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## **Legal Update for Community Colleges**

**September 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:

- Abuse and Harassment
- Labor and Employment
- Torts

## Topics

### Abuse and Harassment:

#### **“Professor Denied Request for Better Office Space”**

Lockridge v. The University of Maine System (C. A. 1 [Me.], 597 F. 3d 464), March 10, 2010.

Female professor filed in state court a suit against a state university, claiming gender discrimination, retaliation, and hostile work environment in violation of Title VII. The United States Court of Appeals, First Circuit, held that defendant’s denial of plaintiff’s request for better office space did **not** constitute “materially adverse” employment action. The denial of her request for better office space would **not** dissuade a reasonable employee from making or supporting a charge of discrimination, as so required for the plaintiff’s Title VII retaliation claim. Furthermore, the denial of office space left her in *no worse position* than that held by similarly situated faculty members.

### Labor and Employment:

#### **“Professor Failed to Establish a Case of Gender Discrimination”**

Mastrolillo v. Connecticut (C. A. 2 [Conn.], 352 Fed. App. 472), November 5, 2009.

Former assistant professor of community college **failed** to demonstrate that the college’s non-renewal of her teaching contract gave rise to an inference of discrimination, as required to establish a case of gender discrimination against the college under Title VII. The plaintiff submitted **no** evidence that she was treated differently than men or that men were given preferential treatment. **Note:** Plaintiff did **not** establish that she performed her job satisfactorily, given the negative performance evaluations and her admitted lack of interest in teaching certain advanced level courses.

Torts:

**“Investigation of Inappropriate Touching of Student Did Not Amount to Deliberate Indifference”**

J. B. v. Lawson State Community College (Ala., 29 So. 3d 164), June 26, 2009.

The conduct by college officials and the immediate supervisor of a basketball coach, who raped the plaintiff, in failing to intervene in the plaintiff’s long-standing relationship with the coach prior to the rape did **not amount to deliberate indifference** for purposes of imposing liability under Title IX. The plaintiff never complained to the coach’s immediate supervisor or any other school official regarding the coach’s conduct toward her. **Note:** The plaintiff was coach for three years in high school by the offending coach, visited in his home, traveled with him and his family, and traveled with the coach and his family to watch his daughter play basketball for a local university.

**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)