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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

Topics

Civil Rights:

“University Police Officer Who Ran Into Plaintiff during Chase Did Not Violate Her Liberty Interest in Personal Bodily Integrity”

Bean v. Indiana University (S. D. Ind., 855 F. Supp. 2d 857), March 30, 2012.

University police officer’s conduct while chasing suspect fleeing from a bar fight on a street contiguous to the campus with many shops and eating/drinking establishments, in which she assumed a “blocking position” as he approached plaintiff in the course of his sprint to catch the suspect, ran into her, and knocked her down forcefully, which caused serious injuries to her shoulder, **did not shock the conscience**. Thus, the officer did **not** violate plaintiff’s Fourteenth Amendment liberty interest in her personal bodily integrity. It was *not* the officer’s intent to harm the plaintiff and his response to several fights on the street that night required him to make spur-of-the-moment decisions while fulfilling his duties as an police officer.

“Student Did Not Have Fundamental Right to Become a Dentist”

Sung Park v. Indiana University School of Dentistry (C. A. 7 [Ind.], 692 F. 3d 828), August 30, 2012.

Student did **not** have a fundamental right, protected by due process, to become a dentist. Therefore, the state dental school’s dismissal of the student, based on his failing grades and allegations of professional misconduct, did **not** violate his substantive due process rights under the Fourteenth Amendment. **Note:** The plaintiff enrolled in the defendant’s doctoral dental surgery program in which she was ranked 95th out of 103 after her first year. Thereafter, she had to take a number of remediation exams, had failing grades, failed to compete exams, failed to schedule exams on time, arrived late and left early from classes, placed on academic probation twice, and so forth.

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 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)