

## **The Evolution of *In Loco Parentis***

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The doctrine of *in loco parentis* is often taught in history courses in student affairs master's degree programs, which may lead student affairs practitioners to frame their thoughts and perspective of this doctrine in a historical context. The authors, however, believe that *in loco parentis* is not a relic of the past; it has a strong presence in modern day student affairs practice. This article will briefly examine the history of *in loco parentis* and explore its influence on American student affairs practice. Recent legal decisions and as current policy at institutions of higher education will be analyzed. The article will conclude with recommendations on how institutions of higher education can respond to the recent shift in public perception and institutional policy that seems to support the doctrine of *in loco parentis*.

The Latin phrase *in loco parentis* translates as "in the place of a parent". When viewed in a student affairs context, this concept is understood to mean that the university stands in place of the parent or guardian (Nuss, 1996). Debate may rage about the degree of parental involvement in university affairs, however *in loco parentis* has historically been an element of student affairs practice.

The roots of *in loco parentis* lie deeper than the American educational system. The newly created American universities intentionally modeled themselves after institutions such as Oxford and Cambridge. At the time, these English institutions were revolutionary for combining residential and learning environments (Edwards & Sweeton, 2000). Residential dormitories implemented strict supervision by faculty to ensure the general well being of their students. This focus on academics *and* character development was imitated in the newly formed American universities establishing the foundations for *in loco parentis* (Nuss, 1996).

*In loco parentis* officially entered the student affairs lexicon during the 1960s when turbulent social changes caused a shift in policy (Pollet, 2002). Students, often the catalyst for change, became engulfed in social movements for civil rights and liberties. Their progressive outlook occurred on both national and institutional levels, and questions were raised about the validity of *in loco parentis*. Legal and political methods were used to induce shifts in university policy. This shift was marked by changes in the relationship between the institution and the student. Many institutions began appointing students to influential committees and governing boards (Nuss, 1996). Additionally, this is the era where student government bodies gained prominence. The role of student affairs professionals, once consisting of discipline and authority, now focused on education and coordination of campus life (Nuss, 1996).

*In loco parentis* was further modified in 1972 when 18-year-olds obtained suffrage (Pollet, 2002). The nascent empowerment of students resulted in even more autonomy and, consequently, altered the college landscape. Vibrant student activism reached new levels during this period, epitomized by involvement in anti-war movements and the struggle for civil rights for minorities and women. Numerous clubs and campus organizations sprouted during this time that reflected desire for independence in personal and public matters.

Many historical perspectives label these modifications during the 1960s and 1970s as the downfall of *in loco parentis* (Nuss, 1996). While the concept dramatically changed, this perception of demise is untrue. Today's college students and their parents have explicit expectations of what role the university should play, which illustrates the fluid nature of *in loco parentis*. *In loco parentis* is not the trademark of a defunct era; it is an evolving notion. For many generations of college students, this notion has, in one degree or another, been a factor of their college experience.

### **Factoring in the Millennials**

As components of society develop, they augment the roles of students, parents, and the nature of student affairs. The examples exhibited in the 1960s and early 1970s illustrate how societal climate can impact *in*

*loco parentis*. Political movements, legal decisions, and demographic characteristics have also contributed to the development of the concept. Millennials, the current generation to enter college, are profoundly impacting student affairs and *in loco parentis* (Howe & Strauss, 2003).

According to Howe and Strauss (2003), the millennial generation is characterized as closely tied to their parents, positive and progressive in thought, team-orientated and community-focused, and insistent of a secure and regulated environment. The demographic direction of this generation will undoubtedly influence *in loco parentis*. With stronger parent-child relationships, it is reasonable to conclude that parental participation in a student's university experience will increase. The previously autonomous lifestyle of the average student may transition into a partnership. Furthermore, the expectations for a secure and regulated environment may heighten parental concerns and involvement.

Involvement of parents reaches a critical point when the offspring ventures to college. Previous generations, such as Baby Boomers and Generation X, were less affected by this transition (Howe & Strauss, 2000). Often labeled as neglected or independent, these generations were able to thrive in a less structured environment. The transition for Millennials is not as smooth. Millennial parents, often branded as sheltering, are grappling with ways to remain actively involved in the life of their children (Howe & Strauss, 2000).

### ***In Loco Parentis in the Legal and Political Arena***

A search of on-line databases produced hundreds of court cases in the last several years relating to the doctrine of *in loco parentis*. Indicative of a recent trend, these cases illustrate an alteration of parental expectations of the college environment. A well-known example of this trend is the case of Scott Krueger, a freshman at the Massachusetts Institute of Technology (MIT) in the fall of 1997. Krueger was found unconscious in a room at his fraternity after a night of drinking and apparent hazing. The hazing incident allegedly involved members of the fraternity forcing Krueger to consume excessive amounts of alcohol. When he was discovered, his blood alcohol level was 0.40. He later died at Massachusetts General Hospital. Shortly after his death, Krueger's parents sued MIT, alleging that the institution's inadequate alcohol and housing policies played a role in their son's death (Healy, 2000). For several years after Krueger's death, his parents fought against MIT over where the responsibility for Scott's death lay (Sontag, 2002). In the fall of 2000, after extensive legal maneuvering and negative publicity, the president of MIT personally apologized to the Kruegers and the University paid a \$6 million settlement, thereby ending the lawsuit (Healy, 2000). During his apology, President Charles M. Vest said to Krueger's parents, "Despite your trust in MIT, things went terribly awry. At a very personal level, I feel that we at MIT failed you and Scott" (Healy, 2000, A1).

As a direct result of the Krueger case, MIT changed its housing and fraternity policies; beginning in the fall of 2002, MIT required all freshmen to live in an on-campus residence hall for the first time in its 137-year history (Russell, 2002). The institution also provided more intense training for its residence hall staff, and they now pay live-in advisors to monitor fraternity and sorority housing. In the authors' opinion, the Krueger case is important because, it marked the beginning of a new era of *in loco parentis* on the college campus. In the Krueger case, the family sought to "...make the university – and by extension, higher education institutions nationwide – accountable for alcohol related deaths of students" (Healy, 2000, A1.).

Parents have not only sued for alcohol related deaths; they have also held universities responsible for student suicide. For example, MIT is currently involved in a lawsuit brought by parents of a student who burned herself to death in her residence hall room after receiving months of counseling from university counseling services (Campbell, 2002). Ferrum College recently settled a case out of court where it accepted partial responsibility for a student suicide (Hoover, 2003). A student, Michael Frentzel, had what were apparently self-inflicted scratches and bruises on his neck. A dean and counselor at Ferrum College had Frentzel sign a statement stating that he would not harm himself or anyone else, and then left him alone in his room. While alone in his room, Frentzel hung himself. As part of the settlement with Frentzel's family, the college agreed to improve its counseling and support services (Hoover, 2003).

Regardless of which party prevailed, recent litigation clearly illustrates what parents of college students, and society-at-large, expect of institutions of higher education. Parents of today's college students, "...have begun to fight for the right of control of their children. Parents demand to be fully informed of students' grades, living situations, university policies, counseling received and whether their children have received any drug or alcohol violations" (*Minnesota Daily*, 2002, n.p.). Administrators have dubbed this phenomenon "helicopter parenting" because the parents are "always hovering" (Young, 2003, A37). Colleges and universities are realizing this trend and have begun marketing to both prospective students and their parents. The nature of the university-parent-student relationship is changing rapidly, and the parent role is clearly hands-on in terms of their expectations of the institution. Some institutions have even "...started parent orientation programs and [have] begun to engage mothers and fathers in a kind of co-parenting alongside the university" (Sontag, 2003, n.p.).

### **Recommendations and Conclusion**

The doctrine of *in loco parentis* still has a strong influence on institutions of higher education. Parents of traditionally-aged college students maintain a strong influence on the lives of their children and seem to view the institution of higher education as a surrogate parent. Many parents are involved in nearly every aspect of their child's college life, from course and housing selection to their child's judicial record (Howe & Strauss, 2003). They have sued colleges and universities for choices their sons and daughters have made in regard to alcohol, drugs, and suicide. It seems clear that parents, and society at large, expect institutions of higher education to maintain what can be construed as a parental level of control over students. Colleges and universities are held to a high standard with regard to the extent of counseling and other services that are provided. Parents also seem to expect a high level of control over the amount of alcohol or illegal drug use present in student social gatherings.

Regardless of one's opinion of the doctrine of *in loco parentis*, it is evident that, in one form or another, it is here to stay. As such, the authors recommend the following steps be taken to incorporate this idea into institutional policies and practice:

1. Develop a clear, cohesive, and comprehensive definition of the institution-student-parent relationship.

When formulating institutional or departmental policies and practices, define the level of involvement the institution will have in the student-parent relationship. For example, when a parent calls a housing department and asks for someone to have his or her child call them, how will the institution respond? Will university staff talk to the student, or tell the parent that it is not the institution's role to get involved in the parent's relationship with the student? How will the institution respond if a parent calls to complain about a grade, or a professor? It is important that the role of the institution in the institution-student-parent relationship be defined on an institutional level and then on a departmental level.

It is also important that this role is consistent across all campus units. Colleges and universities often send mixed messages to parents. Under the Family Educational Rights and Privacy Act (FERPA), an institution of higher education can choose to contact a parent if their son or daughter is involved in an incident in which drugs, alcohol, or violence are present (Kaplan & Lee, 1997). That same institution, however, probably does not contact parents when their child develops a psychological problem or fails a class. This dichotomy is undoubtedly influenced by federal privacy laws which make most academic, health, and judicial records confidential, but parents are often not explicitly made aware of this fact. Colleges and universities should, therefore, educate parents on the limitations of the institution in the parent-child relationship.

The University of Puget Sound (UPS) in Tacoma, Washington, stands out as an institution that does an exemplary job in defining the institutional-parent relationship. Each year, UPS produces a *Parent Resource Guide* which unequivocally defines the role of the institution in its relationship with both students and parents. The opening paragraph of the *Parent Resource Guide* states, "The University of Puget Sound's policy regarding disclosure of information... is based on the principle that students must take direct responsibility for their learning experience" (University of Puget Sound, 2003, p. 9). The *Guide* then goes on to state UPS' policy on grade disclosure, medical records, and judicial records. After reading the *Guide*,

parents and guardians know not to expect UPS to release academic or personal information about their son or daughter to them. It also lists resources and support networks available to parents, such as a parent listserv. In short, the *Guide* makes it clear to parents that UPS views parents as partners in the education of their children, but places clear parameters on the role that the institution will play in that partnership.

2. Develop a parent orientation program that addresses the role of the parents in the life of their college student.

Most institutions have both student and parent orientation programs, and some have a program that specifically addresses the role of the parents in their child's time as a college student. This program might include portions on teaching parents how to let go of their child and allow the student to learn to become a full-fledged adult. It should also include a section that specifically details the institution's role in their relationship with their child. Parents should be educated on aspects of the institution such as grading policy, the judicial system, and procedures for choosing housing. Their role in these aspects of the institution should also be explicitly stated. For example, if the institutional philosophy is such that it does not allow for parental involvement in the judicial process, parents should be specifically made aware of this.

3. Make sure that the language used in orientation and publications such as informational pamphlets and brochures matches the institutional philosophy on *in loco parentis*.

The extent to which a student is expected to control her or his own college experience should not be vague. For example, if the purpose of student staff in the residence halls is not to resolve every problem, but rather to teach residents how to take care of their own problems, make sure this is stated in all communication about on-campus housing. Parents should not be given the impression that the environment in the residence halls, in sororities and fraternities, or at college-related functions is completely controlled. Parents should know that resources are available to help students deal with problems, but that the ultimate choice on whether or not to utilize those resources is up to the student.

### Conclusion

In conclusion, it is clear that *in loco parentis* is not a relic of the past, but rather a powerful force in the present. The research conducted by Howe and Strauss (2003) illustrates that parents of today's traditionally-aged college student view themselves as equal partners in the education of their children. This places institutions of higher education in what can be an awkward position of trying to balance the expectations of parents, the boundaries of various federal privacy laws, and the institution's own philosophy of student development. It is critical that institutions of higher education understand the dynamic nature of the concept of *in loco parentis* and develop practices and policies to address it.

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