

Regulation on Behavioral Threat Assessment and Management Teams

I. Purpose

The UNC Board of Governors is committed to maintaining a safe, secure learning environment in which students, faculty, and staff can all learn, teach, work, and contribute to the University's mission and goals. Threats of violence against individuals or property, and threats of violent disruption or disturbance to the University's work and mission, are enterprise risks that impact the constituent institutions and the System as a whole. This regulation establishes a process for the timely and safe interventions directed at faculty, staff, and students who may pose credible potential threats of harm to the community or may disrupt or impede the lawful activities and educational processes of the University.

II. Definitions

A. The following definitions apply to this regulation:

1. Threat assessment and management team (TAMT) – A multidisciplinary team appointed by the chancellor, including but not limited representatives from student affairs, law enforcement, human resources, counseling services, residential life, and other constituencies as needed, that conducts threat assessments at a constituent institution when threatening behavior has been communicated and/or when a member of the university community has engaged in threatening behavior that warrants evaluation. For situations including behavior covered by Title IX or sexual misconduct policies, the team shall consult with the constituent institution's Title IX Coordinator when appropriate. The institution's general counsel or another member of the office of general counsel shall provide legal guidance to the team.
2. Threatening behavior – Any communication or action, including action that is the subject of criminal charges, whether occurring on-campus or off-campus, that indicates that an individual may pose a danger to the safety or well-being of any member of the university community, including the individual engaging in the threatening behavior, through acts of violence or other behaviors that may reasonably cause fear of or harm to persons or property or substantially interfere with or disrupt the educational mission of the University. These behaviors may be expressed or communicated orally, visually, in writing, electronically, or through any other means and may be considered threatening regardless of whether a direct threat is expressed or was received by the intended audience or believed by the intended audience.

III. Threat Assessment and Management Team Policy Requirements

- A. Each constituent institution shall enact a policy not inconsistent with this regulation establishing a threat assessment and management team. The threat assessment and management team shall be charged with:

1. Evaluating whether students or employees have engaged in threatening behavior or exhibited potentially threatening behaviors that may pose a risk of harm to the community;
 2. Recommending appropriate safety interventions to mitigate any such risk of harm to the community or self; and
 3. Monitoring and reviewing any ongoing safety interventions.
- B. Each institutional policy shall, at a minimum:
1. Clearly describe the mission and purpose of the TAMT, including identifying the TAMT members by title.
 2. Provide that members of the TAMT shall be appointed by the Chancellor who shall review the membership of the TAMT at least annually;
 3. Direct the institution's Office of General Counsel to provide legal guidance to the threat assessment and management team;
 4. Set forth procedures for threat assessment reviews, including procedures for implementing interim separations and other safety interventions consistent with this regulation, which shall be incorporated by reference;
 5. Provide that, in conducting the threat assessment review, the threat assessment and management team may consider any information deemed relevant by the threat assessment and management team to protect the safety of the campus community, including information regarding threatening behavior both on and off campus;
 6. Set forth procedures by which the constituent institution's Office of Human Resources shall engage in timely communication with the TAMT regarding threatening behavior exhibited by an employee;
 7. Authorize the threat assessment and management team to monitor situations in which safety intervention measures have been imposed to ensure adequate resources have been made available and to periodically reassess such situations as needed, including monitoring and assessing time frames and conditions for the return to campus of any student or employee who has been removed from campus as a safety;
 8. Mandate and track annual training for threat assessment and management team members; and
 9. Establish records retention procedures or guidelines for records generated by the threat assessment and management team.

IV. Threat Assessment Review

Threat assessment and management teams shall utilize best practices, based on accepted national standards, in evaluating potential threats, and shall have access to student and employee records where necessary and appropriate. Access to student and employee records shall be in compliance with all relevant and applicable state and federal laws, including but not limited to the federal Family Educational Rights and Privacy Act (FERPA), State Human Resources Act, and the Health Insurance Portability and Accountability Act (HIPAA). Team members who are not university employees may review student records as provided in 34 CFR §99.31(a)(1)(i)(B) pursuant to a written agreement with the institution including the requirements and responsibilities for use of student records under FERPA.

Threat assessment reviews may occur simultaneously with other applicable proceedings, such as employee investigations, student disciplinary processes, or external legal proceedings.

V. Recommended Interventions

A. Upon completion of a threat assessment review, the threat assessment and management team shall recommend appropriate safety interventions to the appropriate administrator with the authority to implement the recommended interventions. Such safety interventions are not disciplinary in nature and may include, but are not limited to, the development of an individualized case management plan, voluntary withdrawal or extended leave, involuntary withdrawal or extended leave, or interim removal. The recommendation of the threat assessment team may be changed or modified by the chancellor in his or her sole discretion, subject to any legal limitations.

B. In conducting the threat assessment review and determining appropriate interventions, the threat assessment and management team shall prioritize both the safety or well-being of the campus community, including the individual whose actions are being assessed, and the safety and security of university property.

C. Employee misconduct and student misconduct proceedings, including academic misconduct proceedings, may continue while an individual is subject to any safety interventions. The appropriate university official responsible for the proceeding shall keep the TAMT apprised during the course of such proceedings.

D. After the implementation of appropriate safety interventions, the threat assessment team shall continue to monitor the individual's situation to ensure appropriate resources are provided, and to periodically reassess the continued need and appropriateness of the interventions.

E. Interim removal from university property. In certain circumstances, the threat assessment and management team may determine that appropriate safety interventions may include the temporary removal of a student or employee from the university campus. Such determinations may be made on an emergency basis using expedited procedures when deemed necessary in the sole discretion of the threat assessment management team.

1. Employees

Employees engaging in threatening behavior may be placed on investigatory leave with pay or administrative leave with pay or may otherwise be subjected to other interim measures of a non-disciplinary nature (i.e., reassignment) in accordance with UNC System and Office of State Human Resources (OSHR) policies. In addition, an employee may, when appropriate, be required to undergo an evaluation to determine the extent of any risk of violence in the workplace presented by the employee, and his or her fitness to return to work. Any intervention recommended for an employee should be approved by Human Resources after consultation with legal counsel.

2. Students

When the threat assessment and management team determines that a student presents an imminent threat to the health or safety of any member of the University community, including self, the threat assessment and management team may make a recommendation, after an individualized assessment, to remove the student from any or all University premises for a temporary time period. Such an interim separation is not a penalty or a disciplinary consequence, but a safety intervention taken to protect the University community. Interim separation may be enacted by the appropriate administrator upon the recommendation of the threat assessment and management team as part of the safety intervention process, or by the chancellor in his or her sole discretion based on the chancellor's review of the evidence considered by the threat assessment and management team. Nothing in this regulation supersedes or amends institutional disciplinary proceedings under the institution's behavioral code.

Interim separation shall be presumed to be an appropriate safety intervention when a student has been charged with certain felony criminal offenses. These shall include any felony offense that involves harm or the threat of harm to persons or property, including assault or the use of violence or force against a person; possession of a weapon on campus or other educational property in violation of N.C.G.S. §14-269.2; communicating a threat of mass violence on educational property in violation of N.C.G.S. 14-277.6; inciting a riot in violation of N.C.G.S. 14-288.2; assault on emergency personnel in violation of N.C.G.S. 14-288.9; any act of terrorism in violation of N.C.G.S. §14-10.1; or other similar felony offenses as defined under applicable and analogous laws of this state or another state or federal law.

When the threat assessment team determines that interim separation is an appropriate safety intervention, that determination may be appealable to the chancellor, and the decision of the chancellor shall be final. If the chancellor independently imposes interim separation based on his or her review of the evidence considered by the threat assessment team, then the chancellor's decision shall be final.

VI. Training

Constituent institutions shall provide to their threat assessment and management teams, at a minimum, annual training on best threat assessment practices, confidentiality, and other relevant laws and policies. Institutions may require training on a more frequent basis. Institutions shall maintain a record of training programs completed by threat assessment and management team members.

VII. Other Matters

A. Effective Date. The requirements of this regulation shall be effective upon approval.

B. Relation to State Laws. The foregoing regulations as adopted by the president are meant to supplement, and do not purport to supplant or modify, applicable federal or state law or administrative regulations, including legal requirements under Title IX and constituent institution Title IX sexual harassment policies, or anti-discrimination and anti-harassment policies.