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## **Legal Update for Community Colleges**

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**Johnny R. Purvis\***

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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:

- Athletics
- Student Discipline
- Torts

## Topics

### Athletics:

#### **“University Failed to Provide Equal Athletic Opportunities for Female Students in Violation of Title IX”**

Biediger v. Quinnipiac University (D. Conn., 728 F. Supp. 2d 62), July, 21, 2010.

University women’s volleyball players brought action alleging that the university’s plan to eliminate women’s volleyball as a varsity sport violated Title IX. The United States District Court, D. Connecticut, held that the university **failed** to provide equal athletic opportunities for female students in violation of Title IX due to the fact that 58.25% of the university’s varsity athletes were female, whereas 61.87% of the university’s students were female; thus, a 3.62% disparity. There was **no** indication that the disparity was attributable to a surge in female student enrollment at the university; therefore, the shortfall in the number of female athletics **was sufficient** to sustain a new and independent varsity team for women. **Note:** Quinnipiac University, which is located in Hamden, Connecticut, is a private coeducational institution with an enrollment of approximately 5,686 students with a student population consisting of 38.13 percent males and 61.87 percent females.

### Student Discipline:

#### **“Private University’s Discipline of Student Was Not State Action”**

Becker v. City University of Seattle (E.D. Pa., 723 F. Supp. 2d 807), July 8, 2010.

Private university was **not** exercising a right or privilege of having its source in state authority when it disciplined a student for posting allegedly negative comments about the university and the professor’s class on an online discussion board. Thus, such action did **not** require the university to be liable for a constitutional violation as associated with the university’s action under the color of state law. Furthermore, there were **no** Oregon laws that gave state authority over a private university’s disciplinary actions.

Torts:

**“Fraternity Owed No Duty to Protect Party Guest from Armed Trespasser’s Criminal Acts”**

Wilder v. Sigma Nu Fraternity, Inc. (C.A. 11 [Ala.], 390 Fed. App. 910), August 3, 2010.

Invited fraternity party guest, who was seriously injured at the fraternity’s social gathering when he was stabbed in his head by a trespasser, brought personal injury action against the local, regional, and national fraternity organizations. The plaintiff alleged that the organizations negligently failed to protect him from injury. The United States Court of Appeals, Eleventh Circuit, held that the defendants did **not** owe a duty to protect the plaintiff from the trespasser’s criminal act. **Note:** The young man was stabbed by the trespasser as he entered the fraternity house and had no part in the fracas that had just occurred between the trespasser, the trespasser’s fellow trespasser, and several fraternity members. He really was a victim of circumstances in which he had no participation and most likely no knowledge of the preceding confrontation within the fraternity house.

**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)