Legal Update for Community Colleges

May 2014

Johnny R. Purvis*

West’s Education Law Reporter
January 17, 2013 – Vol. 286 No. 2 (Pages 795 – 1261)

Terry James, Chair, Department of Leadership Studies, University of Central Arkansas
S. Ryan Niemeyer, Editor, UM Director of the Mississippi Excellence in Teaching Program and
Assistant Professor, Leadership and Counselor Education, University of Mississippi
Shelly Albritton, Technology Coordinator, Department of Leadership Studies, University of
Central Arkansas
Wendy Rickman, Assistant Professor, Department of Leadership Studies, University of Central
Arkansas

Safe, Orderly, and Productive School Institute
Department of Leadership Studies
University of Central Arkansas
201 Donaghey Avenue
230 Mashburn
Conway, AR 72035
*Phone:  501-450-5258 (office)
*E-mail:  jpurvis@uca.edu

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:

- Extracurricular Activities
- Student Discipline

Extracurricular Activities:

“Dance Instructor’s Directive to College Student to do Lift Created a special Relationship and a Duty of Reasonable Care”

Cope v. Utah Valley State College (Utah App., 290 P. 3d 314), November 8, 2012.

Dance instructor’s directive to college student to either do lift with her partner or have the routine cut from their upcoming performance constituted a “directive” within the scope of the academic enterprise and thus, created a special relationship and a duty of reasonable care on the part of the instructor, for the purposes of the public duty doctrine. The “public duty doctrine” limits a governmental actor’s duty to situations where a special relationship exists between the government and specific individuals. **Note:** Plaintiff was a member of the College’s ballroom dance team and the team was practicing for a lift at the time of her injury. Her dance partner told their dance instructor who was supervising them that “I’ve never been able to get this lift well.” The dance instructor told them if they did not perform the lift that he would cut the lift from the dance routine. When the plaintiff and her partner attempted the routine her partner lost his footing and she fell and hit her head on her partner’s knee and suffered an injury.

Student Discipline:

“E-Mails Did Not Demonstrate that University Possessed a Retaliatory Motive in Initiating Disciplinary Proceedings against Student”


E-mails between university’s judicial administrator and senior faculty member whom graduate student had accused of sexual harassment did not demonstrate that university, through its judicial administrator, possessed a retaliatory motive in initiating disciplinary proceedings against student, as would support a Title IX retaliation claim. The e-mails simply illustrated that the judicial administrator had mistakenly understood that the faculty member wanted to pursue a complaint against the student through the campus judicial system.
Books of Possible Interest: Two recent books published by Purvis –

1. Leadership: Lessons From the Coyote, 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)