

Court Rules that University-Provided Housing for a Study Abroad Program Created "Special Relationship" for Tort Liability Purposes

BY ROBERT G. YOUNG • JANUARY 23, 2020

On December 18, 2019, the federal District Court for the District of Rhode Island decided that the Rhode Island School of Design ("RISD") must stand trial on a negligence claim brought against the institution arising out of a rape that occurred in university-provided housing on a study abroad program. The plaintiff had enrolled in RISD's study abroad program in Ireland in the summer of 2016. For the program, RISD worked with a local Irish university to procure housing for the students in the program, ultimately settling on a local hotel. The housing arrangements were part of the study abroad program, and participants were not offered the option to decline the university-provided housing.

On the first night of the program, a student was raped in her room by another student in the middle of the night. The victim had been unable to lock the door to her room, and thus it remained unlocked while she was sleeping. She reported the assault to RISD, and the perpetrator was dismissed from the program. The victim subsequently brought suit alleging that RISD had been negligent in providing substandard housing accommodations.

Denying RISD's motion for summary judgment, the Court decided that a "special relationship" existed between RISD and the victim to create a legal duty on the part of RISD to prevent foreseeable harm. Among the factors the Court cited in its decision were the following: (1) RISD undertook to provide housing to the victim as part of the program; (2) RISD required all program participants to reside in the housing it had selected; and (3) RISD included the cost of the housing it provided as part of the tuition it collected from program participants. The Court found, therefore, that the victim reasonably could rely on RISD to exercise due care to select secure housing, and the question of whether it actually had exercised such care was a question for the jury.

CLIENT TIP

Institutions providing housing to students on foreign trips should remain mindful of the need to carefully vet the provider of such housing. While an institution may have other defenses to tort liability based on the acts of third parties, it should take measures to show that it exercised due care in selecting program locations.

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