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Legal Update for Community Colleges

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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

Topics

Labor and Employment:

“University Did Not Violate Former Dean’s Free Speech By Demoting Him From His Deanship for Opposing University Policies”

Faghri v. University of Connecticut (C. A. 2 [Conn.], 621 F. 3d 92), September 17, 2010.

University did **not** violate a tenured professor’s First Amendment free speech rights by demoting the professor from his deanship position because he repeatedly and publicly opposed university’s policies; even though professor had a constitutional right to voice his opposition to university policies, *that interest was outweighed by the university’s interest in effective implementation of its policies by its high-ranking executives*. Furthermore, the professor was **not** removed from his teaching position, only his deanship. **Note:** The plaintiff was Dean of the School of Engineering.

Civil Rights:

“College Students Did Not Consent to Search of Dormitory Room”

Com. V. Carr (Mass., 936 N. E. 2d 883), November 17, 2010.

Two college students did **not** voluntarily consent to college police officers’ warrantless search of their dormitory room. First officer immediately demanded the identities of the room’s three occupants and ordered one occupant, who did not live in the room, to leave. Armed officers completely blocked the only exit and two resident directors for dormitories stood in the hallway. The first officer signaled his distrust of the students along with the pronouncement, “I would like to search the room,” *was more like an order than a request*. **Note:** A resident director told the college police that she had received a report that the two students had a weapon inside their dorm room. The officers did discover the following during their search of the students’ dorm room: one look-a-like (replica) .45 caliber handgun, a folding knife, and a kubotan (a martial arts weapon).

Books of Possible Interest: Two recent books published by Purvis –

1. Leadership: Lessons From the Coyote, 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

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)