

When does a university have a duty to protect its students? Two recent cases shed light on the question.

In *Regents of University of California v. Superior Court*, UCLA took steps to address a student's aggressive behavior, including treating him for schizophrenia and removing him from university housing. Eventually, the student stabbed a classmate with a kitchen knife during class without warning or provocation. The classmate survived and sued UCLA, arguing that UCLA had a legal duty to protect her from the aggressive student. The California Supreme Court agreed, holding that universities owe a duty to take reasonable care to protect students from foreseeable violence during curricular activities. The case was returned to the lower courts to determine whether UCLA fulfilled that duty.

In *Nguyen v. MIT*, a graduate student with a history of depression and suicide attempts took his own life after receiving critical feedback from a professor. The student's father sued MIT for failing to prevent the student's suicide. The Massachusetts Supreme Judicial Court held that a university has a duty to take steps to prevent a student's suicide when the university has actual knowledge that the student attempted suicide while enrolled or shortly before enrolling, or that the student intends to take their own life. The court ruled that the duty didn't apply because MIT didn't know of the graduate student's history or intentions.

While neither case is controlling law in Utah, the two cases show that a court may determine that a university has a legal duty to take protective measures when the university knows a student is likely to harm themselves or others. If you believe that a student may harm themselves or others, contact UVU Police or a member of UVU's Behavioral Assessment Team.