

Risk Management and Working with Students

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Drilling It Down...

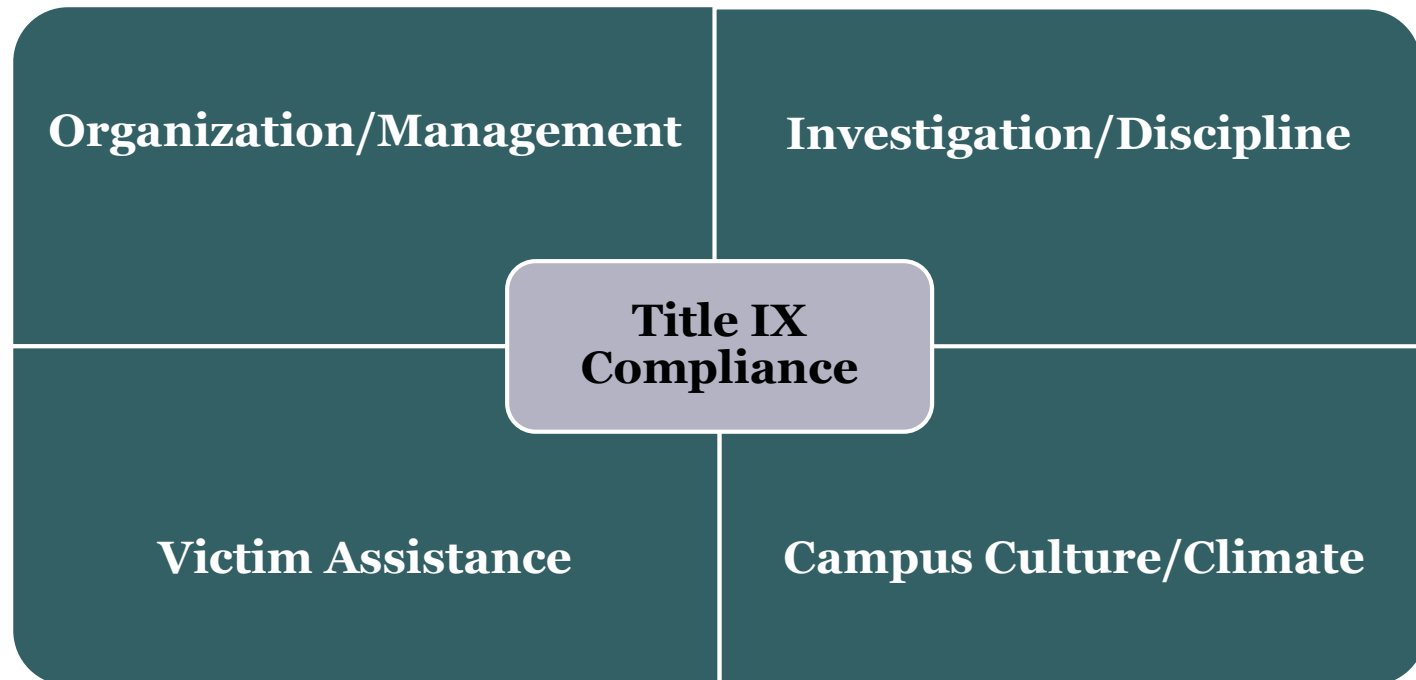
- Area 1: Title IX
 - Four Corners of Compliance
 - Responsible Employees
- Area 2: Alcohol and Other Drugs
 - Core Risk
 - Federal Regulatory Uptick
 - Biennial Review? Science-Based Prevention? Assessment?
- Area 3: Mental Health, Wellness and Populations: ADA, Title II, Fair Housing, Care Teams
 - Comfort/Service Animals
 - Complex Disability Issues
 - Classroom Management/Retention
 - Individualized Assessment

Drilling It Down...Continued

- Area 4: Multiculturalism – *Fisher v. Texas*, LGBTQ
 - Compliance with Federal Equal Protection/Civil Rights Mandates
 - New Focus on LGBTQ Rights
 - First Amendment
- Area 5: Enrollment Management
 - Application → Admission → Retention → Persistence → Attainment → THRIVING

Area 1: Title IX

Lake's Four Corners of Title IX Regulatory Compliance



Corner 1:

Organization/Management

- Properly trained and tasked Title IX staff, including a dedicated Title IX coordinator for large campuses
- Reporting structures and employment protections
- Self-evaluation/study techniques to improve efficiency and outcomes
- Have Title IX management systems in place to provide effective Title IX services
 - website design and management
 - faculty, staff, student training (due diligence)
 - Includes externships/internships (learning environments)

Corner 2: Investigation/Discipline

- proper data gathering
- mechanisms for reporting
- proper rules and procedures for discipline
- special techniques in investigating acquaintance sexual misconduct
- appeal and review of decisions
- interfaces between Title IX coordination systems and investigation/discipline/grievance systems

Corner 3:

Victim Assistance

- Protection, empowerment, support
- care/show you care
- compassion, no re-traumatization or double-victimization
- security and safety
- counseling
- medical services
- advocacy
- academic support
- Put yourself in the place of a victim – What would you want? How would you want to be treated?

Corner 4: Campus Culture/Climate

- proactive efforts to check, address and modify “culture” and “climate” issues
- integrating educational resources directly into Title IX response systems
- multicultural issues (e.g., LGBTQ, international students, etc.)
- prevention
- “bystander” intervention and training
- Integrate Title IX efforts with greater Enterprise Risk Management (ERM) efforts

Responsible Employee

“A ‘responsible employee’ is a College employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty.”

**Sample Language for Reporting and Confidentiality Disclosing Sexual Violence* (April 2014), pg. 3, <https://www.notalone.gov/assets/reporting-confidentiality-policy.pdf>

Responsible Employee

“When a victim tells a responsible employee about an incident of sexual violence, the victim has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.”

**Sample Language for Reporting and Confidentiality Disclosing Sexual Violence* (April 2014), pg. 3, <https://www.notalone.gov/assets/reporting-confidentiality-policy.pdf>

Responsible Employee

“A responsible employee must report to the Title IX coordinator all relevant details about the alleged sexual violence shared by the victim and that the College will need to determine what happened...”

**Sample Language for Reporting and Confidentiality Disclosing Sexual Violence* (April 2014), pg. 3, <https://www.notalone.gov/assets/reporting-confidentiality-policy.pdf>

Responsible Employee

“including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.”

**Sample Language for Reporting and Confidentiality Disclosing Sexual Violence* (April 2014), pg. 3, <https://www.notalone.gov/assets/reporting-confidentiality-policy.pdf>

Area 2: Alcohol and Drug Prevention

Alcohol and Other Drugs

- Alcohol Plays a Big Part → Core Risk
 - Missed Classes
 - Poor Academic Performance
 - Violence
 - Sexual Assault (as much as 90%)
 - Retention and Satisfaction
- Tie efforts to core mission!
- Data collection is a must.
- Prevention is now a science.
- Environmental Management.
- Enforcement of SDFSCA is ramping up!
 - DOE Office of the Inspector General's Report (Stephen Guest)
 - Clery Audit Teams asking for evidence of biennial review compliance

Area 3: Mental Health and Wellness

Core Literature on Teams and Student Mental Health...

- Higher Education Mental Health Alliance (HEMHA) and the Jed Foundation, *Balancing Safety and Support on Campus: A Guide for Campus Teams* (2012)
- Deisinger, G., Randazzo, M., O'Neill, D., & Savage, J., *The Handbook for Campus Threat Assessment and Management Teams* (2008)
- Cornell University, *Recognizing and Responding to Students in Distress*
- The Jed Foundation, *Student Mental Health and the Law: A Resource for Institutions of Higher Education* (2008)
- Katie Baker, Newsweek, *How Colleges Flunk Mental Health* (Feb. 11, 2014)

Impetus for Teams?

- Tyler Clementi, shooting tragedy at Virginia Tech in April 2007 (and others)
- Increased student mental health issues/increased visibility of mental health issues – *Shin v. MIT*
- Millennials challenging professors in the classrooms
- “Information silos” and reports on Va. Tech
- State mandates in Illinois and Virginia (including who must be on the team)
- On some campuses, teams existed for many years – Delworth
- Clery auditors ask about team operations – they assume one operates on your campus
- Looming possibility of Clery mandate for teams.


Teams and the Sorting Hat

- What dimensions of analysis does the situation present?
 - Legal?
 - Mental Health/Wellness?
 - Safety?
 - Management/Organization?
 - Community?
 - Academic?
 - Personnel?
- Be careful when transforming one issue into another!

Gathering and Processing Information

- How will information be gathered?
 - Website form?
 - Hotline?
 - “Facebook audits”
 - Emails/conversations with colleagues?
- What will be the response?
 - Flowcharts can be helpful.
 - Role of “case managers”?
- Who will conduct follow up?
- What about record keeping?

A SPECTRUM OF POSSIBLE CAMPUS TEAM INTERVENTIONS / RESPONSES

- 
- Monitor the situation —
 - Engage directly with the person to de-escalate —
 - Work with a trusted peer or ally to monitor more closely —
 - Work with other departments to coordinate a plan of action (e.g., assessment, counseling, case management, disciplinary action) —
 - Voluntary referral for mental health assessment or treatment —
 - Mandated psychological assessment —
 - Involuntary hospitalization for evaluation and/or treatment —
 - Disciplinary review/action —
 - Notify family member(s) —
 - Convene Threat Assessment Team —
 - Separate from IHE (voluntary leave, interim suspension, involuntary leave) —

Source: Compiled from Eells and Rockland-Miller (2011) and Nolan, Randazzo, and Deisinger (2011)

HEMHA/Jed Foundation, Balancing Safety and Support on Campus (2012)

Things for Teams to Consider...

- Title IX
- Clery Act, VAWA, SaVE Act
- Privacy – FERPA, HIPAA, and open records
- Title II and Direct Threat
- ADA
- Fair Housing Act
- Civil Liability
- Criminal Liability
- Negligence law/Reasonable care
- Contract law (Leave of Absence)
- Legal repercussions for having such a team?

Team Maintenance

- Training team members
- Resources
- Who cares of the CARE team?
- Member burnout
- Get faculty on board
 - **A HELPFUL EXERCISE:** Eastern Michigan Univ. held a retreat where all academic deans attended a “theater-in-the-round” and viewed a mock CARE team meeting with two different scenarios. Licensed health care providers would occasionally stop the scenario and explain how they could process info without sharing confidential info.
 - “SELF STUDY” - reporting

Future Resources for Teams

- *National Center for Campus Public Safety*
 - Margolis Healy, Univ. of Vermont
- *VTV Family Outreach Foundation 32 National Campus Safety Initiative (32ncsi)*
 - Directed by S. Daniel Carter, formerly of the Clery Center for Security on Campus
- *The Jed Foundation*
- *Vendors*

Sketch of Disability Law

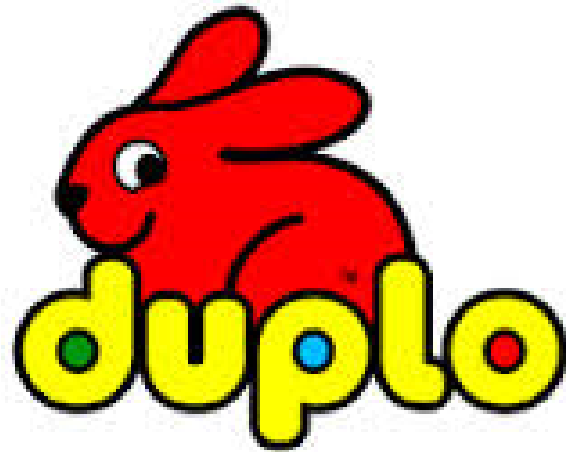
- “Disabled” *vel non*
- “Qualified”/”Otherwise Qualified”
 - No fundamental alteration
 - “Technical requirements”
 - Academic
 - Behavioral
 - Competency/”Job” qualifications
- Accommodation
 - K-12 vs. Higher Ed
 - “Reasonable”
- Direct Threat
 - Spring Arbor/Title II

Populations: Millennials

- Pod Behavior - Friends
- Digital Natives
- Family - Proxy Learners
- Multicultural – Death of Dyads
- “Esteemed” – “Triggers”
- Resiliency
- Mental Health?
- GenZ is Coming!

Populations: Gen Z

- Home-Schooled
- Feel Safe/Be Safe
- Multicultural
- Entrepreneurial
- Always Lived in Times of Crisis
- More Resilient?
- Lower AOD?
- Mental Health?



Area 4: Multiculturalism

Multiculturalism

- Need for cultural literacy
- Beyond dyads
- Beyond admissions (*Fisher/Schuetz*)
- Role of class?
- Risk and multiculturalism
 - Classroom management
 - Title IX
 - Qualified or accommodated?
- “Sex” to orientation, gender, identity, appearance
- First Amendment <-> Hate speech <-> Hazing <-> Harassment <-> Bullying
- Fora → Articulation, intentionality, affinity



Examples

Area 5: Enrollment Management

Enrollment Management

- Can no longer afford retention by admissions.
- Gainful employment (Obama Scorecards)
- Federal Student Aid → Link to safety (Compliance with SDFCA, Title IX, Clery, etc.)
- Application → Admission → Retention → Persistence → Attainment → THRIVING