



CAMPUS COUNSEL

A legal blog written for administrators, HR professionals, in-house counsel, and deans at colleges and universities

Mental Health and Campus Safety: Do Colleges and Universities Have a Duty to Prevent Student Suicides?

BY LYNETTE PACZKOWSKI • MAY 22, 2018

A quick internet search reveals that most colleges and universities not only have a campus safety and security department, but also have a mission statement for that department. But what happens when the biggest threat to a student's safety is his or her own mental health?

In the recent case of *Nguyen v. Massachusetts Institute of Technology, et al*, the Massachusetts Supreme Judicial Court considered that very question. Han Nguyen was a 25-year old graduate student at MIT when he committed suicide in 2009. His family sued the school, alleging that the school lacked sufficient support services, did not provide adequate care for its students, and failed to intervene despite knowledge of his mental state. Although the Court did not find MIT liable under the facts of the case, the Court's decision articulated the obligations of colleges and universities when it comes to suicide prevention.

Ultimately, the Court rejected the notion that colleges and universities must act in loco parentis and keep its students safe under all circumstances. "University students are young adults, not young children. Indeed, graduate students are adults in all respects under the law. Universities recognize their students' adult status, their desire for independence, and their need to exercise their own judgment. Consequently, the modern university-student relationship is respectful of student autonomy and privacy."

The Court identified limited circumstances under which a college or university must take reasonable measures to protect a student from self-harm: where the college or university has *actual knowledge* of a student's suicide attempt that occurred while enrolled or recently before matriculation, or of a student's stated plans or intentions to commit suicide.

The Court also addressed what would satisfy the college's or university's obligations under such circumstances. "Reasonable measures by the university to satisfy a triggered duty will include initiating its suicide prevention protocol if the university has developed such a protocol. In the absence of such a protocol, reasonable measures will require the

university employee who learns of the student’s suicide attempt or stated plans or intentions to commit suicide to contact the appropriate officials at the university empowered to assist the student in obtaining clinical care from medical professionals or, if the student refuses such care, to notify the student’s emergency contact. In emergency situations, reasonable measures obviously would include contacting police, fire, or emergency medical personnel.”

Client Tip: Develop a suicide prevention protocol and ensure all university employees know what to do if they learn of a student’s suicide attempt or stated plans or intentions to commit suicide.