

**Senate Committee on Homeland Security and Government Affairs**  
**Monday, April 23<sup>rd</sup>, 2007**

**Present at Hearing:** Senator Lieberman (Chair), Senator Collins (Ranking Member), Senator Warner

**Witnesses:**

David Ward, President, ACE

W. Roger Webb, President, University of Central Oklahoma

Steven J. Healy, President IACLEA (International Association of Campus Law Enforcement Administrators)

Russ Federman, Director, Counseling and Psychological Services, University of Virginia

Written Testimonies and link for webcast can be viewed at:

<http://hsgac.senate.gov/index.cfm?Fuseaction=Hearings.Detail&HearingID=438>

The Senate Homeland Security Committee held the first hearing on campus security systems and emergency response as a result of the VT tragedy on Monday afternoon. The hearing provided the opportunity for the witnesses to discuss existing strategies at a number of institutions, work associations are doing to aid campuses in their preparation and strategy for campus security as well as the challenges of working within the system in dealing with students mental health challenges.

At the onset of the hearing, Senators Lieberman and Collins emphasized their sympathy for the losses at Virginia Tech and the support of institutions in working to provide safe communities for students. In his opening statement, Lieberman emphasized a number of questions: “Are America’s colleges and universities doing enough to maintain security? What are the best ways to do that? What methods and technologies does experience tell us have been most effective in keeping college communities safe? How can campuses be more alert to the needs of emotionally troubled students and the dangers they may pose? How can those students best be helped before they hurt themselves or others? Are there federal laws or programs that should be changed to help America’s colleges and universities maintain better security on their campuses?”

David Ward began the comments by emphasizing that the security of students, faculty and staff is a “preeminent concern”. He then highlighted a number of institutions with thorough programs in place and the ability of many campuses to deal with so many national tragedies/events as 911 and Katrina. He also reminded the Committee that institutions themselves are open by design and essentially a city within themselves. With that, come a number of issues in addressing the issues of security. Ward also emphasized the work of associations working together and the work that groups as IACLEA has done to help educate college presidents on crisis management.

Roger Webb, President, University of Central Oklahoma, also representing AASCU was a state commissioner of public safety and provided unique insights. His comments focused on three sets of tensions:

- 1) The tension of an open campus versus a secure campus
- 2) The tension of individual privacy versus community safety
- 3) The tension of expensive systems and training versus limited resources

Webb also weighed in on the challenges of university presidents and the campus as a whole as more students were coming to campus that has already been diagnosed with mental illnesses. He emphasized training and threat assessments as well as applauded the work of IACLEA in supporting campuses work in this area. He did highlight that a critical incident management plan is a must for every campus and one should be rehearsed regularly and take advantage of contemporary technologies. He ended his testimony by encouraging use of the website Memorial Institute for the Prevention of Terrorism ([www.mipt.org](http://www.mipt.org)) and noting that the Gov. of Oklahoma has formed a task force to re-evaluate safety and security at colleges and universities. May 30, Univ. of Central Oklahoma will host along with Oklahoma State Regents for Higher Education, M.I.P.T and AASCU.

The President of IACLEA and the Director of Campus Police at Princeton, Steven Healy basically listed IACLEA's work in training and the development of best practice models for campuses. He highlighted: 1) Best practices 2) complexity of picture-issue 3) How campuses should supplement efforts of safety. He also noted that across the country campuses were soft targets – prime example was the number of copycat incidents and bomb threats after the Va Tech incident across the country. IACLEA recommended five points:

- 1) Develop Training Programs
- 2) Be Committed to have best practices
- 3) IACLEA wants to see a National Center
- 4) 4 pt. Risk Management Strategy
- 5) Mass notification systems

Russ Federman, Director, Counseling and Psychological Services at University of Virginia, began his testimony with some startling numbers highlighting statistics from the 2006 National Survey of Counseling Center Directors. Counseling Center Directors noted they see 8.9 percent or about one in every 11 enrolled students within that past year. That number, he adds, when applied to the current national student enrollment is about 1.6 million students who will need psychological help this year. His testimony also highlights numbers from a 2003 ACHA survey that are staggering in terms of the diagnosis of students in need – about 13 out of every 1000 actually attempt suicide. All of those numbers can be reviewed in his online testimony at the link above.

Nationally universities are faced with high volume, high-risk and very serious illnesses in their student populations. He emphasized that the ability to serve these students is an extreme challenge because of the increased funding need to serve students and meet these types of needs. Universities, Federman continued to note, are faced with the challenges of working together. He did note that student affairs professionals were a key element in that “village” of managing all the needs students have.

He concluded by recommending:

- 1) An increase in the appropriations of the Campus Suicide Prevention program include in SAMHSA – only budgeted now at \$5 million

- 2) Legislative intervention with FERPA and HIPPA as well as confidentiality codes
- 3) Lessening of universities liabilities – he stated, “We are damned if we do and damned if we don’t”.

Irwin Redlener, MD is the Director of the National Center for Disaster Preparedness at the Columbia University School of Public Health. His role was to bring the perspective of preparedness to the panel. He discussed educational institutions at all levels as “soft targets” for terrorism and emphasized the need for:

- 1) Prevention
- 2) Mitigation and response
- 3) Recovery

He recommended federally supported strategies in each category.

*Prevention:*

- Calling for a federally sponsored national conference on the state of knowledge regarding identification and intervention strategies likely to most effective in the prevention of campus violence.
- A new research fund created explicitly for studying ways of improving the effectiveness of protocols to identify (a) potential perpetrators of deadly violence and (b) optimal intervention strategies.
- Ensuring that multi-agency, coordinated counter-intelligence strategies are in place to early identify evidence of potential threats against schools or universities by terrorist organizations.
- The Department of Education, working with national organizations, such as the American Council on Education, should be mandated to establish national standards of fire and disaster safety for potential hazards including fires and natural events. These can be regionally customized in terms of explicitly recognizing local or regional threats such as coastal storms, earthquakes and so forth.
- Introducing legislation to close critical loopholes in federal, state and local regulations with respect to gun purchase.
- Federal legislation to eliminate constraints regarding informing and engaging parents of young adults who pose a major threat to themselves or others. Two existing laws that should be revisited in the light of recent events are: (1) the Federal Family Educational Rights and Privacy Act (FERPA) – which currently allows parental reporting under certain circumstances is still seen as leaving institutions legally liable - and (2) the Health Insurance Portability and Accountability Act (HIPAA), which bans parental reporting in the absence of a signed waiver by the student.

*Mitigation and Response*

- Create a federal grants program to establish six to ten diverse model university and public school programs to identify and manage instances of potentially extreme violence. These models would be based on solid research

methodologies and available for replication throughout the nation, covering all essential areas of disaster response, communications and mitigation strategies.

- Urge the Department of Justice to emphasize in the guidance accompanying DOJ grants to local law enforcement agencies the need for establishing explicit mutual aid agreements with university or college police departments in their communities. Restoration of full funding under the Community Oriented Policing Program (COPS) could be a particular benefit to these efforts.

#### *Recovery*

- Communicate timely and appropriate concerns during and immediately following disasters.
- Ensure that needed federal response assets are available – if and when needed - in a timely and organized way to assist local agencies, officials and victims. These may include, as needed, support from the Department of Health and Human Services (HHS) and the Department of Education (DOE) for counseling and mental health programs for local communities, including university and community responders in the aftermath of large-scale disasters.
- Ensure Congressional oversight and sustained efforts to continually improve prevention, mitigation and response strategies following major disasters.

Senator Leiberman began questioning with the broad stroke of “what is going on with our students?” The panelists all replied with a varying degree of responses around an increased number of students on campuses, increased number of students who are actually diagnosed, staff and public safety officials knowing bits and pieces but entire stories on some students – communication structure. Healy of IACLEA noted that campuses need to have the structure in place to create assessment teams and noted that student affairs divisions are crucial in the success.

Senator Collins then addressed the panelists and asked them to respond to the issue of personal privacy vs. security – what is the right balance? We know that federal laws restrict the communication of information – is this right? Again the panelists addressed with varying degrees of agreement in the difficulty of finding that right balance and that it is often case by case – that no one protocol works for every case. Pres. Webb did note that university presidents have huge liability considerations in this discussion and any missteps can result in significant consequences. Healy discussed the role again of student affairs and how Deans of students on many campuses have the authority to recommend psychological analysis.

Senator Leiberman asked Dr. Federman to talk about procedures at UVA that can protect the community. Dr. Federman then went step by step through codes of conduct; judicial process, psychological assessments, recommendations to Deans of Students/Housing and that police if full police officers (not all campuses have full officers) can involuntarily hospitalize students.

Leiberman then addressed the FERPA and HIPPA impact that the panelists had mentioned throughout their testimony and responses. He asked the panelists to tell them what they would do if they could amend these laws.

Ward from ACE noted that cases are so individual – decisions are based on a case-by-case basis. Many presidents are driven by what general counsels will suggest to avoid suits. He didn't give any direct answer to that question. Dr. Healy noted he wasn't prepared to answer but hoped they would be written to they don't clash and that they would better connect the values and the issues. Dr. Redlener noted that universities are extremely constrained by liabilities and that the conditions of danger students exhibit are not always clear.

Senator Collins followed up with comments that she thought it was viable to look at some sort of liability protection. Web noted the strong need for training and threat assessments and Healy emphasized the need for cooperation at all levels – especially within Higher Ed Associations, as well as greater flexibility of FERPA in public safety exceptions. Healy also noted that we needed liability protection. Redlener agreed with those assessments and added that it needed to kept process driven.

The hearing was excellent in terms of the education of the Senators in the process on campuses as well as highlighting that student affairs professionals were critical links in the efforts of assessment, safety and security.