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## **Legal Update for Community Colleges**

**April - May 2013**

**Johnny R. Purvis\***

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

November 24, 2011 – Vol. 272 No. 1 (Pages 1 – 685)

December 8, 2011 – Vol. 272 No. 2 (Pages 687 – 1088)

December 22, 2011 – Vol. 273 No. 1 (Pages 1 477)

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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
- Security
- Torts

## Topics

### Labor and Employment:

#### **“Professor Calling His Superior “Sweetie” Did Not Support Her Termination for Sexual Harassment”**

Haegert v. University of Evansville (Ind.App., 955 N.E. 2d 753), September 19, 2011.

Tenured English university professor’s allegedly inappropriate behavior in calling his superior (Chair of the English Department) “sweetie” and chucking her under her chin, did **not** constitute sexual harassment in the form associated with a hostile work environment. Therefore, such a charge would **not** support the university’s determination to terminate his employment for violating its zero-tolerance sexual harassment policy. The professor had been put on notice by the university that he was not to use terms of endearment with his female students and was not to hug or touch female students; however, he was *not* put on notice that his superior found his conduct to be offensive and unwelcome.

### Security:

#### **“Student Pleaded Guilty to Rioting Prohibited from Entering University Campus”**

City of East Lansing v. Thompson (Mich. App., 804 N.W. 2d 567), December 2, 2010.

Student who was sentenced to 14 days in jail after pleading guilty to disorderly assembly for riot, in violation of city ordinance, could also be prohibited, as part of the sentence, from entering a public college or university campus for a period of one calendar year.

### Torts:

#### **“University Guilty of Intruding Upon Student’s Privacy”**

Vurimindi v. Fuqua School of Business (C.A.3 [Pa.], 435 Fed. App. 129), July 1, 2011.

Student **stated intrusion** upon seclusion invasion of privacy claim against university under North Carolina and Pennsylvania law. The court’s conclusion was based on allegations that the university had its police force enter and search his room and obtain information about what medications he was taking, monitored his computer activity in order to obtain his bank information, and employed security to shadow him. In addition, the gathered information was disclosed to the student body.

**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)