back pain; and Dr. Boyd-Scotland acted in a physically aggressive manner toward her. On Friday, February 27, 2004, Dr. Boyd-Scotland informed plaintiff via telephone that she had been transferred (involuntarily) to the College's Barnwell campus, located in Barnwell, South Carolina. The Barnwell site was used to hold evening classes for students living in the surrounding area. Aside from plaintiff, the only other employee working at the site was a maintenance person, who worked during the afternoon. Plaintiff's administrative duties at the main campus included handling mail; maintaining the president's calendar; composing letters for the president; maintaining the college's policy and procedure manual; organizing meetings; attending and taking minutes at weekly executive council meetings, and attending and taking minutes of the board of directors. Plaintiff's duties at the transfer site consisted of only compiling files for students and monitoring maintenance problems. Plaintiff sued for adverse employment action and retaliation under Title VII and Age Discrimination in Employment Act (ADEA). The United States District Court, D. South Carolina, Orangeburg Division, granted in part and denied in part by stating: (1) Transfer of the employee to another campus **was an adverse employment action**; (2) Genuine issues of fact **existed** as to whether proffered (presented or submitted) reasons for transferring employee were **a pretext for** national origin and age discrimination; and (3) Genuine issues of material fact as to whether employee's work conditions were intolerable **precluded summary judgment** on her constructive discharge claim.

Student Discipline:

"University's Hearing Procedures Satisfied Student's Due Process Claim"
Danso v. University of Connecticut (Conn. Super., 919 A. 2d 1100), January 17, 2007.

Charges were made regarding plaintiff's (a junior at the University of Connecticut) harassing behavior toward a female student. The plaintiff made initial contact with the female student through a student chat room by using a false name and providing her with other fabricated biographical information. Eventually, the female student learned of the plaintiff's true identity. Once revealed, the plaintiff made several attempts to date her; however, the young lady steadfastly refused the overtures. The plaintiff continued to pursue her by appearing, uninvited, at her dormitory room and by attempting to shower her with gifts. The coed rebuffed the plaintiff's attention and made it clear that she wanted nothing to do with him. A university hearing officer conducted a hearing pertaining to the charges against the plaintiff. As a result of the hearing, the plaintiff was suspended as a student at the University of Connecticut from May 15, 2006 until August 15, 2007. The suspension prevented the plaintiff from engaging in any student activities and from earning any academic credit. Also, the plaintiff must apply for readmission once the suspension expired, and this application required him to produce proof of appropriate counseling. Upon readmission, the plaintiff would be on probation for one year and could not live on campus during his probation. Plaintiff filed motion for a temporary injunction requiring university to reinstate him as a full-time , in good standing, at the university. The Superior Court of Connecticut, Judicial District of Tolland, stated that both notice and hearing procedures employed by the university **satisfied** student's procedural due process, and plaintiff **was <u>not</u> entitled** to temporary injunction.

<u>Note:</u> Johnny R. Purvis is currently a professor in the Department of Leadership Studies at the University of Central Arkansas. He retired (30.5 years) as a professor, Director of the Education Service Center, Executive Director of the Southern Education Consortium, and Director of the Mississippi Safe School Center at the University of Southern Mississippi. Additionally, he serves as a law enforcement officer in both Arkansas and Mississippi. He can be reached at the following **phone numbers**: 501-450-5258 (office) and 601-310-4559 (cell).