

University of Virginia: Special Counsel Review

**AMENDED REPORT: REVIEW OF THE THREAT
ASSESSMENT PROGRAM AND THE EVENTS LEADING
UP TO THE NOVEMBER 13, 2022, FATAL SHOOTING AT
THE UNIVERSITY OF VIRGINIA**

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I. Introduction

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

[REDACTED]

On December 9, 2022, the Office of the Attorney General (“OAG”) appointed Quinn Emanuel Urquhart & Sullivan, LLP, (“Quinn Emanuel”) as special counsel to conduct a review of UVA’s threat assessment process and the events leading up to the November 13, 2022 Incident. On the same date, the OAG appointed Vinson & Elkins, LLP, as special counsel to conduct a review of [REDACTED] and the post-shooting response by university police.

Quinn Emanuel’s mandate was to “review[] the events that led to the November 13 shooting of five university students. The work will include reviewing university policies, procedures, and actions and conducting such interviews and gathering such documents and information as necessary to assess compliance with all applicable laws and regulations and well-established practices for the operation of an institution of higher education of UVA’s size and scope” and “[p]repare “a report . . . detailing factual findings and legal conclusions as well as recommendations for policy and procedural changes to improve campus safety.”

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

[REDACTED]

The Report then presents a summary of the TAT’s policies and procedures as written and implemented in the Fall of 2022, as recently amended, and as deployed in practice. The Report then assesses those policies and procedures, taking into account University support

¹ Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99


[REDACTED]

² The Report redacts content determined by counsel to be not subject to public release without valid authorization or consent under the Health Insurance Portability and Accountability Act of 1996, as amended (42 U.S.C. §§ 1320d-2 note) (“HIPPA”) and without prior consent under the Family Educational Rights and Privacy Act of 1974, as amended (20 U.S.C. § 1232g) (“FERPA”). The goal of these redactions is to preserve, where possible, conclusions and recommendations in the public interest while protecting student rights.

structures, industry practice, and practices at peer institutions. Finally, the Report makes recommendations for improvements to the University's threat assessment functions, including structural changes to its student support and conduct model to complement and facilitate threat assessment at UVA, improvements to the TAT's investigative process, and enhanced community engagement.

The Report acknowledges that the University dedicates substantial resources to threat assessment and attempts to address and prevent the escalation of reported threats of violence through a large team of senior University officials. The Report also acknowledges that threat assessment is a complex, multidisciplinary field that continues to evolve, in particular with respect to institutions of higher education, which present unique challenges.

Notwithstanding these challenges, the Report finds that certain structural, policy-related, and investigative practices substantially limited the effective functioning of the TAT in November of 2022. These limitations, and their impact, are summarized below.

- The lack of a case-management approach to student support outside the context of threat assessment—what is commonly referred to as a CARE or BIT program—impedes the University's efforts to identify and support students who may be struggling from a variety of stressors. This, in turn, diminishes the University's ability to intervene early to avoid escalation of struggles to crisis, or to continue to monitor students who may no longer present a threat, but who should nevertheless continue to receive University support. Such teams are common features of many institutions of higher education, where they work alongside the threat assessment function to ensure that concerns are monitored, addressed, and, where necessary, escalated for further review or investigation.
- The TAT lacked sufficient dedicated investigative resources in November of 2022. Student Safety and Support personnel were overextended, attempting to carry out their day-to-day obligations to support the community at large, offer specific resources to struggling students, and also meeting their investigative obligations to the TAT. Consequently, the TAT's ability to efficiently and thoroughly investigate cases, and, in particular to investigate student cases without clear indicia of criminality, was limited.
- Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

- The substantial delegation of the University's authority function to the student body—the “student governance” model—results in University officials being unwilling to or unable to assert authority and require student compliance with University directives without recourse to cumbersome and slow-moving student-run disciplinary bodies. This philosophy appears to extend to an unwillingness to

involve UPD in non-criminal investigations even when investigative resources are otherwise limited.

- Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



This Report does not conclude that the facts available to the Threat Assessment Team (TAT) prior to the shooting would have put a reasonable person on notice that [redacted] would commit the types of acts for which [redacted] is now criminally charged. Nor does the Report intend to suggest that the changes proposed herein will prevent all instances of violence. Rather, the Report highlights areas for improvement in the University's approach to student support, campus safety broadly, and the threat assessment process specifically.

II. Executive Summary

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



³ Grounds is the term the University uses for its campus.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



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Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



- The University’s undergraduate Housing Terms and Conditions provide: “[t]he University reserves the right, in its sole discretion and at any time, to: . . . (C) Allow University staff or their agents to enter residences for work orders, routine maintenance, inspections, repairs, emergencies, or housekeeping duties, or any other reasonable purpose, at any time.”

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

B. Recommendations to Strengthen University Safety and Support Structures and Improve Threat Assessment Process

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99, Quinn Emanuel conducted a review of UVA's threat assessment processes, both as written and in practice. In connection with that review, Quinn Emanuel reviewed the TAT's written policies and procedures as well as a prior report regarding the TAT. In order to better understand how the TAT operates at UVA, Quinn Emanuel interviewed current and former members of the TAT, including its leadership, and also spoke to professors and University leadership. Quinn Emanuel also reviewed data gathered from other institutions of higher education and conducted interviews of the threat assessment leads of the five Commonwealth institutions most close in size to UVA, as well as several peer institutions from around the country. Finally, Quinn Emanuel engaged experts to assist in its comparative review and to facilitate an analysis of best practices among institutions outside of Virginia.

As discussed below, the field of threat assessment is a relatively young, complex, and dynamic area, and institutions of higher education present unique challenges. The University's TAT contributes to the safety of the community by identifying, assessing, and managing potential threats in an effort to preempt incidences of violence in the community. While the TAT has undertaken substantial efforts to carry out this role, the Review identified areas of vulnerability and potential improvement with respect to not only specific practices of the TAT, but to the University's safety and support structure, of which the TAT is a critical part.⁸ These areas are summarized below, and, Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99, inform the Recommendations in this Section.

1. Recommendation: Add Coordinated Behavioral Intervention or CARE Team to Support Students in Distress Outside of the TAT Framework

In contrast to many peer institutions, UVA does not have a dedicated body to address incidents of student distress that may not rise to the level of a threat, but where there may still be a cause for concern and need for a holistic analysis of circumstances in order to provide support or conduct an intervention to assist a struggling student (e.g., academic distress, food or housing insecurity, financial concerns, mental health issues, etc.). Although the division of Student Affairs,

⁸ Where not otherwise indicated, the findings regarding the University's TAT focus on the TAT as it functioned in the Fall of 2022. Changes since then are taken into account in the Recommendations sections of this Executive Summary and Report.

and the Office of Student Safety and Support in particular, operates as a “front door” for the University where students can bring concerns and obtain appropriate support referrals to other divisions (e.g., Counseling and Psychological Services, Housing and Residence Life, Academic Services, etc.), the University does not have a case management model for addressing students in distress in a holistic and continual framework. Rather, information regarding student concerns or distress may become siloed across various divisions. Additionally, current resources for student support are reportedly stretched thin, with demand outstripping the availability of key services, including mental health services. *See* § VII.B.

This need is not a criticism of the TAT: the TAT receives and triages hundreds of referrals each year, many of which do not rise to the level of a potential threat but may indicate other student needs. The TAT’s purpose, mission, and resources are simply not compatible with caretaking functions like those described above, though there may be areas of potential overlap.

Accordingly, the University should consider the formation of a complementary Coordination, Assessment, Response, and Education (“CARE”) or Behavioral Intervention Team (“BIT”) to address student behavioral and mental health issues that require support and early intervention but that do not currently rise to the level of a threat. Specifically, § VII.C.1 of the Report recommends that:

- The University consider creating a bifurcated student support system, similar to that used by peer institutions, that would employ a case management model to track and assess students holistically over time and provide coordinated support or early intervention for incidents of student distress that may not be appropriate for TAT consideration. Such a team should have some membership overlap with TAT, and TAT leadership would participate on both teams.
- The model adopted should allow for fluid escalation and de-escalation of cases between the TAT and CARE or BIT team in order to maximize the benefit to the students while allowing the TAT to focus its energies on cases where there is a significant threat risk.
- In addition to providing student support for behavioral and mental health issues, including risk of self-harm, this model would reduce the burden on the TAT with respect to low priority, low risk cases which could be referred to a CARE or BIT team.

2. Recommendation: Increase Administrative Involvement in Public Safety and Discipline

UVA’s unique student governance model is a core feature of the University’s culture, but it may impede the University’s ability to address non-compliance and to enforce its rules in the area of public safety issues. Because virtually all non-criminal student conduct matters are processed through the Honor or UJC systems, the University administration appears to lack meaningful processes to enforce its policies, including the cooperation clause in University Policy HRM-028 that mandates compliance with TAT investigations. These student-run bodies can be slow-moving and there is a sense that the UJC may not be taken seriously by the student body as

a tool to ensure discipline and safety. The Honor system has recently undergone changes to eliminate the single sanction (i.e., expulsion) for violations, opting for a more flexible sanctions regime that likewise may reduce the severity with which students view potential violations. In either case, though, students lack the necessary expertise to address public safety concerns. *See* § VII.B.

Within the Division of Student Affairs, the University has recently shifted the focus of the Office of the Dean of Students further toward a support function for students, including rebranding the office to the “Office of Student Safety and Support,” and shifting the office away from any authority or disciplinary role. This may be appropriate, but it is not clear who is taking up the authority and disciplinary roles in view of this shift. The Office of Judicial Affairs has been split off as an independent division of Student Affairs and provides guidance to the student-run enforcement functions (UJC and Honor), but its additional mandate, authority, and staffing remain uncertain. *See* § VII.B.

While student self-governance is a core aspect of UVA’s culture, it cannot be permitted to frustrate or paralyze the University’s efforts to ensure the safety of its community. In particular, § VII.C.2 of the Report recommends that:

- The University should re-examine the student conduct and authority function in the context of safety and security concerns and investigations. At a minimum, the University should consider whether, within the Student Governance model, it can create a more robust sense of responsibility for safety.
- The University should consider whether modifications to the student governance model may be appropriate in connection with the TAT process to ensure timely cooperation. Clear guidelines should be established as to what public safety concerns are and are not appropriate to be referred to student-run organizations.
- The University should ensure that students understand that compliance with TAT investigations is mandatory, and leverage existing sanctions and/or develop additional sanctions in cases of non-compliance.

3. Recommendation: Improve the Incident Management and Referral System

While the University’s proprietary incident management system, SafeGrounds, could be deployed to facilitate a support model, current access to the system is fractured and inconsistent across University divisions, with certain areas like academic advising having no access at all. The SafeGrounds system also incorporates an extensive descriptive tagging system that can be used to flag cases for TAT consideration, among many other things. However, the tagging system, which includes more than 680 selections across three fields is unwieldy and at times duplicative, and users are not provided with training regarding the tagging system as relevant to TAT referrals. While the system offers flexibility, its inconsistent use can lead both to missed tags and over-tagging—each with potential negative consequences.

The University should expand and standardize SafeGrounds use. In particular, § VII.C.3 of the Report recommends that:

- The University should review and streamline its complex tagging system in SafeGrounds and provide corresponding training to all users to ensure accurate tagging.
- The University should consider expanding SafeGrounds access, even in a limited capacity, to other high-touch divisions of the University, and, in particular, to academic advising. In compliance with applicable privacy regulations, access or review privileges should be properly limited, but should, at a minimum, provide a vehicle for the logging of concerns that may be relevant to a holistic assessment of a student.

4. Recommendation: Ensure Adequate and Properly Allocated Resources

While the TAT enjoys funding⁹ and attention from senior University officials, and is led by a dedicated threat assessment professional, very few of the members have specific expertise in investigations and, as of Fall 2022, virtually all of the members had other substantial commitments at the University. Except in cases involving a criminal aspect or immediate threat to the safety of others, investigative tasks were largely carried out by TAT members who lack investigative expertise or training. These members, in turn, have full-time positions within other University divisions, including divisions where resources were reportedly insufficient to meet demands (e.g., Student Safety and Support, Counseling and Psychological Services), and members at times struggled to stay fully engaged with TAT discussions. Moreover, the lack of a CARE or BIT team at UVA means that the TAT receives and must address and refer out many cases that, while indicative of student distress or a need for support, are not properly the province of threat assessment.

As discussed in *infra* § VI.G.2, the University has recently expanded the TAT's dedicated personnel from one to four, adding an assistant director with both a clinical mental health background and academic focus in threat assessment, and two dedicated case managers. This development is positive and should help alleviate some of the resource strain the TAT is facing, in particular with respect to investigative activities. The University should continue to consider whether the TAT has adequate dedicated resources and ensure that newly allocated resources are effectively deployed to maximize the TAT's effectiveness. In particular, § VII.C.4 of the Report recommends that:

- The University should provide the TAT with sufficient resources to support dedicated administrative and investigative personnel, in addition to full-time threat assessment professionals. The recent hiring of a full-time Assistant Director and

⁹ As discussed *infra* § VI.H.11, comparison of budgets across institutions is challenging because of the lack of consistency in what is included in those budgets (e.g., whether salaries are included), and whether they are designated for threat assessment specifically or allocated through another division (e.g., police department, student affairs, etc.)

two case managers is a positive step, but staffing should be periodically reviewed to ensure it is sufficient and that resources are being properly allocated.

- The TAT should consider whether additional dedicated staffing may permit the TAT to streamline its membership. Specifically, the University should ensure that core TAT members prioritize attendance at meetings and have capacity to address necessary TAT-related tasks regardless of additional obligations in their respective divisions. Delegation to alternates should be reserved for exceptional circumstances.
- The University should ensure that support divisions in “high-touch” areas like Office of Student Safety and Support and Housing and Residence Life are adequately staffed to meet student support needs and enable the TAT members to fully attend to their TAT obligations.
- The University should facilitate regular external audits of the TAT team to monitor and improve the TAT’s function.

5. Recommendation: Improve Intake, Triage, and Assessment Process and Documentation

The TAT has developed robust policies and procedures and has a diverse and highly professional membership to consider and respond to cases that implicate potential threats, but its resources are strained by both an increase in referrals (up 126%¹⁰ since 2020) and the demands on its members from their respective University divisions. In Fall of 2022, the TAT had only one full-time, dedicated employee, and no administrative support—intake, triage, case administration, record-keeping, follow-up, training, and community outreach were the responsibility of one person.

The TAT receives referrals for and addresses threats of targeted violence (excluding purely self-harm) from across the University and medical center, through the SafeGrounds system, JustReportIt (a university-wide reporting system), and through ad-hoc email or direct contact with the TAT Director. Documentation of intake, initial assessment, priority determinations, and deliberations was sparse, though action items were consistently recorded. The TAT does not have a consistent intake form, nor does it appear to generate any standardized record of case assessment.

The TAT should strive to increase standardization in its processes and procedures, including case documentation, to promote case continuity and trend analysis. In particular, § VII.C.5 of the Report recommends that:

- Intake and triage should be expanded to at least two individuals. To the extent a CARE or BIT team is created, that team should have a role in intake and triage of referrals.

¹⁰ FY 2020 Statistics (166 total TAT cases in fiscal year 2020); FY 2023 Statistics (375 total TAT cases in fiscal year 2023).

- Intake and priority assessment should be consistently documented, including relevant facts and circumstances. To the extent possible, intake documentation should be standardized to ensure certain key facts and circumstances are consistently gathered and verified.
- The TAT should consider including an initial assessment and priority checklist or similar standard form that can be maintained in SafeGrounds to provide a case baseline. While this form should permit consideration of any fact or circumstance the TAT deems relevant, the inclusion of a standard set of baseline considerations will improve continuity and comparative assessment.
- The TAT should document changes in case assessment, including key facts and circumstances that may lead to a change in priority.
- Increased documentation need not interfere with the handling of urgent matters, but the TAT should strive to create as complete a record of its process as feasible and this should be facilitated by the addition of more dedicated resources.

6. Recommendation: Enhance Investigation Processes

The TAT does not have a standard practice of interviewing referral sources or third parties other than those directly implicated by the referral, and lacked a procedure to address non-cooperation with its investigation. There was also an apparent reluctance to involve UPD officers in non-criminal investigative activities, including location of non-responsive students, voluntary interviews, or requests for voluntary searches. It does not appear that interviews or other investigative activities were routinely thoroughly documented, even in non-urgent situations. The TAT does not currently use any particular tool to search social media or public records, nor does it appear to conduct such searches as a matter of course.

The TAT should take a more proactive investigative approach, in particular in cases of non-compliance with an investigation. In particular, § VII.C.6 of the Report recommends that:

- The TAT take a more proactive approach to locating and speaking with subjects whenever possible, including outreach to other points of contact around the University and in the community in order to locate subjects. The TAT should consider whether other, “high-touch” divisions of the University should be strategically included in specific cases in order to maximize the TAT’s investigative reach.
- The TAT should improve its investigative process, including through: (i) investigative training in best practices and investigative tactics; (ii) the use of dedicated investigators or UPD personnel; (iii) consistent and early interviews of referral sources; (iv) improved direct access by TAT members to criminal history information; and (v) social media and public information monitoring and review.
- The TAT should log and track its investigative actions to ensure adequate case advancement and identify delays.

- The TAT should deploy UPD officers to seek voluntary interviews or searches when subjects are non-responsive to TAT outreach or where there are other serious safety concerns.

7. Recommendation: Define and Disseminate a Position on the University’s Right of Access to on-Grounds Housing

There appeared to be a lack of understanding regarding whether the University may enter and conduct administrative searches of student housing. The University’s housing contract for undergraduate students states that University officials may enter on-Grounds housing for “any [] reasonable purpose” but most officials appeared to be of the view that such entry would not be permissible and were unaware of any University policy interpreting the clause or addressing a potential Fourth Amendment waiver. When pressed, no University official interviewed was able to provide the University’s position as to the import of this provision either with respect to administrative searches, or the Fourth Amendment.

The University should define and disseminate a position with respect to administrative entry to on-Grounds housing. § VII.C.7 of the Report recommends that:

- The University should develop a position on whether the clause in the housing contract permitting administrative entry into on-Grounds housing for “any other reasonable purpose” operates as a waiver of the Fourth Amendment.
- The University should develop a better understanding of the University’s policy with respect to administrative entry absent indicia of criminality, concrete and reported observed violation, or a maintenance emergency.

8. Recommendation: Heighten Accessibility to and Understanding of the TAT

The Review found a lack of awareness in the University community at large regarding the TAT’s function, authority, and purpose. The TAT should improve its profile and accessibility on Grounds. In particular, § VII.C.8 of the Report recommends that:

- The TAT website be modified to be more accessible, including by providing a succinct description of what the TAT does, and the types of behaviors or signs that should be reported. The website should include a direct reporting link.
- The TAT should conduct more TAT-specific trainings for University employees, faculty, staff, and coaches, in order to educate the community on the TAT’s mission and function and to dispel stigma that may otherwise attach to the body.
- The TAT should provide threat assessment trainings to student leaders, including residential advisors, teaching assistants, and other leaders across student organizations.

- The TAT should develop a communication strategy to raise its profile, educate the community as to its function, and build trust in the TAT as an institution.

9. Recommendation: Prioritize Weapons-Related Concerns

The TAT has updated some of its policies to address weapons-related allegations as discussed *infra* § VI.G.6, and should consider further refining those policies and providing support for students in legal possession who are residing on campus to encourage and facilitate compliance with University policy. In particular, § VII.C.9 of the Report recommends that:

- Any incidence of unlawful possession of a weapon or possession of a weapons on Grounds in violation of University policy should be escalated to the TAT for consideration.
- Referrals related to a concern regarding a student's possession of a weapon or involving failure to follow applicable laws and rules surrounding weapons possession should uniformly be treated as high priority (as reflected in the recently modified procedures).
- UPD should consider whether it can offer weapons storage for students, with a check-in/check-out system that allows the University insight into the location of weapons lawfully possessed by students who reside on Grounds.

III. Review Plan and Methodology

A. Review Plan

To achieve the objectives of its Review, Quinn Emanuel examined relevant policies, procedures, communications, and other documentary records pertaining to UVA's threat assessment process as well as information obtained through interviews at UVA and with other peer institutions regarding their own threat assessment processes. Specifically, Quinn Emanuel:

- Reviewed more than 37,000 documents, described more fully below including Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR, communications, publicly available information, and internal UVA records from the SafeGrounds case management system ("SafeGrounds"), a proprietary case management tool initially designed for UVA's Title IX division;
- Interviewed 23 current and former members of the University TAT, including alternates;
- Interviewed 42 additional individuals, including senior University administrators, Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99, and threat assessment leaders at nine other institutions, both within and outside the Commonwealth; and
- Retained threat assessment experts at Alvarez & Marsal to review the Report and provide strategic recommendations based on their expertise in universities and threat assessment.

B. Methodology and Limitations of the Review

1. Scope of Review

As indicated above, Quinn Emanuel’s Review focused on the TAT and the circumstances leading up to the November 13 Incident. As a result, Quinn Emanuel did not review the events following the shooting or that had any connection to law enforcement investigations or the Vinson & Elkins’ review of the post-shooting response.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99. Nonetheless, the findings and conclusions reflect a comprehensive review of all the information available to Quinn Emanuel.

2. Document Review

Quinn Emanuel made a series of document requests to UVA and through the Office of the Attorney General. UVA collected and provided documents in the University’s possession and the TAT in a timely manner¹¹ including:

- Documents related to the TAT, including policies and procedures, case statistics, and a 2018 report of a prior review of the TAT;¹²

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

- Documents regarding the immediate response to the November 13 Incident

¹¹ The University implemented a broad document hold in December 2022. The hold was subsequently expanded as new relevant individuals were identified in the course of the investigation.

¹² The prior report was written by Dr. Gene Deisinger, former Deputy Chief of Police & Director of Threat Management Services at Virginia Tech, who currently serves as a Threat Management Consultant for the Virginia Center for School & Campus Safety.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

The OAG also submitted a questionnaire regarding threat assessment programs to institutions of higher education in the Commonwealth. The OAG provided Quinn Emanuel with the responses from 14 of these entities, including UVA.

3. Witness Interviews

Quinn Emanuel conducted interviews with 66 individuals, including several interviews of key members of the TAT. Quinn Emanuel interviewed all available members of the TAT as of November 2022, as well as several members who joined after November 2022. [REDACTED]

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99 [REDACTED]

[REDACTED] In addition, Quinn Emanuel conducted interviews of individuals in leadership roles within the University.

At Quinn Emanuel's request, the OAG also facilitated contact with the five largest public Commonwealth universities: Virginia Polytechnic Institute, George Mason University, James Madison University, Old Dominion University, and Virginia Commonwealth University. In addition, Quinn Emanuel interviewed representatives of the threat assessment teams at peer institutions, including the University of Alabama, Colorado State University, Auburn University, and the University of South Carolina. Each of these threat assessment teams provided useful information for comparative purposes.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99 [REDACTED]

[REDACTED]. Those individuals either declined to respond to Quinn Emanuel's request or responded to outreach but declined interviews. Quinn Emanuel also understands that one professor has declined to participate in the Special Counsel review. Quinn Emanuel understands that these declinations were not due to any interference or obstruction by the University, but rather due to the personal choices of the individuals.

4. Experts

Quinn Emanuel consulted with a team of experts from Alvarez & Marsal: Jenelle Beavers and William Waldie, and the Director of Criminal Justice Institute at Wilmington University, Raymond Carr. Beavers is a former DOJ prosecutor with considerable experience in higher education, including advising universities on policing and threat-related issues, and serving as the chair of the safety task force at Colorado State University. Beavers' experience in risk and threat strategy in higher education was complemented by the threat and risk assessment expertise of Waldie and Carr—both former F.B.I. agents. Waldie's expertise focuses on threat and security risk assessment, and in particular physical security, while Carr specializes in criminal behavior and provides instruction and oversight in the fields of crisis management and risk assessment.¹⁴

¹⁴ Annexes B-D are the corresponding *curricula vitae* of the expert team.

Privileged & Confidential
Attorney Work Product

A&M's team conducted a review of key documentary evidence, reviewed interview memoranda provided by special counsel, and provided guidance and advice with respect to Quinn Emanuel's conclusions and recommendations.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



¹⁵ As discussed *infra* § III.A, SafeGrounds is a proprietary incident management system used by some divisions of the University to document student interactions. The system allows for creation of a wide variety of case types, and cases can be assigned attributed (or “tags”) that may flag the cases for review by other University divisions, including the TAT.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



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Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



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Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



VI. Threat Assessment Review

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99, it is necessary to understand threat assessment as a field in institutions of higher education, including the background and statutory framework that gave rise to UVA's threat assessment team, its stated policies and procedures, and the implementation of the same. These practices can be compared to those of other institutions of higher education both within the Commonwealth and across the nation in order to discern potential areas of improvement for the University.

A. Background and Statutory Framework

Threat assessment is a complex multidisciplinary field that focuses on identifying, assessing, mitigating, and combating targeted threats of violence. Threat assessment remains a young and evolving field, particularly for institutions of higher education. The U.S. Secret Service established the National Threat Assessment Center in 1998, and in 1999, the Secret Service and the U.S. Department of Education began working together to understand and ultimately help prevent school shootings in America, including by providing guidance to improve threat assessment programs at the grade school level⁶⁰ where the bulk of the research has been concentrated.⁶¹

Threat assessment and threat assessment management, as well as attendant best practices, are relatively new to higher education professionals, and it is critical that these institutions, as a whole, develop a more robust understanding of the threat assessment landscape to manage campus safety. Because it can be extremely difficult to attribute the avoidance of violence to any particular intervention or action, the best indicia of success is the lack of violent incidents. However, threat assessment programs cannot remain static; they must evolve as new circumstances and challenges, as well the tools to address them, present themselves.

Colleges and universities present uniquely challenging environments for threat assessment, because, unlike grade schools or office buildings, since they are generally open to the public, (and thus not easily monitored or secured), feature multi-faceted, often decentralized administrative and physical structure, and have a majority young adult population. With respect to threat assessment, many colleges and universities are more like small towns, where the challenge of balancing security with the quality of life for students, faculty and staff is a difficult task with no perfect solution. Young adults living on their own for the first time in a dynamic environment present an additional unique challenge. Identifying certain warning signs and balancing a positive university experience and culture, without jeopardizing security is a challenging task for all higher education institutions.

⁶⁰ U.S. Dep't of Education and U.S. Secret Service, *Threat Assessment in Schools* (Jul. 2004), <https://www2.ed.gov/admins/lead/safety/threatassessmentguide.pdf>.

⁶¹ There are a variety of tools available in the industry to assess potential threats. Among them are the Workplace Assessment of Violence Risk (WAVR-21), the National Association for Behavioral Intervention and Threat Assessment (NABITA) Guidelines, and the Virginia Department of Criminal Justice Services (DCJS) Guidelines.

TATs were born out of an endeavor to achieve a greater understanding of school threats and to generate strategies, trainings, and dynamic and interactive efforts by school, community, and law enforcement officials to identify and prevent violent incidents. Critically, threat assessment cannot be addressed with a one-size-fits-all solution. Each institution will face particular environmental, cultural, demographic, resource-related, and structural challenges, and TATs must be constructed and run with these individual challenges in mind.

In general, TATs function best when comprised of multidisciplinary members with proper training and experience. They should be trained to identify, assess, and manage situations and recognize key warning behaviors and risk factors to needed to mitigate targeted violence. TATs must also understand the statistical significance of target-based behavioral indicators, the precipitating conditions leading to targeted violence, the psychological processes of perpetrators, and relevant prevention interventions to targeted violence. An effective TAT will act proactively, and empower team members to assess threats as dynamic situations. Even with a successful TAT, the prevention of target-based violence at institutions of higher education must be viewed as a collective and collaborative effort—the University, law enforcement, and community members must work together to support an effective threat assessment and prevention function.

B. Statutory Framework

TATs have been mandated in Virginia since 2008, following the tragic shooting at Virginia Tech on April 16, 2007, in which 32 students and faculty were killed.⁶²

Virginia Code §23.1-805(D) provides: “The governing board of each public institution of higher education shall establish a threat assessment team that includes members from law enforcement, mental health professionals, and representatives of student affairs and human resources”⁶³ The statute provides for collaboration between mental health agencies, as well as local and state law enforcement with universities, and allows threat assessment teams to obtain certain criminal history and health records in cases where the teams make a preliminary determination that an individual may pose a threat of violence.⁶⁴

The statute was updated in 2023 to require additional notifications to campus and local law enforcement, as well as to the local attorney for the Commonwealth and to other institutions in the event of a transfer when a preliminary determination is made that an individual poses an “articulable and significant threat of violence to others.”⁶⁵ The updated statute also adds minimum training requirements.⁶⁶

The Virginia Department of Criminal Justice Services (“DCJS”) defines threat assessment as “a fact-based process emphasizing an appraisal of observed (or reasonably observable)

⁶² Virginia Code §23.1-805 (as amended 2023).

⁶³ *Id.*

⁶⁴ *Id.* §23.1-805(E).

⁶⁵ *Id.* § 23.1-805(F, J).

⁶⁶ *Id.* § 23.1-805(I)

behaviors to identify potentially dangerous or violent situations, to investigate/assess them, and to manage/address them,” with the aim of “determin[ing] if the subject is on a pathway to violence” and ultimately “to ensure the safety of all involved.”⁶⁷

DCJS further explains that the specific aim of a TAT is “to implement assessment, intervention, and action policies such as recognition of threatening behaviors and threat reporting mechanisms. The teams are also required to establish relationships with local and state law enforcement and mental health agencies to assist in assessment and intervention.”⁶⁸

C. UVA’s Threat Assessment Program

1. Overview of TAT

UVA’s Violence Prevention Committee and Threat Assessment Team (“TAT”) was established in 2009 in accordance with the above guidelines, pursuant to UVA policy HRM-028: Preventing and Addressing Threats or Acts of Violence.⁶⁹ The policy provides for the establishment of “[a] multi-disciplinary team comprised of various University and Medical Center personnel responsible for developing and executing policies and procedures for the prevention of violence on Grounds, including assessment of and intervention with individuals whose behavior poses a threat to the safety of the University community.”⁷⁰

The policy sets forth the University’s objective to “promote a safe environment in which to learn, live, and work by prohibiting threats or acts of violence” and explains the Violence Prevention Committee and Threat Assessment Team is established “to assess, manage, intervene, and mitigate identified acts or threats of violence by or against faculty, staff, students, Medical Center employees, patients, and visitors or other non-affiliated individuals.”⁷¹

University policy HRM-028 requires the following individuals and department representatives to serve on the TAT, though it does not prevent the Director of Threat Assessment from adding other representatives, consistent with the statutory requirements:

- Associate Vice President of Safety and Security
- Director of Threat Assessment
- University Police Department
- Student Affairs

⁶⁷ *Threat Assessment in Virginia*, Virginia Department of Criminal Justice Services, <https://www.dcjs.virginia.gov/virginia-center-school-and-campus-safety/threat-assessment-virginia> (last visited July 5, 2023).

⁶⁸ *Id.*

⁶⁹ *HRM-028: Preventing and Addressing Threats or Acts of Violence*, University of Virginia Policy Directory, (July 13, 2009), <https://uvapolicy.virginia.edu/policy/HRM-028>.

⁷⁰ HRM-028.

⁷¹ HRM-028.

- Counseling and Psychological Services (“CAPS”)
- Office for Equal Opportunity and Civil Rights
- University HR/Employee Relations
- Medical Center HR/Employee Relations
- Faculty and Employee Assistance Program
- Patient Safety/Risk Management
- Faculty Representative
- Office of University Counsel⁷²

2. Threat Reporting Requirement

The policy defines violent and/or threatening behavior to “encompass[] a range of activities occurring on or off University or Medical Center grounds and generate[] reasonable concern for personal or community safety,” and provides the following examples:

- Brandishing a weapon or firearm
- Unsanctioned possession of firearms, weapons, or other dangerous items
- Intentionally injuring another person physically
- Committing injurious or threatening acts related to sexual assault, stalking, dating or domestic violence, or sexual or gender-based harassment
- Threatening to injure an individual or to damage property
- Hazing as defined in University Policy STU-005
- Defacing or damaging property
- Engaging in verbal or physical behavior that creates a reasonable fear of physical injury
- Intentionally engaging in verbal or physical behavior that subjects any individual to extreme emotional distress
- Engaging in threatening or violent behavior based on race, ethnicity, gender, sexual orientation, or other protected status.⁷³

Policy HRM-028 requires all university affiliated individuals to report threatening behaviors, including of the kinds listed above:

All University faculty, staff, students, Medical Center employees, patients, and visitors . . . responsible for being alert to the possibility of violence and reporting violent or threatening behavior . . . to either to University Police, Student Affairs, EOCR, UHR, MCHR, Patient Safety and Risk Management, the Director of Threat Assessment, or through UVA Just Report It.⁷⁴

The policy also requires compliance with TAT investigations, providing that:

⁷² HRM-028.

⁷³ HRM-028.

⁷⁴ HRM-028 (emphasis added).

All University faculty, staff, students, and Medical Center employees are expected to cooperate fully with the TAT including but not limited to: answering questions about violent or threatening behavior, answering questions about persons of concern (e.g., the environment where they live, work, study, or receive care; stressors, health, emotional health, history of violence or threatening statements, and weapon possession), providing employee and student records subject to relevant state and federal laws.⁷⁵

D. Evolution of TAT

The prior director of UVA's emergency preparedness initially oversaw the TAT along with her other university duties. Although interviewees reported that the TAT functioned collaboratively, they noted challenges with organization, continuity, and record keeping, including tracking cases over time, assigning follow-up, and recording the content and outcome of meetings. Interviewees noted that there was not a centralized notetaking or case-tracking system, and that TAT members maintained their own individual notes of cases.

In 2017, Gene Deisinger of SIGMA Threat Management Associates was contracted to assist in a review of UVA's safety and security processes, including the threat assessment function. Deisinger and his team reviewed policies and procedures and conducted interviews of TAT members in connection with their review. The review resulted in recommendations to the University to bolster its threat assessment process, including through:

- Clarification of the TAT's mission, scope, and authority;
- Adoption of a more proactive approach;
- Creation of a full-time team leader position;
- Provision of secretarial/administrative support to the TAT;
- Expansion of the range of subjects considered in assessing potential threats;
- Maintenance of and access to a central repository of records with increased documentation of cases;
- Increased outreach and engagement with the University community; and
- Development of consistent protocols for intake, triage, assessment, management, monitoring, referral, and case closures.

TAT members familiar with the review indicated that SIGMA's recommendations were largely implemented. Notably, the University hired a full-time and experienced director of threat assessment. The Director is a licensed professional counselor, certified threat manager, and member of the Association of Threat Assessment Professionals ("ATAP") with significant experience in threat assessment at institutions of higher education.

The Director had the SafeGrounds case-management system built out to enable the TAT to utilize its centralized repository of information and case tracking system. He also oversaw refinement of the TAT's mission, as well as the creation of governing processes and procedures.

⁷⁵ HRM-028 (emphasis added).

The Director also engaged the University community, conducting trainings with departments considered likely to interface with the TAT.

From his hiring until Spring 2023, the Director served as the sole TAT member who conducts initial intake, assessment, and triage of new referrals. He also oversaw record keeping and case management.

E. TAT in Fall 2022

The TAT adopted Operating Guidelines in 2019. The Guidelines were subsequently revised as the Director refined the TAT's processes.⁷⁶ A 2021 revision was in effect in the Fall of 2022 (the "2021 Guidelines") Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99, and is largely the subject of this Review.

The 2021 Guidelines defined the TAT's mission, membership, and authority, and provided guidance regarding reporting resources, intake, threat assessment, and threat management, as well as an overview of disciplinary and other corrective actions the TAT may recommend.

Mission: Under the 2021 Guidelines, "[t]he TAT's mission is to assess, manage, intervene, and mitigate identified acts or threats of violence by or against faculty, staff, students, Medical Center employees, patients, and visitors or other non-affiliated individuals."⁷⁷

Membership: The Guidelines mandated representation by the following individuals and offices:

- Director of Threat Assessment ("DOTA")
- Associate Vice President of Safety and Security
- Counseling and Psychological Services ("CAPS")
- Faculty and Employee Assistance Program ("FEAP")
- Faculty Representative
- Office of the Dean of Students ("ODOS")
- Office for Equal Opportunity and Civil Rights ("EOCR")
- Office of University Counsel
- Office of the Vice President and Chief Student Affairs Officer
- Risk Management
- Title IX
- University & Medical Center Employee Relations

⁷⁶ Revisions from 2019 to 2021 were minimal. Responsibilities of TAT members were further defined, ATAP certification requirements for the Director were included, a reporting cell-phone application (LiveSafe) was updated, and additional provisions regarding confidentiality of records were included.

⁷⁷ 2021 Operating Guidelines, § 1.

- University Police Department (“UPD”)⁷⁸

In 2022, the TAT was comprised of 29 individuals, including alternates, representing the above offices.⁷⁹ The full TAT meets weekly, with ad hoc or emergency meetings held as needed.

Warning Behaviors: The 2021 Guidelines provide examples of potential warning behaviors for violence, including:

- Harboring grudges, an inability to handle criticism, habitually making excuses, and blaming others;
- Chronic, unsubstantiated complaints about persecution or injustice;
- Obsessive intrusion upon others or a persistent unwanted romantic pursuit;
- Erratic, impulsive, or bizarre behavior that has generated fear among University affiliates;
- A high degree of emotional distress;
- Apparent impulsivity and/or low tolerance of frustration;
- Preoccupation with violent themes of revenge;
- Unusual interest in recently publicized violent events;
- Identification with criminal or terrorist individuals, acts and/or philosophy;
- Recent or impending losses including employment, academic, relationship, financial, or status in conjunction with denial and/or limited coping mechanisms;
- A criminal or personal history suggestive of a propensity to use violence to project power and to control others;
- Aggressive outbursts, comments, or excessive displays of anger;
- Homicidal or suicidal thoughts or ideas;
- Preparatory actions for a violent act including research & planning and/or acquiring & practicing with weapons.

Threatening Behavior: The 2021 Guidelines defined “violent or threatening behavior as encompassing “a range of activities occurring on or off University or Medical Center Grounds and generates reasonable concern for personal or community safety,” including:

- Brandishing a weapon or firearm
- Unsanctioned possession of firearms, weapons, or other dangerous items;
- Intentionally injuring another person physically;
- Committing injurious or threatening acts related to sexual assault, stalking, dating or domestic violence, or sexual harassment;
- Threatening to injure an individual or to damage property;
- Defacing or damaging property;
- Engaging in verbal or physical behavior that creates a reasonable fear of physical injury;

⁷⁸ 2021 Operating Guidelines, § 2.

⁷⁹ Quinn Emanuel understands that other individuals might participate on an ad hoc basis.

- Intentionally engaging in verbal or physical behavior that subjects any individual to extreme emotional distress;
- Engaging in threatening or violent behavior based on race, ethnicity, gender, sexual orientation, or other protected status.⁸⁰

UVA's TAT does not review behavior associated only with a risk of self-harm.⁸¹

Reporting: The 2021 Guidelines provide a range of avenues for reports of concerning behaviors, including through UVA's online Just Report It system, the University's TipSoft App,⁸² the University Police Department, the Title IX Office, the EOCR Office, Human Resources, and the Office of the Dean of Students (now Student Safety and Support), or directly to the Director.

Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

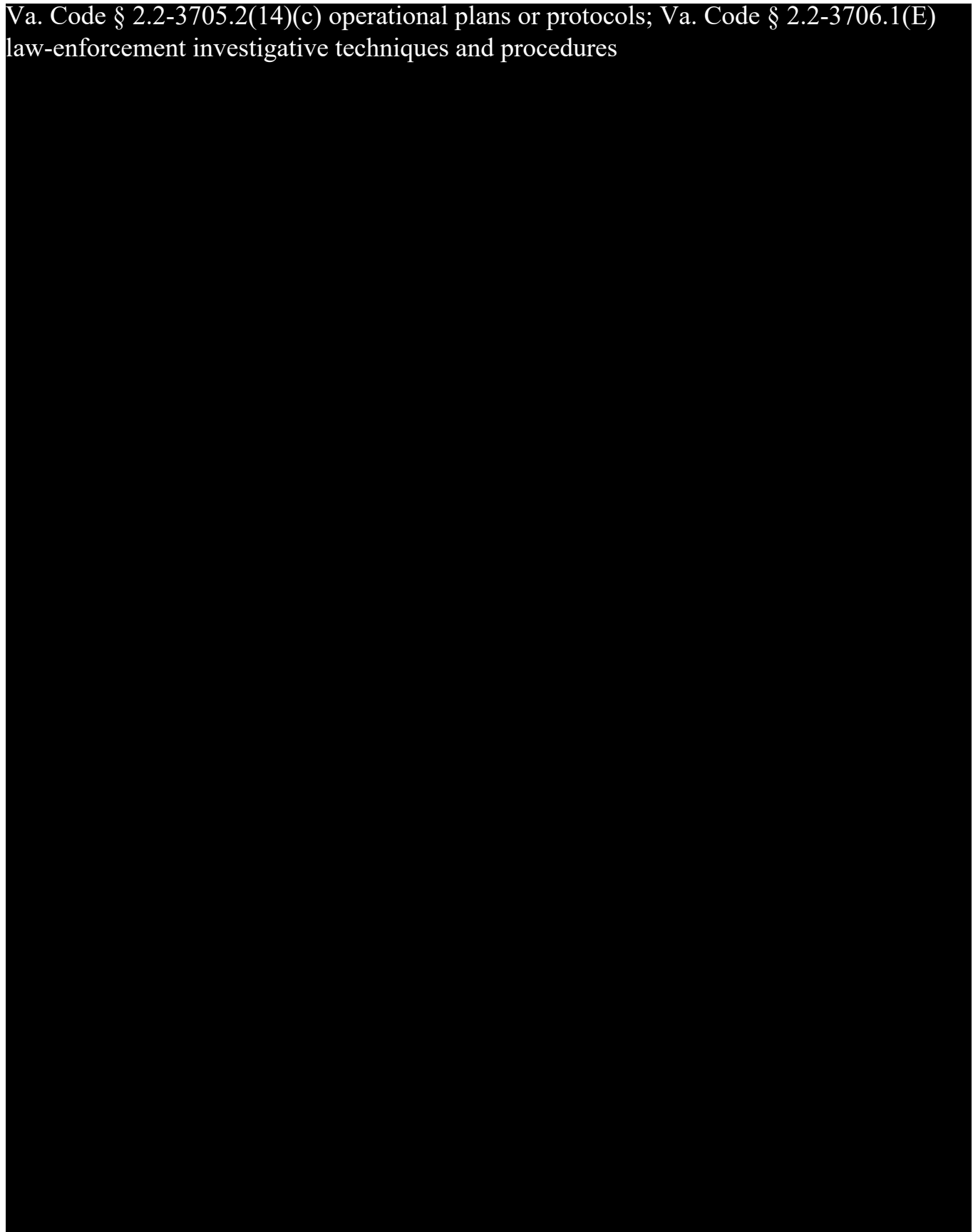
⁸⁰ 2021 Operating Guidelines, §5.

⁸¹ Threats of self-harm are addressed through the Office of Student Safety and Support or through Counseling and Psychological Services.

⁸² The application in use in 2022 and currently is called Guardian.

⁸³ 2021 Guidelines § 8.A.

Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E)
law-enforcement investigative techniques and procedures



Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures



If, after a period of monitoring, concerns for violent behavior decrease, a case may be designated “inactive” and, though it will be maintained in TAT records, it will not be continually monitored absent additional indicia of a potential threat.

Record Keeping and Documentation: The 2021 Guidelines provide for records to be maintained in the SafeGrounds case management system. The Director is responsible for ensuring that relevant information is transferred to SafeGrounds, including (1) the initial report; (2) information gathered during the assessment; (3) case disposition and management actions; (4) TAT attendees and notes regarding ongoing threat assessment and management process; and (5) the case status.

Training: Under the 2021 Guidelines, TAT members are required to attend an annual training, but are also encouraged to participate in additional training and educational opportunities, if possible.

Outreach: The 2021 Guidelines indicate the Director will provide training on threat assessment related topics to various areas of the University, including CAPS, ODOS, EOCR, FEAP, HR, and UPD, and suggest that students, faculty, and employees should all be encouraged to participate in such trainings.

F. UVA’s Threat Assessment Program In Practice

1. Overview

The overwhelming sentiment expressed by interviewees was that the TAT performed its function well in the Fall of 2022, with members acting collaboratively in the performance of their respective responsibilities. There was resounding support for the Director and his efforts to create a more robust threat assessment process.

Concerns were focused primarily on resource allocation, with some members noting that the increasing case load could become more challenging for the team to manage. For instance, in the past two years, the TAT has seen an increase of 88 percent in referrals. Additionally, members reported feeling that certain divisions that carry out much of the TAT’s investigative function were stretched thin. Members reported that while their work with the TAT was important and they took it seriously, they would, at times, disengage from discussion around cases that did not touch on their area. Members generally felt that the TAT would benefit from an expansion of its dedicated staff.

Statistics: The TAT began to collect data on its threat assessment cases in 2019. Data is collected related to subject demographics, case type, acuity, and intervention strategies.⁸⁶

The number of referrals to the TAT has increased year over year, though the number of cases receiving plenary TAT review has decreased slightly. For fiscal year 2020 there were 166⁸⁷ total TAT cases,⁸⁸ of which 149 were referred for full TAT review. That increased to 199 total cases in fiscal year 2021, of which 136 were referred for full review. In 2022, the number increased to 259 total cases, of which 128 were referred for full review. In 2023, the number increased to 375 total cases, of which 189⁸⁹ received full TAT review. The increase in referrals may be due to increased visibility of the TAT over time. Additionally, it should be noted that the year ending June 30, 2022 saw the return of students to Grounds fulltime following the COVID-19 pandemic.

Fiscal Year (Jul. 1 – Jun. 30) Ending	Total TAT Cases	Potential TAT / TAT Contact	Full TAT Cases
2020	166	19	149
2021	199	63	136
2022	259	131	128
2023	375	186	189

⁸⁶ FY 2020 Statistics; FY 2021 Statistics; FY 2022 Statistics; FY 2023 Statistics.

⁸⁷ FY 2020 Statistics reports 166 total TAT cases, but FY 2023 Statistics reports 185 total TAT cases for fiscal year 2020.

⁸⁸ TAT cases include Potential TAT/TAT Contact cases, in which the Director conducts a review of available information and records and determines that the risk level is low and can be managed through traditional support and disciplinary measures, and full TAT cases in which the case is referred to the full TAT for an in-depth assessment and disposition.

⁸⁹ The Director reported that although 189 cases were labeled as “full TAT cases,” 13 of these were reclassified as “contact cases,” such that the full TAT only assessed 176 cases.

Over the three years, the distribution of cases primarily related to the University’s medical center versus its academic function remained relatively stable, with medical center cases making up between 33% and 37% of TAT cases each year, and the remainder relating to the academic side of the institution.

Fiscal Year (Jul. 1 – Jun. 30) Ending	Total TAT Cases	Academic Impact	Medical Impact
2020	166	106	60
2021	199	130	69
2022	259	163	96
2023	375	242	133

Over the three years, the number of Full TAT cases involving weapons has fluctuated, though the number of student cases involving weapons has stayed consistently low.

Fiscal Year (Jul. 1 – Jun. 30) Ending	Full TAT Cases	Total Cases involving weapons (#)	Total Cases involving weapons (%)	Student Cases	Student Cases involving weapons (#)	Student Cases involving weapons (%)
2020	149	14	9%	44	2	5%
2021	136	7	5%	31	2	6%
2022	128	15	12%	40	3	8%
2023	189	56	30%	100	Information not available	Information not available

Reporting, Intake, and Triage: In practice, potential threats are reported to the TAT through many avenues, including through the TAT tag in SafeGrounds, JustReportIt (which also populates into SafeGrounds), UPD, and direct reporting to The Director. The Director reviews each reported threat and determines whether the case warrants threat assessment review, and whether that review should be immediate or expedited, based on the nature of the threat. In urgent cases, The Director will call for an emergency meeting, usually of a subset of TAT members. In cases where there is not an imminent threat, the case will be referred to the plenary TAT and addressed at a regular weekly meeting. The TAT system in which there is a single TAT member

conducting triage and the concerns attendant to such a system are discussed in Sections VII.B and VII.C.5 below.

Members and Meetings: Two-hour weekly TAT meetings are attended by at least one representative from each of the divisions listed in the 2022 Guidelines, though ad hoc or emergency meetings may take place with a subset of the regular members, as needed. Two academic experts in the field of threat-assessment who have written extensively about the topic, also sit on the TAT. The Director prepares a weekly docket of cases, which is circulated to the TAT members in advance of the meeting. The docket includes case notes and recent developments.

Cases are reviewed in priority order with the most serious or urgent cases addressed first. The Director will summarize any developments since the last meeting, and TAT members who were tasked with action items will provide updates to the team. The TAT may also invite referring individuals to present information to the TAT. The TAT will then confer on next steps for the case. The Director takes notes of developments and assigned tasks, and circulates updated information after each meeting. The notes and information collected are saved into SafeGrounds.

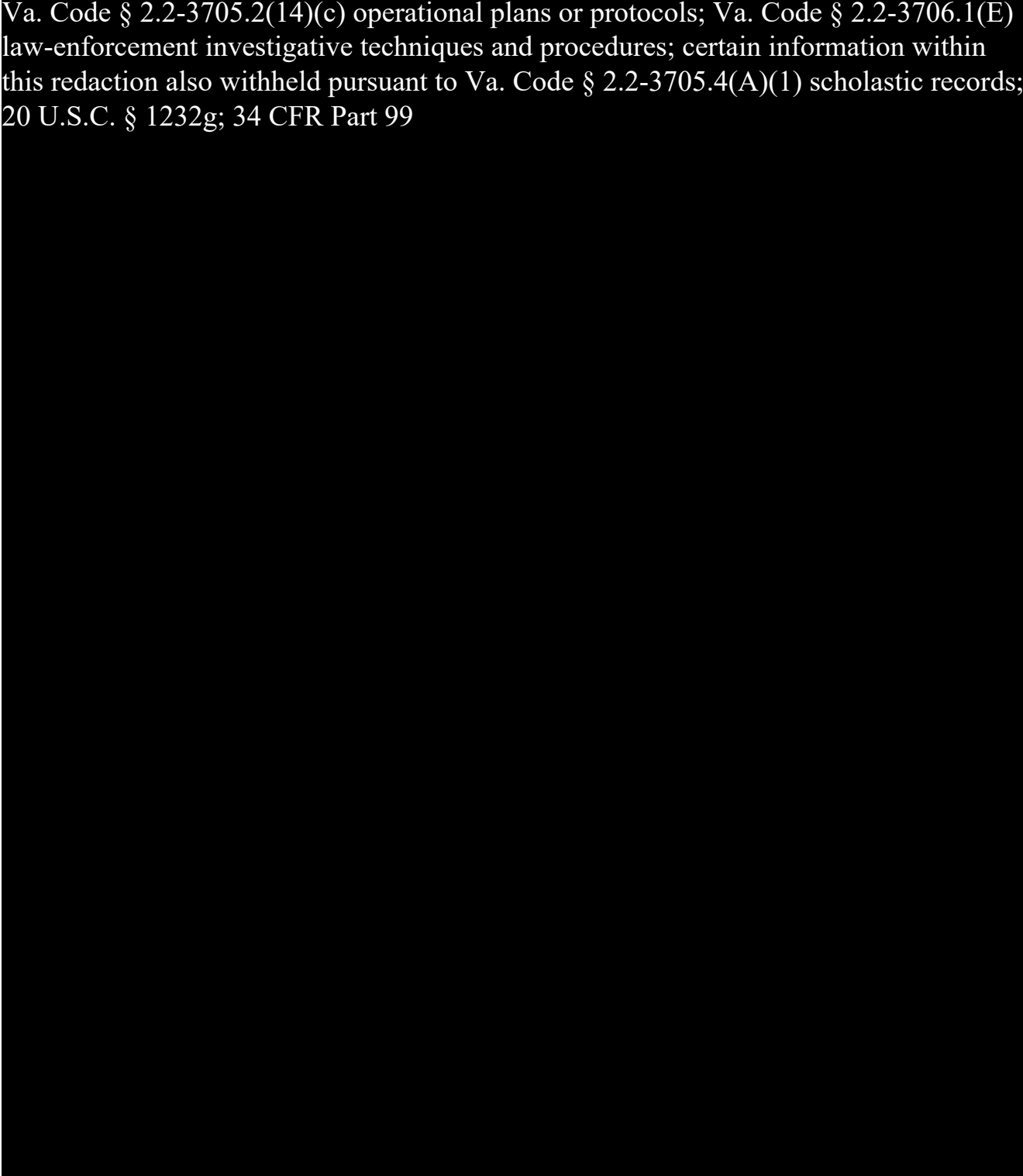
2. Investigations

Criminal History: As a practical matter, the TAT requests that UPD conduct a criminal history check for all cases that are referred for TAT review. UPD consults a variety of sources in conducting these checks, including the Law Enforcement Information Exchange (LInX), a widely used information sharing program that allows law enforcement to share records across jurisdictions, and TLO, another national database. UPD also queries the local database for UVA, Charlottesville, and Albemarle County (LERMS). The standard record request, called a Purpose Code F, pulls criminal history, mental health commitments, and denied firearm transactions. UPD may also reach out to local law enforcement offices to obtain more detailed information about a charge or incident that appears on a criminal history check. This information is shared with The Director, and updates are presented to the TAT during regular meetings.

Social Media and Public Sources: The TAT has deployed several different social media/public source scanning tools since its inception, including Social Sentinel, Data Miner, and Navigator (the current tool). Interviewees reported that these resources were of limited value, and returned a lot of data that was not helpful. Data Miner was reported to have been useful until the TAT was required to switch its license to the law enforcement version of the product, which diminished the utility of the tool. Accordingly, the TAT is neither scanning nor reviewing social media for posts from students on their radar in any systematic manner, despite nationwide attention to social media and other public sources that may indicate distress prior to a mass attack.⁹⁰

⁹⁰ Fed. Bureau of Investigation, *A Study of the Pre-Attack Behaviors of Active Shooters in the United States between 2000 and 2013* (Jun. 2018), <https://www.fbi.gov/file-repository/pre-attack-behaviors-of-active-shooters-in-us-2000-2013.pdf> (noting that 30% of mass attackers created a “legacy token” on social media or otherwise, around the time of the attack); Nat’l. Inst. Of Justice, *Five Facts About Mass Shootings in K-12 Schools* (Aug. 2022),

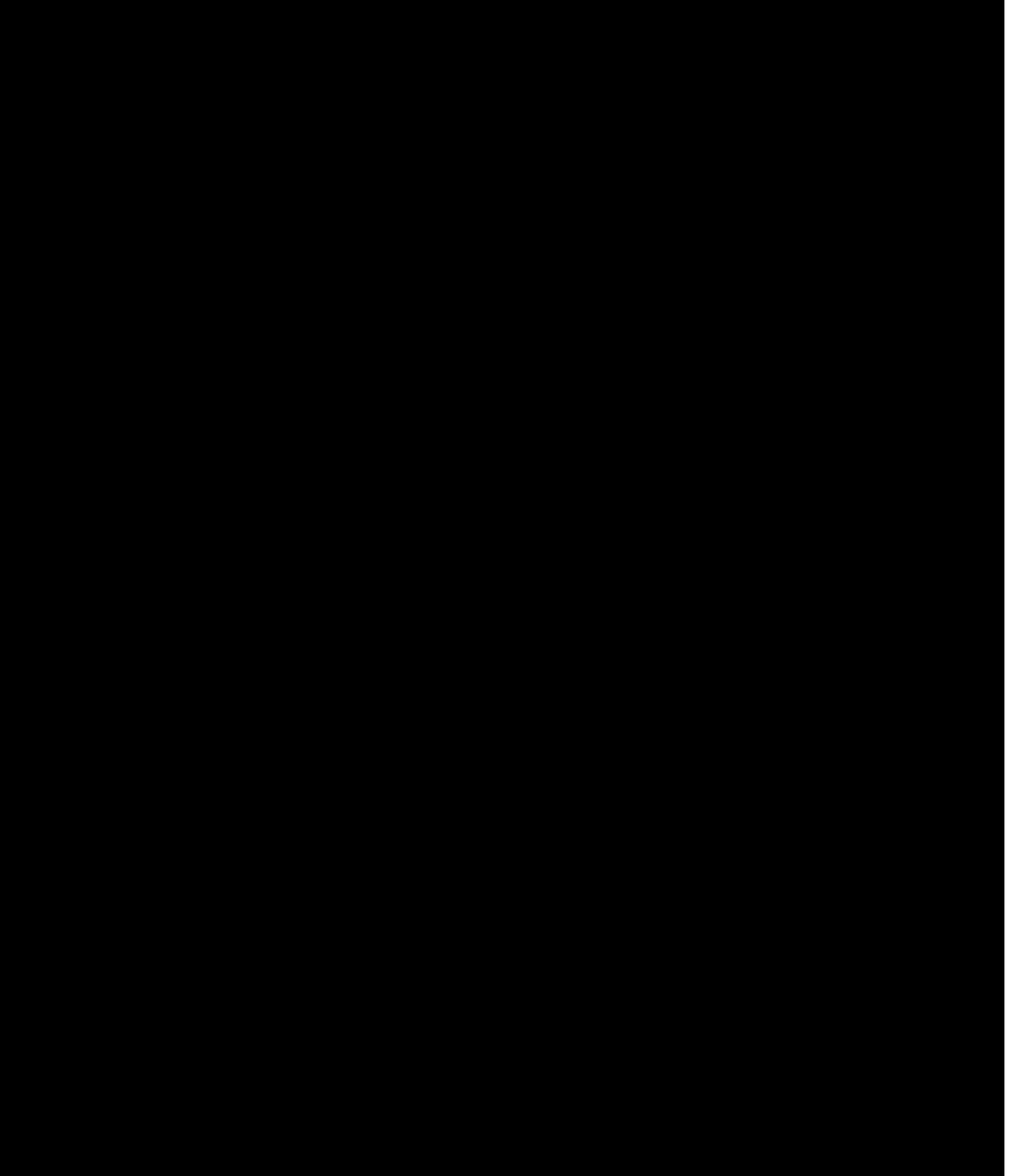
Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures; certain information within this redaction also withheld pursuant to Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



<https://www.ojp.gov/pdffiles1/nij/305045.pdf> (noting that social media may be a source of information indicating an individual is in crisis).

⁹¹ Housing and Residence Life did not previously have a full-time presence on the TAT, but has since been added.

Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures; certain information within this redaction also withheld pursuant to Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



3. Disposition and Case Management

When considered appropriate based on available information, the TAT may make disciplinary or support-related recommendations regarding its cases. Recommendations for TAT cases vary widely, and are fact-and-circumstance specific. With respect to students, sanctions can range from additional monitoring, to CAPS or Office of Student Safety and Support referral, up to a UJC or Honor referral, No Trespass Order, or even arrest or criminal referral in the event of criminal activity.⁹⁴

As with investigative functions, the TAT lacks independent authority to enforce its recommendations, and relies on its constituent members to take necessary actions to implement or enforce TAT recommendations.

4. Training

Interviewees reported attending annual training, and several interviewees noted they had attended National Threat Assessment Conferences.⁹⁵ Interviewees reported that the Director circulated additional educational resources regarding the field of threat assessment, and invited in guest speakers. TAT members do not receive training regarding investigative techniques.

5. Outreach and Community Presence

Interviewees reported that the TAT's function and availability in the event of a concern were widely known to TAT-represented department heads, and that informative sessions regarding the TAT had been provided to certain departments.

Beyond departments with direct representation on TAT, interviewees expressed that its function and existence were not widely understood by University employees and staff prior to the November 13 Incident. Most interviewees did not recall TAT-specific training or information being presented to their divisions. TAT leaders noted that TAT-specific education for students would be handled by Student Affairs, though the TAT leadership would hope to have input. Student Affairs did not report any TAT-specific student training, such as to Residential Advisors, leaders of fraternities and sororities, or other students organizations. As discussed below in Section VI.H.9, the lack of such training is in contrast to some other university threat assessment processes. TAT leadership did note a safety training video that includes a segment on threat assessment would be required for all students starting Fall 2023.

TAT leaders were unaware of whether any threat-specific training is provided to student leaders or residence advisors (RAs) as part of their more general safety training. However, TAT leadership noted they did not participate or provide input into such training, to the extent any occurred. There is a "Threat Assessment at UVA" web page that sets out the TAT's mission and philosophy, as well as the represented divisions and links to various safety and support resources.

⁹⁴ Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures

⁹⁵ These conferences are held annually in Norfolk, VA by the Virginia DCJS.

The website also provides links to training resources related to de-escalation and active attacker responses, as well as links to reporting avenues for perceived threats. The TAT website also provides an overview of threatening behaviors and warning behaviors, through additional tabs.

The University's "JustReportIt" website references "Preventing & Addressing Threats or Acts of Violence." The website notes that "violent and/or threatening behavior encompasses a range of activities" and redirects users to the TAT's website for more information. As indicated below, the website could be improved to be more user friendly and convey the information more effectively. *See infra* VII.C.8.

G. 2023 Developments

Since November of 2022, there have been substantial changes within the TAT, including as to caseload, staffing, and policies. These changes are addressed below.

1. Increase in Reporting Volume

In 2023, the TAT received a total of 375 cases, a 45% increase in reporting volume between fiscal year 2022 and fiscal year 2023.⁹⁶ TAT personnel reported averaging a new case every day since November 2022.

2. Increase in Full-Time Threat Assessment Personnel

In February 2023, the University filled a full-time Assistant Director of Threat Assessment position. In May of 2023, UVA also hired two Threat Assessment Case Managers. These additions are expected to allow full-time, dedicated threat assessment personnel to take a more active role in the investigative aspects of cases, and to allow the team to take a more proactive approach to its threat assessment process. The intended roles of the full-time staff are summarized below. Going forward, the Director of Threat Assessment will take on a more policy-focused and strategic role, transitioning day-to-day case investigation and management to the Assistant Director. The Director will be responsible for SafeGrounds permissions and access, writing policies and procedures, establishing strategic directions for the TAT, making decisions regarding trainings, and collaborating with partners around the University.

The Assistant Director of Threat Assessment will manage operations and focus her direct involvement on moderate- to high-risk cases. She will conduct many of the substantive interviews, though case managers may also assist. The Assistant Director will also manage and direct the case managers, and interact with various departments that may make referrals to or work with the TAT. In particular, the Assistant Director intends to continue to build relationships and foster information sharing with medical and mental health professionals, leveraging her clinician and mental health background in order to improve understanding and cooperation, in particular with medical center staff. The Assistant Director will also be able to assess which cases should be escalated for consultation with the Director.

⁹⁶ FY 2023 TAT Statistics.

The Assistant Director is also hoping that the addition of the case managers will allow support for continued data analytics and data-driven research endeavors that may uncover trends or other information that will further inform the TAT's process, both at UVA and in the threat assessment field more generally. The case managers will provide administrative and case management support, but will also be equipped to support the TAT's investigative function, including social media review and public source searches, and will conduct collateral interviews as needed. One case manager is former law enforcement and the other is from a community mental health support organization in the Charlottesville area. The TAT's Assistant Director will take the primary role in managing and directing the case managers, as well as working collaboratively with the case managers to improve and broaden the triage process.⁹⁷

3. Membership Expansion

In December of 2022, a representative from Housing and Residence life was asked to attend the TAT meetings on a regular basis. In March of 2023, a representative from the Judicial Affairs division of the Office of Student Affairs also began to regularly attend. There is no current plan to expand membership to include a representative from Academic Affairs.

4. Budget

While TAT leadership explained that personnel resources had been increased, neither the Director nor Assistant Director were able to articulate the budget presently allocated to the TAT.

5. Training and Community Outreach

The TAT increased its training efforts in the Spring of 2023. It has conducted more than 15 trainings since February, to audiences of approximately 1,800 individuals. These are largely staff and employees. However, to address a lack of engagement among students, students attending UVA in the Fall of 2023 will be required to complete a seven-minute training video that addresses active attacker scenarios, emergency management notifications, and warning behaviors.

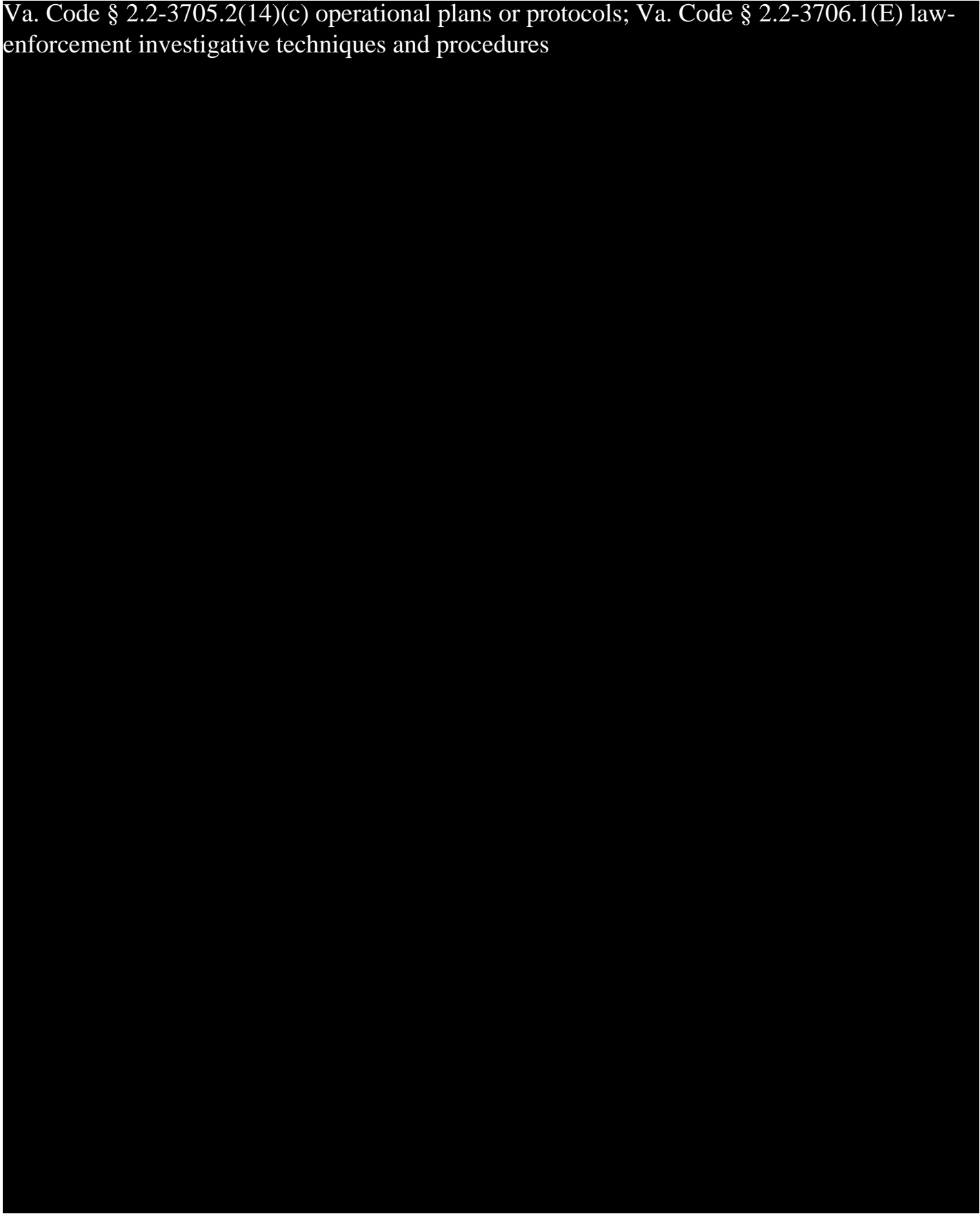
Interviewees expressed some concern that students and lay persons may get "lost" in the information surrounding threat assessment, emergency management and response, and active attacker situations, but that care will be taken to provide a training model that is digestible, informative, and engaging, without including violent imagery that might be triggering for students.

6. Revised Operating Procedures

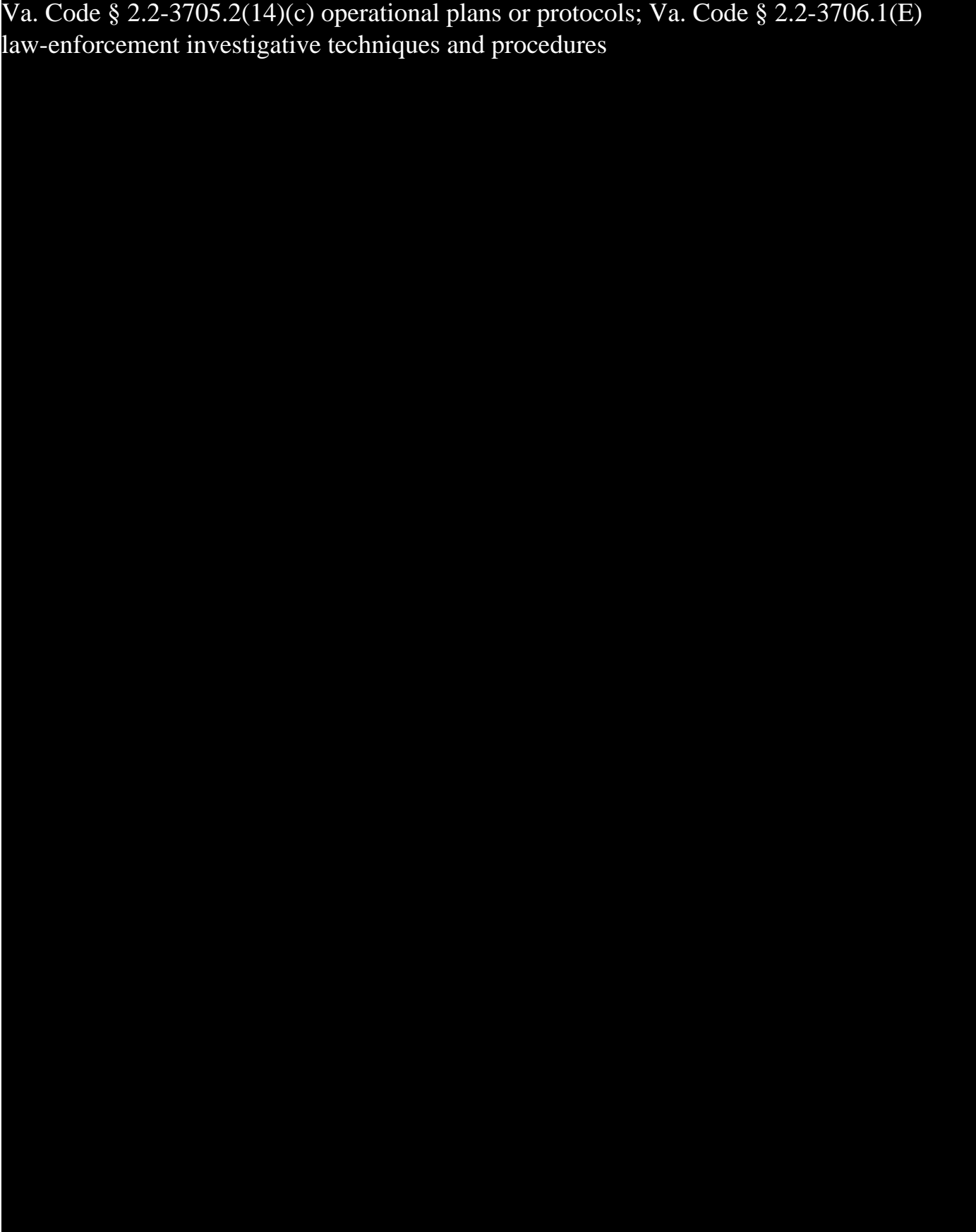
In May of 2023, the Director made additional updates to the TAT's operating procedures ("2023 Operating Procedures," formerly the Guidelines). Key revisions, additions, and updates are discussed below.

⁹⁷ The Assistant Director noted that Case Managers will likely assist in outreach to reporters in order to obtain a more fulsome account of concerns than is transmitted via written reporting instruments (e.g., through an email or through JustReportIt).

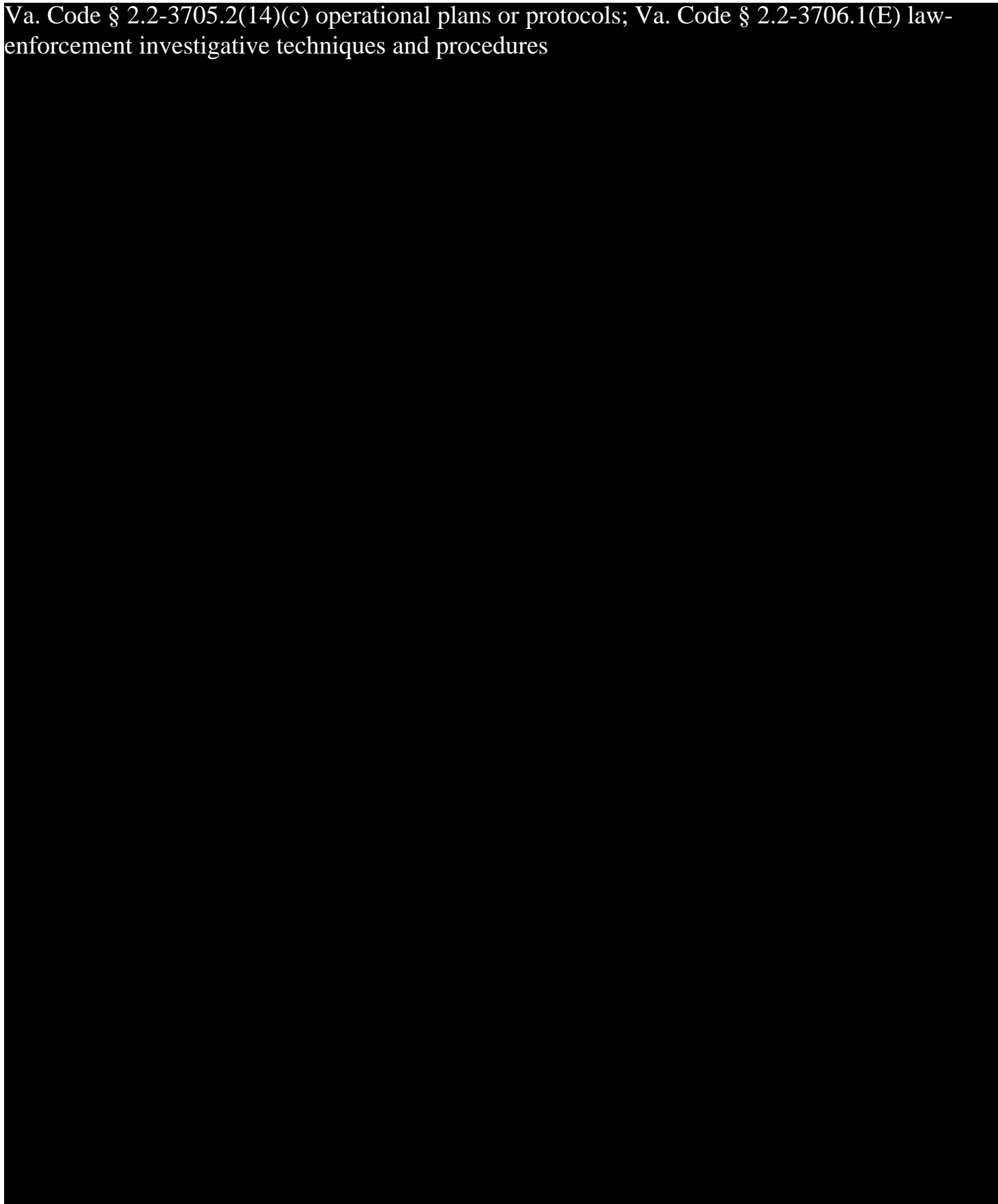
Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures



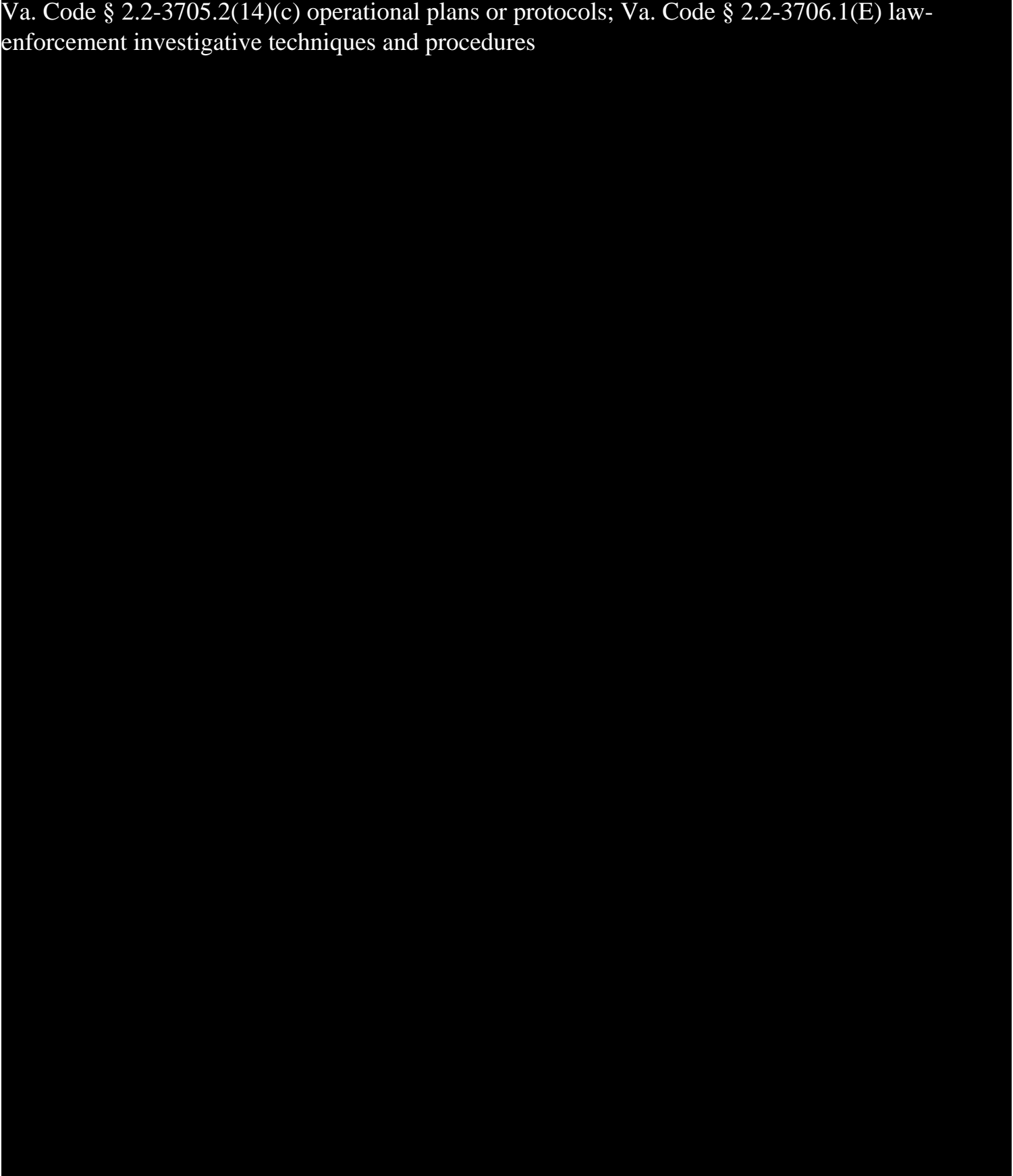
Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E)
law-enforcement investigative techniques and procedures



Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures



Va. Code § 2.2-3705.2(14)(c) operational plans or protocols; Va. Code § 2.2-3706.1(E) law-enforcement investigative techniques and procedures



The process is designed to be fluid and allow for assessment and reassessment as information is gathered or circumstances change over the course of a TAT investigation.

Legislative Updates: The 2023 Operating Procedures also include provisions incorporating recent legislative requirements under Virginia Code §23.1-805, as amended in 2023 with respect to training, disclosure of a preliminary determination of an articulable and significant threat,¹¹⁴ training, and medical record disclosure.

H. Threat Assessment at Other Commonwealth Universities and Peer Institutions

1. Overview

As noted above, the OAG provided Quinn Emmanuel with responses to certain “benchmarking questions” regarding the threat assessment teams that were requested of 14 institutions of higher education: University of Virginia, Virginia Tech, James Madison University, Christopher Newport University, Longwood University, Radford University, Virginia Military Institute, the College of William & Mary, George Mason University, Norfolk State University, University of Mary Washington, Old Dominion University, Virginia Commonwealth University, and the Virginia Community College System. These questionnaires provided a snapshot of TATs across the Commonwealth, and were assessed as part of a comparative assessment of UVA’s TAT.¹¹⁵ In addition, Quinn Emanuel conducted interviews with the five Commonwealth institutions closest in size (based on undergraduate population) to UVA: Virginia Tech, James Madison University, George Mason University, Old Dominion University, and Virginia Commonwealth University. Quinn Emanuel also interviewed TAT officials at several peer institutions: the University of Alabama, Colorado State University, the University of South Carolina, and Auburn University.

While these interviews revealed a number of important similarities in the approach to threat assessment across the universities, there were also a number of significant differences, some of which UVA should consider adopting going forward.

Investigative Approach: It is clear that some universities such as Virginia Tech, University of South Carolina, and Colorado State University, have a much more proactive approach to investigations, including outreach to key interlocutors who could contact a student who is not responding to communications from the TAT. These include residential advisors, teaching assistants, professors, parents, roommates and others with regular contact with the

¹¹⁴ The 2023 Operating Procedures consider these to be the High and Critical Priority cases, as defined *supra* § VI.G.6. 2023 Operating Procedures §7(B).

¹¹⁵ It should be noted that the benchmarking questions did not always provide fulsome or seemingly accurate responses. Follow-up interviews revealed substantial additional, and, in certain cases, contrary information (e.g., Virginia Tech reported no specific budget, but reported during the interview that \$70,000 is allocated from the UPD budget specifically to threat assessment; Virginia Tech reported that it does not track cases in a way that would allow it to respond to the benchmarking questions, but was able to provide the information during the interview).

subjects of an investigation. For example, if a student is not responsive, Virginia Tech will conduct outreach through residential life, professors, or the office of the Dean of Students, and will reach out to family and advisors until they are able to reach the student. In contrast, UVA's TAT appears more constrained by concerns about student privacy. Its core model, built around the belief that students should be entrusted with the ability to govern themselves, may also affect the TAT's willingness to enter into students' personal spheres. These distinct approaches could lead to different outcomes when confronted with a potential threat.

Triage: While UVA relies on only a single official to conduct the initial triage as to how to prioritize cases, a number of other TATs do so through a team approach, noting that it is important to have multiple perspectives on a case so that nothing slips through the cracks. It may also be important to expand the triage function and institutional knowledge in the event of any personnel changes or retirements.

Bifurcated System: While UVA combines a broad array of functions on its TAT, other universities have bifurcated systems in which multi-disciplinary student care teams comprised of student affairs, residential affairs, academic affairs, and mental health professionals review cases and make referrals to the TATs.

Student Discipline: While UVA has a student-run disciplinary system, all other interviewed institutions reported that disciplinary actions related to student conduct were conducted through a University department. In addition, while UVA has never used registration holds or exercised punitive measures for student noncompliance with TAT investigations or outreach, other institutions showed a willingness to impose sanctions for non-compliance with investigations or remedial measures instituted to mitigate the threat posed by an individual.

Resource Allocation: Budgets and dedicated staffing varied widely, with some peer institutions having full-time support and robust funding while others had more limited resources.

Community Awareness: Many other institutions reported conducting trainings for students and faculty regarding how to recognize and report warning signs of threatening behavior. These trainings lead to increased general awareness of TATs on campus, which helps to increase their efficacy.

2. Case Load

The benchmarking questions and interviews showed substantial variations in case load between the institutions, from fewer than a dozen annually on the low end¹¹⁶ to several hundred.¹¹⁷ These disparities may be explained, in part, by the size of the institutions. However, there is a lack of standardization as to what constitutes a “case,” as well in the types of cases considered (e.g., some institutions include threats to self, while others, like UVA, do not) that impedes direct comparison across data points. Further, as discussed, *infra* § VI.H.5, some of the institutions have a CARE program where low priority cases that come into the TAT may be referred.¹¹⁸

3. Full-Time Threat Assessment Staff

Relatively few institutions have a full time staff member or members dedicated to threat assessment, and that the functions of those full-time members vary across institutions.¹¹⁹ For example, ODU has a threat assessment coordinator who manages intake, triage, record keeping, training and outreach, while Virginia Tech has an administrative staff member within the UPD, who functions as a high-level case manager and investigator. Though GMU did not report full time staff on the benchmarking survey, its police department dedicates two officers and an analyst to the threat assessment function. Similarly, University of South Carolina has three full-time police officers dedicated to investigating threats. JMU, which only separated out its threat assessment team in the last year, reported that one member of its student affairs division dedicates 60-70% of his time to threat assessment case management, including follow-up and record

¹¹⁶ CNU (1-12 cases); JMU (a few dozen contacts, with only a few investigated in depth); Radford (1-10 cases); Longwood (9-13 cases); VMI (9-31 cases); William & Mary (7-27 cases); VCCS (5-17 cases); Mary Washington (5-20 cases). Virginia Tech reported in an interview that it sees between 450 and 600 cases a year.

Notably, JMU reported that it only formally initiated a threat assessment team in the summer of 2022, and that previously that function had been subsumed in the Behavior Assessment Team (housed within the office of the Dean of Students).

¹¹⁷ ODU (78 – 226 cases); UVA (166-259). There was a significant uptick among most institutions for the 2021-2022 year. This may be attributable, in part, to students returning to campus when in-person classes resumed following the closure of many institutions during the COVID-19 pandemic.

¹¹⁸ Virginia Tech, GMU, and ODU have CARE programs. University of Alabama has a Behavioral Intervention Team (BIT) that operates similarly to a CARE program.

¹¹⁹ JMU reported that it has an associate dean who dedicates full effort to threat assessment, and that it is in the process of hiring a TAT coordinator. GMU reported that it has two UPD staff who dedicate their full effort to threat assessment, and that it had a half-time case manager, but that the position was vacant as of the time of the response. The University of Alabama has a Senior Threat Assessment Specialist and a Director of Threat Assessment. Colorado State University has a dedicated team of eight staff members including a director, associate director, three program coordinators, an administrative assistant, HR personnel, and a compliance investigator.

keeping. VCU noted that it had previously had a dedicated case manager who also performed other functions, but that the person had left and that those functions had been assumed part time by another employee.

In 2022, UVA had a sole full-time director of threat assessment, The Director. With the addition of both an assistant director and two case managers, UVA now has the largest full-time threat assessment staff among the Commonwealth's public universities.

4. Referral, Intake, and Triage

Each of the institutions reported maintaining an online referral system where general concerns can be reported, similar to UVA's JustReportIt system.¹²⁰ In addition, the interviewed institutions reported the majority of referrals originated either from UPD or their respective Student Affairs divisions.

Consideration of threats related solely to self-harm varied among the institutions. Some threat assessment teams consider threats of pure self-harm, while others would do an initial review and then, assuming no indication of threat to others, would divert them to a CARES or behavioral support function. Other institutions do not consider threats of self-harm only to be part of the threat assessment function.

Intake and triage processes varied across the institutions interviewed. For institutions with dedicated threat assessment staff, that staff member generally performed the initial case evaluation and triage.¹²¹ A number of other universities had multiple team members conducting intake and triage to help protect against biases and ensure that no report slipped through the cracks.¹²² For example, at the University of South Carolina, the Student Care and Outreach Team (SCOT) monitors referrals and determines whether to escalate situations to the TAT. The SCOT is made up of the head of threat management, a case manager, counselor, housing personnel, student conduct official, and law enforcement. This multi-disciplinary approach to intake provides a range of perspectives to inform the triage process.

¹²⁰ E.g., LifeSafe (ODU, VCU); Madison Care (JMU); HokiReady (Tech). GMU reported that reports are made through its online threat reporting form (<https://stopviolence.gmu.edu/concern/report/>), but there is no specific name attached to that form.

¹²¹ At Virginia Tech, the full-time UPD case manager handles most initial intake and triage; at ODU that function is handled by the director; at GMU, the assigned UPD officers conduct the initial intake and triage.

¹²² At the University of Alabama, both the Senior Threat Assessment Specialist and the Director of Student Care and Wellbeing review daily briefings from the police department, student conduct, and housing and residential communities; at Colorado State University, a team of three program coordinators conducts intake and initial triage of cases, and meets weekly with a supervisor who provides oversight for the intake and triage process; at Auburn, a team of five TAT members monitors the TAT email address daily.

5. Bifurcated Systems and CARE Programs

All interviewed institutions except UVA reported having a program dedicated to serving and supporting struggling students whose cases would not otherwise rise to the level of a threat assessment concern, but who still indicated a need for support or resources (e.g., academic support, wellness, mental health, culture and identity, etc.). This was commonly referred to as a Coordination, Assessment, Response, and Education (“CARE” or “CARES”) program, though the precise nomenclature varied among institutions.¹²³ These programs operate on a holistic case management model with a goal towards management and support for any situation that may disrupt a student’s personal or academic wellbeing, or cause distress. Institutions reported that cases may be escalated or de-escalated between TAT and CARE teams as the needs of the case indicate. Typically, there was overlap in membership of the CARE teams and TATs which allowed for easy communication and coordination between the groups as needed.¹²⁴ The non-UVA institutions interviewed indicated substantial value in the CARE function, which can operate as a safety valve that allows TAT teams to focus on true threats, though with the knowledge that other student support needs are being monitored and addressed through other avenues. Institutions reported that these intermediary bodies are more likely to appear non-punitive to students and the university community at large, increasing student engagement and the ability to provide resources. Additionally, the CARE function appears to better equip institutions to proactively intervene to provide support for students who are struggling with their mental health, academically, and/or financially, before students become distressed to the point of presenting the potential for harm to self or others.

In addition to providing early intervention and resources to students, these bifurcated systems serve a valuable intake and triage role by creating a team approach to assessments of referrals and determining whether to escalate matters to the TAT.

UVA interviewees indicated that the CARE team model was something that the University is considering as it moves to a bifurcated support and authority structure within the Division of Student Affairs, though UVA has not historically had a CARE Team (or dedicated division with a similar function).¹²⁵ Rather, at UVA, individual student support needs are generally referred to

¹²³ Virginia Tech – CARE Team; VCU- CARES Team; JMU- Madison CARES; ODU – CARE Team; Auburn – Auburn Cares; University of Alabama has a Behavioral Intervention Team (BIT); University of South Carolina has a Student Care and Outreach Team (SCOT); Colorado State University has a case management team.

¹²⁴ e.g., ODU Interview (TAT Coordinator also sits on CARES Team); University of South Carolina Interview (Head of Threat Management Unit, Student Conduct, and law enforcement sit on both SCOT and TAT teams).

¹²⁵ A representative of the Office of African American Affairs, described a similar function provided by that office for students who identified as Black or African American at UVA. Specifically, he noted that the Office of African American Affairs endeavors to provide proactive academic outreach and support, addresses cultural and identity concerns, mental health concerns, and any other issues raised by its constituency.

various divisions (e.g., academic advising, CAPS, Housing and Residence Life), which do not always communicate with each other.

6. Assessment

Some institutions reported use of specific risk rubrics to assess cases (e.g., NABITA, DCJS template, WAVR-21), while others reported no specific assessment policies or rubrics. All interviewees noted that threat assessment is a case specific inquiry, and that, while tools may inform or guide analysis, cases are determined based on their unique facts. Several institutions noted that there is a wide range of assessment tools, some of which are proprietary, and noted that it would be helpful to have some direction about which to use.

7. Investigative Processes

Most of the institutions interviewed reported engaging directly with targets of a threat investigation, including student targets. Some reported sending letters, while others note that they would knock on student doors or wait outside of classrooms in the event they were unable to establish initial contact. Some institutions imposed strict timelines for compliance with a request to meet, and would refer students to their student conduct offices in the event a student declined to respond.

Institutions reported a mix of UPD or student affairs-led investigations. While UPD consistently had the primary role in any investigation with an element of criminality, as well as in obtaining criminal history records, institutions also noted that UPD officers may make non-custodial requests for interviews or searches. Certain institutions reported fostering a caretaking and support image for their police divisions, in order to better enable UPD to obtain information and provide support to student communities. However, this was not uniform: student affairs took the lead on investigations in the absence of criminality at several institutions.

Student non-compliance with an investigation was generally described as the exception. However, each of the interviewed institutions expressed that non-compliance with a request to meet in connection with a TAT investigation would lead the institution to undertake significant efforts to connect with the student, including by enlisting housing personnel, outreach to families,¹²⁶ waiting for the student outside of classrooms, outreach to roommates, friends, advisors, coaches, or mentors, and the sending of university police personnel to knock on the students' door. At least one institution issues a letter requiring the student to respond within a certain time frame or face disciplinary action. Additionally, upon noncompliance with outreach and investigative efforts, some universities expressed willingness to use punitive measures such as registration holds.

Institutions uniformly reported that juvenile criminal records were not readily available. Institutions also highlighted that reporting to parents is often limited by FERPA except in the case of mental health transport or similarly exceptional circumstances. However, institutions noted that

¹²⁶ All institutions noted that outreach to family may be significantly limited by FERPA.

parents are able to provide information to university personnel, and noted the importance of involving parents when possible and encouraging parents to share concerns.

8. Entry into Housing

All institutions confirmed that UPD will not enter a student's residence absent probable cause to believe a crime has been committed. However, many of the institutions interviewed explained that their respective UPDs are not hesitant to knock on student doors and request permission to conduct a voluntary search if there is a concern of a policy violation that could prevent a threat (e.g., presence of a firearm).

The institutions interviewed reported that entry into student housing based on a suspected policy violation would be the exception, though at least one institution noted that a student's refusal to consent to a search would be grounds for the university to conduct an administrative search under the terms of the housing contract. One institution reported that their university policy allows for unannounced housing safety inspections in which items in plain view that violate the housing agreement, such as firearms, can be confiscated.

9. Community Outreach and Relations

Approaches to community education and outreach varied among the institutions interviewed, though there was a consistent sentiment that community awareness was a critical factor in the success of threat assessment and prevention. For example, one institution noted that community outreach has been a core focus, and that reporting increased after targeted outreach to academic and staff departments. The institution has plans to expand its training to students in the coming academic year. Other institutions conduct trainings not only for faculty and staff, but also for student leaders like teaching assistants and resident advisors, while other institutions conduct town-hall style meetings at each of its colleges to introduce the threat assessment team and its functions, and provide presentations covering emergency procedures, reporting processes, threat assessment, and support resources. Some focus on making threat reporting accessible—for example, by including a permanent icon on all university computers that links directly to resources regarding disruptive or dangerous behaviors, in addition to conducting community outreach through the crime prevention unit of the UPD.

In addition to targeted trainings, universities provide information about their threat assessment programs through university websites. These sites vary not only in the information transmitted, but also in their accessibility. Some sites provide considerable substantive information, while others offer limited information on their sites. Some websites, including UVA's are relatively difficult to find, requiring the user to click through many links before landing on the TAT webpage, while others are more readily accessible. While some provide reporting links and/or emails on their TAT pages, UVA does not.¹²⁷

¹²⁷ The Old Dominion University threat assessment website was noted as being particularly accessible and user-friendly.

10. Student Conduct

With the exception of UVA, all interviewed institutions reported that student conduct is handled through a University-administered process, not through a student-run body.

11. Budgets

Budgets for threat assessment teams were another area of substantial variation. UVA, Virginia Tech,¹²⁸ ODU, GMU, University of Alabama, and Colorado State University reported dedicated threat assessment budgets,¹²⁹ while other institutions reported that the threat assessment budget was subsumed in the budgets of other departments,¹³⁰ or funded through one-time requests when necessary, e.g., for training. These budgets range from \$13,000 to \$500,000. Notably, whether salaries were included in reported budgets varied from institution to institution, making direct comparison challenging.

12. Meeting Logistics and Membership

Meeting frequency varied from as needed to monthly, bi-monthly, bi-weekly, or weekly, with many institutions meeting less frequently during the summers.

The represented divisions attending regular meetings generally included the divisions mandated by the Virginia statute, but various institutions also incorporated residential services, judicial or disciplinary functions, admissions, academic services, and CARE or BIT team representatives..

Institutions reported varying levels of training among members. In some cases, only a few members of the team have formal threat assessment training, while on other teams all members are required to take threat assessment training.¹³¹

13. Record Keeping

Record keeping practices varied among the institutions. Where institutions reported having a dedicated full or part time administrator or case manager, that individual was generally responsible for case management, including record keeping.

¹²⁸ As noted above, Virginia Tech did not report a budget on its Benchmarking questionnaire, but during the interview reported a dedication UPD budget of \$72,000, far in excess of that allocated to the other Commonwealth institutions.

¹²⁹ UVA (\$38,000); ODU (\$26,414); GMU (\$13,000); University of Alabama (\$400,000-500,000); CSU (\$500,000).

¹³⁰ E.g., Virginia Tech and University of South Carolina's threat assessment teams are funded through the UPD budget; William & Mary reported that trainings are provided through one-time requests or the UPD budget; VCU reported that trainings are provided through student affairs or UPD.

¹³¹ Notably, training for all members is required under the new legislation.

VII. Threat Assessment Program Findings and Recommendations

A. Strengths

Resources: UVA's Office of Threat Assessment is better resourced than many Commonwealth threat assessment programs, with respect to both funding and personnel. Only four Commonwealth institutions have a dedicated threat assessment budget. At the time of the November 13 incident, UVA's budget was the second highest behind Virginia Tech, despite other institutions having higher undergraduate student populations.¹³² Only two other Commonwealth institutions had any full time or dedicated staffing for their threat assessment programs, and only one employs a full-time coordinator. UVA, in contrast, had a full-time, highly qualified director in 2022, and has since expanded to have four full time threat assessment employees.

Training: UVA's TAT members may have more training opportunities than TAT members at other institutions. In particular, in addition to required annual training, TAT members are offered additional opportunities throughout the year, including through conferences, guest speakers, and additional materials periodically provided by the Director. TAT members generally expressed satisfaction with the training provided, and found the educational and training opportunities helpful.

Most Commonwealth institutions of higher education currently offer only limited annual training provided by the Virginia Department of Criminal Justice Services, though institutions interviewed reported that they would comply with new legislative training requirements once those were made clearer.

Membership and Engagement: The TAT's multidisciplinary membership allows the body to draw on a wide range of expertise and experience in assessing potential threats. TAT members unanimously viewed the team as a collaborative, invested group of professionals who take their position seriously and who endeavor to assess cases thoroughly and fairly.

UVA's TAT has two licensed mental health professionals on its full-time staff, and has added case managers with law enforcement and mental health experience to augment its case management and investigative functions. Among the Commonwealth institutions interviewed, UVA's TAT has more mental health professionals and academics with a mental health focus than others. Though UPD has a strong presence on the TAT, it appears to have a reduced investigative function in comparison to some other threat assessment programs. UVA's TAT has a large membership (though, as noted below, there are issues with member engagement).

Administration: Interviewees reported that the weekly TAT meetings are well-organized, and members can prepare based on the docket circulated ahead of each meeting. Members noted in particular that the organization and case management had improved markedly since the arrival of the Director.

Additionally, SafeGrounds provides the TAT with a centralized repository to report and record potentially threatening or concerning behavior, and is used to track TAT investigations,

¹³² TAT leaders were not able to provide their current budget.

record follow-up actions and information, and facilitate monitoring efforts for active cases. Quinn Emanuel's review of the SafeGrounds system showed that the cases and case notes are organized and accessible to reviewers with access (including TAT members), and that the docket is accessible and easy to follow. A review of a sample of the TAT notes and updates indicates they are thorough and organized.

Holistic Assessment: In broad terms, the TAT's policies and procedures, as drafted, align with industry standards. Members reported that thorough consideration is given to all facts and circumstances at the TAT's disposal, and that the TAT seeks out additional information to inform case assessments. Industry-developed WAVR-21 criteria are provided as an assessment tool that TAT members may consult.

Additionally, the TAT is comprised of a wide variety of professionals with a variety of backgrounds and perspectives, from police to counseling, to student affairs and human resources, and academic experts in the field of threat assessment. This allows the TAT to consider cases from many angles, and to make a more holistic assessment of the circumstances presented in each case. TAT members reported appreciating the variety of perspectives brought to bear on each assessment. UVA's approach is not only in line with statutory requirements, but is in line with current industry standards in the field of threat assessment, which recognize that assessment of potential risk of violence and the creation of an appropriate response requires consideration of a multitude of factors that can come into play for the subject, targets of violence, and the community at large. The multidisciplinary approach is also in line with that taken at peer institutions outside the Commonwealth, including where TAT membership is not mandated by statute.

The TAT's fluid assessment and reassessment model allows the TAT to take into account new information as it arises, and to modify its assessment of any particular case as the circumstances warrant.

Enforcement in Cases of Imminent Threat or Criminality: When the TAT identifies an imminent threat, Student Support and UPD work efficiently and effectively to execute on the removal of the identified threat, including the issuance of No Trespass Orders. Where criminality is suspected, UPD is able to intercede quickly and coordinates with other jurisdictions to carry out necessary intervention.

B. Weaknesses

While the TAT had appropriate policies and procedures, the review revealed certain weaknesses in execution of those processes, in particular with respect to prioritization of cases and investigative efforts.

Resource Constraints: While committed to the TAT's mission, TAT members reported being stretched between their regular jobs and the additional TAT duties. This concern was noted by multiple interviewees in particular with respect to the Office of Student Safety and Support, which carries out much of the investigative function for TAT cases involving students. Interviewees cited increased needs across the University, in particular for mental health and other support as students returned from remote learning during the COVID-19 pandemic. Interviewees

noted that the Office was shorthanded, though recent efforts have been made to increase its resources.

Similar concerns were voiced with respect to CAPS and Housing and Residence Life, where student support needs appear to outstrip available resources.

Within the TAT itself, while the Director was universally applauded for creating an organized process, increasing caseloads mean an additional administrative burden on the Director, who is also the sole contact to triage incoming cases. In 2022, the TAT lacked any administrative or case management support, meaning that all administrative tasks necessary to the TAT's function fell onto the Director.

Additionally, UVA does not have a dedicated CARE function at this time. While interviewees noted that a combination of CAPS, Office of Student Safety and Support, and Student Affairs provide similar support, UVA does not have a case management student support model to proactively address student distress in the absence of articulated or perceived threats and across multiple areas of existing support (e.g., counseling and psychological, academic, culture and identity, etc.), or to provide management and support in cases of extremely low threat risk (thereby alleviating some of the burden on the TAT's limited resources). As a result, the TAT is functionally the only body considering referrals regarding concerning behaviors. As reflected in the statistics, more two thirds of these referrals are not considered appropriate for full TAT review. Nevertheless, the TAT considers these referrals, rather than the triage of those referrals being shared between the TAT and an intermediary body, like a CARE team, that could address lower level student concerns and distress not rising to the level of a potential threat. The lack of this intermediary body may result in students "falling through the cracks" when the various divisions across the University fail to effectively communicate with each other that a student may be experiencing challenges in one area that might impact another, but where the student does not present threatening behaviors.

This gap in student case management was particularly notable with respect to academics. Despite the rigorous academic environment at UVA, there appear to be gaps in the monitoring and corresponding ability to intervene to address significant changes in academic performance that may indicate a student is in need of support, and that can contribute to student distress, but that would not necessarily indicate potential violence.¹³³

¹³³ These gaps could be addressed, at least in part, by the incorporation of GPA monitoring into a CARE case management model. For example, the Office of African American Affairs, which describes itself as taking an interventionist approach to student support, noted that, while Student Affairs will only reach out to see if a student needs support if the *cumulative* GPA dips below a 2.0, Office of African American Affairs monitors for substantial downward trends in GPA that may be indicative of a change in student wellness. For example, a student receiving straight-As for several semesters who suddenly gets Cs and Ds one semester would not trigger a Student Affairs outreach based on cumulative GPA. However, the sudden disparity in performance could indicate a student in distress or facing adversity. Monitoring for trends semester over semester

Member Engagement: Some TAT members reported becoming disengaged or “tuning out” during discussions of cases that were not directly related to their area (e.g., employee-related representatives would tune out during discussions of medical center patients or students; medical center personnel would disengage during student or faculty discussions, etc.). Competing demands on members’ time appeared to contribute to this lack of engagement as does the fact that many participate in meetings via zoom rather than in-person. This may also be a result of the particularly large membership of the TAT at UVA, which can lead to disengagement and collective action problems with respect to TAT-related tasks.

Investigative Limitations: The TAT relies on the presence and quality of inputs into its assessment framework that are based on the real world. If the TAT receives faulty or partial information, its ability to adequately assess a given threat is diminished.

While interviewees reported that the TAT team takes its obligations seriously and that substantial efforts are put forth to investigate each case, the TAT’s investigative resources and authority are limited. TAT investigative actions are, by necessity, delegated to team members who have competing demands on their time and cannot dedicate themselves fully to conducting investigations on behalf of the TAT. While TAT members reported that investigative tasks were performed, several interviewees noted that Office of Student Safety and Support division resources were “stretched,” in particular in light of the increasing caseload both in TAT and in the Office of Student Safety and Support generally, though all interviewees agreed that the Office of Student Safety and Support members performed their responsibilities to the TAT well, to the best of their ability, and that TAT was made a priority. Several interviewees noted that there had been significant staff turnover and administrative reorganization of the Office of Student Safety and Support. Concerns were also raised regarding the multiple hats that Office of Student Safety and Support representatives were called to wear, including supporting faculty in connection with concerns over threatening students, while also attempting to support the students themselves and meet day-to-day obligations. Several interviewees also noted an inherent tension between the Office of Student Safety and Support’s support and authority functions, and noted that the Office of Student Safety and Support was trying to occupy a more purely support role. It seemed unclear to interviewees what, if any, group was taking over the accountability and authority function.

Compounding the wholesale delegation of the investigative function, TAT members, while trained in how to assess information about a potential threat, were not necessarily trained or experienced in how to conduct interviews or undertake other investigative activity in a way that would maximize the collection of useful data. It does not appear that TAT members kept detailed notes of interviews, nor does it appear that the interviews or outreach were directly logged in any regular fashion, other than when referenced in summary TAT minutes created by the Director. It does not appear that the TAT follows the best practice of having two interviewers present at any interview, or that guidance or direction is provided by the TAT with respect to specific lines of questioning or strategic questioning of persons of interest.

may allow the University to detect and offer support to struggling students before they “fall through the cracks” or are subject to academic sanction (itself an additional stressor).

The TAT may also miss available opportunities to learn about cases by not routinely requesting that the conduct-reporting individual present concerns directly to the TAT, without having the message transferred through department heads or other senior staff. This has the potential to cause the TAT to receive partial, incomplete, or distorted information.

The TAT's reticence to contact non-member divisions may also hinder its investigative function. Certain "high touch" areas (i.e., areas of the university like academic affairs and Housing and Residence Life where students and faculty interact frequently with university officials) appear to fall outside of the TAT's commonly deployed resources. Failure to conduct outreach to these divisions may necessarily limit the quality and quantity of information that is passed along to the TAT. Likewise, the TAT's efforts not to involve in investigations other key constituencies who may either have valuable information regarding students of interest or who could assist in outreach to non-responsive students, such as resident advisors, academic advisors, coaches, student leaders or faculty or administrator liaisons of organizations in which students of interest participate, hinders the TAT's ability to collect information regarding potential threats from their peers. Notably, other TATs make use of all available resources to contact a student in the event a student is non-compliant with an investigation. In addition, other TATs appear to utilize their police departments more proactively than UVA UPD, including by knocking on doors of students they believe are important to reach and assess as well as adopting a "community policing" model that seeks to maintain a visible presence on campus and develop relationships with students, faculty and other key stakeholders in the university communities.

TAT's reluctance to do so appears rooted, in part, in UVA's self-governance model which delegates to students the responsibility "to govern almost every aspect of life on Grounds."¹³⁴ This approach is in sharp contrast to other university TATs Quinn Emanuel interviewed which adopt a more proactive investigative model. For instance, other universities will send letters notifying students that compliance with an interview request is mandatory and non-compliance will result in a disciplinary referral, some universities place registration holds on noncompliant students' accounts, while others deploy their police departments to residences or outside classrooms to seek voluntary interviews or conduct outreach where students are initially evasive.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

Moreover, the TAT has largely abandoned various social media review tools as ineffective, and it does not appear the TAT conducted regular social media or public source searches on subjects prior to the November 13 incident. Notably, other TATs do conduct routine searches of social media and public source information as part of their investigative processes.

The TAT does not maintain primary criminal history materials and does not have a standardized practice for the recordation of information obtained by UPD from other law enforcement agencies or jurisdictions. The lack of internal documentation of criminal history or

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Student Self-Governance, University of Virginia, <https://www.virginia.edu/life/selfgovernance> (last visited July 5, 2023).

records of related conversations, including parties to those conversations, introduces increased risk of error in the transmission of the information, and can impede verification and follow-up.

Fourth Amendment Limitations: The University has not defined or disseminated a position with respect to the ability of University staff to enter on-Grounds housing. The TAT considers itself limited in its ability to request a search of a student's room on campus, which in turn impedes its ability to investigate allegations related to contraband, including weapons, on Grounds.

UPD cannot enter a room absent probable cause to believe the search will yield evidence of a crime. When the only concern is a potential policy violation, UPD cannot conduct a search. However, the University's housing policy provides that: "[t]he University reserves the right, in its sole discretion and at any time, to: . . . (C) Allow University staff or their agents to enter residences for work orders, routine maintenance, inspections, repairs, emergencies, or housekeeping duties, or any other reasonable purpose, at any time."

Both TAT members and other University officials expressed an understanding that they have extremely limited ability to conduct an administrative inspection of a student's on-Grounds residence; in effect, that they can do so only when they have specific evidence of a policy violation (e.g., an eye-witness). Absent specific information, the University officials generally expressed an understanding that they can enter a room only for maintenance or in the event of a safety emergency (e.g., plumbing emergency, fire, etc.), but did not indicate any specific understanding of their right to do so given the language of the policy. University officials did not have an understanding that they could enter a room to investigate a concern or on mere suspicion of a policy violation based on anything less than an extremely concrete allegation.

Where students appear to be plainly violating University policies, however, and the University obtained this information through lawful means, the TAT has on occasion been able to act to remove a potential threat. Several TAT members provided, as an example, a recent case in which maintenance entered a graduate students on-Grounds apartment to address a heating issue and saw several firearms in plain view. The maintenance personnel contacted University officials, and the case was reported to the TAT. University officials entered the room based on the apparent policy violation. UPD accompanied University officials to take possession of the weapons until the student could provide an alternate location, but entry was made pursuant to University policy, not police authority. In this case, the student was contacted, returned to the room, and cooperated fully. In another case, maintenance entered a room and saw ammunition, but no weapon, in plain view. The student was contacted, consented to a voluntary search, and the ammunition was taken into UPD's custody for safekeeping. However, where a student does not respond to outreach or does not consent to a search, the TAT has limited recourse under current policies. It is important to point out, however, that some other universities adopt a more aggressive approach, such as knocking on doors and engaging students of concern in conversation in order to evaluate the potential threat, or even conducting unannounced safety inspections of rooms.

Case Assessment: TAT members did not report the use of, or reference to, consistent criteria or metrics when assessing cases. While the 2021 Guidelines referenced both a five-factor immediate threat analysis, and a four-factor priority assessment, neither appear to be explicitly referenced in meetings, nor did members report their systematic use in assessing cases. Similarly,

interviewees did not report the use of the WAVR-21 V3 worksheet referenced in the 2021 Guidelines to facilitate the development of a risk opinion narrative, or otherwise to assess active cases.

TAT members expressed divergent views on the level of concern warranted in cases involving the potential presence of a firearm.

Enforcement: Interviewees noted that the TAT does not have any independent authority to compel compliance with its investigation, and relies on its members to conduct necessary investigations and enforcement actions. In cases where there is not probable cause to believe a crime has been committed, this limited authority can impede investigations, in particular with respect to students.¹³⁵

Under current policies, there are relatively few available sanctions for a student's failure to comply with a university official's request to meet or discuss a matter. Students may be referred to the University Judicial Council for failure to comply (a Standards 12 violation), but, as noted below, that process can be lengthy, and may not be appropriate for urgent matters.

Moreover, there is a lack of clarity over which University staff are the appropriate individuals to make a UJC or other disciplinary referral, and multiple interviewees expressed concern regarding the University's ability to hold students accountable in the context of the self-governance model. Specifically, interviewees expressed that it was unclear to what extent University officials viewed it as their role to enforce the University's policies and code of conduct. Within the Division of Student Affairs, the University has recently shifted the focus of the Office of the Dean of Students further toward a support function for students, including rebranding the office to the "Office of Student Safety and Support," and shifting the office away from any authority or disciplinary role. This may be appropriate, but it is not clear who is taking up the authority and disciplinary roles. In connection, the Office of Judicial Affairs has been split off as an independent division of Student Affairs. The office provides guidance to the student-run enforcement functions (UJC and Honor), but its additional mandate, authority, and staffing remain uncertain. The process is very slow, and may take more than a year to reach a resolution. Interviewees diverged on whether the UJC process was generally considered a substantial sanction, or was taken seriously by students.

Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

Finally, the lack of representation by Housing and Residence Life or academic services may have deprived the TAT of additional tools these divisions might be able to offer to encourage student compliance with investigative requests. For example, the TAT had not previously sought registration holds or imposition of building access limitations where a student failed to comply

¹³⁵ In the employee context, HR is able to require compliance with requests for an employee to answer questions because non-compliance with an investigation is grounds for termination.

with a TAT request. Notably, Housing and Residence Life has since been added to the TAT, which may alleviate some of these concerns.

Tracking and Reporting: While SafeGrounds provides a centralized repository for information and tracking of TAT cases, the organization of cases by incident rather than individuals can impede continuity of information related to particular students. In particular, the format of SafeGrounds reports and the organization of attachments and notes can make it challenging to understand the nature of an individuals' multiple cases over time. Additionally, it appears that initial reports are often identical or only minimally updated to reflect information learned over the course of a SafeGrounds case.

[REDACTED] Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

[REDACTED] The failure to include case status or a summary of relevant information may impede the ability of University officials to understand an individual's history without a detailed review of each and every file.

Additionally, there is lack of consistency in how SafeGrounds is used and accessed by users across the University, and University employees lack unified understanding of what information warrants entry into SafeGrounds, and how tagging should be applied. Notably, the tagging system is extensive and may be overwhelming without adequate training.

Interviewees reported divergent tagging protocols across different University divisions. [REDACTED] Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

[REDACTED] interviewees also expressed divergent views about when a weapons reference would support application of the weapon tag, further underscoring the lack of consistency in the use of SafeGrounds tagging across the University. The lack of a unified approach to highlighting and tracking weapons violations could lead to a failure to prioritize cases where there is a potential threat of a gun-related incident.


Finally, it appears that there may be gaps in record keeping at the University with respect to communications regarding disciplinary actions.¹³⁷ As highlighted by this investigation, while University email is considered the official form of communication with students under University Policy IRM-016, University officials often communicate with students about University business via phone and text. While there is no apparent University policy that addresses these less formal communications, they likely constitute "public records" under the Virginia Public Records Act (VPRA),¹³⁸ and the Virginia Freedom of Information Act (FOIA) when used to conduct University

¹³⁶ [REDACTED] Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99

¹³⁷ Whether there is a similar gap in other contexts is beyond the scope of this Report.

¹³⁸ Va. Code Ann. § 42.1-76.

business.¹³⁹ Specifically, the VPRA defines a “public record” as recorded information that documents a transaction or activity by or with any public officer, agency, or employee of an agency.” It further explains that “[r]egardless of physical form or characteristic, the recorded information is a ‘public record’ if it is produced, collected, received, or retained in pursuance of law or in connection with the transaction of public business. The medium upon which such information is recorded has no bearing on the determination of whether the recording is a ‘public record.’”¹⁴⁰ Va. Code § 2.2-3705.4(A)(1) scholastic records; 20 U.S.C. § 1232g; 34 CFR Part 99



Awareness of the TAT and Its Function: For the TAT to be most effective in identifying potential threats through the receipt of information and reports, it is important that it be well-known and regarded in the University community, particularly among students and faculty who could have relevant information regarding individuals who are or could become potential threat risks. However, there appears to be a lack of awareness of the TAT’s existence, mission, purpose, and capabilities among the University community outside of the TAT’s membership. In particular, interviewees who were not TAT members reported having only a loose understanding of what types of cases the TAT might handle. Interviewees also expressed that the TAT’s existence and function were likely not well known to the student body prior to November 13.

Interviewees from divisions other than those with TAT representation did not recall trainings or other sessions introducing them to the TAT and its function, indicating the TAT’s reach at the University may be limited. Interviewees were not aware of specific outreach to educate students generally or key leaders in specific such as RAs with respect to threat assessment or threat-assessment driven reporting. Other important constituencies such as admissions officers and coaches also have indicated a lack of training in threat assessment and the functions of the TAT.

The TAT’s University website is unclear. Though it provides a very broad overview of its existence, mission statement, and membership, it does not offer a summary explanation of the types of cases that it considers. The website lists many behaviors—both that are considered threatening, and those that may be warning behavior. However, it is not immediately clear from the website what types of behaviors would be appropriate for referral, and, in particular, whether warning behaviors would be proper to report. In addition, rather than a direct reporting link, the

¹³⁹ Va. Code. Ann. § 2.2-3701 (defining “public records” to include “ all writings and recordings that consist of letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording, or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees, or agents in the transaction of public business”).

¹⁴⁰ Va. Code Ann. § 42.1-77.

¹⁴¹ Library of Virginia, Records Retention and Disposition Schedule, GS-111, *available at* https://www.lva.virginia.gov/agencies/records/sched_state/gs-111.pdf.

website offers myriad links to various University division homepages. The website also does not offer quick access to a reporting tool (e.g., a direct link to JustReportIt) that might facilitate reporting, nor is there a generic email address available (only The Director's individual email address is provided). In contrast, other Universities include referral links and TAT-specific emails or contact numbers to facilitate reporting of concerns.

C. Recommendations

Quinn Emanuel recognizes that there is no one-size-fits-all approach to threat assessment, and that the unique systems and features of any community must be considered when designing and implementing a threat assessment process. While UVA's threat assessment policies and procedures are robust, and have been enhanced since the November 13 incident, structural issues, the lack of defined policies, in investigative limitation appear to have impeded the TAT's function in November of 2022. The Report makes the below recommendations to strengthen not only the TAT, but the University's student support and intervention system, with the aim of maximizing the safety of the UVA community.

1. Add a Coordinated Behavioral Intervention or CARE Team to Support Students in Distress Outside of the TAT Framework

As discussed in *supra* § VI.H.5, other institutions have implemented a case management model that allows for early identification, management, and support of students in distress for a wide range of reasons, and who, while struggling, may not present signs of threatening or potentially threatening behavior. These teams generally take a holistic approach to reviewing students in distress, considering a wide array of potential stressors and support plans across various divisions of the institution (e.g., mental health, academic, financial, housing, Fraternity and Sorority Life, athletics, etc.). Like the TAT, they can be comprised of a multidisciplinary team that is able to assess a student's overall wellbeing, track changes in circumstances, and develop a managed response.

Ideally, CARE team membership at UVA would overlap with the TAT membership, allowing for cross-referrals of cases as appropriate. A very low-risk TAT case might be referred to the CARE team for support and follow-up, but could be re-escalated to the TAT in the event of any escalation in concerning behaviors. Likewise, a TAT representative on the CARE team might identify concerning behavior warranting TAT investigation, or the CARE team might refer such a case up to the TAT for review. If possible, a director or assistant director of threat assessment would also attend CARE team meetings and have access to CARE team cases in order to monitor for changes and potential threats, and to provide input and guidance for de-escalation and support plans.

This bifurcated case management model would operate to alleviate some of the responsibility currently falling to the TAT to address low priority and low risk cases, while still ensuring adequate attention, monitoring, and follow-up for those cases. It could also serve a valuable intake and triage role by creating a team approach to assessments of referrals and determining whether to escalate matters to the TAT.

We believe this approach appears consistent with the University's goal of providing its students with additional care and support through the Office of Student Safety and Support, but we would recommend a dedicated body be created to consider cases collaboratively and with input from a wider cross-section of the University's divisions.

The bifurcated model would also address concerns across the University community that reporting concerns will lead to punitive action. Rather, the bifurcated model allows for a primary focus on student care, support, and early intervention, with only credible threat concerns occupying threat assessment resources.

2. Increase Administrative Involvement in Public Safety and Discipline

The University should create a more proactive culture of threat assessment and reduction, in particular by addressing the silos of information across University divisions, the reactivity of the current investigative process, and lack of effective exercise of authority over student conduct when there is a credible potential threat under investigation.

Student Conduct and Authority: Based on the review, there is a generalized lack of authority to discipline students and/or to enforce University policies, including, but not limited to, cooperation with University officials performing an investigation into a potential threat. The University delegates virtually all of its non-emergency authority function to student-run disciplinary bodies—namely UJC and Honor. Historically, the Honor system has imposed a single sanction of expulsion for integrity-related violations (traditionally, lying, cheating or stealing), while the UJC imposes a range of sanctions for violations of the University's Standards of Conduct from community service up to and including expulsion. Accordingly, students have historically considered Honor a more serious process. However, the student body recently voted to soften the single sanction system, allowing for a wider array of sanctions (including sanctions suggested by the guilty party) in the event of a finding of an Honor violation,¹⁴² and, in particular, providing alternatives to expulsion or even suspension for students who accept responsibility for their violations, permitting them to remain on campus (though expulsion remains an option).¹⁴³ Investigations into violations, adjudication of those violations, and attendant sanctions are addressed by students of the University, rather than University officials (though University officials provide guidance and address cases involving potential mental-health related defenses.

Notably, other Commonwealth and peer institutions handle student conduct through University personnel, and are able to impose sanctions more quickly in the event a student fails to comply with a request to meet.

Ultimately, integrating a safety culture will be most effective with input from the student body; however, safety should always be a priority over shared governance in high-risk situations,

¹⁴² Reporting of Honor violations is not mandatory for students, faculty, or staff, though all are encouraged to do so.

¹⁴³ UVA, *Honor Committee Constitution* (July 1, 2023), <https://honor.virginia.edu/sites/honor.virginia.edu/files/Honor%20Committee%20Constitution%20-%20July%201%2C%202023.pdf>.

such as those addressed by the TAT. The University should consider whether its governance model should be modified to allow for more direct University intervention in threat assessment or other high-risk cases.

In addition, the University should consider whether, within its student governance model, it can more effectively message the student responsibility to report threatening or concerning behavior. This effort may be combined with improved accessibility of the TAT website and the provision of additional training opportunities.

While confidence and community relations remain critically important, in light of the lack of a University student conduct authority, UVA should consider whether UPD can be effectively leveraged to facilitate investigations, including by seeking voluntary interviews and voluntary consents to search.

Cooperation: The TAT should enhance the culture of cooperation with University policies, outreach, and TAT investigations in particular. The University should make clear that cooperation with a TAT investigation is required under current policy, and ensure that the policy is enforced through all available means. As discussed *supra*, § VI.C.2, University Policy HRM-028 requires cooperation with any TAT investigation. Where students fail to comply, the TAT should be able to recommend, and the University should implement, academic sanctions, housing or building access restrictions, financial or registration holds, referral to UJC, or other sanctions that will incentivize compliance. These sanctions should be consistent, publicized, timely, and enforced.

The TAT may have concerns regarding escalation of risk or triggering events. This recommendation is not intended to suggest that sanctions are appropriate in all cases; rather, the recommendation seeks to expand the tools available to, and the University's support for, the TAT to achieve compliance with its investigation as it deems safe and appropriate in each unique case.

3. Improve the Incident Management and Referral System

SafeGrounds Standardization: While SafeGrounds provides a centralized case management system, University personnel diverge in their understanding of how the system should be used, and, in particular, the appropriate use of the available tagging system. The University should consider establishment and standardization of a tagging system applicable to SafeGrounds reporting, and conduct associated training for those with access to ensure proper reporting of concerns.

SafeGrounds Access: SafeGrounds access is limited to certain divisions of the University. Notably, academic advisors do not have access to the system, either to view or make entries.

The University should consider whether “high-touch” divisions of the University that do not have access to SafeGrounds (e.g., academic advising) should be provided access to the system or provided notification of active cases.

Quinn Emanuel is aware that there are concerns with broadening the number of individuals with the ability to create or edit cases in SafeGrounds. As an alternative, the University could

consider simply providing notice to academic advisors or others through a tag or other automated feature attached to a student's profile. Such a notice could help to heighten vigilance of non-TAT members of the community, and might also prompt the provision of additional information to the TAT regarding the subject of the investigation.

4. Ensure Adequate and Properly Allocated Resources

Based on Quinn Emanuel's review of the TAT as it existed in 2022, the TAT would have benefitted from additional dedicated personnel to conduct intake, triage, record-keeping, and case management for the TAT. Since 2018, the Director has handled all of these obligations in his role as TAT director. While interviewees uniformly applauded the Director's efforts, TAT members expressed that the team would benefit from dedicated staffing to assist with case management and investigative functions. This expansion is particularly warranted since TAT referrals have increased significantly, both in the last few years and, in particular, since November 13, rising from 259 cases in 2022 to 375 in 2023. Because the University lacks a dedicated CARE or BIT team, the TAT must consider and triage a large volume of referrals, many of which may not be appropriate for TAT consideration. This additional workload warrants increased resources to handle intake, triage, initial assessment, and investigation.

In addition to the Assistant Director of Threat Assessment, UVA has also recently hired two full-time case managers. The anticipated function of each of these positions is discussed *supra* § VI.G.2. While the addition of three full-time staff will alleviate some resource-related challenges, the University should consider periodic reviews and regular external audits of the TAT's case load and resources to ensure the team has sufficient staffing to adequately investigate and assess potential threats. In conducting this assessment, the University should consider not only the capacity of TAT's full-time staff, but also TAT member departments. In particular, the University should consider whether Office of Student Safety and Support and Housing and Residence Life resources are sufficient to meet current student and resident support needs, while still allowing individuals from those departments to assist the TAT in its investigative function. The University should ensure resources are sufficient to allow TAT members to prioritize their service on the team and minimize the need for alternates (and corresponding potential for information to be diluted in transmission among individuals). Moreover, the University should make clear that TAT membership is to be taken seriously, and that members are expected to attend and fully participate in each and every session.

5. Improve Intake, Triage, and Assessment Process and Documentation

The TAT should strive to standardize its processes and procedures, and to improve the recordation of its assessment process and actions in order to ensure continuity in investigations, facilitate the assessment and reassessment process, and to aid the University in identifying potential trends in TAT cases over time. The TAT should also undertake to expand and improve its investigative efforts in order to effectively capture as much relevant information as possible.

(a) TAT’s Policies and Procedures Should Be Systematized with Consistent Intake and Priority Assessment

Intake Should Be Expanded to At Least Two Reviewers: Although there is widespread regard for the leadership of the TAT Director, Quinn Emanuel recommends that at least two TAT members participate in the intake process to determine which cases should be prioritized or relegated to a non-priority status. The volume of cases and wide array of potential referral avenues is simply too large a volume to be managed by one person alone. No matter how experienced any one reviewer is, having at least two individuals review each case will reduce the risk that any important considerations will be overlooked and/or to expand the perspectives evaluating the threats. Moreover, there will be a significant brain drain if and when the Director departs or retires from his role, and it is important to ensure that other members of the TAT have adequate experience in conducting triage. In addition to the Assistant Director of the TAT, perhaps a second or third pair of eyes could rotate among the TAT so that each TAT member gains experience in the triage process. Such exposure will also increase the knowledge base of TAT members as they follow these incoming cases.

To the extent a CARE or BIT team is created, that team should have a role in intake and triage of referrals. UVA could adapt a similar practice to that used by other universities in which the CARE or BIT team assesses referrals and filters cases for the TAT’s review by consensus vote.

Intake and Priority Assessment Should be Consistently Documented: While real-time documentation of case triage and priority assessment may not be feasible in urgent matters, the TAT should strive to document as soon as practicable the considerations underpinning initial priority assessment of cases, including the key factors at play. This will provide a baseline from which to assess and re-assess the case over time, ensure relevant facts and circumstances are captured and can be readily transmitted to the team, and allow for a more comparative review of cases, which may facilitate the understanding of trends. While no two cases are exactly the same and a variety of facts and circumstances may be relevant, the use of a consistent intake form or notation format would improve the management of TAT cases over time. A sample intake form is provided as Annex A to this Report. Relevant personnel should be trained on the intake and priority assessment procedures to ensure conformity.

(b) TAT Should Use a Broader Set of Guidelines in Making Prioritization Determinations

In addition, the TAT should regularize and expand the guidelines it uses to make these triage determinations. While the 2021 Guidelines reference a consistent set of factors to be considered in any initial assessment, it appears from interviews that those factors have not been systematically considered. The 2023 Operating Procedures expand the scope of factors that may be considered from seven to ten, *see supra* § VI.G.6.

The TAT should implement a standardized initial assessment checklist to ensure that the factors are consistently assessed and findings made. We would further recommend the checklist be included in case documentation in SafeGrounds. Implementation of a checklist would allow for consistency in case treatment and assessment, and its recordation would also operate to provide

a snapshot of the case for others or that could be quickly consulted at a later date in the event of an emergency situation.

The importance of flexibility in any threat assessment should not be discounted, and this recommendation should not be taken to indicate that any rigid rubric should substitute for or supplant a careful case-by-case assessment. Accordingly, Quinn Emanuel recommends that, to the extent the TAT implements a check-list approach to its initial assessment, it also include a catch-all field (e.g., “any other relevant circumstances”), where unique and case-specific information relevant to an initial assessment can be included. Quinn Emanuel recommends that each entry include a comment field that allows the TAT to record specific, relevant information related to each factor. The TAT could also consider implementing a dynamic tool, where the case assessment could be updated as the circumstances of the case and investigation warrant.

The TAT should consider including a similar approach in its priority assessment: utilizing a standardized set of factors to assign the priority levels to incoming cases from TAT contact (i.e., little to no immediate cause for concern) to high priority (i.e., and urgent threat of violence), as more fully described *supra* § VI.G.6. As with initial assessment, the priority assessment should take into account the unique nature of threat assessment cases, and allow for the inclusion of “other circumstances” beyond those listed in the Operating Procedures. This could be included in the same document as the initial assessment, or separated out.

Peer schools make their decisions by a TAT team consensus vote. It is important to consider all opinions and input from the members of the team to best approach each situation and avoid overlooking facts. The TAT should consider developing relationships with other Universities to share and adapt to changing trends and to facilitate the updating of policies and procedures to best practices.

6. Enhance Investigation Processes

Based on the review, Quinn Emanuel believes that the TAT would benefit from modifications to certain investigative practices.

Interview Practices: Interviews related to TAT investigations are largely conducted by the TAT representatives or their delegates from various University departments in contact with the interviewee—i.e., Human Resources for employees, Office of Student Safety and Support for students. In the past, it does not appear that substantial guidance has been provided to interviewers regarding TAT-related interviews and outreach. TAT members also expressed concern regarding whether student services representatives have the appropriate experience and training to safely conduct outreach or in-person contact with a potentially threatening individual.

The TAT should utilize UPD and its dedicated personnel to conduct relevant, non-custodial interviews in connection with its investigations. UPD officers, including plain clothes officers, can conduct voluntary interviews and may provide reassurance and support to other TAT members in delicate situations.

While Quinn Emanuel understands that at least one of the case managers has a law enforcement background, the TAT should provide training to ensure he or she has adequate

knowledge of how to approach subjects safely, and how to elicit desired information with relevance to the TAT (which will likely differ from a purely criminal investigative standpoint).

Quinn Emanuel recognizes that other members of the TAT or their delegates may be well positioned to speak to subjects, targets, and witnesses, by virtue of their position within the University or pre-existing relationships with students. To the extent that interviews are conducted by someone who is not part of the TAT's dedicated full-time staff or UPD, the TAT should offer additional guidance or training regarding questioning and interviews beyond the rudimentary guide provided in the current Operating Procedures.

The TAT should consider implementing standardized interview protocols, including conducting interviews with two persons present, to facilitate recordation of the interview and preparation of memoranda or other materials to document their content.

First-Hand Accounts: While Quinn Emanuel understands that many concerns can be effectively elevated to the TAT through, e.g., department heads or other intermediaries, where concerns are expressed in vague or general terms that suggest, but do not articulate, a potential threat, Quinn Emanuel recommends the TAT consider inviting threat reporters to express their concerns directly to ensure that the full scope of the concern is relayed. Quinn Emanuel understands that threats may be indirect, and may be understood through body language or other behaviors that can be difficult to translate into writing.¹⁴⁴ This could take place through an interview of the reporter by a Case Manager or the Assistant Director of Threat Assessment, or, if deemed desirable, by asking the reporter to attend a TAT meeting and present concerns to the full team.¹⁴⁵ TAT members should view this as an opportunity to understand the basis for the reporter's concern, and to learn additional information that may inform investigative strategies going forward.

Increased Focus on Subject Location and Contact: UPD's role in early intervention and investigation should be increased. While the TAT is not a policing body, UPD officers can provide support to University officials in urgent and high priority cases even where there is not an allegation of strictly criminal conduct.

UPD officers or trained and dedicated investigators should be deployed to physically locate students who decline to respond to TAT outreach to, at a minimum, ensure the student is aware of the TAT's outreach, and to check on the student's general wellbeing. During such interactions, dedicated investigators or UPD personnel can seek a voluntary interview (if circumstances indicate that would be appropriate and would not cause undue escalation of the situation) or voluntary search. UVA appears to be an outlier with respect to UPD involvement in outreach and investigation. While police departments at other institutions of higher education do not have any

¹⁴⁴ For example, a reporter may have a concern about what was left unsaid in a meeting, or may feel that an individual was acting "off" based on prior interactions.

¹⁴⁵ Quinn Emanuel understands the concern that inviting Reporters to share concerns with the full TAT may unduly extend meeting and result in duplication of information already summarized for the TAT's discussion, and that one-on-one interview may be more productive in many circumstances.

more ability to demand cooperation from students in connection with non-criminal matters, other institutions appear to more actively involve their police departments in their investigations, in particular when there is a concern regarding non-compliance, inability to locate a student, or a concern of imminent threat of harm to self or others. For example, police officers from other universities will knock on doors and request interviews or searches, locate students outside of classrooms, or otherwise ensure students are located and responsive. UVA's police division noted in interviews that it has undertaken a significant caretaker role, and does not operate primarily as an authority-oriented body.

Today's student body may not be responsive to email, which may hinder or delay investigations. The TAT should encourage outreach to students via text message or social media, in addition to email. Where students fail to timely respond, the TAT should consider outreach to other University contacts (e.g., academic advisors, support divisions, fraternity advisors, housing personnel, athletics).¹⁴⁶

Increased Touch Points: The TAT should consider expanding its investigative reach to include other "high-touch" areas of the University, including Fraternity and Sorority Life, Housing and Residence Life, Office of African American Affairs, and academic advising when assessing a potential threat from a student, or when seeking information about, or contact with, a student. While these areas have not traditionally served on the TAT, because students may seek support from a variety of University resources, these divisions should be contacted where there is an indication that they may have had contact with a student-subject (i.e., Fraternity and Sorority Life may be more likely than other division to have had contact with a fraternity member, while Housing and Residence Life is likely to have had contact with an on-Grounds resident).

The TAT should also consider notifying these divisions when an investigation is being conducted into a student and invite those areas to share any concerns or recent interactions that may inform the TAT's assessment.

Quinn Emanuel recognizes that there may be concerns about stigma attaching to TAT investigations that may cause hesitation among community members to share information. Such concerns should be addressed through community education and outreach, and may be further mitigated by the introduction of a CARE team that may be perceived more positively than the TAT, and to whom less "serious" concerns could be reported.

Criminal History Information: Threat Assessment Team members and alternates should have access to at least a "read only" view of a centralized database containing criminal history information, with an index of names and key identifiers for all subjects related to threat assessment cases.

¹⁴⁶ The University should foster an environment of trust between parents and the University that will encourage parents to reach out to the University—and the TAT—when they have a concern about their student. This will facilitate the flow of information to the TAT within the bounds of permissible communication with parents of non-minor students.

Public Information / Social Media Search: While the TAT has historically had access to various social media and public source tools, these have been reported to be of little value, and appear not to be systematically utilized.

Quinn Emanuel recommends the TAT utilize the recently-hired Case Managers to conduct public source and social media searches for subjects of TAT investigations as part of the initial case information collection and triage process. As we have seen from other violent incidents, students often convey troubling warning sides through social media and have even announced intentions to commit violent acts on their social media.¹⁴⁷ It is thus important to track what investigation subjects are communicating on social media to determine if any concerning statements or behaviors are revealed.

Increased Documentation: While the TAT currently keeps brief minutes related to action items discussed at meetings, the TAT should consider keeping a record of investigative activity, including that of UPD, to enable verification and follow-up. Such a record would include a contact log reflecting timing and means of outreach to subjects, targets, or third parties, individuals who provided information, and, to the extent documentation was obtained, attach a copy of that documentation. The log would ideally be a live document that individuals could update as the investigation progressed and would provide a digestible snapshot of investigative steps.

Additionally, the University should review and update its records retention policies to ensure its policies align with the VRPA, taking into account the changing modes of communication frequently used by University officials, particular as applied to text message or other forms of electronic or messaging communications outside of email.

7. Define and Disseminate a Position with Respect to the University's Right of Access to on-Grounds Housing

Interviews conducted in the course of the review revealed a lack of understanding among University personnel as to whether and to what extent the current housing terms and conditions may operate as a grant of access or Fourth Amendment waiver in the case of a policy violation concern.

The University should define its position with respect to whether its current housing policy operates as a Fourth Amendment waiver. The University should consult with outside counsel regarding the scope of potential waiver in the existing policy.

¹⁴⁷ E.g., Zadrozny, Brandy, et al., *Texas mall shooter ranted against Jews, women and racial minorities on apparent social media page*, NBC News (May 8, 2023), <https://www.nbcnews.com/news/amp/rcna83336>; Caldwell, Travis, et al., *Online posts reveal suspected gunman spent months planning racist attack at a Buffalo supermarket*, CNN (May 17, 2022): <https://amp.cnn.com/cnn/2022/05/17/us/buffalo-supermarket-shooting-tuesday/index.html>; *Warning signs may have been missed in school shooting case*, AP News (Feb. 15, 2018), <https://apnews.com/article/school-shootings-shootings-north-america-us-news-violence-f2a6ca6b04394e24aacb8475bc50bfb9>.

The University should also define the scope of its authority to conduct administrative inspections of student housing, including in connection with potential policy violations. The University should clearly communicate these positions to students, faculty, and staff to promote a uniform understanding of University policy.

8. Heighten Accessibility to and Understanding of the TAT

Website: The current TAT website is not user-friendly and fails to make clear what types of behavior should be reported; it also does not offer a direct reporting link. The TAT should update its website to provide relevant information about warning signs of threatening behavior and how to report it, and a direct reporting link.

Training: Quinn Emanuel recommends that the University promote additional training opportunities by the TAT on (1) the TAT's function and mission; and (2) key warning behaviors that TAT would like trainees to report when observed. Although the current training presentation provides a limited—but dense—introduction to the threat assessment team's function and purpose, it provides only one slide regarding potential warning behaviors. Quinn Emanuel would recommend the training be refocused to educate the audience on the key behaviors to look for, where and how to report, and then proceed to explain how the TAT may assess reported behaviors.

In addition to increased training for faculty and staff, UVA should consider threat-identification training for students in leadership positions (e.g., Teaching Assistants, Research Assistants, Resident Advisors, fraternity and sorority leaders, etc.). Quinn Emanuel recommends that the Office of Threat Assessment be included in discussions and development around appropriate training for student leaders in these types of roles. Other key stakeholders such as the admissions office, coaches, religious leaders, etc. should also receive training. Additionally, any individual with access to SafeGrounds should be provided threat identification training, which should include guidance for case tagging and descriptions that will aid the TAT in identification of relevant cases.

Community Outreach: The University should consider ways to present the TAT to the larger UVA community in a more accessible format. Notably, interviewees expressed the view that it is preferable for students, faculty, staff, and community members to over-report concerning behavior, and allow the TAT to sift through reports. Revisions to the website highlighting key warning behaviors and how to report them on a landing page may increase access to information regarding the TAT and enhance reporting. The University should also consider providing a more accessible explanation of the TAT and its mission. This segment could be used to address concerns that the TAT is disciplinary or punitive.

The TAT should work with the University and UPD to educate the community on its role, and the role of UPD within the TAT, in order to address concerns regarding the TAT as a punitive, versus supportive, entity. Community education should include a focus on the continuum of care across student resources, and highlight that the University seeks, first and foremost, to support its students and ensure their safety. Ideally, such community education and outreach will be able to discuss a CARE team or similar function.

9. Prioritize Weapons-Related Concerns

Weapons-related Concerns Should Be Given Elevated Priority: Quinn Emanuel notes that the current Operating Procedures require the TAT to immediately report any firearm on Grounds or in the possession of someone who lives on Grounds to UPD. However, in the absence of statutory reform, it is unclear what action, if any, UPD or 911 could take with respect to such a circumstance, other than to provide support to University officials and/or safekeeping for any confiscated weapon. Given the legal limitations on law enforcement to act under these conditions, the TAT's investigation into weapons-related allegations may take on out-sized importance in assessing and mitigating a potential threat involving a firearm.

Given the historically low volume of cases involving firearms,¹⁴⁸ the TAT should consider elevating all cases involving a firearm on Grounds or possessed by someone living on Grounds to a "High" priority status for investigation. In particular, an increase in gun violence, both nationwide and in the Charlottesville area, supports increased attention to cases involving firearms, while the current legal landscape impedes law enforcement's ability to take preventative actions.

The University should also consider whether violation of University policy as applied to firearms, whether or not a threat is involved, should be cause for serious sanctions, up to and including expulsion from the University.

Alternative Storage Options: The University should also consider developing a procedure by which students can check their weapons into a facility during school and check them out as needed during hunting season. At least one other Commonwealth institution, UPD provides students with the ability to check firearms into and out of the police station. This, in turn, allows the UPD to monitor when firearms have not been checked back in, but it also allows UPD to restrict access to firearms in cases where there is a concern regarding potential violence or suicide. It also provides UPD with an additional touchpoint to meet with and maintain a dialogue with firearm owners on campus.

VIII. Conclusion

Threat assessment is a complex, multivariable, and continuing process, and there is no uniform solution. While UVA has undertaken to build a foundation for a successful threat assessment program, [redacted] highlights certain vulnerabilities in that system. Critical among these weaknesses is a lack of defined scope of University authority, including with respect to student housing, a culture that is overly deferential to student autonomy, resource constraints, investigative limitations, lack of communication, and the lack of a case-management focused student support model. In the wake of the tragic November 13 Incident, the University can use the findings and recommendations in this Report as a catalyst to enhance the safety and well-being of its community.

¹⁴⁸ Based on historical statistics, Quinn Emanuel understands the volume of weapons-related student TAT cases to have been in the single digits. *See supra* § VI.F.1.