

Module 3
Maximizing Effectiveness of Threat Assessment Teams



Module 3: Maximizing Effectiveness of Threat Assessment Teams

Summary (Abstract): This module provides an overview of how to establish an effective threat assessment team. The lessons will detail the need and value of a multidisciplinary approach, offer guidelines for the authority, role and membership of the team, and assist in the development of how to effectively make decisions and operate the group. The module clarifies the process about how a team works. This provides a context and environment that facilitates the effective implementation of threat assessment and management approaches.

Overall Module Objective: Assist participants in developing and using a multidisciplinary team approach to threat assessment for their campus.

Performance Objectives: At the completion of the module, participants will be able to:

Introduction: The Need and Value of a Multidisciplinary Team Approach

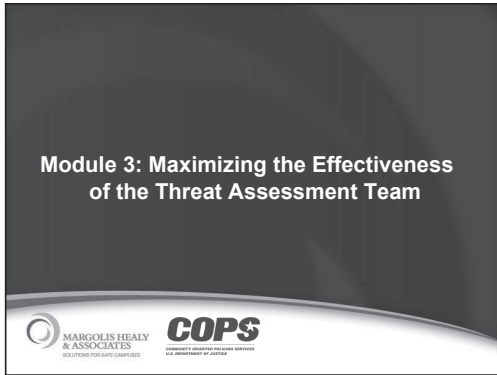
- Understand the importance and value of multidisciplinary teams.
- List the ways that multi-disciplinary teams improve overall effectiveness of threat assessment and management.

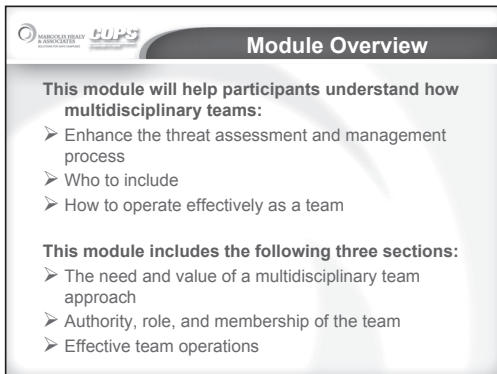
Authority, Role, and Membership of the Team

- Articulate their team's authority for decision-making.
- Utilize key roles to manage cases and evaluate overall effectiveness.
- List roles and skill sets necessary for their team's operation.

Team Operations

- Enhance team leadership and decision-making process.
- List team goals, resources, and capacity.
- List team functions and actions.







Performance Objectives

Lesson 3: Authority, Role, and Membership of the Team

- Articulate their team's authority for decision-making
- Use key roles to manage cases and evaluate overall effectiveness
- List roles and skill sets necessary for their team's operation

Performance Objectives

Lesson 4: Effective Team Operations

- Enhance team leadership and decision-making process
- List team goals, resources, and capacity
- List team functions and activities


Lesson 2

A multidisciplinary team is staffed by well-trained representatives from the major areas of the university such as:


- Student affairs
- Academic affairs
- Law enforcement
- Other appropriate professionals

 The Four Core Elements of Effective Teams

- Communication
- Collaboration
- Coordination
- Capitalization

 Communication

Effective teams continually seek to improve communication to and from the team, in lawful and appropriate ways.

 Communication

➤ Multidisciplinary teams:

- Serve as information **resources**
- Use a broad range of information **channels**
- Use **connections** to disseminate information
- Identify gaps, enhance **information** flow
- In short, they agree to **share!**

Collaboration

Effective teams view issues related to safety and violence as:

- Community problems that require community investment and partnerships

Coordination

Through increased communication and a spirit of collaboration team members are better able to coordinate.

Good coordination:


- Minimizes risks of individual departments taking actions
- Allows for interventions and follow-up

Capitalization

Effective teams make the best use of the resources and skills that are available to them.


Fortunately, many campuses already have in place:

- A diversified staff
- Ample resources
- Strategies to address concerns

 **Lesson 3**


The key concepts discussed in this lesson are the values of:

- Knowing the team's authority
- Knowing the key roles of team members
- Understanding the need for a flexible approach to team membership
- Most important, involving the skills you need, not necessarily people or positions

 **Lesson 3**

This lesson reviews:

- The team's **authority** for making decisions
- The key **roles** of the team
- Key **membership** and **skill** sets

 **Team's Authority**

Threat assessment and management teams must either have:

- The authority for managing cases and making decisions

OR

- Direct access to those with decision-making authority on their campus

Key Roles

Teams should be authorized to function across all aspects of the threat assessment and management process including:

- Identification
- Investigation
- Assessment
- Management
- Follow-up
- Closure

Key Membership


Common representatives include those from offices such as:

- Academic Affairs/Provost/Graduate College
- Employee Assistance
- Human Resource Services
- Media Relations
- Police/Security
- Residence Life
- Student Affairs/Dean of Students
- Student Health/Counseling Service
- University Counsel

Sports Team Analogy


Players on a sports team are analogous to the core threat assessment and management team members who:

- Meet, discuss, assess, manage & follow up
- Implement the plays
- Adjust to changing conditions on the field
- Are supported by several other entities

 **Sports Team Analogy**


Second, the players on the field are supported or backed up by additional team players who are:

- Ready and waiting to play when needed
- Provide depth and backup to the primary players
- Use specific skills sets that are needed at points in the game (kickers/special teams)

 **Sports Team Analogy**

These additional sports players are analogous to team members who participate only when their expertise is needed. Such as:

- Financial aid issues that impact on the stability of a student's situation
- Representatives from international student programs that can enhance the understanding of how cultural or immigration issues may impact a case
- Environmental health or safety subject matter expert who has expertise with a particular chemical that is referenced in a subject's threats


 **Sports Team Analogy**

Third, a sports team has an owner or college athletic director who:

- Provides strategic direction and authorization for the membership

Similarly the institution has a senior administration who:

- Authorizes the mission and activities of the team


 **Sports Team Analogy**

Fourth, a sports team has a coach who:

- Is knowledgeable and experienced in playing the game
- Sets general direction
- Guides the development of fundamental skills
- Facilitates the application of core principles

This is analogous to the team leader who provides:

- Direction
- Structure
- Accountability


 **Sports Team Analogy**

Fifth, sports team often have a marketing component that:

- Reminds people of its existence and generates interest

Likewise, the threat assessment and management team engages in community outreach efforts to:

- Advertise its existence
- Get the community involved


 **Sports Team Analogy**

Finally, a sports team has scouts who:

- Search out new talent and monitor how other teams play and strategize


Scouts are comparable to all the members of the campus community who:

- May be tapped to share information and observations that are relevant to a particular case

 **Team Membership Essentials**


Membership essentials:

- **Size of team** determined by workload
- Membership driven by **communication**
- Initial **membership can expand**
- **Few core members**
- Too many core members make scheduling difficult
- Membership viewed in terms of **skills and personality**

 **Lesson 4**

This lesson reviews the following key concepts:

- The threshold of team involvement
- Key skills of an effective team leader
- Establishing a consensus driven decision-making process
- Describing the actual team activities and the team's connection with other campus groups/teams

 **Team Threshold**

An early challenge for teams is to establish a threshold for which the team is to be engaged in the assessment and management of a situation of concern.

What is the threshold for team involvement on your campus?

Low Threshold

A low threshold of concerning behavior will facilitate:

- Early identification and intervention
- A broader range of management options
- Possible reduction of cases escalating to crisis levels

High Threshold


Conversely, a high threshold of concern may:

- Reduce the overall workload
- Result in being unaware of situations until later in their development and likely to be in greater crises
- Diminish the range of appropriate options

Team Involvement


The balance for the threshold of team involvement should be driven by the team's:

- Mission/goals
- Resources
- Capacity for expansion

 **Team Leader Responsibilities**

The team leader will be responsible for:

- Leading team meetings
- Assigning responsibilities to other team members
- Ensuring that the threat assessment and management process is followed
- Facilitating discussions


 **Team Leader Authority**

The team leader will also have authority to make decisions:

- When the team cannot reach consensus

OR

- In crisis situations that require immediate decision-making

 **Team Leader**

In choosing the team leader, the team (or institution) should select someone with the following skills and attributes:

<ul style="list-style-type: none">➤ Passionate about team's goal➤ Familiar with threat assessment principles➤ Inquisitive and skeptical mindset➤ Good sense of judgment, objectivity, and thoroughness	<ul style="list-style-type: none">➤ Relates well with others➤ Effectively facilitates team discussion➤ Content expertise➤ Able to drive a consensus decision-making process
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Consensus Driven Decision Making

Consensus is defined by member's ability to:

- **Accept** that the group decision is an acceptable means of addressing the issue

EVEN

- If it **differs** from the preferred approach for a given team member

Crew Resource Management Model


The Crew Resource Management approach involves the following elements:

- Consensus-driven decision-making
- Team leader may make ultimate decision, but **everyone is on the team**
- Focus on what works
- Focus on what the team can change or fix
- Think creatively about resources
- Anticipate likely change in the short- and mid-term
- Monitor the situation
- Document decision-making, implementation, and progress

Daily Activities


The team leader or designee should screen for new cases on a regular (usually daily) basis.

- If a case seems in need of immediate attention the team leader (or any other member of the team) can call for an emergency meeting of the entire group

 **Weekly/Bi-weekly Activities**


In addition to discussing new cases, weekly or bi-weekly activities should include the following:

- Review existing cases
- Follow up on previously assigned tasks
- Report on completion of previous tasks
- Discuss management strategies

 **Weekly/Bi-weekly Activities**

Continued

- Discuss case representation needs
- Set the next action steps
- Assign responsibility for completing steps
- Set timelines for when those steps should be carried out
- Determine how success will be evaluated

 **Frequency of Meetings**

Newly formed teams should meet at least once every other week so that members can:

- Become acquainted with each other
- Learn the threat assessment and management process
- Discuss other aspects of an effective threat assessment process

New and Ongoing Cases

For each new case, the following issues should be addressed:

- Understand **threats/concerns**
- Identify immediately available **information**
- Determine imminence of **situation**
- Identify **target** (if not already known)
- Begin threat assessment **process**
- Assign **responsibilities** and **deadlines**
- **Document** initial information

Ongoing Cases


For on going cases, the previous issues should continue to be addressed, as well as the following:

- Continue guiding implementation of previously established strategies
- Reevaluate threats
- Evaluate needs of community

Monthly Activities


About once per month, the team should review its overall performance to:

- Determine if cases are:
 - Being identified
 - Assessed
 - Managed effectively

 **Monthly Activities**


Continued

- Review and compare its work to stated goals
- Conduct some type of outreach to the campus community on a regular and frequent basis to:
 - Inform the campus community on how to report suspicious and troubling behavior
 - Encourage reporting

 **Semiannual Activities**


About twice per year, the team members should:

- Train together
- Conduct tabletop exercises
- Review cases for lessons learned
- These trainings and exercises ensure that the team:
 - Is up to-date
 - Improves working relationships

 **Semiannual Activities**


Continued

- After-action reviews should be conducted to:
 - Capture the lessons learned
 - Update the team's mission and goals
- Consult or bring in outside consultants, agencies, and/or institutions for assistance, if needed

 **Annual Activities**


On a yearly basis, the team should meet to:

- Conduct strategic planning
- Determine and outline what needs to be done on campus in the upcoming year to include:
 - Faculty/staff training
 - Outreach endeavors
 - Tabletop exercises
 - After-action reviews

 **Annual Activities**


Continued

- Plan accordingly
- Clearly define the team's strategy, including:
 - Mission
 - Guiding principles
 - Membership
- Carefully consider what has and hasn't been working

 **Annual Activities**


Continued

- Amend the team's strategy based on:
 - Knowledge and experience gained over the year
 - Evaluation processes of the team's case management strategies
 - Outreach results/activities

 **Annual Activities**


Continued

- Continually strive to identify gaps in services provided to the campus community
- Work collaboratively with on- and off-campus agencies
- Find ways to fill gaps and improve services

 **Module Summary**

This module covered fundamentals of how to maximize the effectiveness of the threat assessment team:

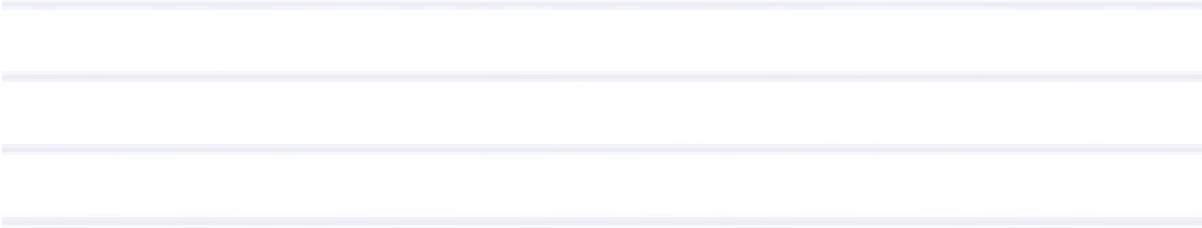
- Establishing the threshold of team involvement
- Recognizing key skills
- Establishing a consensus driven decision-making process
- Describing ongoing activities and the team's connection with other campus groups/teams

 **Module Summary**

With this knowledge you will be able to:

- Establish a threshold for cases
- Identify key skills of an effective team
- Understand and utilize a process of consensus-driven decision
- Identify ongoing activities that maximize team effectiveness

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Module 4
Legal Considerations in Threat Assessment and Management



Module 4: Legal Considerations in Threat Assessment and Management

Summary and Rationale (Abstract): This module discusses the legal issues of most importance to threat assessment and management (TAM) team members. Principles of potential institutional liability, patient-health care provider privilege, and disability and privacy law rights of students and employees of concern will be addressed. While legal requirements will be addressed in some detail, the overall purpose of the Module is to empower members of TAM teams to do their important threat assessment and management work without being paralyzed by undue fear of legal exposure.

Overall Objective: Participants will gain an understanding, at an optimal level of detail, of the legal issues of most importance to TAM team members.

Performance Objectives: At the completion of this module, participants will be able to:

The Legal Environment of Threat Assessment and Management

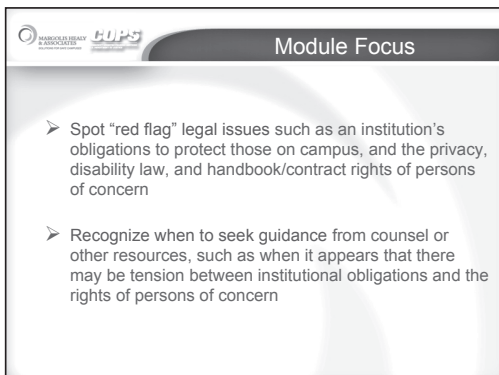
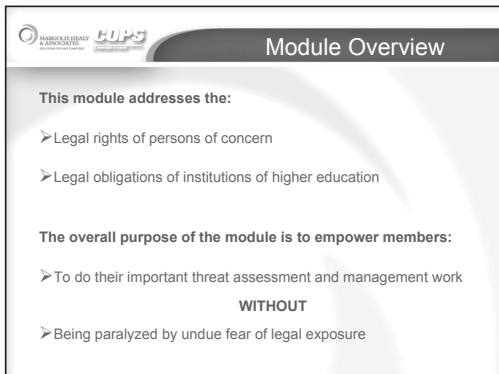
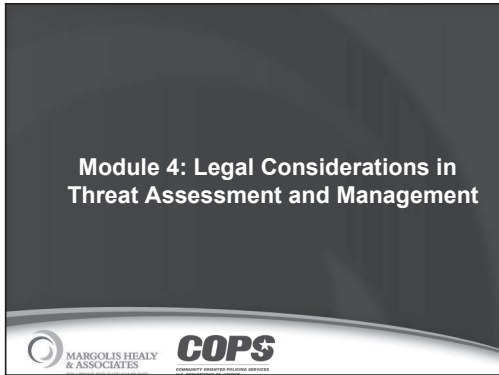
- Recognize and avoid “red flag” legal issues at a basic level.
- Understand the legal context in which threat assessment and management teams operate.
- Recognize when to seek guidance from legal counsel or other resources.

Disability Law Protections for Persons of Concern

- Understand threat assessment and management decisions without violating the disability law-created rights of persons of concern, such as:
 - Right to minimal due process (in emergency situations).
 - Full due process (when emergency no longer exists).
 - Right to be free from discrimination based on unfounded fear, prejudice or stereotypes.
 - Right to reasonable accommodation where appropriate.
- Assess whether the threat assessment and management process on their campuses appropriately respects such rights.

Privacy Law Protections for Persons of Concern


- Disclose information about persons of concern as necessary to enhance safety on campus, without violating the privacy law-created rights of such persons.



 **Performance Objectives**


Lesson 2: The Legal Environment of Threat Assessment and Management

- Recognize and avoid “red flag” legal issues at a basic level
- Understand the legal context in which threat assessment and management teams operate
- Recognize when to seek guidance from legal counsel or other resources

 **Performance Objectives**


Lesson 3: Disability Law Protections for Persons of Concern

- Understand threat assessment and management decisions without violating the disability law-created rights of persons of concern, such as:
 - Right to **minimal due process**
 - **Full due process**
 - Right to be **free from discrimination** based on unfounded fear, prejudice, or stereotypes
 - Right to **reasonable accommodation** where appropriate
- Assess whether the threat assessment and management process on their campuses appropriately respects such rights

 **Performance Objectives**


Lesson 4: Privacy Law Protections for Persons of Concern

- Disclose information about persons of concern as necessary to enhance safety on campus, without violating the privacy law-created rights of such persons

 **Legal Environment—Overview**

This lesson covers the potential legal issues from a broad perspective to include:

- Obligations to **protect** students, employees, and others on campus
- Statutory and other **rights of persons** of interest
- **Documentation** issues
- Professional practice **privilege** issues

 **Threat Assessment Teams**

It is crucial that TAM teams understand accurately the legal environment in which they operate, so that:

- They can weigh appropriately the tension between protecting individuals on campus **while** respecting the rights of persons of interest

 **Threat Assessment Teams**

TAM teams also must understand that:

- Documentation they produce will usually be subject to disclosure in the event of a civil rights agency investigation or litigation

Finally, TAM teams need to understand:

- The professional practice and patient-health care provider privilege issues so that they can appropriately access sensitive information when necessary

Legal Duties

The primary duty is an ethical duty. Institutions will want to prevent harm to the:

- Extent they can given their resources
- Available knowledge of potential risks
- Rights of persons of concern

Legal Duties


While the precise contours of such duties vary from state to state, institutions of higher education generally have some legal duties to:

1. Act reasonably to provide a campus environment that is reasonably safe from foreseeable criminal activity by students, employees, or third parties
2. Supervise potentially dangerous employees appropriately

Legal Duties


Continued

3. Deal reasonably with foreseeable risks posed by identified students who may pose a risk of harm to others
4. Perform professional duties, such as mental health counseling, with reasonable care and a due regard for patient rights and the rights of others in certain situations

 **Legal Duties**

Whether legal liability follows from the alleged failure to exercise one of these duties reasonably will depend on:


- State law
- Detailed facts of a particular matter

 **Legal Duties**

TAM teams and the institutions they advise will, in the broadest sense, be judged by:

- **Whether they acted reasonably under the circumstances given the information available**
- **The rights of persons of concern**

Law suits are likely if a tragedy happens, but if a TAM team can provide a reasonable rationale for its actions, it will be doing its part to satisfy the various legal duties that might apply.

 **Statutory and Other Rights**

Persons of interest are protected by statutes that prohibit:

- Discrimination against individuals with disabilities

OR

- Who are perceived to be individuals with disabilities (i.e., the ADA, Section 504 of the Rehabilitation Act, and parallel state laws), and provide certain privacy rights as well (e.g., through FERPA)

Statutory and Other Rights

Persons of interest may claim that an institution's decisions to:

- Change their student or employment status

OR

- Require mandatory counseling, monitoring

OR

- Conditions of re-entry to campus

MAY

- Violate their rights under these laws

Statutory and Other Rights


The tension between safety concerns and statutory rights is the most complicated legal issue facing TAM teams.

Documentation Issues

TAM teams must recognize that documents they create:

- Should be treated "confidentially"


➤ Will generally be subject to disclosure in the event of a civil rights enforcement agency investigation or litigation unless they reflect privileged attorney-client communications

 Documentation Issues

TAM teams should also recognize that the definition of documents subject to disclosure is:


- Very broad
- Includes electronically stored information and e-mail messages

Therefore, TAM teams should create e-mails and other documents very carefully with this reality in mind.

 Documentation Issues


Documents created should reflect:

- The ultimate rationale for threat assessment
- Management decisions to help remind the team of its decision-making process
- The factual information considered in that process

 Documentation Issues


It is preferable if documents do NOT reflect:

- Team members' preliminary "thinking out loud"
- Ideas based on partial information
- Other deliberations that may be subject to change given better information
- Advice of counsel or other professionals

 Patient Health Care Provider Privileges


The patient-health care provider privileges should include consideration of the obligations faced by providers who:

- **ARE** members of the team
- **AREN'T** members but may be asked for information about students of concern

 Patient Health Care Provider Privileges


Continued

- Privilege principles do protect confidentiality of information shared in the context of a patient-health care provider relationship
- Contours of protection are usually determined by state law, but that certain general principles apply (e.g., American Psychological Association ethical standards)

 Patient Health Care Provider Privileges


Continued

- APA code provides: "Psychologists have a primary obligation and take reasonable precautions to protect confidential information obtained through or stored in any medium, recognizing that the extent and limits of confidentiality may be regulated by law or established by institutional rules or professional or scientific relationship." *APA Ethics Code 2002, Sec. 4.01, Maintaining Confidentiality*
- Providers' confidentiality responsibilities apply equally in threat assessment and management context

 Patient Health Care Provider Privileges


Under APA Ethics Code, providers may disclose otherwise-confidential information under certain circumstances, such as:

- **With** patient consent
- **Without consent**, "where permitted by law for a valid purpose such as to protect the client/patient, psychologist, or others from harm"

 Patient Health Care Provider Privileges

In practical terms, case law in many jurisdictions also requires:

- **Breach of privilege and disclosure of information** as necessary to protect foreseeable victims of violence, property damage, or safety of patient (i.e., the principles associated with the seminal *Tarasoff* case)
- In *Tarasoff v. Regents of University of California*, 551 P.2d 334 (Cal. 1976), the court held: "When a therapist determines, or pursuant to the standards of his profession should determine, that his patient presents a serious danger of violence to another, he incurs an obligation to use reasonable care to protect the intended victim against such danger. Thus it may call for him to warn the intended victim or others likely to apprise the victim of the danger, to notify the police, or to take whatever other steps are reasonably necessary under the circumstances."

 Disability Law Protections—Overview

Applicable disability-law-related protections for:

- Students
- Employees or other persons of concern
- Related due process issues

The laws that will be covered are:

- The federal Americans with Disabilities Act ("ADA" as amended in 2008)
- Section 504 of the Rehabilitation Act
- State public accommodations laws/disability-related employment laws

ADA 2008 Amendments

A student or employee is protected under the ADA, as broadened substantially by the ADA Amendments Act of 2008 ("ADAAA"), if he or she has a "disability," defined as follows:

- A **physical or mental impairment** that substantially limits one or more major life activities
- Conditions affecting the **operation of major bodily functions**
- **Mental health conditions** which substantially limit an individual's ability to learn, concentrate, think, and communicate

Disability Laws

Disability laws prohibit discrimination against an individual who has a "record" of having a disability such as a past:

- Diagnosis of mental illness which is in remission at the time of assessment
- Participation in a drug abuse treatment program

OR

- Is "regarded as" having a disability


Disability Laws

Under the ADAAA:

- A **perceived impairment does not have to** (be perceived to) **limit a major life activity** (i.e., be a "qualified ADA disability") to invoke the "regarded as" protection

Rather, the ADAAA has now broadened coverage to include:

- Individuals who can argue that they **were perceived or treated as potentially having**, for example, a mental impairment that is less limiting than that which would be considered to be a "disability" under the law

 **Disability Laws**

Under the ADAAA:

- “The determination of whether impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigation measures”
Formerly, successfully medicated mental illnesses might not be covered

Under the ADAAA:


- “An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active”

 **Direct Threat**

Direct Threat Exception

- Under the “direct threat” exception, an institution (or its TAM team) **can determine that an otherwise-protected individual’s disability-related behavior or misconduct cannot be tolerated or accommodated**

“**Direct Threat**” means “a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation”

 **Direct Threat**

Per Equal Employment Opportunity Commission regulations, the determination that an individual poses a “direct threat” shall be based on:

- An assessment of the individual’s present ability to safely perform the essential functions of the job
- This assessment shall be based on a reasonable medical judgment

Direct Threat

In determining whether an individual would pose a direct threat, the factors to consider include:

- The duration of the risk
- The nature and severity of the potential harm
- The likelihood that the potential harm will occur
- The imminence of the potential harm

Disability Laws


Under the ADA and ADAAA:

- Medical and other disability-related information is **confidential**
- It should be shared on a **need-to-know** basis only
- **Safety issues** that may well be faced by a threat assessment and management team can satisfy the need-to-know standard

ADA Related Due Process Issues


ADA Related Due Process Issues For Students

On-campus monitoring	Institutional disciplinary actions and processes	Voluntary and involuntary leave/suspension/withdrawal	Mandatory professional assessments and monitoring	Conditional re-entry to campus community
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 ADA Related Due Process Issues

Department of Education Procedural Requirements: Students


- Students with disabilities should not be subject to adverse action
- “Minimal due process”
- “Full due process”

 ADA Related Due Process Issues

In and Outside Mental Health Professionals: Students

Threat assessment team needs to assure that decisions to the extent possible:

- Are based on current professional assessment
- AND
- Not based on stereotype, overreaction, etc.

 ADA Related Due Process Issues

ADA Related Due Process: Employees


ADA requires:

- An interactive “accommodation dialog” process
- That decisions be based on **medical information**, not stereotypes or prejudices
- A “**direct threat**” should be documented

 **Disability Law Summary**


Disability law protections:

- Should not conflict with safety
- Do not protect individuals who pose "direct threat"
- Do not necessarily excuse misconduct

 **Privacy Law Protections Overview**


Lesson 4: Privacy Law Protections for Persons of Concern Include:

- **Federal Family Educational Rights and Privacy Act (FERPA)**
- **Federal Health Insurance Portability and Accountability Act (HIPAA)**
- Common law privacy protections (e.g., invasion of privacy, defamation torts)


 **FERPA**

FERPA Fundamentals

Unless an exception applies, FERPA prohibits nonconsensual **disclosure** of information from **education records** which is personally identifiable or easily traceable to an individual **student**.


 FERPA

- **Education record** means any information recorded in any way and maintained by institutions
- **Student** means any person who is or has been in attendance
- **Disclosure** means to permit access or release to any party

 FERPA


“Legitimate educational interest” may be broadly defined by institutions, meaning that information:

- May be shared freely with other members of the institution’s community who need to know in order to perform their jobs
- An institution’s annual FERPA notice should define such individuals
- TAM teams should be conversant with how their institution’s FERPA notice defines “school officials”
- The institution’s definition should be broadened if it seems unduly restrictive—could compromise the TAM team’s ability to carry out its work

 FERPA

**FERPA Exception:
Directory Information**


- Release of information would not be considered harmful
- “Not an invasion of privacy if disclosed”



FERPA

FERPA Exception: Law Enforcement Unit Records Defined


- Records created by security department/campus police department that were created for a law enforcement purpose
- In the hands of security department personnel



FERPA

Law enforcement unit records in the hands of security department personnel:

- Are not subject to FERPA and may be disclosed without consent (for example, to outside law enforcement officers or others)
- If law enforcement unit records are shared with a TAM team, they become "education records" in the hands of the TAM team
- While a law enforcement unit could share their copies of the records with third parties, TAM team members cannot, unless another exception applies




FERPA

FERPA Exception: Health and Safety Emergency


The Department of Education emphasizes:

- "That greater flexibility and deference should be afforded to administrators
- SO
- That they can bring appropriate resources to bear on circumstances that threaten the health or safety of individuals"

 FERPA


**2008 Amendment to Health and Safety
Emergency Exception**

- An institution **may disclose** personally identifiable information from education records to appropriate parties in connection with an emergency if knowledge of the information is **necessary to protect the health or safety** of the student or other individuals
- Prior language removed requiring "strict construction" of the exception, and emphasized that institutions **may take into account the totality of the circumstances** pertaining to a threat to the safety or health of the student or other individuals

 FERPA


Continued

- If the school determines that there is a **significant threat** to the health or safety of a student or other individuals, it **may disclose information** from education records to appropriate parties whose knowledge of the information is necessary to protect the health and safety of the student or other individuals
- "If there is a **rational basis for the determination**, the Dept. of Ed. will not substitute its judgment for that of the educational agency or institution in deciding to release the information"

 FERPA

Continued

- Provided that "**appropriate parties**" to whom health and safety emergency-related information may be disclosed include "**parents of an eligible student**"
- The addition of "parents" to those considered an "appropriate party" was intended to clarify to institutions that **parents may be notified** when there is a **health or safety emergency** involving their son or daughter, notwithstanding any FERPA provision that might otherwise prevent such a disclosure


 **FERPA**

In terms of process, the 2008 FERPA regulations require institutions to record the:

- Articulable and significant threat that formed the basis for the disclosure


AND

- Parties to whom the information was disclosed

 **HIPAA**

It is important to understand that HIPAA:

- HIPAA has **narrow** application
- The practical handling of safety-related issues is not unduly impaired by concerns about HIPAA
- HIPAA does **not apply** to "student treatment records"
- Student treatment records are covered by FERPA and therefore are deemed exempt from HIPAA. Thus, FERPA principles and exceptions apply
- HIPAA applies, for practical purposes, only where a college engages in certain "covered transactions" (e.g., billing) electronically for health care services

 **HIPAA**


Disclosure of "protected health information" allowed if provider makes a "good faith" determination that:

HIPAA Exceptions

- "Is necessary to prevent or lessen a serious and imminent threat to the health and safety of a person or the public"


AND

- "Is made to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat"

 **Common Law Privacy Rights**


The common law privacy rights that may protect students and employees of concern include:

- The right to be free of undue invasions of privacy
- The right to be free of defamation

 **Module Summary**

Module covered the legal considerations to include:

- Components of ADA and FERPA that need to be remembered in the context of threat assessment
- Other legal red flags to recognize and address to avoid liability
- Available resources to address those legal red flags and protect the institution from liability
- Ways to support and document a rationale for team decisions to survive a legal challenge

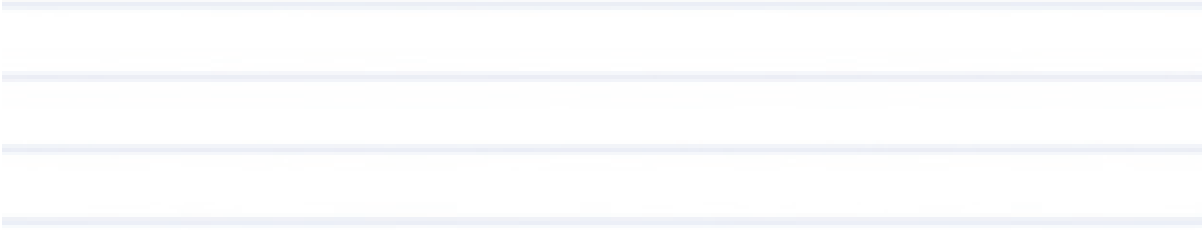
 **Module Summary**

With this knowledge you will be able to do your important threat assessment work:

- Without undue restriction from the privacy, disability law, and common law rights of individuals of concern; and
- With the ability to identify when to seek advice from legal counsel about how to balance the rights of individuals of concern against the institution's safety-related obligations



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Module 5
Behavioral Threat Assessment Case Study



Module 5: Behavioral Threat Assessment Case Study.

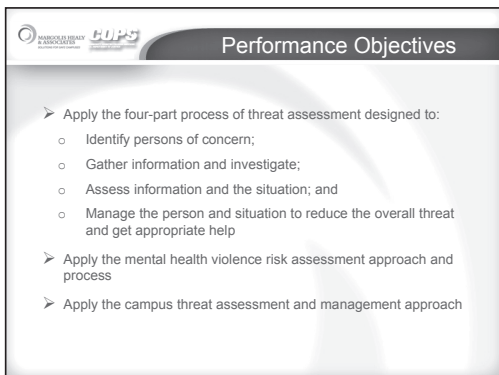
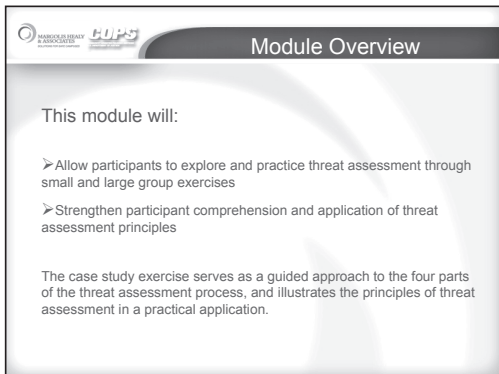
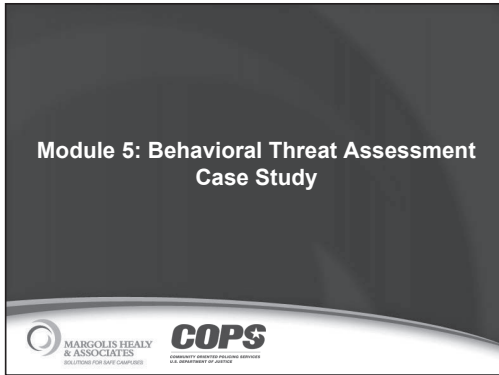
Time: 90 minutes.


Summary and Rationale (Abstract): This module will allow participants to explore and practice threat assessment through small and large group exercises using pre-developed case studies.

Overall Module Objective: The objective of this module is to strengthen participant comprehension and application of threat assessment principles. The case study exercise will serve as a guided approach to the four parts of the threat assessment process, and illustrate the principles of threat assessment in a practical application.


Performance Objectives: At the end of this module, participants will be able to:

- Apply the four-part process of threat assessment designed to identify persons of concern; gather information and investigate; assess information and the situation; and manage the person and situation to reduce the overall threat and get appropriate help.
- Apply the mental health violence risk assessment approach and process.
- Apply the campus threat assessment and management approach.




 Mark Bento - I


- 24 years old, second semester first-year student
- C student
- Personal hygiene issues
- Change in demeanor
- Confrontational
- Issue reported to the Dean of Students

 Mark Bento - II


- Mark meets with Dean of Students
- Mark has stopped taking medications
- Mark would not be allowed to return to class
- Dean uncovers earlier incident involving Mark

 Mark Bento - III

- English professor reported a significant change in Mark's performance
- Mark is disconnected and withdrawn
- Classmate received disturbing text message
- Roommate reported Mark in a rage

 Supporting Information

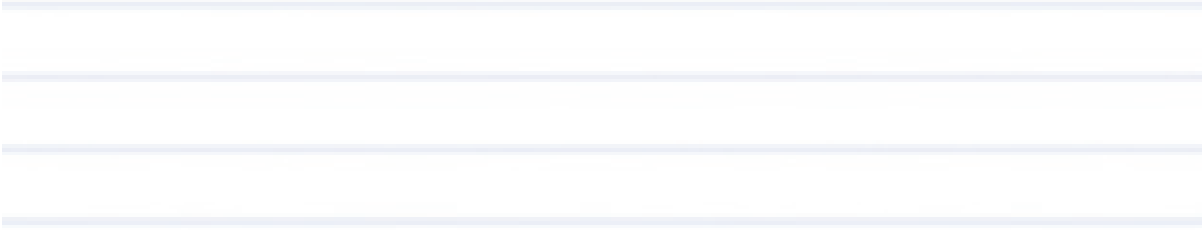
- No criminal record
- Uncooperative and hostile during interview
- Later admitted angry, unhappy, embarrassed
- Stressed over money
- Facebook account

 Module Summary

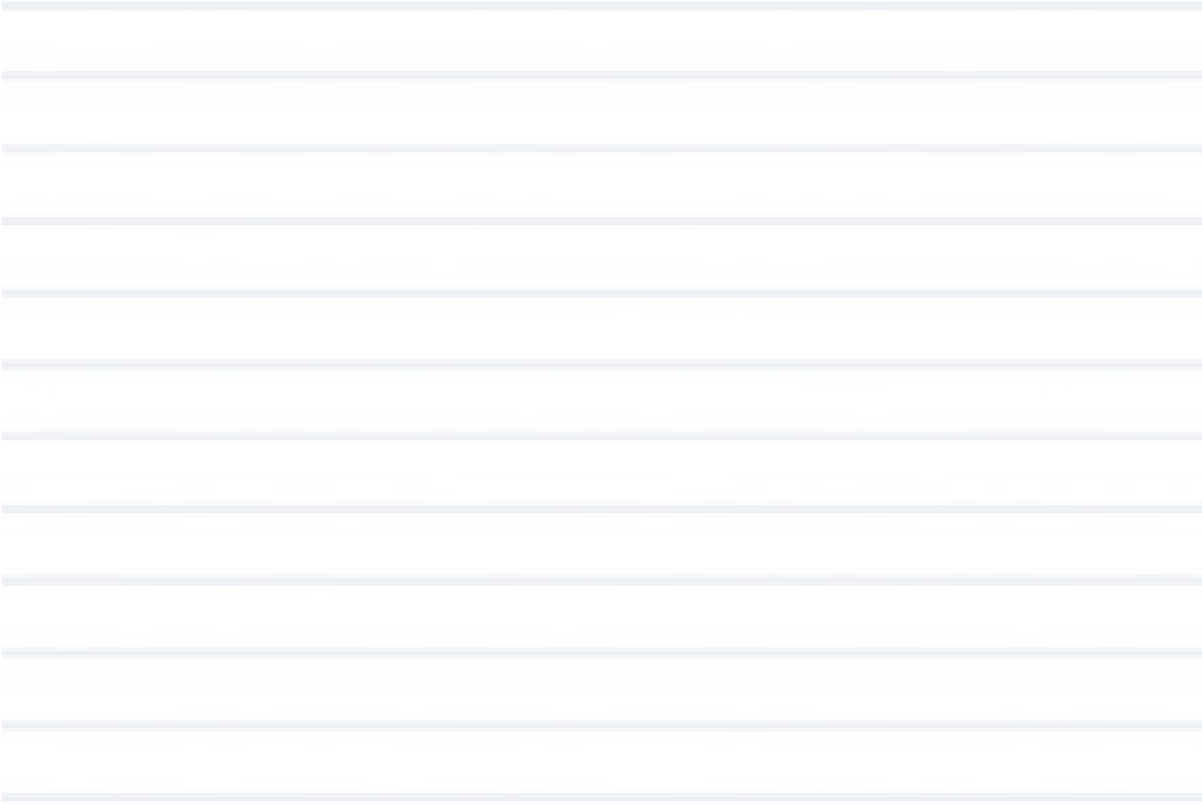
- Allow participants to explore and practice threat assessment through small and large group exercises
- Strengthen participant comprehension and application of threat assessment principles

 Contact Information

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Module 6
Closing



Closing Module: Assessing Technical Assistance for the Campus Threat Assessment Grant

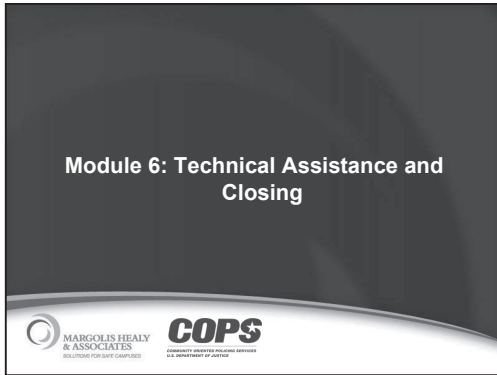
Summary and Rationale (Abstract): This module will close the seminar and present information on the grant's technical assistance services.

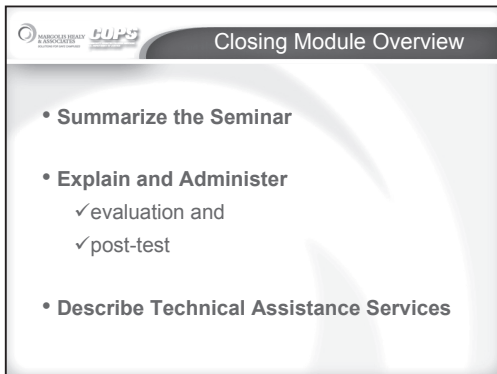
Overall Module Objective: To review the seminar modules in summary fashion; provide program evaluations and the post-test; and outline access to the discussion boards as part of the grant's technical assistance program.

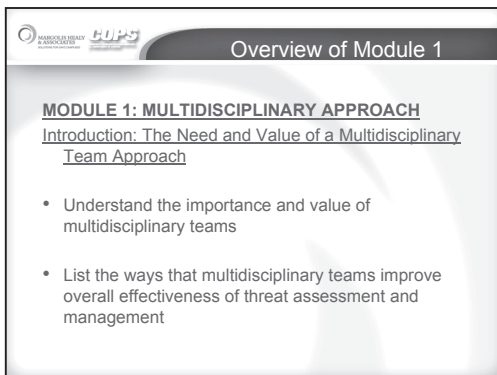
Performance Objectives

At the end of this module, participants will be able to:

- Log in to the discussion boards on the web site.
- Discuss the overall seminar goals.
- Complete the post-test.







Overview of Module 1

Authority, Role and Membership of the Team

- Articulate their team's authority for decision-making
- Utilize key roles to manage cases and evaluate overall effectiveness
- List roles and skill sets necessary for their team's operation

Team Operations

- Enhance team leadership and decision-making process
- List team goals, resources, and capacity
- List team functions and actions

Overview of Module 2

MODULE 2: THE CAMPUS THREAT ASSESSMENT AND MANAGEMENT PROCESS

Overview of Campus Threat Assessment

- List the four purposes of the threat assessment process
- Identify the seven components of an effective threat assessment program

Guiding Principles of Threat Assessment Management

- Discuss the principles of threat assessment
- Identify two principles that need to be strengthened on their campus

Overview of Module 2

Steps in the Threat Assessment and Management Process


- Create a model threat assessment program for their institution
- Develop a process flow chart for implementation of their model program

 Overview of Module 3

MODULE 3: LEGAL CONSIDERATIONS IN THREAT ASSESSMENT AND MANAGEMENT

The Legal Environment of Threat Assessment and Management

- Recognize and avoid “red flag” legal issues at a basic level
- Understand the legal context in which threat assessment and management teams operate
- Recognize when to seek guidance from legal counsel or other resources


 Overview of Module 3

Disability Law Protections for Persons of Concern

- Understand threat assessment and management decisions without violating the disability law-created rights of persons of concern
- Assess whether the threat assessment and management process on their campuses appropriately respects such rights

Privacy Law Protections for Persons of Concern

- Disclose information about persons of concern as necessary to enhance safety on campus, without violating the privacy law-created rights of such persons

 Seminar Evaluation/Post-Test

- To comply with the grant requirements for metrics and evaluation, participants are asked to complete an evaluation and post-test
- Provide Certificate of Attendance
- Gain access to the Technical Assistance Discussion Boards

Technical Assistance

- Online discussion boards at www.CampusThreatAssessment.org
- Provide a safe and secure space for discussion and information-gathering
- Moderators will monitor, but not designed to provide depth of assistance

Technical Assistance



The screenshot shows the 'CAMPUS THREAT ASSESSMENT' website. It features a navigation menu with options like 'Home', 'About', 'Resources', and 'Contact Us'. Below the menu, there are sections for 'What's New' and 'Resources'. The 'Resources' section includes a table with columns for 'Title', 'Author', and 'Date'. The table lists various resources such as 'Campus Threat Assessment: A Guide for Administrators', 'Campus Threat Assessment: A Guide for Faculty and Staff', and 'Campus Threat Assessment: A Guide for Students'. At the bottom of the page, there is contact information for Margolis, Healy & Associates, LLC.

Contact Information

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