

Fall 9-1-2010

Insights Gleaned from the Tragedy at Virginia Tech

Lucinda Roy

Follow this and additional works at: <https://scholarlycommons.law.wlu.edu/crsj>

 Part of the [Education Law Commons](#), [Juvenile Law Commons](#), [Law and Psychology Commons](#), and the [Mental Disorders Commons](#)

Recommended Citation

Lucinda Roy, *Insights Gleaned from the Tragedy at Virginia Tech*, 17 Wash. & Lee J. Civ. Rts. & Soc. Just. 93 (2010).
Available at: <https://scholarlycommons.law.wlu.edu/crsj/vol17/iss1/7>

This Article is brought to you for free and open access by the Washington and Lee Journal of Civil Rights and Social Justice at Washington & Lee University School of Law Scholarly Commons. It has been accepted for inclusion in Washington and Lee Journal of Civil Rights and Social Justice by an authorized editor of Washington & Lee University School of Law Scholarly Commons. For more information, please contact lawref@wlu.edu.

Insights Gleaned from the Tragedy at Virginia Tech

Lucinda Roy*

My thanks to Professor Ann Massie for inviting me to speak to you today. There is no more challenging issue we face in education than this one. The threat of violence on campus requires a coordinated, proactive approach on the part of institutions; it challenges many of the assumptions we have about risk management and about education in the United States.¹

Years ago, when I served as an associate dean at Virginia Tech, I was frequently invited to deliver keynotes on the impact of the new instructional technology being introduced on our campuses. One of the things some of us realized was this: unless we focused not only on the technology itself, but also on the prevailing culture—the expectations we had for our students, our assumptions about the ways in which students learned—we would be wasting our time. In other words, unless fundamental changes took place in the way we did business, classrooms could become sites of delivery rather than places of responsive, collaborative learning; minority students could be left behind; and instructional technology could become the latest means by which administrators strapped for cash enacted cost-savings.

I mention this now because it has become clear to me as I worked for the past two years on *No Right to Remain Silent*²—my new book about what we can learn from what happened before, during, and after the tragedy at Virginia Tech—that effective approaches are being hampered by assumptions about the roles of students, faculty, administrators, and support personnel.³ I tried to summarize the problems we face in the prologue of my book:

* See generally *Biographical Info for Lucinda Roy*, <http://www.lucindaroy.net/bio> (last visited Sept. 5, 2010) (giving the personal and professional biography of author Lucinda Roy) (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

1. See *infra* notes 4–8 and accompanying text.
2. LUCINDA ROY, *NO RIGHT TO REMAIN SILENT: THE TRAGEDY AT VIRGINIA TECH* (2009) [hereinafter ROY].
3. See *infra* note 5 and accompanying text.

Our education system is premised on the belief that students are willing to abide by the rules we establish and that they will seek help when they need it. Yet there are times when those who are mentally ill are not equipped to make a rational choice about such things as medication or counseling. At moments like these, who is morally obliged to intervene? The teacher, the parent, another student, a counselor, law enforcement? And what are the legal ramifications of intervention? In the United States, the legal options in the case of students who exhibit signs of being deeply troubled are less plentiful than we imagine. So we play a game of Russian roulette in education and in mental health, shuffling too many troubled young people through the system, convincing ourselves that no student would be crazy enough to load a gun and point it at someone's head.⁴

After a student attack, we are forced to interrogate long-held assumptions about education, mental health, the innocence of youth, privacy rights, free speech, families, and gun laws.⁵ But in the wake of tragedy, we are often more comfortable talking about surveillance cameras and security personnel. Important though these are, they can only be effective if we also examine the cultural impediments to campus security.⁶ The education field and the public are not yet prepared to meet the challenges posed by troubled or severely disturbed students.⁷ I say this not just because of Seung-Hui Cho's brutal attack on a campus I love, but also because I am convinced attacks are inevitable if we do not do a better job of responding to students in crisis.⁸

Because I agreed to speak to the media in the two days following the tragedy, I found myself in the unique position of hearing from hundreds of others from around the country—teachers, parents, counselors, lawyers, and

4. ROY, *supra* note 2, at 8.

5. *See id.* at 3 ("This tragedy forces us to address some of the most pressing issues of our time: education, parenting, violence, youth subcultures, communication, censorship, mental health, gun control, and race.").

6. *See* DEADLY LESSONS: UNDERSTANDING LETHAL SCHOOL VIOLENCE, CASE STUDIES OF SCHOOL VIOLENCE COMMITTEE, NATIONAL RESEARCH COUNCIL 253–54 (Mark H. Moore et al. eds., 2003) (describing the effects of a popular culture that tolerates and even exalts violence on young people and school safety) [hereinafter DEADLY LESSONS].

7. *See* ROY, *supra* note 2, at 167–69 (explaining the challenges that students like Cho thrust on an educational model built on conceptions of the "Perfect Student"). Roy describes the educational system as "unresponsive" and plagued by an exodus of quality teachers and the absence of adequate resources. *Id.* at 183. Many schools have difficulty identifying and engaging troubled students on a large scale. *Id.* at 234.

8. *See id.* at 239 (describing the troubled, isolated individuals who, like Cho, dream of attacking their classmates and the threat they pose to society if the government, communities, schools, educators and law enforcement fail to address root causes).

administrators—many of whom believed that a similar tragedy could happen in almost any school or college at any time.⁹ Since Columbine, we have known our campuses are vulnerable not just to attacks by students but also to attacks from outsiders.¹⁰ This is why a symposium such as this one is so important. I am not here today to sound the knell of doom; rather, I am hoping, if we dare to speak honestly about the challenges we face in K–16 (our elementary, middle, and high schools, as well as our college and universities) we can come up with creative approaches that take into account the rights of students to privacy, while balancing these individual rights against the safety of the community.¹¹

Ironically, the education field is often resistant to learning from experience. Nowadays, men and women who have not set foot in a classroom for years, or may never have worked with students, are hired into administrative positions.¹² Some have about as much familiarity with students as they have with Old Icelandic—a language I studied while a student at King’s College—one that is particularly useful should you run into a stray Viking.¹³ Many have little or no training in risk management.¹⁴

Public education is now only partially subsidized by the state, which means that administrators are often hired because of their proven track record as fundraisers.¹⁵ In D. H. Lawrence’s story *The Rocking-Horse Winner*, a house constantly whispers, "There must be more money."¹⁶

9. See *id.* at 248–51 (describing the variety of responses received from people around the country following the attack). "[I]n their hearts even the lucky people knew that . . . what happened [at Virginia Tech] could happen anywhere." *Id.* at 10.

10. See *id.* at 220 (discussing the vulnerability of classrooms to attack).

11. See *id.* at 166 ("I am loathe to suggest that we should explore ways to curtail students’ right to free speech. And yet, the tragedy at Virginia Tech obliges us to take another look at some of our assumptions about education and creativity.").

12. See *id.* at 129 (describing a shift in the past decade in the experience required of university administrators from student-centered leadership to fundraising ability).

13. See *id.* ("Nowadays, some of those in leadership positions at universities have little experience working with students and almost no experience in the classroom.").

14. See ASS’N OF GOVERNING BODS. OF UNIVS. AND COLL. & UNITED EDUCATORS, THE STATE OF ENTERPRISE RISK MANAGEMENT AT COLLEGES AND UNIVERSITIES TODAY 2 (2009), available at http://www.epi.soe.vt.edu/perspectives/policy_news/pdf/AGB_RISK.pdf (finding a majority of administrators in higher education do not use comprehensive, strategic risk assessment to identify major risks).

15. See ROY, *supra* note 2, at 133 ("The corporate model of the jet-setting, entrepreneurial CEO is a model university presidents have been forced to adopt. Their boards expect them to raise funds, their governors expect them to do so as well, their faculty complain when they don’t, and voters are increasingly reluctant to fund education.").

16. D. H. LAWRENCE, *The Rocking-Horse Winner*, in THE WOMAN WHO RODE AWAY AND OTHER STORIES 230, 239 (Dieter Mehl & Christa Jansohn eds., 1995).

Often, this whispered refrain is what assaults many administrators, who are obliged to do more with less, keep their campuses safe, and convince an ever more skeptical public and state legislature that education is worth funding.¹⁷

In *No Right to Remain Silent*, I list ten reasons why I think we may be heading for a perfect storm in education:¹⁸

1. A shortage of teachers and resources in K–12¹⁹
2. A lack of treatment facilities and services for mentally ill students of all ages²⁰
3. The accessibility of guns and bomb-making equipment and manuals²¹
4. The prevalence of mental illness and suicide in the student population²²

17. See ROY, *supra* note 15 and accompanying text.

18. See ROY, *supra* note 2, at 226–27 (listing the cultural factors that "have the potential to contribute to education's perfect storm").

19. See OFFICE OF POSTSECONDARY EDUC. POLICY & BUDGET DEV. STAFF, U.S. DEP'T OF EDUC., TEACHER SHORTAGE AREAS, NATIONWIDE LISTING 1990–91 THRU 2010–11 (2010), available at <http://www2.ed.gov/about/offices/list/ope/pol/tsa.pdf> (illustrating how widespread teacher shortages are in the United States and revealing chronic shortages of math, science and special education teachers).

20. See Greg Esposito, *Tech Gets Funds To Keep Healing Going*, ROANOKE TIMES, Oct. 10, 2008 (describing the services for mentally ill students at Virginia Tech before and after the tragedy). Schools and universities are seeing increasing demands placed on mental health services by students, but many do not have enough mental health professionals on staff. *Id.* Experts have recommended that the ratio of counselors to students should be about 1 to 1,500. *Id.* At Virginia Tech before the shootings, the ratio was 1 to 2,700. *Id.* In October 2008, well over a year after the shootings, Virginia Tech received \$2.65 million in federal funds to hire six new counselors at the Cook Counseling Center, and case manager positions in Student Affairs. *Id.* There are now 1,750 students to every counselor. *Id.* The CCC handled 11,065 student visits in academic year 2007–2008. *Id.* This is up sharply from 2005–2006 when the center had approximately 7,145 student visits. *Id.*

21. See ROY, *supra* note 2, at 213–39 (discussing the prevalence of guns and violence in American society).

22. See Jennifer Sisk, *Depression on College Campuses: The Downside of Higher Education*, 6 SOC. WORK TODAY 17, 18 (discussing the unprecedented numbers of students suffering from depression on college campuses). The prevalence of depression on college campuses is cause for concern. *Id.* One psychologist calls the statistics "staggering." *Id.* College-aged students are more likely to experience depression than other age groups, according to published studies, statistics from mental health organizations, and observations by social workers and other professionals working with the college population. *Id.* at 18–19. "The 2005 National College Health Assessment (NCHA), a survey of nearly 17,000 college students conducted by the American College Health Association, revealed that 25% reported they 'felt so depressed it was difficult to function' three to eight times during the past year

5. A "non-teacherly focus" in higher education²³
6. A pop culture that routinely exposes children and youth to excessive violence²⁴
7. A growing divide that separates youth culture from adult culture²⁵
8. The prevalence of bullying in K–12 (often called "harassment" when it affects the adult community)²⁶
9. A rise in alcoholism, drug abuse, and prescription medication abuse in student populations²⁷
10. Open campuses with relatively little security or security funding²⁸

Each of these factors is, on its own, cause for concern. But it is the cumulative effect of these ten that should trouble us the most. We are witnessing an exodus of dedicated, experienced teachers—something exacerbated by the current budget crisis.²⁹ These veteran teachers have a vital role to play with regard to troubled students in need of intervention.³⁰

and 21% reported they 'seriously considered suicide' one or more times during the past year." *Id.* at 18. "In the NCHA survey, students also ranked depression as one of the top ten impediments to academic performance." *Id.* at 18.

23. See ROY, *supra* note 2, at 133 (discussing the preference of colleges and universities for administrators trained in fundraising rather than teaching). Many research institutions also prefer professors committed to research first and teaching second. *Id.* at 178.

24. See *id.* at 198 ("It is naïve to expect that violence can be prevalent in one sphere (popular culture) and absent in another (the culture of school).").

25. See DEADLY LESSONS, *supra* note 6, at 253 (explaining that the absence of adults from the lives of many young people may make young people more susceptible to violent influences from the media and their peers).

26. See *id.* at 316–17 (estimating that half of American children are victims of bullying, including many school shooters).

27. See 2009 PARENTS AND TEENS ATTITUDE TRACKING STUDY REPORT, PARTNERSHIP FOR A DRUG FREE AMERICA AND METLIFE FOUNDATION 11 (2009), available at http://drugfreetexas.org/wp-content/files_flutter/1267743014PATS_Full_Report_2009_PDF.pdf (finding a reverse in the decline of drug and alcohol use in teens for the first time since 1998).

28. See ROY, *supra* note 2, at 131 (noting that even in the semester after the attack, when caution and resources were at their greatest, it was impossible to completely secure the campus).

29. See OFFICE OF POSTSECONDARY EDUC. POLICY & BUDGET DEV. STAFF, *supra* note 19 and accompanying text.

30. See ROY, *supra* note 2, at 177 (recommending that experienced teachers be part of the threat assessment teams proposed as a way to identify troubled and potentially dangerous students).

Two-and-a-half years after the attack at Virginia Tech—sometimes referred to as Higher Education's 9-11³¹—how far have we come? If there can be an attack on Fort Hood as there was on November 5, 2009, how much easier is it to attack a campus?³²

Our campuses are vulnerable.³³ In most cases, people can stroll into classes at any time.³⁴ The only thing protecting us from attack is other people's good will. Twice in the past year I have had people show up in my classes unannounced. One was a stranger who happened to be passing through Blacksburg. I had no idea who he was, and it was very difficult to determine whether or not I should confront the visitor—an older man—while my students were present. This is not to suggest that schools and universities have ignored the problem. In the wake of the attack in Blacksburg, schools, colleges, and universities have reassessed their approach to campus safety.³⁵ At Virginia Tech, for example, a campus-wide alert system has been instituted;³⁶ police vacancies at Virginia Tech have been filled;³⁷ a threat assessment specialist has been hired;³⁸ case managers have been funded through a grant obtained from the U.S.

31. See Kathleen A. Rinehart, *Higher Education's 9-11: Crisis Management*, UNIVERSITY BUSINESS (Dec. 2007), <http://www.universitybusiness.com/viewarticle.aspx?articleid=967> (calling the tragedy at Virginia Tech "Higher Education's 9-11") (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

32. See Robert D. McFadden, *Army Doctor Held in Ft. Hood Rampage*, N.Y. TIMES, Nov. 6, 2009, at A1 (reporting on the attack at Ft. Hood on November 5, 2009 that left thirteen dead and thirty wounded).

33. See ROY, *supra* note 2, at 131 (noting that even in the semester following the attack, when caution was at its height, the Virginia Tech campus was not completely secure).

34. See *id.* at 293 (explaining that even though locks have been installed on the classroom doors at Virginia Tech, most professors are reluctant to use them because they do not want to exclude latecomers).

35. See Kevin Johnson, *Universities Rethink Unarmed Police*, USA TODAY, Sept. 20, 2007, http://www.usatoday.com/news/nation/2007-09-19-campusops_N.htm ("The April 16 tragedy, the deadliest campus shooting in U.S. history, prompted a national reassessment of campus security plans, including whether to arm police who had not previously carried guns.") (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

36. See ROY, *supra* note 2, at 293 (describing the "very efficient" emergency notification system consisting of e-mail, cell phone, landline and siren warning alerts).

37. See *id.* (stating that the Virginia Tech Police Department has hired new personnel).

38. See Mark Owczarski, *Gene Deisinger Named Deputy Chief of Police, Director of Threat Management Services* (Aug. 5, 2009), <http://www.vtnews.vt.edu/articles/2009/08/2009-579.html> (announcing the hire of Dr. Deisinger and his background including work with the FBI, Secret Service, and U.S. Department of Education regarding threat assessment) (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

Department of Education;³⁹ Dr. Marisa Randazzo from Threat Assessment International visited the campus in September of this year to discuss the role of faculty and staff in assessing threatening behavior;⁴⁰ the Center for Peace Studies and Violence Prevention now resides in Norris Hall, the classroom building where the attack took place;⁴¹ a report chaired by Dean Jerry Niles resulted, among other things, in the creation of a threat assessment team;⁴² and efforts have been made by Counseling Services and Student Affairs to advise faculty about how to respond to troubled students.⁴³

Sadly, however, campuses where attacks occur can become places where profound silence about the specifics of what happened before, during, and after an attack is maintained.⁴⁴ Frank discussion about events relating to Seung-Hui Cho himself or to Virginia Tech's own troubled history with troubled students has not occurred on our campus, in part because it is still such a painful subject for those already emotionally, psychologically, and sometimes physically wounded. But this is not the only reason for the silence. As I explore in *No Right to Remain Silent*, there

39. See U.S. Department of Education Awards More than \$960,000 Grant to Virginia Tech, U.S. DEP'T OF EDUC. (Sept. 21, 2007), <http://www2.ed.gov/news/pressreleases/2007/09/09212007a.html> (stating that the "Assessing and Responding to At-Risk Behaviors in a Higher Education Setting: A Virginia Tech Demonstration Project" grant includes funds for case management) (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

40. See *The Critical Role of Faculty and Staff in Identifying Threats and Preventing Campus Violence*, VIRGINIA TECH CENTER FOR INSTRUCTIONAL DEV. & EDUC. RES. (Sept. 2009), <http://www.cider.vt.edu/announcements.html> (announcing Dr. Randazzo's presentation on September 24, 2009) (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

41. See ROY, *supra* note 2, at 293 (describing the creation of a Center for Peace Studies and Violence Prevention in Norris Hall, where students will be able to earn an interdisciplinary minor in peace studies).

42. See PRESIDENTIAL INTERNAL REVIEW: WORKING GROUP REPORT ON THE INTERFACE BETWEEN VIRGINIA TECH COUNSELING SERVICES, ACADEMIC AFFAIRS, JUDICIAL AFFAIRS AND LEGAL SYSTEMS 2 (Aug. 17, 2007), available at http://www.vtnews.vt.edu/documents/2007-08-22_internal_communications.pdf (recommending the creation of threat assessment teams).

43. See *Virginia Tech Threat Assessment Team: Resources on Campus*, VA. TECH, http://www.threatassessment.vt.edu/resources/concerning_behaviors/index.html#Facultyworried (last visited Sept. 23, 2010) (listing procedures for a faculty member worried about a student) (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

44. See ROY, *supra* note 2, at 4 ("After the tragedy . . . it was as if collective selective mutism had descended upon an administration determined to keep silent in the face of harsh criticism.").

are other important reasons for this response.⁴⁵ Among them—a justifiable fear of litigation, and an equally understandable wariness of the media.⁴⁶ In a chapter entitled "The First Amendment," I describe it in this way:

Those who knew anything about Cho were balanced precariously on the rim of free speech. A variety of critics perched next to us, waiting to dissect every word. The media had taken up residence on the rim, secreting the tabloids underneath their jackets. Next to the media sat the twins FERPA and HIPAA, coy and tight-lipped, unwilling to reveal much about what you could and couldn't say about the academic or medical records of the perpetrator, and next to them the National Rifle Association (NRA) stood poised to ambush those who mentioned guns in the same breath as Seung-Hui Cho because, as the NRA proclaimed for years with its perverse logic, "Guns don't kill people, people kill people." Next in line were the accusers eager to blame someone for something—anything at all, it didn't really matter. And alongside them was the supreme deity—the Internet. Patient and brooding, it was capable of consigning you to the everlasting purgatory of recycled bad news. Once snared by the Web, you could never really escape. Say the wrong thing and the Net could multiply it a million times over before you could stutter, "I d-d-didn't mean it." Was it any wonder that people . . . were reluctant to say anything?⁴⁷

At a symposium like this, where dialogue is measured and rhetoric carefully constructed, solutions can appear easier to devise than they actually are. As a poet and a novelist, I understand the potency of words, but I also know they can be unreliable, convincing us we have found solutions before we know the pervasiveness and dimensions of the problem. When we quote statistics, talk about trends, devise laws to make things better and invent protocols designed to keep us safe, we often forget to take into account the messiest part of the equation: human beings who refuse to behave according to formulas we have devised for them, and cultures resistant to change. Whatever strategies we come up with must also take into account the fact that many educational institutions, facing severe budget cuts, are struggling to cater to students who are *not* troubled, let alone those who are.⁴⁸

45. See *infra* note 46 and accompanying text.

46. See ROY, *supra* note 2, at 4–5 (citing fear of litigation as one cause of the silence of the administration). After NBC News published the materials sent by Cho there was significant backlash against the media at large. *Id.* at 86–95.

47. *Id.* at 141–42.

48. See *id.* at 135 (explaining that the chronic underfunding of state universities contributes to teacher shortages and threatens the ability of institutions to respond to troubled students).

At this point I want to suggest that we be wary of linking suicide with homicide when we speak of troubled students. Over the past thirty years, I have worked with thousands of students here and in the United Kingdom and West Africa who—sometimes as a result of abuse or trauma—are severely depressed and even suicidal. We should not assume that suicide and homicide are two sides of the same coin.⁴⁹ Gary Pavela's compassionate examination of mental disabilities is something we must take to heart.⁵⁰ When we address this issue it can be tempting to demonize difference and unfairly castigate youth. Though a significant number of students may struggle with depression and even have thoughts of suicide at some point during their college careers, most would never dream of launching an attack on their peers. I say this because we run into dangerous territory when we suggest that young people as a whole pose a threat, or assert that we have bred a new species of "superpredators."⁵¹ As Dewey G. Cornell wisely points out in *School Violence: Fear Versus Facts*, in the past, this fear resulted in punitive approaches and unenlightened legislation.⁵²

On occasion, suicidal students are also homicidal. Cho killed himself after he had killed thirty-two others.⁵³ Similarly, the Columbine shooters, Klebold and Harris, committed suicide following their rampage.⁵⁴ But at other times—in the case of Luke Woodham, for example—one of the most

49. See *id.* at 216 ("The connection between mental illness and violence is hotly disputed by many psychologists and psychiatrists, who emphasize that those who are mentally ill are no more likely to commit acts of violence than those who are not.").

50. See Gary Pavela, *College Suicide: A Law and Policy Perspective*, Address at the Washington and Lee University School of Law Journal of Civil Rights and Social Justice Symposium: Violence on Campus: Students Who Are a Danger to Self or Others and Appropriate Institutional Responses (Nov. 9, 2009) (suggesting that harsh disciplinary or dismissal policies designed to deal with at-risk students may compromise the willingness of the community to bring troubled students to the attention of administrators and support staff).

51. See ROY, *supra* note 2, at 170 (explaining that labeling young people as "superpredators," a label coined by Princeton criminologist John J. Dilulio Jr. in 1995, may result in reactive and excessive measures to combat youth violence).

52. See DEWEY G. CORNELL, *SCHOOL VIOLENCE: FEAR VERSUS FACTS* 11–13 (2006) (describing the ineffective and even counterproductive policies that have arisen out of fear of school violence) [hereinafter CORNELL].

53. See ROY, *supra* note 2, at 231 ("It was the order of the slaughter, of course, that was so horrifying—the fact that he ended with suicide and didn't begin with it, the fact that he was number 33 rather than number 1.").

54. See Sam Howe Verhovek, *Terror in Littleton: The Overview*, N. Y. TIMES, Apr. 22, 1999, at A1 (stating that the two shooters were found dead, killed by self-inflicted gunshots to the head).

cold-hearted killers, who attacked a school in Pearl, Mississippi in 1997, killing two and injuring seven others⁵⁵—students perpetrators have no intention of committing suicide.⁵⁶ In fact, some appear to have a very strong sense of self preservation.⁵⁷

We need to be mindful of how potent imagery can be when we employ it to describe campus violence. The poster for this symposium, for example, effective though it is, juxtaposes a gun pointed at potential victims with the anguished face of a student who is presumably contemplating suicide.⁵⁸ Although the poster effectively captures the urgency of the situation, I am concerned about the implications of these visual signals. When we talk about this inflammatory subject, we must examine our own verbal and visual rhetoric with care.

In the fall of 2005, I was the chair of the English department at Virginia Tech when Seung-Hui Cho's behavior was brought to my attention.⁵⁹ I reported our concerns about him to several units on campus (the College of Liberal Arts and Human Sciences, counseling services, Student Affairs, and the Virginia Tech Police),⁶⁰ and, in almost all cases, they did their best to respond.⁶¹ Some of those with whom I spoke about troubled students were particularly diligent—notably the campus police and

55. See Peter Langman, *To Kill and To Die: Suicide and School Shooters*, PSYCHOLOGY TODAY, Aug. 4, 2009, <http://www.psychologytoday.com/blog/keeping-kids-safe/200908/kill-and-die-suicide-and-school-shooters> (stating that Luke Woodham attempted to flee the scene after his rampage and, although he had been suicidal in the past, did not attempt to kill himself nor set himself up to be killed by police) (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

56. See *id.* (explaining that not all rampage school shooters are suicidal during their attacks, noting that a significant percentage of the school shooters he studied made no effort to kill themselves or set themselves up to be killed by police).

57. See *id.* (finding that self-preservation is most common in psychopathic killers, likely because of their narcissistic tendencies).

58. See Washington and Lee University School of Law Journal of Civil Rights and Social Justice Symposium: Violence on Campus: Students Who Are a Danger to Self or Others and Appropriate Institutional Responses (Nov. 6, 2009), <http://law.wlu.edu/crsj/page.asp?pageid=939> (including an image of the poster used to promote the Fall 2009 symposium) (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

59. See ROY, *supra* note 2, at 2–3 (explaining Roy's role as chair of the English Department at Virginia Tech and meetings with Cho in the fall of 2005).

60. See *id.* at 31 ("On October 18, 2005, I alerted units that dealt with troubled students at Virginia Tech that we had a serious problem. It was the first in a series of e-mails I sent and phone calls I made about Seung.").

61. See *id.* at 32–56 (describing the units' reaction to Cho in the fall of 2005). Roy also devotes time to recounting Cho's experience with the Cook Counseling Center (CCC) in late 2005. *Id.* at 62–67.

Tom Brown in the Office of Student Life and Advocacy (mistakenly identified in the Panel Report authorized by Governor Kaine as the Dean of Students Office).⁶² Ultimately, however, as is pointed out in the Panel Report, Virginia Tech's narrow interpretation of FERPA and issues related to student privacy hindered the response.⁶³ The panelists' conclusions point to vulnerabilities in the system: "The system failed to provide needed support and services to Cho during a period in late 2005 and early 2006. The system failed for lack of resources, incorrect interpretations of privacy laws, and passivity. Records of Cho's minimal treatment at Virginia Tech's Cook Counseling Center are missing."⁶⁴

Seung-Hui Cho sought counseling services on more than one occasion,⁶⁵ and counseling was mandated by Special Justice Paul Barnett following a thirty-minute commitment hearing on December 14th, 2005.⁶⁶ But even though Cho requested one of the counselors I had recommended to him, he received, according to the Panel Report, "minimal treatment."⁶⁷

Until recently, Seung-Hui Cho's file was missing from the Cook Counseling Center.⁶⁸ In July 2009, Dr. Robert Miller, former director of the Counseling Center, disclosed that he had discovered Cho's file in his home in July.⁶⁹ He reports that he inadvertently removed it in 2006 when

62. THE VA. TECH REVIEW PANEL, *Appendix B: Individuals Interviewed by Research Panel*, in MASS SHOOTINGS AT VIRGINIA TECH B-1, B-2 (2007), available at http://www.vtreviewpanel.org/report/report/20_APPENDIX_B.pdf (identifying Tom Brown's position incorrectly).

63. THE VA. TECH REVIEW PANEL, *Chapter V: Information Privacy Laws*, in MASS SHOOTINGS AT VIRGINIA TECH 63, 65-67 (2007), available at http://www.vtreviewpanel.org/report/report/12_CHAPTER_V.pdf (noting that FERPA allows reporting of student records under certain circumstances).

64. *Id.*

65. See ROY, *supra* note 2, at 62 ("Cho had contacted the CCC not once but *three* times.").

66. See *id.* at 65 ("A little later that day, Special Justice Paul M. Barnett conducted a commitment hearing that lasted about thirty minutes . . . [He] ordered Cho to receive follow-up treatment as an outpatient.").

67. THE VA. TECH REVIEW PANEL, *Summary of Key Findings*, in MASS SHOOTINGS AT VIRGINIA TECH 1, 2 (2007), available at http://www.vtreviewpanel.org/report/report/07_SUMMARY.pdf ("Records of Cho's minimal treatment at Virginia Tech's Cook Counseling Center are missing.").

68. David Reiss & Jim Nolan, *Ex-Tech Official: Cho's Files Removed By Mistake*, RICHMOND TIMES-DISPATCH, July 24, 2009, available at http://www2.timesdispatch.com/news/2009/jul/24/tech24_20090723-222607-ar-36272/ (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

69. *Id.*

he stepped down from his position as director.⁷⁰ The records do not reveal much about why it was that the meetings Cho did have with counselors were so brief. But it is possible that the lack of treatment Seung-Hui Cho received was due in part to the policy in effect at the Cook Counseling Center at that time—one that permitted the center only to serve students who sought counseling voluntarily.⁷¹ Although this policy does not appear, by some accounts, to have been applied consistently, Dr. Chris Flynn, the person who replaced Dr. Miller as the director of the Cook Counseling Center, shed some light on it in an interview with the *New York Times* on April 20th, 2007.⁷² Dr. Flynn is quoted as saying that Cho had not broken any law, and that it was not the role of the mental health professionals to assess the safety of others.⁷³ This demonstrates how hard it could be at Virginia Tech at that time to find a responsible party willing to intervene in the case of a troubled student. It also raises a key question: if mental health professionals were not there to assess the safety of others, who was? Because we did not have a trained threat assessment team in place at Virginia Tech,⁷⁴ this role could fall to faculty and department chairs.⁷⁵ It is easy to blame counseling services when a student attacks a campus. But it is important in cases like this to understand the reality they face, too. At Virginia Tech at the time of the shootings there were roughly 2,700 students for every counselor.⁷⁶ There are now 1,750 students to each counselor.⁷⁷ In addition, there was no staff psychiatrist in the years before the tragedy even though we were a campus of some 26,000 students.⁷⁸

70. *Id.*

71. *See* ROY, *supra* note 2, at 65 (quoting the staff psychiatrist at the CCC as he described the policy that students must seek counseling voluntarily as an obstacle in his attempts to treat Cho).

72. *See* Ian Urbina & Manny Fernandez, *University Explains the Return of Troubled Student*, N.Y. TIMES, Apr. 20, 2007, available at <http://www.nytimes.com/2007/04/20/us/20virginia.html?scp=4&sq=Chris%20Flynn%20Virginia%20Tech&st=cse> ("The university is not part of the mental health system nor the judiciary system, and we would not be the providers of mandatory counseling in this instance," Mr. Flynn said at a news conference.) (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

73. *See id.* (giving a fuller account of the role of the Cook Counseling Center).

74. *See* ROY, *supra* note 2, at 159 ("In 2005, there was no threat assessment team at Virginia Tech . . .").

75. *See* ROY, *supra* note 2, at 30–44 (explaining Roy's role in dealing with Cho as Chair of the English department at Virginia Tech).

76. *See* Esposito, *supra* note 20 and accompanying text.

77. *See* Esposito, *supra* note 20 and accompanying text.

78. *See* ROY, *supra* note 2, at 159 ("In 2005, there was no threat assessment team at

In the spring of 2005, when, as I detail in the book, we had dealt with another very challenging student in English,⁷⁹ I met with various units across campus to convey my deep concerns about our inability to respond effectively in such cases.⁸⁰ Several faculty members met with representatives from Virginia Tech police, Student Affairs, the Cook Counseling Center, Judicial Affairs, and the Women's Center to discuss the issue.⁸¹ Departments were being placed in untenable positions, particularly those where student work involved creativity and self expression. It was risky to try to get long-term assistance for a troubled student at Virginia Tech because you may well find yourself having to choose between two evils. If a student's writing generated concern but he had not made explicit threats or violated Virginia Tech's code of conduct, department chairs were advised to transfer the student into another class where it was hoped he would respond better to instruction.⁸² But this was not a viable option for me as chair on the two occasions where I felt that students were in need of intervention. If you transferred the student, you simply relocated the risk;⁸³ if you did intervene, you could find yourself alone in a room with someone who needed far more help than you could provide. This is what happened in Cho's case.⁸⁴

The sense of responsibility teachers feel in cases like this can be onerous. I would suggest that the situation is exacerbated for women and minorities because disturbed or enraged students who exhibit misanthropic

Virginia Tech and no staff psychiatrist.").

79. *See id.* at 155–66 (documenting Roy's experiences with "Student A," which demonstrate the difficulty of scenarios at college campuses similar to that of Cho's in fall 2005).

80. *See id.* at 163 ("The university needed to be aware of the fact that departments and programs were in urgent need of assistance . . . Later that same year, a small group of concerned faculty from two creative arts programs met with representatives from various units on campus to discuss the issue.").

81. *Id.*

82. *See id.* at 41 (making it clear that Roy could not compel Cho to see a counselor, and was instead obliged to place him in an "equivalent academic experience" by transferring him to another class).

83. *See id.* at 158 (describing Roy's concerns regarding removing "Student A" from creative writing class: "[P]rotocol required that I . . . [transfer] him into another . . . [As] creative writing . . . triggered his most disturbing work, transferring him . . . was something I would not do").

84. *See id.* at 44–56 (recounting Roy's meetings with Cho during the fall 2005 semester).

tendencies are sometimes misogynistic and/or racist.⁸⁵ Meeting with Cho was, to say the least, challenging.

The following passage from *No Right to Remain Silent* is from the chapter "A Boy Named Loser," a name Cho selected for himself in a sestina he wrote.⁸⁶ The chapter details my meetings with him during the fall of 2005:

It's not simply that Seung seems to be so depressed; it is his anger that troubles me, particularly when I am never sure how he will react to my suggestions that he seek counseling. I am aware of the fact that, in some cultures, admitting you need to see a counselor can be viewed as weakness and can therefore be offensive, especially to young men. But I keep suggesting this option because I am convinced that he needs help.⁸⁷

There are times when I feel that we may be getting somewhere, when he volunteers information, for example, or when he seems to be faintly amused by a joke or story I have told him. But his problems seem so acute to me that it is almost impossible to tell for certain. Still, I feel as though we are making some progress today. He doesn't turn away as he used to, but sometimes he gives me a look so full of pain that I am not sure what to do with it.⁸⁸

People are surprised to learn that some of us who knew Cho best have not been asked a single question about the specifics of what happened by the Virginia Tech administration.⁸⁹ There is an assumption that there has been a thorough internal investigation,⁹⁰ and indeed, in addition to the panel

85. *See id.* at 157 (characterizing Student A's work, which "contained philosophical assertions about the inferiority of women, disabled people, and African Americans, who were usually referred to pejoratively when they appeared").

86. *See id.* at 56 ("Seung gave me the fragment of his novel framed by two poems at the end of the semester[,] . . . the first of which was entitled 'a boy named LOSER,' and written in a complex, prescribed form known as a *sestina*.").

87. *Id.* at 49.

88. *Id.*

89. *See* Lucinda Roy, *Learning More from the Tragedy at Virginia Tech*, RICHMOND TIMES-DISPATCH, May 31, 2009, available at http://www2.timesdispatch.com/news/2009/may/31/roy531_20090529-211811-ar-41876/ ("At Virginia Tech, the upper administration has not, as far as I know, asked those of us who reported our concerns about Cho and other troubled students a single question about what happened.") (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

90. *See* Michael Williams, *Lawsuit Can Help Get to Truth About Tech Massacre*, RICHMOND TIMES-DISPATCH, Jan. 14, 2010, available at http://www2.timesdispatch.com/news/2010/jan/14/mike14_20100113-222806-ar-19089/ (describing victims' families' impressions at the time of the settlement with the state) (on file with the Washington and Lee Journal of Civil Rights and Social Justice). Lori Haas of Richmond stated "at the time of the

investigation, there have been internal investigations to address general issues related to campus violence.⁹¹ But the system currently in place discourages a focus on the specifics of Cho's case because it raises the specter of liability.⁹² More than two years after the tragedy, there is still confusion about what can and what cannot be revealed.⁹³

Two families did not accept the settlement brokered by Governor Tim Kaine because, according to reports in the *Richmond Times-Dispatch*, they believe important questions about what happened have not been addressed.⁹⁴ If you read the Panel Report with care, you see that there are indeed some surprising things omitted from it. (Update: The revisions made to the Panel Report in the November 2009 addendum have been helpful in shedding some light on what actually transpired; but, according to reports in the *Richmond Times-Dispatch*, many of the victims' families still feel that key questions have not been addressed.)⁹⁵ Colonel Massengill, chair of the panel, has admitted, for example, that Wendell Flinchum—Virginia Tech's chief of police and, in my opinion, a man of integrity—was never asked precisely what it was he conveyed to President Charles Steger on that fateful morning when, for two hours, the campus was not warned that there were two murdered students in a dorm room, the murder weapon was missing, there were as yet no viable suspects, and bloody footprints led from the room.⁹⁶ Some families are appalled by the fact Dr. Robert Miller, the person who served as the director of the Cook Counseling Center in

settlement, it was suggested to the families that all the information about the case was out "And most of the families made their decision to settle based on the information at that time. And subsequent to settling, we find more and more information." *Id.*

91. See generally *Threat Assessment and Management*, VIRGINIA TECH, <http://www.threatassessment.vt.edu/index.html> (outlining Virginia Tech's process of preventing violence on campus) (last visited Sept. 14, 2010) (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

92. See ROY, *supra* note 2, at 72 (explaining the university's concerns about violating federal and state laws by making a student's health and academic records public).

93. See Roy, *supra* note 89 (calling for an independent investigative panel in similar situations, in order to avoid this confusion and "examine the legal ramifications of full disclosure in an effort to allay fears about litigation and create an environment where open communication is encouraged").

94. See Williams, *supra* note 90 (explaining that civil lawsuits brought by two victims' families are about truth and accountability, and result in the provision of additional information about the shooting to the public).

95. *Id.*

96. See Roy, *supra* note 89 ("We still have no clarification about what Virginia Tech Police Chief Wendell Flinchum told President Steger on that fateful morning . . . Massengill, chair of the Commonwealth's review panel, admitted to the *Richmond Times-Dispatch* in September 2008, no one on the panel asked Chief Flinchum that particular question.").

2005 when Seung-Hui Cho was brought to their attention, and who recently came across Cho's medical records in his home, was never interviewed by the panelists.⁹⁷ Some of those who served in the Policy Group—the group that made the decision not to close the campus after the first two homicides—were not interviewed either.⁹⁸ Someone high up in the administration told me candidly, not long ago, that he wished every member of the Policy Group had been asked to make a deposition soon after the tragedy. He believed that, had this been done, some of the issues which urgently needed to be addressed would have been. I have to agree.⁹⁹ In fact, I would also suggest that a session somewhat similar to the M & M (Mortality and Morbidity) conferences conducted in the medical profession would have been very helpful, especially because we did not know at that time whether or not Cho acted alone.¹⁰⁰ I cannot emphasize this last point enough. Therefore, it is vital that as much information as possible be gathered about the shooter and his history during the initial investigation. If people are afraid to talk about what they know, the entire campus becomes vulnerable. This is why I found the administration's emphasis on Seung-Hui Cho's privacy *after* the shootings even more disturbing than the emphasis placed on it while he was alive.¹⁰¹

After a school shooting, you do not know whether or not another attack will ensue. Therefore, you urgently need to discover what is known about the perpetrator(s). You also need to understand how an institution has responded to the crisis because the same people will be at the helm should another crisis occur. Currently, however, we hastily convene panels following school shootings and ask them to conduct investigations that can be tainted by conflicts of interest.¹⁰² As I wrote in a commentary published

97. See VIRGINIA TECH PANEL REPORT, *supra* note 62, at B-2 (listing the Virginia Tech faculty members interviewed by the panel; Dr. Miller is not named).

98. See *id.* (noting the list of Virginia Tech faculty members interviewed by the panel; not all members of the Policy Group are named).

99. See ROY, *supra* note 2, at 298 ("The only extended narrative provided by the Policy Group about . . . April 16 was the written statement read by David Ford . . . [U]niversity administration determined who would represent it and managed the documentation sent to the panel . . . [K]ey voices were sometimes missing.").

100. See *id.* at 80 ("Early Monday morning, however, I realized why something still bothered me. Classes were due to begin that day, but no one was yet 100 percent sure that Seung-Hui Cho had acted alone. The first two homicides had not been definitely connected with the later killings.").

101. See *id.* at 141 ("By the summer of 2007, . . . for me at least, it was the high priority placed on Cho's privacy by the administration that caused the greatest confusion.").

102. See Roy, *supra* note 89 (describing how a conflict of interest develops in an attack on a university campus).

in May 2009 in the *Richmond Times-Dispatch*,¹⁰³ we should consider an alternative approach:

After attacks on schools, an independent investigative panel, chaired by someone unaffiliated with the school or with the state, would be appointed by the U.S. Department of Education. This panel would be charged not only with investigating the tragedy, but also with determining whether or not those in leadership positions would remain in place during the investigation, and how best to support the administration if it is asked to remain. [The panel] would examine the legal ramifications of full disclosure in an effort to allay fears about litigation and create an environment where open communication is encouraged. The existence of a federally appointed panel would allow us to view these attacks as a national disaster rather than a regional anomaly. Information would be accumulated and shared more readily, and a coordinated, holistic response would be more likely to occur.¹⁰⁴

If the attack is on a university campus and there is university counsel, especially if counsel were present when decisions related to the tragedy were being made, as was the case at Virginia Tech, conflict of interest would be addressed. During the investigative process, those same attorneys would not be asked to serve in their normal capacity as advisors to the entire campus.¹⁰⁵

Columbine preceded Virginia Tech by eight years,¹⁰⁶ and the Valentine's Day attack at Northern Illinois followed ten months after the Tech tragedy.¹⁰⁷ There have been numerous incidents at other times, including a rash of shootings in the 1990s¹⁰⁸ and a September 2009 attack on a school bus in Mississippi by a fourteen-year-old wielding a .380 caliber semi-automatic handgun—an attack foiled by football star Kaleb

103. *Id.*

104. *Id.*

105. *Id.*

106. See Editorial, *Eight Years After Columbine*, N.Y. TIMES, Apr. 17, 2007, available at <http://www.nytimes.com/2007/04/17/opinion/17tue1.html> (urging stronger controls over the weapons used in these school shootings) (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

107. See Steven Grey, *How the NIU Massacre Happened*, TIME, Feb. 16, 2008, available at <http://www.time.com/time/nation/article/0,8599,1714069,00.html> ("It had been a week full of shootings on a number of high school campuses but the deadly six-minute long incident at NIU was by far the most reminiscent of last year's horrendous Virginia Tech massacre where a lone gunman killed 32 people before committing suicide.") (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

108. See Randy Borum et al., *What Can Be Done About School Shootings? A Review of the Evidence*, 39 EDUC. RESEARCHER 27, 27 (2010) ("A series of high-profile school shootings in the 1990s focused America's attention on the problem of school violence.").

Eulls, who tackled the girl and averted a tragedy.¹⁰⁹ We know there are homicidal students in our schools and colleges, but the prevailing culture and the assumptions we have about students make this hard to acknowledge.¹¹⁰ In fact, I would suggest that the educational environment is particularly ill-equipped to deal with students who may be homicidal. We expect students to comply with codes of conduct, to understand why it would be wrong to attack others. When they do not, the first reaction can be one of disbelief. If we are not careful, because we are overwhelmed, the second reaction is one of denial and paralysis. In fact, denial on the part of institutions and the families of student shooters is not uncommon.¹¹¹ Kip Kinkel, for example, the student who carried out an attack on Thurston High School in Oregon seventeen hours after he had murdered his parents, had been obsessed with bombs and guns for years prior to his attacks on his home and school.¹¹²

As I suggested earlier, the law can silence meaningful dialogue. Our fear of litigation stymies our response to troubled students.¹¹³ I still hear from teachers around the country who tell me they are terrified of students in their classes.¹¹⁴ Some have tried to bring their concerns to the attention of administrators and are told they are exaggerating the situation; others are heard by those to whom they appeal, but are told nothing can be done unless an overt threat has been made.¹¹⁵ Sometimes there are gender or racial issues at work to further complicate the situation. David Cariens, Jr.,

109. See Chris Lawlor, *Recruit's Timely Tackle Averts Tragedy*, ESPN, Sept. 4, 2009, <http://sports.espn.go.com/ncaa/recruiting/football/news/story?id=4443951> (discussing how Eulls disarmed the attacker and helped the other children on the bus escape) (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

110. See ROY, *supra* note 2, at 167–90 (expounding on this dilemma in her chapter entitled *Teachers and Students*).

111. See Natalia Quirk, *Reasons Behind School Shootings Run Deep*, THE HEIGHTS, Mar. 26, 2001, available at <http://www.bcheights.com/2.6178/reasons-behind-school-shootings-run-deep-1.928623?pagereq=1> ("In response to the question of what makes some children capable of arming themselves and following through, Panasevich sees it as purely psychiatric. There are warning signs, she says, but parents and teachers are often in denial. They don't want therapy; they just want the problems to go away.") (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

112. See Roy, *supra* note 2, at 215 ("Although Kinkel's obsession with guns and explosives had worried his parents for years, they were in denial about the extent of his illness . . .").

113. See *id.* at 89 ("We would recognize that a fear of litigation is silencing us, even though for the sake of our students, it's imperative that we speak.").

114. See *id.* at 248–50 (describing Roy's correspondence with teachers and professors following her prominent interviews about the shooting).

115. See *id.* and accompanying text.

in his book *A Question of Accountability: The Murder of Angela Dales*,¹¹⁶ describes the response to an African graduate student at the Appalachian School of Law:

According to court documents filed in Wise County, Virginia, three female staff members filed a complaint with school officials against Odighiwuza, expressing fear for their safety as well as the safety of others at the school. These court documents also assert that the complaint was aired at a school administration meeting The same documents also assert that [one administrator] responded to the complaint by saying "You women and your hormones and your intuition . . . there is nothing for you to be afraid of . . . it will be okay."¹¹⁷

A little later, on January 16th, 2002, Odighiwuza killed three people and wounded three others.¹¹⁸

Counselor and law enforcement personnel are often scapegoats.¹¹⁹ Their role is to prevent troubled students from perpetrating attacks.¹²⁰ But often these units are severely understaffed; nor are support services necessarily part of key decision-making teams on campuses—places where the right terminal degrees are passports to power.¹²¹ Campus administrators, faculty, and staff have to manage larger and larger cities of youth where inhabitants are on (or off) medication and at risk for substance abuse and depression.¹²² Our expectations about what counselors and law enforcement personnel should accomplish are therefore totally unrealistic.¹²³ Teachers are being asked to assume the roles of untrained interventionists.¹²⁴

116. DAVID CARIENS, *A QUESTION OF ACCOUNTABILITY: THE MURDER OF ANGELA DALES* (2008).

117. *Id.* at 37.

118. *See id.* at 13 ("The tragedy at the Appalachian School of Law on January 16, 2002, far exceeds the death of three decent, innocent people and the wounding of three others.").

119. *See* KATHERINE S. NEWMAN ET AL., *RAMPAGE: THE SOCIAL ROOTS OF SCHOOL SHOOTINGS* 77 (2004) (stating that oftentimes after a school shooting, counselors and other authority figures are unfairly blamed for not preventing the violence) [hereinafter NEWMAN].

120. *See id.* at 104 (discussing the role that school counselors should take in relation to preventing violent attacks).

121. *See id.* at 110 (discussing that counselors do not have the time or resources to properly monitor potentially dangerous students).

122. *See* ROY, *supra* note 2, at 8 (describing the difficult choice that teachers, administrators, and faculty in large school systems face in choosing whether to approach a potentially dangerous student).

123. *See* NEWMAN ET AL., *supra* note 119, at 107–08 (discussing school counselors as having too many competing responsibilities to effectively monitor potentially violent

In a chapter devoted to teachers and students in *No Right To Remain Silent*, I attempted to show how ludicrous this is by including an imagined conversation between two neighbors: an older man, Bill, and a young female teacher, Shareeza.¹²⁵ Shareeza receives a call from Bill, who tells her he has a job for her.¹²⁶ He says there is a dangerous juvenile living in the building and the neighbors have decided that Shareeza, being a teacher, should intervene.¹²⁷ Armed with "a number two pencil and a college-ruled writing pad" (so that she can take notes), Shareeza rushes off to save the day, buoyed by the fact that, the previous month, "she attended a workshop entitled 'Dealing with Troubled Students Who May Wish to Kill You.'"¹²⁸ It lasted an entire morning; she feels prepared.¹²⁹

I have heard from teachers who tell me that students in their classes are a danger to themselves and others when they are off their meds—that they dread entering the classroom because the student with whom they are working is uncontrollable.¹³⁰ But many of these urgent voices belong to women, and we do not have a good track record of listening to women in education, even though female voices should be in the majority to accurately reflect the composition of the teaching profession.¹³¹

Confining our examination of this problem to the role played by educational institutions fails to take into account other key factors.¹³² It is true that some of the main obstacles to successful intervention are located in the institutional sphere (in Cho's case the university and middle and high

students).

124. *See id.* at 105 (discussing teachers' resentment at being asked to act as counselors, when they are not qualified to solve students' social and serious behavioral problems).

125. *See* ROY, *supra* note 2, at 185–87 (explaining a hypothetical situation between a young teacher, Shareeza, and a neighbor, Bill).

126. *Id.* at 185.

127. *Id.* at 186.

128. *Id.*

129. *Id.* at 187.

130. *See id.* at 6 ("There are teachers fearful that a particular child will be off his meds today, and that, as a result, he will be uncontrollable.")

131. *See* Female Science Professor, *Why 'Female' Science Professor?*, THE CHRON. OF HIGHER EDUC., June 15, 2010 (discussing the discrimination of women in the field of education); *see also* National Institute for Education Information *Profiles of Teachers in the U.S. 2005*, <http://www.ncei.com/POT05PRESSREL3.htm> (last visited Sept. 5, 2010) (stating that eighty-two percent of all public school teachers were female in 2005) (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

132. *See* NEWMAN ET AL., *supra* note 119, at 278 (discussing the need for considering school organization, social capital, and the culture surrounding adolescents to fully understand and prevent school violence).

schools).¹³³ But the relational sphere (functioning both as historical archive of a child's behavior and main support mechanism), the individual sphere (Cho himself, his teachers, fellow students, etc.), and the cultural sphere (a place where key assumptions about students, teachers, violence, education, etc., hold sway) also play pivotal roles.¹³⁴ It is very difficult for a successful response to occur in the case of severely disturbed/homicidal students unless these spheres intersect and crucial information is shared.¹³⁵ Yet most of the discussion around campus violence tends to focus on the first sphere, that of the institution.¹³⁶ In truth, as we know, successful intervention is just as dependent upon the actions of those in the other, intersecting spheres. In Cho's case, as is detailed in the section on his early years in the Panel Report, information critical to our understanding of his condition was not conveyed to Virginia Tech by Cho, his family, or his schools.¹³⁷ We did not discover he suffered from selective mutism—a condition that renders a person unable to speak in certain social situations—until after the tragedy.¹³⁸ Virginia Tech was not told that Cho had fantasized about school shootings in middle school, following the attack on Columbine, or that he had been referred for treatment and placed on medication.¹³⁹ According to the Panel Report, Cho had declined to take medication when he reached the age of eighteen, something he had the legal right to do.¹⁴⁰

133. See ROY, *supra* note 2, at 30 ("It could be hell trying to get help for a troubled student at Virginia Tech.").

134. See NEWMAN ET AL., *supra* note 119, at 278 (discussing the importance of analyzing several different factors when predicting and preventing school violence).

135. See *id.* (discussing the importance of compiling information from several spheres in dealing with troubled students).

136. See ROY, *supra* note 2, at 30 (describing that there are institutional problems as well as other problems that should be carefully studied in the case of a school shooter).

137. THE VA. TECH REVIEW PANEL, *Chapter IV: Life and Mental History of Cho*, in MASS SHOOTINGS AT VIRGINIA TECH 31, 33 (2007), available at http://www.vtreviewpanel.org/report/report/07_SUMMARY.pdf ("Records of Cho's minimal treatment at Virginia Tech's Cook Counseling Center are missing.").

138. See ROY, *supra* note 2, at 38 ("Neither Cho nor his high school revealed that he had been receiving special education services as an emotionally disabled student, so no one at the university ever became aware of these pre-existing conditions."). "During the admissions process, no one at Virginia Tech had been notified by Seung, his parents, or his high school that he suffered from selective mutism." *Id.* at 36.

139. See *id.* and accompanying text.

140. See *id.* at 37 ("Mr. and Mrs. Cho were not happy that their son chose to discontinue treatment, but he was turning 18 the following month and legally he could make that decision.").

One of the findings of the Panel Report following the Virginia Tech tragedy was that the university's narrow interpretation of laws pertaining to student privacy—particularly the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA)—meant that important information was not routinely shared.¹⁴¹ I still hear from teachers around the country who tell me how impossible it is to share information across the often rigidly hierarchical architecture existing in K–12 and higher education.¹⁴² In reality, administrators are frequently unaware of the shortcomings of their own institutions.¹⁴³ If we conducted a national survey to determine how many teachers have encountered obstacles to obtaining help for troubled students, I think the results would be eye opening.¹⁴⁴

As I suggest in *No Right to Remain Silent*, teachers and parents can be ill-equipped to deal with deeply troubled youth, and completely overwhelmed if the child is engaged in what appears to be homicidal ideation.¹⁴⁵ Teachers are trained to believe that we can reach any student if we try hard enough; we work hard to establish the classroom as a site of mutual respect and trust.¹⁴⁶ Our classrooms are meant to function as learning sanctuaries.¹⁴⁷ Students are expected to play by the rules.¹⁴⁸

The premise of this symposium is that we can develop strategies enabling us to identify threats to campus safety and respond more appropriately to them.¹⁴⁹ I believe this to be true. But I also believe we will

141. *See id.* at 63–70 (discussing federal FERPA and HIPAA information privacy laws governing the sharing of information about students in public universities).

142. *See id.* at 171 (describing the confusion that schools face in dealing with the release of students' personal information and school records). Roy also describes the frustration she and professors felt at Virginia Tech that they could not get a student into counseling unless he made an explicit threat. *Id.* at 67.

143. *See id.* at 179 (discussing the difficulty for administrators to truly understand challenges teachers face in the classroom on a daily basis).

144. *See id.* at 179–83 (detailing the author's personal teaching experience and interactions with administration and support units while trying to help troubled students).

145. *See id.* at 8 (discussing that oftentimes parents, teachers, and other administrators are not prepared to deal with troubled students who may have violent intentions).

146. *See id.* at 167 (describing the "Ideal Teacher").

147. *See id.* ("It is a matter of inspired teaching on the part of the teacher, and receptive learning on the part of the student.")

148. *See id.* at 9 ("Our education system is premised on the belief that students are willing to abide by the rules we establish and that they will seek help when they need it.")

149. *See* Washington and Lee University School of Law Journal of Civil Rights and Social Justice Symposium: Violence on Campus: Students Who are a Danger to Self or Others and Appropriate Institutional Responses, <http://law.wlu.edu/crsj/page.asp?pageid>

fail unless we debunk the myths and misconceptions surrounding the issue of violence on campus.

I have taught for more than thirty years on three different continents.¹⁵⁰ I have worked with thousands of students from the ages of six to ninety.¹⁵¹ With age and experience comes freedom. I am too old to care if I offend people. I have endured such things as a robbery in the dead of night by men who entered my home with machetes—an effective way to learn how not to be intimidated.¹⁵² I was trained as a teacher in England and came to college teaching with experience teaching high-school and middle-school students.¹⁵³ I therefore understand how important it is that faculty have opportunities to learn how to teach and how to relate to students.¹⁵⁴ A thorough knowledge of one's own field should not be the only qualification for faculty who teach.¹⁵⁵

In K–12, one of the most difficult challenges we face is how to deal with the reality of bullying and its link to attacks.¹⁵⁶ We know that bullying goes on in our schools, particularly if students are perceived to be different.¹⁵⁷ Yet we often expect children to deal with this on their own.¹⁵⁸ We also underestimate how seductive violence can be for young people.¹⁵⁹ As I was conducting research for my book, one of the most chilling

=939 (last visited Sept. 5, 2010) (setting forth the goals of the symposium) (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

150. See *Biological Info for Lucinda Roy*, <http://www.lucindaroy.net/bio> (last visited Sept. 5, 2010) (giving the personal and professional biography of author Lucinda Roy) (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

151. *Id.*

152. See ROY, *supra* note 2, at 42 (describing the author's experience of being robbed by intruders armed with machetes while living in Sierra Leone).

153. See *Biographical Info for Lucinda Roy*, *supra* note 153 (discussing the author's professional career).

154. See ROY, *supra* note 2, at 129 (emphasizing the importance of having faculty in leadership positions who have experience working with students and in the classroom).

155. See NEWMAN ET AL., *supra* note 119, at 105 (discussing that teachers need to not only be prepared to teach their assigned subject but also to teach and relate to the students themselves).

156. See *id.* at 292 (describing bullying as a problem that affects all schools and has led in some cases to situations of violence).

157. See *id.* (explaining the frequency and severity of bullying in U.S. schools).

158. See *id.* at 293 ("Efforts to focus on changing either the bullies or the victims are unlikely to be effective, because they leave the underlying power dynamics largely unchanged.").

159. See *id.* at 70 (discussing the great impact violent media has on adolescent children).

accounts I read was written by Bill Dedman for the *Chicago Sun-Times*.¹⁶⁰ He describes what happened when student Evan Ramsey decided to shoot his fellow students and his principal:

"I told everyone what I was going to do," said Evan Ramsey, 16, who killed his principal and a student in remote Bethel, Alaska, in 1997. He told so many students about his hit list that his friends crowded the library balcony to watch. One boy brought a camera. "You're not supposed to be up here," one girl told another. "You're on the list."¹⁶¹

Most college and university attacks appear to have been planned and executed by a single shooter.¹⁶² But these K–12 school shooters tell us we would be foolish to assume in the future that this will be the case. Nor should we assume that terrorists are unaware of the havoc they could wreak should they decide to attack our campuses. Although we should not overreact to the potential threat, we must be mindful of the fact that it is much easier for older students and adults to obtain lethal weapons like semi-automatic weapons, chemical weapons, and bombs.¹⁶³ Because of this, it is essential that we reexamine gun laws in Virginia and elsewhere, and that, working collaboratively across our differences, we reintroduce sanity into our gun legislation.¹⁶⁴

It is easy to talk about what must be done; it is very hard to do it. As I said before, if our strategy is to be effective, we must debunk some prevailing myths about education.¹⁶⁵ I have made a list of twelve common myths that function as obstacles to successful intervention. Some I have mentioned earlier; others I explore in more detail in *No Right to Remain Silent*.

160. See Bill Dedman, *Deadly Lessons: School Shooters Tell Why*, CHI. SUN-TIMES, Oct. 15, 2000, at 4 (discussing that school shooters often tell people of their violent plans before the shooting).

161. *Id.*

162. See NEWMAN ET AL., *supra* note 119, at 56 (explaining that most school shooters act alone).

163. See ROY, *supra* note 2, at 221 (discussing the ease with which an adult can gain access to any number of dangerous weapons).

164. See *id.* at 219 ("If communities cannot be rid of guns, we need to offer a far greater degree of protection to faculty, staff, and students."). Roy discusses Virginia gun laws in particular because they had the most effect on Cho's access to firearms. *Id.* at 221.

165. See *id.* at 3 (discussing the institutional difficulties and obstacles that came to light during and after the Virginia Tech shooting).

1. Students who are a danger to themselves or others are easily identifiable¹⁶⁶
2. Educational institutions and their administrators, support personnel, faculty and staff, even though they may lack resources and training, are well prepared to deal with potential threats to the campus¹⁶⁷
3. Violent writing is a rarity on school campuses¹⁶⁸
4. Threat assessment teams know how to interpret violent writing¹⁶⁹
5. Cultural preoccupations with violence as performance and the yearning for media attention rarely influence young people¹⁷⁰
6. When a troubled or severely disturbed student is identified, mental health and law enforcement personnel have the resources and authority to respond appropriately¹⁷¹
7. After an attack on a campus, information about exactly what went wrong is readily shared¹⁷²
8. There are rarely negative consequences for those who intervene¹⁷³
9. Mental illness, suicidal thoughts, and severe depression among students are rare¹⁷⁴

166. *See id.* at 35 (describing the difficulty in differentiating at-risk students from students who are a serious danger to themselves or others).

167. *See id.* at 140 ("Students arrive on campus with differing needs, and many universities are not ready to meet them.").

168. *See id.* at 198 (discussing the prevalence of violence in contemporary student and professional writing).

169. *See id.* at 159 (stating that in 2005, there was neither a threat assessment team at Virginia Tech nor members of the administration that knew how to interpret and evaluate violent writing).

170. *See* NEWMAN ET AL., *supra* note 119, at 70 ("Exposure to media violence is consistently associated with a variety of antisocial behaviors, from trivial violence against toys to serious criminal violence.").

171. *See* ROY, *supra* note 2, at 63 (explaining that Seung-Hui Cho tried to seek out counseling services at Virginia Tech, but was never diagnosed for reasons that have yet to be determined); *see also id.* at 615 ("But the University lacked the mechanisms needed to react more appropriately to what became an urgent and distressing situation.").

172. *See id.* at 62–85 (describing the lack of information within the Virginia Tech community following the shooting there).

173. *See* NEWMAN ET AL., *supra* note 119, at 291–92 (discussing the fear associated with threat interception and intervention).

174. *See* The Am. Coll. Health Ass'n, *American College Health Association National*

10. Open communication is encouraged on our campuses¹⁷⁵
11. All young people can control themselves around weapons, drugs and alcohol¹⁷⁶
12. Cross-generational communication occurs frequently, and family members often speak to each other about things of significance¹⁷⁷

In fact, students who are a danger to themselves or others are not necessarily easy to identify at all.¹⁷⁸ In the larger public institutions, one-on-one interaction with faculty and staff can be relatively unusual.¹⁷⁹ I have heard from sophomores and juniors at Virginia Tech and elsewhere who have yet to be identified by name in class because their classes are so large.¹⁸⁰ Even when they are noticed, these students do not necessarily wish to be identified, and some of the most severely troubled may not recognize the extent of their own illness.¹⁸¹

Even though one of the first indicators of suicidal or homicidal ideation is often found in student writing, the interpretation of creative writing in particular is extraordinarily difficult.¹⁸² As Stephen King has pointed out in interviews, it is quite possible he would have been deemed a

College Health Assessment Spring 2006 Reference Group Data Report, 55 J. OF AM. C. HEALTH, 193, 205 (2007) (naming depression as number four in the top ten reported health problems students experienced in the past school year).

175. See ROY, *supra* note 2, at 140 (explaining that internal communication at Virginia Tech has become more difficult and the administration ignores voices that do not conform to its official view).

176. See NEWMAN ET AL., *supra* note 119, at 70–71 (explaining that susceptibility to violence and substance abuse is different in every child and some children have less control over their actions when exposed to dangerous substances).

177. See *id.* at 280–81 (discussing the lack of communication between adolescents and their parents).

178. See Roy, *supra* note 2, at 35 (describing the difficulty in differentiating at risk students from students who are a serious danger to themselves or others).

179. See *id.* at 278–79 (discussing the impracticability of a large institution like Virginia Tech being able to provide stable adult figures in students' lives).

180. See *id.* at 65 (explaining that Seung-Hui Cho came to Virginia Tech, to a large campus of twenty-six thousand students, where he became lost in the crowd and bureaucracy of the school).

181. See *id.* at 191 (describing that education at large institutions can limit the amount of faculty to student interaction and the amount of in-class participation by students).

182. See *id.* at 143 ("But it proved difficult to determine what was 'potentially dangerous,' especially if the main evidence to support that claim was a student's own poetry, fiction, or creative nonfiction.").

threat were he in school today.¹⁸³ King has a special insight into student shootings in part because student shooter Barry Loukaitis is said to have modeled his attack on episodes of King's novel, *Rage*.¹⁸⁴

There is little doubt that what students write can sometimes reveal a lot about them and that, in some cases, what they read can influence their behavior.¹⁸⁵ But writing about violence is not to be easily equated with a yearning to actually commit acts of violence.¹⁸⁶ In the wake of tragedy, however, media coverage often conflates the two. I devote a chapter to writers and writing in *No Right to Remain Silent* because I believe that student writing and self-expression will emerge as one of the most contentious issues surrounding threat assessment.¹⁸⁷ If we attempt to legislate against violent writing by students, we will open up a can of worms; on the other hand, if we do not warn students that writing containing violence could be subject to review and even to harsh penalties, we risk injuring the innocent and the creative.¹⁸⁸ Already in some states and school districts teachers are required to report violent writing, whether or not they think it is indicative of a student's predilection for violence; in some places, teachers are arming themselves so that they can respond in kind to a shooter.¹⁸⁹ We have zero tolerance policies running amuck in schools, policies that often defy common sense and result in absurd

183. See Stephen King, *On Predicting Violence*, ENT. WKLY., Apr. 23, 2007 ("Certainly in this sensitized day and age, my own college writing—including a short story called 'Cain Rose Up' and the novel *RAGE*—would have raised red flags, and I'm certain someone would have tabbed me as mentally ill because of them.").

184. See Stephen King, Keynote Address at the Vermont Educational Media Association Annual Meeting: The Bogeyboys (May 26, 1999) (transcript available at <http://www.horrorking.com/interview7.html/>) (discussing his decision to take *Rage* off the shelves of bookstores because of its alleged inspiration to a school shooter) (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

185. See ROY, *supra* note 2, at 198–99 (discussing the revealing nature of violent students' writing and choice of reading material).

186. See *id.* at 203 ("Fortunately, most of what the writing teachers receive, even when it contains explicit violence, is *not* a prelude to actual violence.").

187. See *id.* at 201–03 (discussing writers and writing in relation to violent thoughts and behavior).

188. See *id.* at 155–64 (detailing a story about 'Student A' that discusses both the positive and negative consequences of reporting violent writing to administration and law enforcement officials).

189. Nancy Rappaport & James G. Barrett, *Under the Gun: Threat Assessment in Schools*, 11 VIRTUAL MENTOR: AM. MED. ASS'N J. OF ETHICS 149, 149 (2009) ("For example, one school district in Texas certified its teachers to carry weapons in the classroom and sanctioned them to respond to a threat with deadly force if necessary.").

penalties.¹⁹⁰ Take, for example, the case of the child in Arkansas who was suspended for pointing a chicken finger at a teacher.¹⁹¹ Overreaction can be as ineffective as under-reaction.¹⁹²

I am increasingly convinced that it is the performance aspect of violent attacks on schools which is particularly seductive to some young perpetrators.¹⁹³ Dr. Katherine S. Newman and her graduate students have touched on this in their book *Rampage: The Social Roots of School Shootings*.¹⁹⁴ In general, however, there has been relatively little investigation into the school attack as media spectacle.¹⁹⁵ It is clear that, in some cases at least, the fact that an attack on a school will result in a significant media response is a large part of the planning process.¹⁹⁶ Some of these student perpetrators are so thirsty for fame they are prepared to kill and to die to obtain it.¹⁹⁷ Society's obsession with serial killers and mass murderers, our need to include ever more graphic depictions of horror and mutilation in our TV series, our movies, our books, and our video games testify to the fascination society has for violence.¹⁹⁸ In his controversial book entitled *On Killing: The Psychological Cost of Learning to Kill in War and Society*, Lt. Col. Dave Grossman suggests that violence has replaced sex as the most popular form of pornography.¹⁹⁹ Some

190. See NEWMAN ET AL., *supra* note 119, at 285 ("In general, these policies require schools to follow formalized disciplinary procedures after any threat of violence and leave administrators with little discretion to separate serious offenders from casual jokers.")

191. See *id.* at 285 ("In Jonesboro, a five-year-old child pointed a chicken finger at another child and said, 'Bang, bang, you're dead.' He was suspended and his parents were summoned to a meeting at the school.")

192. See *id.* (discussing how zero tolerance policies can be counterproductive).

193. See *id.* at 70 ("Exposure to violent media has increased dramatically among our youth over the last decade, pushing media influence forward as a prime explanation for the string of school shootings.")

194. See *id.* (describing the influence of violent media on adolescents who are ill-equipped to differentiate between fiction and reality).

195. See NEWMAN ET AL., *supra* note 119, at 70 (explaining that there is little evidence on the effects of violent media on adolescents over time).

196. See *id.* at 72 (suggesting that media coverage and attention may impact an adolescent's decision to commit a school shooting).

197. See ROY, *supra* note 2, at 89 (suggesting that Seung-Hui Cho sending a multimedia package to NBC shows that he wanted to attract media attention, was aware of the power he held, and knew his story would appeal to other troubled adolescents). Cho wanted to make a name for himself and he knew the massacre at Virginia Tech would do just that. *Id.* at 116.

198. See *id.* at 70 (describing the American culture as inundated with violent and bloodthirsty images).

199. See DAVE GROSSMAN, *ON KILLING: THE PSYCHOLOGICAL COST OF LEARNING TO*

psychologists have gone so far as to suggest that subjecting children to excessive violence is a form of child abuse.²⁰⁰ It is not possible, therefore, to look at student shooters in isolation.²⁰¹ They are a product of their environment; the culture helps shape their attitudes.²⁰²

In the case of a student who appears to be a potential threat, things are even more challenging than they are if one suspects the student is suicidal.²⁰³ First—a point that is often ignored—if you report your suspicion that a student could be a threat, that same student is likely to discover you have reported him.²⁰⁴ If he does so—assuming you are right in thinking he could be disturbed or enraged—you could be placing yourself and others at significant personal risk.²⁰⁵ Perhaps your reporting of the student will be the last straw, sending him over the edge.²⁰⁶ Second, your suspicions may be ill founded.²⁰⁷ Teachers who try to intervene run the risk of being tied up in litigation for years, accused of persecuting a student, destroying his self-esteem.²⁰⁸ If the troubled student is a minority, majority faculty risk being accused of racism.²⁰⁹ It is quite possible that the student will tell you the essay he wrote in which he dismembered toddlers

KILL IN WAR AND SOCIETY 250 (2006) (claiming that the violence of the modern day media is very similar to military desensitizing techniques to increase firing and violence in war).

200. See George W. Holden, *Differentiating Exposure to Violence and Child Abuse*, in WORKSHOP ON CHILDREN EXPOSED TO VIOLENCE CURRENT STATUS, GAP, AND RESEARCH PRIORITIES 2, <http://www2.ed.gov/rschstat/research/pubs/cev-final-report.doc> (last visited Sept. 5, 2010) ("While not all exposures lead to negative outcomes, children's exposure to violence has been associated with a range of behavior problems.") (on file with the Washington and Lee Journal of Civil Rights and Social Justice).

201. See NEWMAN ET AL., *supra* note 119, at 58–73 (discussing the culture of violence and bullying that can lead to school violence).

202. See *id.* and accompanying text.

203. See ROY, *supra* note 2, at 216 (stating that a history of mental illness, a preoccupation with suicide, and a fascination with violence can be indicators that correlate with a student contemplating violence).

204. See NEWMAN ET AL., *supra* note 119, at 174 (explaining that oftentimes a troubled student finds out who reported their violent behavior).

205. See *id.* at 174 ("Merely taking action to stem an incident could 'finger' the speaker.").

206. See *id.* at 257 (explaining that a teacher who was concerned by a student's violent writings did not turn the students' writings in to the administration because she was afraid the student might have hurt himself).

207. See ROY, *supra* note 2, at 174 (explaining the nuances of threat assessment and the high possibility of error in categorically identifying a student as a threat).

208. See *id.* at 6 (discussing teachers' reluctance to intervene in a violent students' life).

209. See *id.* at 263–69 (discussing the impact of race on the Virginia Tech shooting and other contemporary school violence issues).

is satirical—in the manner of Jonathan Swift’s “A Modest Proposal.”²¹⁰ Ninety-nine times out of a hundred, it is. When Seung-Hui Cho wrote his angry poem about his teacher and classmates in creative writing, he insisted, at some length, that it was satirical.²¹¹ It was not by any means the most graphic or the angriest poem I have read from a student, but what concerned some of us was the marked difference between who he was on the page and who he was in person.²¹² But it took hours and hours of time to determine this, and it was a dangerous thing to attempt.²¹³

So what can we do to change the culture and make it more responsive to students who may be a danger to others? Here are ten things I believe could help us address some of the challenges we face:

1. Learn from what happened previously through careful analysis, investigation, and open dialogue
2. Set up federally-appointed, independent investigative panels whenever an attack on a school occurs so that conflicts of interest can be avoided and open communication encouraged
3. Establish a protocol similar to M & M conferences in the medical field to enable open, cross-disciplinary dialogue in the wake of a tragedy
4. Institute effective safe harbor provisions for teachers so they will not be reluctant to report their concerns
5. Train those on threat assessment teams to evaluate student writing; include experienced, respected teachers on these teams
6. Institute and fund effective teacher-training programs for faculty
7. Hire administrators with demonstrated teaching excellence, a rapport with students, and training in risk management
8. Reexamine gun laws with the goal of preventing children and the mentally ill from obtaining lethal weapons
9. Provide assistance to families who are dealing with troubled students before a crisis occurs

210. *See id.* at 42 (stating that Seung-Hui Cho compared one of his poems as satirical in the same vein as Jonathan Swift’s “A Modest Proposal”).

211. *See id.* and accompanying text.

212. *See id.* at 30 (explaining the author’s reaction to Seung-Hui Cho’s poem).

213. *See id.* at 31 (explaining the extensive procedures the author took in analyzing Seung-Hui Cho’s poem).

10. Increase funding for counseling services, mental health and law enforcement²¹⁴

If all of these things had been in place at the time of the Virginia Tech shootings, would the tragedy have been prevented? It is impossible to say for certain. But we know what we risk if we do not make a concerted effort to improve the current situation.

For some of us in this terrible fraternity of schools where attacks by students have occurred, homicidal students are not a theoretical possibility, they are a phenomenon we know only too well.²¹⁵ The perspectives of those close to a tragedy like this are important because, just as is the case with war, there are things only those on the ground can know.²¹⁶

At the end of a commentary for the *Richmond Times-Dispatch*, I wrote the following:

As parents and as educators we cannot be afraid of bullies, even when they carry arms, even when they enter our offices, as Seung-Hui Cho did mine, and assure us it's okay to remain silent because his poem isn't angry at all—just satirical.

Our children are waiting for us to speak. Our silence is killing them.²¹⁷

As I have said on a number of occasions at gatherings like this, I have a dream and my dream is this: That one day, society will devote as much energy and resources to protecting its young as it does to protecting its money. When this happens, how rich we all will be.

214. See generally Roy, *supra* note 2.

215. See *id.* at 6–7 (discussing the group of schools and communities that have suffered violent actions by students).

216. Lucinda Roy, *Learning More From the Tragedy at Virginia Tech*, RICHMOND TIMES DISPATCH, May 31, 2009, at E01 (discussing the importance of open communication between people suffering school shooting tragedies in coming to a better understanding of how to prevent future school shootings).

217. *Id.*