



Please stand by...



The webinar for new Garrett Lee Smith grantees will begin shortly!

Audio will be broadcasted through your computer speakers, or you can call [866.670.7160](tel:866.670.7160)

Developing Crisis Protocols and Legal Considerations for Student Mental Health



Campus Cohort 6 Grantee Training Program
October 25, 2012 3:00-4:00pm Eastern Time

Who you'll hear from today



Kerri Smith
Senior Campus
Prevention Specialist



Gayle Jaffe
Senior Prevention
Specialist

Who you'll hear from today



Julia Graff, Esq.
Staff Attorney
Bazelon Center for Mental
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M. Dolores Cimini, PhD
Cohorts 1 & 3 GLS Grantee
University at Albany

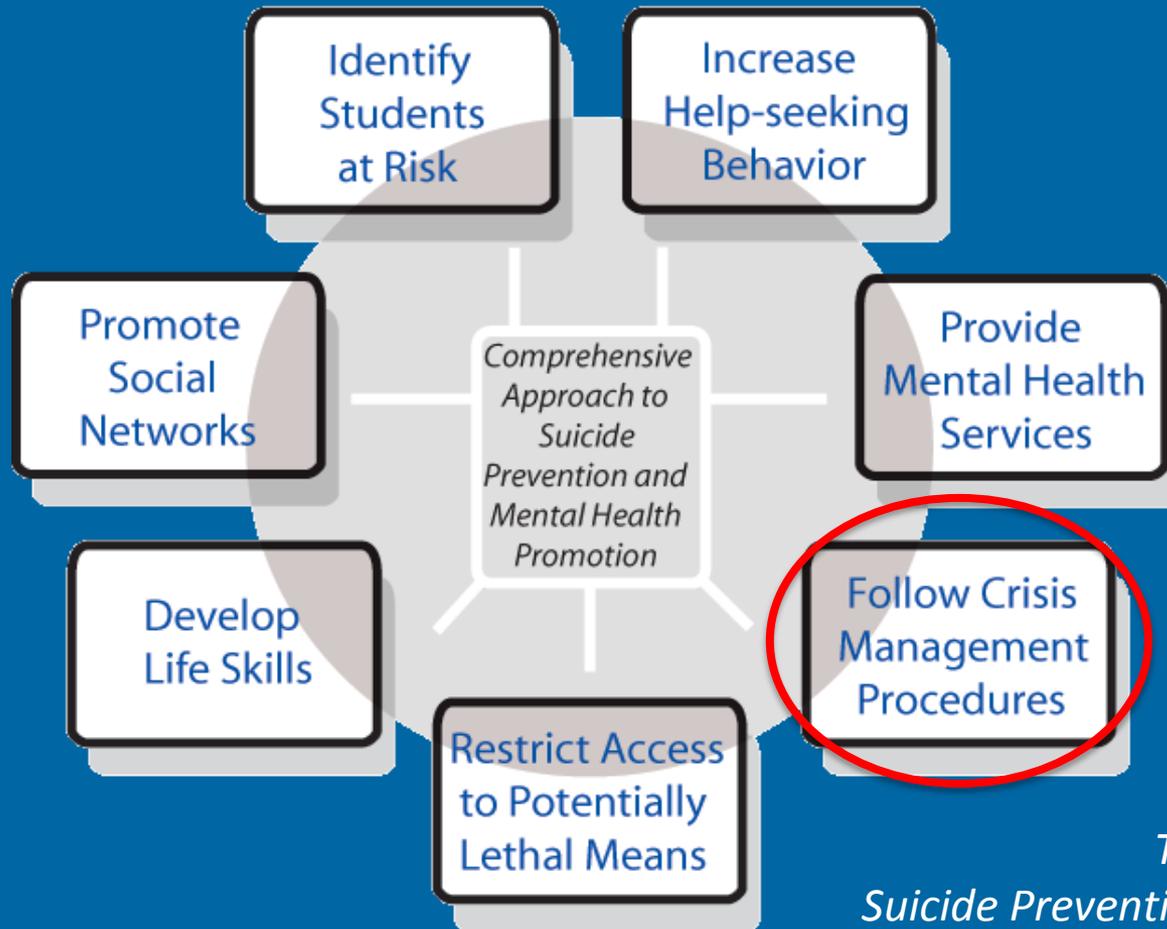
Technical Tips

- ✓ Technical problems? Call:
 - SPRC at 617-618-2380
 - Adobe Connect at 800-422-3623
- ✓ Type any questions or comments into the chat text box
- ✓ Click the “Full Screen” button on the upper right to make the presentation larger. Click “Full Screen” again to return to normal view.

Agenda

- ✓ Comprehensive approach to suicide prevention
- ✓ Key planning considerations for protocol development
- ✓ Important legal considerations
- ✓ Campus example: University at Albany
- ✓ Questions & next steps

TJF/SPRC Comprehensive Approach



*The Jed Foundation;
Suicide Prevention Resource Center*

TJF Framework for Developing Institutional Protocols



<http://www.jedfoundation.org/professionals/programs-and-research/framework>

Getting Started



Some essential questions...

- ✓ What already exists?
- ✓ Who should be involved in developing or revising protocols?
- ✓ Who is your intended audience?
- ✓ What should be included in your protocols?
- ✓ How will you educate your campus community about these protocols?

Developing protocols: What's here already?

Do your homework!

- ✓ Protocols may already be in place, or there may be unwritten guidelines that various departments follow
- ✓ When were these protocols last revised?
- ✓ University template or approval process?



Developing protocols: Who?

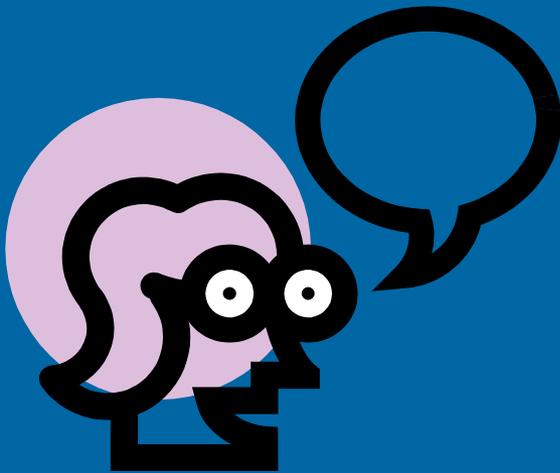
- ✓ Identify relevant stakeholders
- ✓ Define their roles and responsibilities:
 - ✓ Development
 - ✓ Implementation & Use
 - ✓ Review



Developing protocols: Audience?



What should be included in crisis protocols?



TJF Framework: Key topic areas

- I. Developing a Safety Protocol
- II. Developing an Emergency Contact Notification Protocol
- III. Developing a Leave of Absence and Re-Entry Protocol

Developing protocols: Maximizing effectiveness



- ✓ Roles/responsibilities clearly outlined
- ✓ Procedures clear and consistent throughout
- ✓ Terminology defined
- ✓ Point person identified

Campus Mental Health: Legal Considerations



Julia Graff, Esq.
Staff Attorney
Bazelon Center for Mental
Health Law

Sources of Relevant Law: Federal Statutes

- 1) ADA Amendments Act of 2008 (Titles II and III)
- 2) Section 504 of the Rehabilitation Act
- 3) Fair Housing Act



Sources of Relevant Law (cont.)

- 4) Regulations implementing those statutes (new ADAAA regs in effect since March 2011)
- 5) Judicial opinions interpreting those statutes and their regulations
- 6) U.S. Department of Education's Office of Civil Rights "Resolution Letters"

ADA/ Section 504

The primary obligation under the ADA/Section 504 is to not discriminate against individuals with disabilities

- ✓ Includes affirmative obligation to provide reasonable accommodations
- ✓ Exception: individuals who poses a “direct threat” to self or others, defined as a “significant risk of substantial harm”

Direct Threat Assessment

Whether someone poses a “direct threat” must be determined based on an ***individualized assessment*** (not stereotypes or assumptions) using the most current, objective medical evidence.

Direct Threat Assessment

The Four-Factor Test requires that you analyze:

- 1) Nature of the risk
- 2) Duration of the risk
- 3) Severity of the risk
- 4) Probability that the potential injury will actually occur

28 C.F.R. § 35.139(b) (Title II, or public, entities); 28 C.F.R. § 36.208(b) (Title III, or private, entities)

“What man actually needs is not a tensionless state, but rather the striving and struggling for a worthwhile goal, a freely chosen task. What he needs is not the discharge of tension at any cost but the call of a potential meaning waiting to be fulfilled by him.”

– Viktor Frankl, “Man’s Search for Meaning”

“Take-Aways” from Cases and Federal Guidance

- 1) Individualized assessments, not blanket (“zero tolerance”) policies
- 2) Safety concerns must be grounded in evidence, not stereotypes
- 3) Cannot require someone to be “stable” or “cured”
- 4) No blanket waivers for medical information

“Take-Aways” from Cases and Federal Guidance (cont.)

- 5) Clear policies on voluntary or involuntary medical leaves of absence
- 6) Consistent reenrollment criteria
- 7) Clear disciplinary and grievance procedures
- 8) Transparent emergency suspension with an opportunity to present evidence and challenge the decision

Questions?

Grantee Example: University at Albany



M. Dolores Cimini, PhD
Cohorts 1 & 3 GLS
Grantee

Grantee Example: University at Albany



M. Dolores Cimini, PhD
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Grantee

Could you tell us about your campus and what your crisis protocols cover?

Grantee Example: University at Albany



Who did you bring to the table to
create your protocols?

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Grantee

Grantee Example: University at Albany



How did you decide what to include?

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Grantee Example: University at Albany



What are some of the lessons
you learned?

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Grantee Example: University at Albany



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Cohorts 1 & 3 GLS
Grantee

How did you educate
your campus community
about these protocols?

Questions?

What's Next?

- ✓ Sign up today! Consultation session with your SPRC Prevention Specialist
- ✓ Webinar: Developing Successful Linkages to Community Mental Health Wednesday, November 14th, 3-4pm ET



Final Questions?

Resources

- Jed Foundation: Framework for Developing Institutional Protocols
<http://www.jedfoundation.org/professionals/programs-and-research/framework>
- Jed Foundation: Student Mental Health and the Law
<http://www.jedfoundation.org/professionals/programs-and-research/legal-resource>
- “Campus Mental Health: Know Your Rights!” Guide for College Students,
<http://www.bazelon.org/Who-We-Are/Leadership-21/Campus-Rights-Guide.aspx>
- “Supporting Students: A Model Policy for Colleges and Universities,”
<http://www.bazelon.org/pdf/supportingstudents.pdf>
- Bazelon Center: Campus Mental Health Legal Action: <http://www.bazelon.org/Where-We-Stand/Community-Integration/Campus-Mental-Health/Campus-Mental-Health-Legal-Action.aspx>
- U.S. Department of Education Office of Civil Rights:
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Contact information



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Thank you!

This webinar will be posted on SPRC's
website at:

www.sprc.org/grantees/grantees-technical-assistance-meetings-and-webinars