



# Electronic Alert

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## **California Supreme Court Imposes Legal Duty of Care on Universities**

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Disaffirming dozens of prior decisions, the California Supreme Court held in *Regents v. Superior Court* that universities have a special relationship with enrolled students, imposing on the university a duty to use reasonable care to protect students from foreseeable acts of violence during curricular activities and activities closely related to the delivery of educational services.

UCLA student Katherine Rose was in her chemistry lab classroom when she was stabbed in the neck with a kitchen knife by a fellow student who had a long documented history of psychiatric and behavioral issues known to the university.

Although the law does not generally recognize a duty to protect others from the dangerous conduct of third parties, the “special relationship” doctrine is an exception to the rule which creates a legal duty of care in limited situations. Holding that universities have a superior ability to provide safety with respect to the activities that they sponsor or control, the Court extended the special relationship doctrine to include enrolled university students in limited instances where the university exercises a significant degree of control. Though the Court does not ultimately address whether UCLA was negligent under these circumstances, the ruling fundamentally changes the university-student relationship and the legal standards by which that relationship will be evaluated. The Court also does not address the tightrope a university must walk in working with a student with a disability who could potentially become a danger to others and the duty to use care to protect students from foreseeable acts of violence in the classroom and other environments where the school is found to exercise a significant degree of control.

The holding, limited only to the state of California, places a heightened burden on administrators and campus safety officers to identify threats and to take affirmative steps to protect students.

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