Students with disabilities who pose a threat must be reported, held accountable for conduct violations

When students with disabilities pose a potential threat, disability services providers may experience confusion as to how they can balance students’ individual privacy with the safety of the entire campus. Below, members of Disability Compliance for Higher Education’s advisory board share their thoughts on the topic.

Q What are your main concerns when it comes to students who may pose a threat?

Maria G. Pena: Looking at all the active-shooter incidents that have occurred recently and at how in most cases the shooters had some sort of psychiatric condition, it seems to me that colleges are not taking preventative steps to keep individuals experiencing homicidal ideation from acting violently.

Privacy ends where safety begins. Yet people often hide behind the Family Educational Rights and Privacy Act. And then the Americans with Disabilities Act Amendments Act took “threat to self” completely off the table. So if a student is expressing suicidal ideations or warning signs, institutions can’t respond without risking legal liability later on. This really keeps me up at night.

Tom Thompson: When I was at Harper College, I served on the behavioral intervention team. The purpose of that team was to do preventative work and conduct interventions. We were trying to get the campus community to understand the importance of recognizing and reporting certain types of behavior.

We encouraged people to err on the side of caution, but we had people reporting some rather silly things. For example, students who are consistently late to class or are always interrupting their instructors are a class management issue, not a campus safety issue. But not everyone understands that.

Stephanie Gaddy: The person doing the reporting may fear getting the third degree. I’m thinking specifically of a student who had a psychiatric break. When we called his parents, his mom didn’t believe anything we were saying and was very angry. I knew she was just taking out her anger on me, but on the other hand, it was an unpleasant situation to deal with.

So I think people may abstain from reporting a potential threat simply because they fear either getting the third degree or having to be involved somehow.

On a separate note, if a faculty member sees a student exhibiting behavior that she believes is a threat, then to her it is a threat. When an instructor reports something she sees as threatening, we must listen with sincerity.

If it’s nothing more than a classroom management situation, then we can educate him a little or steer him toward professional development tools to help him handle such situations. But completely discarding information from instructors that they see as threats discourages them from making future reports.

Q What’s the best way for institutions to deal with students who may pose a threat?

Gail M. Zimmerman: Faculty and staff members need to understand that individuals’ observations about a student’s troubling behavior don’t enjoy FERPA protection. On our campus, we held some