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INTRODUCTION

For many students, college is the best of times—filled with new experiences, friends and learning—it also brings challenges. Students with new found freedoms may have difficulty adjusting to resident hall life, freedom to control their time and to develop their priorities.

For some students, these choices will lead them to harmful behavior that can adversely affect their minds and bodies. Alcohol, drug use, suicide attempts and overeating are all harms that emanate from excessive behaviors.

Many colleges and universities are reporting escalating numbers of students seeking counseling and more first year students enter higher education institutions already taking psychiatric medications. Now, one in 10 students seriously considers suicide while in college. Nearly half get so depressed that they cannot function, according to the American College Health Association. Every year, about 1,400 students die from injuries related to drinking alcohol.

Further, the college and university environment has changed substantially. College students are more diverse in gender, race, ethnicity or age. The average college student is not the typical 18-21 year old who lives in a college resident hall. It is, however, the residential campus that is particularly concerned about student behaviors since they occur while the students live, eat, study and work on campus.

In order to achieve a healthy America, many more resources will need to be focused on preventive health. The costs related to obesity, for example, suggest that medical care will get beyond the resources of the payers if the increasing trend toward overweight and obesity is not reversed. Preventive health would focus on children and providing overweight and obese people adequate guidance, counseling, nutrition and opportunity for an active life. The same approach needs to be at the center of higher education programs related to dysfunctional student behaviors.

There is good news. Campus administrators are more proactive in adopting intervention strategies and educational programs. Students are joining efforts to curb drinking and drug use. In some areas, the university and the community are working together to implement objectives that neither party could achieve by themselves. At the same

time, however, as colleges and universities are adopting risk reduction strategies, the lawsuits continue and ones on new issues such as suicide or obesity are emerging.

Some state institutions or individuals may have immunity from suit under the doctrine of sovereign immunity. Public institutions do have a constitutional mandate to provide due process for students while the private institutions have a standard of fair process which may be more relaxed than the constitutional one. These differences are not significant in terms of what needs to be done and how to encourage and facilitate risk reducing behaviors.

Student Behavior is based on the research on college students and choices they make on drugs, alcohol, personal responsibility, and eating. It is supported by an analysis of the law so that policies and practices are developed with the appropriate legal analysis. In all cases, implementing good practices and doing the right thing may be the best safeguard of all for achieving student health and institutional protection.

The Appendices to this book are designed to provide college administrators with useful and easy access to policies on alcohol and drug abuse, parent notification, and student mental health issues. Model programs that have been successful in reducing alcohol and drug abuse at several colleges and universities are also included, along with Internet Resources that provide access to more detailed material on specific areas covered in **Student Behavior**.

For more information on College Legal Information and its publications, visit our website at: www.collegelegal.com

IF LEGAL ADVICE OR OTHER EXPERT
ASSISTANCE IS REQUIRED, THE SERVICES
OF A COMPETENT PROFESSIONAL SHOULD
BE SOUGHT.

THE AUTHOR

Kent M. Weeks, a practicing attorney with the law firm of Weeks, Anderson & Baker of Nashville, Tennessee has a distinguished professional career as a teacher, administrator, lawyer, and author. A Fulbright Scholar, Weeks earned degrees from The College of Wooster, University of New Zealand, Duke University, and a Ph.D. from Case Western Reserve University. He edited two volumes for the Center for Constitutional Studies that have had singular impact on the independent sector: *A Legal Inventory for Independent Colleges and Universities* and *A Legal Deskbook for Administrators of Independent Colleges and Universities (Revised 2nd Edition)*.

For many years, Weeks was a Professor of the Practice of Education at Vanderbilt University and has been invited by many colleges and their associations to present seminars on higher education and the law. He has written several books and more than 43 articles and papers for scholarly journals, and he currently edits *Lex Collegii*, a legal newsletter for independent colleges and universities. In addition to this manual, Weeks has written or coauthored others, each addressing particular topics relevant to college personnel and policies including: *Institutional Advancement and the Law; The College and University Legal Audit; Managing Liability and Overseas Programs; Managing Campus Conflict; Implementing Student Policies; Managing Admissions, Records, and the Law; Complying with Federal Law; Faculty Decision Making and the Law; Student Affairs Decisions and the Law; Faculty Evaluation and the Law; Record Retention and Disposal; Staff Employment Policies; Student Handbook Policies; and Managing Departments and the Law*.

Weeks has recently authored a book: *A Leaner America: Private Choices and Public Policies* that carefully examines the causes of the startling epidemic of overweight and obesity and zeros in on the efforts that are needed to address this private and public problem.

Weeks has consulted with colleges throughout the United States and serves as legal counsel to several national and international colleges and educational associations. He has participated in and directed more than 150 seminars and workshops for college administrators, faculty and trustees and has addressed many higher education organizations, associations, and legal groups. Weeks is a member of the National Association of Independent Colleges and Universities Legal Services Panel.

ACKNOWLEDGMENTS

This manual is a product of years of thought and reflection on student behavioral issues and their emerging effect on institutional liability. Recent cases finding colleges and administrators liable for injuries resulting from student alcohol abuse and suicide has created a stir in the higher education community, and has caused me to examine the issues closely.

Acknowledgment must be given to my many clients. They often have caused me to think about student behavior and institutional liability and how to develop good and usable policies and preventive programs that reduce and manage legal exposure and protect students from harm.

Special acknowledgment must be given to my paralegal, Ernie Gilkes, who worked creatively and diligently with me on the development of this manual.

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