

**The Emerging Crisis of College Student Suicide:
Law and Policy Responses to Serious Forms of Self-inflicted Injury¹**

Higher educational institutions face increasing challenges as they work with students who threaten suicide or who engage in other forms of self-inflicted injury. Colleges and universities are encouraged to intervene in meaningful ways with these students to facilitate a reasonably safe learning environment supportive of individuals with mental health concerns. In appropriate circumstances, this intervention may include communicating serious concerns to parents or other appropriate persons.

- Suicide and self-inflicted injury is correlated with other high-risk student behavior, such as alcohol and drug use. Colleges and universities should take an active role in managing these issues.
- Traditionally, courts have been reluctant to hold third parties (such as higher education institutions) responsible for preventing suicide. Liability can occur, however, if the third party actually causes the suicide (*e.g.*, by causing a serious head trauma that resulted in suicidal ideation). Liability can also occur if the third party has a duty to prevent the suicide. A duty to prevent suicide may arise if the third party has a special relationship, such as that of custodial care, to the victim.
- In addition to the potential liability discussed above, courts are moving toward imposing a duty on colleges and universities to share information with parents and families if that information might help to prevent a suicide.²
- Professional staff, such as physicians, psychiatrists, psychologists, social workers and counselors may disclose confidential information about a student client if they reasonably believe that client is at imminent risk of harming self or others. State law may require that disclosure be made to law enforcement or to the identified victim.
- Other college and university employees are bound by FERPA to protect the privacy of student records. FERPA, however, permits disclosure of information regarding a student's high-risk behavior or troubling statements "...in connection with an emergency, [to] appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons..."³ This provision should be interpreted to facilitate communication with parents, in appropriate case, of student threats of self-harm.

¹ Peter F. Lake & Nancy E. Tribbensee. *The Emerging Crisis of College Student Suicide: Law and Policy Responses to Serious Forms of Self-inflicted Injury*. Stetson Law Review (publication forthcoming).

² See, *Schieszler v. Ferrum College*, 2002 U.S. Dist. LEXIS 23545.

³ 20 U.S.C. § 1232g (b)(1)(I).