

## Higher Education

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## ALERT

MASSACHUSETTS HIGH COURT PROVIDES GUIDANCE ON  
RESPONDING TO SUICIDAL STUDENTS*By Karen Baillie*

In *Ngyuen v. Massachusetts Institute of Technology*, SJC-12329 (May 7, 2018), the Massachusetts Supreme Judicial Court found that MIT was not liable to the estate of a former graduate student who had committed suicide moments after his professor had called him to “read [him] the riot act” and otherwise provide him guidance about repairing his relationships with his coworkers during a summer research project. The court explained that the general rule was, “that there is no duty to prevent another from committing suicide.” *Slip Op.* at 21. But that “a university has a special relationship with a student and a corresponding duty to take reasonable measures to prevent his or her suicide ... where a university has actual knowledge of a student’s suicide attempt that occurred while enrolled at the university or recently before matriculation, or of a student’s stated plans or intentions to commit suicide.” *Slip Op.* at 29.

The court imposed the duty after identifying several factors in the modern student-university relationship, including that universities sponsor athletics and other potentially dangerous activities, and that universities are property owners and landlords. But the court also stressed that “universities are not responsible for monitoring and controlling all aspects of their students’ lives.” (*Slip Op.* at 25). In addition, “the modern university-

student relationship is respectful of student autonomy and privacy.” *Slip Op.* at 26.

The duty imposed by the court is thus very limited. “It is definitely not a generalized duty to prevent suicide.” *Slip Op.* at 32. As it is apparently not uncommon for undergraduate and graduate students to think about suicide, “the duty is not triggered merely by a university’s knowledge of a student’s suicidal ideation without any stated plans or intentions to act on such thoughts.” *Slip Op.* at 31 n.17 & 32. Rather, the duty is triggered only when the university has actual knowledge that “a student has attempted suicide while enrolled at the university or recently before matriculation, or has stated plans or intentions to commit suicide.” *Slip Op.* at 32.

Once the duty arises, the university has an obligation to take reasonable measures to prevent the harm. Such reasonable measures include:

- (1) initiating the university’s “suicide prevention protocol if the university has developed a protocol” or
- (2) “in the absence of 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

- (3) “if the student refuses such care, to notify the student’s emergency contact.”

*Slip Op.* at 34-35.

Using this framework, the court concluded both that MIT had no actual notice of the student’s suicidal intentions and that, even if there were a duty, the university took reasonable steps. The student never communicated to any MIT employee that he had current plans or intentions to commit suicide, and his prior suicide attempts were well over a year before matriculation. Although the student sought help from the university for test-taking and studying techniques, he characterized his problems as being caused by insomnia, and he repeatedly made clear that he wanted to keep any mental health issues separate from his academic performance problems. The court found that even if MIT had a duty to act, MIT satisfied that duty by encouraging the student to seek help and by inviting further conversations. “In these circumstances, as a matter of law, a twenty-five year old graduate student’s rights to privacy, autonomy and self-determination were properly respected.” *Slip Op.* at 39.

Institutions of higher education should continue to respond to cries for help from students who may seem suicidal. Appropriate responses include referring the student to university officials who can assist the student in obtaining help from medical professionals and following suicide prevention protocols.◆

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