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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
- Torts

Topics

Civil Rights:

“Christian Fraternity’s Action Against the University of Florida Was Rendered Moot”

Beta Upsilon Chi Upsilon Chapter at the University of Florida v. Machen (C. A. 11 [Fla.], 586 F. 3d 908), October 27, 2009.

Christian fraternity’s appeal in action against state university to enjoin university from enforcing its requirement that fraternity’s constitution include a statement that it would not discriminate on basis of religious belief or creed, and to enjoin university from denying fraternity the status of a registered student organization (RSO). The case **was rendered moot** when the university amended its student handbook policy to allow religious groups like the plaintiff to register as RSOs; thus, fraternity *obtained the relief that it sought*.

Labor and Employment:

“Former College Athletic Director Did Not Engage in Protected Activity under Title IX”

Atkinson v. Lafayette College (E. D. Pa., 653 F. Supp. 2d 581), September 9, 2009.

Former college athletic director brought action against college, alleging retaliation in violation of Title IX. The United States District Court, E. D. Pennsylvania, held that even assuming former college athletic director’s efforts in pursuing Title IX compliance by athletic department were protected activities, she **failed to establish** that her efforts were cause of college’s decision to terminate her employment, as required to establish a prima facie case of retaliation under Title IX. Plaintiff presented **no** evidence that college terminated her in retaliation for her outspoken involvement in seeking Title IX compliance or even considered her efforts in a negative manner; thus, there were **no** temporal proximity between her efforts and college’s termination decision.

Torts:

“Student Injured His Hand in College’s Fitness Center”

Beglin v. Hartwick College (N. Y. A. D. 3 Dept., 888 N. Y. S. 2d 320), November 12, 2009.

Material issues of fact **existed** as to whether college had notice of dangerous condition of weight machine in college’s fitness center that allegedly caused student’s injury. The material issues focused on such issues as whether accessory weight was being used at the time of the student’s accident and whether such use was cause of the weight jam and as to whether student ignored warning label on weight machine when he placed his hand beneath weights that were on the machine; thus, **precluding summary judgment** for the college. **Note:** Plaintiff was working-out with a fellow student when he attempted to ascertain why the metal weight plates of a weight machine jammed. While examining the weight machine approximately 140 pounds of such weight plates suddenly dislodged and fell on his hand.

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)