Threat Assessment Teams: A Model for Coordinating the Institutional Response and Reducing Legal Liability When College Students Threaten Suicide

James C. Penven, Virginia Tech
Steven M. Janosik, Virginia Tech

Increasing numbers of college students with mental health issues are enrolling in college. If these students threaten suicide they present serious legal issues for college officials. Lack of communication and coordination of a response to these students exacerbates the issue. Threat assessment teams can serve as mechanisms to coordinate the response to students who threaten suicide. A review of case law and recommendations to mitigate liability when students threaten suicide are provided.

More than 33,000 suicides occurred among 15–24 year-olds in the United States in 2006, thereby ranking suicide as the third leading cause of death (Centers for Disease Control, 2009). A significant number of college students fall within this age group (National Center for Education-
al Statistics, 2009). Recently, several college student suicides have captured national attention due to multimillion-dollar wrongful death lawsuits filed by the deceased students’ surviving families (Urbina, 2009).

The increasing number of students with psychological issues (Gallagher, 2009) has many groups demanding action by college administrators. At the same time, the courts seem more willing to expand the conditions under which college administrators can be held accountable for their actions (Moore, 2007).

In response the Commonwealth of Virginia and State of Illinois legislatures passed laws mandating the establishment of Threat Assessment Teams on state public college and university campuses (Code of Virginia, § 23-9.2:10; Illinois Compiled Statutes, §110 ILCS 12-20). A threat assessment team “is a multidisciplinary team that interacts and operates on a regular basis—and as needed for crisis situations” (Deisinger, Randazzo, O’Neill, & Savage, 2008, p. 12). These teams are designed to identify and manage potential crises and can intervene when there is concern that students, employees, or other persons may present a threat to themselves or the community (Deisinger et al., 2008).

Though the mandate for threat assessment teams at Virginia and Illinois colleges and universities resulted from homicides committed by individuals with mental health issues, these teams can serve as important intervention mechanisms in other circumstances as well. It behooves administrators and other college officials to investigate the concept of a threat assessment team and consider the implications for their respective campuses.

This article focuses on two important issues. First, we review the litigation concerning liability issues for college and university administrators regarding suicide among college students. The shift toward greater administrative accountability by the courts is examined. Second, we examine how threat assessment teams, as mechanisms for assessing and coordinating the response to students with mental health issues, can reduce that exposure.

**Legal Background and Case Precedent**

Prior to 1960, *in loco parentis* (in place of the parent) provided power to university personnel as that of a parent over a minor. It resulted in the handling of many issues within the confines of the institution and litigation against college officials was rare, effectively creating the opportunity for “university culture to exist without legal scrutiny” (Bickel & Lake, 1999 p. 18; Kaplin & Lee, 2006). Additionally, Bickel and Lake (1999) noted universities were not typically held accountable for student safety nor did *in loco parentis* require accountability. Historically, the courts’ view on student suicide also reflected the practice within *in loco parentis*. Courts “refused to create a duty to prevent suicide, holding that it was the act of the suicide victim that was the proximate cause of death” (Kaplin & Lee, 2006, p. 210). Though college administrators and faculty members are no longer expected to operate *in loco parentis*, there is an expectation placed on college officials regard-
ing student suicide and the degree to which they can intervene prior to a student taking his or her own life (Bickel & Lake, 1999; Kaveeshwar, 2008).

**Litigation Against Universities and Administrators Due to Suicide**

In instances when a student committed suicide and was not treated by a medical professional, some families have filed wrongful death lawsuits against the institution and named individual administrators as codefendants (Baker, 2005). Wrongful death lawsuits “are governed by state tort law” (Baker, 2005, p. 520). Moore (2007) reported that courts currently rely on the common rule that “third parties are not liable when another inflicts self-harm” (p. 427). Cohen (2007) also found that college administrators are usually not responsible for “failing to prevent an individual’s suicide” (p. 3086). There are two exceptions to these rules: (a) if the defendant directly caused the suicide and (b) if the defendant “had a duty to prevent the suicide from happening” (Moore, 2007, p. 427). This duty is created “when the defendant has a legally recognized special relationship with a suicidal individual sufficient to create a duty to prevent suicide” (Lake & Tribbensee, 2002, p. 132).

Historically, institutions and administrators did not fall into these exceptions and were not held liable to prevent suicide (Lake & Tribbensee, 2002). Blanchard (2007) noted that prior to the end of *in loco parentis*, suicide was generally viewed as a criminal act and as “an intervening factor that precluded any preventative action” (p. 467). Once *in loco parentis* ended, courts “imposed a duty of reasonable care” upon college administrators (Blanchard, 2007, p. 467). As a result, questions of foreseeability and duty to care are scrutinized to a greater degree (Blanchard, 2007). Despite this scrutiny, courts have been hesitant to establish a duty to care upon institutions and administrators as illustrated in *Bogust v. Iverson* (Baker, 2005).

**Suicide and the case law.** Jeannie Bogust attended Stout State College. She began meeting regularly with Dr. Ralph Iverson, director of student personnel services at Stout from November 11, 1957 through April 15, 1958 to discuss “scholastic difficulties, and personal problems” (*Bogust v. Iverson*, 1960, p. 131). In April 1958, Iverson suggested terminating the meetings. On May 27, 1958 Jeannie took her own life (*Bogust v. Iverson*, 1960). Bogust’s parents filed suit, claiming Jeannie’s suicide resulted from Iverson’s suggestion to terminate the counseling meetings. The plaintiffs argued that Iverson had a *reasonable duty to care* for Jeannie, was obligated to secure treatment for her, and had a duty to notify her parents of her difficulties. The court affirmed the ruling of the circuit court, determining termination of the meetings could only be negligent if it was alleged the defendant knew termination of the meetings would result in suicide. Additionally, the court concurred with prior rulings that suicide was an intervening action, not in the line of causation (*Bogust v. Iverson*, 1960). It was the suicide attempt by Jeannie that resulted in her death and not an action by Iverson. In this case, the court found no expectation for universities to “notify parents of a student’s suicidal tendencies” (Blanchard, 2007, p. 472).
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_Jain v State_ (2000) serves as another example. As reported in this case, Sanjay Jain was a first-year student at the University of Iowa. In the fall of his first year, he experienced academic difficulty and was involved in several disciplinary violations including smoking marijuana. Jain's family was not aware of these issues. On November 20, resident assistants (RAs) found Jain arguing outside his apartment with his girlfriend, Roopa. Roopa told the RAs Jain was planning to commit suicide by inhaling exhaust fumes from his moped that he was storing in his room. Jain confirmed these intentions with residence life staff members. The RAs talked with Jain for approximately an hour. Jain promised the RAs he would get counseling after getting some sleep. He met with the hall director the next day and was evasive regarding his actions the prior evening. Jain refused to give permission for the hall director to contact his parents. He was advised of multiple university resources available to him, including counseling, but did not use any of these resources. On December 4, Jain was found unconscious in his room with his moped running. Medical personnel determined his death was the result of self-inflicted carbon monoxide poisoning (Jain v. State, 2000). Jain's father filed a wrongful death suit against the state. He argued university officials negligently failed to follow the institution's policy of notifying parents when a student displays "self-destructive behavior" (Jain v. State, 2000 p. 293). The Iowa Supreme Court supported the lower court's ruling that regardless of the university policy regarding parental notification, the policy did not convey a responsibility for preventing Jain's suicide. Furthermore, the court determined no special relationship between Jain and the university obligated them to prevent his suicide (Jain v. State, 2000).

Although Jain and Bogust still provide strong precedent regarding "duty to care expectations," how university administrators intervene with suicidal behavior may increase the degree of liability if a student commits suicide (Baker, 2005; Cohen, 2007). In fact, more recent cases suggest that the "special relationship" interpretation by the courts may be expanding (Moore, 2007).

As reported in Schieszler v. Ferrum (2002), Michael Frentzel, was a first year student at Ferrum College who had disciplinary issues during his first semester. Unlike Jain, Frentzel was required to attend anger management classes prior to reenrolling in Ferrum for the spring semester. In February, police and Frentzel's RA responded to a dispute between Frentzel and his girlfriend, Crystal. Shortly after, Frentzel sent his girlfriend a note stating his plan to hang himself with his belt. Once again, police and the RA responded to Frentzel's room where they found him locked in the room with self-inflicted bruises on his head. The dean of students was contacted and he had Frentzel sign a statement indicating he would not harm himself. During the next few days, Frentzel wrote two more notes to Crystal. Administrators took no action until they received the final note Frantzel wrote that stated, "Only God can help me now." On February 23, 2000 administrators went to Frantzle's room and discovered that he had hung himself with his belt (Schieszler v. Ferrum, 2002, p. 605).

Frentzel's aunt and guardian, LaVerne Schieszler, filed a wrongful death suit against Ferrum College, David Newcombe (dean of students), and the RA. She argued the defendants knew or should have known that Frentzel was likely to injure himself if not supervised. Furthermore,
she argued the defendants were negligent because they took no precautionary action to ensure Frantzel did not injure himself and, as a result, Frantzel died (Schieszler v. Ferrum, 2002). The defendants jointly moved for a dismissal of the case. The judge reviewing the motion dismissed the suit against the RA because Schieszler failed to state adequate facts to prove her negligence. The motion for dismissal by Ferrum College and Newcombe was denied. In his decision, the judge indicated Schieszler sufficiently alleged a duty of care existed between the defendants and Frentzel. Furthermore the “facts alleged in the complaint indicate that the risk that Frentzel would in fact take his own life was foreseeable” (Schieszler v. Ferrum, 2002, p. 612). The case was ultimately settled out of court with Ferrum acknowledging shared responsibility for Frentzel’s suicide (Cohen, 2007).

Higher education administrators closely watched the Shin v. Massachusetts Institute of Technology (2005) case. Many expected this case to be crucial in determining “the right to obtain damages from individual campus administrators” when a student committed suicide (Blanchard, 2007, p. 469).

Elizabeth Shin experienced psychiatric problems during her first year at the Massachusetts Institute of Technology (MIT). During the spring semester 1999, she was transported to the hospital after an overdose of Tylenol. She was subsequently transferred to a different hospital and admitted for a weeklong psychiatric hospitalization (Shin v. Massachusetts Institute of Technology, 2005, p. 1). The “housemaster” of Elizabeth’s residence hall contacted Shin’s parents (with Shin’s approval) to notify them of the hospitalization. Prior to her release from the hospital Shin agreed to begin treatment with Dr. Girard, a full-time psychiatrist at MIT. During the next semester and following year, Elizabeth was treated by both Girard and counseling services (for academic difficulties). She indicated she was cutting herself intentionally and made several suicidal threats, which were deemed passive—without plan or intent (Shin v. Massachusetts Institute of Technology, 2005, p. 2). This behavior continued while various medical personnel at MIT were seeing her. In March 2000, a student indicated Elizabeth was cutting herself and was very upset. Shin was sent to MIT Mental Health and Counseling Services. Shin told the treating physician she did not feel safe alone. She was admitted to the infirmary. After she was examined, the next day, the physician allowed her to return to her residence hall. Shin’s state deteriorated. On April 8, 2000, she was transported to MIT Mental Health for threatening to kill herself with a knife. The staff physician contacted the on-call psychiatrist who spoke with Shin less than five minutes. The psychiatrist determined Shin was not severely suicidal and released her to her residence hall with no planned follow-up (Shin v. Massachusetts Institute of Technology, 2005, p. 4). Shin made one additional suicide threat to fellow students in the residence hall. The housemaster had a brief conversation with Elizabeth and then contacted the director of the counseling center to relay this new development. Several professionals met later that day and discussed Shin’s case. No contact was made with Shin except a phone message indicating she had an appointment at a treatment center for the next day. Later that night Elizabeth set fire to herself in the residence hall and she died from third-degree burns. The medical examiner indicated these burns were self-inflicted (Shin v. Massachusetts Institute of Technology, 2005, p. 5).
Elizabeth’s parents sued MIT medical and psychiatric personnel who treated Elizabeth, university police officers, and several other administrators for breach of contract and wrongful death. Ultimately the Massachusetts Supreme Court found sufficient facts to indicate a special relationship existed between Elizabeth and MIT personnel, and the judge granted summary judgment in favor of the plaintiffs (Cohen, 2007). In the ruling, the judge indicated there was a serious lack of communication and coordination among these university entities despite the multiple and repeated interactions Elizabeth had with MIT medical, psychiatric, and student affairs personnel (Moore, 2007).

**Consequences resulting from litigation.** Lake (2008) indicated the findings in Schieszler have “limited precedential value” because it was a “preliminary legal” decision (p. 258). The judge for the Shin case cited Schieszler in determining that MIT personnel did have a duty to assist Elizabeth because they were aware of her mental health issues (Hoover, 2005). The Shins and MIT later settled the case out of court. In a prepared statement, Elizabeth’s father indicated he believed Elizabeth’s death was likely an accident (Capriccioso, 2006a). In making this statement, Mr. Shin absolved MIT officials of his daughter’s tragic death. Though the settlement and this statement imply no fault, college administrators should not underestimate the judge’s finding in this case.

The case law pertaining to student suicide must be reviewed carefully. The facts of these cases must be read with an eye for guidance for future cases. By drawing from the case law college personnel can develop operating procedures to guide their practice.

**Mitigating Liability for Suicidal Students**

Some college administrators are beginning to view suicide from a risk management perspective and have implemented several strategies designed to reduce potential risk and litigation. These include preemptive administrative actions (e.g., contract revocations, mandatory withdrawals, and disciplinary action), developing standard evaluative protocols, and the use of behavioral contracts. Such procedures are designed “to distance” institutions from suicidal students (Appelbaum, 2006; Hoover, 2006; McAnaney, 2008, p. 217). Such actions are not without risks. If done improperly, college administrators may violate students’ due process and civil rights.

**Contract Revocations and Mandatory Withdrawals**

In the past several years, some students have filed complaints with the federal Office of Civil Rights (OCR) concerning university mandatory withdrawal policies (i.e., policies requiring a student to withdraw from housing or academic programs when the student threatens suicide). In 2006, the OCR found four such cases violated students’ rights under section 504 of 1973’s Rehabilitation Act. This act serves to prevent discrimination based on disabilities. Students in these cases claimed discrimination based on their mental health conditions (Capriccioso, 2006b). Section 504
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supported these claims because it lists mental illness as a form of disability (U.S.C.S. § 12102:2:A).
In its ruling, the OCR has sent a consistent message “that mandatory-withdrawal policies from
campus housing and academic programs will not be tolerated” (McAnaney, 2008, p. 225).

In one of these cases, the student filing suit did so after being banned from his residence
hall and suspended from George Washington University because he sought psychiatric assistance
(Capriccioso, 2006b). In response to this case, Virginia legislators passed a bill prohibiting penalizing
a student solely based on attempting suicide or seeking assistance for suicidal ideations (Code
of Virginia § 23-9.2:8; Massie, 2008). A key point in this code is that policies may not penalize a
student based solely on their suicidal behavior (e.g., threats or actual suicide attempts). College
officials are not prohibited from creating policies to respond to students who are a threat to theirselves or others (Code of Virginia § 23-9.2:8). Given these developments, attempting to create distance between the student and institution based only on fears of a student's potential to commit suicide may be an ineffective risk management strategy and may even be illegal. Caution must be exercised prior to enacting automatic dismissals or disciplinary action. As the OCR has ruled in multiple cases, dismissing a student solely on the grounds of suicidal distress may result in serious legal ramifications.

Mandatory Assessment

Various college administrators are adopting having a standard method of evaluating suicidal
students as a good practice when responding to student's suicidal ideations or self-harming behavior. Cohen (2007) argued instituting a mandatory evaluation practice helps reduce negligence when responding to students' mental health problems. Mandatory evaluation or assessment plans require specific standards, instructions, and application. Cohen (2007) concluded these specific plans help demonstrate a reasonable response to student threats of suicide. Evaluating a student before taking disciplinary or administrative action may also help reduce the threat of suit and the legal liability stemming from students dismissed for suicidal ideations or attempts.

Administrators at the University of Illinois implemented a mandatory assessment program decades ago, and they have seen student suicide rates reduced by half since 1984 (Dyer, 2008). The Suicide Prevention Program at Illinois accepts referrals from any individual who has concern regarding a student's suicidal ideation. When a credible report is received, a team of practitioners and administrators reviews the case and determines if the student will be required to complete the mandatory assessments. Students required to complete the assessments meet with mental health personnel four times, beginning the week after the suicidal ideation or release from a hospital if the student was admitted for treatment. The remaining three assessments are scheduled on a weekly basis following the initiation assessment. If a student does not attend a mandated assessment, the chair of the suicide prevention committee will alert the dean of students. Failure to complete an assessment can result in judicial action, suspension, or academic holds (i.e., preventing a student from registering for classes). A student may appeal a mandated assessment to the dean of students.
Administrators and mental health professionals at the University of Illinois avoid claims of discrimination (under Section 504) because students are not penalized for suicidal thoughts or behaviors, but for failing to comply with the mandated assessment.

Implementing a mandatory assessment program creates an organized response for responding to suicidal students and may be viewed positively by the courts if injury or death were to occur. College officials enacting this type of response should do so carefully. In determining if a student should complete an assessment, mental health providers and administrators will likely learn specific details regarding a potentially suicidal student, thereby creating foreseeability. Failure to act or prevent a suicide based on this knowledge could expose these professionals and the institution to increased liability (Dyer, 2008). College officials must act when they become aware of a student's suicidal ideations. In November 2009, for example, a New York federal court denied Dominican College's motion to dismiss a suit dealing with indifference or failure to act. In this case, which has yet to be decided, Megan Wright, a student enrolled at Dominican College, was sexually assaulted by two other students and their guest. Seven months later, Wright committed suicide.

Of the allegations, the plaintiff argued the college and its administrators acted with “deliberate indifference” to Wright’s complaints under Title IX Sexual Harassment (McGrath v. Dominican College, 2009). Though McGrath pertains primarily to college officials failing to act regarding an allegation of sexual harassment, it should provide insight for college administrators when faced with information indicating students are a threat to themselves or others.

**Behavioral Contracts**

In addition to preemptive actions (e.g., mandatory withdrawals), other practices commonly used by college officials may increase their liability. Behavior (e.g., “no-suicide”) contracts are commonly used by mental health professionals (Lee & Bartlett, 2005). These contracts may place college officials or counselors on precarious legal ground. These contracts are established between the mental health provider and the suicidal individual and are agreements between the two parties (Lee & Bartlett, 2005). Usually, suicidal individuals agree to contact their clinicians if they believe they might harm themselves (Rudd, Mandrusiak, & Joiner, 2006). There is little empirical data that supports the efficacy of these behavioral contracts (Lee & Bartlett, 2005). Studies indicating success with no-suicide contracts have received criticisms for the methodology used in the studies (Rudd et al., 2006). Furthermore establishing a no-harm or no-suicide contract can create liability. For example, the judge in Schieszler found the no-harm contract administrators gave to Frentzel to sign indicated foreseeability that Frentzel might harm himself, and as a result administrators had a duty to protect him (Baker, 2005; Schieszler v. Ferrum, 2002). In light of this evidence and the findings in Schieszler, college administrators and health care providers may want to consider the ramifications of using such a contract and how this may expose them to liability.

Dismissing students once they have made suicidal ideations and no-suicide contracts is likely to increase administrator liability in responding to suicidal students (Baker, 2005; Capriccioso,
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Communication and coordination are key factors in avoiding liability. The court in Shin emphasized a lack of “coordinated effort among university personnel to address Elizabeth’s short-term needs” (Moore, 2007, p. 429). A mechanism such as a Threat Assessment Team helps to ensure this communication and coordination occurs. As previously noted, public higher education institutions in Virginia and Illinois have been required to establish threat assessment teams to coordinate the communication and response to potential threats to campus safety (Code of Virginia, § 23-9.2:10; Illinois Compiled Statutes, § 110 ILCS 12-20). Legislators in Arkansas recently appointed a statewide task force to develop guidelines for state colleges and universities in developing threat assessment teams (Arkansas Code, § 6-60-103). The impetus for this relates primarily to campus violence prevention. The model of threat assessment can also serve as a key mechanism for coordinating the communication and intervention when suicidal students pose a risk to themselves (Leavitt, Gonzales, & Spellings, 2007).

Threat Assessment Team Membership

Identifying appropriate threat assessment team membership is critical (Deisinger et al., 2008). During the 2008 legislative session, Virginia legislators proposed including students on the team. Administrators at Virginia Tech worked with legislators to remove students on the proposed bill, arguing the presence of students would have a “chilling” effect on the communication of the team (Randazzo & Plummer, 2009, p. 59). As a result, Virginia state code dictates required members of threat assessment teams for public institutions include law enforcement, student affairs, human resources, university legal counsel, and mental health personnel (Code of Virginia, § 23-9.2:10). Deisinger et al. (2008) recommended adding representation from academic affairs, university relations, and graduate student affairs (if applicable) to the list. Delworth’s (2009) model reflected similar membership. The commonalities among these three examples reflect a similar grouping of professionals: (a) law enforcement/campus safety personnel, (b) mental health providers, (c) university administrators, and (d) student affairs administrators. Prior to implementation,
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Administrators should think broadly about other areas of the university that should be included on the threat assessment team. Once a team is formed a member should be designated as team leader (Deisinger et al., 2008). At Virginia Tech, the chief of police serves in this role (Randazzo & Plummer, 2009). At times it may be prudent to involve other college officials in the team when circumstances dictate a need for specialized knowledge or expertise. While their membership may not be appropriate for all situations, the ability to call on “experts” at the institutions can be a valuable resource. Finally, because university and colleges’ organizational models differ, coordinating officials may need to be more creative in assembling a team that may require the presence of other personnel that these statutes suggest (e.g., university legal council). Other considerations are also important. Team members must not be inhibited by policies that prevent them from discussing the specifics of a student’s situation. For example, the mental health professional on the threat assessment team should not be the distressed student’s therapist (Kaveeshvar, 2008; Randazzo & Plummer, 2009). Team members should attend trainings together and familiarize themselves with each other and the role each member plays (Deisinger et al., 2008).

Issues for Threat Assessment Teams

Crucial information must be collected and retained by the team. A centralized database to which all team members have access is ideal (Deisinger et al., 2008; Dunkle et al., 2008). These confidential records must be treated with extreme care. Administrators should consult with university legal counsel prior to establishing a record-keeping system (Deisinger et al., 2008). Administrators must also consider how the Freedom of Information Act (FOIA) may affect these records. Without adjustments to the state code, these records could be considered public and could be requested under FOIA law. As an example, legislators in Virginia recently passed legislation to exempt certain information contained in threat assessment team records from FOIA (Code of Virginia, § 2.2-37054).

Issues pertaining to the Federal Educational Rights and Privacy Act (FERPA) repeatedly appear in the literature regarding liability and college student suicide. Introduced by the federal government, FERPA is a mechanism to protect the privacy of student records (Deisinger et al., 2008). When a student turns 18 or enrolls in college, FERPA rights shift to the student and only the student can grant permission for the release of these records (Kaveeshvar, 2008; Lake & Tribbensee, 2002). In cases of a health or safety emergency FERPA permits the disclosure of student records to appropriate university personnel. Furthermore, FERPA provides several exceptions that allow information to be released to parents. Concern for the health or safety of the student is one such exception (Family Policy Compliance Office, 2007). Despite these exceptions, university administrators often struggle with how much or what information can be legally shared within FERPA guidelines.

In two separate cases the courts have supported administrators when they released information regarding students who might pose a threat to the greater community. In Sloviniec v. Ameri-
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Threat Assessment Teams can University (2008), the court granted American University summary judgment when Joseph Slovinec, an enrolled student, sued officials for making a campus barring public notice after his “disruptive activities at various university offices” (p. 114). In its ruling the court stated, “University personnel issued the Barring Notice in good faith” (p. 119). Furthermore, the court also indicated deference to college officials’ decision as to who received the notice. They summarized that this decision was made in the best interest of the community and in the span of the official’s professional discretion. In a similar case, Christopher Havlik, a student at Johnson and Wales University, sued administrators when they released a notice alerting the campus community to his assaulting another student (Havlik v. Johnson & Wales University, 2007). In this case the court of appeals supported the professional judgment exercised by the administrator directing the release of information. The administrator was attempting to fulfill the legal responsibility to provide timely notice of a crime, required by the Clery Act. The court ruled, even if an error existed with regard to whether or not the release of information was warranted, the college was granted deference by the law (Havlik v. Johnson & Wales University, 2007). These two cases, although not pertaining specifically to FERPA, offer assurance to administrators who share information when acting in good faith to protect the health and safety of students and other members of the campus community.

Threat assessment teams also must have access to appropriate legal counsel when considering the release of student records of a student in crisis. Deisinger et al. (2008) encourages threat assessment teams to work within the university structure to identify team members as the “appropriate university personnel” to whom records can be released during a health or safety emergency. Doing so removes the barriers of determining who can have access to the information and allows the team to discuss fully the student’s situation and plan appropriately. Finally, it is important to note that FERPA does not allow for a “private right of action” (i.e., suing), and institutions and administrators are protected from litigation for violations of FERPA (Deisinger et al., 2008, p. 90; Gonzaga University v. Doe, 2002).

Recommendations

Given that suicide is the third leading cause of death for the traditional aged college population, suicide presents many challenges for university administrators. In the past, surviving families have filed lawsuits claiming the university and its employees were negligent and owed a duty to care to the student. Although few cases have actually gone to trial, documentation from preliminary hearings indicates a potential for increasing scrutiny by the courts of how college and university administrators respond to students in psychological distress. Establishing a threat assessment team is not the perfect solution to responding to suicidal students, but it is a proactive measure to coordinate communication and respond to students with suicidal intentions.

Once a threat assessment team is established college officials should consider the following recommendations to mitigate liability due to suicidal students.
• Constant training for those involved as team members is crucial. Be aware of current legal issues pertaining to college student suicide and pay attention to how this unfolds in the courts. These decisions will provide valuable information about the legal concepts of duty, standard of care, and reasonableness.

• Use the FERPA “carve out” policy that allows officials to involve appropriate personnel and parents to better assist students in psychological crisis. Special interest groups and even the courts are expecting college administrators to cooperate and collaborate with those in position to help.

• Establish a standard plan for intervening with students that pose a threat to themselves.

• Avoid behavioral contracts such as the “no suicide” or “no harm” agreements as short-term or stopgap approaches to crisis management.

• Establish mental health assessment procedures to ensure suicidal students are assessed and the student’s status is communicated to necessary personnel. This includes off-campus responders who may also be involved in the crisis.

• Once a danger is identified, develop and implement a substantive care plan to manage the problematic behavior. Involving roommates or paraprofessional staff (e.g., RAs) should not be considered an adequate response. Include regular and extended follow-up with the distressed student. If the distressed student fails to participate, disciplinary action may be taken for “failure to comply” with a university official, not for the medical or psychological condition being treated.

• When a student poses a direct threat to the community and an interim or permanent suspension is pursued, follow the existing institutional policy and minimum standards for due process. Remember that suspending a student, even temporarily, based on what might happen will likely be considered a violation of a student’s constitutional rights.

Despite the sensational reporting of campus crime and student suicide, college campuses remain safe environments. This fact notwithstanding, these incidents and the increasing number of students reporting mental illness have heightened public and external constituent concern for safety and campus crime prevention. College officials must be proactive and develop a plan to effectively manage these issues. Effectively establishing and using a threat assessment team, as well as implementing the recommendations previously mentioned, will give administrators the best chance to anticipate and manage the risks from suicidal students who may harm themselves or others.
References


Bogust v. Iverson, 102 N.W.2d, 228 (1960).


Code of Virginia, § 2.2-3705.4. (2008).


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Illinois Compiled Statutes, §110 ILCS 12-20.


United States Code Service. § 12102:2:A

University of Illinois at Urbana-Champaign. (2009). *Suicide prevention.* Retrieved from [http://www.counselingcenter.illinois.edu/?page_id=53](http://www.counselingcenter.illinois.edu/?page_id=53)
