



Meeting the Mental Health Needs of College Students

By Tom Glassman, partner in the firm of Smith, Rolfes & Skavdahl Co., LPA and an initiate of Alpha Epsilon Pi

Recent events have drawn renewed focus on the mental health needs of college students. The tragedy of April, 2007 at Virginia Tech reminds us of the consequences of not meeting a student's mental health needs. Incidents at other campuses involving student suicide raise these same concerns.

Dealing with a student suffering from mental illness or substance abuse raises a number of challenges. On the one hand, there is an obvious interest in protecting both the student and third-parties from being harmed by the student's actions. At the opposite end of the spectrum, consideration must also be given to the student's legal rights to privacy. Just how far you can go is unclear under the current state of the law, and forces persons attempting to intervene to walk a very narrow legal tightrope.

The Changing Face of the College Population

The makeup of college population has changed dramatically in recent years. As our society has become more aware of and open to mental health disorders in our population, colleges have become more inclusive in the composition of their student bodies. Advances in pharmacology have enabled some students to function and attend college where they may not have otherwise been able to in the past. Not too long ago it would have been unheard of for an individual with Downs' Syndrome to be a college student, but is now becoming increasingly common.

College students for a number of reasons are often particularly vulnerable to mental illness and substance abuse. College presents academic and social challenges many never faced before. Some students thrive in the face of such challenges, others struggle. Some forms of mental illness, such as schizophrenia, do not begin to manifest themselves until people are in their late teens or early twenties.

Expanding Privacy Rights

In 1974 Congress passed the Family Educational Rights and Privacy Act (FERPA), making it illegal for a student's records to be disclosed to either family members or other third-parties, without the express authorization of the student. FERPA encompasses everything from grade reports to medical records.

In 1996 the Health Insurance Portability and Accountability Act (HIPAA) was enacted, prohibiting the release of medical records or medical information to third-parties without the patient's express written consent.

In 1975 the Individuals with Disabilities Education Act (IDEA) was passed, expanding the obligations of schools to educate students with special needs. This led to increased diversity in the student population.

Real Cases – Tragic Consequences

Beyond Virginia Tech, several events in recent years illustrate the delicate balancing act to be followed with college students and their mental health needs.

One case receiving a great deal of publicity is the 2000 suicide of Elizabeth Shin, an MIT student. Prior to committing suicide near the end of her sophomore year, Elizabeth was hospitalized for a suicide attempt, and received mental health services at MIT. In the days and weeks leading up to her suicide, classmates and instructors became increasingly concerned about both her behavior and threats to harm herself. They brought their concerns to the attention of MIT authorities. Prior to settling, the defendants tried to dismiss the suit and were unsuccessful. Among the factors cited by the trial court in not dismissing the suit, was the finding of a special relationship between MIT and Elizabeth, triggering a greater duty of care.

In August 2006, a case with similar issues went to trial in Pennsylvania. Chuck Mahoney, a twenty year old student, hung himself in his fraternity house at Allegheny College. His parents sued the university and others involved in Chuck's mental health care and treatment, as both his fraternity brothers and other friends warned college personnel of their concerns with Chuck's mental wellbeing

in the days leading

up to his death.

Chuck asked university personnel not to contact his parents or advise them of his condition. School officials argued all students were given waivers that they could sign if they wanted information regarding their education and medical treatment disclosed to their parents. The school contended disclosing information regarding Chuck's condition to his parents would have violated his rights of privacy, and that FERPA allowed them to notify parents only in the event of an emergency. After a trial which was agonizing for all involved, the jury returned a verdict in favor of the defendants, by a vote of eleven to one.

Historically universities were held to serve *in loco parentis* – i.e. they were charged with the responsibility of stepping into the shoes of parents of college students. Over time though, with students taking on greater independence and additional rights, this principle has

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Social Networking Websites: Fun or Folly?

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Social Networking Websites: Fun or Folly?

Social Networks like MySpace and Facebook are as much a part of students' lives as term papers and textbooks. The growth of these sites in recent years has been explosive. Students use them to socialize, advertise and market themselves and their fraternity or sorority experience. Unfortunately, such open communication can have a downside, both for the individual and the chapter.

Explosive Growth

Social Networks burst onto the scene with the advent of MySpace in August 2003 and the development of Facebook in February of 2004. While MySpace was open to the general public, Facebook required a valid email address from a university or from a selected group of secondary schools and businesses. This made the site very popular with college students.

□ In September 2006, Facebook made the decision to open registration to the general public. People flocked to the site to sign up.

□ From May 2006, to May 2007, Facebook saw an 89% increase in unique visitors and a 143% increase in page views topping out at 15.8 billion each month.

□ Over 100,000 people join each day.

□ It is estimated that users spend over 3 hours each month on Facebook. MySpace boasts an even greater reach, with 185 million registered users and between 39 and 45 billion page views each month.

□ There are believed to be 4.5 million people on MySpace at any one time.

Use or Misuse

By using sites like Facebook, freshmen came to campuses this fall already acquainted with roommates and other contacts. However, their parents also had access to that same information. Parents all over the country made unprecedented demands of Residence Life staff to protest the roommate assignment of their child based on what that roommate revealed online.

There can be other consequences. A Resident Assistant at Ohio State University was forced out of his position after posting pictures of his underage drinking. University of Washington student Hugh Foscett was running for State Representative until Facebook photos put an end to his run. Louisiana State University swimmers Eddie Kenney and Matt Coenen were removed from the team after their membership in a Facebook group that posted negative comments about coaches came to light. Kenney transferred to Purdue University, and said of the situation, "You're supposed to have fun with this Facebook thing, but you need to be careful." Loyola University in Chicago instituted a policy forbidding its athletes to join Facebook.

Consequences impact members of fraternities and sororities as well. Justin Park, a member of Sigma Chi at Johns Hopkins University posted what he considered a satirical invitation to a Halloween party. When a dispute arose over the invitation, which some considered inflammatory and racially charged, Park was expelled from the fraternity and suspended from the University for a year (he appealed that decision, and sanctions were later downgraded). The Fraternity itself was also suspended by the University and its International Headquarters. In another case, a fraternity at Drexel University was suspended for posting inappropriate photos and information on a members-only section of its website. The website featured links to

the Facebook profiles of women who were featured in alleged X-rated photos.

The consequences can reach far beyond those posting information as well. A fraternal organization being named in a lawsuit involving the alcohol-related death of a pledge contested they had no knowledge of the acts and activities of each chapter. The lawyer representing the family of the student began to search the national website and the links to each chapter's website. The lawyer found multiple sites documenting alcohol use and abuse. The family's counsel threatened to take depositions from each chapter president from across the country to support their case.

University administrators and campus police are using postings to look for possible violations of campus policies. Police in Gainesville, Florida search sites like MySpace and Facebook to locate and monitor parties. Information they find can also assist in identifying the host and levying charges if problems arise from the event. During the fall of 2005, Pepperdine University held 47 disciplinary hearings for students suspected of underage drinking in which evidence of the violations was found on sites such as Facebook. Five fraternities and sororities were also penalized for material found online. A party sponsored by a Latin Fraternity at the University of Wisconsin was canceled by the campus police. The number of people who accepted the invitation on Facebook exceeded the capacity of the venue.

Other consequences can have long-term effects. Employers are increasingly using information gleaned from online profiles in hiring decisions. Sexual predators target victims using information posted on these sites. Users who share personal information like birthdates or email addresses invite "spear phishers" who are seeking to steal their identities.

Protect Yourself and Your Chapter

So what can be done to avoid these consequences? Be smart about what is posted. Tracy Mitrano, director of IT policy at Cornell University explains that anyone can access your information. "Such people might be members of your family, your parent's neighbors, the local bank manager where you want to get a loan for a new car, your insurance agent, and advertising agency with whom you want a summer internship, or a law firm where you want to work during your second summer of law school. Do you really want [them] seeing a photograph of you bombed out of your mind?" Also be aware that posting information or photographs of others can violate their privacy and result in exposure to libel or defamation charges. If you wish to remove information or pictures from a social networking site, there is no law protecting your decision. And all it takes is one person to take a screen capture and make it public forever.

Fraternities and sororities should have policies that limit use of the name of the organization on websites, social networking sites and blogs. Acknowledgement of membership in the group on individual profile pages should also be limited. Linking the fraternity or sorority to content that is inappropriate, illegal or in violation of risk management policies should be prohibited. These policies should be widely communicated among members, as well as the sanctions for violations.

FRMT, Ltd.

Exciting News: The FRMT has recently moved from Bermuda to Vermont to better serve our organizations. The FRMT will still partner with the RSUI insurance organization to compliment the risk management programs of each member fraternity, such as the Risk Management College and providing the following member fraternities with comprehensive liability insurance program:

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Alpha Sigma Phi	Kappa Alpha Order	Theta Xi
Alpha Tau Omega	Kappa Delta Rho	Zeta Beta Tau
Chi Phi	Phi Kappa Psi	Zeta Psi
Chi Psi	Phi Kappa Tau	Zeta Psi
Delta Chi	Phi Kappa Theta	

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eroded. The Shin and Mahoney cases are but two examples of recent trends in litigation where families are attempting to swing the pendulum back in the other direction. This would broaden the duties owed by universities to their students, as well as to expand interpretations of FERPA and other litigation as to when families must be notified of issues effecting a student's health and wellbeing.

Concerns for Fraternities

In the Mahoney case, the fraternity was not sued. In fact, individual fraternity members were important witnesses at trial on behalf of the parents. The parents used their testimony to contrast the determined efforts the fraternity members made to get help for their brother with what they felt was an inadequate college response.

Think for a moment though about what might have happened if the fraternity members had not taken as active a role in looking out for their brother. Could the fraternity (both nationally and on a chapter level) be sued, along with various members and advisors? What if fraternity members or advisors became concerned about a brother's mental health and reported their concerns to his parents without his consent – could that expose them to liability for violating the brother's privacy rights? Unfortunately, given the current legal landscape, there are no easy answers to these questions. These questions could conceivably confront anyone at all involved with a fraternity, whether it is on the national level, or as an advisor, officer, member, or even conceivably an alumni volunteer. However, this does not mean you should stand by and do nothing when you see a member in need.

What Should I Do?

When faced with a chapter member in need, several questions readily come to mind:

- What can I do for that individual?
- How much contact may I have with school representatives?
- What may I tell the other chapter members?
- What may I tell the individual's parents?

If a chapter member was physically ill and unable to care for themselves, you would not hesitate to get them medical treatment. Mental illness or substance abuse should not be treated any differently – if there is a problem, involve professionals and get the person help. Communicating with school authorities on these issues may well be limited, and you cannot expect the authorities to reciprocate your exchange of information. There is far more you will be able to tell them than they will be permitted to disclose to you. Do not let this discourage you, as the more information you and the chapter members can share with the mental health professionals, the better they can do their jobs. Find out what kind of contact they would like with other chapter members; in the Mahoney case his fraternity brothers often shared their observations and concerns with college representatives.

Considerable discretion should be exercised in communicating with the rest of the chapter. Your initial reaction may well be to reassure the members and nip any rumors or speculation in the bud. You must temper such good intentions with consideration for

the individual's privacy. While you are likely not subject to the same constraints as mental health professionals or university officials, you should limit your comments to letting them know you share their concerns about the member and have taken steps on the member's behalf. Encourage the other members to keep you informed of what they observe and let them know who on campus they can share their concerns and observations with.

Family members should not be kept in the dark. There is nothing wrong with telling parents of changes have been seen in their child's behavior and concerns you have. Since you likely do not know anything about the individual's prior history, or their family history, your contact with them can lead to mental health professionals getting valuable information which could assist their treatment. Admittedly you may run the risk of alienating the member by your actions, but that risk pales in comparison to the risks posed by inaction.

Mental health and substance abuse issues do not always lend themselves to easy answers. What is clear is doing nothing is in no one's best interest.

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Mental Health: Recognizing the Warning Signs

Most people believe that mental disorders are rare and "happen to someone else." In fact, mental disorders are common and widespread. An estimated 54 million Americans suffer from some form of mental disorder in a given year. If you think you or someone you know may have a mental or emotional problem, it is important to remember there is hope and help.

Warning Signs and Symptoms

- ◆ Confused Thinking
- ◆ Prolonged depression (sadness or irritability)
- ◆ Feelings of extreme highs and lows
- ◆ Excessive fears, worries and anxieties
- ◆ Social Withdrawal
- ◆ Dramatic changes in eating or sleeping habits



- ◆ Strong feelings of anger
- ◆ Delusions or hallucinations
- ◆ Growing inability to cope with daily problems and activities
- ◆ Suicidal thoughts
- ◆ Denial of obvious problems
- ◆ Numerous unexplained physical ailments
- ◆ Substance abuse
- ◆ Defiance of authority, truancy, theft and/or vandalism

For more information, contact the national Mental Health America office.

Mental Health America

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Alexandria, VA 22311

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