



Threat Management Institute

Responding to Troubled Students: A Law and Policy Perspective

Presented by Gary Pavela, J.D.

This session will build upon Gary Pavela's December 1 keynote speech. Additional consideration will be given to law and policy issues related to students perceived to pose a threat to others. Ample time will be provided for questions and discussion. Questions to be addressed include:

- Is there a connection between mental disabilities and violence?
- Can violence be predicted?
- Should educators distinguish between "profiling" and "threat assessment?"
- Is a suicidal student considered an individual with a disability?
- Is a threatening student considered an individual with a disability?
- What are some best practices concerning withdrawal for medical/psychological reasons?
- What role should behavioral contracts play?
- When is a student a direct threat?
- Is there a way to separate a suicidal student other than a direct threat determination?
- What procedural due process standards apply?

Special attention will be paid to the court decision in *Mahoney v. Allegheny College* (Crawford County Court of Common Pleas; AD 892-2003, December 22, 2005). The judge's ruling in that case contains a key paragraph that invites us to explore many pertinent issues:

"Concomitant to the evolving legal standards for a 'duty of care' to prevent suicide, are the legal issues and risks associated with violations of the therapist-patient privilege, student right of privacy and the impact of mandatory medical withdrawal 'policies' regarding civil rights of students with mental disability. [C]ourts are facing a multiplicity of public policy issues involving the legal and ethical dilemmas of student privacy and welfare concerns within the context of causes of action involving the best interests and rights of students, parents, and the University..."