

Garrett Lee Smith Suicide Prevention Grantee Meeting
Suggested Reading and Resources — The Legal Perspective
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Campus Violence/Violence Prevention

- ❖ Helen Smith et al., *Violence on Campus: Practical Recommendations for Legal Educators*, 32 Oklahoma City Law Review 443 (2007) [available on Westlaw].
- ❖ Linda Langford, *Preventing Violence and Promoting Safety in Higher Education Settings: Overview of a Comprehensive Approach* (The Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention, Feb. 2004) [available for download at <http://www.higheredcenter.org/files/product/violence.pdf>].
- ❖ *Violence Goes to Campus* (John Nicoletti, Sally Spencer-Thomas & Christopher Bollinger eds., 2d ed., Charles C. Thomas Publisher Ltd., forthcoming 2009).
- ❖ Center for Personal Protection and Safety, DVD, *Shots Fired — When Lightning Strikes* (office and classroom versions), available for preview at <http://www.shotsfiredvd.com/>.
- ❖ The Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention, Variety of materials on Environmental Management, <http://www.higheredcenter.org/services/publications/keyword/14.1>.

Collaborative Risk-Management Teams

- ❖ Darby Dickerson & Peter F. Lake, *A Blueprint for Collaborative Risk-Management Teams*, Campus Activities Programming 16 (Apr. 2006) [available for download at <http://ssrn.com/abstract=1093566>].
- ❖ Darby Dickerson, *Lessons in Collaboration: Learning from the Post-Virginia Tech Task Force Reports*, Campus Activities Programming 20 (Oct. 2007) [available for download at <http://ssrn.com/abstract=1087815>].

Threat Assessment

- ❖ John H. Dunkle et al., *Managing Violent and Other Troubling Students: The Role of Threat Assessment Teams on Campus*, 34 Journal of College & University Law 34 (2008) [available on Westlaw].

- ❖ Materials from Audio-conference on *Optimizing an Institution's Threat Assessment Team*, by Gene Deisinger, Steven J. McDonald & Marisa Reddy Randazzo (United Educators, Dec. 3, 2008) (includes an annotated bibliography) [available for download by UE clients via the UE Risk Management Library, http://www.ue.org/membersonly/member_login.asp?URL=/membersonly/member_library.asp?].
- ❖ Gene Deisinger et al., *The Handbook for Campus Threat Assessment & Management Teams* (Applied Risk Management, LLP, 2008) (available from Amazon.com and other sources).
- ❖ Virginia Tech Department of English, *Responding to Disturbing Creative Writing: A Guide for Faculty and GTAs* (Aug. 2007), <http://www.epi.elps.vt.edu/Perspectives/DisturbingWriting.pdf>.
- ❖ Gavin DeBecker, *The Gift of Fear* (Dell 1999).
- ❖ United States Secret Service, *National Threat Assessment Center*, <http://www.secretservice.gov/ntac.shtml> (various materials).

Legal Liability Related to Student Suicide and Self-Injury

- ❖ Ann Franke, *When Students Kill Themselves, Colleges May Get the Blame* (United Educators 2004) [available for download by UE clients via the UE Risk Management Library, http://www.ue.org/membersonly/member_login.asp?URL=/membersonly/member_library.asp?].
- ❖ Peter F. Lake, *Still Waiting: The Slow Evolution of the Law in Light of the Ongoing Student Suicide Crisis*, 34 *Journal of College & University Law* 253 (2008) [available for download at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1123303].
- ❖ Peter F. Lake & Nancy Tribbensee, *The Emerging Crisis of College Student Suicide: Law and Policy Responses to Serious Forms of Self-Inflicted Injury*, 32 *Stetson Law Review* 125 (2002) [available for download at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1123286].
- ❖ Ann MacLean Massie, *Suicide on Campus: The Appropriate Legal Responsibility of College Personnel*, 91 *Marquette Law Review* (2008) [available for download at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1017347].
- ❖ Marlynn Wei, *University Policy and Procedural Responses to Students at Risk of Suicide*, 34 *Journal of College & University Law* (2008) [available for download at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1031405].

- ❖ *Shin v. MIT*, Memorandum of Decision and Order on Defendants’ Motion for Summary Judgment, available at http://www.nacua.org/documents/Shin_v_MIT.pdf (Mass. Superior Court, Middlesex Co., June 27, 2005) (note that this case was settled and the decision is not binding; however, guidance for student at-risk response teams may be gleaned from the judge’s opinion, especially regarding communicating quickly during emergency circumstances).
- ❖ *Mahoney v. Allegheny College*, Memorandum and Order (Court of Common Pleas of Crawford Co, Pa., Civil Division, Dec. 22, 2005), available at <http://www.asjaonline.org/attachments/articles/35/Allegheny%20college%20SJ%20decision.pdf> (college held not liable for student suicide; good language on page 25 about addressing risk management from a “humanistic and therapeutic as compared to just a liability or risk avoiding perspective”).

FERPA/HIPAA/Student Privacy

- ❖ U.S. Department of Education, *Final FERPA Regulations* (Dec. 9, 2008), <http://www.ed.gov/legislation/FedRegister/finrule/2008-4/120908a.pdf> (see also the related “Dear Colleague Letter” concerning the new regulations and the section-by-section analysis).
- ❖ Steven J. McDonald, *The Fundamentals of FERPA* (Stetson/NASPA National Conference on Law & Higher Education, Feb. 2008) [available for download at <http://justice.law.stetson.edu/excellence/HigherEd/archives/2008/Fundamental%20FERPA.pdf>] (also see the accompanying powerpoint presentation).
- ❖ AACRAO, *FERPA Online Guide and Training Faculty and Staff on FERPA* (both available to members at <http://www.aacrao.org/compliance/ferpa/index.cfm>) [your university registrar is likely a member].
- ❖ Marlo M. Del Percio, *U.S. Department of Health and Human Services and U.S. Department of Education Publish Joint Guidance on the Applicability of FERPA and HIPAA to Student Health Records*, available at <http://hkllaw.com/id24660/PublicationId2519/ReturnId31/contentid53438/> (Holland & Knight LLP Education Alert, Dec. 30, 2008).
- ❖ United Educators, Reference Packet, *Between a Rock and a Hard Place: Meeting the Challenge of Students with Severe Mental Health Issues* (2007/2008) [available for download by UE clients via the UE Risk Management Library, http://www.ue.org/membersonly/member_login.asp?URL=/membersonly/member_library.asp?].
- ❖ Christine R. Williams, *FERPA, GLBA & HIPAA: The Alphabet Soup of Privacy* (NACUA 2007) (available to NACUA members for download at <http://www.nacua.org/fileStreamer/default.asp?file=/pubs/alphabetsoup.pdf>).

- ❖ Melissa Bianchi, *The HIPAA Privacy Regulations and Student Health Centers* (NACUA 2006) (available to NACUA members for download at <http://www.nacua.org/fileStreamer/default.asp?file=/pubs/HIPAAASHC.pdf>).
- ❖ Association for University & College Counseling Center Directors, *Statement on Parental Notification, Mandatory Counseling and Counseling Center Director Status* (Sept. 28, 2007), http://www.aucccd.org/img/pdfs/Statement_091807.pdf.
- ❖ Nancy Tribbensee, *Mental Health and the College Student: Recent Developments in Law and Policy Relating to Student Wellness* (Stetson/NASPA National Conference on Law & Higher Education, Feb. 2008) [available for download at <http://justice.law.stetson.edu/excellence/HigherEd/archives/2008/Tribbensee%20-%20Mental%20Health%20and%20the%20College%20Student.pdf>].
- ❖ United Educators, *Students with Mental Health Problems: When Should Parents Be Notified?* (Risk Research Bulletin — Student Affairs, Apr. 2005) [available for download by UE clients via the UE Risk Management Library, http://www.ue.org/membersonly/member_login.asp?URL=/membersonly/member_library.asp?].
- ❖ Catholic University of America, *General Counsel Clearinghouse*, <http://counsel.cua.edu/> (includes helpful material on FERPA, HIPAA, and Campus Security).

Involuntary Withdrawals and Leaves of Absence

- ❖ Darby Dickerson, *Mandatory Withdrawal and Leave of Absence Revisited*, NASPA Leadership Exchange 28 (Sept. 2007) [available for download at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1156124] (excerpted from “Legal Issues for Campus Administrators, Faculty, and Staff,” in *College Student Mental Health: Effective Services and Strategies Across Campus* ch. 3 (Sherry A. Benton & Stephen L. Benton eds., NASPA 2006)).
- ❖ United Educators, *Administrative Leave and Other Options for Emotionally Distressed or Suicidal Students* (Risk Research Bulletin — Student Affairs, Apr. 2006) [available for download by UE clients via the UE Risk Management Library, http://www.ue.org/membersonly/member_login.asp?URL=/membersonly/member_library.asp?].