

# Study on the Identification of College's Civil Tort Liability in College Student Suicides

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**Abstract**—In college student suicides, the identification of the college's legal liability is prone to disputes in practice. This paper sorts out the legal basis for the civil liability that colleges may assume in college student suicides, so as to define its nature. This paper discusses and analyzes the nature and principle of liability in college student suicides, and focuses on analyzing the college's duty of care and its theoretical basis and identification standard, to help correctly define the legal liability of colleges in student casualties.

**Keywords**—college student suicide; definition of legal relationship between colleges and college students; principle; liability for fault; duty of care

## I. INTRODUCTION

In recent years, there have been more and more studies on the phenomenon of college student suicides in the academic circle. According to the search result of the topic "college suicide" in CKNI, From 2002 to 2010, 635 papers were accurately matched, from 2010 to 2018, 808 papers were accurately matched. At present, there has been no statistics on college student suicides from authoritative departments, and most online media pay attention to reporting individual cases of college student suicides, which can also reflect the rising trend of social influence of college student suicides to a certain extent.

Once a college student suicide accident happens, whether or not the college bears liability is often the focus of debate among students, parents and the college. According to Wen Wei Newspaper, a university in Shandong asks students to sign an Agreement on Education Management and Student Self-discipline, stipulating that the university will not bear legal liability when students commit suicide or self-injury, which has aroused widespread concern in society. Fast-growing, high-ratio suicides have caused serious social and legal problems. The widespread use of the We-media at present has led to a situation where various information emerges in an abnormal anonymity after a college student suicide incident happens, which keeps changing during the process of dissemination and forwarding, forms online rumors, causes online public sentiment and increases the complexity and attention of the college student suicide, seriously affects the order of teaching management in the college and damages the reputation of the college.

So far, the legal provisions on casualty accidents of college students in China are almost blank, and college lack relevant legal mechanisms for sudden student suicides. The Measures for Handling Student Injury Accidents issued by the Ministry of Education is an important legal document for handling student accidents at present. However, it is a departmental regulation after all and is applied to full-time students in primary and secondary schools and colleges organized by national or social forces, and does not differently treat college students, which is a particular group. In judicial practice, in the cases of student suicides, the parents of the deceased claim for indemnity in illegal forms such as pulling banners in the school, or directly suing the court to ask the college to bear liability, therefore leading to legal disputes, increasing the difficulty of handling suicide emergencies, increasing the complaints of colleges and affecting campus harmony. Therefore, how to correctly handle the legal problems caused by college student suicides, and how to identify the legal liabilities that colleges need to bear, therefore enabling colleges to take measures to prevent the occurrence of suicide accidents, reducing the legal risks of colleges and safeguarding the rights and interests of all parties, have become problems that urgently need to be discussed.

## II. DEFINITION OF LEGAL RELATIONSHIP BETWEEN COLLEGES AND STUDENTS

The definition of the legal relationship between colleges and college students directly determines whether colleges bear liability for student suicides and the specific form of liability bearing. In China's relevant legislation, the definition of the legal relationship between colleges and students is vague, and the theoretical circles are also arguing on it. First of all, college students as adults have full civil capacity, so their legal relationship with colleges is not a guardian relationship. Some scholars believe that the legal relationship between colleges and students has the nature of legal relations, because the Regulations on the Management of Higher Education Students, the Higher Education Law and other laws and regulations affirm and give schools the responsibility for education and management. A relationship of educating and educated, managing and managed is formed between colleges and students. This relationship has certain subordinating attributes, and there is obviously an administrative attribute when schools performing the

education management function. I believe that in the case of college student injury accidents, the legal relationship between colleges and students should be defined as civil legal relationship. Students pay tuition fees for education and schools must fulfill their educational obligations and complete teaching. There is a contractual relationship during this period. As for the nature of civil legal liability that colleges should bear in student injury accidents, there is no clear definition by Chinese laws. There are two different views on the theory of tort liability and the liability for breach in the theoretical circle. Analyzing from the research methods and research trends adopted by scholars, the theoretical circles tend to the theory of tort liability. In judicial practice, courts often include such cases in tort cases. I believe that considering the nonprofit nature of education and the nature of the relationship between colleges and students, in cases of student suicide, schools may bear general tort liability.

### III. THE FOUR ELEMENTS FOR COLLEGES CONSTITUTING TORT IN COLLEGE STUDENT SUICIDES

Article 8 of the Measures for Handling Student Injury Accidents stipulates: "If a student's injury accident occurs and it leads to student's personal injury, the school shall bear the corresponding accident liability in accordance with the Law of the People's Republic of China on Tort Liability and relevant laws and regulations." According to the legal analysis of the Tort Liability Law, if colleges shall bear liability for student suicides, it shall meet the four liability elements of behavior, fault, damage and causality.

#### *A. The School Takes Actions Not Reasonably Guaranteeing Student Safety*

Actions include action and non-action; schools are required to adopt reasonable and appropriate management methods when managing students, avoid excessive management behaviors that are unacceptable for students, and causing tragedy due to impulses; at the same time, schools are required to fulfill the security obligations, in comprehensive safety protection measures shall be taken for buildings and facilities that are prone to danger in campus construction, and no "convenient" conditions shall be provided for student suicides. The common situation is that suicide is caused by matters related to the educational management responsibilities of colleges, or colleges' failure to perform education, management duties, or improper education and management behaviors. For example, a teacher physically punishes student or verbally scolds student, and causes the student to commit suicide, for another example, a student commits suicide by jumping off a building, or through a window or from a roof in the school, and causes a tragedy, at this time, if the window of the school building involved in the case does not comply with the relevant regulations of the state, or the door to the roof is not locked and has no other security measures, the school has a certain fault in security protection, and should bear the corresponding legal liability through the principle of fault liability.

#### *B. The Damage Facts Objectively Exist*

Some people believe that the fact of damage refers to the "fact that the student's right of life is damaged", that is, the fact of suicide. I believe that the fact of damage refers to the fact that the "personal interests" in the student's suicide accident is damage, and refers to the student's psychological and physical pain caused by the tort of his or her personality rights. Of course, the damage of property interests is not ruled out. Personality interests are divided into material personality interests and spiritual personality interests. Material personality interests mainly include the right of body, the right of health and the right of life. Students are disabled by being beaten and physically punished at school. Spiritual personality interests mainly include reputation, privacy, and honor, such as a teacher harms the dignity of the student with abusive language languages and laughing at a student in front of the classmate.

#### *C. There Is a Causal Relationship Between the College's Implementing Behavior and the Facts of Damage*

The manifestations of causality are diverse, including direct causality and indirect causality; accidental causality and inevitable causality; one-cause and multi-effect, one-effect and multi-cause, and multi-cause and multi-effect. Some causal relationships are complex, which is manifested in whether the connection between the illegal behavior and damage facts is obvious and difficult to identify. I believe that the identification of causality in college student suicides should be based on causality and supported by the theory of cause. When identifying whether there is a causal relationship, it should be based on the general social experience and knowledge level at the time of the behavior, to determine whether the illegal behavior of the school will cause damage fact and how the correlation between the two is, otherwise it is not fair to the school, nor is it conducive to the development of school education. For example, if a teacher who has fulfilled his / her educational duties improperly criticizes a student, generally it will not cause serious consequences of suicide, which is because of the student's vulnerable psychology. The criticism of the teacher is only a very small inducement, and such a weak cause cannot be identified to have a causal relationship. For another example, if a school has repeatedly asked a graduate student to pay tuition fees, and the student commits suicide without applying for any tuition reduction due to family financial difficulties, there is no necessary causal relationship between the behavior of the school and the damage result. As an adult who has received many years of higher education, the graduate student has full capacity for civil conduct, has the ability to judge, identify and anticipate the consequences of his / her actions, and has a certain ability to withstand external stimuli.

#### *D. The School Is at Fault (Intentional and Negligent) — Identification of Negligence*

Article 8 of the Methods in Settling the Injury Accidents of Students stipulates that schools bear the liability for fault in injury accidents of students. To this end, the principle of fault has become a principle of statutory rules in determining

the disputes of personal injury compensation for college students. If the school is at fault, it is one of the constituent elements of the general torts stipulated in the Tort Liability Law, and is also the principle of statutory rules in the regulations of the relevant departments of the Ministry of Education.

However, there are still different views in the academic circle on how to judge the fault, which is concentratedly reflected in the "theory of subjective standard" and "theory of objective standard". The "subjective standard" is to define whether the doer is at fault by judging his / her subjective mentality. In the traditional theory, subjective faults are divided into intentional and negligent situations. In reality, the subjective faults of college student suicides are mostly reflected as negligence: the one is negligence from overconfidence, that is, the doer has foreseen that the harmful consequence of his / her behavior and is confident to avoid. The other is the negligence from carelessness, that is, the doer should foresee that his / her behavior may have harmful consequences, and fails to do so due to carelessness. If a student has a suicidal tendency due to sudden illness at school or a student has a suicidal mood after getting hurt, and the school does not take preventive measures in time according to the actual situation, which leads to the serious consequence of student suicide, it may be considered that the college has a subjective fault. The "theory of subjective standard" emphasizes the appropriateness of judging the behavior of the doer from his / her own cognitive ability, and does not establish a general principle of appropriateness of behavior. There is no unified value judgment standard for behaviors. If a person's inner activity and mental state are emphasized one-sidedly in fault identification without considering his / her objective behavior, the judge has a broad discretion in the event of litigation. Different judges may make different determinations, which is not conducive to fairly and objectively judging a person's fault liability.

The "theory of objective standard" is to measure human behavior by an objective standard of conduct, and then to identify whether it is at fault. The objective standard focuses on the consideration of the external behavior of the doer. It is not necessary to examine the personnel ability of the specific doer, but only needs to examine the general personnel ability of the public, to form a relatively uniform scale for judging whether a school is at fault. The objective standard is to judge whether a person has fulfilled his / her obligations based on the care that a rational person should take. If the school fails to do fulfill the duty of care of a cautious good manager, it will be considered to be at fault.

#### IV. DESCRIPTION OF THE PROBLEM — THE DUTY OF CARE

##### *A. Theoretical Basis for the Duty of Care*

China's laws and regulations concerning personal injury and death of college students are still almost blank. In reality, the principles and methods of responsibility assignment, responsibility constituting, burden of proof-providing responsibility and damage compensation of colleges are extremely complicated in student injury accidents. How to

judge whether a college has fulfilled its management and education obligations without fault becomes a key point for whether the college should bear liability and how much liability it bears in student injury accidents. I believe this issue can be defined by reference to the "duty of care" in the identification of tort of the Anglo-American law system. The duty of care is a principle recognized by tort laws of all the countries in modern Europe, which holds that it is not the "fault" that causes liability for damages, but the deviation from the standard of care that must be imposed in specific situations [1]. The idea of duty of care dated from the writ of damages in the common law of the Middle Ages, and is known as a constituent element of the "sacred cow in tort law" after long-term accumulation of legal precedent. The duty of care in the Anglo-American law system is widely used and is at the core of the tort law. The German legal precedent also develops the "general duty of care", and the Japanese law pushes the duty of care from the responsible element to the illegal field.

China's tort law has not yet established the concept and system of the "duty of care" system and it has not been well applied in practice, but relevant bases can still be found from the existing legal system of China. China's Tort Liability Law has made special provisions for student injury accidents in Article 38, 39, and 40, but these three articles apply only to minors, and cannot be applied to college student injury accidents. College students are generally adults, and are very different from minors in legal status. Colleges are not obliged to monitor or supervise adult college students according to law. Article 37 of the Tort Liability Law stipulates the security obligations of managers of public places such as hotels, shopping malls, banks, stations, entertainment venues, etc. and organizers of mass events. The legal relationship between colleges and students has certain contract nature, and higher education activities have group characteristics, so I believe that the nature of colleges' duty of care comes from the security tasks stipulated in Article 37 of the Tort Liability Law. Article 12 of the Ministry of Education's Measures for Handling Student Injury Accidents: "In case of student injury accidents due to one of the following circumstances, if the school has fulfilled its corresponding duties, and its behavior is not improper, it bears no legal liability: ... (III) If the student has special constitution, specific disease or abnormal psychological state, and the school does not know or is difficult to know; (IV) If the student commits suicide or self-injury ... "In the existing law, only this article is the most closely related to the issue of schools' liability in students' personal injury. If the third paragraph is interpreted in reverse, that is, if the school knows or is easy to know that the student has special circumstances, but fails to fulfill the corresponding duties, or misbehaves, then the school should bear the corresponding liability. The legislative purpose of this article can be explored from this. The legislators give schools a duty to care for the possibility of personal injury or harm to the students, and "it is easy to know that the student has a special circumstance" means it is a general obligation, and meets the standard of "reasonable person" of the duty of care in the Anglo-American law system. That is, a school should fulfill its duty of care that ordinary people should fulfill in the

specific circumstances of a case, which is lower or higher than to the duty of care of the general standard of care in the society in terms of avoidance and mitigation of accident damage [2].

### *B. The Standard of Duty of Care*

In terms of the violation of duty of care, the standard of good manager is generally adopted. The so-called good manager, also known as "rational man", is a cautious person with general conscience and rationality. In the judgment of an individual case, if the doer is engaged in the action that a rational and cautious person will not take in the same situation; or the doer does not take the action that a cautious and rational person should take in the same circumstances, he / she constitute a violation of the duty of care, and can be considered to be a fault [3]. The degree of care of the so-called good manager is generally based on the result whether a diligent responsible person with considerable professional knowledge can foresee and avoid or prevent the occurrence of damage in the same situation [4].

Therefore, in student suicide accidents, the requirement for colleges' duty of care should be based on a rational person with certain pedagogical knowledge and psychological knowledge, and cannot be arbitrarily raised to professional requirements for psychiatrists or the police. In addition, it is also possible to refer to laws, regulations and educational normative documents, etc. formulated by the education administrative department, and colleges should fulfill their duty of care as stipulated in these laws, regulations and normative documents, such as the Basic Construction Standards for Mental Health Education for Students in Regular Colleges and Universities (Trial) of the Ministry of Education. The duty of care is a legal obligation in nature, and corresponding legal liability for violation of the duty of care should be borne [5]. Therefore, the duty of care that colleges should bear for students' suicide accidents is different from the ideals and optimization requirements put forward by the relevant work in the educational seminars. It is not appropriate to make too high requirements on colleges' duty of care, and the scope and degree of colleges' duty of care should reflect the measures that most colleges in China usually take to prevent student suicide accidents and the level of intervention.

In addition, there is also a famous "Hand Formula" in the Anglo-American law system as a criterion for judging whether the duty of care exists. This formula was developed by the judge Learned Hand from the case *United States v. Carol Towing Co.* According to the formula, to judge whether the doer violates the duty of care, the three factors, namely the possibility of damage (P), the severity of damage (L), and the burden that the defendant should bear to avoid damage (B), should be considered. If the defendant's burden of preventing damage is less than the product of the amount of damage and the probability of damage ( $B < P * L$ ), the defendant shall be liable for fault. In the Anglo-American law, the possibility of damage has always been an important factor for the court to consider whether the doer violates the duty of care [6]. In the analysis of specific accidents, we can use the logic of the Hand Formula for reference, that is, to

consider whether the school has paid the corresponding cost and effort in the accident? For example, whether the college has asked a psychiatrist to have psychological intervention or called the police after knowing the student has a high degree of suicidal tendency. The cost of these measures is extremely low for colleges, with no need to pay much money or effort. If the college does so, but fails to prevent the occurrence of tragedy, it is enough to show that the college has fulfilled its duty of care and should not be liable for damages caused by negligence tort.

## V. THE PRINCIPLE OF LIABILITY

The principle of liability is the criterion and basis for confirming and affixing the doer's tort liability, which solve the most basic problems of the tort liabilities, such as the different elements of liability, exemption conditions, etc., reflects the value judgment of the law, and is the core problem that the theory of tort liability needs to solve [7].

At present, there are many arguments about the principle of liability in college student injury accidents in China's academic circles, with mainly four viewpoints: the principle of fault liability, the principle of fault presumption, the principle of no fault, and the principle of fair liability. In accidents of college student suicide, the students themselves deliberately end their lives, infringe their own right of life, and have faults subjectively. The premise of the application of the principle of fairness is that "neither of the two sides is not at fault", so I believe that the principle of fairness is not applicable. The principle of no fault can only be applied if there are special provisions in the law. At present, China's laws and regulations do not explicitly stipulate the application of the principle of no-fault liability in college student suicides. Therefore, the principle of no fault is not applicable. Excluding the principles of no fault and fairness, the principle of liability discussed in this paper does not involve the theoretical controversy of the current academic circles on the rule system, and improve the scientific nature of the discussion.

### *A. The Principle of Fault Liability*

The principle of fault is the principle of identifying the colleges' tort liability in college student suicide accidents advocated by most scholars in the academic circles. It is also the most basic principle of liability in tort law in almost all countries. For example, Articles 1382 and 1383 of the French Civil Code; Articles 832 and 826 of the German Civil Code; Article 41 of the Swiss Debt Law; Article 709 of the Japanese Civil Code, etc., are all provisions on principles of fault liability [8].

I believe that the principle of liability for colleges' tort liability in college student suicide accidents should also focus on the principle of fault liability, sort out its theoretical source. Two sources have been found: the first is Paragraph 2, Article 106 of the General Principles of the Civil Law, which stipulates: "Citizens and legal persons shall bear civil liability for infringing upon the state, collective property, and the property or person of others." This determines that the most basic of principle of liability for the tort is the principle

of fault. The second is Paragraph 2, Article 8 of the Measures for Handling Student Injury Accidents, which stipulates that "for student injury caused by the fault of the school, the student or other relevant parties, the relevant parties shall bear the corresponding liability according to causal relationship between the proportion of the degree of fault of their behavior and the damage consequences." This article clearly states that colleges are liable for the injury accidents of college students only if they are at fault. This requires the plaintiff to prove several components of the tort liability: tortious action, damage consequence, causality and fault, that is, to bear the burden of proof.

### *B. The Principle of Fault Presumption*

In the distribution of tort liability for college student suicide accidents, there is also a second viewpoint that colleges should bear the tort liability according to the principle of fault presumption, that is, the burden of proof is reversed, and colleges should bear the burden to prove that there is no fault in their education management. Otherwise, it is presumed that the colleges are at fault and shall bear the corresponding legal liabilities. The plaintiff only needs to prove the other three components of tort liability, because the fault has been presumed to exist in accordance with the provisions of the substantive law. The principle of fault presumption originated from the Article 1384 "Liability Presumption" of the 1804 French Civil Code, and the 1900 German Civil Code also stipulated the principle of fault presumptions in a large number [9]. "From the perspective of the history of law development, when the society demands law improvement, and such improvement is compatible with the traditional spirit for the time being, the presumption becomes a subtle and new method" [10]. Therefore, we can understand the principle of fault presumption as a legal extension of the principle of fault according to the development of the times. Before the promulgation of the 2009 Tort Liability Law in China, in addition to Article 126 of the General Rules of the Civil Law, China's laws did not stipulate the tort to which the principle of fault presumption is applicable. However, the legislators have stipulated a considerable number of torts that the principle of fault presumption applies to in the Tort Liability Law, including: (1) liability of educational institutions for damage to persons without civil capacity (Article 38); (2) joint liability among the owner, the manager and the illegal possessor in illegal possession of high-risk substances that causes damage (Article 75); (3) animal damage in zoos (Article 81); (4) liability for damage caused by buildings, structures or other facilities and objects shelved and hung on them (Article 85); (5) liability for damage caused by the collapse of piled objects (Article 88); (6) liability for damage caused by broken forest trees (Article 90); (7) liability for damage to underground facilities such as inspection well (Paragraph 2, Article 91).

It can be seen that the legislators have attached great importance to the principle of fault presumption, but they have not defined the principle of liability in personal injury accidents of college students as the principle of fault presumption. Judging from its jurisprudence, it is not

difficult to see that only when there is a great gap between the infringed person and the doer in their ability to act, or when the infringed person is in a weak position in special circumstances, or when the doer's behavior causes the probability of occurrence of the damage to increase, the principle of fault presumption can be applied. The laws between colleges and students at present have been recognized by most countries as equal civil legal relationships. With the trend of de-administration among Chinese colleges, the legal status and power-rights relationship between colleges and college students are becoming more and more equal. In particular, the Regulations on the Management of Students in Ordinary Colleges and Universities promulgated by the Ministry of Education in 2017 made new definition of the legal relationship between colleges and students in terms of in terms of legislative concepts, university power rules and protection of student rights by adding and amending terms, transferring the relationship between colleges and students from the college power standard to student right standard. Moreover, the news network spreads very fast at present. Once a college student suicide accident occurs, it is easy to become the focus of discussion among the public and cause great pressure on the college. Colleges not only serve as independent institutions and equal contractors, but they also have equal legal relationships with students in educational labor contract; at the same time, colleges, as community managers, bear the comprehensive management liability for maintaining social security and stability in campus, forming a social management relationship with the higher government and the students. Based on this, when the excessive compensation requirements of the family members of suicide students are not satisfied, they often resort to the extra-legal methods, and request the college to bear excessive liability for the student suicide unreasonably, the college, in order to maintain campus stability, etc., has to compromise and concede, even if it is not liable, it still compensates for student suicide. Therefore, in the case of college student suicide accidents, colleges are not in a strong position in terms of administrative factors; on the contrary, they are often in a weak position.

I believe that in student suicide accidents, the status of colleges and students' family members is not in one of several situations applicable to the principle of fault presumption, whether from the perspective of current laws or the perspective of legal policy balance, the principle of fault presumption should not be applied.

### *C. The Principle of Fairness*

The principle of fairness means that, in the case that the parties are not at fault for the occurrence of the damage and there is no provision on the application of no-fault liability in laws, the court decides that the damage is grouped by both the offender and the victim based on the concept of fairness and consideration of the damage of the victim, the property status of the two parties and other relevant circumstances [11]. As mentioned above, in student suicide accidents, if the student subjectively has a fault and infringes on his or her right of life, it does not belong to the situation where neither

of the parties is at fault, and the principle of fairness cannot be applied. Article 26 of the Measures for Handling Student Injury Accidents is a manifestation of the principle of fairness: "if the school is not liable and if there are conditions, it may, according to the actual situation and the principle of voluntariness and possibility, give appropriate assistance to the injured student." Some scholars believe that this article is an embodiment of the principle of fairness in handling student suicide accidents, and is more conducive to protecting the interests of students and their families. However, the author believes that what the college in this article gives the suicide student family is a kind of economic compensation, rather than a kind of compensation from legal liability. To understand this article from the legal level, only the financial compensation made by a college in student suicide accidents can be called compensation, and that in the case where the school is not liable is positioned as appropriate financial assistance by the Measures for Handling Student Injury Accidents, its nature is similar to death benefits. Since the provisions of this article lack compulsory, and the "conditional" standard is not accurately defined, it is easily prone to controversy and lacks operability in practice.

According to the legislative spirit of the Civil Law of China and the provisions of Article 132 of the General Principles of Civil Law, the premise of a school to assume fair liability in student injury accident is that the parties are not at fault for the damage, and it cannot presume that the school is at fault, and there is no situation of bearing no-fault liability according to law. If one of the principle of fault liability, the principle of fault presumption or the principle of no fault can be applied, the principle of fairness cannot be applied. Besides, under the above preconditions, the school bearing fair liability only applies to the following two situations: Firstly, there is a causal relationship between the behavior of the school and the damage result of the student. If the school is not the party to the accident, or if the school is the party to the accident but its behavior has no causal relationship with the student's damage, the school may not bear the fair liability. Secondly, according to the provisions of Articles 156 and 157 of the Opinions on the Implementation of Several Issues of the <General Principles of the Civil Law of the People's Republic of China> (Trial) of the Supreme Law, whether the school bears fair liability or not depends on whether the school get benefits from the behavior of student damage. In real life, it is almost impossible for colleges to benefit from student suicide accidents; on the contrary, they are likely to suffer great losses due to student suicide accidents. Therefore, in the judicial practice of college student suicide accidents, the principle of fair liability should be applied cautiously.

## VI. CONCLUSION

In summary, I believe that the legal liability that colleges may bear in college student suicide accidents is the tort liability, and should apply the principle of fault, that is, when colleges have faults in daily education management work, or fail to fulfill the reasonable "duty of care", or have a causal relationship with the damage result, they shall bear the

corresponding legal liability. Since the legal relationship between colleges and college students is a civil legal relationship in suicide accidents, it cannot be attributed to the principle of fault presumption according to law, nor is it one of the conditions for liability for fault stipulated in the Tort Liability Law. Therefore, when determining the principle of liability of college in students suicide accidents, the application of the principle of fault presumption should be strictly limited. Similarly, the principle of fairness should also be applied with caution. However, I believe that compared with the vague stipulation that "if the school is not liable and if there are conditions, it may, according to the actual situation and the principle of voluntariness and possibility, give appropriate assistance to the injured student" in Article 26 of the Measures for Handling Student Injury Accidents, it seems more fair and feasible to establish a sound social relief system. Because the phenomenon of college student suicide is not only a problem that needs attention in higher education, but also a serious social problem worthy of discussion. The gap between the rich and the poor caused by economic development, the pressure of employment, and the rapid spread of bad information in the context of highly developed networks have all caused bad induces for college students. In college student suicides, the college, the family and the society all have certain liabilities. It is necessary for colleges to establish a suicide prevention mechanism for students, analyze the root causes of suicide among college students and influence, and unite the society, family, teachers and other forces to enable college students to learn under a healthy and reasonable environment with pressure relieved.

## REFERENCES

- [1] [German] Von Bar, *The Common European Law of Torts: Vol.2*, translated by Jiao Meihua, Beijing, Law Press, 2001.
- [2] Ge Jianyi, *Colleges' Duty of Care in College Student Suicide Accidents*, *College Student Research*, 2014.02.018. (in Chinese)
- [3] Markesinis & S.F. Deakin, *Tort Law*, Oxford a:Clarendon Press, 4thed, 1999.
- [4] Prosser and Keeton on torts, West Publishing Co, 1984.
- [5] Yu Hong et al. *A review of Study on College Student Suicide*. *Journal of Shandong Youth Politics College*. (in Chinese)
- [6] Chen Congfu. *The Principle of Infringement Liability and Damage Compensation* [M]. Beijing: Peking University Press, 2005. (in Chinese)
- [7] Wang Liming, *Tort Liability Law* [M], Beijing, Renmin University of China Press, 2016. (in Chinese)
- [8] Cheng Xiao, *Tort Liability Law*, Beijing, Law Press, 2017. (in Chinese)
- [9] Cheng Xiao, *Tort Liability Law*, Beijing, Law Press, 2017. (in Chinese)
- [10] Mi Jian, *A Comparative View of Fault Presumption*, *China Legal Science*, 1985. (in Chinese)
- [11] *General Principles of Civil Law*, Law Press, 2017. (in Chinese)