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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

## Topics

### **Labor and Employment:**

#### **“University’s Response to Sexual Harassment of Student Worker was Reasonable”**

Milligan v. Board of Trustees of Southern Illinois University (C. A. 7 [Ill.], 686 F. 3d 378), July 10, 2012.

Given that state university’s response to male professor emeritus’s demeaning comments and touching of male student participant in university’s student employment program **was reasonably** likely to prevent future harassment. The university could **not** be found to have acted with “deliberate indifference” and therefore could **not** be held liable under Title IX. In addition, the professor was banned from campus and warned that he would be subject to arrest for trespassing if he appeared on university property. **Note:** On several occasions the professor had contact with the student worker, the following is just one example of such contact. On October 4, 2007, the student was working in the first floor stock room in the chemistry department, which was directly across the hall from the offending professor. Upon exiting the stock room the student encountered the professor in the hallway. The professor told the student that his hair would make him “a very sexy lady” and then giggled and squeezed the student’s buttocks. The encounter lasted four to five seconds.

#### **“University President Did Not Provide False Statements about Dean to Prospective Employer That Would Support a Retaliation Claim”**

Hickey v. Myers (N. D. N. Y., 852 F. Supp. 2d 257), February 10, 2012.

Former dean at state university **failed** to establish that university’s former president and its former vice president of academic affairs provided false statements about him to a prospective employer as so required to support a claim under Title VI and Section 1983. The plaintiff claim that the president and vice president retaliated against him for his complaints of race based implications pertaining to university policies by providing negative references in his bid for a position at another state college. Even if the unfavorable references were false, such references had **no** impact on prospective employer’s decision not to hire him for the vacant position.

**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 recently retired (10.5 years) as a professor in the Department of Leadership Studies at the University of Central Arkansas (UCA). Prior to retiring from UCA 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. In addition, he retired as a law enforcement officer having served in both Arkansas and Mississippi. He can be reached at the following **phone number:** 601-310-4559 (cell-phone)