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SYMPOSIUM: INTRODUCTION

Ann MacLean Massie

This special edition of the *Journal of Civil Rights and Social Justice* contains papers generated by a symposium held on November 6, 2009, at the Law School of Washington and Lee University. Entitled, "Violence on Campus: Students Who Are a Danger to Self or Others and Appropriate Institutional Responses," the Symposium dealt with issues of continuing major concern to all institutions of higher education.

Though they keep appearing, we never quite become numb to the headlines. Just the week before our Symposium, a third-year architecture graduate student at Arizona State University shot and killed himself in a professor's office.¹ At UCLA, a twenty-year-old student was arrested for the brutal stabbing of a classmate in a chemistry lab on October 8, 2009;² in that case, the victim was hospitalized for ten days and released in good condition.³ Of course, we are all acutely aware of the mass shootings at Virginia Polytechnic Institute and State University (Virginia Tech) on April 16, 2007, when graduate student Seung-Hui Cho killed thirty-two members of the Tech community and wounded others before turning his gun on himself.⁴

Colleges and universities throughout the nation are taking second and third looks at their counseling services, their security plans—even the nature of the students on their campuses—asking why such tragic events take place and what college personnel might do to prevent them and to safeguard the members of their student bodies.⁵ We know that institutions

1. Lilibeth Montijo, *Suicide Involving a Gun Reported at ASU Tempe Campus*, THE AZ REPUBLIC, Oct. 26, 2009, <http://www.azcentral.com/community/tempe/articles/2009/10/26/20091026abr-asu-suicide.html> (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

2. *Police Investigate Stabbing in a Campus Teaching Lab; Victim Improving*, UCLA NEWSROOM, Oct. 9, 2009, <http://newsroom.ucla.edu/portal/ucla/incident-111158.aspx> (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

3. Phil Hampton, *Stabbing Victim Released from Hospital*, UCLA NEWSROOM, Oct. 22, 2009, <http://newsroom.ucla.edu/portal/ucla/stabbing-victim-released-from-111584.aspx> (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

4. John M. Broder, *32 Shot Dead in Virginia; Worst U.S. Gun Rampage*, N.Y. TIMES, Apr. 17, 2007, at A1.

5. Ann MacLean Massie, *Suicide on Campus: The Appropriate Legal Responsibility*

of higher education today have many more mentally disturbed students than was the case even a decade or two ago, a fact made possible by modern psychotherapeutic methods and medicines.⁶ Often these students go off to college without anyone on the campus knowing of their prior histories. They may quit taking their medications, begin keeping crazy hours, perhaps indulge in alcohol and other drugs, and become overwhelmed by the pressure-cooker atmospheres in which they find themselves suddenly immersed.⁷ Because the old role of colleges as *in loco parentis* became a thing of the past when we changed the age of majority to eighteen, the support mechanisms they might have enjoyed in high school are gone.⁸

I first became interested in the specific topic of college suicide when I read the *New York Times Sunday Magazine* cover article of April 28, 2002, which asked, "Who Was Responsible for Elizabeth Shin?"⁹ Two years earlier, the Massachusetts Institute of Technology (MIT) freshman had self-immolated in her dormitory room, just one day after her parents had paid a surprise visit to celebrate her nineteenth birthday.¹⁰ At that dinner, she appeared cheerful and full of plans.¹¹ Yet the night before her parents' visit, Elizabeth had attempted to stick a knife in her chest, but had lost her nerve at the last minute.¹² Her friends knew about that incident, and so did various campus administrators;¹³ she was known by a number of personnel at MIT, it seemed, to have made serious suicidal threats on more than one occasion.¹⁴ Yet no one had contacted her parents to warn them of the

of *College Personnel*, 91 MARQ. L. REV. 625, 634–36 (describing the efforts of colleges and universities to provide more expansive and effective psychological counseling services and to identify and aid at-risk students).

6. See Deborah Sontag, *Who Was Responsible for Elizabeth Shin?*, N.Y. TIMES MAG., Apr. 28, 2002 at 59 (stating that improvements in psychopharmacology have allowed more mentally-ill students to succeed in high school and move on to college).

7. Massie, *supra* note 5, at 656–57 (describing the elements of college life that may aggravate mental illness in students).

8. *Id.* at 640 ("There is a universal recognition that the age of *in loco parentis* has passed and that the duty, if any, is not one of a general duty of care to all students in all aspects of their collegiate life.").

9. Sontag, *supra* note 6, at 57.

10. *Id.*

11. See *id.* at 58 (describing Elizabeth's behavior at dinner with her family the night before her death, during which she discussed plans to get a passport for a summer trip to Korea and invited her younger sister to spend a weekend with her at school).

12. *Id.* at 57.

13. See *id.* at 94 (explaining that Elizabeth's friends called the campus police when they learned of her attempted suicide on April 8, 2002).

14. See *id.* at 61, 94, 139 (describing Elizabeth's interaction with numerous school

situation and give them an opportunity to help their daughter take steps that might have saved her life.¹⁵

Understandably, the Shins sued the school for failing to notify them of their daughter's fragile state and, given that campus administrators knew of it, for failing to intervene to prevent her tragic death.¹⁶ That was the posture things were in when I first read about the case. I began to look into the issues and learned that suicide is the second leading cause of death among college students, after accidents.¹⁷ Among undergraduate students, the rate is generally 7.5 per 100,000 students, meaning that we can expect between 1,000 and 1,100 such deaths per year.¹⁸ These numbers represent a dramatic increase since the 1950s.¹⁹

Besides the Shin case, there were, at the time of my research, three others in which a parent or guardian sued an institution of higher education for negligence in the wake of a student's suicide. In *Jain v. Iowa*,²⁰ the Iowa Supreme Court specifically held that the University of Iowa was not negligent when it failed to inform the Jains of their freshman son Sanjay's attempted suicide shortly before the Thanksgiving break.²¹ Sanjay had run into academic and other kinds of trouble during his first semester at college,²² but the picture he painted to his parents was rosy.²³ A few days before the Thanksgiving holiday, resident assistants were called to a dispute outside Sanjay's dormitory apartment when he and his girlfriend were quarreling over her attempt to take the keys to his moped,²⁴ which he had

officials with whom she met in regard to her suicide threats, including therapists, psychiatrists, campus police, the head of her dorm and the dean).

15. *See id.* at 58 ("The Shins claim that MIT, overly concerned with protecting Elizabeth's confidentiality, failed to inform them of their daughter's precipitous deterioration in the month before her death.").

16. *Id.*

17. Massie, *supra* note 5, at 633.

18. *Id.* at 633–34.

19. *See id.* at 633 ("Since the 1950s, the suicide rate among males [ages 15 to 24] has tripled, while for females, it has doubled.").

20. *Jain v. State*, 617 N.W.2d 293 (Iowa 2000) (holding that a university owes no duty to inform a student's parents of that student's previous suicide attempt).

21. *Id.* at 300.

22. *See id.* at 295 (explaining Sanjay's tendency to skip classes, use drugs and alcohol, and commit pranks, and the subsequent disciplines imposed on him by the school).

23. *See id.* (recounting Sanjay's communication with his parents, in which he described college as "awesome").

24. *See id.* ("In the early morning hours of November 20, 1994, resident assistants on duty . . . were called to a 'domestic' dispute outside Sanjay's apartment. When they arrived they observed Sanjay and his girlfriend, Roopa, fighting over a set of keys to Sanjay's

moved up to his bedroom to inhale the fumes in order to commit suicide.²⁵ The next day, he assured a university administrator that he would move the moped and that he would discuss his problems with his family over the upcoming break.²⁶ She reported the incident to the Assistant Director for Residence Life.²⁷ The record later showed that it was, in fact, an unwritten University policy that University officials would notify a student's parents when there was evidence of a suicide attempt.²⁸ The decision rested solely with the Dean of Students,²⁹ but in this case, he never received any information about Sanjay Jain.³⁰ Sanjay, of course, did not say a word to his parents over Thanksgiving and failed to follow up on his promise to the university administrator that he would seek counseling.³¹ He took the moped back to his room and on December 4, 1994, while his roommate was out of town, he in fact killed himself by inhaling the fumes.³² By the time the case was tried, the sole claim of negligence rested on the failure of the University to notify Sanjay's parents of his suicidal behavior.³³ The Iowa Supreme Court held there was so such legal duty.³⁴ It noted that the

moped.").

25. *See Jain*, 617 N.W.2d at 295 (reporting that both Sanjay and his girlfriend asserted he was trying to commit suicide).

26. *See id.* (giving an account of Sanjay's meeting with Beth Merritt, in which she encouraged him to seek counseling and he agreed to do so).

27. *See id.* ("In keeping with university protocol, Merritt discussed the Sanjay incident with her supervisor, David Coleman, the assistant director for residence life.").

28. *See id.* at 296 ("The record reveals that an unwritten university policy dealing with self-destructive behavior dictates that, with evidence of a suicide attempt, university officials will contact a student's parents.").

29. *See id.* ("The decision to do so rests solely with Phillip Jones, the Dean of Students. The Dean bases his decision on information gathered from a variety of sources.").

30. *See id.* ("In this case, no information concerning Sanjay Jain was transmitted to the Dean's office until after his death.").

31. *Jain v. State*, 617 N.W.2d 293, 296 (Iowa 2000) (describing Sanjay's failure to seek counseling after his meeting with Merritt, and his behavior and attitude over the Thanksgiving break).

32. *See id.* (recounting the circumstances of Sanjay's death due to self-inflicted carbon monoxide poisoning).

33. *See id.* ("By the close of discovery, the only specification of negligence seriously advanced by plaintiff was his claim that Sanjay's death resulted from the university's failure to notify his parents of his earlier suicide attempt.").

34. *See id.* at 300 (affirming the district court's ruling). The court stated:

[T]he record before us reveals that the university's limited intervention in this case neither increased the risk that Sanjay would commit suicide nor led him to abandon other avenues of relief from his distress. Thus no legal duty on the part of the university arose under Restatement Section 323 as a matter of law.

"emergency" exception contained in the Family Educational Rights and Privacy Act (FERPA) was discretionary, not obligatory,³⁵ and held that an action for negligence would not lie based on the University's failure to follow its own policy.³⁶

In contrast to *Jain*, a case arising here in Virginia in 2002 took exactly the opposite stand. In *Schieszler v. Ferrum College*,³⁷ United States District Court Judge Jackson Kiser ruled that LaVerne Schieszler, guardian of student Michael Frentzel, could bring her action against Ferrum College.³⁸ Judge Kiser reasoned that the College's awareness of Michael's desperate situation created a "special relationship" between the College and Michael, such that the College had a legal duty to intervene to prevent his suicide—either by contacting his guardian or by taking other direct steps.³⁹ Michael, a freshman at Ferrum College, hanged himself with a belt after a fight with his girlfriend.⁴⁰ Michael had previously been ordered by the College (for undisclosed reasons) to take anger management classes in order to continue as a student for the second semester.⁴¹ When his girlfriend showed campus police a note in which he stated that he intended to hang himself with a belt, they forced their way into his locked room and found him with bruises on his head,⁴² which he admitted were self-inflicted.⁴³ Upon being told of the

Id.

35. *See id.* at 298 (explaining it is an exception permitting "institutions to disclose otherwise confidential information to 'appropriate parties' when an 'emergency' makes it necessary 'to protect the health or safety of the student or other persons,'" and that this exception is discretionary in nature) (quoting from 20 U.S.C. § 1232g(b)(1)(I) (2002)).

36. *Jain*, 617 N.W. 2d at 293 (discussing set University policy when dealing with on-campus emergencies).

37. *Schieszler v. Ferrum College*, 236 F.Supp.2d 602 (W.D. Va. 2002) (holding that defendants had a special relationship with a student, and thus a duty to protect him from harming himself).

38. *See id.* at 614–15 (allowing Schieszler to move ahead with her claim of wrongful death).

39. *See id.* at 609 (finding that the plaintiff "alleged sufficient facts to support her claim that a special relationship existed between Frentzel and defendants giving rise to a duty to protect Frentzel from the foreseeable danger that he would hurt himself"); *see also id.* at 610 (finding that "[t]he plaintiff also has alleged sufficient facts to support her allegation that defendants Ferrum and Newcombe breached a duty to assist Frentzel").

40. *See id.* at 605 (noting the circumstances of Michael's death on February 23, 2000).

41. *See id.* ("As a result of some undisclosed 'disciplinary issues,' Ferrum required Frentzel to comply with certain conditions before permitting him to continue his enrollment. Among these was the requirement that Frentzel enroll in anger management counseling before returning for spring semester.").

42. *See id.* at 605 ("When [Michael's RA and campus police] managed to get into his room, they found Frentzel with bruises on his head.").

incident, the Dean of Student Affairs required Michael to sign a statement that he would not hurt himself.⁴⁴ When Michael wrote another suicidal note, the Dean told Michael's girlfriend not to go to his room, but otherwise, did nothing.⁴⁵ Yet a third note (all of this was within three days' time) caused the girlfriend to again approach campus authorities.⁴⁶ Finally, they entered Michael's room to find that he had indeed carried through with his threat.⁴⁷ Ms. Schieszler and the College eventually settled the case, with the College admitting some degree of negligence, according to newspaper reports.⁴⁸

In *Shin v. MIT*,⁴⁹ Judge Christine McEvoy, Justice of the Superior Court of Middlesex County, Massachusetts, relied upon the *Schieszler* case to rule in 2005 that the Shins' case could go forward against an associate dean in the office of the Dean for Student Life and against a librarian at MIT who was housemaster of Elizabeth's dormitory.⁵⁰ Both of these administrators had dealt with Elizabeth on several occasions when she had

43. *See id.* ("He told [his RA and the campus police] the bruises were self-inflicted.")

44. *See id.* ("The campus police informed Ferrum's dean of student affairs, David Newcombe, about the incident. Newcombe responded by requiring Frentzel to sign a statement that he would not hurt himself.")

45. *See id.* ("Within the next few days, Frentzel wrote another note to a friend stating 'tell Crystal I will always love her.' The friend told Crystal who told the defendants. They refused to allow her to return to Frentzel's dormitory room. The defendants took no other action.")

46. *See id.* ("Soon thereafter, Frentzel wrote yet another note stating: 'only God can help me now,' which Crystal pressed upon the defendants.")

47. *See id.* ("When the defendants visited Frentzel's room on February 23, 2002, they found that he had hung himself with his belt.")

48. *See* Julie Scelfo, *Colleges: Preventing Suicides*, NEWSWEEK, Nov. 3, 2003, <http://www.newsweek.com/2003/11/02/colleges-preventing-suicides.html> (on file with the Washington and Lee Journal of Civil Rights and Social Justice) ("In an undisclosed financial settlement this summer, the school admitted 'shared responsibility' for Frentzel's death—the first time a college had ever done so."); *see also* Eric Hoover, *Judge Rules Suicide Suit Against MIT Can Proceed*, THE CHRON. OF HIGHER EDUC., Aug. 12, 2005, <http://chronicle.com/article/Judge-Rules-Suicide-Suit/29253/> (on file with the Washington and Lee Journal of Civil Rights and Social Justice) (same).

49. *See* *Shin v. Mass. Inst. of Tech.*, No. 020403, 2005 WL 1869101, at *13 (Mass. Super. June 27, 2005) (noting that following the suicide of their daughter, Elizabeth H. Shin, the Plaintiffs filed a twenty-five count complaint against defendants MIT, MIT Medical Professionals, MIT Administrators, and MIT Campus Police Officers). Superior Court Judge Christine McEvoy ruled against MIT's motion for summary judgment, and dismissed the institution itself as a defendant, so that only the administrators and the medical staff were left as defendants. The case has just been settled out of court with payment to the Shin family undisclosed. *Id.*

50. *See id.* (comparing the case with *Schieszler* because there were special relationships established between the student and college administrators in both cases).

made serious threats of self-destruction and had engaged in other suicidal behaviors, such as the incident with the knife.⁵¹ The following spring, just a month before the scheduled trial date, MIT and the Shins jointly announced a resolution of the suit, with a settlement of an undisclosed sum.⁵² Surprising everyone, Mr. Shin issued a statement that "We . . . have come to understand that our daughter's death was likely a tragic accident."⁵³

The fourth student suicide case arose in Pennsylvania, where Charles Mahoney, a junior at Allegheny College, hanged himself at his off-campus fraternity house in February 2002.⁵⁴ As with the other cases, the parents included two university administrators in their lawsuit, alleging, among other things, that the two deans had a legal duty to notify the parents and to take other steps to prevent their son's suicide.⁵⁵ Judge Barry Feudale, of the Court of Common Pleas of Crawford County, Pennsylvania, analyzed the case as closer to *Jain* than to either *Schieszler* or *Shin*.⁵⁶ Specifically, he declared that the deans at Allegheny College lacked the detailed knowledge possessed by the administrators in the latter two cases.⁵⁷ In dismissing the suit against the deans, Judge Feudale expressed strong doubts about the validity of the "special relationship" theory in the college context, where the institution lacks custody or control over the student.⁵⁸ He was also

51. *See id.* (discussing the interaction and relationship between the student and two University administrators).

52. *See* Rob Capriccioso, *Settlement in MIT Suicide Suit*, INSIDE HIGHER ED (Apr. 4, 2006), <http://www.insidehighered.com/news/2006/04/04/shin> (on file with the Washington and Lee Journal of Civil Rights and Social Justice) ("On Monday, MIT and the family of Elizabeth Shin, a student who lit herself on fire in her dorm room and died in 2000, announced that they had reached a confidential agreement to resolve a lawsuit the family had filed against two student life staff members.").

53. Press Release, Massachusetts Institute of Technology, Agreement Reached by MIT and the Shin Family (Apr. 3, 2006), <http://web.mit.edu/newsoffice/2006/lawsuit-statement.html> (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

54. *See Mahoney v. Allegheny Coll.*, slip op. at 1–2 (Pa. Ct. Com. Pl. Crawford County, Dec. 22, 2005) ("This . . . case arises from a tragic incident in which a student in his junior year at Allegheny College in Meadville, Pennsylvania took his own life on February 11, 2002 by hanging himself at his off-campus fraternity house.").

55. *See id.* at 2 (stating the seven causes of action against the College defendants).

56. *See id.* at 22 (stating that *Jain* is the applicable precedent as opposed to *Schieszler* and *Shin* because no special relationship existed in *Jain*).

57. *See id.* at 22 ("The deans' 'relationship' with Mahoney only existed for a period of 3–4 days prior to his death and was primarily limited in its nature and scope to a disciplinary proceeding.").

58. *See id.* at 23 ("[S]pecial relationship outside the context of custody and/or control

concerned about students' privacy rights and about the ability of lay non-professionals to evaluate with reasonable foreseeability the likelihood that a given student would commit suicide.⁵⁹ The case did go forward against the school and its mental health professionals who had counseled Charles Mahoney.⁶⁰ A jury ruled 11-1 that they were not negligent in their dealings with Charles, in that his suicide was not reasonably foreseeable.⁶¹

In reading these cases—and having been the parent of two college students—I found myself persuaded by the reasoning in *Schieszler* and *Shin*. My research revealed that students in the college age group frequently present symptoms of mental health problems for the first time, and depression is a frequent phenomenon.⁶² Bipolar disorder is a serious mental illness that often appears in late adolescence.⁶³ Furthermore, brain development studies have shown that maturation of the so-called "executive function" of the cerebral cortex—which involves such capacities as judgment and impulse control—occurs later than we once thought: around age twenty-five or even later, rather than by age eighteen.⁶⁴

I readily admit that colleges and universities cannot possibly keep tabs on all their students, let alone be responsible for their behavior. But in both *Schieszler* and *Shin*, the facts were quite stark and specific.⁶⁵ *The*

is subjective in nature and could be construed as an elevation of form over substance that could lend itself to reactive rather than reflective results steeped in 'hindsight' as compared to a careful and precise legal analysis.").

59. See *Mahoney v. Allegheny Coll.*, slip op. at 23 (C.P. Crawford County, Pa. Dec. 22, 2005) ("The 'duty of nonprofessionally trained persons to notify' of 'impending danger,' while arguably less burdensome than the 'duty to prevent suicide,' implicates issues of foreseeability for nonprofessional lay persons as well as issues involving the disruption of a professional confidential clinical relationship.").

60. See *id.* at 27 (granting summary judgment on the count of negligence against only the University deans, and not the University or Mahoney's counselors).

61. See WILLIAM A. KAPLIN & BARBARA A. LEE, *A LEGAL GUIDE FOR STUDENT AFFAIRS PROFESSIONALS* 125 (2d. ed. 2009) (stating that the jury ruled for the University in *Mahoney*).

62. See Elizabeth Fried Ellen, *Suicide Prevention on Campus*, 19 No. 10 PSYCHIATRIC TIMES 1, 3 (2002) ("Today's colleges and universities also are drawing many more students who arrive on campus with diagnosed mental illnesses.").

63. See Kate Kelly, *Lost on the Campus*, TIME, Jan. 15, 2001, at 51 ("Additionally, many of the major psychiatric illnesses, including depression, bipolar disorder and schizophrenia, often do not manifest themselves until the late teens or early 20s.").

64. See Frontline, *Inside the Teenage Brain* (PBS television broadcast Jan. 31, 2002), available at <http://www.pbs.org/wgbh/pages/frontline/shows/teenbrain/etc/synopsis.html> (last visited Sept. 22, 2010) (on file with the Washington and Lee Journal of Civil Rights and Social Justice) (discussing the development of the cerebral cortex in the brain as being much later than originally thought).

65. See *Mahoney v. Allegheny Coll.*, slip op. at 23 (Pa. Ct. Com. Pl. Crawford

Restatement (Second) of Torts includes "a school and its students" as an example of the kind of "special relationship" that can give rise to a legal duty,⁶⁶ and *The Restatement (Third) of Torts*, currently in process, makes it even clearer that this can include an institution of higher education.⁶⁷ In the wake of the Virginia Tech tragedy, and motivated in part by Charles Mahoney's death, U.S. Representative Tim Murphy of Upper St. Clair, Pennsylvania, introduced into Congress a bill to amend FERPA to make it clear that educational institutions are indeed free to contact a student's parents.⁶⁸ The Mental Health Security for America's Families in Education Act of 2007 specifically noted that "the value of parental involvement should not end when a student has attained 18 years of age."⁶⁹

In an article that I wrote which appeared in the Spring 2008 issue of the *Marquette Law Review*, I proposed the following rule of law:

When an administrator at an institution of higher education (including faculty) has actual knowledge of a suicide attempt on the part of an enrolled undergraduate student, or of other circumstances indicating that the student is seriously suicidal, that administrator has a duty to take reasonable steps to protect the student from self-harm, including, but not limited to, notifying the student's parent/s or guardian or reporting the information to an administrator who has authority to make such notification. This duty may extend to other reasonable steps to protect the student's safety, such as contacting campus counselors or campus security officers, who might have the authority to take custody of a student presenting a danger to self or others. It may also include other actions, depending upon what is reasonable under the circumstances.⁷⁰

As my article was going to press, the nation was shocked by the events of April 16, 2007, at Virginia Tech. That incident dramatically highlighted another kind of violence that disturbed individuals can all too easily, it seems, wreak on our campuses. Cho's behavior was tragically mirrored by

County, Dec. 22, 2005) (discussing the fact-specific nature of the *Schieszler* and *Shin* cases and their applicability in cases addressing suicide on college campuses).

66. RESTATEMENT (SECOND) OF TORTS § 314A (1965).

67. See RESTATEMENT (THIRD) OF TORTS: LIAB. FOR PHYSICAL HARM § 40 cmt. 1 (Proposed Final Draft 2005) (including college students in the category of students due reasonable care by their educational institutions).

68. See H.R. 2220, 110th Cong. (2007) ("To permit educational agencies and institutions to disclose certain information to parents of students who may pose a significant risk to their own safety or well-being, or to the safety or well-being of others.").

69. See *id.* § 2(10) ("However, the value of parental involvement should not end when a student has attained 18 years of age.").

70. Massie, *supra* note 5, at 679.

Jared Loughner on January 8 of this year.⁷¹ Loughner was not a student at the time, but his disturbing and disruptive behavior had caused him to be suspended from Pima Community College the previous October, when he was told that he could return only after receiving clearance from a mental health professional, including assurances that he did not constitute a danger to himself or others.⁷²

This Symposium pulls together experts in various fields of law and psychology to explore both these tragic examples of violence on campus: student suicides and student-on-student attacks. Gary Pavela, the lead-off for the discussion of campus suicides, is a nationally known expert on issues dealing with college students and author of the widely acclaimed book, *Questions and Answers on College Student Suicide: A Law and Policy Perspective*.⁷³ His Article, "College Suicide: A Law and Policy Perspective," expands upon that theme. Next come shorter pieces from a panel that followed Mr. Pavela's presentation. Daryl Lapp, a lawyer who has advised institutions of higher education—sometimes in situations similar to that of MIT in the Elizabeth Shin case—gives us provocative points to ponder in "The Duty Paradox: Getting it Right After a Decade of Litigation Involving the Risk of Student Suicide." Eileen Ryan, Medical Director of the Institute of Law, Psychiatry and Public Policy at the University of Virginia and a specialist in developmental psychology and neuroscience, addresses "What Psychiatry, Developmental Psychology, and Neuroscience Can Teach Us About At-Risk Students." Ann Haas, a psychologist who serves as Project Director of the American Foundation for Suicide Prevention and who developed the College Screening Project, a tool for evaluating suicidal risk in students, has concrete suggestions for "Detecting and Engaging At-Risk Students."

71. Shailagh Murray & Sari Horwitz, *Rep. Gabrielle Giffords Shot in Tucson Rampage; Federal Judge Killed*, WASH. POST, Jan. 9, 2011, <http://www.washingtonpost.com/wp-dyn/content/article/2011/01/08/AR2011010802422.html?sid=ST2011010802810> (discussing the Tuscan shooting incident and Jared Loughner's involvement in the shooting) (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

72. David A. Fahrenthold & Clarence Williams, *Tucson Shooting Suspect Jared Loughner Appears to Have Posted Bizarre Messages*, WASH. POST, Jan 9, 2011, <http://www.washingtonpost.com/wp-dyn/content/article/2011/01/08/AR2011010803961.html> (stating that Loughner withdrew from Pima Community College after disciplinary problems and "[s]chool officials told him he could return only if he obtained a clearance certifying that □ in the opinion of a mental health professional, his presence at the College does not present a danger to himself or others").

73. GARY PAVELA, *QUESTIONS AND ANSWERS ON COLLEGE STUDENT SUICIDE: A LAW AND POLICY PERSPECTIVE* (College Administration Publications 2006).

We were very fortunate to have as our lead for the topic of student-on-student violence Professor Lucinda Roy, an alumni distinguished professor at Virginia Tech who teaches graduate and undergraduate classes in creative writing and literature. Professor Roy tutored Seung-Hui Cho at Tech and bravely addressed shortcomings she saw in Tech's failure to respond much earlier to this troubled student in her book, *No Right to Remain Silent: The Tragedy at Virginia Tech*, published by Random House in 2009. Her Article, "Insights Gleaned from the Tragedy at Virginia Tech," is guaranteed to engage readers as thoroughly as it did her listening audience at the Law School. She was followed by Bella Sood, Chair of Child and Adolescent Psychiatry at the Virginia Treatment Center for Children associated with the Medical College of Virginia Hospitals and a member of the Governor's Panel appointed in the aftermath of the Tech shootings to investigate and report back to the Governor with recommendations for preventing another such occurrence. Her enlightening piece tells us "What the Governor's Panel Learned." Richard Brusca, a lawyer who advised the Governor's Panel, highlights, with co-author Colin Ram, the urgent issue of "A Failure to Communicate: Did Privacy Laws Contribute to the Virginia Tech Tragedy?" Finally, Don Challis, Chief of Police at the College of William and Mary, discusses in very practical terms "Appropriate Responses of Campus Security Forces."

Each of our Symposium participants is an expert in a different field and approaches the respective elements of the problems taken up from a slightly different perspective. Together, they vastly enhance our understanding of the complexities involved in our subject matter and give us valuable insights into how we might begin to make our campuses safer and more secure places for all students.