

Preventive Law on Campus: Reducing Institutional Liability through Proactive Risk Assessment and Management – Using Tort Law as a Tool to Prevent Liability

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The Syracuse University Division of Student Affairs has used a comprehensive, environmental management approach to critical incident stress management (CISM). The model we utilize implements the *facilitator model* and takes it further. Bickel and Lake (1999) speak to the facilitator as an educator, one who embraces appropriate opportunities to manage and supervise student activities and affairs and interacts with students, one who often formulates the greater public interest or community into the equation. The Student Affairs student development philosophy and university and divisional values undergird the model we have developed.

Syracuse University's five core values are diversity, caring, quality, innovation, and service. The Division of Student Affairs supports these values and has supplemented them with the following:

- **Collaboration** with students, faculty, staff, and the broader community to develop programs and services that lead to student success.
- **Engagement** with students and colleagues in developing a shared sense of purpose.
- **Assessment** of programs and services to create a campus community characterized by creativity and a commitment to positive change.
- **Respect** for the value, rights, dignity, uniqueness and potential of all individuals.

- **Teamwork** that recognizes our accomplishments and shares responsibility for our challenges.
- **Integrity** in our personal and professional relationships with all persons.

Every higher education institution has a unique relationship with its students. Syracuse University is not different. The samples included here are just that – samples to whet the appetite for additional discussion. We all can learn from one another and continue to improve not only our knowledge and education in this area, but also the overall education of students.

Neighborhood Patrol Initiative (NPI) has as its objectives to respond to off-campus student alcohol-related behavioral problems, to promote overall quality of life by helping stabilize a neighborhood, to improve relations between the University and the broader community, and to reduce the number of students involved in medical emergencies and/or off-campus policy and legal violations.

The data gathered for the campus demonstrates that the number of students charged through the NPI dropped dramatically from the beginning of the academic year. In addition, the types of offenses for which students have been arrested are significantly less severe than those committed in past years when NPI did not exist. Community enthusiasm and support for the program, while not unanimous, has been strongly positive as demonstrated by comments at community forums, involvement of students in community events, willingness of community members to volunteer their time and close

collaboration with the other local university.¹ The NPI is now part of a formal university-community partnership that continues to assess and identify additional initiatives, including as of January 26, 2002, the implementation of a transportation service from the Department of Public Safety and an expansion of the territory of the original NPI.

Parent Campus Connection Program objectives include to educate parents on the strategies for achieving effective intervention, to promote consistent and reinforced messages to students, to provide information and assistance to help parents provide appropriate guidance to their sons and daughters regarding alcohol and drugs.

Parental feedback via e-mail, letters and several orientation assessments are uniformly positive. Parental financial contributions to the Parents Office are increasing. Parental response to communications from the University concerning behavioral problems is generally positive and directed at solving the problem rather than dismissing the behavior or assigning the blame to the University. *Id* at page 33. A survey of parents related to these new strategies has occurred.

Cultivating relationships between faculty, staff, students, and the community, promoting a shared understanding of problems related to substance abuse among campus community constituencies, encouraging voluntary change and minimizing targeted high risk practices, and overseeing the implementation of policy changes all make up the primary objectives of the Chancellor's Commission on Substance Abuse Prevention.

Results of the Commission show that a wide variety of individuals with divergent interests have increased their attention to problems related to underage drinking and enhanced their cooperation. Alcohol-free social activities have increased, substance-free housing has been expanded, and other planned changes to the environment have been identified. Although this represents a highly labor-intensive initiatives designed to affect a shift in campus culture; this approach emphasizes an open communication model, which is grounded with patience, persistence, and flexibility to achieve maximal effectiveness and support for the new policies and campus traditions. *Id* at page 18.

The Protocol for Responding to Student Mental Health Incidents is designed to promote a comprehensive and consistent response to student mental health incidents by staff members across units within the Division of Student Affairs; to centralize record keeping concerning these incidents; and, to the extent reasonably practicable under the circumstances and consistent with applicable law, involve appropriate support systems in promoting student success.

The protocol includes mandated assessment and a referral for assessment, including disclosure procedures and appropriate follow up.

The Parental Notification process was reviewed taking into consideration institutional values and federal and state laws. The *Syracuse University Judicial System Handbook (2001-2002)* states that except in unusual circumstances as determined in its sole

discretion, Syracuse University will seek to notify parents or guardians of judicial issues involving their dependent students as follows:

- a. In an emergency;
- b. In all serious cases, including all drug-related matters; and
- c. In all cases of repeated (more than one) referral of a student for adjudication of misconduct.

Except in unusual circumstances as determined in its sole discretion, and consistent with federal law, Syracuse University will seek to notify parents or guardians of judicial issues involving non-dependent students as follows:

- a. In emergency;
- b. After final adjudication and finding of responsibility in all drug-related offenses; and,
- c. After final adjudication and finding of responsibility in repeated (more than one) alcohol offenses.

In addition to the parental notification process, Syracuse University has developed parent publications including *Alcohol, Drugs, and Your College Student* and *Parents Guide to Greek Life at Syracuse University*. These publications are designed to help students and parents dialogue on these issues recognizing that the college environment presents many challenges and potential problems for students and their families.

In response to student emergencies, the University has incorporated team effort, response and notification into an “On Call Initiative”. This effort is detailed in the attached article from the *Syracuse Newspapers, January 14, 2002*. The person “on-call” determines

whether appropriate support is being provided to the student and contact resources as appropriate. They also determine whether University officials, parents or guardians or others with an interest in the student should be notified.

These are various avenues demonstrating the Syracuse University comprehensive environmental management approach that takes the facilitator model further. We have utilized these and other interventions to set boundaries. Through interventions and innovations we have also encouraged student independence, ownership, and responsibility and for them to contribute to the university community. We have offered “soft landings” when critical incidents occur. There is certainly education on all fronts – inside and outside the classroom. Syracuse University is not a bystander but, rather, a partner in student success.

Attachment

ⁱ Anderson, Davis S. and Milgram, Gail Gleason. *Sourcebook 2001 Promising Practices: Campus Alcohol Strategies*, page 112.