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## **Legal Update for Community Colleges**

**August 2011**

**Johnny R. Purvis\***

### **West's Education Law Reporter**

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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

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### Civil Rights:

#### **“Professor’s Refusal to Allow Student to Give a Speech on Abortion Did Not Violate Student’s Free Speech”**

O’Neal v. Falcon (W. D. Tex., 668 F. Supp. 2d 979), October 27, 2009.

Community college professor’s concern over the potentially disruptive nature of the subject of abortion *constituted a legitimate pedagogical reason* for the professor to prohibit a student from choosing the topic of abortion for a persuasive speech in his speech communication class. Thus, the professor’s prohibition did **not** violate the student’s First Amendment right to free speech. In addition, the professor *had a legitimate concern* that permitting a speech on abortion would improperly shift the focus of the lesson to the topic of abortion rather than to speech communication skills.

#### **“College Did Not Violate Title IX in Responding to Female Student’s Complaints of Harassment by Male Professor”**

Johnson v. North Idaho College (C. A. 9 [Idaho], 350 Fed. App. 110), October 13, 2009.

**No reasonable juror could have concluded** that college had notice of professor’s allegedly discriminatory conduct against female student prior to the date that the student’s counselor informed the college’s affirmative action officer charged with receiving reports of sexual harassment. Furthermore, the college did **not** manifest deliberate indifference to professor’s behavior once it was on notice of it, and thus the college did **not** violate Title IX. The college promptly investigated the student’s allegations and forced the professor to resign his position in short order.

**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 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)