

Case Management, Care Teams and Enterprise Risk Management (ERM)

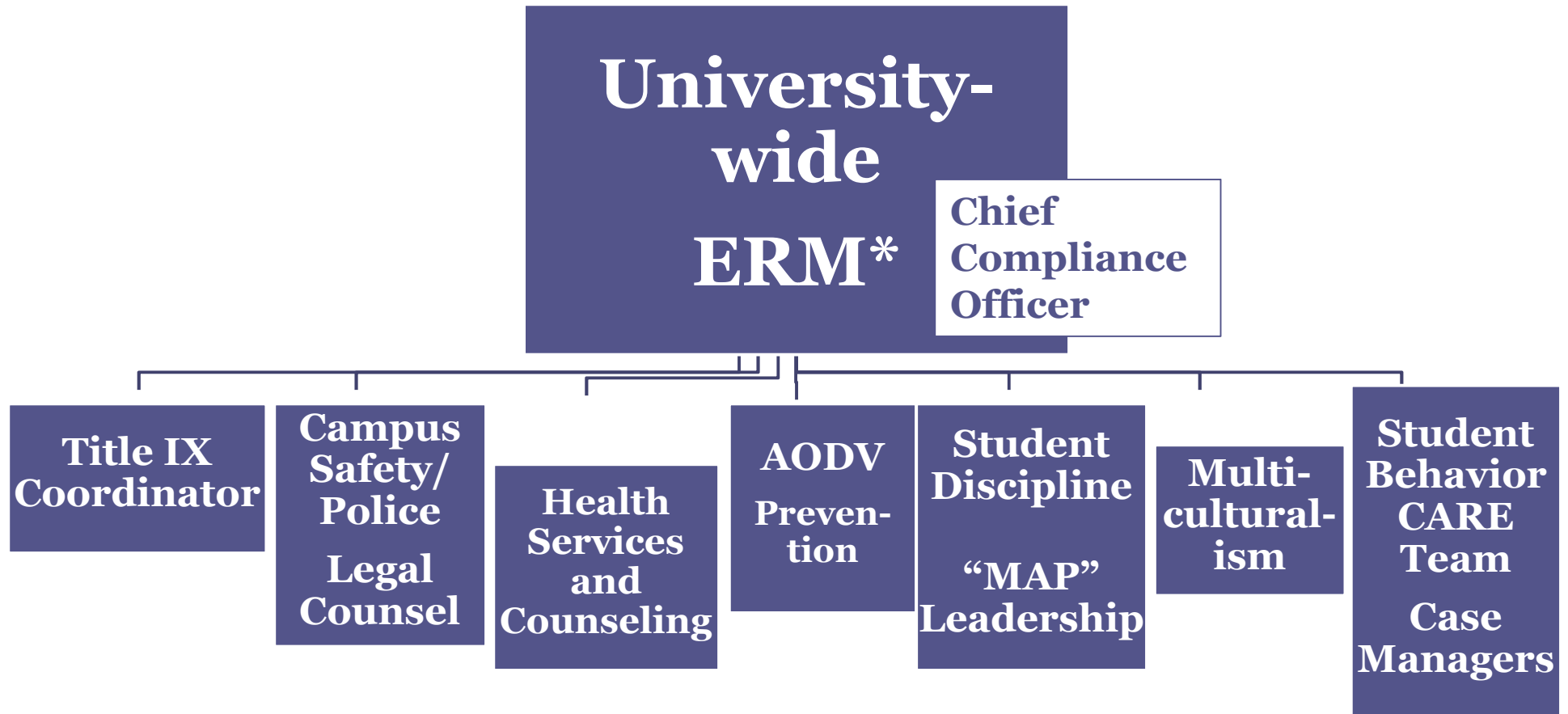
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Connecting the Dots

**The Need for Centralized Policy
Compliance That Is Not a General Counsel**

A Well-Ordered Campus Might Look Like This...



*Other ERM functions, such as financial and research risk management, are not included in this diagram.

Centralized Policy Compliance

- Chief Compliance Officer v. General Counsel
- Lawyer – Legal Advice, Counseling – Not a Principal or Business Agent or Administrator (Don't turn your GC into a super administrator!)
- Lawyer – Confidential
- Chief Compliance Officer – Administrator, Agent of University, No Attorney-Client Privilege (Don't turn your CCO into a college attorney!)

Functions of GC

v.

Functions of CCO

- J.D, Experienced
- Counsels/Advises on Law <-> Collaborates with Clients on Policy Development <-> Offers Input on Non-legal Implications of Legal Advice <-> Helps Client See What Is a Legal Issue and What Is Not

- J.D. Possible, Not Necessary
- Manages Projects/ Investigations (Internal/External)

Functions of GC

- Anticipates Trends/ Developments in Law – CLE
- Prepares Legal Documents: Reviews Documents with legal Implications from a Legal Perspective
- Letter of the Law? Evidence of Compliance

v. Functions of CCO

- Training, Oversees Compliance Staff – Monitors Compliance Efforts – Identifies Promising Practices, Consultants, CE
- Monitors Compliance Culture, Identifies Compliance Challenges
- Spirit of the Law? Internalization of Compliance

Campus Teams

**An Important Part of the Risk
Management Picture**

Core Literature on Teams and Student Mental Health...

- Higher Education Mental Health Alliance (HEMHA) and the Jed Foundation, *Balancing Safety and Support on Campus: A Guide for Campus Teams* (2012)
- Deisinger, G., Randazzo, M., O'Neill, D., & Savage, J., *The Handbook for Campus Threat Assessment and Management Teams* (2008)
- Cornell University, *Recognizing and Responding to Students in Distress*
- The Jed Foundation, *Student Mental Health and the Law: A Resource for Institutions of Higher Education* (2008)
- Katie Baker, Newsweek, *How Colleges Flunk Mental Health* (Feb. 11, 2014)

Impetus for Teams?

- Tyler Clementi, shooting tragedy at Virginia Tech in April 2007 (and others)
- Increased student mental health issues/increased visibility of mental health issues – *Shin v. MIT*
- Millennials challenging professors in the classrooms
- “Information silos” and reports on Va. Tech
- State mandates in Illinois and Virginia (including who must be on the team)
- On some campuses, teams existed for many years – Delworth
- Clery auditors ask about team operations – they assume one operates on your campus
- Looming possibility of Clery mandate for teams.


Teams and the Sorting Hat

- What dimensions of analysis does the situation present?
 - Legal?
 - Mental Health/Wellness?
 - Safety?
 - Management/Organization?
 - Community?
 - Academic?
 - Personnel?
- Be careful when transforming one issue into another!

Gathering and Processing Information

- How will information be gathered?
 - Website form?
 - Hotline?
 - “Facebook audits”
 - Emails/conversations with colleagues?
- What will be the response?
 - Flowcharts can be helpful.
 - Role of “case managers”?
- Who will conduct follow up?
- What about record keeping?

**A SPECTRUM OF POSSIBLE CAMPUS
TEAM INTERVENTIONS / RESPONSES**

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- Monitor the situation —
 - Engage directly with the person to de-escalate —
 - Work with a trusted peer or ally to monitor more closely —
 - Work with other departments to coordinate a plan of action (e.g., assessment, counseling, case management, disciplinary action) —
 - Voluntary referral for mental health assessment or treatment —
 - Mandated psychological assessment —
 - Involuntary hospitalization for evaluation and/or treatment —
 - Disciplinary review/action —
 - Notify family member(s) —
 - Convene Threat Assessment Team —
 - Separate from IHE (voluntary leave, interim suspension, involuntary leave) —

Source: Compiled from Eells and Rockland-Miller (2011) and Nolan, Randazzo, and Deisinger (2011)

HEMHA/Jed Foundation, Balancing Safety and Support on Campus (2012)

Things for Teams to Consider...

- Title IX
- Clery Act, VAWA, SaVE Act
- Privacy – FERPA, HIPPA, and open records
- Title II and Direct Threat
- ADA
- Fair Housing Act
- Civil Liability
- Criminal Liability
- Negligence law/Reasonable care
- Contract law (Leave of Absence)
- Legal repercussions for having such a team?

Team Maintenance

- Training team members
- Resources
- Who cares of the CARE team?
- Member burnout
- Get faculty on board

Team Mitosis

- Care/Case management
- Teams beget teams
- Organizing overlapping teams with related functions (risk management, AODV, etc.)

Future Resources for Teams

- *National Center for Campus Public Safety*
 - Margolis Healy, Univ. of Vermont
- *VTV Family Outreach Foundation 32 National Campus Safety Initiative (32ncsi)*
 - Directed by S. Daniel Carter, formerly of the Clery Center for Security on Campus
- *The Jed Foundation*
- *Vendors*

Bridging the Academic and Student Affairs Divide

Addressing the Whole Student <-> Risk Management to a Unit of One

Bridging the Gap...

- Eastern Michigan Univ. “Division of Academic and Student Affairs”
- Held a retreat in Aug. 2013 where all academic deans attended a “theater-in-the-round” and viewed a mock CARE team meeting with two different scenarios. Licensed health care providers would occasionally stop the scenario and explain how they could process information without sharing confidential information.

Bridging the Gap...

- Title IX teaches us that trauma affects learning.
- Emphasis on *multiculturalism* (LGBTQ, abilities, veterans, international students, etc.).
- The student as a “visitor.” (Whole-life learning, not just first job!)
- Increasing accountability for core mission delivery.
- Professionalization of student affairs. (Is student affairs the new “sociology?”)