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Is *In Consortio Cum Parentibus* the New *In Loco Parentis*?

Gavin Henning



In loco parentis had been the philosophical foundation of higher education policy and practice since 1913 when it was established as a legal doctrine in Gott v. Berea. The doctrine defined the relationship between colleges, students, and parents. That relationship has changed with the death of in loco parentis in Dixon v. Alabama Board of Education (1961), the cultural shifts of the past forty years, as well as an increase in litigation in higher education.

New models including the constitutional model, contract model, fiduciary model, and the bystander model were put forth as replacements for in loco parentis to provide not only a philosophical foundation for higher education's policy and practice, but also to redefine the relationship between colleges, students, and parents. Recently, some scholars have argued that the increase of liability cases against colleges for student injuries indicates that we are experiencing a return to in loco parentis.

By tracing the origins of in loco parentis through its beginnings and end as well as examining the many replacement models posited, this article suggests that there is not a regeneration of in loco parentis, but rather an

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evolution of a new model that could be called in consortio cum parentibus—in partnership with parents. This model can be used as a foundation for policy and practice in higher education and help define the relationship between colleges, students, and parents. Assumptions, tenets, and applications of this model are discussed.

For more than fifty years, *in loco parentis* was used as a legal doctrine and model to define the relationship between colleges, students, and parents. It was the backdrop for policy and program development and provided the perspective that influenced individual interactions with students. Higher education changed when *in loco parentis* died in 1961 with *Dixon v. Alabama Board of Education*. The preeminent model underlying higher education policy and practice disappeared. Has there been a model to replace it?

The relationship between colleges, traditional-aged students, and parents is different than it had been in the past. Although parents are more involved than ever before, higher education is not seeing a return to *in loco parentis*. While some scholars have suggested models to replace *in loco parentis*, these models do not completely explain the characteristics of the current relationship. *In consortio cum parentibus*, or in partnership with parents, may be a more appropriate way to describe this new relationship. To understand this new model, it is helpful to explore the models replacing *in loco parentis* since their tenets have influenced this proposed model.

Evolution of *In Loco Parentis*

Rise of In Loco Parentis

The *in loco parentis* concept had its basis in English common law. As Sir William Blackstone writes,

the father may also delegate part of his parental authority, during his life, to the tutor or schoolmaster of his child; who is then *in loco parentis*, and has such a portion of the power of the parent committed to his charge, viz. that of restraint and correction, as may be necessary to answer the purposes for which he is employed (Blackstone, 1765, p. 413).

In loco parentis was established as a legal doctrine for colleges in the United States in *State v. Pendergrass* (1837), in which the court ruled that a teacher had the right to discipline a school child. It was solidified for American colleges in *Gott v. Berea* (1913), in which the Kentucky Court of Appeals ruled that Berea College could prohibit students from patronizing local restaurants because the college stood *in loco parentis* regarding the physical and moral welfare of its students. While *in loco parentis* granted supervisory rights to colleges, it had not necessarily imposed obligations for those colleges to protect students.

Reciprocal Obligations

Rights typically carry reciprocal obligations or duties, but it had not been clear what obligations corresponded to the right to discipline a student. Zirkel and Reichner (1986) stated that teachers could be held liable for disciplinary punishment if the punishment was performed with malice or inflicted permanent injury or resulted in a reasonably foreseeable injury. Thus, the individual acting in the place of the parent had a responsibility to discipline a student in a way that was not harmful.

This corresponding duty to protect, in regard to discipline, may have evolved into the perceived duty for reasonable care for students in the custody of the teacher. The scope of responsibility had expanded. In other words, the college was expected to protect students in all areas of their lives in the same way that a parent would protect a child. If the college could discipline like a parent, must it also protect like a parent?

Stamatakos (1990) argued that the college's duty to protect was never attached to the right to discipline under the *in loco parentis* doctrine in case law. Bickel and Lake (1999) agreed stating, "as a technical, legal doctrine, *in loco parentis*, was not—ever—a liability/responsibility/duty-creating norm in higher education law. *In loco parentis* was only a legal tool for universities when they deliberately chose to discipline students" (p. 29). While *in loco parentis* was not supported by case law, there appeared to be a perception that colleges were obligated to protect students. This perception became reality and influenced collegiate policy and practice. Colleges placed more emphasis on protecting students.

Fall of *In Loco Parentis*

The 1960s saw the fall of *in loco parentis* as a doctrine that guided the relationship between colleges, students, and parents. According to Edwards (1994), this fall was the result of five factors: an increase in the number of older students on campus, a lowering of the age of majority to 18 years, a liberal shift in student thinking, a rise in civil rights, and a rebellion against authority. Bickel and Lake (1999) added the rise of student economic rights as a sixth factor facilitating the fall of *in loco parentis*. The role of parents in their students' college education diminished with the new perspective of college students as adults who were entitled to their own rights. As a result, the relationship between colleges and students changed.

Models of the New Relationship After *In Loco Parentis*

Constitutional Model

The constitutional model arose as a direct result of the legal death of *in loco parentis* in *Dixon v. Alabama Board of Education* (1961). In *Dixon*, six black students were expelled for allegedly participating in Civil Rights demonstrations. The 5th Circuit Court of Appeals decided that college students should be afforded minimal due process rights. In this case, the students were not given the opportunity to address the charges leading to their dismissal. For the first time in history, the United States Constitution was used to protect college students. Students were viewed as adults entitled to constitutional rights. As such, a constitutional model seemed to be an appropriate way to define the relationship between colleges and students.

Jackson (1991) argued that the constitutional model was not inclusive because it did not apply equally to all colleges. The effect was different for private colleges than it was for public colleges. Another model was needed to explain the relationship between all colleges and all students.

Contract Model

The rise of students' civil and economic rights was a major factor pre-

cipitating the fall of *in loco parentis* (Edwards, 1994; Bickel and Lake, 1999). A contract model was a fitting way to conceptualize the relationship between colleges and students given the application of students' economic rights. A contract applied to both public and private institutions and outlined the rights and responsibilities for each party. However, the rights and responsibilities were not balanced for both parties in the contract. As Stamatakos (1990) noted, students did not have the ability to negotiate the contract. First, they could only attend a college to which they were accepted; second, once admitted, students had to accept the policies of that institution. Students could not attempt to negotiate those policies. Thus, the contract model was not completely effective in defining the relationship between colleges and students.

Fiduciary Model

The fiduciary model arose as another model to replace *in loco parentis* (Stamatakos, 1990). The model was based on trust principles between the college and the student and imposed a duty on colleges to act in the best interest of students in all matters. According to Goldman (1966), the students trusted that the institution would act in their best interest and students were expected to provide confidential information regarding themselves and their experiences so that the institution could provide the most appropriate services and guidance for educational success. This model was applied by the New Hampshire Supreme Court as recently as 1999 in *Schneider v. Plymouth State College*. In *Schneider*, Plymouth State College failed to address a student's claim of sexual harassment by a faculty member because the student requested that the information not be shared. When the student sued the college upon graduation for not acting on her reports of sexual harassment, the court ruled that there was a fiduciary relationship between a college and a student and that the college had an obligation to investigate and address the sexual harassment claim.

As with the contract model, the fiduciary model had problems because the rights and responsibilities were not equal for both the college and student. In this case, however, the balance of power lay with the student. The fiduciary model minimized students' responsibilities while maximizing the responsibilities of the college.

Bystander/No Duty Model

Bickel and Lake (1999) suggested a bystander/no duty model was the most suitable model to define the college-student relationship after the fall of *in loco parentis*. The college no longer had a duty to become involved in students' lives beyond the classroom and simply acted as a bystander. Colleges were also not legally responsible for any harm experienced by students. Underlying this lack of duty was the assumption, arising in the 1960s, that students were adults responsible for their own behavior and that their behavior was uncontrollable by the college. Case law examples of this lack of duty include *Bradshaw v. Rawlings* (1980), *Baldwin v. Zoradi* (1981), *Beach v. University of Utah* (1986), and *Rabel v. Illinois Wesleyan University* (1987). In *Bradshaw*, two students were involved in an automobile accident after leaving a sophomore picnic at which both consumed alcohol. While Rawlings was driving, Bradshaw was paralyzed as a result of the accident. Although college officials were aware of alcohol being consumed at the picnic, they were not found liable for Bradshaw's injury. In a similar case, *Baldwin v. Zoradi* (1981), the college was not found liable for injuries sustained by Baldwin, who was riding in a car following a party at which both she and the driver consumed alcohol. During a street race, the car went off the road, injuring Baldwin. The institution was also not found liable in *Beach* for injuries to a student during a field trip in which she had consumed alcohol and fell into a ravine as she was trying to walk to her tent at night. Finally, the college was not found liable in *Rabel* in which a fraternity member who had been consuming alcohol forcibly took a student from her residence hall lobby. The fraternity member dropped the plaintiff on her head as he was running down the street as part of a prank. In each of these cases, the college was not held legally liable for student injuries resulting from the students' own or others' alcohol use.

Regeneration of *In Loco Parentis*

During the mid-1980s, there was a shift in student injury cases with more colleges being held liable for these injuries. Examples include *Mullins v. Pine Manor College* (1983), *Peterson v. San Francisco Community College* (1984), and *Whitlock v. University of Denver* (1985). In *Mullins*, Pine Manor College was held liable for a sexual assault that had occurred because a gate around the college perimeter

was not locked. San Francisco Community College was found liable in *Peterson* for a sexual assault that took place in a residence hall because the college had not duly notified female residents that a male resident assigned to the hall had been accused of a sexual assault 3 weeks earlier. The University of Denver was held liable in *Whitlock* when a student was injured after falling off a trampoline at a fraternity. The court ruled that the university was aware of this dangerous activity and did not adequately prevent the risky behavior. These cases demonstrated a new liability by colleges based on the colleges' duty to protect students from foreseeable risks and to protect invitees to their campuses. It is important to note that the liability was not based on the *in loco parentis* doctrine (Bickel and Lake, 1999; Stamatakos, 1990) but rather on negligence principles. Students were still viewed as adults with constitutional, economic, and civil rights. However, Szablewicz and Gibbs (1987) argued that although the courts' decisions did not apply *in loco parentis* as the basis for the liability, this accountability was a new form of *in loco parentis* because students were asking for this protection by bringing suits against colleges. In other words, by bringing legal claims against colleges, students were asking colleges to act as parents and protect them in a way that parents would.

When *in loco parentis* was conceptualized logically, it was not an appropriate term to define the relationship between colleges and students. With *in loco parentis* as originally established parents delegated rights and responsibilities to the college. Szablewicz and Gibbs (1987) argued that students wanted colleges to protect them—in essence asking colleges to be their parent. What some began calling a new *in loco parentis* was the phenomenon of parents wanting to be more involved in their students' college experience and asking that colleges delegate rights to them. This new *in loco parentis* seemed to be students and parents asking for rights *from* colleges rather than parents delegating rights *to* colleges. The relationship between colleges, students, and parents had indeed changed; but *in loco parentis* was not the most appropriate description for it. Bickel and Lake provided an alternative model to this supposed new *in loco parentis*.

Bystander/Duty Model

Bickel and Lake (1999) argued that the new liability that arose in the mid-1980s and continued through the 1990s could be defined as the

bystander/duty era rather than a return to *in loco parentis*. They suggested that *Furek v. University of Delaware* (1991) and *Regents of the University of California v. Superior Court of Alameda County* (1996) in addition to *Mullins* (1983), *Peterson* (1984), and *Whitlock* (1985), demonstrated that the college was still a bystander in regard to the students, but the college had some duty to protect them. In *Furek*, the court ruled that the University of Delaware had not done a sufficient job of addressing hazing in fraternities on campus. The university had warned Furek's fraternity to cease all hazing, but it continued to do so; Furek was injured after being doused with a host of items, including oven cleaner, which caused first- and second-degree burns. In *Regents*, the court did not find the University of California (42 Cal. App. 4th 805A) liable for Roettgen's injuries, although it did state that colleges had a duty to their students. Roettgen was a student killed after falling during a mountain climbing trip. The superior court ruled that the University of California upheld its duty to its students by training Roettgen and taking the necessary precautions to ensure a safe climbing experience.

According to Bickel and Lake (1999), there were three sources of duty during the bystander/duty era. First, as a landowner, the college had a duty to protect anyone who came to campus for a business purpose from known hazards and dangers that a reasonable landlord could have discovered by careful inspection of property. The second form of duty arose from the college being a protector of foreseeable risks of third parties. When the college became aware of risks to safety, it had a duty to correct them and/or notify students of the dangers. Third, the college had a duty to ensure safety for the events that it sponsored. When the institution did not ensure the safety in these circumstances, it could be held liable for any injuries that resulted. This duty model imposed many responsibilities on colleges and universities, but few on students.

Facilitator Model

Bickel and Lake (1999) suggested a new model to define the relationship between colleges and students in the new millennium. In the facilitator model, colleges and students defined shared responsibilities and rights, and the model was "principally aimed at establishing balance in college and university law and responsibilities" (p. 163), where it had not existed in the past. With previous models, either the

college or the students held greater power. With this new model, the college provided parameters and consequences for decision-making by students but allowed students to make their own choices. Compared to the past, the college was more actively involved in students' lives both in and out of the classroom rather than acting simply as a bystander. However, the college was not the insurer of students' safety. Colleges did have a duty to protect students as described in the duty model, but students also shared responsibility for their own protection. As with other post-*in loco parentis* models, parents were not part of the new facilitator model. Parents' involvement changed with the coming of the new millennium.

Relationship Between Colleges, Students, and Parents—Past 10 Years

Many changes on college campuses reshaped the relationship between colleges and students since Bickel and Lake developed their facilitator model. One of the most important changes includes parents becoming more involved in their students' college experience (White, W., 2005; Lum, 2006). Communication between students and parents has been facilitated by leaps in technology. (Vicario, Henninger, Austin, & Chambliss, 2002). According to a survey by College Parents of America, 74% of parents talked with their student 2–3 times a week, while one third did so at least once a day (Rainey, 2006). College student populations have become more diverse than in the past (Anderson, 2003), including greater percentages of racial/ethnic minorities; women; students with disabilities; openly gay, lesbian, bisexual, and transgender students on campuses; and other students with special needs. Administrators are more sensitive to potential lawsuits due to a greater involvement of the courts in college issues (White, L., 2005). Federal and state government, accrediting associations, parents, and students have called for greater accountability. This was highlighted in the report *Accountability for Better Results: A National Imperative for Higher Education* by the National Commission on Accountability in Education (2005) and most recently in *A Test of Leadership: Charting the Future of U.S. Higher Education* (2006) by the U.S. Department of Education's Commission on the Future of Higher Education appointed by Secretary of Education Margaret Spellings. Because of these changes, the facilitator model may no longer be effec-

tive in describing the relationship between students and colleges or acting as a foundation for policy and practice. A new model integrating the nuances of the college-student-parent relationship may be helpful.

Rights and Responsibilities of the New Relationship

As recent changes in higher education have reshaped the relationship between colleges students and parents, so too have the rights and responsibilities of each constituent group.

Parents

Parents claim that they have a right to be involved in their students' college lives. Jeff Levy, founder of Security on Campus, Inc. whose son was a college student killed in an alcohol-related car accident, believes that parents have a right to be involved with their college student's life. He states, "federal law recognizes parents' rights to be notified if their child is involved in risky or illegal behavior such as underage drinking, public drunkenness, drugs or criminal activity" (Security on Campus, Parental Notification Information Brochure, 2002, 6th paragraph). Former Virginia Attorney General Mark Early agreed, "parents do not relinquish their rights or responsibilities when their children leave for college" (Reisberg, 1998, p. A39). Response to this is evidenced by proactive outreach to parents through newsletters, e-mails, and the establishment of parental liaisons on some college campuses. Congress acknowledged the legality of involvement by parents in Family Educational Rights and Privacy Act (FERPA) of 1974 by including an amendment that institutions of higher education did not need to seek written permission from college students to disclose their education records to their parents if a student was a financial dependent (P.L. 93-568). This involvement was extended through the Higher Education Amendments of 1998 by waiving the requirement for college students' written consent to release information to parents if has been determined that the students under 21 years old had been involved in a drug or alcohol violation (P.L. 105-244). Previously, parents did not have a right to view their child's confidential educational information once the child reached 18 years of age or attended a college or university as those rights under FERPA transferred to the student at that time.

One rationale for this increased parental involvement was that parents are parents regardless of the age of their children. Whether the student is 6, 16, or 60, parents would always be concerned with their child's well-being. Moms' and dads' assertive behavior "comes from genuine caring," says Marjorie Savage, the University of Minnesota's parent program director (Wascoe, 2006). Parents are also concerned about the financial investment in their student's college education. During the fall of 2005, 75 colleges in the United States passed the \$40,000 mark per year for tuition, fees, and room and board (Selingo, 2005). In 2007, George Washington University topped \$50,000 (Powers, 2007). With the high price of a college education, parents may feel that they have a right to ensure that this investment yields the rewards of a successful academic career.

Rights carry corresponding responsibilities. Few would disagree that parents have the responsibility to protect their child. In Coburn's (2006) and Gehringer's (2006) opinion, parents want what is best for their children. Sometimes, this can result in students who are protected from the world by overbearing parents who hover around them, ready to solve any problem that arises. While parents think that they are protecting their son or daughter, they may actually make it more difficult for their student to develop the coping skills needed to handle the challenges of life. According to Karen Levin Coburn who is assistant vice chancellor for students and associate dean for the freshman transition at Washington University in St. Louis. She is coauthor of *Letting Go: A Parents' Guide to Understanding the College Years*, parents may be coming to the rescue too soon (2006). What if, according to Hart,

they [students] can't handle the job interview process on their own—or for that matter a bad grade in school—what happens when they have to really face adversity for the first time? Adversity such as experiencing a job loss or another career setback? Helicopter parents do their children no favors by not allowing them to exercise their wings a little before they really have to fly on their own (2006).

Parents also have a responsibility to foster their student's development (Coburn, 2006). Among other skills, students need to learn how to

make ethical decisions, cope with daily stressors, and interact with others. Skill building and education begins with and is reinforced by parents and guardians (Dunn, 1981; Hauser, Powers, Noam, Jacobson, Weiss, & Follansbee, 1984; Epstein, 1985; Campbell 1999).

Finally, parents should support the college's policies. By choosing to attend a certain institution, the son or daughter is agreeing to abide by the policies of that institution. Through this attendance, the parents are also accepting these policies.

Colleges

Colleges have many responsibilities to uphold. Some of them are legal and result from governmental mandates. Colleges have the legal responsibility to *not* report certain educational or health information without the consent of the student as part of FERPA or the Health Insurance Portability Accountability Act (HIPAA). But they also have the legal responsibility to report aggregate crime statistics as part of the Clery Act. Based on case law such as *Furek* and *Regents*, colleges have a responsibility to create a safe learning environment. This does not mean that colleges are omnipotent insurers of students' safety, but they do have a responsibility to make the campus reasonably safe. Not only should the campus be safe, but also it should be conducive to learning. Students and their parents are paying a great deal of money for a college education, and it seems appropriate that the institution should provide an environment that reinforces and supports that education.

The college should engage in actions that foster students' academic and personal development. This education takes place not only in the classrooms, but also through participation in student organizations, service learning, studying abroad, and individual interactions with college staff.

Colleges have the right to control student behavior. This was established in *Gott vs. Berea* (1913). Controlling student behavior enables the institution to facilitate the responsibilities listed above. Addressing student misconduct not only fosters that student's education, but also ensures a safe learning environment.

Students

Students' primary goal is to obtain an education. For some students this is education for education's sake. While, for others, the goal is a credential needed for a better paying job and education is the road to that goal. When they pay their tuition to attend an institution, students should be afforded the right of a safe learning environment. The law defines rights for college students that include the legal right to privacy for many forms of information through FERPA and HIPAA. Students have a responsibility to abide by college policies. Students accept this responsibility when they choose to attend a particular college. Bickel and Lake (1999) argue that students also have a responsibility to act reasonably and to protect themselves from foreseeable harm (p. 105).

Effects of the New Relationship on Student Development

These recent changes affect the work that student affairs professionals perform on college campuses. Student affairs professionals need to rethink how college students learn and from whom they learn. Today's students are accustomed to their parents being very involved in their lives. "Baby boomers have arguably been more involved in their children's educations—and their lives in general—than any preceding generation of parents" (Lum, 2006, p. 40). Parents are highly involved in their students' lives, and student affairs professionals need to find ways to capitalize on this involvement and utilize it to benefit students.

The increased involvement of parents in college students' lives requires additional resources. Many institutions have development liaison relationships with parents or have set up actual parental outreach offices. Currently, more than 70% of the nation's 4-year colleges and universities have such positions or offices (Lum, 2006). These offices counsel parents and hold special orientation sessions to help parents transition to their new role and give their children some growing room (Randall, 2006).

Since *in loco parentis* no longer captures the modern relationship between students, parents, and colleges, and post-*in loco parentis* models are not effective, what model can be used by student affairs pro-

professionals to guide their actions as they work with students and parents? A possible answer may be found in a new model—*in consortio cum parentibus*.

In Consortio Cum Parentibus

In consortio cum parentibus, translated as “in partnership with parents,” is a model that can be used to define the current relationship between colleges, traditional-aged college students, and parents and guide the work of student affairs professionals, including policy implementation, program development, and student interactions.

In this model, parents are viewed as partners in college students’ educational success, both in and out of the classroom. There is a shift, as depicted in Figure 1, from a bi-lateral one-way relationship between colleges and parents that existed during *in loco parentis* to a bi-lateral two-way relationship between colleges and students (without parents) that existed after the fall of *in loco parentis* (indicated in Figure 2) to tri-lateral two-way relationships that involves colleges, students, and parents. The primary relationship is still between colleges and students (as indicated by the bold arrow in Figure 3), but parents are seen as a valuable addition to the picture in this model.

Figure 1
In loco parentis

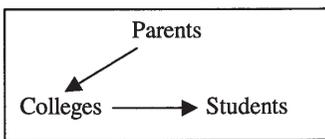


Figure 2
Post-in loco parentis

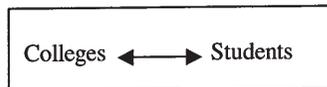
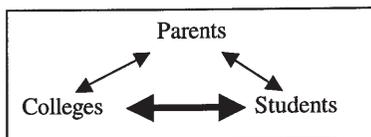


Figure 3
In consortio cum loco parentibus



Assumptions

There are a number of assumptions inherent in this model. The primary assumption is that college students learn from the decisions they make. The learning results from the reflection that takes place after the decision is made, which is at the heart of many campus judicial practices. The judicial process is not only an administrative process but also a learning process in which the adjudicator helps students learn from the decisions they make.

Closely related is the assumption that college students also learn by becoming autonomous (Duley, 1988). Autonomy does not mean that students are no longer connected to parents or others. In fact, interconnection facilitates learning. However, students do learn by making their own decisions and being held accountable for both good and bad decisions rather than allowing others to make decisions for them or protecting them from the consequences of those actions.

The third assumption is that students have certain rights that colleges must acknowledge and uphold, which has been supported by numerous court cases, including *Mullins* (1983), *Peterson* (1984), *Whitlock* (1985), *Furek v. University of Delaware* (1991), and *Regents of the University of California v. Superior Court of Alameda County* (1996) and federal statutes such as FERPA and HIPAA. Any model that characterizes the relationship between colleges, students, and parents must support these rights.

The fourth assumption is that unlike college students of the past, today's students appear to be more connected to their parents (White, W., 2005; Lum, 2006). Parents are involved, sometimes to excess, in their college students' lives. This involvement can be as simple as frequent communication via cell phone, e-mail, or Instant Messenger or may include parents actually registering their students for courses. However, student affairs professionals cannot assume that all of our students are this connected to their parents as the level of parental involvement can vary.

The fifth assumption is that parents and guardians can be a significant influence on college students' behavior. Given their level of involve-

ment and connection to their students, parents seem to have an impact on them. Students are seeking parents' input for college choices, rooming assignments, and even course choices and scheduling. Student affairs professionals can do a better job teaching students if they have more tools, such as parents, in their toolkit.

Finally, colleges can provide a supportive yet accountable training ground for student decision-making. By providing consequences for behavior, both positive and negative, and the opportunity for reflection, college staff can optimize the learning that can occur.

Tenets

The tenets, or characteristics, of this model are based on the assumptions and provide a foundation for its implementation. The first tenet is that colleges, students, and parents are partners in students' education, all adhering to basic legal and ethical principles. These principles include due process, fundamental fairness, students' right to self-determination, and the provision of a safe learning environment. Each constituent has a role in promoting these principles.

Colleges are not omnipotent insurers of students' safety and a safe environment but do have reasonable safety duties. Colleges cannot control every aspect of the college campus, nor can they control the actions of every individual with whom students interact. However, they are required to act reasonably in response to potential danger. The college is a landowner with responsibilities similar to a landlord. Colleges are also the protectors from the dangers of foreseeable risks of third parties. Finally, colleges are also the supervisors of the events that they sponsor. Abiding by these duties helps colleges create safe learning environments.

There should be a focus on decision-making, accountability for decisions, and the implications of decisions. This is the third tenet. Sometimes the process of addressing student behavior becomes simply an administrative process of enforcing policy and lacks an educational component. The college can provide support in terms of reflection and sanctions that can help students learn from the decisions that they make.

Parents are actively involved in their student's education, but the student's right to self-determination and autonomy should carry more weight than the parental right to know—unless there is an explicit risk of serious injury. During the college years, students are often provided the first opportunity to make their own decisions. Parents' input is helpful in this process, but when parents continue to place undue influence on students' decision-making, the education process is hindered. To foster learning, the students' right to make their own decisions should outweigh the parents' right to be involved in that process. Of course, there are instances when students' mental and physical well-being may be in jeopardy, and in those cases, the parents' right to be involved should be given priority.

The final tenet of *in consortio cum parentibus* is that colleges can provide assistance in the parent-student relationship by teaching both students and parents how to facilitate autonomy and communication. Entering college is a transition for parents as well as students. While parents need to learn how to deal with this separation, students need to learn how to deal with this newfound freedom. Both parents and students must learn how to have candid conversations in light of this new relationship. Because student affairs professionals are experts with college students, they can help both parents and students foster positive autonomous interdependence along with honest, forthright communication. Student affairs professionals also understand the transitional issues that students will be confronting during their college career and can provide this information to parents so they know what to expect and can better meet the needs of their student. Sharing student development theory and strategies for helping students navigate these issues can be invaluable to parents as they assist in their student's growth.

Application

*What might policy or practice look like at a college that utilizes the *in consortio cum parentibus* model?*

The relationship between colleges, students, and parents begins during the application process. During that time, colleges would express their desire to have parents be a partner in the student's educational

experience. To foster that relationship, colleges would enumerate the espoused rights and responsibilities of the college as well as those of the students and parents. Parents would be viewed as active agents in their child's education, but the child would also have a great deal of autonomy. By presenting this information at the application process, both parents and students would be fully aware of the institution's philosophy.

The college could state that it will provide a living and learning environment that is safe and conducive to education. But students would also have a responsibility to contribute to this type of community. Students would be accountable for all of their actions, particularly those that detract from a safe, living, and learning environment. Students would also be expected to be active contributors to the community.

Both students and parents would be told that the accountability process for students' decision-making and actions would be educational and not merely an administrative action. Educational does not necessarily mean nonpunitive, however, as punitive measures can be educational. Punitive sanctions may provide students with an opportunity to reflect upon the actions that precipitated the sanction. During this reflection, they may choose to alter their future behavior. Colleges would want parents to play a role in this educational process, although they might not have an active role in the adjudication process. Colleges could provide suggestions for how parents can support their student throughout the disciplinary process in addition to ideas as to how parents can maximize its educational benefit.

Parents could be told that students will be given the power to decide when to include parents in actions that the college takes unless the student's health or safety were at risk. If a case against the student were being adjudicated, the student would be allowed to decide if and when the parents were to be contacted, which is current practice at some institutions. This does not mean the parents cannot be involved, but the responsibility would be on the students and parents to discuss the issue rather than relying solely on the institution to inform parents of behavioral issues. Student affairs professionals could help students and parents open and maintain the lines of the communication.

While it is important to introduce these rights and responsibilities at the time of application, it is equally important to reinforce them. This can happen at orientation, move-in, and throughout the students' college careers.

Student affairs professionals who apply *in consortio cum parentibus* can actively reach out to parents educating them so that parents can more easily and effectively play a proactive role in their child's college life. This outreach could involve the establishment of a parent's outreach office or a parental liaison to serve as a link between the institution and parents. Outreach efforts could include skits at orientation, electronic newsletters, letters home, Web casts, or parents' Web sites (Coburn, 2006). The goal of these liaisons would be to provide parents with the knowledge regarding the psycho-social issues their child may experience, help them develop skills to assist in this development, and be aware of warning signs of trouble (Coburn, 2006). Parents could also learn communication techniques to facilitate ongoing, open communication with their student so they would not have to rely on colleges for information.

College administrators also need to provide students with the knowledge and skills to effectively communicate with their parents. This can easily happen through campus programming and intentional one-on-one or small group interactions between faculty, staff, and students.

Finally, student affairs professionals could foster student learning by helping students reflect upon their decision-making. It is important to have students consider which decisions and actions lead to positive results as well as those that lead to negative results.

These examples provide a few ways colleges could apply *in consortio cum parentibus*, and there are many other ways that this model can inform both policy and practice.

Implications

There are some implications to consider if college officials are to employ *in consortio cum parentibus* and follow the tenets listed above. Student affairs professionals may need to ease parents into the transi-

tion of their child entering higher education from the K-12 setting. Many parents are accustomed to being extremely involved in their student's life (White, W., 2005; Lum, 2006). Although student affairs professionals want to engage parents in their student's college education, it is counterproductive if parents are overly involved. Over involved parents may seek to solve most of their student's problems or make most of their decisions, which inhibits the student's ability to learn how to deal with adversity and make decisions. Student affairs professionals need to educate parents and students regarding expectations for parental involvement and student independence. With this education, both parents and students will understand what student affairs professionals are expecting, and everyone can be a positive contributor to students' educational success.

Student affairs professionals need to be aware that *in consortio cum parentibus* may not be an appropriate model to guide interactions with all students. The model is most fitting with traditional-aged students, but campuses are becoming more diverse. Professionals will need to consider the impact that following such a model will have on nontraditional students who may have less parental involvement, students who have hostile parents, and students from culturally diverse backgrounds who may have more parental involvement than outlined above.

Finally, we need to think about *how* we partner with parents. It is not enough to simply work with parents. Some parents may be difficult partners requiring a different approach than parents who may be ideal partners. Every parent is different, and we need to tailor this relationship with each one.

Conclusion

In consortio cum parentibus is a model that can be used to guide policy and practice on college campuses. In this model parents are viewed as partners in their students' educational process. By including parents in the relationship, staff and faculty include another tool in their toolkit to foster student learning. The model can also provide a common understanding for all members of the college community regarding the espoused relationship between the college, students, and parents.

Colleges are likely already employing practices that support this model. The next step would be to identify colleges that employ policies and practices consistent with this model to provide some concrete examples for application. These examples can provide the roadmaps for other colleges to follow.

References

- Anderson, E. L. (2003). Changing U.S. demographics and American higher education. *New Directions for Higher Education*, No. 121, 3–12.
- Baldwin v. Zoradi, 176 Cal. Rptr. 809 (Cal. Ct. App. 1981).
- Beach v. University of Utah, 726 P2d 413 (Utah 1986).
- Bickel, R. D., and Lake, P. F. (1999). *Rights and responsibilities of the modern university: Who assumes the risks of college life?* Durham, NC: Carolina Academic Press.
- Blackstone, W. (1765). *Commentaries v 1*. Oxford: Clarendon Press.
- Bradshaw v. Rawlings, 612 F2d 135, (3rd Cir. 1979).
- Campbell, J. (1999). Parenting classes: Focus on discipline. *Journal of Community Health Nursing*, 9(4), 197–208.
- Clery Act, P.L. 101–542 (1990).
- Coburn, K. L. (2006, August/July). Organizing the ground crew for helicopter parents. *About Campus*, 11(3), 9–16.
- Dixon v. Alabama State Board of Education, 294 F2d 150 (5th Cir. 1961).
- Duley, J. S. (1988). Field Experience Education. In A. W. Chickering (Eds.), *The modern American college: Responding to the new realities of diverse students and a changing society* (pp. 600–613). San Francisco: Jossey-Bass.
- Dunn, N. (1981). Children's achievement at school-entry age as a function of mothers' and fathers' teaching sets. *The Elementary School Journal*, 81(4), 244–253.
- Edwards, A. F., Jr. (1994). *In loco parentis: Alive and kicking, dead and buried, or rising phoenix?* Paper presented at the annual meeting of the Association for the Study of Higher Education, Tucson, Arizona. (ERIC Document Reproduction Service No. ED 375720)
- Epstein, J. (1985). Home and school connections in schools of the future: Implications of research on parent involvement. *Peabody Journal of Education*, 62(2), 18–41.

- Family Educational Rights and Privacy Act, P.L. 93–568 (1974).
- Furek v. University of Delaware, 594 A.2d 506 (Del. 1991).
- Gehringer, J. (2006, Sept. 29). Helicopter parents. *Lincoln Journal Star*, p. 1.
- Goldman, A. L. (1966). The university and the liberty of its students—a fiduciary theory. *Kentucky Law Journal* 54, 643–671.
- Gott v. Berea, 161 S.W. 204 (Ky. 1913).
- Hart, B. (2006, November 16). Helicopter parents have got to come down to earth. *Scripps Howard News Service*.
- Hauser, S. T., Powers, S. I., Noam, G. G., Jacobson, A. M., Weiss, B., Follansbee, D. J. (1984). Familial contexts of adolescent ego development. *Child Development*, 55(1), 195–213.
- Health Insurance Portability and Accountability Act, P. L. 104–191 (1996).
- Higher Education Amendments, P.L. 105–244 (1998).
- Jackson, B. (1991, October) The lingering legacy of in loco parentis: An historical survey and proposal for reform. *Vanderbilt Law Review*, 44 Vand. L. Rev. 1135.
- Lum, L. (2006). Handling helicopter parents. *Diverse: Issues in Higher Education*, 23(20), 40–42.
- Mullins v. Pine Manor College, 449 N.E.2d 331 (Mass.1983).
- National Commission on Accountability in Higher Education (2005). *Accountability for better results: A national imperative for higher education*. (ERIC Document Reproduction Service No. ED485513)
- Peterson, K. v. San Francisco Community College Dist.. 685 P.2d 1193 (Cal. 1984). Powers, E. (2007, March 12). Tilting toward need-based aid. *Insidehighereducation.com*. Retrieved on March 28, 2007 from <http://www.insidehighered.com/news/2007/03/06/gw>
- Rabel v. Illinois Wesleyan University, 514 N.E.2d 552 (Ill. App. Ct. 1987)
- Rainey, A. (2006, April 14). Parents of college students today, often referred to as “helicopter parents” for their hovering habits, are in frequent contact with their children, according to a survey report released in March by the College Parents of America. *Chronicle of Higher Education*, 52(32), A39.
- Randall, D. (2006, October 8). No-hovering zone, please; College students don’t need helicopter parents swooping in. *Hartford Courant*, p. C1.
- Regents of the University of California v. Superior Court of Alameda County. 42 Cal. App. 4th 805A (Cal. 1996)

- Reisberg, L. (1998, December 4). When a student drinks illegally, should colleges call mom and dad? *The Chronicle of Higher Education*.
- Schneider v. Plymouth State College, 744 A.2d 101 (NH. 1999).
- Security on Campus, Inc. (n.d.). Parental notification information brochure. [Brochure] Retrieved on September 26, 2002 from <http://www.campusafety.org/parents/brochure.html>
- Selingo, J. (2005, October 21). How much is too much? *The Chronicle of Higher Education* 52(9), A30-A33.
- Stamatakos, T. C. (1990, Spring). The doctrine of in loco parentis, tort liabilities and the student-college relationship. *Indiana Law Journal*, 65 Ind. L. J. 471.
- State v. Pendergrass, 19 N.C. 365 (1837).
- Szablewicz, J. J., and Gibbs, A. (1987). Colleges' increasing exposure to liability: The new in loco parentis. *Journal of Law and Education*, 16(4), 53–65.
- U. S. Department of Education. (2006). *A test of leadership: Charting the future of U.S. higher education*. Washington, DC: Author.
- Wascoe, D. (2006, September 3). Parents hovering now may hurt their children later; With schools about to open, educators also get ready for “helicopter parents,” who may battle teachers and administrators. *Star Tribune*, p. 1B.
- White, L. (2005, May 27). Which legal issues will keep colleges busy in the year 2012? *Chronicle of Higher Education*, 51(38) B1-B4.
- White, W. (2005, December 16). Students, parents, colleges: Drawing the line. *Chronicle of Higher Education*, 52(17), B16.
- Whitlock v. University of Denver, 712 P.2d 1072 (Colo. 1985).
- Vicario, T., Henninger, E., Austin, M., Chambliss, C. (2002). *College students' responses to new communication technologies*. (ERIC Document Reproduction Service No. ED463469)
- Zirkel, P. A., and Reichner, H. F. (1986). Is the in loco parentis doctrine dead? *Journal of Law and Education*, 15(3).