

# Analysis of Legal Risks in Psychological Crisis Events among University Students

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## Abstract

The psychological crises of university students are an important factor affecting the security and stability of colleges and universities. Against the background of school governance, the definition and characteristics of college students' psychological crisis events should be correctly understood and the legal risks clearly classified to help prevent crisis incidents. Legal risks have important practical significance. The author starts with the definition of college students' psychological crisis events and divides the characteristics into two parts: cause diversity and result sensitivity. The legal risks associated with the process are clearly divided into civil, administrative and procedural legal risks, which are specifically manifested in the duty of care in the prevention and response stages of the safety responsibility of colleges and universities. In the process, is there any infringement of privacy violations, and when an incident occurs, does the university take timely and positive measures and pay attention to protecting citizens' legitimate rights and interests during the emergency response process? Are statutory after-care obligations such as diversion and guidance covered in the aftermath phase? Are students provided with reasonable and legitimate complaint channels?

**Keywords:** university crisis, psychological crisis, legal risk

## 1. Research Significance of Legal Risks in Psychological Crisis Events for University Students

The rule of law in universities is an important measure for promoting the comprehensive rule of law in the country. As a subtopic of the rule of law in universities, the legalization of student work is essential and is an important way to strengthen and improve ideological and political work in universities in the new era. In the process of managing student affairs in universities, strictly ensuring safety is the top priority. At the same time, emergency response measures for various campus crisis events, especially psychological crisis events, have become the most likely cause of campus legal disputes.

From a theoretical perspective, in recent years, well-known domestic universities and scholars in China and abroad have extensively explored and researched issues related to the handling of psychological crises in universities, including recognizing the importance of crisis management in universities, systematically identifying the main problems and challenges in public opinion response during the emergency response process, and corresponding measures. Therefore, studies on managing public opinion in crisis events as well as the handling and aftermath of crisis events are constantly emerging and presenting many inspiring viewpoints and strategies. However, there has been relatively little research on legal risks and the prevention and control of emergency response in universities and colleges. Research on this topic will help to deepen and expand relevant research in this field, improve the understanding and application of law in emergency response processes in universities, assist in the construction of the rule of law and legal management processes in universities, and provide a theoretical basis for emergency response.

From a practical perspective, currently, due to disciplinary and professional limitations, most frontline counselors have little legal knowledge, low awareness of usage, and insufficient ability to perform legal analysis and evaluation. They habitually use an "experiential" approach to handling emergency events, and the subjective "humanistic" approach to responsibility division far exceeds the objective basis of law. They cannot predict the trend of events, do not understand the boundaries of relevant policies, and cannot explain the course of events. This study combines the actual situation, the legal basis, and case analysis of universities to summarize and organize feasible ways to enrich the literature on crisis management application research and case analysis in universities. It provides theoretical and methodological perspectives and a reference for universities regarding

future emergency response. Additionally, it can help Chinese universities improve their legal risk and prevention and control awareness and ability in emergency response. Therefore, It has reference value and practical significance.

## **2. Definition of Psychological Crisis Events for University Students**

A university crisis event is a situation in which university students are the main subjects or a situation that involves the interests of university students, occurring mainly on university campuses and in a sudden or latent manner without prior warning, seriously affecting the reputation, order, or personal interests of members of the school. It has the following main components.

First, the subjects of crisis events in universities are university students or individuals associated with students. Second, the places where crisis events occur in universities are usually the areas where students live and study, but some crisis events occur outside campus, such as when students leave school and injuries occur off campus. Third, the state of crisis events in universities is a state that has already erupted or is latent and has yet to occur, and only crisis events that have already erupted can be perceived. A latent "crisis event" that has not yet erupted is in a process of quantitative accumulation; although it is not easy to detect, it often erupts at a touch. Fourth, the consequences of university crisis events may seriously threaten the normal order of the school or may cause harm to the physical and mental health of university teachers and students and damage the reputation of the university.

University student psychological crisis events are a special type of event, with crises caused by students' psychological illnesses and problems. Psychological crisis events in universities account for a large proportion of crises among college students.

## **3. Characteristics of Psychological Crisis Events among University Students**

The psychological crisis events of college students have similarities with general public crisis events, including suddenness, harmfulness, urgency, uncertainty, and transformability. At the same time, due to the special nature of these events, they also exhibit diversity and sensitivity in their causes and results.

Diversity of reasons for formation: On the one hand, China is currently in a critical period of developing and improving the socialist market economy. During the transformation period, various contradictions have continually emerged, resulting in polarization between rich and poor. The employment situation is severe, and college students deeply feel pressure from various sources, such as the economy, education, employment, and emotions. These pressures have created serious ideological confusion and psychological pressure for some students. They may fail to regulate their negative emotions in a timely manner, resulting in a continuous accumulation of negative emotions such as anxiety, depression, and pessimism that cannot be properly expressed. Eventually, they become overwhelmed and experience emotional collapse, presenting an imbalance in their thinking and behavior. On the other hand, the limited environment in which individual students reside has a lasting impact on them, especially when they have mainly lived in their family environment before entering university. The impact of their original family on students is particularly prominent. Different levels, regions, families, and educational methods all affect personal growth, and these factors play an important role in college students' interpersonal communication, emotional communication, ability to cope with setbacks, and independent self-care. Some students, influenced by their original family, have been self-centered since childhood and are unable to withstand setbacks and grievances. When they encounter stressors, they are prone to psychological imbalances that may trigger psychological crises.

Sensitivity of event results: First, universities are bases for teaching, scientific research, theoretical frontiers, and high-level talent cultivation and are sensitive to social signs, which can easily cause shocks. College students are full of passion and idealism, are curious about new things, and possess a herd mentality and impulsive personality. Coupled with the influence of the internet and media, every crisis event attracts the attention of many teachers and students. If not properly handled in a timely manner, it may cause more negative responses from both teachers and students, but especially students. Second, extreme behavior often occurs in psychological crisis events among college students, which can easily have a significant impact on the students themselves and those closely connected to the event. For example, if counseling is not effective, a crisis event could easily lead to multiple regional sexually transmitted infections, leading to a concentrated occurrence of a certain type of crisis during a given period. Finally, due to the sensitivity of society toward college students, external administrative departments, such as public security and education authorities, will take more conservative measures when dealing with psychological crisis events in universities. This leads to a failure of social forces to provide timely and effective support during crisis events in universities; therefore, universities must rely on their own resources to handle relevant issues.

#### 4. Types of Legal Risks in Psychological Crisis Events for University Students

The legal risk in college student psychological crisis events is the risk that various adverse consequences may arise due to potentially illegal behavior during the prevention of, emergency response to, and aftermath of psychological crisis events among students. Psychological crisis events in universities often trigger negative evaluations from various parties. However, in the current vigorous promotion of the rule of law, it is necessary to further clarify judicial independence and avoid being influenced by negative public opinion. Therefore, this article does not discuss the risk of negative evaluations.

The psychological crisis events of college students mainly involve certain laws, regulations and rules, including the Mental Health Law, the General Principles of the Civil Law, the Tort Liability Law, the Measures for Handling Student Injury Accidents, the Regulations on the Administration of Students in Ordinary Colleges and Universities, the Basic Construction Standards for Mental Health Education of Students in Ordinary Colleges and Universities (for Trial Implementation), the Code of Ethics for Clinical and Counseling Psychology of the Chinese Psychological Society Opinions of the Ministry of Education on Strengthening the Psychological Health Education of College Students in Ordinary Higher Education Institutions, Opinions of the Ministry of Education, the Ministry of Health, and the Central Committee of the Communist Youth League on Further Strengthening and Improving the Psychological Health Education of College Students, and Regulations on the Construction of Counselors in Ordinary Higher Education Institutions. The different types of laws involved are divided into three main categories: civil liability, administrative liability, and procedural legal risks.

##### 4.1 Civil Liability

Damage often occurs in student psychological crisis events, and universities may become the subject of tort liability, most often accompanied by civil legal risks. The theory of the duty of care between universities and students in US law holds that there is a contractual relationship between universities and their students, including the relationship between educating and being educated and protecting and being protected. These special relationships obligate universities to take measures to protect the safety of students. If they fail to fulfill their obligations, they bear tort liability for students who are injured. This theory also applies to the responsibility of Chinese universities for student injury accidents based on the principle of fault liability; that is, if universities violate this duty of care, they must bear corresponding civil liability. For example, does conducting psychological evaluations and counseling infringe on students' privacy rights? When students commit suicide or self-harm or harm others due to psychological issues, does the school fulfill its responsibilities, such as mental health education? If the legal responsibilities are not fulfilled, compensation should be made in accordance with the relevant provisions of the Tort Liability Law and the Measures for Handling Student Injury Accidents, which are in the category of civil legal liability.

##### 4.2 Administrative Responsibility

Article 30 of the Higher Education Law stipulates that "universities shall obtain legal personality from the date of approval for establishment. The president of the university shall be the legal representative of the university." Therefore, universities are legal entities with independent legal personality, organizations authorized by law to exercise educational administrative and public management powers, and have administrative subject qualifications. Article 28 of the Education Law stipulates that universities have the right to enroll students and manage student status, and they have the power to reward and punish students, which involves obvious unilateral willpower and coercion. The process of dealing with psychological crisis events is often accompanied by the student suspensions, resumptions, and even withdrawals. When schools exercise educational administrative power, they should bear corresponding administrative legal responsibilities for the administrative results.

##### 4.3 Procedural Legal Risks

In the legal framework, procedural rules are a prerequisite for implementing substantive rules. According to the relevant provisions of the Education Law, the Higher Education Law, and the Administrative Penalty Law, college students have procedural rights such as notification, defense, and prosecution. In recent years, it has been not uncommon for students to file lawsuits against schools for not obeying their administrative decisions. Some of the reasons why schools lose lawsuits are failure to strictly follow legal procedures or flawed procedures for punishing students according to rules and regulations. This aspect of legal risk is usually reflected in administrative legal risks, but it is also a special category of legal risks caused by procedures and thus requires special attention.

#### 5. Overview of Legal Risks in Various Links of Crisis Event Handling

Legal risks exist in various stages of psychological crisis management and emergency response in universities.

First, they are reflected in the prevention and response stages of psychological crisis events. The legal risk lies mainly in whether to fulfill the duty of care of the safety responsibility of universities, whether to pay attention to the protection of privacy rights after the discovery of a crisis, and whether to fulfill the obligation of education and guidance. Second, for ongoing psychological crisis events, the legal risk lies in whether proactive measures are taken in a timely manner to minimize losses and whether attention is paid to protecting citizens' legitimate rights and interests during the emergency response process. Finally, in the aftermath stage, it is important to pay attention to whether legal obligations such as counseling have been fulfilled as well as whether there are reasonable and legal channels for students to appeal decisions made in administrative disputes. Below, in the order of crisis events and emergency response throughout the process, a brief description is provided of legal risks related to privacy protection, emergency response, student appeals, and postintervention, which are the issues most prone to disputes.

### *5.1 Privacy Protection in Psychological Assessment and Interviews*

Currently, universities prioritize safety and stability and attach great importance to the prevention of psychological crisis events. They often conduct psychological assessments and preliminary screening of students' psychological states as soon as they enter the university. Psychological assessment is used as a tool and is an important means of understanding personality, measuring quality, discovering problems, and evaluating effectiveness in the process of mental health education. Students for whom clues are found through psychological surveys or in-depth interviews with counselors can be referred to the university's psychological counseling center for further consultation.

At this stage, special attention should be paid to protecting students' privacy rights. The right to privacy is a personal right that citizens enjoy under the law. Personal information or secrets that are considered private are protected under the law and cannot be illegally transmitted, collected, or utilized by others without the permission of the rights holder. The Mental Health Law has guiding significance in regulating school psychological assessment, in-depth counseling, and university psychological counseling work. Article 23, "Psychological counseling personnel should improve their professional quality, comply with professional norms, and provide professional psychological counseling services to the public," emphasizes compliance with "norms," which covers the need for psychological evaluation work to be carried out in accordance with laws and regulations. Article 15 of the "Basic Construction Standards for Mental Health Education of Students in Ordinary Higher Education Institutions (Trial)" stipulates that colleges and universities should strengthen the construction of psychological counseling systems, follow the ethical norms of psychological counseling, and ensure the effective operation of psychological counseling work according to regulations. They should establish and improve a system of duty, appointment, and key feedback for psychological counseling. They should strengthen the management of psychological counseling case records and archives, adhere to the principle of confidentiality, and strictly manage psychological counseling records and archives according to regulations. This requires all mental health workers, including psychological counselors, to comply with specific professional guidelines and ethics. If the privacy rights of students are violated without causing adverse effects or serious consequences, the perpetrator should apologize to the students. If a privacy violation has serious consequences, both the school and the relevant actors should bear the corresponding legal responsibilities for psychological counseling teachers or counselors as part of their duty to fulfill school responsibilities.

### *5.2 Notes on Changes in Student Status*

It should be particularly pointed out that the process of dealing with crisis events is usually accompanied by school sanctions such as suspension or withdrawal of students, which involves the determination of the civil capacity of the parties involved. According to the "Regulations on the Management of Ordinary Higher Education Students," changes in student status, such as suspension and withdrawal, can be divided into two categories: "students themselves apply" and "the school believes." This regulation will be refined in the specific practice of universities. For example, the "Regulations on the Management of Student Status at Beijing Normal University" stipulate that "students who have one of the following circumstances should be suspended from school: ..... (4) For other reasons, the school deems it necessary to suspend their studies." The school has the right to proactively determine whether students should be suspended from school. However, in the process of applying for leave of absence, the regulations also stipulate that "students should submit an application for leave of absence to their respective department (college or department), and with the consent of the head of the department (college or department), it should be submitted to the Student Office for review and approved by the head of the school before being allowed to leave." This regulation specifies that the starting procedure for leave of absence is initiated by the student "in person," and there are no exceptions. This contradicts the school's authority to proactively determine the reasons for suspension. For students who need to withdraw from school

due to mental illness, it is also worth pondering whether the parties involved have full behavioral ability when applying and whether the resulting changes in student status are effective. Some universities, in order to enhance the effectiveness of applications from individuals without or with limited civil capacity, supplement them with a guardian's "informed consent form." For students who have no civil capacity, the "informed consent form" submitted by their parents or guardians naturally has legal effect. However, for patients with depression and intermittent mental illness, there is an ongoing legal dispute regarding the determination of civil capacity. If the student in question denies the legal effect of the "informed consent form" based on their own civil capacity, this will trigger controversy over the handling of changes in their academic status and subsequent issues. Therefore, universities should pay attention to improving their authority to proactively identify reasons for suspension or withdrawal in order to avoid disputes.

### *5.3 Emergency Response to Personal Injury Behavior*

The outbreak of psychological crisis events in universities often manifests as students committing suicide or self-harm, or killing or injuring others, causing serious personal danger. For crisis events such as suicide or self-injury, schools should promptly initiate crisis response plans; rescue the injured in a timely manner; report to relevant departments; notify parents, other close relatives or legal guardians; and promptly and clearly report relevant information. The "Basic Construction Standards for Mental Health Education for Students in Ordinary Higher Education Institutions (Trial)" clearly stipulates that students with more serious obstructive psychological problems should be promptly sent for medical treatment to medical institutions that specialize in mental illness. For students with severe psychological crises, their legal guardians should be notified in a timely manner to assist them in their guardianship work, and the students should be promptly referred to a medical institution for treatment of mental illness in accordance with the relevant regulations. The referral process should be recorded and documented in detail. In addition to the rescue measures and notification work mentioned above, schools should promptly stop and prevent the occurrence or expansion of harmful behaviors in crisis events related to killing or injuring others. If such actions are not stopped, the school bears corresponding responsibilities.

According to the Mental Health Law, schools have the right to send patients for medical treatment in emergency situations. For students with serious mental illnesses that may cause harm to others, the "Regulations on the Management of Ordinary Higher Education Students" specify that schools can take necessary measures under the law or assist relevant departments in taking necessary measures. However, in practice, due to various complex situations, the implementation of such measures is very difficult. It requires cooperation between relevant departments, including public security, civil affairs, and education, and schools, especially with public security organs.

### *5.4 Schools Should Fulfill the Legal Responsibility to Educate Students on Mental Health*

According to laws and regulations such as the Mental Health Law, as well as the Basic Construction Standards for Mental Health Education for Students in Ordinary Higher Education Institutions (Trial) issued by the Ministry of Education, the legal responsibilities of schools to provide mental health education include paying timely attention to students' mental health status in their daily work; correctly guiding and motivating students; deciding whether to communicate with students' parents, guardians or close relatives about their mental health status; creating a sound mechanism and system for mental health education; carrying out psychological counseling in accordance with professional standards; implementing crisis intervention measures for students with severe mental disorders; guiding and assisting students and their legal guardians with referrals according to regulations; and reporting to the competent education administrative department and other relevant departments in a timely manner. If the school has fulfilled the above responsibilities, it can be considered to have no legal responsibility.

Additionally, it should be noted that in practice, students often perform normally until they suddenly experience unexpected situations. Article 12 of the "Measures for Handling Student Injury Accidents" stipulates, "(3) If a student has a specific physique, specific illness, or abnormal psychological state that the school is unaware of or is difficult to know," the school has fulfilled its corresponding responsibilities, and there is no improper behavior or legal responsibility.

### *5.5 Legal Issues in the Student Appeal System*

For administrative measures such as suspension, resumption, and withdrawal, universities should establish effective appeal mechanisms to protect students' rights and interests. In fact, the appeal mechanism has the dual attributes of reviewing the legality of school behavior and protecting students' rights and interests, making it the most important practical choice for legal risk prevention and control after crisis events. The right to appeal, as an important component of the power system of college students, is clearly stipulated in Article 42 of the Education

Law, and most university student management systems also specify students' right to appeal. However, in the specific appeal system formulated by universities, there are often procedural issues that directly lead to flaws in the legality of the school's appeal rules, creating legal risks and hidden dangers for the appeal results.

#### *5.6 Obligation to Provide Psychological Assistance to Relevant Personnel*

When students encounter psychological crisis events, they should not only consider whether their lives are in danger or whether they are relatively safe but also evaluate their psychological state, especially through psychological treatment for post-traumatic stress. At the same time, for students who have experienced crisis events, Article 16 of the Mental Health Law stipulates, "In the event of natural disasters, accidental injuries, public safety events, and other events that may affect students' mental health, schools should promptly organize professional personnel to provide psychological assistance to students." After a major psychological crisis event, it is a legal obligation of the school to provide psychological assistance to students, except for the parties involved, who may be affected during the aftermath stage.

### **6. Legal Risk Prevention and Control Measures and Suggestions**

#### *6.1 Enhance the Legal Responsibility Awareness of both Families and Schools*

Cultivation of legal awareness among student work managers: In terms of qualifications, it is necessary to actively promote the professionalization of teachers engaged in mental health education. According to the Code of Ethics for Clinical and Counseling Psychology of the Chinese Psychological Society and other relevant regulations, teachers engaged in mental health counseling should have the corresponding professional qualifications; otherwise, they cannot engage in such work. Schools should also strengthen training, continuously improve the mental health knowledge of university faculty and staff, and achieve joint efforts in education. When determining responsibility for handling crisis events, it is important to consider both reason and law when dealing with both students and parents. Humanitarian assistance should be provided to students when necessary, but in the process of adjustment, it is necessary that such assistance be based on the law and evidence to truly convince parents and students.

Cultivation of students' and parents' awareness of the rule of law: Parent and class meetings should be held at key time points, such as before and at the beginning of an academic year to establish students' and parents' awareness of the rule of law. In the prevention stage, the role and corresponding legal responsibilities of parents in the college education of students should be actively clarified from a legal perspective. Specifically, parents should be reminded not to have a mentality of shirking responsibility, assuming that schools are "omnipotent" and can solve all problems; Second, parents must not have a mentality of taking chances. They may develop a negative attitude toward unexpected events, avoid seeking medical attention, and be unwilling to acknowledge reality. At the same time, students should be guided to establish a sense of legal responsibility, not only to teach them to use legal means to safeguard their rights but also to clarify the obligations that they bear as people with full civil capacity who have reached the age of 18. Especially if they encounter a psychological crisis during college, they should be brave in seeking the necessary help, such as psychological or psychiatric counseling, to help them face their own problems. Only in this way can the risks of crisis events be prevented and resolved in advance.

#### *6.2 Establishing a Legal Case Study Mechanism for Student Work Management*

To avoid the impact on the development and stability of the school of external factors and damage to public image, universities rarely actively disclose information on crisis management. Similarly, various departments within the university conceal their efforts to deal with crisis events that occur within their own areas of responsibility. In particular, some departments have biases in the handling process and an attitude of "family shame should not be exposed," resulting in crisis events occurring within the same university without the knowledge of those outside the department. With younger and more mobile frontline counselors and student management teachers in universities, student workers urgently need a more practical learning method than legal theory to accurately and efficiently grasp the sensitive and error-prone points of crisis response. Therefore, breaking the traditional barrier of "keeping ugly things confidential" and ensuring that the privacy rights of the parties involved are not violated, regular discussions on the handling process and issues of crisis events should be conducted within the university as legal cases. These internal cases are undoubtedly the most valuable "textbooks" for reference, as they can help prevent inexperienced young teachers from repeatedly making mistakes. Some representative issues can also be further studied to provide reliable materials for the professionalization of student management work.

### 6.3 Promote the Establishment of a Legal Service Center for Student Affairs Management in Universities

To prevent loopholes in the handling of psychological crisis events in universities from evolving into legal disputes, it is necessary to resolve student dissatisfaction and disputes over university resolution in the initial stage. In response to the current issues of the nonsubstantive construction of the college student appeal handling committee and the formalization of student appeal rights, universities can explore the establishment of specialized student affairs legal service centers that are responsible for accepting student appeal applications, daily management and rights protection consulting, legal aid, and other work. On the one hand, universities can ensure the normal operation of legal service centers through project initiation, funding support, and other means and should allocate full-time professional legal staff to respond to students' doubts from a legal perspective, provide legal consultation or accept student appeals. They can also provide legal consultation services for the daily management of student workers and emergency response to crisis events. On the other hand, when providing two-way legal consultation services for teachers and students, a "mediation" system can also be introduced to mediate from a legal perspective, improving the credibility of campus mediation. Finally, the substantive construction of the legal service center for student affairs in universities can also accelerate the process of legal governance within universities, provide self-inspection and self-discipline for student management work within universities, and ensure the legality and rationality of the process and content.

### 6.4 Active Litigation to Remove Legal Risks

The occurrence of psychological crises in universities is often accompanied by serious personal injury. In recent years, after incidents of student suicide (self-injury) or homicide (intentional harm to others) have occurred in schools, it has been common for schools to dispute the amount of compensation for damages in communication with family members, which has a serious impact on the normal management of the school and damages its reputation. Faced with this situation, to resolve the incident as quickly as possible, some universities choose to repeatedly compromise by paying large amounts of compensation. Such a solution results in the school always being in a passive position, failing to actually take the initiative, and failing to resolve the issue within the legal framework. Moreover, the occurrence of compensation behavior leads the public to believe that the school is at fault and instead causes negative social evaluations.

With the continuous deepening of the rule of law in China, the independence of the judiciary has been further enhanced, and the awareness of the parties involved in safeguarding their legitimate rights and interests through legal means has also been continuously enhanced. Universities or their faculty members, as parties to a crisis, can also take legal measures to protect their own rights and interests. Whether a school should have legal responsibility is judged by the court after trial rather than relying solely on irrational speculation. It is necessary to fully respect the power of facts and evidence. As long as universities fulfill their educational and management obligations in managing student psychological crisis events and do not engage in improper behavior during the handling and aftermath, litigation is an important way for universities to clarify their responsibilities when facing rights claimants and the public. In certain circumstances, universities or their faculty can even take the initiative to file lawsuits to protect their own rights and eliminate legal risks.

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