

**Subcommittee on Mitigation, Protocols, and Infrastructure  
New Mexico Governor's Task Force on Campus Safety**

**Briefing for Governor's Higher Education Summit**

**December 4, 2007**

The Subcommittee for Mitigation, Protocols, and Infrastructure is one of three subcommittees working on reports for the Governor of New Mexico and Secretary of Higher Education Department in an ongoing effort to assist all New Mexico institutions of higher education in making our campuses as safe as possible. The subcommittee has the following purpose points to address:

1. Communication/information strategies for campus emergencies.
2. Campus wide strategic planning and development of protocols for students, faculty and staff for recognizing and reporting patterns of behavior that may be of concern.
3. Policies for student health issues.
4. Defined protocols for FERPA (Family Education Rights and Privacy Act), ADA (Americans with Disabilities Act), HIPAA (Health Insurance and Portability Act), Section 504 of the Rehabilitation Act, and other pertinent federal and state laws and regulations.
5. Recommendations for changing state and/or federal laws or regulations.
6. Create centralized state source of information for campus reference.
7. Recommendations for technology, equipment, and personnel for campus safety needs.
8. Advocate additional funding sources for campus needs.

The subcommittee will continue to work over the next several months to further develop the report which responds to the points in detail but gives this summary of findings to date for the higher education summit attendees. The subcommittee is composed of individuals with a comprehensive knowledge of the issues. We also had individuals with specific expertise from across the state share valuable information and insight respective to the points listed. We will share in this briefing some of the information gathered from those discussions, knowing that it is only a sample of the overall report to follow in the spring of 2008.

**The Briefing**

Regulatory

Higher education is regulated by a number of federal laws concerning students and the ability of campus officials to communicate about those students. The Family Educational Rights and Privacy Act of 1974 (FERPA or the Buckley Amendment) is a United States federal law. The act is also referred to as the *Buckley Amendment*, named

for one of its proponents, Senator James L. Buckley of New York. FERPA governs the disclosure of student education records.

The Health Insurance Portability and Accountability Act (HIPAA) was enacted by the U.S. Congress in 1996. Provisions in the act address the security and privacy of health data. The standards are meant to improve the efficiency and effectiveness of the nation's health care system by encouraging the widespread use of electronic data interchange in the US health care system.

HIPAA was enacted after FERPA, and the HIPAA Privacy Rule excludes student medical records and other records protected by FERPA. However, the interplay between FERPA and HIPAA is complex, and issues continue to arise for institutions of higher education in the context of campus student health services and student behavioral issues. The U.S. Department of Education has on past occasions indicated its intention to provide guidance on the interplay between FERPA and HIPAA; most recently DOE iterated its intention in an October 2007 general guidance that it issued entitled “Balancing Student Privacy and School Safety: A Guide to the *Family Educational Rights and Privacy Act* for Colleges and Universities.” The issuance of FERPA/HIPAA guidance is overdue and colleges and universities are in need of guidance from the Department of Education on this issue.

**This subcommittee will be recommending the U.S. Department of Education be encouraged to expedite the issuance of guidance on the interplay between FERPA and HIPAA.**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, or Clery Act, is a federal statute that requires all colleges and universities who participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses. Compliance is monitored by the United States Department of Education. The law is named for Jeanne Clery, a 19-year-old Lehigh University freshman who was raped and murdered in her campus residence hall in 1986. The Clery Act, signed in 1990, was originally known as the Crime Awareness and Campus Security Act.

The Clery Act’s requirements state that campuses must alert the campus community in a timely manner of certain crimes that are reported to campus security authorities or the local police that are considered to represent a serious or continuing threat to students and employees. Neither the Clery Act nor the Department of Education regulations implementing it define “timely”, how the warning is to be issued, or the information to be contained therein. At present, each college and university must determine for itself the parameters of a timely warning. Most recently, a complaint was filed with the Department of Education alleging that Virginia Tech failed to comply with the timely warning requirement after the initial shootings in the residence hall on April 16, 2007. Guidance from the Department of Education is needed so that institutions can have a common understanding of what the Clery Act requires.

**This subcommittee is recommending the U.S. Department of Education be encouraged to expedite the issuance of guidance for compliance with the “timely manner” warning requirements contained in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.**

#### Communications

Mass communication is defined as any communication that allows immediate notification to students, staff and faculty in the event of a serious emergency that impacts segments of the campus. Appropriate training and information needs to be provided to the campus community prior to implementing any protocol or policy concerning communications in emergency situations. In order to preserve the integrity of any mass communication system, the policy or protocol should include who, by position, is authorized to approve the issuance of an alert; and which department, office or position is authorized to actually issue the alert. When an alert is issued, the message should include safety instructions that persons should take immediately. An all-clear message should be issued when the situation has been resolved. Mass communications systems could include email networks, text messaging systems, sirens, intercom systems, closed-circuit television systems, reverse 911 systems and telephone trees, among others.

**This subcommittee is recommending that every New Mexico college/university should adopt and disseminate a policy that governs the institution’s mass communications plan and policy.**

#### Infrastructure

“Crime prevention through environmental design” is a concept that encourages building security applications into facilities during the planning phase of the construction process. The concept considers things such as the crime rate, building function, hours of operation, construction materials, interior and exterior lighting, basic security devices such as locks and electronic security systems. In the post 9/11 world, the public has an expectation that colleges/universities will take reasonable steps to ensure the safety of our campuses. In order to fulfill this expectation, it is critical that security components and standards are considered as buildings are designed. This makes security initiatives more cost-effective as facilities are less likely to require retrofitting at much higher expense. The “crime prevention through environmental design” concept allows colleges/universities to consider security components as infrastructure, just as plumbing and electrical systems are built in to new buildings and major remodeling efforts.

**This subcommittee is recommending that every New Mexico college and university adopt a “crime prevention through environmental design” concept as new facilities are built or as existing facilities are remodeled. The New Mexico Higher Education Department should ensure that colleges/universities have considered this concept as construction plan approval is sought from the Department of Higher Education.**

## Behavioral Health

The following represents a synthesis of the discussion concerning behavioral health and is expressed in the context of a Prevention-Treatment-Maintenance model. We believe that behavioral health considerations should span the spectrum from prevention, intervention, and post-incident support and recovery services.

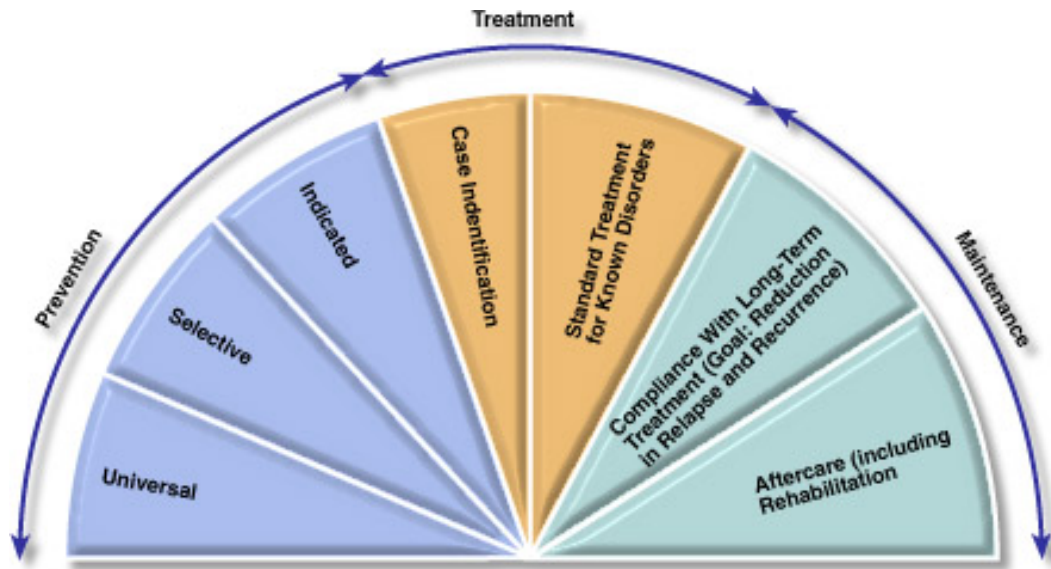


Figure courtesy of the Center for Substance Abuse Prevention

Universal or Primary prevention efforts address the well being of the campus population at large. Higher education institutions engaged in this should assess the quality, quantity and frequency of these efforts on their campuses. Examples include over-all health promotion or stress reduction initiatives. These initiatives should also address efforts to reduce the stigma attached to behavioral health problems and to help-seeking for such problems.

Selective or Secondary prevention efforts target students and others who are subsets of the total population that are considered at risk by virtue of their membership in a particular segment of the population. Examples include students who are failing academically. Selective prevention targets the entire subgroup, regardless of the degree of risk of any individual within the group.

Indicated or Tertiary prevention efforts are designed to prevent the onset of behavioral health impairments in individuals who do not meet full medical or psychiatric criteria, but

who are showing early danger signs, such as falling grades, substance abuse, aggression, or depressive symptoms. The mission of indicated prevention is to identify individuals who are exhibiting early signs of problem behaviors and to involve them in special programs. Many campuses involve Student Assistance Teams in one form or another to help with these identifications and early referral.

Case identification involves more formal efforts such as routine screenings for behavioral health issues during visits to campus health clinics and other gateways. This area could also involve faculty and others in training programs to increase recognition of problem behaviors, and warning signs; develop knowledge of resources; and acquire skills in linking students to resources. An additional consideration is the possibility of training students to have a general knowledge of these warning signs and what resources to contact if observed.

**The subcommittee is recommending that higher education institutions assess the quality, quantity and frequency of the Primary, Selective, and Indicated prevention efforts including case identification; and institutional capacity for them on their respective campuses.**

Treatment ideally refers to the provision of evidence-based practices to ameliorate behavioral health problems and disorders. Examples include motivational interviewing in substance abuse behaviors and cognitive-behavioral approaches to anger and aggressiveness. Even large New Mexico campuses will have limited treatment capacities within Student Health or Counseling Services so all campuses will need to form effective partnerships with providers in the community. The subcommittee notes that every region served by colleges and universities in New Mexico is also served by a regional Behavioral Health Collaborative.

**The Subcommittee is recommending that each campus identify its local Collaborative and establish relationships with them that might facilitate effective partnerships in helping students obtain behavioral health services when indicated.**

Maintenance efforts refer to the need to provide ongoing supports, relationships and opportunities for students with behavioral health issues. As with treatment, many campuses will have to rely on community resources for maintenance, but many will have or can develop internal resources. These might include student recovery and support groups, or the provision of tutoring or mentoring programs. The goal of maintenance efforts is to prevent relapse or recurrence of problem behaviors, and to promote health and well-being. Campuses must also consider their capacities to respond to the behavioral health needs of their community in the aftermath of suicide, violence or other mass crisis that may occur on the campus.

**The subcommittee is recommending that each campus address safety and security issues in teams or workgroups, and should have an integrated composition of security, behavioral health, legal, faculty and administration representatives.**

**Policies and practices should reflect interdisciplinary approaches and be rooted in interdisciplinary communications.**

As Interdisciplinary Teams meet on their respective campuses it may be useful to have a common framework for assessing their strengths, limitations and opportunities in developing an overall approach to campus safety. The subcommittee will engage in detailed discussion on the models to use for Interdisciplinary Teams and include those recommendations in the final report.

The subcommittee is also reviewing the Site Assistance Visit (SAV) offered through the Federal Department of Homeland Security (DHS) for institutions of higher education. The SAV is used to assist in identification and assessment of an institution's organizational and facility vulnerabilities. The program allows the DHS to understand specific facility vulnerabilities through an All Hazard approach; and then to share information about these hazards to build security partnerships and implement protective measures. To date, over fifty SAVs have been conducted at education facilities nationwide.

In closure, we, the members of the subcommittee appreciate the opportunity to contribute our thoughts on the issues discussed in this briefing to the overall effort of enhancing campus safety. As stated earlier, the subcommittee will be providing further analysis, detail and recommendations in a comprehensive report due in the Spring of 2008.

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