

DP20025003 E1

THE BOSTON GLOBE

TUESDAY, JANUARY 29, 2002

\$27m suit over suicide at MIT hits privacy rules

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A month before sophomore Elizabeth Shin killed herself, her housemaster at the Massachusetts Institute of Technology told Shin's father that his daughter had been hospitalized in MIT's infirmary because she was being "loud."

Cho Hyun Shin said he pressed for details, but said the housemaster indicated that Elizabeth's privacy rights prevented her from saying more. That message was echoed by MIT officials, he said.

When her parents asked, Elizabeth would only say that she'd been tired — at which point they stopped quizzing her, even though they knew she had already spent time in McLean Hospital for psychiatric observation.

Should they have pushed her harder for answers? Should MIT have relaxed its privacy rules and disclosed more to the Shins? Those questions are at the center of a \$27 million lawsuit the Shins filed yesterday against MIT, 21 months after Elizabeth set herself on fire in her dorm room.

The suit alleges MIT deans and

therapists were negligent in caring for Shin and failed to recognize that her suicide threats were serious. MIT counters that it did all it could — and that the 19-year-old Shin enjoyed privacy rights guaranteed by state and federal rules that most colleges follow.

At a news conference yesterday, the Shins' lawyer, David DeLuca, opened a broad attack on the university, arguing that "a known culture of suicide" existed at MIT and citing 11 other student

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deaths between 1990 and Elizabeth's death in April 2000. MIT officials did not react forcefully to these deaths, he said, and as a result, eight campus therapists, four administrators, and others failed to take Shin's suicide threats seriously and to notify her parents.

By raising doubts about MIT's judgment calls in treating their daughter, the Shins said they hope to spur reforms to the federal and state confidentiality laws that deter colleges from telling parents about their students' mental troubles or drinking problems.

MIT's lawyer, Jeffrey Swope, yesterday reiterated his statement last week denying that school officials were at fault. Shin had suffered from "serious emotional problems" since high school, Swope said, and MIT did everything it could to help her.

There have been relatively few lawsuits over student suicides, in

large part because of the complicated liability questions when a person takes their own life, and because of families' desire for privacy. And specialists say those cases are a poor guide to predicting the outcome of the Shin case because most hinged on the particular details of the death.

Most of those cases turned on the same two issues: whether universities met a proper standard of mental health care, and whether the students — or their parents — took sufficient steps to seek treatment or deal with the problems.

"You have to show the university had a duty to the student, and that the duty was breached — and frequently this just isn't readily apparent," said Beverly Ledbetter, Brown University general counsel.

"Just because a suicidal person is enrolled in the institution, I don't think you can put unlimited responsibility on the institution," she added. "Often in these cases, a jury also wants to know what the parents knew, too."

Two years ago, for instance, a Rhode Island jury vindicated Brown's care of Daniel Shuster, a 21-year-old junior who shot himself in 1990. Shuster had a history of emotional problems that the school tried to address by refer-

ring him to a private psychologist. He spent two years in therapy, and killed himself a few months after stopping. His mother sued, alleging he was incorrectly evaluated and referred by the school. But the jury found that he was a troubled young man whom Brown could not control.

Like Shuster, Shin had past emotional troubles. A year before her suicide, she had been sent to McLean Hospital for psychiatric observation after overdosing on Tylenol. And as a high school senior, she cut herself over an incomplete grade, McLean doctors said.

And, as in the Brown case, the university was aware of the problem and tried to help, with rounds of in-house therapy. But the Shins' lawyer, DeLuca, noted that Elizabeth's problems were much more pervasive than Shuster's at Brown, consuming MIT officials off and on for 14 months.

The Shins are also focusing not just on MIT's behavior, but the fact that school officials did not tell them that their daughter might pose a danger to herself. Confidentiality law allows schools to keep this information private, though it can be told to family members when the student's health or safety is at grave risk.

"On the one hand, there is always the concern for the welfare of the individual, and on the other, there's protecting his or her confidentiality. These are always judgment calls," said Thomas McGuinness, director of university counseling services at Boston College.

Yet mental health specialists, without commenting directly on the Shin case, did raise questions about where MIT drew the line on

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confidentiality.

Only psychiatrists are firmly bound by confidentiality laws and ethics codes, according to the American Mental Health Counselors Association. Elizabeth Shin's deans and housemaster could have contacted her parents if they wished, McGuinness said.

"Someone in charge of student life, for instance, is under no obligation *not* to contact parents if a student is going around saying she'll kill herself," as Shin was, McGuinness said.

The Shins say that without a call from the university, they had

no way to judge how much trouble Elizabeth was in. In separate interviews, her father and mother insisted that she was always cheerful, chatty, and outgoing when they saw her, even when she was just released from hospitalizations.

"Life at MIT wasn't pleasing to her, but she didn't want to worry us," her father said.

Elizabeth's mother, Kisuk, said her daughter "was always encouraging to me in everything I did. She was just very considerate and caring." Whenever there were signs of problems, Elizabeth ap-

peared to cope well and move on, Mrs. Shin said.

Even when she was hospitalized at McLean, her mother said, Elizabeth offered a convincing explanation: She had been tired and sloppy with the Tylenol.

"My daughter was a wonderful, bright person, and I trusted her very much," her mother said. "Up to this day, I'm racking my brain: Did we miss something?"

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