Reducing Risk in Domestic Violence, Dating Violence, and Stalking Situations
Integrating Campus Threat Assessment With Campus SaVE Act Functions

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Speaker Biographies

**Jeffrey Nolan** is a partner with Dinse, Knapp & McAndrew, P.C., where his practice includes representing institutions of higher education in employment and student-related matters; advising them on the resolution and legal implications of employment and student-related issues; and assisting with the development and implementation of policies, handbooks and training programs.

Nolan writes and presents frequently at national and regional seminars and webinars on compliance with Title IX and the Campus SaVE Act, as well as on campus threat assessment. He also consults with and provides training for educational institutions on sexual violence prevention and response and conducting threat assessment. In 2009-2011, Nolan participated as a subject matter expert in the development of the curriculum for a U.S. Department of Justice-funded program, “Campus Threat Assessment Training: A Multidisciplinary Approach for Institutions of Higher Education,” and co-presented that training at 10 locations throughout the United States.

Nolan received his undergraduate degree from the University of Vermont and his J.D. from the University of Connecticut School of Law.

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**Marisa Randazzo** is a managing partner of SIGMA Threat Management Associates and an international expert on threat assessment, targeted violence, and violence prevention. Before joining the private sector, Randazzo served for 10 years with the U.S. Secret Service, most recently as the agency's chief research psychologist. She is co-author of *The Handbook for Campus Threat Assessment & Management Teams* and lead author of *Implementing Behavioral Threat Assessment on Campus: A Virginia Tech Demonstration Project*. In addition to her work with SIGMA, Randazzo currently serves as the Director of Threat Assessment for Georgetown University. Randazzo has testified before Congress and has been interviewed by major news outlets, including *60 Minutes*, the *New York Times*, and *National Public Radio*.

She received her PhD and master's degree from Princeton University in Social Psychology, and a BA in Psychology and Religion from Williams College. In 2005, Randazzo was awarded the Williams College Bicentennial Medal for her work in preventing violence.

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**Hillary Pettegrew** (moderator) is a risk management counsel for United Educators, where her work includes research and writing on prevention of and response to campus sexual violence. She is the author of UE’s publication *The Campus SaVE Act: A Compliance Guide*. Pettegrew previously served as a UE claims counsel, handling student and employee claims against UE members. Before joining UE, she was a writer/editor at Research Institute of America Group and practiced employment law at a Washington, D.C., law firm.

Pettegrew received her undergraduate degree from Colgate University and her law degree from Northwestern University School of Law.
Campus Threat Assessment and Management Teams: What Risk Managers Need to Know Now

Jeffrey J. Nolan
Dinse, Knapp & McAndrew, P.C.

Marisa R. Randazzo
Sigma Threat Management Associates, P.A.

Gene Deisinger
Sigma Threat Management Associates, P.A.

University Risk Management and Insurance Association
Some quirk in human nature allows even the most unspeakable acts of evil to become banal within minutes, provided that they occur far enough away to pose no personal threat.

— Iris Chang (1968–2004), American Historian and Journalist
Campus Threat Assessment and Management Teams: What Risk Managers Need to Know Now

Jeffrey J. Nolan, Esq., Dinse, Knapp & McAndrew, P.C.; Marisa R. Randazzo, PhD, Sigma Threat Management Associates, P.A.; and Gene Deisinger, PhD, Sigma Threat Management Associates, P.A.

Abstract: After the tragic shootings at Virginia Tech in 2007, many colleges and universities recognized that having threat assessment and management (TAM) teams in place to address potentially threatening behavior and situations among faculty, staff, and students on campus was a best practice. This article focuses on three main aspects of TAM teams on college campuses and what risk managers can do to encourage the success and effectiveness of those teams. The article discusses the legal duties that colleges and universities have in connection with violent incidents on campus. It also focuses on the development of a TAM process, the common challenges facing TAM team members, and how risk managers can help mitigate and minimize campus risks by assisting TAM teams.

Introduction

Many institutions of higher education recognized after the April 2007 tragedy at Virginia Tech that having a threat assessment and management (TAM) team is a best practice, and many have recently created teams or enhanced the operations of existing teams. Simply having a TAM team is not enough, though. Institutions must educate the campus community about the team, follow best practices as to the staffing and operation of the team, adopt appropriate related policies, and create and handle team-related documents well. Further, institutions must do more to educate their communities about the proper balance between community safety and the rights of persons of concern, so that misunderstandings about privacy and disability laws, for instance, do not unduly restrict the ability of institutions to take the steps necessary to promote campus safety. Failing to follow best and promising practices in this sensitive area can increase the serious risks of harm and legal liability.

This article is divided into three sections. The first section outlines the legal duties that colleges and universities have in connection with violent incidents on campus and discusses how related standards of care for TAM processes are likely to be developed in the litigation context.

The second section provides a primer on the TAM process, with an emphasis on the identification of resources that TAM teams can rely upon in seeking to comply with current best practices. The third section identifies common challenges faced by TAM teams and makes recommendations about how risk managers can promote campus safety and minimize risk by helping TAM teams to overcome those challenges.

I. Legal Duties and Standards of Care

a. Legal Duties

Colleges and universities undoubtedly strive to do what they can to keep their campuses safe; enhancing campus safety is the most important goal of the TAM process. While legal liability considerations are, of course, secondary to safety concerns, legal issues are important, and risk managers can better assist campus TAM teams if they understand the legal issues implicated by campus violence and the work of TAM teams.

It will come as no surprise to risk managers that colleges and universities are generally held to have various duties to exercise due care to provide a campus environment that is reasonably safe from foreseeable acts of violence. The most universal source of such duties is the common law, i.e., the legal principles developed and expressed over time by state court judges in the form of case law, rather than by legislators in the form of statutes. The specific details of common law necessarily vary.
from state to state, and an analysis of every state’s laws would be well beyond the scope of this article. A resource known as the Restatement of Torts does, however, provide a valuable starting point for understanding the principles that are likely to be applied, in general, in many states. Through several editions of the Restatement, a body known as the American Law Institute (ALI) has endeavored to summarize what it considers to be the most cogent principles of common law that are being applied by judges in the United States. In turn, judges often rely upon Restatement sections and analysis when deciding what the law should be, and many formally adopt Restatement sections as the law in particular states. Thus, while some states may reject certain Restatement duties and analyses from time to time, it is fair to view the Restatement as summarizing well where the law generally is, and where it is likely to go, in most states.

The most current version of the Restatement of Torts is the Restatement (Third) of Torts: Liability for Physical and Emotional Harm. Many of the Third Restatement’s sections have been in essentially final form since the mid-2000s, and the bulk of the work as a whole was officially adopted by the ALI in May 2011. Many courts cited and relied upon Third Restatement sections even before they were in official, final form, so we will focus on the Third Restatement’s provisions in the remainder of this discussion.

Obviously, if an institution of higher education itself causes harm to a student or campus visitor through the acts or omissions of an institutional employee, then the institution is liable for negligence if the employee failed to exercise reasonable care and created a risk of physical harm. The underlying duty can be thought of as a relatively passive duty to avoid doing harm. When thinking about campus violence, however, we ordinarily do not think about acts perpetrated by institutional employees. Instead, we usually think about violence perpetrated by third parties such as students or outsiders. This begs the question: does an institution of higher education have an affirmative duty to prevent physical harm to students or visitors that is caused by third parties?

The Third Restatement answers this question by stating a facially comforting general rule, but it then goes on for pages about all the “exceptional” circumstances in which liability may attach. The Restatement provides that “[a]n actor whose conduct has not created a risk of physical harm to another has no duty of care to the other unless a court determines that one of the affirmative duties provided in §§ 38–44 is applicable.” The duties of most importance to the campus TAM context are those described in sections 40-43 of the Third Restatement. This article will discuss each in turn.

i. Duties Based on a Special Relationship with the Injured Person

Section 40 provides in part that “an actor in a special relationship with another owes the other a duty of reasonable care with regard to risks that arise within the scope of the relationship,” and, most significantly for this discussion, provides that one of the “special relationships” giving rise to such a duty is the relationship of “a school with its students.” While the word “school” could be read as not including institutions of higher education, a comment to section 40 makes clear that the ALI intended the section to be applicable to colleges and universities. Fortunately, the comment at least recognizes that “because of the wide range of students to which it is applicable, what constitutes reasonable care is contextual—the extent and type of supervision required of young elementary school pupils is substantially different from reasonable care for college students.” Further analysis of the section also recognizes that “[c]ourts are split on whether a college owes a duty to its students,” and that those courts which do find a duty do so based on a broad variety of sometimes questionable rationales. Thus, while the ALI might want to suggest that the context variable “special relationship”-based duty it envisions should always apply to the relationship between institutions of higher education and their students, it recognizes fairly, and fortunately, that the law is far from settled on this point. Nonetheless, given trends in the law and the fact that it is better to be safe than sorry, institutions should plan and conduct themselves as if courts would recognize some level of duty to protect students from other students or third parties and leave legal arguments about the issue to counsel in the event of litigation.
Third Restatement section 40 also states that businesses and other possessors of land that hold their premises open to the public have a “special relationship” with, and duty to reasonably protect, those who are lawfully on the premises.7 Colleges and universities that maintain open campuses would often fit within this category of businesses. Further, the Restatement recognizes that landlords have a duty to exercise reasonable care to protect their tenants from foreseeable criminal activity.8 These duties have been recognized often by courts for many years. This is one reason why courts which are hesitant to find a “special relationship” based on the student-university relationship alone but which want to find some basis for liability in a particular case, essentially shoehorn hazing and criminal assault cases into a “business invitee” or “landlord-tenant” framework.9 In sum, risk managers should recognize that business owner and landlord-tenant-based theories continue to provide fertile ground for those claiming that institutions owe a duty to exercise reasonable care to prevent foreseeable attacks on campus.

ii. Duties Based on a Special Relationship with the Person Posing the Risk

Third Restatement section 41 focuses on circumstances when an entity may have a “special relationship” with the person who is posing the risk and a corresponding duty to exercise reasonable care to prevent harm to others. Acts of targeted violence are, obviously, outside the scope of most jobs.11 Section 41 of the Third Restatement recognizes, however, that employers can still be on the hook for acts outside the scope of an employee’s employment “when the employment facilitates the employee’s causing harm to third parties.”12 “Facilitation” in this sense can be as simple as providing access to physical locations, such as, for example, where an employee can gain access to dormitories, classrooms, or other campus spaces by virtue of his or her employment.13 Given how easy it would be to satisfy this standard, institutions should assume that they would generally be deemed to have a duty to exercise reasonable care in the hiring, training, supervision, and retention of employees.14 For purposes of this discussion, this means that institutions should recognize that they will likely be held to have a duty to use reasonable care by, for example, engaging their threat assessment team when an employee’s statements or conduct raises questions as to whether he or she may pose a threat to others.

Another “special relationship” recognized by Third Restatement section 41 is that which a mental health professional has with patients.15 The corresponding duty follows from state statutes and court decisions that implement the concept outlined in the California Supreme Court’s well-known decision in Tarasoff v. Regents of the University of California, 551 P.2d 334 (Cal.1976). In general, Tarasoff-like principles either require or permit mental health professionals to breach the professional-patient privilege16 where such professionals obtain information indicating that a patient may pose an imminent risk of harm to an identified individual or individuals. The broadly worded comments to Restatement section 41 suggest that professionals should use “reasonable care” to warn identified victims and/or take other steps...
within their power to prevent specific, imminent harm. Institutions must recognize, though, that there is significant variation from state to state as to whether and how such duties are codified in statute or described by courts. One important thing for risk managers to take away from this discussion is that they should determine what the mental health professional-patient rules are in their state and ensure that mental health professionals on their TAM teams and on their campus have a sound and common understanding of those rules. Risk managers can also help the TAM team craft strategies to allow mental health providers on campus—such as counseling center staff—to assist the team in a more general advisory capacity in situations where they cannot disclose case-specific information.

iii. Duties Based on Undertakings

Sections 42 and 43 of the Third Restatement describe duties that could have substantial relevance in the TAM team context. These sections provide that a person who undertakes to provide services to another that the person knows or should know reduce the risk of physical harm to the other or to a third person (e.g., a TAM team that involves itself in assessing and managing potentially threatening behavior) has a duty to use reasonable care in providing those services if: (a) the failure to exercise such care increases the risk of harm beyond that which existed without the undertaking to provide those services, or (b) the person to whom the services are provided or another relies on the actor’s exercising reasonable care in the undertaking. These “gratuitous undertaking” duties are adapted from sections of the Second Restatement of Torts that have been relied upon by many courts over the years, specifically sections 323 and 324A. Section 323 in particular has been applied, significantly, in cases involving colleges and universities.17 It is therefore fair to conclude that these duties will continue to be accepted widely by courts in the form presented in the Third Restatement.

In the TAM team context, it could (and undoubtedly will) be argued that a team’s undertaking to assess risks posed by persons of concern could fall within the scope of these duties. To fit squarely within these duties, the team’s activities would have to either increase the risk of harm or be relied upon to the detriment of an injured person. However, it is possible to imagine that an injured person could claim that statements made or actions taken by the TAM team in dealing with a threat management scenario gave the injured person a “false sense of security” that made the person, arguably, more vulnerable to an attack and/or that the injured person relied upon the TAM team for protection and, as a result, did not take independent protective action. Every case would be argued based on its facts, and there are many elements that would have to be satisfied before liability would actually attach, but risk managers should be aware of these potential duties when working with their campus TAM teams. If this sounds like a “no good deed goes unpunished” scenario, that is because it is to some extent; nonetheless, colleges and universities have no choice but to undertake threat assessment activities and to perform them well, as discussed below.

b. Standards of Care

This section will focus on how TAM-related standards of care are likely to be developed in the litigation context. Risk managers in those states in which a campus TAM team is required by law18 will have no trouble explaining to administrators why they should create and support TAM teams. Those in other states might wish to cite the following discussion.
The Restatement of Torts duties described in the previous section maintain that where an affirmative duty to avoid a risk is imposed by a special relationship, an actor has an obligation to exercise due care. But what does “due care” mean in the context of campus threat assessment and management? There is no nationwide, federal statute, and only the Virginia statute lists, in general terms, activities that TAM teams should perform in that state. Thus, the TAM team “standard of care” issue is relatively wide open. Whether a TAM team’s activities in a particular case met a broadly defined standard of care will, therefore, be subject to debate. In the context of litigation, that debate is likely to be played out by the competing opinions of expert witnesses. Thus, risk managers should be familiar with the resources that experts would likely cite as defining the standard of care.

On the threshold question of whether colleges and universities should have threat assessment teams, there is not much room for debate. Many of the investigative reports that were conducted in the wake of the 2007 Virginia Tech shootings contained recommendations to the effect that campuses should create and/or support campus TAM teams. These reports are summarized well in “The IACLEA Blueprint for Safer Campuses” (IACLEA Special Review Task Force, April 18, 2008) (Blueprint), a document published by the International Association of Campus Law Enforcement Administrators (IACLEA). The Blueprint was designed as a synthesis of the various reports done regarding the Virginia Tech shootings, and it contains numerous recommendations for campus safety from IACLEA. The Blueprint contains 20 campus safety-related recommendations, which should be consulted generally by risk managers who are assessing whether their campus safety operations are consistent with best and promising practices. On the specific topic of TAM teams, the Blueprint recommends that “[i]nstitutions of higher education should have a behavioral threat assessment team that includes representatives from law enforcement, human resources, student and academic affairs, legal counsel, and mental health functions. Specifically, campus public safety should be included on the team.” It is safe to assume that in the litigation context, many competent experts would be likely to testify that this recommendation, based as it is on consideration of numerous post-Virginia Tech reports, represents a consensus as to what higher education institutions should be doing, in part, to prevent violence on campus.

Similarly, a June 2011 US Department of Education Family Policy Compliance (i.e., FERPA) Office publication titled “Addressing Emergencies on Campus” notes that the “Department encourages... postsecondary institutions to implement a threat assessment program, including the establishment of a threat assessment team that utilizes the expertise of representatives from law enforcement agencies in the community and that complies with applicable civil rights and other Federal and State laws.” This publication also articulates the Department’s view that “[u]nder a properly-implemented threat assessment program, schools can respond to student behavior that raises concerns about a student’s mental health and the safety of the student and others that is chronic or escalating, by using a threat assessment team.” This publication does not itself go into greater detail on why a TAM team should be established or how it should function (though it does contain a link to a Department resource page of interest), but it is fair to assume, given its source and wide distribution, that it would be cited in support of an argument that having a properly functioning campus TAM team is currently a best and expected practice.

Further, as more institutions create TAM teams, the presence of such teams on campus becomes a part of the custom in the industry, which can itself be used as evidence of the standard of care. While the “reasonable care under the circumstances” standard usually remains the technical standard in most cases, evidence of customs to help inform what that means can be persuasive. These
theories would go a long way toward establishing that the applicable standard of care requires colleges and universities to have TAM teams.

Such a case would be supported further by the publication, “A Risk Analysis Standard for Natural and Man-Made Hazards to Higher Education Institutions,” published by the ASME Innovative Technologies Institute, LLC (ASME-ITI), and approved by the American National Standards Institute (ANSI) in 2010 (ASME-ITI Risk Analysis Standard). URMIA members are likely familiar with this document, as it outlines a “methodology to identify, analyze, quantify, and communicate asset characteristics, vulnerabilities to natural and man-made hazards, and consequences of these hazards on the campuses of colleges and universities.”22

On the topic of TAM teams, the Standard recommends “that Threat Assessment Teams be put into place on campus to help identify potential persons of concern and gather and analyze information regarding the potential threat posed by an individual(s).”23

In light of this ASME-ITI/ANSI recommendation, risk managers should recognize that courts have often allowed expert witnesses to testify to the effect that standards prepared by voluntary standards organizations such as ANSI represent the standard of care on a topic and/or have otherwise allowed such standards into evidence.24 While voluntary standards do not have the force of law like statutes do, they can be persuasive evidence of the standard of care, given the deliberative, consensus driven process by which many are created. There is ample case law to this effect,25 so it is fair to assume that some courts would similarly permit reference to the ASME-ITI/ANSI TAM team recommendation in the event of TAM-related litigation.

In addition to recommending that colleges and universities have a campus TAM team, the ASME-ITI/ANSI Risk Assessment Standard “provides resources for implementing Threat Assessment Teams on campus.”26 While such resources would not, again, define the standard of care exclusively or conclusively, it is likely that they would be cited as persuasive in the event of TAM-related litigation, because they are relied upon and recommended in the ASME-ITI/ANSI standard. Therefore, risk managers should determine whether their threat assessment teams are in fact following practices similar to those described in the cited resources. TAM teams should follow practices that are most responsive to the needs of their particular campuses, but if a team’s practices differ substantially from the general approaches outlined in the resources cited in the ASME-ITI/ANSI Standard, the team should be able to articulate why its following a different approach is more appropriate given the unique needs of its campus.

The remaining sections will outline some best and promising practices in more detail, highlight common areas of concern, and offer suggestions about how risk managers can work with TAM teams to address any gaps between where the teams are right now and where they should be.

II. Best Practices in Campus Threat Assessment

The resources that are referenced in the ASME-ITI/ANSI standard provide guidance on what the authors consider to be current best practices for campus threat assessment and threat management.27 These resources cover both the processes and procedures that TAM teams should follow in handling reports of threats or other concerning behavior, as well as the campus and community systems and resources that support and facilitate TAM team operations.

a. Threat Assessment Processes and Procedures

There are several steps to the campus threat assessment and management process, beginning from the point where the TAM team first learns about a threat or other disturbing behavior through to the closure of the case. The steps in the best practices for campus threat assessment and management are as follows.28

When a person or situation is reported, the team must first determine whether there is any imminent danger or an emergency situation.
i. Screen Initial Reports
When a person or situation is reported to the TAM team, the first thing the team should do is determine whether there is any imminent danger or an emergency situation. Determining whether there is an imminent danger will generally be based solely or primarily on the information that is reported to the TAM team and any other information the team already possesses. If the TAM team feels the situation is an emergency, the team should call law enforcement or security to take immediate steps to contain the person, make an arrest, or possibly get the person to an emergency psychiatric evaluation if the circumstances allow. The team will eventually need to conduct a full threat assessment inquiry to take appropriate measures in the event the person in question is released and returns to campus; but in the event of an emergency or imminent situation, the team’s primary course of action is to notify law enforcement to ensure the situation is contained.

If the TAM team determines that there is not an emergency or imminent concern, the next thing the team should do is conduct a full threat assessment inquiry to determine whether the person or situation of concern poses a threat of violence or self-harm.

ii. Conduct a Full Threat Assessment Inquiry
To conduct a full threat assessment inquiry or investigation, the TAM team should seek out information from all persons and other sources that may have some information about the person or situation of concern. This information seeking mandate is an important role that distinguishes TAM teams from CARE teams and other student assistance teams, which typically respond to the information provided to them and do not seek out additional information from multiple sources.

The sources that the TAM team can contact for information should include persons who interact with the person of concern, as well as those who may be in a position to observe the person even if they typically do not interact with the person. The TAM team should gather information from people inside the institution, such as professors, resident advisors, and specialty service offices, such as disability services or veterans services. Where possible, the team should also gather information from outside the institution, such as from an employer, previous school, community league coach, Internet activity, and family members where advisable.

iii. Evaluate Whether the Person or Situation Poses a Threat
After gathering additional information in the threat assessment inquiry, the TAM team will evaluate the information to determine whether the person or situation in question poses a threat of violence or self-harm. To do this, the team can first organize the case information using a series of investigative questions, detailed in the resources recommended by the ASME-ITI/ANSI-approved risk assessment standard. The team should then use the information it has collected to determine whether the person of concern poses a threat—that is, to determine if the person has developed an idea or plan to do harm and is taking steps to carry it out.

If the TAM team determines that the person does pose a threat, it will then develop, implement, and monitor a case management plan to intervene and reduce the threat posed. If the team determines that the person does not pose a threat, the team can close the case or can opt to monitor the person or situation for a period of time and re-evaluate the case to assess whether the person still does not pose a threat.

iv. Develop, Implement, and Monitor a Threat Management Plan
If the TAM team determines that the person in question poses a threat of violence or suicide, the team should then develop, implement, monitor, and document a plan to intervene and reduce the threat. The plan should be customized to best address the person of concern and situation with the resources that the team and institution have available or could access or coordinate. The goal of a threat management plan is to help move the person of concern away from thoughts and plans of violence or suicide and get assistance to address problems.
Threat management/case management plans can include any of the following as the situation and resources dictate:

- Monitor the situation for further developments
- Engage with the person of concern to de-escalate the situation
- Involve an ally or trusted person to monitor the person of concern
- Family/parental notification
- Law enforcement intervention
- Disciplinary review and action
- Implement a behavioral contract
- Voluntary referral for mental health evaluation and/or treatment
- Mandated psychological assessment
- Involuntary hospitalization for evaluation and/or treatment
- Leave or separation from the institution
  - Voluntary leave
  - Interim suspension
  - Involuntary leave
- Modification of the environment to mitigate impact of contributory factors
- Collaborate with identified target/victim to decrease vulnerability
- Monitor and prepare for impact of likely precipitating events

Once the TAM team has created a threat management plan, it is just as important that the team document the plan, implement the plan, and then monitor how well the plan is working to make sure it is having the intended effect and not inadvertently making the situation worse.

It is important to note that a person can continue to pose a threat even after he/she is no longer a member of the campus community. The TAM team should continue to monitor the plan and modify it as needed for as long as the person/situation may still reasonably pose a threat. It may be necessary for the TAM team to continue to refer the person of concern to necessary resources or take other follow-up steps as the situation and level of concern dictate. As the TAM team considers what may affect the person’s behavior in the short-, mid-, and long-term, the team should anticipate the impact of future precipitating events—including important dates or events such as anniversaries, failing a course, termination of benefits, the ending of a relationship, or the occurrence of mass attacks elsewhere—that could prompt the person to become an increased threat. The team should develop contingency plans and take necessary steps to reduce or mitigate the anticipated threats.

v. Close and Document the Case
Cases handled by a TAM team generally remain open until the person of concern no longer appears to pose a threat. This may be well beyond when criminal cases are closed or mental health services are completed. Whether the case remains open or is closed, the TAM team should document how they handled the case, including the report that first came to the team’s attention, the information the team gathered, the evaluation it made, the case management plan it developed and implemented (if necessary), and any re-evaluations or monitoring that the team conducted after the initial evaluation and case management efforts where relevant.

The level of detail in the case documentation—as well as where and how case records are maintained and stored—are critical issues for an institution’s legal counsel to help a TAM team determine. The case documentation can also include the team’s appraisal of whether there was sufficient concern regarding public safety that the Family Educational Rights and Privacy Act (FERPA)\textsuperscript{31} health and safety exception would apply, in the event information sharing in the case is ever questioned or challenged. Legal counsel should be consulted on documentation issues, which are discussed further below.

b. Resources and Activities that Support TAM Team Operations
While there is a tendency to think of the TAM team as involving only those individuals directly involved in staffing cases, we view the TAM team differently. Certainly, the identified members of the official team are critical to the process. However, just as important are all the members of the community that support and facilitate the work of the TAM team. Just as a sports team has first
string players on the field, the effective team also has backups to those players: specialty units, coaches, managers, scouts, marketing agents, fans, and, yes, even critics.

So, too, does an effective TAM team. Furthermore, an effective TAM team recognizes and maximizes the value and contribution of all those elements to achieve the desired goal—the improved safety and well-being of the campus community.

TAM teams handle day to day reports submitted to the team, conduct full inquiries, and implement and monitor case management activities. To be more fully effective, though, a TAM team needs support from key resources and activities on campus and in the community. These resources and activities include:

- Support/backing from the institution’s leadership
- Administrative support
- Access to mental health services
- Involvement of law enforcement and security services
- Active outreach and training to the community
- Engagement with gatekeepers of all types, at all levels
- Clear policies and procedures for TAM team authority and operations

Risk managers can play an important role in making sure these resources are available to the TAM team, and that the activities are conducted, so that the team can focus its time on investigating and managing cases.

III. Common Challenges and Recommended Solutions

Many institutions and TAM teams face common challenges that can hinder their effectiveness. Some of the more common challenges and obstacles that TAM teams encounter include misconceptions on campus about threat assessment and threat management; misunderstandings regarding FERPA, Health Insurance Portability and Accountability Act (HIPAA), state privacy laws, and information sharing; misconceptions about how disabilities laws apply to the TAM context; problems related to institutional policies and procedures that are not integrated optimally with TAM team operations; problems with documentation; moving directly to case management efforts without evaluating the person or situation of concern; and failing to implement part or all of a case management plan.

**One way risk managers can help address misconceptions is by working with their TAM team to develop and publicize frequently asked questions and advocate for periodic campus-wide awareness training.**

**a. Misconceptions About Threat Assessment and Management**

When launching a threat assessment and management capacity of some sort, TAM team members may well encounter misconceptions and misunderstandings about what behavioral threat assessment is and what it is not. Some of these misconceptions include that threat assessment is the same thing as profiling (not true); that “reporting” someone to the TAM team is the same thing as tattling (not true, unless the person reporting is doing so maliciously); and that anyone reported to the TAM team is immediately or eventually suspended, expelled, punished, or fired (not true unless the institution has inappropriately conjoined its disciplinary process and threat assessment process).

One way that risk managers can help address these misconceptions is by working with their TAM team to develop and publicize frequently asked questions about campus threat assessment and management. Another way is for risk managers to advocate for periodic campus-wide awareness training, such as orientation meetings for students and residential advisors and academic and operational department meetings, that would encourage reporting of concerns and promote familiarity with the TAM concept. The thrust of such training should be that the TAM team is focused on promoting campus safety and helping individuals who need it, not on punishment for disciplinary offenses. The more transparent the threat assessment process is for the
campus community—with respect to how the TAM team operates, not with respect to the particulars of a specific case—the easier it will be for the TAM team to build credibility and inspire confidence and the more likely people will be to submit reports to the team. In sum, simply having a TAM team on campus is not enough. For the team to be effective at reducing risk, the community must know about the team and be willing to report concerns when appropriate.

b. Misunderstandings about FERPA, HIPAA, and State Privacy Laws

When seeking information about a particular student in the course of its investigative work, TAM teams often encounter misunderstandings about FERPA and the extent to which it is perceived as interfering with TAM team members, professors, and others in regard to sharing information about a student of concern. Many people still believe that student records and information may not be shared under any circumstances. It is clear from the work of the Virginia Tech Review Panel and other entities that these misunderstandings are widespread and often difficult to counter.34

One way that risk managers can help enhance the overall effectiveness of their TAM team is by developing resources and strategies or supporting training programs to better educate the campus community about FERPA, the exceptions under which information can be shared, and the limited remedies for inappropriate disclosure of FERPA-protected information (campus personnel are often surprised to discover, for example, that neither individuals nor institutions can be sued for violating FERPA). TAM teams and campus police and security officers should be within the institution’s definition of “school officials” with whom education records and information therefrom may be shared freely,35 and institutions should take steps to assure that faculty and staff members know that. Most importantly, faculty and staff must understand that a long standing “health and safety” exception that was broadened in response to the Virginia Tech shootings permits disclosure of education records to any appropriate parties (on or off campus) where necessary to protect the health or safety of the student or others.36 Through resources such as periodic training, web page information, and one-page fact sheets, risk managers can help TAM teams to educate the campus community about the truth—and correct any misconceptions—regarding FERPA.

While not as prevalent, similar issues can be presented by campus community members’ misplaced concerns about the privacy provisions of HIPAA. The HIPAA Privacy Rule prohibits the disclosure of personal health information by health plans, health care clearinghouses, and those health care providers that conduct certain health care transactions electronically. While HIPAA does apply to certain medical information on some campuses, many colleges and universities do not have operations that are covered by HIPAA, and student health records are generally covered by FERPA, not HIPAA.37 Further, even if HIPAA does apply to certain records on some campuses, it permits disclosure of protected health information if a covered entity believes in good faith that disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public, and such disclosure is made to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat.38 In sum, risk managers and TAM teams should take steps to determine whether HIPAA privacy rule restrictions actually apply to campus operations and to educate the campus community about the rule and the health and safety exception if applicable to ensure that undue concerns about HIPAA do not restrict the provision of important information to a TAM team.

As for state law privacy rules, the most commonly applicable state law rules are those pertaining to the relationship between health care providers and their patients. Those rules, and the circumstances in which disclosure of otherwise privileged information might be allowed or required, are discussed in Section I.a.ii. above. The most important thing that risk managers can do with respect to such rules is to assure that TAM teams and providers who routinely see campus community members, such as student counseling center providers or employee assistance program (EAP) providers, have a shared understanding of the thresholds for disclosure that the providers will apply. TAM teams should understand when they can rely upon providers to breach privileges due to a specific threat level, and when, on the other hand, they should assume that they will have to assess and
manage threats based on other information sources. Risk managers should encourage TAM teams to have frank conversations with providers about such issues.

TAM teams cannot function without information from the campus community, so it is crucial that campus community members have an accurate understanding of privacy rules and, just as importantly, the exceptions to those rules. That way, TAM teams can do their important work without being restricted unduly by concerns about privacy rules.

c. Misconceptions about Disabilities Laws

Colleges and universities are covered by the Americans with Disabilities Act of 1990 (as amended in 2008) (ADA) and Section 504 of the Rehabilitation Act, and many are covered by parallel state laws. The requirements of these laws are similar in most respects, so this article will refer to the ADA, because it is the broadest and the most broadly applicable. Undue deference to the potential ADA-related rights of persons of concern could lead a TAM team or institution to fail to take necessary threat management steps, while a failure to respect ADA-required procedures could result in liability under the ADA. TAM teams must, therefore, coordinate threat management efforts with counsel to assure that ADA-related issues are handled optimally.

A detailed treatment of these issues is beyond the scope of this article, but TAM teams should at least understand that while the coverage of the ADA is very broad, it does not require that institutions tolerate threatening behavior that poses a “direct threat” to others or that renders a student or employee not qualified to participate in the academic, residential, or work environment. This is true in most states and federal circuits even if the threatening behavior is caused by a disability. With this general information in mind, TAM teams can focus on inappropriate behavior instead of worrying about ADA issues specifically and work with legal counsel to take threat management actions that they deem necessary (e.g., mandatory counseling, suspension, conditional re-entry to campus) without undue concern over the possibility that the person of concern might be covered by the ADA.

TAM teams do need to understand, though, that there are ADA-related due process considerations they need to respect. The US Department of Education’s Office of Civil Rights (OCR) has been clear in emphasizing that if an institution proposes to affect the status of a student covered by the ADA or Rehabilitation Act, it must provide “minimal due process” for temporary status changes, and “full due process” for longer term or permanent status changes. This means that in emergent situations, such as those that might require temporary suspensions, students should be provided with some notice of the institution’s concerns and some opportunity for the student to explain his or her side of the story. After the emergent issue has passed, if the institution decides to pursue longer term curtailment of a student’s rights, the student should receive a hearing and an opportunity for an appeal. At most institutions, a TAM team will not be responsible for administering disciplinary, involuntary withdrawal, or similar processes, but it should at least understand the due process requirements that will apply to the institution. This will allow the team’s threat management recommendations or actions to dovetail effectively with campus procedures, and student rights can be respected without unduly compromising campus safety considerations.

d. Problems with Institutional Policies and Procedures

Risk managers should work with TAM teams and counsel to assess whether institutional policies relevant to TAM operations, such as policies regarding student misconduct, weapons, workplace violence, threatening behavior and statements, and trespassing, are phrased in such a way as to allow TAM teams to take or advocate for disciplinary or protective action as appropriate. Universities should change policies, which in many
states are enforceable as contracts, so that they can serve essential institutional prerogatives, while also optimally supporting TAM operations. Further, where teams and counsel discern through a review that there are gaps in institutional policies that could make it more difficult to address threatening behavior, universities should create policies to fill those gaps.

Similarly, institutional procedures that are likely to be implicated by TAM operations should also be reviewed by TAM teams and counsel. Teams need to become familiar with how the institution’s procedures function, so that they will understand any related limitations. For example, if an institution’s student disciplinary procedure or involuntary withdrawal procedure places practical limitations on what the TAM team can do or recommend in a given situation, the team needs to understand that in advance, rather than getting an unpleasant surprise in the midst of an emergent situation. Advance review will also provide an opportunity for the team and counsel to advocate for the revision of any procedures that will obviously and unnecessarily limit the options available for the management of threat situations.

In sum, while colleges and universities must comply with statutes as they are written, they have some flexibility in defining the rules that they impose on themselves through institutional policies and procedures. Optimized policies and procedures can facilitate the work of TAM teams, while those that universities craft without TAM issues in mind can impair that work and complicate already risky situations. A thorough TAM-related policy and procedure review should, therefore, be on every risk manager’s agenda.

e. Documentation Challenges
Risk managers know well that accurate documentation is helpful—unless it’s not. Obviously, an institution would like good decision making processes to be documented well, but would regret the creation of documentation that, if taken out of context, could shed an unflattering light on the work of a TAM team. TAM teams must understand that unless a privilege against disclosure applies, most of the documents they create, including e-mails, personal notes, and other relatively informal documentation, would be subject to disclosure in the event of litigation. Further, unless an exemption applies, public institutions may have to disclose documents in response to public record act requests, and colleges and universities may also have to turn over TAM team documents if a student of concern demands them under FERPA. While teams may be able to resist disclosure in specific cases if exemptions apply, teams should still be cautious and create all drafts, notes, e-mails, and final summary documents with these realities in mind.

Documentation should not, on the other hand, contain off-handed comments, speculation without basis in fact, ill-considered observations about sensitive mental health or disability issues, or partially formed thoughts and deliberations. While teams must “think out loud” when weighing options in a particular case, they do not need to document every passing thought and preliminary deliberation. It is very helpful to have a skilled scribe for the group who has worked with counsel to determine how to optimally document the team’s deliberations and decision making.

Of course, because legal issues are often presented by the deliberations of TAM teams, those deliberations and related documentation could fall within the scope of
the attorney-client privilege, if legal counsel is involved. As discussed above, TAM-related discussions often involve balancing the privacy and/or disability law rights of persons of concern against the institution’s legal duty to provide a safe campus community. Involving counsel in a TAM team’s deliberations is therefore natural and appropriate. Counsel may be particularly helpful in reviewing draft documentation and minutes. If deliberations and related documents are within the scope of the attorney-client privilege under state law, they should be protected from disclosure in the event of litigation, from a FERPA request made by a student of concern, and, in some states, from a public record request.

The bottom line for risk managers is that they should assure that their campus TAM teams have consulted with counsel about the application of the attorney-client privilege to their communications and documents and about optimal documentation practices. That way, if disclosure of documents is ever necessary, the university can disclose them with confidence rather than trepidation.

f. Case Management Without Evaluation

When cases first come to the attention of a TAM team, they can be accompanied by significant fear and other emotion that leads to an action imperative, or a strong pull to do something in response to the fear expressed. Certainly in those limited cases where there is an imminent threat to the community or an individual, such as a report of a person walking into an administrative building with a weapon, then institutions must understandably act quickly, even if the report turns out to misrepresent the situation. However, most reports do not involve such exigent circumstances and instead allow for time and opportunity to gather additional information, assess the situation, and develop a reasonable and meaningful approach based on the degree of danger that the TAM team perceives there to be. Having a consensus among the team members regarding whether the person or situation poses a threat—and the corresponding priority level the team believes the case merits—can help guide clear, fact-based decisions regarding the most appropriate case management strategies to employ. This decreases the likelihood of reactionary interventions that may not improve the situation and can, at times, inadvertently escalate a situation unnecessarily. It also decreases the impulse to craft case management plans based on partial or incomplete information, allowing the team to develop a full picture of the situation and corroborate the information in hand before deciding how best to intervene.

A well-developed threat assessment and management process allows for informed, assessment-led interventions that can best:

- De-escalate, control, or contain the person of concern
- Decrease the vulnerability of likely victims
- Mitigate effects of negative environmental or systemic influences
- Anticipate the effect of precipitating events that may develop

Risk managers can assist TAM teams in monitoring and reviewing team processes, challenging reactionary interventions (in the absence of exigent situations), and supporting assessment-based interventions that are proportional and responsive to the situation at hand.

g. Failing to Implement a Case Management Plan

The last common challenge facing TAM teams is that they do solid work in conducting a full inquiry, making the assessment, and developing a case management plan—but then fail to implement and monitor part or all of the case management plan. Failing to implement a case management plan can come about because an individual TAM team member fails to do what he or she was tasked with doing, someone outside the team fails to do what he or she was asked to do to assist the team, or the team as a whole fails to put into action the plan that it crafted. There are various reasons, excuses, and rationales for these occurrences, but regardless of the perceived validity of the rationale, from a legal perspective, this could result in a significant safety risk and related legal exposure in the event that a person of concern causes harm. It is fair to say that TAM teams will be accorded discretion to decide on a reasonable course of action when assessing and managing threats, within the bounds of the duties described above. However, if a team fails to follow through on a commitment it makes to itself, it will have a more difficult time justifying its approach. If the answer to the question, “Why didn’t you follow through?” is that
changing circumstances required a change of course, that would be subject to the same reasonableness standard. If, however, the answer is, “I forgot or didn’t get around to it,” that would sound very hollow in the context of litigation over a violent incident, whether the failure to follow through would actually have prevented the harm or not.

Risk managers can help their TAM teams to become more fully effective by ensuring that the team engages in the complete threat assessment and management process to include implementing and monitoring case management plans they develop to intervene and reduce any threats posed. If a TAM team is overloaded with incoming reports and new cases to investigate, the institution’s risk manager can help the team to offload implementation of case management plans or specific components to various campus personnel who would fulfill these duties responsibly. Risk managers can also advocate for the hiring of a dedicated case manager position (or two or three dedicated case managers, as needs dictate), whose primary job would be to implement, monitor, and report on case management plans developed by the TAM team. Finally, risk managers can conduct or request outside assistance in conducting a review or audit of the TAM team’s work to identify areas where the team’s procedures may fall short of best practices and to find remedies to bridge those gaps.

Conclusion
There is no question that engaging with individuals who may pose a threat to others on campus is a risky business. In practical terms, though, some risk in this area cannot be avoided, because the current standard of care dictates that colleges and universities must have a campus threat assessment team. Given this reality, risk managers should assure that their campus communities know about and feel comfortable reporting concerns to their TAM teams, their teams follow best and promising practices, misconceptions about privacy and disability laws will not impede their teams’ work, institutional policies and procedures support rather than impede the work of their teams, their teams follow optimal documentation practices, and their institutions are positioned to balance appropriately the statutory rights of persons of concern against campus safety needs. If risk managers can address these issues, they will have gone a long way toward minimizing legal liability in this sensitive area and, most importantly, toward reducing the risk of harm on their campuses.

About the Authors
Jeffrey J. Nolan is an attorney with Dinse, Knapp & McAndrew, P.C., where he focuses his practice on training, policy development, advising, and litigation on behalf of colleges and universities and other employers. He also serves as a senior consultant to Sigma Threat Management Associates, P.A.

Marisa R. Randazzo, PhD, is a managing partner of Sigma Threat Management Associates, P.A. She previously served as chief research psychologist for the US Secret Service.

Gene Deisinger, PhD, is deputy chief of police and director, threat management services at Virginia Tech and is also a managing partner at Sigma Threat Management Associates, P.A.

Endnotes
1 The authors worked as subject matter experts with the team that developed the US Department of Justice Community Oriented Policing Services (COPS) Office’s national curriculum, Campus Threat Assessment Training—A Multidisciplinary Approach for Institutions of Higher Education (see www.campusthreatassessment.org). They also served as faculty for that program, which was presented at 10 locations throughout the United States in 2009, 2010, and 2011.
2 Restatement (Third) of Torts: Liability for Physical and Emotional Harm (Restatement (Third) of Torts), § 7 (American Law Institute, 2011).
3 This discussion will focus on duties owed to students and campus visitors, but not faculty and staff because, in most situations, workers’ compensation statutes provide the exclusive remedy for employees who are injured or killed within the scope of their employment. Some sections
of the Restatement (see, e.g., Restatement (Third) of Torts, § 40(b)(4)(a) and § 40, cmt. k) and some exceptional provisions of state law do contemplate institutional liability to employees notwithstanding workers’ compensation exclusivity, but such issues are limited, state-specific, and complicated enough that they are beyond the scope of this Article. It should suffice to say that institutions will not have to do what they can reasonably to keep employees safe from physical attacks on campus, even in the absence of a general legal duty to do so.

4 Restatement (Third) of Torts, § 37. For those risk managers and attorneys who have followed the development of case law in this area over the years, section 37 of the Third Restatement replaces sections 314 and 315 of the Restatement (Second) of Torts, upon which many courts have relied in deciding whether and/or what duties colleges and universities owe to their students.

5 Restatement (Third) of Torts, § 40(a), § 40(b)(5).

6 Restatement (Third) of Torts, § 40, cmt. I. Comment I listed and annotated as follows various cases in which courts imposed a duty of reasonable care to protect students on college or university property: “Schieszler v. Ferrum Coll., 256 F. Supp. 2d 602 (W.D.Va.2002) (concluding that, on specific facts alleged by plaintiff, college owed affirmative duty to student who committed suicide); Peterson v. S.F. Emty. Coll., Dist., 685 P.2d 1193 (Cal.1984) (duty owed to student raped in college parking ramp); Eurek v. Univ. of Del., 594 A.2d 506 (Del.1991) (finding university had special relationship with student who was a fraternity pledge but also relying on its undertaking to regulate hazing and its status as possessor of land and student’s status of invitee); Nova Southeastern Univ., Inc. v. Gross, 758 So. 2d 86 (Fla.2000) (duty owed to graduate student placed by university in mandatory internship); Niles v. Bd. of Regents of Univ. Sys. of Ga., 473 S.E.2d 173 (Ga.Clt.App.1996) (stating in dicta that “a university student is an invitee to whom the university owes a duty of reasonable care”); Stanton v. Univ. of Me. Sys., 773 A.2d 1045 (Me.2001) (university owed duty to student-athlete as business invitee who was residing in dormitory to provide information about appropriate precautions for personal safety); Mullins v. Pine Manor Coll., 449 N.E.2d 331 (Mass.1983); Knoll v. Bd. of Regents of Univ. of Neb., 601 N.W.2d 757 (Neb.1999) (victim of fraternity hazing episode owed duty by university based on its role as landowner with student as its invitee); cf. Mintz v. State, 362 N.Y.S.2d 619 (App.Div.1975) (implying assuming that duty existed in deciding that university had not acted unreasonably as a matter of law in supervising overnight canoe outing by students); Davidson v. Univ. of N.C. at Chapel Hill, 543 S.E.2d 920 (N.C.Ct.App.2001) (holding that university has special relationship with cheerleader based on mutual benefit to each from the activity and control exerted by the university over the activity, but denying, in dicta, that university has special relationship generally with students).” Restatement (Third) of Torts, § 40, cmt. I.

On the other hand, the ALI cited and annotated as follows cases in which courts found no duty: “Bradshaw v. Rawlings, 612 F.2d 135 (3d Cir.1979) (applying Pennsylvania law) (college owed no duty to student injured while being transported by another undergraduate who had become drunk at off-campus class picnic); Booker v. Lehigh Univ., 800 F. Supp. 234 (E.D.Pa.1992) (university owed no duty to student who was injured after becoming inebriated on-campus fraternity party); Baldwin v. Zoradi, 176 Cal. Rptr. 809 (Cal.App.1981) (university owed no duty to student by virtue of dormitory license where risks created by excessive drinking and drug racing were not foreseeable to university); Univ. of Denver v. Whitlock, 744 P.2d 54 (Colo.1987) (concluding that university owed no duty to student injured while on trampoline at fraternity; to impose duty could result in imposing regulations on student activity that would be counterproductive to appropriate environment for student development); Coghlan v. Beta Theta Pi Fraternity, 987 P.2d 300, 311–312 (Idaho 1999) (college does not have special relationship with student that imposes a duty to protect student from risks involved in voluntary intoxication); Rabel v. III. Wescoven Univ., 514 N.E.2d 552 (Ill.App. Ct.1987) (university owed no duty to student based on its landlord-tenant relationship with her for harm that resulted from prank by intoxicated fraternity member); Nero v. Kan. State Univ., 861 P.2d 768 (Kan.1993) (declining to impose duty on university solely because of its role as school but concluding university had duty of care as landlord for student living in dormitory); Boyd v. Tex. Christian Univ., Inc., 8 S.W.3d 758 (Tex.App.1999) (university had no duty to student injured while at off-campus bar); Beach v. Univ. of Utah, 726 P.2d 413 (Utah 1986) (university had no duty to protect student from consequences of voluntary intoxication while on university-sponsored field trip).” Restatement (Third) of Torts, § 40, cmt. I.

Finally, the ALI listed two general resources as follows: “Peter F. Lake, The Rise of Duty and the Fall of In Loco Parentis and Other Protective Tort Doctrines in Higher Education Law, 64 Mo. L. Rev. 1 (1999) (identifying a trend in tort law toward holding institutions of higher education to a tort duty with respect to the safety of students); Jane A. Dall, Note, Determining Duty in Collegiate Tort Litigation: Shifting Paradigms of the College–Student Relationship, 29 J.C. & U.L. 485 (2003) (advocating recognition of a special relationship between colleges and their students).” Restatement (Third) of Torts, § 40, cmt. I.

7 Restatement (Third) of Torts, § 40(b)(3).

8 Restatement (Third) of Torts, § 40(b)(6).

9 See cases cited in endnote 6 above. In addition to those cases, other cases in which institutions have been held to have a “business invitee” or “landlord-tenant”-based duty to protect on-campus visitors against acts by third parties include Bearman v. Univ. of Notre Dame, 453 N.E.2d 1196 (Ind. 1983) (university had duty to protect bystander injured due to fight between two drunken tailgaters), Peterson v. San Francisco Comm. College Dist., 36 Cal.3d 799, 205 Cal.Rptr. 842, 685 P.2d 1193 (1984) (college owed duty to protect student from reasonably foreseeable criminal attack on campus), and Miller v. State, 62 N.Y.2d 506, 467 N.E.2d 493 (N.Y. 1984) (state university had duty, as landlord, to use reasonable security precautions to protect student from foreseeable rape in an on-campus dormitory).

10 See Restatement (Third) of Agency, § 2.04 (American Law Institute, 2006).

11 See Restatement (Third) of Agency, § 7.07, cmt. c.

12 Restatement (Third) of Torts, § 41(b)(3).

13 Restatement (Third) of Torts, § 41, cmt. e.

14 ibid.

15 Restatement (Third) of Torts, § 41(b)(4).

16 The scope of the patient-mental health professional privilege varies from state to state. One national resource often looked to for general guidance is the American Psychological Association’s code, which provides in pertinent part that the privilege may be breached with patient consent “where permitted by law for a valid purpose such as to . . . protect the client/patient, psychologist, or others from harm . . . .” APA Ethics Code 2002, Sec. 4.05(b).
See Mullins v. Pine Manor College, 449 N.E.2d 331 (Mass.1983) (finding that student on-campus rape victim relied upon college’s providing security services, based on generalized interest by college applicants in campus security and the student victim’s having visited several campuses before selecting Pine Manor); Furek v. Univ. of Del., 594 A.2d 506 (Del.1991) (holding university subject to duty to student with regard to risks of fraternity hazing based on its undertaking to prohibit and regulate hazing activities); Davidson v. Univ. of N.C. at Chapel Hill, 543 S.E.2d 920 (N.C.Ct. App.2001) (finding that university owed duty to cheerleader based on its undertaking to advise cheerleading squad on safety matters).

See 110 ILCS 12/20(b) (2009) (Illinois statute, enacted after the February, 2008 shootings at Northern Illinois University, which requires each Illinois institution of higher education to develop a campus threat assessment team); Va. Code Ann. § 23-9.2:10 (2008) (Virginia statute enacted after the April, 2007 shootings at Virginia Tech which requires public higher education institutions in Virginia to establish a threat assessment team that includes members from law enforcement, mental health professionals, representatives of student affairs and human resources, and, if available, college or university counsel, and which charges such team to provide guidance to students, faculty, and staff regarding recognition of behavior that may represent a threat to the community, to identify members of the campus community to whom threatening behavior should be reported, and to implement policies and procedures for the assessment of individuals whose behavior may present a threat, and for “appropriate means of intervention with such individuals, and sufficient means of action, including interim suspension or medical separation to resolve potential threats.”)


See Dobbs, The Law of Torts, § 164 (West Group, 2001) ("On the issue of negligence, a safety custom is often relevant because it reflects the judgment and experience of many people and thus directly suggests how a reasonable person might behave under the circumstances, on the theory that customary behavior is usually not negligent, or on the more specific ground that, under some circumstances, customary behavior tends to prove the proper balance of risks and utilities. . . . A safety custom in a negligence case is relevant evidence tending to show what does or does not count as reasonable care.”)

ASME-ITI Risk Analysis Standard at 1.

Ibid., 10.

See Dobbs, The Law of Torts, § 164 ("As a sword, the plaintiff can show the defendant’s violation of a safety custom as some evidence that defendant failed to act as a reasonable person under the circumstances. In some cases, evidence of the custom is presented by an expert, but the rule is no less applicable if the custom is institutionalized in advisory standards of the relevant industrial association.” (citing, e.g., Hansen v. Abrasive Eng’g & Manufacturing Inc., 317 Or. 378, 856 P.2d 625 (1993) [ANSI advisory standard deemed admissible but not conclusive]).

The court in Getty Petroleum Marketing, Inc. v. Capital Terminal Co., 391 F.3d 312 (1st Cir. 2004), provided a fair, balanced summary of the law in this area, as follows:

Many cases involve voluntary industry standards that do not have the force of law in the relevant jurisdiction. The overwhelming majority of such cases are negligence actions where the industry standard is offered as evidence of the appropriate standard of care. See, e.g., Miller v. Yazoo Mfg. Co., 26 F.3d 81, 83 (8th Cir.1994) (in personal injury action, American National Standards Institute lawmower safety standards were offered to establish standard of care); Matthews v. Ashland Chem. Inc., 770 F.2d 1303, 1310-11 (5th Cir.1985) (in personal injury action, NFPA, National Electric Code, and the American National Standard Specifications for Accident Prevention Signs were offered to establish standard of care); Boston & Me. R.R. v. Talbert, 360 F.2d 286, 290 (1st Cir.1966) (“Certain nationally recognized standards concerning the design of highway and railroad crossings” were offered to establish standard of care, with trial judge’s warning that they were “not completely authoritative”); Dickie v. Shockman, No. A3-98-137, 2000 WL 33339623, *3 (D.N.D. July 17, 2000) (in personal injury action, NFPA standards “and other codes applicable within the propane industry” were offered to establish standard of care).

These voluntary standards do not irrefutably establish the standard of care in a negligence case. Rather, they constitute “one more piece of evidence upon which the jury could decide whether the defendant acted as a reasonably prudent person in the circumstances of the case.” Boston & Me. R.R., 360 F.2d at 290. The defendant is free to argue that the standard is unduly demanding, either in general or in the particular instance, and that it does not reflect industry practice or the standard that a reasonably prudent person would employ. After all, voluntary standards are not law; in essence, they are simply recommendations written by
29 TAM teams that are handling multiple cases can triage the initial reports. These steps are summarized from Getty Petroleum, 391 F.3d at 326-27. See also Kent Village Assocs. Joint Venture v. Smith, 657 A.2d 330, 337 (Md. Ct. Spec. App. 1995) (“[s]afety standards ... may be admitted to show an accepted standard of care, the violation of which may be regarded as evidence of negligence.” See also generally Feld, Annotation, Admissibility in Evidence, On Issue of Negligence, of Codes or Standards of Safety Issued or Sponsored by Governmental Body or by Voluntary Association, 58 A.L.R.3d 148 (1974 & 2010 Supp.).


28 These steps are summarized from The Handbook for Campus TAM Teams (2008).

29 TAM teams that are handling multiple cases can triage the initial reports received to determine which reports merit a full inquiry, and/or which reports should be handled first if all reports are to be investigated. The Handbook for Campus TAM Teams (2008) outlines sample screening and triage procedures for this purpose.

30 At institutions where a separate CARE or similar team works with students who may be at risk of suicide, and/or where an EAP or outside resource works with employees who may be at such risk, proper referrals should be made if a TAM team determines that a person of concern poses a risk to him or herself, but not to others. Legal duties to prevent suicide vary substantially based on particular circumstances and state law (discussion of which is beyond the scope of this article), but TAM teams will of course recognize at least some moral duty to attempt to make a referral if that appears necessary.

31 20 U.S.C. § 1232g et seq.

32 A full discussion of these resources and their usefulness for enhancing TAM team operations and effectiveness is beyond the scope of this article. More information can be found in The Handbook for Campus TAM Teams (2008).

33 Implementing Behavioral Threat Assessment on Campus (2009), another resource recommended in the ASME-ITI/ANSI-approved risk assessment standard, details the specific challenges that Virginia Tech encountered in establishing its threat assessment team following its campus shooting in 2007, and the solutions that it implemented to address those challenges.


35 See 34 C.F.R. § 99.34(a)(1). See also Addressing Emergencies on Campus, at 11 (“schools can respond to student behavior that raises concerns about a student’s mental health and the safety of the student and others that is chronic or escalating, by using a threat assessment team, and then may make other disclosures under the health or safety emergency exception, as appropriate, when an ‘articulable and significant threat’ exists.”).

36 See 34 C.F.R. § 99.31(a)(10) and 34 C.F.R. § 99.36.


38 See 45 C.F.R. § 164.512(j).

39 The ADA requires that reasonable accommodations be provided to individuals with a disability, which includes individuals who have a physical or mental impairment that substantially limits a major life activity, conditions that substantially limit the operation of a major bodily function, and mental health conditions that substantially limit an individual’s ability to learn, concentrate, think and communicate. The ADA also prohibits discrimination against individuals who have a record of a disability, or who are regarded as having a disability. See generally 42 U.S.C. § 12102.

40 A “direct threat” means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation (in the employment context), and/or the elimination or modification of policies, practices or procedures or the provision of auxiliary services (in the student/member of the public context). In assessing whether a direct threat is present, institutions must assess the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the imminence of the potential harm. See 42 U.S.C. § 12111(3) (employment context); 42 U.S.C. § 12182(b)(3); 28 C.F.R. §§ 35.104, 35.159, 28 C.F.R §§ 36.104, 36.208 (student/member of the public context).

41 See, e.g., Ascani v. Hofstra University, 173 F.3d 843 (2nd Cir. 1999) (unpublished disposition) (holding that a student who threatened and frightened her professor, and in fact pled guilty to harassment and trespass, was not “otherwise qualified” to continue as a graduate student, even if the behavior was precipitated by her mental illness (citing Palmer v. Circuit Court of Cook County, 117 F.3d 351, 352 (7th Cir.1997) (reaching this conclusion in the work setting), cert. denied, 522 U.S. 1096, 118 S.Ct. 893, 139 L.Ed.2d 879 (1998); Husowitz v. Runyon, 942 F.Supp. 822, 834 (E.D.N.Y.1996) (same)); Bhatt v. University of Vermont, 184 Vt. 195, 958 A.2d 637, 2008 VT 76 (2008) (holding, under state public accommodations law patterned after the ADA, that institution could dismiss a medical student for misconduct allegedly caused by a mental disability, where the misconduct demonstrated that he was not qualified to remain in the program); Williams v. Widnall, 79 F.3d 1003 (10th Cir. 1996) (holding that the Rehabilitation Act did not prohibit termination of employee for threatening his co-workers, even if that behavior was caused by a mental disability; Little v. FBI, 1 F.3d 255, 259 (4th Cir.1993) (same)).

42 See cases cited in endnote 41, supra. Even in federal circuits where courts have ruled that disciplining an individual for misconduct caused by a disability is the same thing as disciplining the individual for having a disability, see, e.g., Hartog v. Wasatch Academy, 129 F.3d 1076 (10th Cir.)
1997) (the 10th Circuit encompasses Oklahoma, Kansas, New Mexico, Colorado, Wyoming and Utah) and Humphrey v. Memorial Hospitals Ass’n, 239 F.3d 1128 (9th Cir. 2001) (the Ninth Circuit encompasses California, Washington, Montana, Idaho, Oregon, Nevada, Arizona, Hawaii and Alaska), institutions and employers still do not have to continue to matriculate or employ individuals who are not qualified even with reasonable accommodations, or who pose a “direct threat”. See, e.g., Hartog, 129 F.3d at 1087. As noted above, risk managers and TAM teams should work with legal counsel to determine how to best navigate the disability law principles that will be applied to TAM work in their jurisdiction.

FERPA regulations provide that students generally have a right to review their “education records,” which are defined broadly as personally-identifiable information recorded in any format (subject to various qualifications and exceptions), within 45 days of making a review request. 34 C.F.R. § 99.10. Thus, unless an exception applies, a student of concern could request access to a TAM team’s records in the midst of a threat management process, which could be problematic. However, law enforcement unit records are not “education records” subject to disclosure if maintained under the strict mandates of the applicable definition, see 34 C.F.R. § 99.8, and some TAM teams maintain their records with this exemption in mind. Of course, even if documents were not subject to disclosure under FERPA, they might still be subject to disclosure in the context of litigation, a civil rights agency investigation, or under public record laws, if applicable.


See Implementing Behavioral Threat Assessment on Campus (2009) for a discussion of Virginia Tech’s experience hiring several case managers and for a sample case manager position description in the Appendix.
I could not tread these perilous paths in safety, if I did not keep a saving sense of humor.

—Horatio Nelson (1758–1805), Soldier in the Royal Navy, particularly during the Napoleonic Wars
The Campus SaVE Act: A Compliance Guide

The Campus Sexual Violence Elimination Act imposes expanded crime reporting obligations, and even more significant in the long run, it requires institutions to implement specific policies, procedures, and training related to sexual violence and intimate partner violence. The act’s language is detailed, very prescriptive, and creates additional burdens for institutions that may already be struggling to meet compliance requirements.

The Campus Sexual Violence Elimination Act (SaVE Act or act) was passed in March 2013 as part of the Violence Against Women Reauthorization Act (VAWA). The Campus SaVE Act applies to almost all institutions of higher education since it is directed toward those that participate in financial aid programs under Title IV of the Higher Education Act of 1965 — which most do.

What Does the Campus SaVE Act Do?
The Campus SaVE Act amends the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (known as the Clery Act), which requires higher education institutions to report crime statistics and disclose security-related information, in several important ways:

- It adds offenses involving domestic violence, dating violence, and stalking to the crimes that institutions must report and include in their annual security reports (ASR)
- It expands the categories of reportable “hate crimes” to include those based on bias against gender identity or national origin
- The policy statements filed as part of the ASR must now include detailed descriptions of the institution’s internal procedures in cases of domestic violence, dating violence, or stalking, as well as descriptions of its education and prevention programs

Who is protected by VAWA? VAWA has been expanded in significant ways: It now protects gays, lesbians, and transgender individuals, as well as Native Americans and immigrants. Furthermore, its name notwithstanding, VAWA protects male victims of domestic violence, dating violence, sexual assault, and stalking.
The Campus SaVE Act also codifies some, but not all, provisions of the April 2011 “Dear Colleague” letter (DCL) addressing Title IX compliance that was issued by the U.S. Department of Education’s (ED) Office for Civil Rights (OCR). For example, the SaVE Act incorporates the DCL’s mandate for prompt and impartial internal investigation and resolution procedures and its requirement that alleged sexual assault victims be advised of their right to file internal complaints, criminal complaints, or both. By contrast, whereas the DCL stated that institutions must use the “preponderance of the evidence” standard in internal disciplinary hearings related to sexual harassment and violence, the SaVE Act states only that institutions must specify the standard of evidence they will use.

**How Will the Campus SaVE Act Be Enforced?**

The SaVE Act became effective March 7, 2014. However, proposed regulations, which would give institutions guidance on how the ED will interpret and enforce the Act, are unlikely to be available until, at best, later in 2014. A negotiated rulemaking process is typically required to develop proposed regulations for programs under Title IV of the Higher Education Act of 1965, including the Campus SaVE Act.

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**Key Definitions**

Some important terms used in the Campus SaVE Act are defined in another section of VAWA. In determining what offenses to report under the Clery Act, institutions should use the following definitions:

**Domestic violence**

“Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction… or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.”

**Dating violence**

“Violence committed by a person—

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) the length of the relationship

(ii) the type of relationship

(iii) the frequency of interaction between the persons involved in the relationship”

**Stalking**

“Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(A) fear for his or her safety or the safety of others; or

(B) suffer substantial emotional distress”

**Sexual assault**

The Campus SaVE Act defines sexual assault, which—unlike domestic violence, dating violence, or stalking—was previously included as a Clery-reportable crime, as “an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.”

*Caution:* The definitions of these terms used for reporting criminal offenses and training students and employees are not necessarily identical. Institutions should keep in mind that to satisfy the separate training mandates of the SaVE Act (see Education and Training section in the Checklist), training programs must incorporate the definitions of domestic violence, dating violence, sexual assault, and stalking used by their respective jurisdictions.
Future “best practices” guidance

In the Campus SaVE Act, Congress directed the ED to seek the assistance of the U.S. attorney general and the secretary of Health and Human Services to develop and provide for institutions “best practices information about preventing and responding to incidents of domestic violence, dating violence, sexual assault and stalking, including elements of institutional policies that have been proven successful based on evidence-based outcome measurements.” This provision indicates that institutions can expect future guidance on the types of prevention and education programs, as well as response procedures, that ED considers most effective and thus “best practices.”

In this case, the negotiating committee held three public meetings in January, February, and March of 2014. ED stated that the primary goal was “to prepare proposed regulations to address the changes made by the VAWA to the campus safety and security reporting requirements in the Clery Act,” but noted that the department “may propose additional changes to clarify and update the existing campus safety and security reporting requirements.”

In May 2013, ED issued preliminary guidance clarifying that the new crime reporting rules will become effective with the ASR due under the Clery Act on Oct. 1, 2014, and stating that while institutions await regulations, the department expects them to make a “good faith effort” to comply with the new law.

UE Compliance Recommendations

UE recommends that institutions take the following steps to comply with the Campus SaVE Act:

- Because compliance with the Campus SaVE Act will require effective campus-wide collaboration, institutions should publicize the act as widely as possible. For example, campus constituents who need to know the SaVE Act’s requirements include students, the president and cabinet, faculty, campus security, risk management, student affairs, academic affairs, human resources, residence life, and counseling and health services staff.

- Institutions should collect data about the new categories of crimes (including hate crimes based on gender identity or national origin) that must be reported in the ASR due Oct. 1, 2014.

- In consultation with their counsel, institutions should review all:
  - Policies, procedures, and practices related to sexual misconduct to determine what revisions are needed to comply with the act
  - Education and training programs for students and employees to decide if they must be expanded to comply with the act

- Although the act does not prescribe a particular standard of proof for internal disciplinary proceedings related to sexual assault or other forms of sexual misconduct, but rather simply requires institutions to specify the standard they will use, at least for the present institutions should use the “preponderance of the evidence” standard as explained in the 2011 DCL. In passing the SaVE Act, Congress could have disavowed the preponderance standard favored by OCR, but it did not.
## Compliance Checklist

### General Requirements of the SaVE Act

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>In the annual security report (ASR) required under the Clery Act, does your institution:</td>
<td></td>
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<tr>
<td>• Report incidents of domestic violence, dating violence, or stalking that were reported to campus security authorities or local police?</td>
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<tr>
<td>• Report as additional &quot;hate crimes&quot; offenses that were motivated by the victim's actual or perceived gender identity or national origin?</td>
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<tr>
<td>Does your institution include in the ASR a statement of policy regarding the institution's:</td>
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<tr>
<td>• Programs to prevent domestic violence, dating violence, sexual assault, and stalking?</td>
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<tr>
<td>• Procedures for responding to a report of domestic violence, dating violence, sexual assault, or stalking, including a statement of the standard of evidence that will apply during an internal conduct proceeding?</td>
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<tr>
<td>When issuing &quot;timely warnings&quot; under the Clery Act, does your institution withhold as confidential the names of victims?</td>
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<tr>
<td>If a student or employee reports that he or she is a victim of domestic violence, dating violence, sexual assault, or stalking—regardless of where the offense occurred—does your institution provide the person with a written explanation of his or her rights and options?</td>
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<tr>
<td>Does your institution prohibit retaliation by its officers, employees, or agents against a person who exercises his or her rights or responsibilities under any provision of the Campus SaVE Act?</td>
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### Procedural Notifications

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
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<tr>
<td>Does your institution include in the ASR:</td>
<td></td>
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<tr>
<td>• Possible sanctions and protective measures that the institution may impose after a final determination regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking?</td>
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<tr>
<td>Does your institution include in the ASR procedures victims should follow after a sex offense, incident of domestic violence, dating violence, sexual assault, or stalking, including written information about:</td>
<td></td>
<td></td>
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<tr>
<td>• The importance of preserving evidence for proof of criminal domestic violence, dating violence, sexual assault, or stalking, or for obtaining a protection order?</td>
<td></td>
<td></td>
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</tbody>
</table>
Procedural Notifications (Continued)

- To whom offenses should be reported?  □ Yes  □ No

- Options regarding notifying police and campus authorities, including the victim’s right to:
  - Notify either police or campus authorities?  □ Yes  □ No
  - Obtain assistance from campus authorities to notify the police?  □ Yes  □ No
  - Decline to notify police or campus authorities?  □ Yes  □ No

- Rights of victims and the institution’s responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar orders issued by a criminal, civil, or tribal court?  □ Yes  □ No

Disciplinary Procedures

Does your institution include in the ASR its procedures for internal disciplinary action in cases of alleged domestic violence, dating violence, sexual assault, or stalking, including statements that:

- The procedures will provide prompt, fair, and impartial investigation and resolution?  □ Yes  □ No

- The procedures will be conducted by officials who receive annual training on issues related to domestic violence, dating violence, sexual assault, and stalking, as well as how to conduct a hearing process that protects victim safety and promotes accountability?  □ Yes  □ No

- Both accuser and accused are entitled to the same opportunity to have others present during an internal disciplinary proceeding, including the opportunity to be accompanied to any related meeting by an advisor of their choice?  □ Yes  □ No

- Both accuser and accused will receive simultaneous written notice of:
  - The outcome of the disciplinary hearing  □ Yes  □ No
  - The institution’s appeal procedures  □ Yes  □ No
  - Any change to the results before the results are final  □ Yes  □ No
  - When the results become final  □ Yes  □ No
Disciplinary Procedures (Continued)

- Information about how the institution will protect victim confidentiality, including how publicly available records will be kept without disclosing identity, to the extent permissible by law?
  - Yes
  - No

- Written notification to students and employees about counseling, health, mental health, victim advocacy, legal assistance, and other services available on and off campus?
  - Yes
  - No

- Written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations if those changes are requested by the victim and reasonably available, regardless of whether the victim reports the offense to campus or local police?
  - Yes
  - No

Education and Training

- Has your institution implemented, and described in the ASR, education programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking?
  - Yes
  - No

- Do these education programs include:
  - Primary prevention programs for incoming students and new employees?
    - Yes
    - No
  - Ongoing prevention and awareness campaigns for current students and faculty?
    - Yes
    - No

- Do your institution’s education programs include:
  - A statement prohibiting domestic violence, dating violence, sexual assault, and stalking?
    - Yes
    - No
  - The applicable jurisdiction’s definition of domestic violence, dating violence, sexual assault, and stalking?
    - Yes
    - No
  - The jurisdiction’s definition of consent with regard to sexual activity?
    - Yes
    - No
  - Safe and positive options that a bystander can take when he or she witnesses potential domestic violence, dating violence, sexual assault, or stalking?
    - Yes
    - No
  - Information about risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks?
    - Yes
    - No
Threat Assessment Teams for Troubled Students: Putting the Pieces Together

Alyssa Keehan, Risk Management Counsel
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Introduction

The U.S. Department of Education, the Secret Service, and the Federal Bureau of Investigation (FBI) agree: The use of threat assessment teams is a sound method for identifying and responding to distressed students in educational settings. In 2002, the Department of Education and the Secret Service issued the report of the Safe School Initiative (SSI), a study that examined “the thinking, planning, and other pre-attack behaviors engaged in by attackers” who previously had carried out shootings in K-12 schools. The joint study concluded that individual attackers do not simply “snap” before engaging in violence; rather, they often engage in observable behaviors that signal an attack is about to occur. The SSI report recommends that schools adopt a threat assessment process and a team to implement it to prevent school violence.

In reaction to campus shootings since 2007, many higher education institutions are creating or modifying existing threat assessment teams based on recommendations from the SSI report as well as more recent reports examining campus security. Threat assessment teams do more than help prevent campus shootings. Their primary function is to identify and coordinate services for a broad range of troubling student behaviors, including mental illness, substance abuse, and disruptive conduct.

Different colleges and universities call their teams by a variety of names, such as Assessment and Care Team, Behavioral Evaluation Team, Student Concern Team, and Alert Team. Regardless of the name, the core functions are generally the same. These teams:

- Receive reports of troubling student behavior
- Strive to understand a troubled student’s life by gathering information from team members and other available resources
- Evaluate the facts to determine whether a student poses a risk of harm or is in need of additional assistance
- Recommend an intervention that connects the student to beneficial resources or de-escalates the threat posed, or both

Discussions with administrators and other staff at dozens of colleges and universities reveal that many practices are commonly used to help team members identify, intervene with, and manage distressed, disruptive, or potentially violent students. Following are highlights from these discussions with deans of students, heads of counseling, campus law enforcement officers, legal counsel, risk managers, and officials involved with student discipline and student medicine. These personnel offered practical suggestions and reflections in four areas critical to the success of an institution’s student threat assessment team:

1. Forming a threat assessment team
2. Reporting student behavioral concerns
3. Assessing and intervening with students of concern
4. Sharing and documenting information
Forming a Threat Assessment Team

With students’ health and welfare at risk, an institution’s threat assessment team must be able to get to work as soon as the need arises. This requires organization and planning long before there are indications of trouble. Here are several steps that institutions take to ensure a well-functioning team.

Lay the Foundation

Reasons for a Team

The concept of threat assessment teams in education is not new or untested. Some higher education institutions have had teams for more than 20 years. Many colleges and universities have established workplace violence teams but not student threat assessment teams.

Since 2002, the Department of Education, Secret Service, and FBI have recommended threat assessment teams as a way of preventing school shootings and promoting a safe school climate.1 An updated study of the SSI, now under way, will examine acts of targeted violence that have occurred at colleges and universities and apply the threat assessment process to higher education institutions.

Teams are also valuable from a liability perspective. In 2008, Virginia and Illinois passed laws requiring in-state colleges and universities to create threat assessment teams. Several public and private entities that reviewed campus security in the aftermath of the Virginia Tech shootings recommended that colleges and universities create such teams.2 The strong support for the creation of threat assessment teams is likely to shape a court’s interpretation of an institution’s duty of care to respond to student behavior.

Through the eyes of the law, all campus personnel are representatives of the institution whether they are from the same or different departments. As representatives of the institution, each employee’s knowledge of a student is generally attributable to the institution. Once an institution has knowledge or notice that an aspect of a student’s behavior is of concern, the law charges the institution with a

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1 One of the recommendations to come out of the Safe School Initiative (SSI) was that educational institutions should adopt a threat assessment process to prevent targeted violence at schools. In the compendium guide to the SSI, Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates, the Secret Service and the Department of Education recommend creating multidisciplinary teams to perform the threat assessment process and to create a safe school climate. Similarly, the FBI also issued a report, The School Shooter: A Threat Assessment Perspective, that recommends the creation of multidisciplinary teams at schools to conduct the threat assessment process and prevent violent attacks.

2 These entities include the U.S. Departments of Education, Justice, and Health and Human Services; the National Association of Attorneys General; the International Association of Campus Law Enforcement Administrators; and state task forces from California, Florida, Illinois, Iowa, Massachusetts, Missouri, New Jersey, North Carolina, Oklahoma, Virginia, and Wisconsin.
duty to respond reasonably to that issue. This is true even if an employee has not shared knowledge about a student with others, and it means that institutions likely will be legally responsible for making coordinated and informed decisions regardless of whether any coordination has occurred. If there is poor communication among different campus departments and an institution’s response to student behavior is ineffective, a court may view this as compelling proof of negligence—especially in light of the recent reports recommending the creation of campus threat assessment teams.

Multidisciplinary representation on teams promotes informed and coordinated decision making, thereby increasing the likelihood of an early intervention with students who are distressed or struggling. Institutions do not have to wait until there is a crisis that would trigger a response by the student discipline, criminal, or civil system. Rather, they can intervene when there are lesser but still troubling behaviors by students and possibly prevent a downward spiral that could result in a student’s self-destructive act or harm to others. Early intervention can help provide students with needed resources in a timely fashion.

**Team Objectives**

Threat assessment teams typically serve the following functions:

- Provide a repository for information about student behavioral concerns across different campus departments to identify students in distress as early as possible
- Facilitate timely communication among different campus departments about individual student behavioral concerns
- Investigate or gather additional information about individual students of concern
- Assess the information so that the institution can devise an appropriate response
- Recommend interventions and case management strategies that connect students with needed resources and de-escalate any threat
- Assist in educating the campus community about the types of behavior or concerns that they should report to team members

Some teams or their related oversight committees also perform the following functions:

- Investigate behavioral issues of nonstudents, such as those presented by former students, parents of students, student acquaintances, significant others, campus visitors, or faculty and staff. Because threats to campus safety can arise outside the student population, some institutions expand their team’s focus to include reports of concerning behaviors from many different constituencies.
- Develop policy recommendations based on an evaluation of data on student behavior dealt with by the team. By monitoring students’ behavioral issues handled by the team, institutions can make targeted improvements in different campus policies and practices. For example, if a team notices that most troubling behavior arises from graduate-level students, they may suggest different initiatives focused on improving the graduate curriculum or learning environment.
- Coordinate with related campus groups or committees (such as the institution’s crisis response committee or sexual assault team) on matters that could affect other committees by, for example, sharing trend data or discussing methods for improving team protocols. Depending upon the desired level of coordination, this communication may be facilitated by common members of related committees, a standing joint-committee meeting, or simply regular conversations between team members.
Many teams do not have disciplinary authority and remain focused on serving as a triage mechanism. This approach is beneficial because it avoids:

- **Inconsistent results.** An institution would not need, for example, two student judicial processes, one for the threat assessment team and the other for the college’s standing student judiciary body. Such a circumstance could lead to duplication and conflict. From a liability perspective, conflict between two processes could make the institution appear negligent of violating its own policies.

- **Chilling effect on reporting.** Disciplinary authority can have a chilling effect on the reporting of information. People would be less likely to report behaviors to the team if that report would potentially get the subject in trouble.

- **Supplanting the expertise of others.** The job responsibilities of many team members do not include authority to discipline students. When a threat assessment team is given authority to take administrative actions against students, team members then supplant job functions assigned to others with greater knowledge and expertise to discipline students in accord with the institution’s policies and procedures.

### Pre-Existing Multidisciplinary Relationships

Most institutions have some multidisciplinary coordination among departments, which can serve as a model for the threat assessment team. Examples of naturally occurring multidisciplinary relationships on campus include:

- A workplace violence team
- A close relationship among two or more of the following: student discipline, student affairs, student counseling or medicine, housing, and security
- An institution’s sexual assault team that coordinates with security, student health, the women’s and men’s centers, or student discipline

### Create the Team

#### Team Name

Most teams handle a broad array of student issues, not just violence, and their names reflect that. Preferred titles accurately reflect the team’s ability to receive and respond to all types of student behaviors. By omitting or de-emphasizing the word threat, students are not unfairly stigmatized and any chilling effect on reporting is reduced. Sample team names include:

- Student Coordination Committee (SCC)
- Behavioral Evaluation and Threat Assessment Team (BETA)
- Alert Team
- Student Assistance, Facilitation, and Evaluation Team (SAFE)
- Behavioral Intervention Team (BIT)
- Assessment and Care Team (ACT)
- Campus Intervention Team (CIT)
- Student Review Team (SRT)
- Student Concerns Team (SCT)

#### Team Size

Student threat assessment teams work well when they have five to 20 members. Because one of the team’s primary objectives is to gather information about a troubled student’s life, different campus functions will have different pieces of information that need to be compiled to form a complete picture.

A group with fewer than five members could have difficulty fostering the needed communication among various campus constituencies. Greater pressure would fall on the few members to gather information themselves. Team members may overlook some data if they do not adequately cull information from the larger campus community. Too small a group also is susceptible to communication biases and preferences of its members. The group risks becoming insular in its decision making and may believe it is making informed decisions, when, in fact, its members lack necessary information.
Larger groups benefit from regular interaction among a broader array of representatives from different campus departments. Ongoing team participation improves each member’s understanding of the different campus departments and their interrelationships. Better communication and coordination allow team members to gain a fuller understanding of a student’s life. With the increased coverage across campus functions, a larger group can help prevent troubled students from manipulating different campus administrators and perpetuating the behavioral problem.

While a small team may assemble more easily to respond to situations, many larger teams do not find that their size creates a problem. Rather, a team’s inexperience or lack of history can form the basis for problems. Newer teams may experience some difficulties in developing team chemistry and overcoming personality conflicts, but such problems often dissipate with long-established teams. Although it may take longer to develop lines of communication with more team members, this hurdle is surmountable. Once overcome, teams tend to find no difficulty in assembling and communicating in a timely manner.

Twenty is as large as a team should be. It becomes increasingly difficult to assemble a team that is too large, and many team members may not have relevant information on a majority of the cases. Their participation would be an ineffective use of time and resources and could elicit questions about sharing a student’s information with more people than necessary. A solution is to establish a smaller standard team and consult additional people from different campus departments as needed. Pertinent information would be shared by campus departments that are not represented on the team but only called when necessary to benefit a student or the campus.

Where an institution falls on the five-to-20 member spectrum will depend on size, resources, and culture. Each institution has to strike its own balance. Institutions need to seek involvement that adequately represents their different campus departments but still keep the team small enough to act quickly, share essential information, and efficiently use resources.

**Team Composition**

Different institutions will include different departments on the team depending on their staff positions and responsibilities. For example, one institution may have a director of student retention, while another does not. An institution’s general counsel may handle real estate or corporate law, which has no relevance to the committee, but counsel at another college may work with student affairs. The committee should reflect each institution’s staffing and structure.

**Departments critical to the team’s function:** At a minimum, an institution should consider representation from the departments that primarily interact with students on a variety of issues. The most critical departments include:

- **Student affairs** has its finger on the pulse of student activities and behaviors and is best poised to communicate directly with students in need or their families.

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3 In Virginia and Illinois, state laws passed in 2008 require public higher education institutions to create threat assessment teams. The Virginia law requires that the team contain representatives from the departments of residential life, academic affairs, law enforcement, the counseling center, and student judicial affairs.
- **Judicial affairs** has knowledge about students against whom disciplinary action is sought or considered and brings an understanding of the range of potential disciplinary or administrative actions an institution can invoke to intervene with struggling students.

- **Residence life** can be a prime source of information about the behavior of students living in or visiting campus residence halls.

- **Mental health services** can receive information although professional standards of confidentiality prevent them from disclosing client information. Team discussions can help professionals make informed decisions about whether it is appropriate to break a client’s confidence, and when the team discusses people who are not clients, the mental health practitioners can provide valuable insight into potential interventions.

- **Student health** professionals cannot divulge patient information because of professional ethics, but their medical training and experience are valuable in providing perspectives on identifying and responding to students in distress. They can be a key ally in building relationships with the institution and community health providers, such as the local hospital or state mental health facilities.

- **Public safety** can offer information about incidents of criminal activity, persons demonstrating suspicious but noncriminal behavior, responses to medical situations, and welfare checks on students of concern. Public safety’s experience and training are valuable in responding to and assessing potentially violent behaviors or behaviors that rise to or involve a criminal response. An institution without a robust campus safety department should develop a relationship with its municipal police department and consider placing a police representative on the team.

- **Academic affairs** is both a source of important student information and an ally in ensuring implementation of the team’s intervention strategies. Also, faculty members would likely seek out this representative to discuss any concerns over troubling student classroom behavior.

**Departments helpful to the team’s function:** Some institutions may also consider including the following personnel on their team:

- **Legal affairs** can provide advice on legal issues that affect the team’s function, such as permissible information sharing and documentation practices, thereby empowering the team to take actions and share information when there is a fear (whether real or perceived) of legal issues. Counsel can also provide advice to reduce liability risks associated with a team’s actions.

- **Disability resources** has knowledge of students who are classified as disabled and can suggest appropriate responses and accommodations. These personnel can also help to ensure that the team’s recommended strategy does not run afoul of federal and state disability laws.

- **Risk management** professionals who manage an institution’s claims and risks can be helpful in guiding its response to different student situations while limiting the institution’s liability exposure.

- **Public affairs** professionals can advise the team on providing information about the team’s actions to the media and its campus audiences.

**Additional departments the team may involve:** The team may want to consult with several other departments and personnel in appropriate cases, such as student outreach or student retention, athletic director or administrator, sports medicine, ombudsman, women’s and men’s center, faculty advisor, office of international students, president’s office, or chaplain.

**Additional personnel to consider:** A decision to include one or more other personnel often depends upon their expertise, willingness, and personalities. Here are some questions to consider in deciding whether to add a representative of a campus department on the team:

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4 In most states, the professional standards for client confidentiality that apply to mental health practitioners prohibit them from disclosing, without client consent, any client information (to include whether an individual is a client) unless there is a substantial threat of death or severe bodily harm.
Is this person or department an important source of information about an area of student life?

Is this person or department knowledgeable about liability issues affecting the institution?

Is the person influential, and does his or her scope of influence have an impact on the team’s decisions on a regular basis?

Is the individual one who builds and maintains relationships across disciplines and departments?

Does this person have the ability to get along, communicate, and coordinate to achieve team goals?

What impact will the person have on team chemistry?

Even people who are not standing members of the team can influence it. Team members may bring representatives from different campus departments to meetings to advise on an ad hoc basis.

**Team Chairperson**

Team chairpersons are ordinarily from student affairs, judicial affairs, campus law enforcement, or counseling and mental health services. The chairperson’s personal characteristics, rather than functional position, often dictate his or her success and compatibility with the chair position. In selecting a team chairperson, a college or university should look for someone with the following attributes:

- Understands and champions the team’s purpose or goals. Problems may occur when team members feel more passionately about the team’s purpose than the chair.
- Has time to chair team meetings and a commitment to making team activities a priority.
- Is respected by his or her peers and is well organized.

**Team Structure**

Student threat assessment teams can be structured in many different ways to best serve the institution’s unique needs. An institution should determine the appropriate structure based on:

- **Institution size:** A larger institution may need to include more people on the team to achieve coverage across campus.
- **The existence of pre-existing assessment teams or committees:** If an institution already has a workplace violence team, it may want to expand the focus of this team to include students.
- **Other campus initiatives:** A team may include an oversight committee so that team data or experience can be used to support other campus initiatives, such as improving student mental health services.

Colleges and universities with established student threat assessment teams follow one of three general structures. The following describes the three models:

**Model 1—Threat Assessment Team with Violence Subteam**

Under model 1, an institution has an independent threat assessment team that focuses broadly on student behavioral concerns. This team generally is not subject to oversight by or coordination with other campus teams. The team usually meets on a weekly or biweekly basis but in some instances once a month, adding sessions when needed.

At some institutions, the chairperson for the student threat assessment team may also preside over the workplace violence team that is focused on troubled faculty and staff. Institutions that have separate teams assessing behavioral concerns of employees and students often coordinate the two teams by having a common member, such as the team chairperson, or occasionally holding joint meetings. This coordination ensures that the teams use a consistent approach to case assessment, which is valuable when employee and student issues overlap.

A violence subteam has potential benefits provided members receive threat assessment training. Training of the entire subteam is necessary even when it includes a person or consultant with threat assessment expertise (see “Train the
The subteam allows specialization so that issues of potential violence are handled by a smaller, more nimble group that understands how to investigate, assess, and manage individuals presenting a threat of violence to others.

The subteam can work particularly well when an institution has a strong campus police force. Here, a few members of the police force are trained in threat assessment investigations. These police officers gather background information on students whose behavior is reported. If results of the background investigation and team discussions indicate that the student poses a threat, the case would remain with the violence subteam. However, if the subteam’s assessment indicates that the student does not pose a threat, the matter would be referred for handling by the threat assessment team.

Model 2—Threat Assessment Team with Oversight Committee

Model 2 is similar to model 1 in that it usually meets on a weekly or biweekly basis and may include a violence subgroup. However, model 2 also includes a multidisciplinary oversight committee to monitor the threat assessment team’s actions.

The oversight committee meets less often than the threat assessment team, usually monthly, quarterly, or as needed. At some institutions, the oversight team can be much larger than the threat assessment team and can include representatives from many other campus departments. At others, the oversight team is smaller. Regardless of size, the oversight team typically includes representatives from the threat assessment team, such as the chairperson, certain select core team members, or, in some cases, all of the core team members. The oversight team often includes individuals not on the core team, such as a representative from the president’s office or municipal police department or other public service provider.

The oversight team can serve many purposes depending on the institution’s needs. Often it does the following:

- Oversees the activities of, and provides input to, the core team.
- Handles general crisis response issues.
- Provides feedback on cases that present severe or complex risks. For example, if a particular case presents a risk of harm that involves many campus constituencies, the threat of a lawsuit, or damage to the institution’s public relations or reputation, the threat assessment team might seek guidance from the oversight committee.
- Monitors the cases the threat assessment team handles and identifies trends in critical incidents, campus safety, and student issues. Based upon the trends identified, the oversight committee may recommend changes to institutional policy and procedures.
- Reviews the threat assessment team’s procedures and recommends improvements concerning the team’s actions or processes. Topics include:
  - Means used by campus constituencies for reporting to the core team
  - Education of campus constituencies about reporting
  - Responses to the reports received
  - Investigation and assessment of reported cases
  - Case management strategies
  - Team communication
  - Team documentation practices
  - Team composition and chemistry

Model 3—Threat Assessment Team with Multiple Supporting Committees

Under model 3, supporting committees exist to address discrete issues related to the matters handled by the threat assessment team. The chairperson of each of these supporting committees sits on the threat assessment team and reports on them. Threat assessment teams make these supporting committees responsible for particular issues that may require special focus or expertise, such as campus violence, alcohol abuse, relational violence, threatening behaviors, or mental health.

**Train the Team**

Team training is important to develop chemistry and expertise, whether the team is newly formed or well-established and regardless of its structure. Effective training can include the following:

- **Threat assessment training:** This specialized form of training was developed by the Secret Service and FBI.
Neither mental health nor law enforcement professionals receive threat assessment training as part of their required professional curriculums. So, simply having such professionals on an institution’s team does not bring threat assessment expertise. It is important, then, that the entire team or its violence subgroup receive threat assessment specific training. Qualified individuals and firms offer this type of training, but it is important to vet the credentials of potential trainers and look for those with an established history and experience in conducting threat assessments.

One of the first tasks a team should address shortly after its formation is to vet and select a threat assessment expert to provide training and consultation. Threat assessment training should occur before the team is required to conduct an assessment. When a team is in the midst of determining whether a threat exists, time is of the essence. Avoid wasting any critical time by establishing a relationship with a threat assessment expert before assessing reports.

- **Table-top exercises:** Practice exercises are effective for newly formed teams and those working on improving their assessment process. Walk through different hypothetical scenarios involving distressed students. For example, give every team member an envelope that contains different pieces of information about a hypothetical student. Then, have team members work through the scenarios by discussing:
  - What information is known and what information needs to be gathered?
  - What is each team member’s role and how is information communicated to the team as a whole?
  - What are potential options for responding to the situation?
  - What campus departments are most appropriate to facilitate the response?

- **Legal training:** Tap in-house or outside counsel to train the team on information-sharing laws, documentation practices, disability laws, and other legal issues related to a threat assessment team’s practices. To promote familiarity with the laws, conduct this training at least annually. Also, ask counsel to prepare a summary of all the laws covered so that team members have a quick reference when necessary.

- **Lessons learned:** On a quarterly or even a monthly basis, teams should review the cases handled to identify areas for improvement and successful practices. Oversight teams, if available, may perform the review, but the lessons learned should still be imparted to the core team.

- **Educational webinars, conferences, or other programs:** Attendance at these types of education programs can help the team to bond, foster dialogue on important issues, and broaden members’ consciousness and knowledge base. Many organizations sponsor programs addressing a wide range of student-related issues. Organizations that have sponsored programming on threat assessment and other student issues include:
  - The Association of Threat Assessment Professionals (ATAP) has national and regional conferences with education programs on a variety of threat assessment issues.
  - The Association of Student Conduct Administration (ASCA) provides national and regional programs on a variety of issues confronted by student conduct offices.
  - Stetson University’s National Conference on Law and Higher Education is an annual program addressing a wide variety of campus legal issues.
  - Legal Issues in Higher Education at the University of Vermont is an annual conference covering relevant legal and student affairs issues in higher education.
  - United Educators has previously produced telephone roundtables and other resources on threat assessment and campus violence. Visit UE’s website to access these resources.

For more suggestions, ask team members about the professional organizations to which they belong and the types of continuing education programs they have attended or would recommend.

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5 Mental health professionals are not adequately trained in predicting or preventing violent behavior, according to the book Rethinking Risk Assessment: The MacArthur Study of Mental Disorder and Violence, by psychologist John Monahan. Moreover, mental health professionals are only accurate in their predictions of whether an individual will act violently about 30 percent of the time.
Teams often learn about a troubled student only after it is too late. Four out of five young adults who attempt suicide have given clear warnings, according to the Jed Foundation. The SSI found that 93 percent of school shooters exhibited troubling behavior prior to the attack. Moreover, in 81 percent of the school shootings studied, at least one other person had some knowledge of the attacker’s plan. These statistics indicate that many students who harm themselves or others exhibited behavior that generated concern before the event. If their earlier troubling behavior is reported to the threat assessment team, these harmful events may be averted.

To ensure that critical information is reported on a timely basis, the team needs to take the following steps:

1. Identify potential reporting sources.
2. Educate potential reporters.
3. Create practical reporting options.
4. Audit the effectiveness of education and reporting methods.

**Identify Potential Reporting Sources**

People who have regular contact with students are obvious sources for reporting behavioral concerns. Fellow students, faculty and staff, threat assessment team members, and family members are among the most likely sources. Other people who may have only casual contact with a student can provide useful information, too. They include:

- **Online acquaintances and others** who may only know the student through social networking sites, blogs, message boards, chat rooms, video-sharing sites, and the like but still may spot troubling behavior.¹
- **Community members,** such as local merchants and neighbors, who live and work in the institution’s community may witness behavior that they find worrisome.

¹ An April 16, 2008, article from CNN.com chronicles the suicide of Virginia Tech student Daniel Kim. According to the article “Dad: Virginia Tech Treated Suicidal Son Like ‘Joke’,” online acquaintances of Kim’s emailed Virginia Tech’s health center to notify the staff that they thought Kim was suicidal because of the content of his online communications.
Local service providers, such as personnel from hospitals, police, and state mental health facilities, can notify the institution if a student is arrested, hospitalized locally, or ordered by a local court to undergo a psychological evaluation.

Educate Potential Reporters

A 2008 report by the Secret Service and the Department of Education found that school climate affected whether bystanders came forward with information about threats. The report, *Prior Knowledge of Potential School-Based Violence: Information Students Learn May Prevent a Targeted Attack*, found that bystanders were more likely to volunteer information if they thought the school would take it seriously and address the situation appropriately.

For institutions to foster an environment in which individuals understand that certain information is valuable and should be shared, the threat assessment team must educate potential reporters about the team’s existence, its purpose, and the types of behaviors that should be reported.

The Team and Its Purpose

Many institutions are hesitant to tell people about their student threat assessment teams, preferring instead to operate in secret. However, secrecy is not in the best interest of the institution.

Some states have already passed laws requiring institutions to create threat assessment teams, and others are in the process of doing so. Campus constituencies are more likely to take comfort from knowing there is a team than feel anxious about it. When teams operate in secret, constituents’ suspicions are automatically raised. They question the need for shadows and perceive impropriety even when there is nothing to hide. When people understand that there is an established mechanism for responding to such reports, institutions have a better chance of creating a climate in which people feel comfortable reporting information and concerns.

People are often reluctant to report information because they fear they will get someone in trouble or stigmatize a person. An institution has to assuage those fears. In any descriptive communications, the institution should emphasize the team’s proactive function of coordinating resources for students in need and emphasize that it is not a disciplinary body. Even the team’s name can emphasize these helpful aspects of the team (see “Team Name” on page 4). When describing the team, consider the following sample language:

**Student Concerns Team**

The Student Concerns Team consists of a multidisciplinary group of administrators, staff, and faculty who support and coordinate services for students whose observed behavior has caused concern.

You may contact any of the team members listed below to report your concerns about a student. The information will be shared with the team to determine appropriate action, which may include contacting or convening other members of the community as needed and on a case-by-case basis.

The Information to Report

Keep the following points in mind when communicating the type of information reporters should submit:

- Reporting thresholds should be low.
- Descriptions of what to report should be brief and simple.
- Situations or behaviors that present an immediate threat of harm should be directed to police and not the team.

Many institutions have created detailed guides about the warning signs of distressed students. These guides contain long lists that elaborately describe potential signs displayed by a student in distress. Some delineate the number of times certain behaviors must be observed before they can be reported, while others differentiate between levels or states of distress and describe a series of action steps for concerned individuals to take at each level. Such a detailed document may easily overwhelm or intimidate potential reporters, or it may simply deter people from reading the guide. Others may not come forward for fear that their concerns do not match one of the guide’s warning signs or because they did not attempt one of the guide’s recommended action steps.
It is far more helpful to keep your guidance simple and brief and preface it in such a way to encourage reporting of any and all troubling behavior. Take a cue from the simple slogan developed by the New York Transportation Authority to promote reporting of suspicious activities—“If you see something, say something.” When describing what to report whether on a website, in an email, online, or face to face, consider the example on the following page.

**Different Education Methods**

Institutions use a variety of methods to educate and train potential reporters, such as websites, online training, live workshops and presentations, and emails.

- **Live workshops or presentations**: An institution’s size will determine how many reporters it can reach through an in-person presentation or workshop. Campus administrators maintain that these in-person programs are the most effective way to educate on-campus groups. Typically, the chairperson of the threat assessment team, another team member, or an outside consultant leads the presentation. Below is a list of campus constituencies to consider training through this method. Large constituencies, such as staff and faculty, can be better managed if they are segmented for training (by department, for example):
  - Administrators
  - Staff
  - Faculty
  - Resident advisors
  - Student groups (athletics, Greek life, and other organizations)
  - Parents
  - Members of the local community or town

- **Webpage**: The institution’s website is the one vehicle that has the ability to reach all potential reporters, including “concerned others” who may only know a student from online contact. For this reason, the threat assessment team should work with the information technology (IT) department to create webpages that are easily accessible.

- **Online training programs**: Online training is a convenient and economical way to educate on-campus reporters and is one of the best ways to reach faculty and adjunct faculty.

- **Emails to faculty, staff, students, and parents**: Institutions may consider sending annual or bi-annual email updates to faculty, staff, students, or parents to educate them about the team and reporting options.

- **Articles in the student or local newspaper**: Students are likely to read articles about the team and its purpose in the student newspaper.

- **Public service announcements on the student radio or television station**: A series of short public service announcements that briefly outline what and how to report can garner a lot of attention.

- **Pamphlets or posters**: Many institutions create short pamphlets or posters about the team and post them in places of visibility, such as student residence halls, public restroom stalls, and a student union.

**Create Practical Reporting Options**

To reach the broadest audience of potential reporters, institutions should offer many reporting options. By including several departments on the team, institutions can tap into pre-existing communication channels and the information shared within those departments. When only a few reporting methods are offered—such as a single email address or phone number—the institution limits the audience of potential reporters to those that prefer those methods. Should those methods fail to function properly, the information may never reach the team.
EXAMPLE: Communications Encouraging Reporting

Student Concerns Team Seeks Your Help

Student Behavior Involving an Immediate Threat
If you believe a student is in need of medical treatment or poses an immediate threat to himself or herself or to others, call 911 or campus police at 555-1234. Some examples of situations where police should be contacted immediately:

- A student has access to weapons and is threatening to use them.
- A student is attempting suicide.
- A student otherwise indicates he or she intends to do harm to self or others.

Student Behavior of Concern
If you do not believe the student is an imminent threat, you still can report a student’s behavior that is:

- Extremely unusual
- Troubling or concerning
- Disruptive to your environment (classroom, office, or other)
- Causing discomfort to you or others
- Potentially threatening in any way

Please contact the Student Concerns Team, which consists of a multidisciplinary group of administrators, staff, and faculty who support and coordinate services for students whose behavior has caused concern.

Remember—If your instinct or gut feeling tells you something is wrong, trust it. Don’t wait for tangible “proof” that a problem exists. Promptly report your concerns to the Student Concerns Team.

Another issue to consider is the potential drawback of encouraging reporters to submit information to the counseling center. While a recommendation for counseling may be an intervention strategy that arises out of a threat assessment team’s investigation, counseling may not be the best department to receive reports. Confidentiality of client information is an important component in the success of the counseling process. If the counseling center forwards reported information to the threat assessment team, the perception of patient confidentiality may be damaged. Moreover, not all troubling behavior is indicative of a mental health problem. Yet, if reports of student behavioral concerns are directed to the counseling center, all reported behavior issues may be viewed through a mental health lens. Lastly, given the importance of client confidentiality, counseling center personnel are often conservative about sharing information (even when there are no legal or ethical prohibitions). Many mental health professionals may simply decline to share any information reported to them for the threat assessment team to evaluate.

Consider the following options to encourage reporting:

- **Appoint a threat assessment team member to be a liaison with every campus department:** Student threat assessment teams at many campuses enhance reporting by appointing individual team members as a liaison to every department at the institution. A liaison chart that lists different campus departments, the contact person for the department, and the corresponding threat assessment team liaison can document this arrangement (see Appendix B for a sample liaison chart). Once established, the departmental contact and the team liaison can serve as a conduit for department reports to the threat assessment team.

- **Reach out to campus departments (not represented on the threat assessment team):** Team-member liaisons should reach out to the following campus departments to obtain information about students who are displaying troubling behavior. For example:

  - **Maintenance or dining services**—Employees providing support services such as janitors, maintenance, and food service workers are often an important source of student information. Students may engage in behavior in front of support staff without knowing or caring because they see the staff as “invisible.” Moreover, students may confide in support staff since they are not in a position of authority.
  
  - **Graduate and professional schools**—The rigors of graduate and professional programs can prompt behavioral issues in these students.
- **Offices devoted to special student populations (first-year students, international students, disability services)**—Offices serving special populations may have pertinent information since the students belonging to special populations are often under greater stress and may display behavioral issues.

- **Honor boards**—Some institutions have honor codes and a process for their enforcement. Students who violate these codes should be reported to the team.

- **Student groups, including fraternities and sororities, clubs and athletics**—Given the frequent interactions of group members, coaches, trainers and even fans, these groups can be an important source of student information.

  - **Reach out to local hospitals, other mental health facilities, and the police department**: Appointed team members should conduct outreach with local service providers on a regular basis. For example, the head of student medicine can develop a relationship with people in the emergency room of the local hospital, while the institution’s counseling staff develops a liaison with the hospital’s psychiatric staff. Campus police can do the same with the local or municipal police department.

  - **Offer numerous methods for reporting information to the team**: A variety of reporting options makes it easy for people to communicate with the team. These methods can include a special threat assessment team email address as well as choices for telephone and text communications so that people can notify the team as a whole rather than just individual members.

  - **Offer an anonymous reporting option**: An anonymous reporting option can encourage people to come forward who might not otherwise because they feel uncomfortable relating certain information or fear for their own safety.

### Assess the Effectiveness of Education and Reporting Methods

Institutions should annually audit the threat assessment team’s efforts to identify and educate potential reporters and the reporting methods made available to potential reporters. Many factors affect whether critical information reaches the team, such as turnover of potential reporters (as a result of student graduations, staff and faculty job changes), cumbersome reporting methods and failure to train reporters adequately. A regular audit can help the team spot and correct any issues that deter reporting.

Consider the following three-step process to assess the effectiveness of a team’s education and reporting methods.

**Step 1: Create a Record**

Use a form to document education and reporting methods like the “Education and Reporting Methods Audit” form, shown on page 15. (Also see a blank form in Appendix C on page 33.) This document makes it easy to keep track of all potential reporting sources (in column 1), the methods for educating them about the team and reporting (column 2), the frequency of training (column 3), and the reporting methods the team makes available to reporters (column 4). By keeping the form up-to-date, team members will have the facts they need at hand when they evaluate their methodology during annual audits.

**Step 2: Examine Reports Received**

Once a year, the threat assessment team or its oversight committee should review the reports received by the team during the past 12 months.

The team should answer the following:

- How many reports did the team receive?
- Who submitted reports?
- How many reports did each source submit?
- Did the team receive reports from all potential reporters?
- Were any potential reporting sources underrepresented?
- Do the quantity and source of the reports match expectations?

The review should also focus on individuals who had reportable information but did not report it. Interview them to understand why they did not submit that information to the team.

This information is required to evaluate fully the team’s efforts at educating and training potential reporters and offering practical reporting methods. The team should record the results of this review in column 5 of the audit form.
Step 3: Evaluate Education and Reporting Methods

Once the team or oversight committee has completed a review of the reports received by the team over the prior year, it can use the audit form to assess the effectiveness of current training and reporting methods. To complete the form, the team should consider doing the following:

- Review the education methods used for different groups of potential reporters (columns 2 and 3).
  - Do all potential reporting sources receive some education or training?
  - What type of training is provided?
  - How often do they receive education or training?
- Review all reporting methods offered to each group of potential reporters (column 4).
  - What reporting method is each group informed about?
  - What reporting method did it use?
  - Are the groups that report less offered different types of reporting methods?
- Review the problems with or barriers to education or reporting methods that were identified during step 2 (column 5).
- Is it possible to remove or overcome any barriers or deterrents to reporting through an improvement or change to the team’s efforts? If yes, identify the specific improvement or change that the team can implement (column 6).

The example on the following page illustrates how to complete the audit form as it concerns “parents” as a potential reporting source.

After completing the audit form, the team or its oversight committee should understand which education and reporting efforts do not work and identify ways to improve the effectiveness of its education and reporting methods.

EXAMPLE: Form to Document Education and Reporting Methods

<table>
<thead>
<tr>
<th>Potential reporter</th>
<th>Education methods</th>
<th>Frequency of education</th>
<th>Reporting methods</th>
<th>Problem(s) identified during annual review of reports</th>
<th>Improvements to education and reporting methods</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parents</td>
<td>Presentation given at first-year orientation. Parents provided a list of potential warning signs.</td>
<td>Annually.</td>
<td>Team members’ email and phone number and an anonymous reporting phone number.</td>
<td>Very few reports submitted by parents; the few reports received came from first-year student parent group; reports made by telephone.</td>
<td>Expand scope beyond parents of first-year students by giving a presentation at Parents Weekend in the fall.</td>
</tr>
<tr>
<td></td>
<td>Website. Simple description of troubling behaviors listed.</td>
<td>Continuously available through the web.</td>
<td>Anonymous email address and phone number.</td>
<td></td>
<td>Parents want to report to an actual person. Team will provide contact information for one member as the parent liaison.</td>
</tr>
<tr>
<td></td>
<td>Informational pamphlet sent to parents of first-year students. Description of behaviors from website used.</td>
<td>Annually.</td>
<td>Contact information for all team members.</td>
<td></td>
<td>Will mail this pamphlet to all parents and not just parents of first-year students.</td>
</tr>
</tbody>
</table>
Assessing and Intervening with Students of Concern

Once a report about a distressed student is received, threat assessment experts recommend that teams follow a four-phase threat assessment process to evaluate the information and to determine an appropriate intervention strategy. A standard process makes it more likely that teams will act consistently and not let arbitrary or immaterial factors influence them. The four phases of a threat assessment process generally proceed as follows:

1. Initial screening
2. Pre-inquiry
3. Full Inquiry
4. Intervention

A threat assessment is a fact-based process, so a team may not address every phase or proceed through the phases in the same sequence. For example, if a team learns a student has threatened suicide, its first action would be to notify emergency personnel. Given the immediate risk of harm, the team would skip the pre-inquiry phase and move directly to a full and detailed inquiry. More ambiguous information—that a student is missing classes and appears depressed, for example—would call for a different approach. A pre-inquiry would be helpful to decide whether a full inquiry or an intervention is necessary. This framework provides teams with the flexibility they need in responding to the various possible threats.

Before adopting an assessment process, institutions should consult their legal counsel to make sure they can execute the process without violating their own policies and procedures, disability laws, student privacy laws, defamation laws, or any other laws relevant to the threat assessment process.

Initial Screening—Determine Whether an Emergency Exists

When a team receives a report of concern, its first question should be, “Is there an immediate danger or an emergency situation?” If the answer is “yes,” the team should immediately contact campus or local law enforcement.

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1 Advocates of this four-phase threat assessment process include Marisa Randazzo, president of Threat Assessment Resources International, and Gene Deisinger, deputy chief of police and director of Threat Management Services for Virginia Tech University.
A team’s ability to answer the question accurately requires an understanding of what constitutes an emergency or an immediate danger. Campus or local law enforcement professionals and administrators can provide team members with the training they need to understand emergency situations. These groups have experience and expertise in recognizing situations that need an urgent response.

There is no room for error when a call comes in. Team members will have to decide on the basis of the information in the initial report and any knowledge they already have about the student. When danger is believed imminent, there is little time for additional information gathering.

If the matter is referred to law enforcement, a team should proceed with a full inquiry and possibly notify its crisis response team. A full inquiry is necessary so that the team can prepare for the student’s possible return to campus after the emergency has passed.

If the team is unable to determine whether an imminent threat exists, it should move to the pre-inquiry phase. However, members should be alert to changes. If at any phase of the assessment process, the situation appears to be an emergency, team members should first contact law enforcement and then continue their assessment.

**Pre-Inquiry—Decide the Need for Further Inquiry**

If the team determines no immediate danger exists, it should ask itself, “Is a full inquiry necessary?” That answer requires two steps aimed at (1) gathering additional information and (2) addressing triage questions.

**Step 1: Gather Additional Information**

The team should consider the following sources to supply a range of information that will present a fuller picture of the student:

- **Threat assessment team records** to see if the student previously has been the subject of a report reviewed by the team.
- **Student affairs** to see if there have been any incidents involving the student.
- **Campus police or security** to check for past contacts with the student.
- **Local law enforcement** (even when an institution has its own campus law enforcement department) to see if the local authorities have had any contact with the student.
- **Judicial affairs** to check for prior contacts, patterns of problems, or escalation of rule-breaking behavior.
- **Academic affairs** for classroom and other incidents involving the student.
- **Residence life or housing staff** for residence hall incidents involving the student or observable behavioral changes, such as deterioration in personal hygiene.
- **Online resources** by searching the person’s name, the name of the institution, and the names of anyone he or she may have threatened, harassed, pursued, or scared. Recommended websites to search include:
  - Google.com
  - MySpace.com
  - Facebook.com
  - YouTube.com
  - Cuil.com
  - Technorati.com (searches blogs)
  - Twitter.com
  - Blackplanet.com
  - MiGente.com
  - Bebo.com
  - Xanga.com
  - Snopes.com
  - Craigslist.com (search the relevant city or town)
  - Thehoodup.com

**Step 2: Answer Triage Questions**

The team should use the information gathered during step 1 of the pre-inquiry to answer the following questions:
Full Inquiry—Determine if the Student Poses a Threat or Needs an Intervention

In a full inquiry, the team will develop a more complete understanding of a student by gathering additional information, assessing it, and determining whether he or she poses a threat of violence or is otherwise in need of intervention assistance.

Step 1: Gather Information

If the threat assessment team has not conducted a pre-inquiry, at this stage it should first gather information from the preliminary sources discussed above. If the pre-inquiry is completed, the team can build on that information and deepen its understanding of the student’s circumstances by contacting potential reporting sources. These information sources include:

- Fellow students that interact with the troubled student such as:
  - Classmates, roommates, and friends
  - Members of Greek organizations or student groups to which the student belongs
  - Teammates on varsity, club, or intramural athletic teams on which the student participates

- Faculty

- Staff such as:
  - University legal counsel or risk manager (if not on the team)
  - Honor boards
  - Janitors, maintenance, or food service workers

- Parents, legal guardians, or close relatives

- Concerned online acquaintances and others

- Community members, such as local merchants and neighbors

- Local service providers, such as personnel from hospitals, police, and state mental health facilities

If the answer to any of these questions is “yes,” a full inquiry is recommended. This is also recommended if there is not enough information to reasonably answer these questions. A full inquiry would not be necessary if the answers to all the questions are “no.” However, if the team learned about problems in the student’s life through its pre-inquiry information gathering (for example, a pattern of alcohol or substance abuse problems), the team should then consider appropriate intervention strategies to address these issues (see “Intervention—Manage the Threat or Provide Assistance” on page 22). It is helpful to document both the incident that brought the student to the team’s attention and the results of the pre-inquiry in case the student comes to the team’s attention again at a later date (see “Document Information” on page 27).
Prior schools that the student has attended. The team may request information from prior educational institutions, which may have information about problems that the student had in their settings.

Email or Internet information. Depending upon the institution’s policies, the threat assessment team may be able to access the student’s email account and any Internet search histories the student conducted. The team’s investigations may reveal that the student is at some stage of considering committing violence or suicide or both.

Team members do not have to ask these sources complicated questions. Rather, a team member can simply ask, “Have you noticed, heard, or been told anything about [student’s name] that seems out of the ordinary or concerning?” The team should be prepared to help people overcome any reluctance they may feel about providing information; people sometimes fear they will be perceived as overreacting or sounding an alarm. Encourage people to share any and every observation, even those they think may be nothing.

Step 2: Assess Information About the Student

The Secret Service and the Department of Education developed 11 questions that provide a framework for analyzing the information that threat assessment teams gather. Guidance on understanding the responses is available in the agencies’ publication Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates.

The following assessment questions have been adapted from the agencies’ guide to better fit the higher education environment.

1. **What are the student’s motives and goals?**

   In answering this question, the team is looking to understand what motivated the student to make the statements or take the actions that brought him or her to the team’s attention and whether these circumstances still exist. Does the student have a major grudge or grievance that motivated his or her troubling behavior? If so, the team should determine against whom or why the student feels this grudge and how the student would like the issue resolved. This information can be helpful in crafting an intervention strategy.

2. **Have there been any communications that suggest the student is intending to harm himself or herself or others or has ideas about doing so?**

   Examine the student’s communications to friends, potential targets, co-workers, faculty, family, and others. Also, examine the student’s written communications through websites, blogs, emails, or journals. Any talk about doing harm is a strong indicator that the student may be on a pathway toward violence.

3. **Has there been any behavior that suggests the student has ideas about harming himself or herself or others?**

   Concerning behaviors might include:
   - Developing an idea or plan to harm himself or herself or others
   - Making efforts to acquire or practice with weapons or other material to support a violent attack
   - Observing possible locations for a violent attack
   - Stalking or monitoring potential targets
   - Gaining access to potential targets
   - Rehearsing attacks or ambushes

   Evidence that a student has engaged in attack-related behaviors indicates that the student is on a pathway toward violence and is taking steps toward carrying out an idea to do harm. This is a serious sign of the potential for violence. As such, a team should seek to corroborate the reliability of reporting sources who say a student is engaged in attack-related behaviors.

4. **Does the student have access to weapons or the means to carry out an act?**

   Seek to find out whether the student has access to weapons and ammunition for carrying out an act of harm. Although possession of a weapon does not mean a person is on a pathway to violence, ownership together with evidence of a student’s idea to do harm should raise the team’s concern.

5. **Has the student shown inappropriate interest in any of the following:**
- Workplace, school, or campus violence
- Weapons (including recent acquisition of a weapon)
- Incidents of mass violence such as terrorism, workplace violence, and mass murderers
- Obsessive pursuit, stalking, or monitoring of others

A “yes” response to this question does not necessarily mean the student poses a threat or is otherwise in need of help. However, if the person shows inappropriate interest in these topics and raises concerns in another way, such as communicating an idea to harm, expressing despair, or purchasing a weapon, the team should be concerned because of the combination of these facts.

6. Is the student experiencing hopelessness, desperation, or despair?

Identify if the student has experienced a recent failure, stressful event, loss, or loss of status. If so, the team should examine how the student is coping with it. For example, has the student been using drugs or alcohol more frequently? Is the student often absent from class? Has the student’s personal hygiene declined? Does the student talk about suicide? These are signs that the student may be experiencing hopelessness, desperation, or despair.

Many persons who have engaged in violence have been suicidal prior to or at the time of their attacks. While most people who feel hopeless or suicidal will not pose a threat of harm, they are still in need of help. If there is no information indicating an idea to do harm, but the team determines that the student is experiencing, or has recently experienced, desperation or thoughts of suicide, or both, the team should develop a plan to refer the student for mental health care. But if the team determines that the student is experiencing hopelessness and there is information indicating an idea to do harm, the team should devise a plan to intervene.

7. Does the student have a trusting relationship with at least one responsible person (such as a friend, significant other, roommate, colleague, faculty advisor, coach, or parent)?

Determine whether the student is emotionally connected to other people. Check to see if there is at least one person in whom the student confides. If so, this is positive so long as the confidant does not promote using violence or self-destructive methods to solve problems. If the confidant shares an interest in violence or self-destructive behavior, this can increase the likelihood that the student will engage in an act of harm. If the confidant does not, the team may solicit the person’s help in developing an intervention plan.

8. Does the student see violence as desirable or the only way to solve problems?

Examine whether the student’s friends, co-workers, parents, or colleagues explicitly or implicitly support or endorse violence as a way of resolving problems or disputes. For example, has the student been dared by others to engage in an act of violence? Try to ascertain whether the student identifies with perpetrators of violence or glorifies acts of violence. A student who does is more likely to perceive violence as a desirable way to solve problems.

If the student sees violence as a potential, reasonable, or desirable solution to his or her problems, the team should be concerned. It should consider its options for helping the student solve the problem or improve the situation so that violence no longer appears to be a viable solution.
9. Is the student’s conversation or “story” consistent with his or her actions?

Depending on the circumstances, the team may decide to interview the student who is the subject of the threat assessment inquiry. The team can use the interview as an opportunity to determine how forthcoming the student is. For example, determine whether the student’s version of the situation confirms or disputes the information from collateral interviews. If what the student says he or she is doing conflicts with what others report, the student may be lying.

Often a direct talk with the student can act as a deterrent because it gives the student a chance to tell his or her side of the story. This opportunity to be heard can reduce the student’s anger and hostility and create a rapport. The rapport can be helpful if an intervention is necessary. However, the less forthcoming the student is, the more work the team will have to develop a rapport if an intervention is necessary.

10. Are other people concerned about the student’s potential for violence?

Through interviews, the team should try to ascertain whether others are concerned that the student may commit an act of harm. Since people are often reluctant to see violence as a possibility, if a person believes the student is capable of violence, this should raise the team’s concern. However, the team should also recognize that those in close relationships with the student, such as a parent or significant other, may be too close to the person to see violence as a possibility. The likelihood of such a bias should be taken into account when considering the opinions of those close to the student.

11. What circumstances might affect the likelihood of violence?

If possible, the team should try to identify any factors in the student’s life or environment that might increase or decrease the likelihood that he or she will engage in acts of harm. By asking this question, the team can better tailor its intervention strategy. For example, if things look like the student’s situation might deteriorate, the team can try to develop an intervention plan to counteract the downturn in circumstances. However, if conditions look like they might improve, the team could monitor the student and reassess the situation later.

Step 3: Determine Whether the Student Poses a Threat

Use the analysis of the 11 assessment questions to answer the ultimate threat assessment questions about the student:

1. Does he or she pose a threat of harm to self or others?

Team members should review their responses to the assessment questions and answer:

1. Has the student developed an idea to do harm?
2. Has the student developed a plan to carry out the idea to do harm?
3. Has the student taken any steps toward implementing the plan?

Based on these considerations, the team can select the option below that best applies. This assumes it has gathered sufficient information to answer each question with a “yes” or “no.” An inquiry is not complete until a team has gathered enough information to reasonably answer these three questions.

![Student sitting on a bench with books]

EduRiskSolutions.org
If the answer to two or more questions is “yes,” the team can conclude that the student may pose a threat of harm to himself or herself or others. The team should try to identify how quickly the student is moving toward engaging in harm. If the threat looks imminent, law enforcement should be called, and there should be coordination with the institution’s crisis response team. If the threat does not appear imminent, the team should select an intervention strategy (see “Intervention—Manage the Threat or Providing Assistance” on page 22) to move the person off the pathway toward violence.

If there is a “yes” answer to only one of the questions, the student may not pose a threat at this time. The potential for violence is dynamic, however, and the student could pose a threat later. Therefore, the team should review its responses to the 11 assessment questions and attempt to identify circumstances that might increase the student’s likelihood for violence. The identified circumstances should be factored into the team’s selection of a prudent intervention strategy. A “yes” answer to any of the three questions is cause for concern and should be addressed through an intervention.

If the answer to the three questions is “no,” the team can proceed to the next question.

2. If he or she does not pose a threat of harm, would the student otherwise benefit from assistance or an intervention?

If the inquiry reveals that the student is in need of help or has a potential behavioral issue—such as feelings of hopelessness, a potential alcohol problem, or a possible mental illness—the team should proceed to phase four of the threat assessment process and select an appropriate intervention strategy.

However, if no potential problems are highlighted, the team should close the inquiry. Regardless of the manner in which an inquiry is concluded, it is advisable to document the results and the incident that brought the student to the team’s attention (see “Document Information” on page 27).

**Intervention—Manage the Threat or Provide Assistance**

Effective intervention by the threat assessment team is a three-step process that includes identifying the goals of the intervention, selecting an intervention strategy, and monitoring its effectiveness.

**Step 1: Identify the Goals**

The goals of an intervention will differ depending on the student’s situation. For example, the intervention or assistance provided to a student who poses a threat of violence will differ from the help provided to one who is struggling due to a drug or alcohol problem.

- **The student who poses a threat:** If the team determines that the student poses a threat of violence (or suicide), the team should identify a plan to intervene and reduce that threat. If the threat appears imminent, however, the team should immediately contact law enforcement to contain the situation.

- **The student who otherwise needs assistance:** If a student has exhibited behavior that indicates a need for other assistance or resources, the team should identify the troubling behavior and select an appropriate intervention.
Step 2: Select a Strategy

To select an appropriate intervention strategy, team members should consider these factors:

- Information gathered during the inquiry that identifies the cause of the student’s behavior problems
- The legal impact of the potential intervention by consulting legal counsel to ensure that the intervention does not violate the institution’s policies and procedures, disability laws, privacy laws, or other legal considerations
- The opinions of those most experienced in successfully resolving the type of student issue presented
- The opinions of those most familiar with the student regarding the actions they believe are most likely to help
- The feasibility of the intervention strategy, which should not be unduly burdensome for departments or staff members to implement from either a practical or legal perspective
- The effectiveness of the intervention strategy to reasonably address existing campus safety issues, such as the safety of any victims or potential victims

Although it is helpful to get recommendations on strategies from many team members, a democratic voting process is not always advisable. Teams will need to make decisions quickly, and time will not permit them to worry about whether a quorum of members is available.

The following is a list of common intervention options to consider in crafting an individualized threat management plan or in providing the student with assistance:

- Talk to the student.
- Identify an ally or trusted person in the student’s life who can talk to the student.
- Notify parents, other family members, or guardians.
- Involve law enforcement.
- Permit student leaves.
- Remove from housing.
- Mandate a psychological assessment.
- Monitor involuntary hospitalizations.
- Modify campus procedures.
- Act to protect the victim.

A more detailed description appears in Appendix D on page 34.

Step 3: Continue Monitoring

The threat assessment team will continue to monitor a situation involving a troubled student until there is no longer a reasonable threat posed by the student or until the student’s troubling behavior is effectively managed. This may occur well beyond the closing of a criminal case or the completion of mental health services. To determine whether the intervention strategy has met its goal, the team should monitor the intervention’s effectiveness. If after monitoring an intervention, a team determines it is not working, the team should select a different strategy.
Sharing and Documenting Information

The law and campus personnel’s understanding of it can greatly affect the extent to which threat assessment teams share, gather, and record information. In its analysis of the shootings at Virginia Tech, the Virginia Tech Review Panel determined that insufficient understanding of information-sharing laws contributed to the circumstances that led to the shooting. Federal and state laws allow and support sharing and documenting student information for team purposes.

Share Information

The laws that most likely influence the sharing of student information for team purposes include:

- State tort law affecting negligence standards
- The Family Educational Rights and Privacy Act (FERPA)
- State and federal medical confidentiality laws

State privacy laws also affect information sharing. However, the laws vary greatly, and so they are not described here. Also absent from this discussion is the Health Insurance Portability and Accountability Act (HIPAA) because HIPAA’s privacy rules do not apply to campus-created student treatment records.

A decision to share student information is separate from the issue of whether the disclosure is legally permissible. Fortunately, a student’s best interests and the law are rarely at odds. When trying to decide about disclosing information that concerns a struggling student, institutions should be guided primarily by the student’s best interests and less by the law. In the majority of circumstances, the law supports sharing student information when there is a reasonable belief that disclosure will help the student.

Institutions should consult with their general counsel for advice on the requirements of relevant federal and state laws. Threat assessment teams should also consult with in-house or outside counsel for training on information sharing so that they understand the circumstances in which information can and should be shared.

State Tort Law

While state tort law does not directly regulate communications about students, a negligence legal action by the student or his or her family often will focus on the extent to which an institution shared student information with those who could have
provided help. Some campus representatives mistakenly believe their institutions would be vulnerable to a lawsuit if they share information about concerning student behavior. The contrary is often true. Institutions may minimize their liability exposure by sharing information about troubling student behavior in order to better coordinate a response. Generally, negligence standards require an institution to respond reasonably to a notice of risk. If an employee of an institution has notice about a student’s troubling behavior, that notice in most situations is attributable to the institution.

Notice of a risk gives rise to a duty of care. Once a college or university employee knows about a situation involving a troubled student, the institution likely has a duty to reasonably respond to those risks even if the employee never tells anyone or takes any action. An institution that has a threat assessment team that receives and responds to reports of troubling student behavior is more likely to meet its duty of care and respond reasonably than one that does not. That ability to respond may also help the institution reduce the likelihood of a negligence claim.

Family Educational Rights and Privacy Act (FERPA)

FERPA governs the privacy of student “education records” at all institutions receiving federal funds. An education record is broadly defined to include any records (even those of a nonacademic nature) directly related to a student and maintained by an institution. The law requires representatives of an institution to receive written consent from a student before disclosing that student’s education records to others. FERPA also gives students the right to access their education records. Yet, FERPA is not as onerous as it may sound. The law applies only to records and provides many exceptions allowing disclosure without a student’s consent.

- **Applies only to records**: While commonly understood to protect student privacy, FERPA actually is more narrowly focused and protects only the privacy of student records. The law does not apply to information that is not in record form. Because of their relevance to the threat assessment team’s work, some categories of information that FERPA does not consider an education record are important to understand, such as:
  - **Personal observations**: A professor, staff member, or other representative of an institution is free to share his or her own personal observations of students with others, including the team or a parent. Observations are subject to FERPA only if they are reduced to a record with the intention of sharing the record information with others. While the recorded form of the employee’s observations is subject to FERPA, the law would permit the employee to disclose his or her observations and personal interactions to anyone.
  - **Law enforcement records**: Records created by campus security personnel for law enforcement purposes are not education records. FERPA does not restrict campus law enforcement personnel from sharing the records they create or their content with people outside of their department. If shared, however, the character of the records can change for the campus staff member who comes to possess them. For example, if law enforcement personnel relay recorded information about a student to a member of the threat assessment team, the record in that team member’s hands would be subject to FERPA. In the possession of the law enforcement officer, that same record would not be subject to FERPA and could be shared by law enforcement without restriction.
  - **Provides exceptions allowing disclosure without a student’s consent**: FERPA specifies 15 circumstances under which it permits institutions to disclose education records without a student’s written consent. Also, under FERPA, an institution’s representative is never required to disclose student information; rather by permitting a disclosure, the law allows the representative to decide whether or not to disclose student record information. When making the decision, the representative’s primary consideration should be the student’s best interests.

Following are several disclosures permitted under FERPA that a threat assessment team should know about:

- **Legitimate educational interest**: Representatives of an institution may share student records with each other if they are “school officials” who have a
“legitimate educational interest” in the information. FERPA gives institutions great latitude in defining both of these terms as long as an institution’s definitions are included in its annual FERPA notice. Under this exception, all members of an institution’s threat assessment team can share student records with each other if the institution has included team members in its definition of school official.

- **Health or safety emergency:** Student records may be disclosed in emergency situations to “appropriate persons” if the sharing of such information is necessary to protect the health and safety of the student or others. To use this exception, an institution must: (1) have a “rational basis” for deciding that a health or safety emergency exists, (2) document what emergency circumstances prompted its decision to disclose, and (3) define who is an “appropriate person” in its annual FERPA notice.

- **Certain disclosures to parents:** Two of FERPA’s exceptions deal specifically with communications to a student’s parents.

  A student who is claimed as a dependent by his or her parents for federal tax purposes: Any and all student records may be shared with a student’s parents if the student is claimed as the parent’s dependent for federal tax purposes. The one caveat is that a student must confirm tax dependency. As part of their registration, institutions can ask incoming students to confirm their status. Once the information is confirmed, team members or other representatives of the institution can disclose student records to parents without regard to FERPA.

  A student who is under 21 and has violated the institution’s alcohol or drug use policy: An institution’s representatives can share information about the violation to the student’s parents regardless of whether that student is claimed as a tax dependent.

- **Certain disciplinary information:** FERPA permits a prior educational institution of a troubled student to disclose to officials at the current institution the student’s records concerning disciplinary actions taken in response to conduct that posed a significant risk to the safety of the student or others. A representative from the prior institution may only disclose the disciplinary information to a school official who has a “legitimate educational interest in the behavior of the student.”

FERPA’s permissible disclosures provide sufficient latitude for threat assessment teams to receive, gather, and share student information. While the law is rarely an obstacle to discussing students of concern, team members should remain mindful that their discussions have the potential for stigmatizing those students, and they should always use discretion in their communications.

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**Medical Confidentiality Laws**

Mental and physical health professionals, such as physicians, counselors, and psychologists, owe a duty of confidentiality to their patients, as defined by certain federal and state laws. In most situations, clinician confidentiality laws prohibit health professionals from sharing information about their patients (even the fact that the person is a patient) to others without receiving the person’s consent to release this information.

While the laws seem restrictive, many experienced medical professionals maintain that their patients almost always give consent for such disclosures aimed at protecting the
patient’s best interests. In some exceptional circumstances, disclosures are permitted without consent. For example, many states allow the disclosure of patient information if there is substantial likelihood of preventing severe bodily harm through the disclosure.

To the extent that health professionals on a college or university campus are in a patient relationship with students, those individuals are generally prohibited from sharing information about them.

While campus medical professionals are far more restricted by their duty to maintain patient confidence than they are by FERPA, they can still assist an institution’s student threat assessment team and even benefit professionally from their participation on it. For example, clinicians are always free to receive information about student patients. That information would give the medical professional a more complete picture of the student’s life, which can aid treatment, diagnoses, and decisions to disclose patient information. Also, the medical professional can still share valuable insight on strategies for handling different types of troubling behavior without reference to a specific patient.

The intersection of medical confidentiality laws and state negligence standards is less clear. If a medical professional’s patient commits suicide or harms someone else, the loved ones of the person injured may sue the professional for negligence for not disclosing information that might have prevented the harm. With the benefit of 20/20 hindsight, a clinician’s decision not to disclose information is easy to second guess. However, these decisions are rarely clear-cut. With better access to information about a distressed student, there is an increased chance that a medical professional participating on an institution’s threat assessment team will make timely decisions about disclosing patient information.

**Reasons to Document**

A documentation process enables teams to improve their identification of potentially troubled students and their capabilities for responding to them. By maintaining notes, teams are better able to monitor which intervention strategies have been successful. Documentation also helps teams provide students with a continuity of care. If a fourth-year student comes to the team’s attention, for example, members can easily see if they previously had involvement with the student, and that history will help inform their strategy.

A written record also helps teams track the performance and success of recommended case management strategies. Teams or their oversight committees can use this information to chart trends in their student caseloads, identify problems, and improve team practices and institution policies. Given staff turnover at institutions and the potentially large number of student cases that teams handle, it would be far more difficult to realize these benefits without a documentation system.

To date, no court has examined the adequacy of a college threat assessment team’s actions. However, it is conceivable that a student who was discussed by a threat assessment team could bring a negligence lawsuit, and the court could review the team’s actions. If this occurs, documentation can help the team show that it acted reasonably.

Documents are powerful pieces of evidence for determining what occurred. Records that are kept consistently and according to a thoughtful system can minimize an institution’s liability exposure. Conversely, a team’s behavior may seem arbitrary or unreasoned if the team lacks a record-keeping process or maintains inadequate records.

To the extent that documents created by a campus team contain identifiable student information, they are covered by FERPA. But fears over creating FERPA records should not prevent campus teams from recording valuable information. While FERPA allows a student to view his or her records, a documentation process that is executed with discretion and consistency can ease concerns about FERPA compliance while reducing potential liability.

**Document Information**

Concerns about potential liability, FERPA, and record management keep some threat assessment teams from documenting their practices. A written record can improve a team’s overall functioning and reduce its potential liability exposure.
Information to Document

A threat assessment team will benefit from establishing documentation practices that are executed consistently and capture enough information to show that the team acted reasonably. Documentation of the following information can help a team meet these goals:

- The student’s name
- The date of the report
- The nature of the report or incidents involving the student
- The source of the report or departments involved in these incidents or both
- Its conclusions based on the team’s analysis of the responses to the ultimate threat assessment questions (if the team performed a full inquiry to assess a student’s concerning behavior):
  - Does the student pose a threat of harm to self or others?
  - If the student does not pose a threat of harm, would the student otherwise benefit from assistance or an intervention?
- If an intervention was recommended, a description of the intervention
- The results of the recommended intervention

Depending upon an institution’s comfort level, a team may want to track more or slightly less information than what is listed. The institution’s general counsel can help the team decide both the items of information and the level of detail that it will record and how to record it. Campus threat assessment teams also work with legal counsel to adopt practices aimed at decreasing concerns about the documentation they generate, such as:

- **Working through campus law enforcement:** Some institutions with a strong campus security or police force train them in the threat assessment process. Once trained, team reporting is directed through campus law enforcement. When a trained officer receives a report of troubling student behavior, the officer conducts the preliminary investigation or pre-inquiry (see “Pre-Inquiry—Decide the Need for Further Inquiry” on page 17). In appropriate cases, the officer may even perform a full inquiry investigation. At the next team meeting, the officer or the team’s law enforcement representative apprises team members of the information gathered and talks with the team about ways to proceed. Through this practice, most of the documentation relating to the team’s handling of a student is created and maintained by campus law enforcement.

The advantages of this method are that team documents are likely to fall under FERPA’s exception for law enforcement records, which can reduce concerns about FERPA compliance. Also, by having trained law enforcement officials gather the information needed for a threat assessment, the assessment process is carried out more uniformly and thoroughly.

For this practice to work, an institution must feel comfortable about assigning primary responsibility for reporting, investigating, and documenting to campus law enforcement rather than the threat assessment team. Some critics of this practice argue that assigning those responsibilities to law enforcement officers can alter the lens through which a team’s issues are reviewed and evaluated. Law enforcement officials may be more likely to review cases with an emphasis on potential harm and less sensitivity to other concerns.

However, institutions that use their campus law enforcement officers to investigate and document student threat assessments say they avoid that potential difficulty by ensuring that the officers report their investigations to the team. Team members can then assume responsibility for cases in which there are troubling students but no risk of violence.

- **Limiting the number of team members responsible for documentation:** Some institutions delegate record-keeping responsibilities to a single person, such as an administrative assistant or the team’s case manager. This process can improve the consistency and quality of team documents so long as the note taker is conscientious. If this method is selected, the person recording should receive some guidance on the level of detail expected. Also, the team or its oversight committee should periodically review the notes to make sure their content is accurate and appropriate.
Appendix A
In Brief: Threat Assessment for Troubled Students

The following practical steps can by used by institutions to guide their actions when establishing a threat assessment team or improving the operation of an existing team. These steps provide a brief overview of key points made in this publication.

Forming a Threat Assessment Team

1. Lay the foundation
   - Establish goals for a team, such as:
     - Prevent targeted violence
     - Reduce an institution’s liability exposure
     - Break down information silos on campus
     - Coordinate decisions and response for student care
   - Identify specific objectives, such as:
     - Address a variety of student behavioral concerns
     - Recommend improvements to relevant campus policies and procedures
     - Coordinate and share information with relevant campus groups
   - Leverage pre-existing multidisciplinary relationships as a model for the team

2. Create the team
   - Adopt a name that conveys the team’s broad purpose.
   - Select five to 20 team members to ensure representation across campus departments. Include representatives from:
     - Student affairs
     - Judicial affairs
     - Residence life
     - Student mental health services
     - Student health
     - Campus police
     - Academic affairs
Consider representatives from legal affairs, disability resources, risk management, public affairs, or others with relevant expertise.

Select a team chair based on personal traits rather than position on campus.

Consider existing team models and adopt a team structure that will be most effective.

3. Train the team

Conduct training to develop team expertise and effectiveness. Formats and topics may include:
- Threat assessment specific training for team or violence subteam
- Legal training on information sharing and other issues related to the team’s process and procedures
- Table top exercises using hypothetical scenarios
- “Lessons learned” exercise using actual cases handled by the team

Reporting Student Behavioral Concerns

1. Identify potential reporting sources

Consider reporting sources such as:
- Students
- Faculty and staff
- Parents or other close relatives
- Online acquaintances
- Community members
- Local agencies or service providers

2. Educate potential reporters

Publicize the threat assessment team’s existence and purpose.

Appoint a team member as a liaison for every campus department and use these liaisons to reach out to departments.

Reach out to local hospitals, mental health facilities, and the police department.

Educate reporters on reporting methods through:
- presentations
- webpage
- online training
- publications

3. Create practical reporting options

Create a climate that promotes reporting.

Develop reporting methods that are simple to use and quick.

Offer many methods for reporting information to the team including an anonymous reporting option.

4. Assess the effectiveness of education and reporting methods

Conduct an annual audit to assess effectiveness of education and reporting methods by:
- Maintaining reports submitted to the team
- Examining education and reporting methods used
- Evaluating the reports received and the source of each report

Identify and correct problems that prevent reporting.

Assessing and Intervening with Students of Concern

1. Initial Screening

Determine whether the situation reported to the team constitutes an emergency.

- If there is an emergency, report the matter to the local police immediately.

- If reported to police, proceed with a full inquiry.

Consider information about the student that is contained in the report and is already known by any team member.

2. Preliminary Inquiry

Decide whether the team needs to conduct a full inquiry.

Gather information from threat assessment team records, student affairs, campus police and local law enforcement, judicial affairs, academic affairs, residence life, and online resources.
Answer triage questions focused on the student’s potential to commit violence:
- Has the student mentioned any violent thoughts or plans, including those of suicide?
- Have there been any behaviors that cause concern for the person’s well-being, such as behavior that is significantly disruptive to the campus environment?
- Does the student own, or is he or she attempting to acquire, weapons?

If the answer to any question is yes, proceed with a full inquiry.

If the answer to all questions is no, consider other problems the student may be facing and appropriate intervention strategies.

3. Full Inquiry
- Determine whether the student poses a threat of violence or otherwise needs assistance.

- Gather information from preliminary inquiry sources, other potential reporting sources, prior schools, email, or Internet communications.

- Assess information about the student using the 11 assessment questions recommended by U.S. Secret Service and Department of Education (see pages 19-21).

If the team concludes that the student poses a threat or needs assistance, select an intervention strategy.

4. Intervention
- Identify the goals for an intervention, such as reducing a threat posed or managing a student’s concerning behavior.

- Select a strategy from the list at Appendix D by considering:
  - Information gathered by the team
  - Opinions from legal counsel, experts, and others familiar with the student
  - The feasibility of providing the intervention and its potential effectiveness

- Monitor the student’s progress.

- If the intervention is not effective, select another strategy.

Sharing and Documenting Information

1. Share information
- With the assistance of legal counsel, develop an understanding of the laws related to the permissibility of sharing student information among team members and with other constituencies on and off campus.

- Focus particularly on state negligence laws, FERPA and its exceptions, state and federal medical confidentiality laws, and state privacy laws.

- Share information that serves the student’s best interests.

2. Document information
- Maintain documentation to improve team procedures and to reduce potential liability arising out of team actions.

- Adopt consistent documentation practices that capture enough information to demonstrate that team actions are reasonable.

- Consider documenting:
  - Student name
  - Date of report
  - Incident reported
  - Source of the report or departments involved or both
  - Conclusions from any inquiry the team performed
  - Recommended intervention
  - Results of the intervention

- Review the team’s documentation procedures with legal counsel.
### Appendix B

#### Liaison Chart

<table>
<thead>
<tr>
<th>Department</th>
<th>Department Contact Person and Contact Information</th>
<th>Threat Assessment Team Liaison and Contact Information</th>
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## Appendix C

### Education and Reporting Methods Audit

<table>
<thead>
<tr>
<th>(1) Potential reporter</th>
<th>(2) Education methods</th>
<th>(3) Frequency of education</th>
<th>(4) Reporting methods</th>
<th>(5) Problem(s) identified during annual review of reports</th>
<th>(6) Improvements to education and reporting methods</th>
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<tbody>
<tr>
<td>Fellow Students</td>
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<td>Faculty</td>
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<td>Concerned others</td>
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<td>Neighbors</td>
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<td>Local service providers</td>
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Appendix D
Student Intervention Strategies

- **Talk to the student.** Most people who come to the attention of threat assessment teams respond positively to someone who hears their concerns and demonstrates care for them and their situation. Threat experts note that the best way to defuse many potentially violent situations is to give the student with a grievance the opportunity to feel heard and validated. This often enables the student to move beyond his or her thoughts and plans of violence. However, each situation should be evaluated independently to determine whether such direct follow-up might serve as an aid or escalate the problem.

- **Identify an ally or trusted person.** An effective working relationship with a student of concern is often facilitated by enlisting help from someone the student already trusts. The trusted ally can try to encourage the student to take advantage of intervention strategies that are in his or her best interests. The ally might be a friend, fellow student, faculty advisor, mentor, coach, supervisor, residential advisor, spouse, parent, or someone else on campus whom the student already trusts.

- **Notify parents, other family members, or guardians.** In many circumstances, it is beneficial to notify the student’s parents or other family members, and in most cases, they are helpful to the student. However, team members should check the records to evaluate whether the family will be effective allies or exacerbate the student’s difficulty.

- **Involve law enforcement.** It will be necessary to call local or campus law enforcement to handle a student of concern in certain circumstances, such as if a crime has been committed or there is an emergency or an imminent threat of harm. However, in other situations, the need for law enforcement personnel may not be clear-cut. In these times, teams should determine whether a law enforcement intervention will further aggravate or help the student’s situation and the institution’s safety.

- **Permit student leaves (voluntary, interim, or involuntary).** A leave from campus may be beneficial for a student, but it may not address the underlying problem causing the student’s behavior or eliminate the threat the student poses. Once a student is removed from campus, the team has far fewer options for monitoring and engaging that student. Consider the following:
  - **Voluntary leave:** A break from school may be beneficial for students who are experiencing serious mental health problems. They may be in a better position to recover or manage their symptoms at home or in a less stressful environment. They may also benefit from specialized counseling or treatment away from campus.
The institution should have written policies for voluntary leaves or withdrawals and the criteria to approve them. The school should also clarify with the student such matters as refunds of tuition or housing payments, recording of the leave on transcripts and other college documents, and conditions for returning to active student status. Other potential issues include a student’s request to complete coursework on a distance basis and waivers of transfer credit limitations or residency requirements to allow the degree to be completed at another school.

A voluntary leave of absence or withdrawal is usually preferable to an involuntary withdrawal. Voluntary leaves do not invoke the rigorous legal requirements necessary to place a student on an involuntary leave. Many students will agree to a voluntary leave or withdrawal rather than face the possibility of an involuntary withdrawal. Consistent with applicable guidelines, the student and the institution are free to structure the voluntary withdrawal agreement in a mutually beneficial way.

- **Interim suspension**: Where safety is of immediate concern, an educational institution may place a student on an interim suspension to temporarily remove him or her from campus. In these situations, federal law requires that colleges provide the student with minimal due process, which includes notice and an initial opportunity to address the evidence. For students with disabilities, the Office for Civil Rights of the U.S. Department of Education has stated that as soon as practicable the college should provide the full procedural rights applicable to involuntary withdrawal proceedings. An institution should consult with legal counsel to ensure its policies and actions regarding interim suspensions are lawful.

- **Involuntary leave**: An institution should use an involuntary leave only in extraordinary cases and when all other efforts to help the student stay in school and get assistance have failed. To place a student on an involuntary leave, the institution must clear certain legal hurdles. First, federal law requires that an institution show that the student constitutes a “direct threat” to the health or safety of self or others. To show that a “direct threat” exists, the institution must conduct an “individualized and objective assessment” of the student’s ability to participate safely at the college. This assessment must be based upon current medical knowledge or the best available objective evidence and it must ascertain: (1) the nature, duration, and severity of the risk, (2) the probability that potentially threatening injury actually will occur, and (3) the advisability of modifying policies, practices, or procedures to mitigate the risks.

Given this high standard, institutions should work with legal counsel to invoke an involuntary leave without violating the law. Legal counsel can help institutions create a written policy for involuntary student leaves and work with the team to make sure their actions comply with the law.

- **Remove from housing**: Students whose behavior threatens the health and safety of themselves and others should not live in campus housing. Similar to the involuntary leave requirements, before a student can be removed from housing, federal law requires that the college make an “individualized and objective assessment” of the student’s ability to participate in the housing program. The finding that a student constitutes a “direct threat to himself, herself, or others” would be sufficient to deny housing.

When considering whether to remove a student from housing, institutions should consult legal counsel to make sure the policies and actions are in accordance with the law.

- **Mandate a psychological assessment**: Psychological assessment is appropriate when the student indicates that his or her behavior may be a result of a psychological condition. For example, the assessment process may be invoked when a student poses a risk of harm to others, threatens or attempts suicide, is incapacitated due to drug or alcohol use, or is treated by emergency medical personnel. The primary purposes of these evaluations is to assess functioning and needs and to recommend relevant treatment or interventions.
Such assessments of students may be provided through on-campus mental health professionals or off-campus resources, but a team member should maintain contact with the medical professional performing the assessment. Moreover, under the law it appears that institutions may use a mandatory assessment as the basis for determining whether a “direct threat” exists for purposes of federal disability law.

- **Monitor involuntary hospitalizations.** Team members should be knowledgeable about relevant state laws and procedures regarding involuntary hospitalization or committal. When a team member facilitates or becomes aware of a student’s committal, he or she should work with the student and the treating mental health professionals at the involuntary commitment facility. The team’s liaison should coordinate with the treating mental health professionals to request that the student sign a release allowing student information to be shared with the team liaison. Information from the treating clinician about the student can help the team assess the student’s situation and promote continuity of care if the student returns to campus.

- **Modify campus procedures.** Some situations are best resolved by changing the practices or the environment that may be causing the student’s concerning behavior. *For example, a student may react inappropriately to a burdensome procedure. The student’s behavior must be addressed, but if the procedure or policy tends to provoke discord then it should be reviewed and revisions considered.*

- **Act to protect the victim.** In addition to interventions with the student of concern, the team should also consider intervention actions that increase the safety of potential victims. Such protective efforts may include:
  - Providing administrative leave for the potential victim to minimize exposure to the potential danger.
  - Moving the potential victim to another location where he or she is in a more secure environment or harder to locate.
  - Modifying security and access to the potential victim if possible (by locking access doors or verifying identity before providing access).
  - Coaching potential victims regarding personal safety approaches (such as monitoring and being aware of their environment, varying their routes of travel, traveling with friends or colleagues).
Threat Assessment Teams for Troubled Students: Putting the Pieces Together

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Resources

Campus Security

The following federal, state, and professional organizations issued reports examining campus security in the aftermath of the Virginia Tech shootings. These reports are recommended reading, particularly for those institutions located in the states that have issued a report. Each report concludes that threat assessment teams are a proactive measure to prevent campus violence.


Threat Assessment

Articles


Books


The book provides guidance on how to create a campus threat assessment team, what principles guide the threat assessment process, tips for identifying students or employees of concern, and intervention strategies for preventing violence or assisting those in need.
Books (Continued)
www.hachettebookgroup.com/books_9780316235020.htm  
This book explains how to identify the warning signals of a potential attacker  
and recommends strategies for dealing with the problem before it becomes  
life threatening. This book is recommended for all members of the institution’s  
threat assessment team.

Langman, Peter. Why Kids Kill: Inside the Minds of School Shooters, Palgrave  
http://us.macmillan.com/whykidskill  
The author studies the psychological make-up of ten different school  
shooters. After reviewing the personality, environment, and upbringing,  
he places them into three psychological categories. The study is instructive  
on identifying the early signs of an individual who is in distress and may be  
contemplating homicide.

Newman, Katherine S.; Fox, Cybelle; Roth, Wendy; Mehta, Jal; and Harding, David.  
This resource contains an in-depth sociological study of two pre-Columbine  
shootings.

Government Reports
Assessment in Schools: A Guide to Managing Threatening Situations and to Creating  
Elementary and Secondary Education, Safe and Drug-Free Schools Program, and  
www.secretservice.gov/ntac/ssi_guide.pdf  
This companion guide to the final Safe School Initiative report gives practical  
guidance on how to create a safe school climate and implement a threat  
assessment process at K-12 schools.

O’Toole, Mary Ellen. The School Shooter: A Threat Assessment Perspective. Quantico,  
www.fbi.gov/stats-services/publications/school-shooter/  
This monograph presents a model threat assessment process for K-12 schools  
using the principles developed by the FBI’s National Center for the Analysis of  
Violent Crime, its 1999 symposium on school shootings, and a review of  
school shooting cases.

Pollack, William S.; Modzeleski, William; and Rooney, Georgeann. Prior Knowledge  
of Potential School-Based Violence: Information Students Learn May Prevent a  
www.secretservice.gov/ntac/bystander_study.pdf  
A follow-up study to the Safe School Initiative report that found that some  
students knew what the shooters were planning. This pilot study interviewed  
friends, classmates, siblings, and others in whom school shooters confided  
their ideas and plans. The goal of the study was to reveal barriers that may  
prevent children from reporting information about a potential incident.

The Final Report and Findings of the Safe School Initiative: Implications for the  
Department of Education, Office of Elementary and Secondary Education,  
Safe and Drug-Free Schools Program, and U.S. Secret Service, National Threat  
Assessment Center, 2002.  
Following the attack at Columbine High School in 1999, the Secret Service  
and the Department of Education initiated the Safe School Initiative (SSI) to  
research the thinking, planning, and other pre-attack behaviors engaged in  
by attackers who carried out school shootings. The SSI findings support the  
application of a threat assessment process by educational institutions.

Higher Education Websites
Many higher education institutions with student threat assessment teams use their website to communicate  
important information about the team. The following  
websites include information about the team mission  
statements and goals, a listing of team members and  
contact information, procedures, descriptions of behaviors  
that should be reported to the team, and the process for  
submitting reports.

Arizona State University—Student Coordination Committee  
www.asu.edu/studentaffairs/crisis/  
Fairleigh Dickinson University—Threat Assessment Team  
http://view.fdu.edu/default.aspx?id=3705  
Goucher College, “Threat Assessment Frequently Asked Questions”  
www.goucher.edu/x46443.xml  
Iowa State University—Department of Public Safety  
www.dps.iastate.edu/?page_id=625  
University of Maryland—Behavioral Evaluation and Threat Assessment Team  
http://www.beta.umd.edu/  
Virginia Tech University, “Threat Assessment Team Resources”  
www.threatassessment.vt.edu/resources/index.html
Organizations

The following organizations provide a wealth of resources for law enforcement, security, mental health, and legal professionals concerning threat assessment and related issues.

The Association of Threat Assessment Professionals (ATAP)
www.atapworldwide.org/

Specialized Training Services
www.specializedtraining.com

Information Sharing

Articles

Family Policy Compliance Office, United States Department of Education
www.ed.gov/policy/gen/guid/fpco/bottomics/h12-17-08.html

http://chronicle.com/weekly/v54/i32/32a03501.htm

www.jedfoundation.org/professionals/programs-and-research/legal-resource


http://intranet.northcarolina.edu/docs/safety_taskforce/Information_Sharing_Group_Attachment_A.DOC

Websites

The following websites contain extensive commentary and guidance on FERPA compliance and other FERPA-related resources, such as helpful Q&As, online tutorials, and white papers.

Family Policy Compliance Office
United States Department of Education

Office of the General Counsel
Catholic University of America
http://counsel.cua.edu/ferpa/

UE Resources

UE publications are available to members in the Risk Management Library of the UE website, www.ue.org. You will need a password to access the resources. Simply go to the website and take a few minutes to register. Passwords are usually activated by the next business day.

www.ue.org/Libraries/Shared_RML/Risk_Research_Bulletin_Administrative_Leave_for_Emotionally_Distressed_Students_--_04-06.sflb.ashx

“Between a Rock and a Hard Place: Meeting the Challenge of Students with Severe Mental Health Issues.”
www.ue.org/Libraries/Shared_RML/Bringing_UE_to_You_2007-2008_Students_with_Severe_Mental_Health_Problems.sflb.ashx

New Directions for Educational Institutions in the Post-Virginia Tech Environment, A Symposium.
www.ue.org/Libraries/Shared_RML/Post_Virginia_Tech_Symposium_Discussion_I_At-Risk_Students.sflb.ashx

Discussion II: Preventing Tragedy—Threat Assessment on Campus.
www.ue.org/Libraries/Shared_RML/Post-Virginia_Tech_Symposium_Discussion_II_Threat_Assessment.sflb.ashx

“Optimizing an Institution’s Student Threat Assessment Team.” United Educators Telephone Roundtable, December 3, 2008.
www.ue.org/Libraries/Shared_RML/Roundtable_Optimizing_a_Student_Threat_Assessment_Team_--_Resources_12-08.sflb.ashx

www.ue.org/Libraries/Shared_RML/Risk_Research_Bulletin_Parent_Notification_--_Student_Mental_Health_--_04-05.sflb.ashx
EduRisk™ provides education-specific risk management resources to colleges and schools and is a benefit of membership with United Educators (UE). As a member-owned company, UE is committed to helping educational institutions by offering stable pricing, targeted insurance coverage, extensive risk management resources, and exceptional claims handling.

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