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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:**

- Civil Rights
- Labor and Employment
- Student Discipline

## **Topics**

### **Civil Rights:**

#### **“University Ordinance making it a Crime to Disrupt the Normal Activity of Any Person, Firm, or Agency Was Unconstitutional”**

People v. Rapp (Mich., 821 N. W. 2d 452), July 27, 2012.

University ordinance that made it a crime to disrupt the normal activity of any person, firm, or agency carrying out a service, activity, or agreement for or with the university **was facially unconstitutional** in violation of the Frist Amendment. The ordinance did **not** specify the types of disruption that were prohibited and therefore allowing its enforcement for even verbal disruptions, including those without obscenity or fighting words, against anyone who disrupts for any reason or activity simply imposed a unlimited blanket prohibition.

### **Labor and Employment:**

#### **“State University Did Not Have to Provide a Full-Time Administrative Assistant for a Disabled Employee”**

Barton v. Board of Regents of University System of Georgia (C. A. 11 [Ga.], 478 Fed. App. 627), June 8, 2012.

Requested accommodation made by university employee (Senior Director of Marketing and Communications for the Robinson College of Business at Georgia State University) who suffered a brain stem stroke that resulted in numerous physical impairments, consisting of the availability of a full-time administrative assistant, was **not** reasonable under the ADA. The requested position went beyond job restructuring and would have required the university to create a new position when the department’s budget had been drastically reduced.

## **Student Discipline:**

### **“Dental College Did Not Comply With Its Own Policies When It Expelled Student and the Court Properly Annulled That Decision”**

Kickertz v. New York University (N. Y. A. D. 1 Dept., 952 N. Y. S. 2d 147). October 11, 2012.

Dental college did **not** substantially comply with its own published guidelines and policies when it expelled plaintiff regardless of whether it's older or newer Code of Ethics and Professional Conduct applied; therefore, the court **was warranted** in annulling the college's decision. The student was **not** given a fair opportunity to cross-examine individuals who accused her of forging a patient's treatment record and presenting multiple patient encounter forms that she knew to be false in order to obtain Practice Model Values (PMV) that were needed to graduate. In addition, key procedural rulings *were made or influenced* by the associate dean for student affairs and admissions.

### **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)