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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:

- Extracurricular Activities
- Student Discipline

## Topics

### Extracurricular Activities:

#### **“Dance Instructor’s Directive to College Student to do Lift Created a special Relationship and a Duty of Reasonable Care”**

Cope v. Utah Valley State College (Utah App., 290 P. 3d 314), November 8, 2012.

Dance instructor’s directive to college student to either do lift with her partner or have the routine cut from their upcoming performance **constituted a “directive” within the scope of the academic enterprise and thus, created a special relationship and a duty of reasonable care on the part of the instructor**, for the purposes of the public duty doctrine. The “public duty doctrine” limits a governmental actor’s duty to situations where a special relationship exists between the government and specific individuals. **Note:** Plaintiff was a member of the College’s ballroom dance team and the team was practicing for a lift at the time of her injury. Her dance partner told their dance instructor who was supervising them that “I’ve never been able to get this lift well.” The dance instructor told them if they did not perform the lift that he would cut the lift from the dance routine. When the plaintiff and her partner attempted the routine her partner lost his footing and she fell and hit her head on her partner’s knee and suffered an injury.

### Student Discipline:

#### **“E-Mails Did Not Demonstrate that University Possessed a Retaliatory Motive in Initiating Disciplinary Proceedings against Student”**

Hyman v. Cornell University (C.A. 2 (C.A. 2 [N.Y.], 485 Fed. App. 465), June 12, 2012.

E-mails between university’s judicial administrator and senior faculty member whom graduate student had accused of sexual harassment did **not** demonstrate that university, through its judicial administrator, possessed a retaliatory motive in initiating disciplinary proceedings against student, as would support a Title IX retaliation claim. The e-mails simply illustrated that the judicial administrator had mistakenly understood that the faculty member wanted to pursue a complaint against the student through the campus judicial system.

**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 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)