



A Time To Reflect About Violence In Schools

Insights

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The tragic shooting death at the Episcopal School in Jacksonville, Florida has placed the issue of workplace violence on the radar screens of schools nationwide. On March 6, Head of School Dale Regan notified a teacher that his employment was ending due to performance concerns. After receiving the news, the former teacher left the school only to return later with a gun. He walked into the school, went directly to Ms. Regan's office, and after shooting her he turned the gun on himself. The shooting has, understandably, rocked the independent school community.

We may never know for sure what caused this teacher's violent reaction. What we do know is that violence can impact any community, regardless of how warm, open, and friendly the community appears to be. School administrators should use this horrible incident to generate discussion and assessment within the community to look at their school's policies, procedures, training, and programs to ensure that the school is doing everything it reasonably can to avoid or minimize risks of violence or harm to the community.

This article is not intended to criticize anything that the Episcopal School did or policies it had in place. Instead we'll discuss risk avoidance in general as it relates to school policies and procedures. Whether the violence stems from a current or former employee, an unknown assailant, or a student, many incidents are foreseeable and/or preventable.

The strategies outlined below can help minimize the risk of violence in our schools. The approach must be comprehensive and constantly evolving. The school should have a designated team of professionals that looks at the campus, employees, students, parents, volunteers, policies and procedures with a fresh eye at least yearly to assess risks and changes to the program.

Enhance Hiring Procedures

Screen out risky applicants. Use applications that seek complete employment histories. Obtain and use release forms for personnel records from previous employers, course transcripts from educational institutions, certification records from training and professional organizations, credit reports (if permissible in your state), criminal conviction records and sex-offender registry status. Carefully review the results of your search in evaluating candidates and identifying red flags that warrant further research or disqualification.

Conduct criminal background (fingerprint) screening of volunteers with the same vigor. Consider assessing parents against at least the sex-offender listing to ensure that you know the identity of those on your campus.

Conduct substance-abuse testing. Consider testing all applicants and employees for substance abuse to the extent allowed by law. Negative test results should be a condition of employment.

Strengthen Personnel Policies

Create a zero-tolerance environment. Establish a written policy addressing violence, threats, and abusive language, and make clear that any violation of these rules can be grounds for termination or, in the case of parents, removal from the community.

Include a clause in your enrollment contract that requires parents and other family members to exhibit appropriate conduct on your campus (non-threatening, cooperative communications) and enforce the policy when necessary. Encourage students and employees to promptly report all threats and acts of violence.

Require administrators and supervisors to provide accurate performance evaluations for all employees. Undeserved good performance reviews can contribute to violent outbreaks when adverse employment action finally occurs.

Implement an Employee Assistance Program. EAPs can help employees manage stress in their lives. Equally as important is to establish an environment that removes any stigma from voluntarily seeking assistance. For employees who are terminated or laid off (assuming that they have not presented a risk of violence) provide job counseling. Train supervisors to communicate any necessary layoffs or discharges without anger.

Enforce no solicitation/no distribution rules, and consider prohibiting all former employees from returning to the workplace for a set number of days to allow a cooling-off period.

If you have not already done so, consider implementing a policy banning all weapons from school property except to the extent allowed by law (many states have legislation on this subject protecting the rights of gun owners). Consider a policy that allows searches of suspicious items brought on site by an employee, parent or student. It is far better to embarrass a member of the community than to regret the harm you could have prevented.

Tighten Up Security

Audit and improve security measures. Establish a relationship with local law enforcement officials and possibly a security consultant. Audits will help determine areas of vulnerability. Basic systems, such as lighting, pass cards, employee identification, surveillance or alarm equipment, emergency or panic buttons, procedures limiting access, gates and fencing, and other systems or devices should be considered. Many schools have procedures whereby parents and third parties must be

cleared through an instant criminal check before they can move past the security gate. Find and use what works best for your school.

Develop procedures and identify resources for investigating threats, and investigate reports when they are made. This should include witness interviews and discussion with the person who made the threat. Security consultants, psychologists, attorneys, or other professionals, can help to determine appropriate next steps if a threat appears credible.

In certain cases involving threats of harm to others or to the community, you may need to condition a student's or employee's return to the campus on an evaluation by a forensic psychologist that specializes in threat and risk assessment.

Develop emergency plans to deal with violent situations. Test your lockdown process to ensure student and employee safety in the event of a bomb threat, assault, active shooters, and other threats of violence. Include a process for student-parent communication mechanism. Distribute and post contact lists of all local emergency agencies.

Many schools use instant messaging to notify staff and authorities of lockdown situations. Ensure that warning messages are sent promptly advising the community of any potential threat. A recent jury verdict in the Virginia Tech shooting found that the university waited too long after the initial shooting before notifying the community of the threat.

Prepare a post-incident response plan to ensure information is collected and conveyed appropriately and that effective follow-up steps, such as counseling, site clean-up and press-communications, are quickly implemented.

Think through the possible termination of employees evidencing disturbing or potentially violent behavior. Discuss with your attorney the process that you should employ, possibly engaging an off-duty officer or security consultant to assist in the process. Ensure that the individual is gently escorted off property and implement steps to ensure that the employee may not return. Issue terminated employees a no-trespass warning advising that they are not permitted to return to the property. Notify law enforcement of any potential concerns, attempts by the former employee to return, or threatening voice or email messages.

Train On The Subject

Train teachers to identify the signs of potential violent behavior by students. These signs include: a) finding the torture or harm of animals pleasurable; b) getting in fights on a regular basis; c) planning to harm or threatening to harm others; d) bragging about, boasting, or advertising violent plans; e) developing an obsession or fascination with violent entertainment (movies, video games, music) and weaponry; f) frequently engaging in verbal or physical displays of anger; g) manifesting difficulty dealing with authority figures; h) experiencing bullying or verbal abuse; i) gang affiliation; j) history of child abuse or neglect; k) withdrawal or isolation from the peer group/having few

friends; l) substance abuse; and, m) attempting suicide. When such signs are noted, teachers should know what and where to report so risks are evaluated and monitored.

Train administrators, teachers, and staff to identify and report any perceived threat. Administrators should learn how to identify violence risks and to report all threats immediately. Administrators should also be trained in conflict resolution, stress management, managing change in the workplace, and recognizing the early warning signs of violent employees. Train teachers and staff to identify and report threats or violence and to take preventive steps. The key is to strengthen effective communications and issue resolution.

Think The Unthinkable

There is within all of us the strong belief that disturbing behavior will either not occur or it will be a long time in the making, and thus easily avoidable. But the risk exists, and at every school. By implementing comprehensive policies geared toward safety, and consistently enforcing such policies, schools can significantly reduce the risk that they will be the site of the next tragedy.

For further information on how to assess and implement safety and security policies, contact the author at tleachman@laborlawyers.com or (503) 205-8095.