TUESDAY, FEBRUARY 16, 1993
8:30 - 10:00 a.m.

CONCURRENT SESSION THREE

Violence In Campus Residence Halls

Faculty:

Barbara Lee
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VIOLENCE IN CAMPUS RESIDENCE HALLS: STANDARDS FOR COLLEGE OF UNIVERSITY LIABILITY

PRESENTED BY:

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Presented at the Stetson University
College of Law Conference:

14th ANNUAL NATIONAL CONFERENCE ON
LAW AND HIGHER EDUCATION: ISSUES IN 1993
Sheraton Sand Key Resort Hotel
Clearwater Beach, Florida
February 14-17, 1993
I. General Legal Standard

A. Liability, if found, is premised upon tort law doctrine of negligence. Elements of negligence include:

1. Duty of care owed to student by college
   a. Students are invitees; if college is landlord then duty to provide safe premises may be created

2. Failure to meet standard of care (breach of duty)

3. Injury resulted from breach; breach was proximate cause of injury

B. Defenses

1. No duty owed to student (most typical defense)
   a. Usually on basis of un foreseeability—see Hall v. Board of Supervisors, Southern University, 407 So.2d 748 (La. App. 1981) (no breach of duty to protect student where no security forces could have prevented spontaneous unprovoked violence)

2. Sovereign immunity (for public institutions)

3. Charitable immunity (for private institutions)

4. Contributory negligence by student

5. Assumption of risk by student

II. Residence Hall Cases

A. Attacks by intruders (non-invitees)—liability or potential liability found:

1. Mullins v. Pine Manor College, 449 N.E. 331 (Mass. 1983) (Women's college was liable for injury to student raped on campus by intruder where risk was
foreseeable to college and jury could have found residence hall security system to be deficient

a. Court found that college had duty to protect resident students from criminal acts

b. College undertook the duty to provide safe residence halls by requiring freshman and sophomore students to live in residence halls, and students relied on college to provide security

c. Court refused to apply charitable immunity doctrine

2. Miller v. State, 478 N.Y.S.2d 829 (App. Div. 1984) (State university liable for rape in college residence hall because failure to lock outer doors was breach of duty and was proximate cause of rape.)

a. University had knowledge of prior incidents and complaints by plaintiff. Court applied landlord-tenant law to find a duty to maintain minimal security measures and found that criminal activity was foreseeable.

3. District Board of Trustees of Miami Dade Community College v. M.H., 578 So.2d 8 (Fla. App. 1991) (College found liable for breach of duty to provide adequate security could not claim sovereign immunity).


a. Question of material fact existed as to whether university as landlord could have foreseen the criminal activity.

b. Question of material fact existed as to whether university or student breached their obligations as specified in residence hall documents detailing security measures that university and students should take).

(Case was reportedly settled out of court).

B. Attacks by intruders (non-invitees)--no liability
1. **Brown v. North Carolina Wesleyan College**, 309 S.E.2d 701 (N.C. App. 1983) (College had duty to safeguard students from criminal assaults, but security system was adequate. Poor lighting not a cause of abduction, rape and murder of college student).

   a. College had duty to protect students because of one prior attempted rape several years earlier.

   b. Security system was found to be adequate.

   c. Abduction was not in residence hall and was not foreseeable.

2. **Savannah College of Art & Design v. Roe**, 409 S.E.2d 848 (Ga. 1991) (college not liable for sexual assaults in residence halls by intruder)

   a. Housing policy agreement did not explicitly promise to protect students against criminal acts of third parties; no contractual duty existed.

   b. Lack of prior sexual assaults meant that college could not foresee such activity and thus no duty existed.

   c. For other cases holding that college's lack of knowledge of prior criminal activity prevented the imposition of a duty to protect, see **Cutler v. Board of Regents of the State of Florida**, 459 So.2d 413 (Fla. Dist. Ct. App. 1984) (student assaulted by three armed intruders in residence hall room; no duty to protect against such crimes). **See also Relyea v. State of Florida**, 385 So.2d 1378 (Fla. Dist. Ct. App. 1980) (two students abducted on campus and murdered; no duty to protect students from such behavior).

C. Attacks by fellow students--no liability

1. **Crow v. State of California**, 271 Cal. Rptr. 349 (Cal. App. 1990) (Student was assaulted by adult student at beer party in residence hall. University had no duty to supervise beer party or student who had previously assaulted residence hall advisor).

   a. Claims based on landlord-tenant contract were not timely filed under California's Tort Claims Act
and were barred.

b. Claim that permitting a student with a record of previous assault to live in a college dormitory created a "dangerous and defective condition" fails because defect must be physical, not third party conduct.

c. University did not undertake a duty to safeguard its students from risk of harm from alcoholic beverages

2. **Tania H. v. Regents of the University of California**, 278 Cal. Rptr. 918 (Cal. App. 1991) (University had no duty to supervise student parties in residence halls, nor to prevent underage consumption of alcohol; no liability for sexual assault of student in residence hall)

   a. University rules against alcohol consumption by minors do not create duty to supervise student drinking.

   b. College administrators have moral duty to educate students about violent conduct, but have no legal duty to protect students from crime.

   c. Existence of shattered lightbulb in hallway was not proximate cause of rape and does not impose liability on university for defective premises.

   d. University policy permitting coed living quarters does not breach duty; university has no duty to segregate students by sex or behavior.

3. **Rabel v. Illinois Wesleyan University**, 514 N.E.2d 552 (Ill. App. 1987) (university had no duty to protect student against "prank" by fellow student that involved abduction from residence hall).

   a. Neither University handbook nor its regulations created duty to protect students.

   b. University's regulations against underage alcohol consumption do not place students in custodial relationship with university.

   c. University as landlord is not an insurer of its students' safety and has no duty to protect students from intentional or criminal acts of others.
III. Related Cases

A. Liability found for dangerous premises

1. Peterson v. San Francisco Community College District, 190 Cal. Rptr. 335 (Cal. App. 1983) (college's failure to trim shrubbery around stairs to parking lot in area subject to prior criminal activity, known to college, was breach of duty to protect invitees. College also owed plaintiff duty to warn of dangerous area).

B. No liability for injury to student resulting from underage consumption of alcohol

1. Bradshaw v. Rawlings, 612 F.2d 135 (3d Cir. 1979), cert. denied, 446 U.S. 909 (1979). (college not liable for damages to student injured in automobile accident following college picnic at which driver became intoxicated).

a. "the modern American college is not an insurer of the safety of its students... College students today are no longer minors; they are now regarded as adults... Regulation by the college of student life on and off campus has become limited... because the circumstances show that the students have reached the age of majority and are capable of protecting their own self interests (Id. at 139-40).

b. "A college regulation that essentially tracks state law and prohibits conduct that to students under twenty-one is already prohibited by state law does not, in our view, indicate that the college voluntarily assumed a custodial relationship with its students" (p. 141).

c. No special relationship existed between the student and the college that would impose upon the college a duty to control the conduct of a student operating a motor vehicle.

d. A college's knowledge that underage students consume alcohol does not create a duty to protect the students.

to on-campus underage alcohol consumption)

a. Neither the university's prohibition of underage drinking nor the residence hall rental agreement which prohibited alcohol on the premises created a duty to prevent such drinking.

b. University's role is like innkeeper, who is not required to search guests for contraband or protect them from each other.

3. Beach v. University of Utah, 726 P.2d 413 (Utah Super. 1986) (university not liable for damages to student who became intoxicated while on class field trip and fell from cliff)

   a. No special relationship existed between university and student such to create duty to protect and supervise student.

   b. University regulations against drinking and failure of faculty member to prevent underage drinking did not create duty or its breach.

C. No liability for murder of student by fellow student who was recently released prisoner—Eiseman v. State, 518 N.Y.S. 2d 608 (1987).

   1. University applied statutory standards to recently released prisoner; had no duty of extra supervision or restriction of his activities.


   a. University owned the land on which fraternity house (site of hazing incident) was located, but did not own house.

   b. University prohibited hazing and was aware of earlier hazing incidents by this fraternity. "In view of past hazing incidents involving physical harm to students, the occurrence of the unusual activities preceding fraternity hazing as witnessed by campus security . . . and the common knowledge on campus that hazing occurred, there was sufficient evidence for jury determination on the issue of
whether the hazing which caused injury to Furek was foreseeable. . . The likelihood of injury during fraternity activities occurring on university campuses is greater than the utility of university inaction" (pp. 522, 523)

c. Decision is very critical of Bradshaw, Whitlock and Beach.

IV. Implications of Campus Security Act

A. Title II of the Student Right-to-Know and Campus Security Act, (P.L. 101-542, 1990) requires colleges and universities

1. to collect and publish statistics on campus crime (murder, rape, robbery, aggravated assault, burglary, and motor vehicle theft) and to make that information available to students, employees, and applicants upon request. Data must be provided about crimes that take place on college-owned or college-controlled property in a "reasonably contiguous geographic area" as well as property owned or controlled by student organizations (such as fraternities). Data on arrests for weapons, drug abuse and liquor law violations occurring on campus must also be provided.

2. College must also publish an "annual security report" which includes campus policies regarding procedures and methods for reporting crimes, access to campus facilities, housing security procedures, arrest authority of law enforcement personnel and their relationship with local police, descriptions of crime prevention and security awareness programs

B. Will provide data to potential litigants about prior criminal activity on and near campus; may make it difficult for college to claim that it was unaware of prior criminal activity. Increases foreseeability of violence against students.

C. On the other hand, provision of crime data to students may permit colleges to argue that students were aware of the risk and should have taken additional precautions.

D. Crime in off-campus housing or other locations may not be covered by this law.

V. Recommendations for limiting campus crime and institutional liability

A. Review security measures in residence halls, obtaining expert assistance if necessary.

B. Improve external lighting in residence and classroom areas

C. Install automatic call boxes and check them for vandalism

D. Do not schedule evening events in remote areas of the campus; provide escorts or transportation for students who must go to remote areas after dark


VI. Other suggested references


Flaherty, Michael R. "Tort Liability of College or University For Injury Suffered by Student as a Result of Own or Fellow Student's Intoxication." 62 A.L.R. 4th 81 (1988 and annual supplements).


Miyamoto, Tia. "Liability of Colleges and Universities

"Note: Tort Liability of Colleges and Universities for Injuries Resulting from Student Alcohol Consumption." 14 Journal of College and University Law 399 (1987).


VICTIMIZATION IN RESIDENCE HALLS

PRESENTED BY:

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Presented at the Stetson University
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VICTIMIZATION IN RESIDENCE HALLS

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Higher Education and Student Affairs
Bowling Green State University

Note: Portions of the following material have been taken from:


This presentation will focus on the results of a national study entitled "Violence, Vandalism, and Verbal Harassment: A Study of Victimization in Residence Halls," funded by grants from the Research and Educational Foundation of the Association of College and University Housing Officers - International (ACUHO-I) and the Faculty Research Committee of Bowling Green State University.

Respondents: Chief housing officers at 49 institutions affiliated with ACUHO-I.

Respondent Institutions: located in 30 states; 28 public, 21 private; 596,104 total students enrolled (range approx. 600-38,000); 141,961 total residence hall students (range approx. 100-13,000) 3,459 total Resident Assistants (RAs) employed (range 6 - 300).

Resident Students: 77% white (range 46% - 97%), 9% African American, 7% Asian American/Hawaiian/Pacific Islander, 5% Hispanic/Latino, 1% Alaskan Native/Native American Indian; estimated 8% Jewish, 10% gay/lesbian.

Three types of incidents (violence, vandalism, and verbal harassment) and five victim groups (RAs, racial/ethnic minority students, women students, gay/lesbian students, and Jewish students) were defined.
Table 1 shows numbers of incidents that were officially reported during the past two years, while Table 2 shows these incidents as percentages of corresponding incidents that respondents believed actually occurred in their residence halls during the two-year time period in question (whether or not such incidents were officially reported).

Table 3 shows the percentages of officially reported incidents in which offenders were identified, which led to disciplinary hearings, which led to disciplinary sanctions, and which led to disciplinary sanctions that respondents believed were sufficient to deter offenders from repeating similar behaviors in the future.

Table 1

Numbers of Incidents Actually Reported

<table>
<thead>
<tr>
<th>Victim Group</th>
<th>Violence</th>
<th>Vandalism</th>
<th>Verbal Harassment</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>RAs</td>
<td>224</td>
<td>626</td>
<td>1,972</td>
<td>2,822</td>
</tr>
<tr>
<td>Race/Ethn. Min.</td>
<td>141</td>
<td>273</td>
<td>259</td>
<td>673</td>
</tr>
<tr>
<td>Women</td>
<td>444</td>
<td>325</td>
<td>857</td>
<td>1,626</td>
</tr>
<tr>
<td>Gay/Lesbian</td>
<td>62</td>
<td>131</td>
<td>143</td>
<td>336</td>
</tr>
<tr>
<td>Jewish</td>
<td>7</td>
<td>22</td>
<td>40</td>
<td>69</td>
</tr>
</tbody>
</table>

| Total        | 878      | 1,377     | 3,271             | 5,526 |
Table 2
Reported Incidents as Percentages of Total Incidents Believed to Have Occurred

<table>
<thead>
<tr>
<th>Victim Group</th>
<th>Violence</th>
<th>Vandalism</th>
<th>Verbal Harassment</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>RA's</td>
<td>79% of 285</td>
<td>42% of 1,478</td>
<td>50% of 3,894</td>
<td>50% of 5,657</td>
</tr>
<tr>
<td>Race/Ethnic.</td>
<td>44% of 317</td>
<td>34% of 805</td>
<td>16% of 1,579</td>
<td>25% of 2,701</td>
</tr>
<tr>
<td>Women</td>
<td>20% of 2,189</td>
<td>33% of 982</td>
<td>15% of 5,702</td>
<td>18% of 8,873</td>
</tr>
<tr>
<td>Gay/Lesbian</td>
<td>23% of 265</td>
<td>23% of 559</td>
<td>16% of 906</td>
<td>19% of 1,730</td>
</tr>
<tr>
<td>Jewish</td>
<td>23% of 30</td>
<td>13% of 164</td>
<td>12% of 346</td>
<td>13% of 540</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>28% of 3,086</td>
<td>34% of 3,988</td>
<td>26% of 12,427</td>
<td>28% of 19,501</td>
</tr>
</tbody>
</table>

Table 3
Information Regarding Reported Incidents

<table>
<thead>
<tr>
<th>Verbal</th>
<th>Violence</th>
<th>Vandal. Harass.</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>(n=)</td>
<td>(878)</td>
<td>(1,377)</td>
<td>(3,271)</td>
</tr>
</tbody>
</table>

Note: all percentages are based on incidents actually reported.
Corresponding information for incidents affecting each of the five victim groups separately will be presented and discussed. Respondents were asked to briefly describe "the most common incident" and "the most serious incident" that had victimized persons within each of the five groups. Responses include the following examples:

**RAs**

- We had an RA receive stitches as a result of being punched in the face by a resident.
- RA confronting alcohol had door slammed on hand, resulting in need for reconstructive surgery.
- A Resident Assistant was sexually assaulted...
- RA physically shoved/hurt during an alcohol related confrontation.
- Knocking on white female RA's door at 2 am asking for help and then dragging her down hall and hitting her.
- A student doing physical harm to an RA.
- Physical assault on RAs.
- An RA was physically attacked (struck) by a resident. Resident was under the influence of alcohol and was being confronted by the RA on a policy violation.
- An RA (female) was knocked to the ground by some non-resident whom she had asked to leave the building.
- An RA (female) was pushed against a wall by an intoxicated man while other male students gathered and supported the man's actions.
- RA who was shoved several times while dealing with an intoxicated student.

**Women**

- Rape, date rape, acquaintance rape, or various combinations thereof (11 responses)
- Rape by an unknown assailant.
- A woman was kidnapped and brutally raped.
• Date rape situation which involved sexual assaults from various members of a fraternity.
• A number of women have been sexually assaulted while in the residence halls.
• Woman beaten and sexually assaulted by a man she was dating.
• The two most serious incidents involving the victimization of women students are: 1) an acquaintance rape in the hall where the woman was a friend of the attacker, and 2) a woman was physically abused by her boyfriend in the hall.
• Woman assaulted in bathroom on her own female floor, by males.
• Several different instances of physical assault.
• A man choking and threatening a woman and then losing control with residence staff and Public Safety Officers.
• Throwing a woman down a flight of concrete steps - both parties were on drugs during the confrontation.
• A male student hit his pregnant girlfriend repeatedly in the abdomen.
• A male non-student physically assaulted his girlfriend to the point where she was taken to the hospital.
• Male angry at female strikes female causing physical injury.

Racial/Ethnic Minorities

• White attacked an Alaskan native for no apparent reason. However, both individuals were drunk.
• A group of white students harassing a group of African Americans through vandalism led to a physical altercation with one student brandishing a hammer.
• Slurs that developed into fist fights.
• Racial comments were yelled at Black student, which resulted in a near riot.
• Fighting.
• An Assistant Hall Director and student security worker were called racial names to their faces, which led to a physically violent situation.
• African American woman being verbally harassed and physically pushed around by 5 white males.
• An ethnic minority student was called out of the building to participate in a physical altercation.
• Physical assault.
• A fight involving four white students and two black students. It wasn't clearly racially motivated, but I believe that and alcohol were big factors.

Gay/Lesbian Students

• Assault.
• Student attacked in the shower.
• A male student assaulted by another male student because the victim was gay - no prior interaction had occurred between the two.
• Violent outburst by roommate when he discovered his roommate was gay.
• Fist fight w/name calling.

Jewish Students

• A mid eastern student (male) held down a Jewish student (male) and drew on his body with a magic marker. Among the things he drew on his body was a swastika.
• Students physically and verbally assaulted.

Victimization in residence halls goes far beyond acts of violence and includes many other crimes and ongoing forms of harassment that drive students out of our residence halls and away from our universities. Incidents described in this study include thefts that were racially motivated, extortion based on one's sexual orientation, oral and written threats to harm and even kill people (especially RAs), obscene phone calls threatening rape or other bodily harm, selling t-shirts reading "slap a JAP," posting or sending pornographic materials, racist/sexist/homophobic/anti-Semitic graffiti, breaking someone's windows, shredding someone's clothes, vandalizing someone's car (e.g., with swastikas or by overturning it), urinating under someone's room door, throwing dead animals into
someone's room, and pinning a penis (from a cadaver) to an African American female RA's door with a note signed "KKK."

Free response items on the survey form asked respondents to describe issues pertaining to the problem of victimization in residence halls and suggestions that they would offer to other housing officers who wish prevent the occurrence of victimization or most effectively address incidents of victimization if they occur. Responses, which fell into the following general categories, will be discussed during this workshop.

- Institutional and Personal Values
- Policies (e.g., regarding harassment, alcohol, weapons, etc.)
- Staff Training
- Student Programming
- Confronting and Reporting Incidents
- Adjudicating Incidents (e.g., institutional discipline, criminal prosecution, civil action)
- Victim Services
- Additional Issues and Suggestions

Examples of comments and questions that appear to warrant further discussion include the following:

- Our hands are tied [in reference to "free speech" that ultimately results in violence, vandalism, etc.]
- We must come to grips with the alcohol problem if we want to solve other problems that are directly or indirectly caused by alcohol.
- Stop accepting alcohol as an excuse for what is clearly unacceptable behavior.
- Lose the "boys will be boys" philosophy.
- Perpetrators [of violence] must be prosecuted and never have incidents watered down by a school more interested in protecting its image.
- Whenever appropriate or necessary ... make referrals for civil action and/or criminal prosecution.
• Possession of guns and threats to use such guns "if necessary" were described as "serious discussion topics for our entire profession nowadays."

• [In reference to relationship violence yielding an "intimidating environment for the female with her feeling as though she has no control"]/] The university is often able to do very little due to lack of evidence and "loopholes" in the law.

• Move quickly in all physical abuse situations.
• Don't let the abuse go on ... address each incident immediately.
• How can we protect the victim or staff member who reported the incident?

• [Regarding harassment of homosexuals]: Current political and legal controversies regarding gay rights have forced some to "put the whole issue on hold."
• To what extent do institutional insurance policies and "workers' compensation parameters" apply to RAs or other staff who are injured "in the line of duty"?
• Should institutions make reparations for damages done to staff belongings (i.e., cars and other personal property)?
• Should an institution's legal counsel defend staff members accused of inappropriate behaviors (versus acts of self-defense) when "who pushed whom first" is not clear?

The following resources are recommended to those who wish to explore further some of the issues addressed during this session:


The Journal of College and University Student Housing, The ACUHO-I Talking Stick, and other publications of the Association of College and University Housing Officers-International.


Pavela, G. (Ed.). Synthesis: Law and Policy in Higher Education. [Also note that the Synfax Weekly Report and the Synfax Bulletin are sent to subscribers via telefax on a weekly and immediate need-to-know basis, respectively.]


VIOLENCE IN CAMPUS RESIDENCE HALLS: A STUDENT AFFAIRS ADMINISTRATORS REACTION

PRESENTED BY:

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Presented at the Stetson University
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A STUDENT AFFAIRS ADMINISTRATORS RESPONSE

INTRODUCTION

Violence, and the resulting victimization, which occurs in campus residence halls has a major impact on many parts of the institution. Student affairs administrators from a number of areas of responsibility must primarily be concerned about the impact which such violence has on the affected student(s). When, as described in a study by Dr. Carolyn Palmer (In Press), that violence is aimed at individuals as a result of their membership in a particular group, specific prevention strategies must be provided and responses to show support for the victim and other students who are similarly potential victims must occur.

Such administrators, however, must also be aware of, and deal with, the peripheral fall-out which results. Student Affairs offices must plan prevention strategies and respond to specific incidents in a variety of ways. Campus Security/Police, Legal Affairs and many other campus offices are also impacted by such violence and may have to deal with both the short-term and long-term results of these problems whether they result from victimization of a class of persons or as a result of random violence.

The oral presentation provided at the conference will serve to furnish a reaction to the presentations made by Dr. Palmer and Dr. Lee. who will, respectively, describe the results of a detailed study of victimization on campus and the legal milieu within which this topic now exists. In addition, this outline and the oral presentation are intended to provide conference participants with an overview of potential violence prevention strategies and an outline of the impact which campus violence may have on the victim, student affairs staff and other departments.

In addition to the categories of campus violence victims described by Dr. Palmer there is, unfortunately, a great deal of violence which occurs to students and others on campus, not because of their membership in a particular group (i.e. women, minorities, etc.) but due to other factors. Such violence in residence halls and elsewhere often occurs as a result of alcohol and other drug abuse, participation in social activities, as a result of membership in student organizations (i.e. Greeks, athletes, etc.), and general campus crime such as robbery or random assaults.

PREVENTION STRATEGIES

It is obvious to all that the problems of residence hall and other campus violence at the 3000 plus institutions of higher education in the United States, as well as in the institutions in Canada and elsewhere, differ in scope and magnitude as a result of many factors. Institutional size, make up of the student body, the presence or lack of Greek organizations, the size and scope of minority enrollments, institutional location (i.e. urban v. rural, state or part of the country, etc.), and many other factors will determine how serious a problem exists.

Similar factors will also affect the ability and willingness of the institution to provide appropriate prevention strategies and to respond when violent acts, whether they be intended to victimize a member of a particular group or not, occur. Financial resources, size of staffs, training of staff members and
ability to draw from resources in the local community among other things, will serve to limit or expand the manner in which institutions approach both the prevention and reaction to campus violence.

Many thanks are due to Dr. Carolyn Palmer and the respondents to her study (In Press) for a variety of excellent recommendations for ways in which housing officials and other campus administrators may seek to prevent incidents of victimization and violence on their campuses. Many of the suggestions described below come from Dr. Palmer's study. While Dr. Palmer's study addressed only victimization resulting from membership in one of five classes of persons (RAs, women, gay/lesbian students, racial minorities, and Jewish students) many of these strategies would also assist in the prevention of general and random residence hall and campus violence, particularly that which is perpetrated by students.

STATEMENTS OF INSTITUTIONAL VALUES

1. Inclusion of statements about abhorrence of violence as a way to settle disputes in an institutional community should be included in campus wide materials.

2. Institutional leaders should respond publicly to repudiate acts of violence in any institutional contexts.

3. Development of institutional philosophy statements regarding protection of the right to hold unpopular views and to support diversity must be melded together.

4. Institutional leaders must learn about the causes and impact of violent acts on both the perpetrator and victim and share them with all portions of the institutional community, including parents and trustees.

DEVELOPMENT AND IMPLEMENTATION OF CAMPUS POLICIES

1. Institutional policies which impact acts of violence must be developed, stated clearly and appropriately enforced.

2. Sexual Harassment policies, alcohol policies, weapons policies, etc. must be updated on a regular basis.

3. Use of CAS and Professional Associations to provide assistance for policy development and application at different types of institutions should occur.

4. Due to invalidation of Hate Language policies, alternative approaches, such as use of general campus disciplinary policies to deal with violence must, be used.
STAFF TRAINING, POLICIES AND SUPERVISION

1. Training must be provided to staff about dealing with drunk students.

2. Provide training on confrontation skills and decision making about when to back away from dangerous situations.

3. Establish a liaison with Campus Police in order to provide support for residents.

4. Staff must be informed about potential threats to their safety as well as that of their residents.

5. Institutional leaders should address staff to assure them of support.

6. Staff should know that it is proper, and required, to report and deal with acts of violence.

7. Provide staff with resources which they may use to provide preventive measures in situations where potential violence may occur.

FACILITY PLANNING AND USE

1. Social functions, particularly those at which alcohol will be served, should be planned in locations which help prevent groups of intoxicated persons from confronting one another.

2. Building security operations and devices should be set up in a manner which decreases or prevents outsiders from entering residence hall facilities.

3. Social groups who may have confrontations should be housed in locations which make such confrontation more difficult.

4. Site hardening of facilities and campus lighting should be priorities in building planning.

JUDICIAL SYSTEM OPERATIONS

1. Judicial procedures should be familiar to students and sanctions for violence related violations should be clear and implemented consistently.

2. Institutional leaders should be publicly supportive of serious sanctions for violation of policies regarding violence.

3. Institutions should be willing to prosecute students in the criminal system as well as the judicial system for violent acts.

4. The use of creative sanctions which provide linkage between acts and results should be used.
5. A victim support policy should be provided within the judicial procedures to assure that victims feel safe, supported and free from intimidation by alleged perpetrators.

VICTIM ASSISTANCE AND SUPPORT

1. A protocol about assistance to victims of violence on campus should be developed so that victims know that the institution cares about them.

2. A campus crisis plan should be put in place so that all appropriate departments know what to do when a violent situation occurs.

3. The Counseling staff, Student Health, Campus Ministry and other appropriate departments should provide training in victim assistance to residence hall staff.

CAMPUS SECURITY/POLICE

1. Security officers should be trained to deal with violent situations and supported in arresting perpetrators where appropriate.

2. Security policies and procedures about such violations should be clear and understood completely by officers and dispatch personnel.

3. Security officers should be trained in victim support techniques.

OTHER DEPARTMENTS

1. Public Affairs personnel should work closely with police and student affairs personnel.

2. Legal affairs should be consulted to provide assistance in the development of all procedures and prevention strategies.

3. The President and other senior campus officials should be regularly informed, and be supportive of all prevention efforts.
INSTITUTIONAL CONSIDERATIONS RESULTING FROM VIOLENT ACTS

Whenever a violent act occurs on the campus, a wide variety of activities should take place which are intended to make sure that the event is dealt with properly and to assure that future acts are prevented as well as possible. Listed below are some of the considerations which should be examined by campus officials.

THE VICTIM

1. Medical considerations should always be a first priority.

2. Psychological impact on a victim should always be considered even if physical injuries do not occur.

3. Damage to personal property should be the concern of institutional officials.

4. The academic impact may not always be evident but must be dealt with if necessary.

5. Other.

RESIDENCE LIFE AND HOUSING

1. Staff morale and psychological impact must always be considered when violent acts occur in residence halls and/or to residents.

2. Medical considerations, provision of financial support and inclusion under institutional policies should be considered if victim is staff.

3. Damage to institutional property and facilities could be expensive and extensive, but failure to repair quickly could cause further problems.

4. Impact on other residents must be considered by staff.

5. Impact on future occupancy may occur if residents do not feel safe in residence halls as a result of violence.

6. Did act result from staff failure to enforce policy?

7. The need for staff training and development may be intensified after a violent act on campus.

8. Policy decisions regarding notification of campus police and related offices should be reviewed after any violent act to assure that they worked properly.
9. Other.

JUDICIAL AFFAIRS

1. Decisions about campus v./and off-campus prosecution should be reviewed after each problem to assure they meet current needs.

2. Privacy issues for the victim and the alleged perpetrator are very important and must be reviewed to assure compliance.

3. Implications related to interim suspension of alleged perpetrator should be considered and reviewed with counsel to assure appropriate compliance.

4. Concern about the emotional state of the victim and the impact on testimony must be considered and dealt with by institutional officials.

5. Other.

CAMPUS SECURITY/POLICE

1. Identification and apprehension of the alleged perpetrator should be a primary focus early in the investigation.

2. Decisions about campus v./and off-campus prosecution should be reviewed and updated regularly.

3. Potential for retribution from friends and/or members of targeted group and/or possible large scale disturbance or protest must be considered and dealt with by officers.

4. Relations with local law enforcement personnel will be enhanced if regular contact about problem situations occurs in a timely manner.

5. Other

LEGAL AFFAIRS

1. Potential for legal fall-out from victim (i.e. Personal injury claims, etc.) is very real in violence situations, so counsel should be involved early on when a situation occurs.

2. Potential for legal fall-out from alleged perpetrator (i.e. Harassment, First Amendment issues, inappropriate judicial action) is also possible. Thus, another reason why counsel should be involved must be considered.
3. Questions related to Buckley and other privacy issues must be considered and advice drawn from counsel.

4. Implications related to other state and federal laws (i.e. Student Right to Know and Campus Security Act, Drug Free Schools Act., etc.) must be considered.

5. Relations with state governing body, affiliated religious entity, or Board of Trustees may be impacted by these acts and counsel may be needed to consider these implications.

6. Impact on relations with local government should also be considered by counsel.

7. Other

GREEK AFFAIRS

1. Was the violent act resulting from a hazing activity?

2. Did the violent act result from greek social activity?

3. What is the impact on the remainder of the greek system?

4. What is the impact on relations with other institutional departments?

OTHER DEPARTMENTS POTENTIALLY IMPACTED

1. Admissions

2. Development

3. Physical Plant/Maintenance

4. Athletics

5. Public Affairs/Relations

6. Counseling Center

7. Student Health

8. Campus Ministry

REFERENCES
