

July 2011 (620 & 621)

## **Legal Update for Community Colleges**

**July 2011**

**Johnny R. Purvis\***

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

March 4, 2010 – Vol. 252 No. 1 (Pages 1 – 525)

March 18, 2010 – Vol. 252 No. 2 (Pages 527 – 1000)

Terry James, Chair, Department of Leadership Studies, University of Central Arkansas  
S. Ryan Niemeyer, Editor, Co-Director, Mississippi Teacher Corps and Assistant Professor,  
Leadership and Counselor Education, University of Mississippi

Shelly Albritton, Technology Coordinator, Department of Leadership Studies, University of  
Central Arkansas

Wendy Rickman, Assistant Professor, Department of Leadership Studies, University of Central  
Arkansas

### **Safe, Orderly, and Productive School Institute**

Department of Leadership Studies

University of Central Arkansas

201 Donaghey Avenue

230 Mashburn

Conway, AR 72035

\*Phone: 501-450-5258 (office)

\*E-mail: [jpurvis@uca.edu](mailto:jpurvis@uca.edu)

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:

#### **“College’s Reason for Not Hiring Professor to Teach Summer School Was Not Pretext to Retaliation” Due to EEOC Charge”**

Tori v. Marist College (C. A. 2 [N. Y.], 344 Fed. App. 697), September 2, 2009.

College’s reason for not hiring adjunct professor to teach a five-week summer class in summer, namely that it was not the college’s practice to bring back faculty members who had not been granted tenure and whose contracts had expired, was **not** pretext for retaliation for having filed a charge with the EEOC, under Title VII. The college had in fact, emailed the plaintiff to inquire about his availability to teach a class during July and August of that same year.

### Labor and Employment:

#### **“University Employee Not Subjected to Severe or Pervasive Harassment”**

Hill v. Emory University (C. A. 11 [Ga.], 346 Fed. App. 390), August 25, 2009.

Employee of defendant was **not** subjected to severe and pervasive harassment as required to establish a Title VII hostile work environment claim. The plaintiff alleged charges similar to the following: his work group was referred to a counseling session, he was demoted, his requests for supporting office staff were denied, one of his hiring decision was denied, his request to attend a conference was denied, he was never assigned any office space, defendant failed to reabsorb him after his job was terminated or provide him with a list of available job openings. The United States Court of Appeals, Eleventh Circuit, held that plaintiff was **not** subjected to severe and pervasive harassment as so required to establish a Title VII hostile work environment claim.

### Torts:

#### **“Swim Team Member Sues University for Negligent Hiring and Supervision of Her Coach”**

Segal v. St. John’s University (N. Y. A. D. 2 Dept., 893 N. Y. S. 2d 221), January 12, 2010.

Allegedly negligent actions of a university swim team coach were within the course and scope of his employment; thus, **defeating** negligent hiring and supervision claims asserted against the university by a swim team member claiming her back injury was caused by certain training methods employed by the coach.

**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)