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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:

- Educational Malpractice
- Student Discipline

Topics

Educational Malpractice:

“Graduate Student Failed to State Claim Against University for Breach of Contract to Grant Her a Master’s Degree”

Zinter v. University of Minnesota (Minn. App., 799 N. W. 2d 243), June 6, 2011.

Former graduate student’s claim that university breached its contract to grant her a Master of Liberal Studies (MLS) degree if and when she completed degree requirements (30 hours) when her program director required her to take two additional courses would require a fact-finder to analyze the graduate program’s goals, and thus **was precluded** on public policy grounds as an educational malpractice claim. The program director required the two additional courses because he believed that the student’s idea for her final graduate project was *not* sufficiently developed.

Student Discipline:

“College had Rational Basis for Concluding that Student was Guilty of Plagiarism”

Katz v. Board of Regents of University of State (N.Y.A.D. 3 Dept., 924 N.Y.S. 2d 210), June 2, 2011.

Compelling circumstantial evidence **existed**, providing a **rational basis** for a college’s conclusion that a student (enrolled in a history class) used secondary sources in a draft of an academic paper, which he *failed* to identify; therefore he **was guilty** of plagiarism. The student was totally unprepared to discuss his paper and furthermore, he was not even settled on a topic less than three weeks before the paper was due. The draft of the paper was submitted only 10 days after he had chosen the topic and it was very unlikely that the student could have read and analyzed the documents contained in the two collections cited in the paper, digested them, and integrated them into a paper that included polished passages in such a short period of time. Plaintiff’s draft did not include a bibliography, made no references to any secondary sources, and failed to contain proper page numbers for its citations; however, the student set forth a detailed analysis of the primary sources generated by historical events that the student claimed as his own.

“Student who was dismissed for Plagiarism was Not Entitled to Injunctive Relief”

“Seitz-Partridge v. Loyola University of Chicago (Ill. App. 1 Dist., 948 N. E. 2d 219), March 31, 2011.

Student who was dismissed from university and denied admission into the school’s postgraduate doctorate molecular biology program based upon a finding of plagiarism was **not** entitled to injunctive relief requiring the university to reinstate her, absent demonstrating that the university or individual faculty members acted arbitrarily, capriciously, or in bad faith. The plaintiff had plagiarized portions of her grant proposal, the submission of which was required as part of the PhD program admission process.

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)