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## **Legal Update for Community Colleges**

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**Johnny R. Purvis\***

### **West's Education Law Reporter**

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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 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
- Student Discipline

**Topics**

**Labor and Employment:**

**“Teaching Assistant Compelled to Resign Due to Working Conditions”**

Charles v. Regents of New Mexico State University (N.M. App., 256 P. 3d 29), November 4, 2010.

Evidence **was sufficient to support** jury’s conclusion that state university made a teaching assistant’s working conditions so intolerable that a reasonable person in her position would have been compelled to resign as so stipulated under the New Mexico Human Rights Act. During the plaintiff’s four years of employment with the university, she was yelled at, told to shut-up, called a miss know-it-all, a stupid bitch, subjected to aggressive and intimidating conduct, had a cigarette butt thrown at her by a supervisor, told not to hold her blouse closed when she bent over to pick up something, and tables and equipment slammed or hit in her presence, and her performance rating decreased after she complained.

## **Student Discipline:**

### **“Student’s On-Line Posts Violated Student Conduct Code”**

Tatro v. University of Minnesota (Minn. App., 800 N. W. 2d 811), July 11, 2011.

State university **acted within its authority** in awarding a student in university’s mortuary-science program a failing grade for a mortuary science course based on disrespectful comments about her assigned cadaver and perceived threats she made through an online social networking service (posted from personal computer and off campus), even though the plaintiff had already completed all course requirements and earned a passing grade. All students were informed prior to entering the mortuary-science program and in course syllabi that the university was permitted to “evict” students for violated course rules and/or rules pertaining to the program itself. Therefore, the awarding of a failing grade to the plaintiff **was affirmed**. Note: Four of the messages the plaintiff posted on her Facebook page are as follows: (1) “Amanda gets to play, I mean dissect Bernie (her assigned lab human cadaver) today. Let see if I can have a lab void of reprimanding and having my scalpel taken away. Perhaps if I just hide it in my sleeve;” (2) “Amanda is looking forward to Monday’s embalming therapy as well as a rumored opportunity to aspirate. Give me room, lots of aggression to be taken out with a trocar (surgical instrument);” (3) “Amanda who knew embalming lab was so cathartic! I still want to stab a certain someone in the throat with a trocar; perhaps I will spend my evening updating my ‘Death Lists #5’ and making friends with the crematory guy. I do know the code;” and (4) Amanda realized with great sadness that my best friend, Bernie will no longer be with me as of Friday next week. I wish to accompany him to the retort. Now where will I go or who will I hang with when I need to gather my sanity? Bye, bye Bernie. Lock of hair in my pocket.”

**Books of Possible Interest:** Two recent books published by Purvis –

1. Leadership: Lessons From the Coyote, [www.authorhouse.com](http://www.authorhouse.com)
2. Safe and Successful Schools: A Compendium for the New Millennium-Essential Strategies for Preventing, Responding, and Managing Student Discipline, [www.authorhouse.com](http://www.authorhouse.com)

**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)