

***The Regents of the University of California v. Superior Ct. of Los Angeles***  
***Supreme Court of CA; J. Ming Chin***

Based on the special relationship doctrine, colleges owe students a duty of care to protect from  
“foreseeable violence during curricular activities”

**FACTS/PROCEDURE**

Damon Thompson, after transferring to UCLA in 2008, experienced auditory hallucinations and delusions that led him to seek treatment from the school. Thompson complained to UCLA in a three-page letter detailing bizarre allegations and warning that the situation would escalate if UCLA did not intervene. UCLA escorted Thompson to the emergency room for a psychiatric evaluation. Despite attempted treatment by UCLA, Thompson stabbed fellow chemistry classmate Katherine Rosen during lab one morning. Rosen sued UCLA and several employees for negligence, arguing they failed to protect her from Thompson’s foreseeable violent conduct. After being denied summary judgment, UCLA sought a writ of mandate from the Court of Appeal. It was granted based on the conclusion that UCLA did not owe Rosen a duty of care based on her status as a student, or under any other theory of tort law.

**HOLDING/DISCUSSION**

Reversed and remanded. In general, there is no duty to control the conduct of another or to warn of such conduct. However, under the Restatement Third of Torts, several “special relationships” exist that may support a duty to protect against foreseeable risks. This includes a relationship between “a school and its students.” The Restatement does not specifically note whether that special relationship exists between colleges and their students.

Special relationships generally share a few common features, including dependency and a situation in which one party has superior control over the means of protection. Special relationships have defined boundaries and create a duty of care owed to a limited community. Also, many special relationships benefit the party charged with a duty of care.

In extracurricular, alcohol related incidents, courts have typically resisted finding a broader duty owed by colleges based on a special relationship with their students. However, California courts have taken a somewhat broader view of a university’s duties toward its students in other cases. For example, courts viewed a broader duty where a student was injured during an attempted rape in a campus parking structure and where a college baseball player was injured by a pitch to the head.

Here, based on the reasoning that colleges have “superior control over the environment and the ability to protect students” and “in a broader sense, college educators have the power to influence students values...and behaviors,” this Court concluded that the college student relationship fits within the paradigm of a special relationship. This triggers a limited tort duty on a college to protect students from “foreseeable violence during curricular activities.” The matter was remanded for further consideration consistent with this holding.