Legal Issues in Higher Education: Campus Safety and Security

Anil Gollahalli
General Counsel, The University of Oklahoma

Continuum of Behavior Intervention

Any particular encounter occurs in a context

- Average anxiety level across the country (has there been a recent incident on some campus?)
- Average anxiety level on campus (final exam week, faculty evaluation time is late January)
- Individual dealing with the disruptive individual (is there stress in his/her own life?)

<table>
<thead>
<tr>
<th>Resource-Based Intervention</th>
<th>Threat Assessment</th>
<th>Emergency Resp and Comm.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Discuss with incident</td>
<td>Report to Dean</td>
<td>Notify Campus Security</td>
</tr>
<tr>
<td>Counseling services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Safety in measures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Faculty</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Discuss with colleague</td>
<td>Notify Faculty</td>
<td>Notify Campus Security</td>
</tr>
<tr>
<td>Direct Administrative action</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Staff</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Discuss with staff directly</td>
<td>Notify Faculty</td>
<td>Notify Campus Security</td>
</tr>
<tr>
<td>Refer to counseling or judicial services</td>
<td>Notify Faculty</td>
<td></td>
</tr>
</tbody>
</table>

GOALS:

- Early intervention for concerning behavior
- Resource-driven
- Encourage success by connecting individuals with campus resources
- Collects baseline and longitudinal data points
Behavior Intervention Strategies
and Resources

- Positive resources (e.g., no student code or PD involvement)
- Referral to academic counseling
- Referral to campus mental health resources
- Establish Student Affairs welfare checks (one-time or ongoing)
- Facilitate meetings with professors
- Notification of select individuals for heightened awareness (may include roommates, parents, other support system)
- Cultural sensitivity training for faculty, staff, and students

Threat Assessment

Where early resource intervention does not return behavior to acceptable baseline, the institutional model must shift focus to protecting the community.

- Behavior disrupts the campus living, learning, or working environment.
- Risk level escalates beyond an Elevated Risk (NaBITA Rubric)
- University officials determine appropriate interventions that balance available resources with interventions necessary to protect the community.

Threat Assessment Strategies
and Interventions

- Student conduct charges
- Direct administrative action (temporary suspension)
- Employee disciplinary action, including administrative leave or termination
- Trepass from university facilities and property
- Law enforcement intervention or arrest, including Emergency Orders of Detention (EOD)
- Private investigation
- Mandated psychological assessments
- Voluntary / involuntary withdrawals
A Note on Self Harm

- Resource driven interventions are the ideal approach to handling situations involving self-harm. The Office for Civil Rights requires an institution to demonstrate an imminent threat to others before involuntary withdrawals are considered appropriate.
- In the event of student self-harm, connecting with the student’s family or support system may be the most effective method to achieve suitable outcomes, including voluntary withdrawals.
- In severe instances where less invasive interventions appear to be unsuccessful, requesting a welfare check by law enforcement may be appropriate.

Additional Considerations

- Can disability services assist?
- What information should be distributed to others on campus?
- May outside law enforcement or other agencies provide assistance?
- What are the University’s obligations to other institutions?
- Health and safety exception to applicable privacy laws (HIPAA, FERPA)?
- Different protections / due process for faculty, staff, and students?
- What University resources are available to threatened individuals?
- Title IX or other regulatory considerations?

Emergency Response

Emergency planning and response are evolutionary processes that adapt to the nature of the emergency. While you never can be completely prepared for the particular details of an emergency, implementing communication systems and testing those systems through a variety of exercises is the best approach to equipping your campus with the tools to handle an emergency.
Emergency Situations

Campus Plans should anticipate a variety of emergency situations:

- Severe Weather/Tornadoes
- Chemical, Radiological, Biological Terrorism
- Actual or threatened emergent campus violence
- Pandemic disease outbreak

Emergency Response Plan: Components

- Emergency Response Organization
  - Executive positions vested with broad decision-making authority
  - Multiple layers of trained backups
  - Individuals, not titles
- Plan Activation Process
  - Phone tree / Communication Modes
  - Standing dial-in number
  - Command Center

Emergency Response Plan: Components

- Emergency Communication System
  - Prepared messages with multiple individuals authorized to access the system and send the messages
- University Mass Email System
- University Website
- Internal Email Distribution List and Calling Trees
- Building Contact Persons
- Buildings with PA Capabilities
- Press Releases, Public Radio and Television
Training the Emergency Response Organization

Establishing the plans is only the first step in emergency preparedness. Training, testing, evaluating and modifying the plans is critical to ensure that your campus is as prepared as possible for an emergency.

Tabletop Exercises

- Basic to complex
- Begin with upper levels of the ERO, evolve to more complicated scenarios involving broader range of personnel
  - Example: basic exercise testing efficiency of phone tree in pulling together decision makers.
  - Note inefficiencies and failures: what works on paper may not work in an actual emergency.
- Use results to tweak the process

Interacting with Outside Agencies

- Includes local law enforcement, federal agencies
- Mutual desire to keep low profile
- Create liaison relationships (schools, churches, etc.)
- Open communication → more complete information to make decisions
### Campus Safety

#### Resource Materials

**CAMPUS SAFETY IN GENERAL**

- [The University of Oklahoma Emergency Response Plan](http://www.ou.edu/aa/erp.pdf)
- [Flip Chart on EMERGENCY PROCEDURES: Norman Campus](http://www.ou.edu/provost/procedures)

**DISRUPTIVE STUDENTS**

- [Student Code](http://judicial.ou.edu/images/stories/student_codebook.pdf)
- [Reporting an Incident of student behavior that may be a violation of student code](http://judicial.ou.edu)
- [Dealing with Disruptive Classroom Behavior](http://goddard.ou.edu/counseling/services/crisis_main.html)

---

| Date: 9/19/2014 | Page: 6 |