INTRODUCTION
Suicide is the third leading cause of death for college aged students (CDC, 2010).
Since 1960, the suicide rate for persons aged 15-24 years old has increased almost 200%. Despite this increasing trend, limited research focusing specifically on suicide in college students exists.
The Big Ten Student Suicide Study (1980-1990), the most comprehensive research regarding student suicide available, reports a completed suicide rate of 7.5/100,000.

Though limited, data estimate that about 1,100 college students in the U.S. commit suicide each year.

Circumstances surrounding student suicide raise two major questions: (1) What role should college and universities play in addressing student suicide? and (2) What liability will and should colleges incur in this role?

LEGAL TRADITIONS
The American legal system has traditionally offered institutions of higher education protection from liability for student suicides.

- Individual who committed suicide is sole proximate cause of injury.
- As such, institutions of higher education were not held responsible.

Courts have shifted away from the concept of loco parentis:
- Colleges and universities do not act in place of parents.
- Students are legally adults and are responsible for their own lives.

Reaffirmed the legal principle that institutions were not liable for student suicide.

CONTEMPORARY COURTS
In the modern legal era, particularly since 2002, courts have, in some instances, determined that suicide may indeed be the result of a civil wrong or tort action committed by a party other than the victim.

Two exceptions to historical rulings, whereby liability may be assigned to institutions of higher education, have been noted:
(1) In rare and limited circumstances, the institution may be found to somehow have caused the suicide.
(2) The existence of a special relationship serves as the basis for the creation of a duty to prevent the suicide from occurring.

The issue of foreseeability and the existence of the duty to prevent suicide provide grounds for legal claims of tortious conduct against institutions of higher education.

RELEVANT CASES

- SCHESZLER V. FERRUM COLLEGE (2002): Michael Frentzel, a student at Ferrum College, committed suicide on campus on February 23, 2000. Campus officials were aware of Frentzel’s emotional issues and letters suggesting his intent to commit suicide. Ferrum College was found guilty of negligence due to breach of the duty to protect students from harm.

- SHIN V. MASSACHUSETTS INSTITUTE OF TECHNOLOGY (2002): Elizabeth Shin, a student at Massachusetts Institute of Technology, died from self-inflicted third degree burns on April 14, 2000. Campus officials were aware of Shin’s depression and suicidal ideation. The case was settled before trial.

- JAIN V. STATE OF IOWA (2000): Sanjay Jain, a student at the University of Iowa, died from self-inflicted carbon monoxide poisoning on December 4, 1994. Campus officials were aware of Jain’s suicidal ideation and a previous suicide attempt. The Iowa State Supreme Court held that no legally recognized special relationship existed between Jain and the University of Iowa and that the University did not have a duty to prevent the suicide.

- WHITE V. UNIVERSITY OF WYOMING (1998): Chauncey White, a student at the University of Wyoming, committed suicide on March 22, 1993. The Supreme Court of Wyoming held that the university officials had not acted in the capacity of healthcare providers in relation to White. Therefore, the University of Wyoming was not negligent as to the plaintiffs’ claim.

A CONTEMPORARY CONUNDRUM

Ironically, and sadly, the law puts colleges in a double bind. On the one hand, if they adopt risk-management measures to avoid dealing with potentially suicidal students, that attitude will discourage students from revealing their depression and seeking help, making them more likely to commit suicide. On the other hand, if an institution reaches out to help a troubled student, the more contact the student has with campus counseling services, the more antidepressants, the college’s psychiatrist prescribes, and the closer watch administrators keep, the more likely the institution is to be held liable if that student takes his or her life (p. B23).


BEST PRACTICES

- **PARENTAL NOTIFICATION:** Notification of parents or family when a student has presented a foreseeable risk of harm to self or others.

- **MANDATED LEAVE:** Mandated leave of absence from campus housing, activities, and classes for at-risk students.
  - Leave terms vary by institution and severity of the student’s condition. Readmission or reintegration into campus life is contingent on a thorough psychiatric assessment that renders a decision that an affected student is no longer a risk to him or herself. Mandatory Leave policies, however, have been challenged on the grounds that they are discriminatory and may violate Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA).

- **PREVENTION PROGRAMMING AND SERVICES:** Create a campus culture that encourages seeking help.
  - Identifying students at-risk for suicide and linking them to appropriate campus treatment programs and support groups may help reduce the incidence of suicide on college campuses.

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