



Campus Security: The Legal and the Practical

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THE SAFETY OF STUDENTS, FACULTY, staff, and the public has always been a preeminent concern for governing board trustees. Shootings at higher education institutions in all corners of our country in recent years have led to a wide debate and reexamination of traditional campus safety issues. Trustees should continue to revisit this area in a proactive fashion, asking for periodic preparedness updates. It is also crucial that the administration periodically review existing security and safety plans and update them annually so they reflect the ever-changing best practices. This article will review some of the developments, both legal and practical, in the area of campus security.

Orientation and Training

In April, the International Association of Campus Law Enforcement Administrators published the *IACLEA Blueprint for Safer Campuses*. Intended to reflect the best thinking in the wake of the Virginia Tech tragedy, the group recommended that colleges “orient” or “train” students, faculty, and staff members in how to respond to a wide range of campus emergencies. Since that time, several DVD orientation programs have been created by different organizations, and they are useful tools as part of overall (but separate) orientations for faculty, students, and staff. While such orientations are difficult to put together given the delicacy of the issues involved, good and thoughtful training should be the rule of the day and will bear dividends should such a contingency arise.

FERPA and Disclosure

Many believe that the Family Educational Rights and Privacy Act (FERPA), the federal

statute which restricts the disclosure of student records and information, prevents college administrators, faculty, and staff from disclosing student statements or behaviors that raise concern about the safety of students and others. In reality, FERPA is not a significant obstacle to appropriate or desirable communications intended to protect student, campus, or public safety.

While FERPA includes all student information records, the act permits disclosure “to appropriate parties” if such knowledge is necessary to “protect the health or safety of the student or other individuals.” For example, if a student sends an e-mail to his Resident Assistant saying that he has just been diagnosed with a highly contagious disease, the institution could alert the student’s roommate and perhaps others with whom the student has come into close contact.

Safety concerns warranting disclosure could include suicidal statements, unusually erratic or angry behaviors, or conduct that others would reasonably see as posing a risk of serious harm. Campus police or security personnel should be alerted to any concern that a student may engage in violent behavior towards him or herself or others and that threat appears to be imminent. When circumstances reasonably permit, the staff or faculty should consult with on-campus professionals or others capable of assessing the potential threat, identifying resources for the student, and providing information that could assist in deciding an appropriate course of action. FERPA also does not present obstacles to contacting family members, an appropriate off-campus resource, or others. The Department of Education

distributed a published “guidance” on balancing student safety against student privacy rights in October 2007, which is available online at www.ed.gov/policy/gen/guid/fpco/brochures/postsec.html.

Police Partnerships and Guns on Campus

At the recent annual convention of the National Association of College and University Attorneys held in New York City, New York City Police Commissioner Raymond Kelly emphasized the importance of the development of true partnerships between campus security personnel and local police departments.

When asked whether members of the academic community should be allowed to carry arms as a preventative measure, Kelly stated unequivocally that he thought that such an approach would lead to more, not less, uncontrolled violence.

While the issue of gun control continues to be an emotional and controversial one within the United States, most of the published analyses of the Virginia Tech tragedy and its aftermath stand steadfastly behind Kelly, arguing against allowing guns on campus. The prevailing wisdom is that institutions of higher education should be areas which continue to thrive on a free discourse of speech and thought as opposed to becoming centers where students and faculty are armed, thereby adding to the potential of accidental or intentional violence.



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