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## Violence on campus: Practical recommendations for legal educators

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## Violence on Campus: Practical Recommendations for Legal Educators

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# ***Violence on Campus: Practical Recommendations for Legal Educators***

Helen Smith,<sup>1</sup> Sandra P. Thomas,<sup>2</sup> Carol McCrehan Parker<sup>3</sup>

## **I. Introduction**

The deadliest shooting rampage by a sole gunman in modern American history, by Seung-Hui Cho, in April, 2007, compels greater attention to violence on the college campus. Within the past five years, other rampage killings have taken place at Appalachian School of Law, the University of Arizona, the University of Iowa, and Case Western Reserve University, as well as institutions in Canada and Australia. In each of these tragic mass murders, shaken and stunned faculty struggled to understand what happened and why. In each of these situations, numerous clues of impending violence were evident. Sadly, however, in each of these cases the schools failed to take preventive actions, perhaps reflecting a common perception, even among forensic experts, that mass murders are rare and random.<sup>1</sup> However, two incidents of mass

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<sup>2</sup>Professor, University of Tennessee College of Nursing. B.S. 1974, M.S. 1977, PhD 1983, M.S.N. in Mental Health Nursing 1984, University of Tennessee. Dr. Thomas has conducted research on anger and violence for 20 years.

<sup>3</sup>Associate Professor of Law and Director of Legal Writing, University of Tennessee College of Law. B.S. 1975, M.A. 1977, Northwestern University; J.D. 1984, University of Illinois.

<sup>1</sup>James Alan Fox & Jack Levin, *Mass Murder: An Analysis of Extreme Violence*. 5 J. APPLIED PSYCHOANALYTIC STUD. 47, 49-51 (2003).

murder occur each month in the United States,<sup>2</sup> and the perpetrators usually plan them for months.<sup>3</sup> While prediction of violent behavior will never be an exact science,<sup>4</sup> universities must begin to enact violence prevention strategies. Maintaining an attitude that “this couldn’t happen here” hampers the necessary education of faculty, staff, and security personnel.

A rampage killing is not the only type of angry and violent behavior being encountered by university faculty. Nonfatal violence is also surprisingly common. To a much greater degree than is generally appreciated, professors are being harassed, stalked and physically assaulted as well as murdered. For the six-year period 1993-1999, college and university professors experienced an average annual rate of 41,600 incidents of nonfatal workplace violence.<sup>5</sup> Verbal aggression in the classroom has dramatically increased as well.<sup>6</sup> In an article in *Chronicle of Higher Education*, the following examples were cited:

When a chemistry professor at Virginia Tech asked his class how to solve an equation, a student in the back of the room shouted, ‘Who gives a s---?’ When a teacher at Utah State University refused to change a grade, a student screamed at her, ‘Well, you goddamned bitch, I’m going to the department head, and he’ll straighten you out!’ . . . A historian at Washington State University was challenged to a fight when a student disliked the grade he’d received.<sup>7</sup>

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<sup>2</sup>*Id.* at 49.

<sup>3</sup>Jeffrey Kluger, *Why They Kill*, 169 TIME 54 (Apr. 19, 2007).

<sup>4</sup>*See, e.g.,* Stephen D. Hart, et al., *Precision of Actuarial Risk Assessment Instruments: Evaluation the ‘Margins of Error’ of Group v. Individual Predictions of Violence*, 190 BRIT. J. PSYCHIATRY 60 (2007).

<sup>5</sup>U.S. Department of Justice, VIOLENCE IN THE WORKPLACE, 1993-99 at 4 (2001), available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/vw99.pdf>.

<sup>6</sup>Alison Schneider, *Insubordination and Intimidation Signal the End of Decorum in Many Classrooms*, 44 THE CHRONICLE OF HIGHER EDUC., March 27, 1998, at A12.

<sup>7</sup>*Id.*

Professors across the nation have become concerned about increases in student incivility, insubordination, and intimidation.<sup>8</sup> Such behavior inculcates fear, saps the joy of teaching, and disrupts the learning of other students. However, faculty may fail to address threatening behavior because they fear reprisals by the student, especially because of student rights under the Americans with Disabilities Act.<sup>9</sup> Faculty also suspect that they may not receive administrative support.<sup>10</sup> But failing to address inappropriate and/or aggressive behavior has its repercussions; it sets a poor example for other students and virtually assures that the aggression will continue and spread.<sup>11</sup> Analogous to bullying behaviors in the elementary schoolyard, intimidation tactics are repeated because they work so well.

Our purpose in this paper is to delineate characteristics of potentially violent students and suggest some violence prevention measures. Although we will touch on security issues, our primary goal is not to stop a mass murder already in progress but rather to help law educators prevent students from erupting violently. Our analysis of illustrative college murder cases is

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<sup>8</sup>*Id.*; See generally Gerald Amada, COPING WITH THE DISRUPTIVE COLLEGE STUDENT (1999).

<sup>9</sup> Heidi Noonan-Day & Marianne M. Jennings, *Disruptive Students: A Liability, Policy, and Ethical Overview*, 24 J. LEGAL STUD. EDUC. 291 (2007).

<sup>10</sup> For example, at a conference in Washington D.C., one legal educator told the first author the following: “One of my colleagues at my school was being stalked and threatened with death by a student who was failing his class. The law professor came to me for help and we went to the administration. They simply stuck their head in the sand and said that nothing was happening. For the administration, this do-nothing strategy was a win-win situation. If they took action against the student, they might get sued. However, in the small chance that the student actually carried out his threat and killed the professor, we figured that they could just hire a cheaper faculty member!”

<sup>11</sup> Amada, *supra* note 8.

based on reports in public media.<sup>12</sup> Our recommendations are based on clinical work with angry clients and empirical research on anger and violence, as well as numerous consultations and workshops with faculty and students across the country.<sup>13</sup>

## **II. Normal Anger or Severe Pathology: How Do You Tell the Difference?**

Two of the authors of this paper spoke to a group of legal educators at the University of Tennessee on how to cope with angry students. After discussing warning signs of violence, such as narcissism or adverse reaction to criticism, one of the participants raised her hand and said, “At least half of my law students have some of these traits. How do I know whether or not to be concerned?” Although the professor was being a bit tongue in cheek with her remark, it does bring up an important question: How do you know the difference between normal student characteristics and enduring personality pathology that may result in violence?

It is not unusual for law students to become angry or depressed. Longitudinal studies have shown that law school is an exceptionally stressful experience for many students.<sup>14</sup> So

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<sup>12</sup>E.g., Chris Kahn, *Shootings Suspect Prone to Outbursts*, NEW JERSEY RECORD, Jan. 18, 2002, at A11, available at 2002 WLNR 2205380.

<sup>13</sup>For more detailed discussion of these issues, see Helen Smith, *THE SCARRED HEART: UNDERSTANDING AND IDENTIFYING KIDS WHO KILL* (2000); Helen Smith & Sandra P. Thomas, *Violent and Nonviolent Girls: Contrasting Perceptions of Anger Experiences, School, and Relationships*, 21 ISSUES IN MENTAL HEALTH NURSING 547 (2000); Sandra P. Thomas, *WOMEN AND ANGER* (1993); Sandra P. Thomas, *Women’s Anger: Causes, Manifestations, and Correlates*, in 15 STRESS AND EMOTION 53 (C.D. Spielberger & I Sarason, eds. 1995); Sandra P. Thomas, *Men’s Anger: A Phenomenological Exploration of its meaning in a sample of middle-class American Men*, 4 PSYCHOLOGY OF MEN & MASCULINITY 163 (2003); Sandra P. Thomas & Helen Smith, *School Connectedness, Anger Behaviors, and Relationships of Violent and Nonviolent American Youth*, 40 PERSPECTIVES IN PSYCHIATRIC CARE 135 (2004); Sandra P. Thomas, *Women’s anger: Causes, manifestations and correlates*, 26 HEALTH CARE FOR WOMEN INTERNAT. 504 (2005).

<sup>14</sup>See G.A.H. Benjamin, A. Kaszniak, B. Sales & S.B. Shanfield, *The Role of Legal Education in Producing Psychological Distress among Law Students and Lawyers*, AM. BAR FOUNDATION RES. J. 225 (1986); S.B. Shanfield & G.A.H. Benjamin, *Psychiatric Distress in*

stressful for some, in fact, that one research team reported that the emotional distress of law students appears to significantly exceed that of medical students and at times to approach that of psychiatric populations.<sup>15</sup> Academic struggles can be compounded by relationship turmoil, such as impending divorce, or a financial crisis. Law school is an expensive proposition, with costs for three years ranging from \$60,000 to \$100,000.<sup>16</sup>

Accordingly, it may be difficult for law professors to determine when the traits of a student who seems angry and perhaps depressed suggest the potential for violence or are simply the student's response to stress. First, remember that the path to violence is an evolutionary one with signs along the way. If you become aware that one of your students seems depressed or angry, you need to look out for danger signs that might become evident over time. One of the signs that a potentially violent student may show is "leakage." Leakage is a term used by law enforcement to describe indicators of dangerousness that do not rise to the level of an actual threat: vague comments about the desirability of violence, a nihilistic worldview, general expressions of hostility.<sup>17</sup> Often these are immediately disavowed by the student, or dismissed as a joke, if the student is confronted. But they may be indicators of considerable subsurface turmoil.<sup>18</sup>

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*Law Students*, 35 J. LEGAL EDUC. 65 (1985); K.M. Sheldon & Larry Krieger, *Does Law School Undermine Law Students?: Examining Changes in Goals, Values, and Well-being*, 22 BEHAVIORAL SCI. & LAW 261 (2004).

<sup>15</sup>M.M. Dammeyer & N. Nunex, *Anxiety and Depression among Law Students: Current Knowledge and Future Directions*, 23 LAW & HUMAN BEHAV. 55, 63(1999).

<sup>16</sup>M. Yarbrough, *Financing Legal Education*, 51 J. LEGAL EDUC. 457, 457 (2001).

<sup>17</sup> M.E. O'Toole, Nat. Ctr. for the Analysis of Violence Crime, *THE SCHOOL SHOOTER: A THREAT ASSESSMENT PERSPECTIVE* 16 (1999).

<sup>18</sup>*Id.* at 16-17.

Another obvious sign is the making of actual threats. Threats may range from vague and indirect (e.g., “Somebody ought to shoot up this place”) to conditional (“If you flunk me, I’ll kill you” and various flavors in between. Threats may be hollow, but any threat should be assessed for specificity, for plausibility (“I’ll call the saucer people on you” is not especially plausible), and for emotional intensity. Threats that are specific, logical, and emotionally intense are the most dangerous, especially if they are coupled with evidence that the threatener has taken concrete steps toward their fulfillment (e.g., “I’ve bought a knife and I’ll slit your throat with it one night in the faculty parking garage when you least expect it.”).<sup>19</sup>

An important caveat has to do with the difference between specific threats and more general statements. Specific threats need to be dealt with promptly, and may, in fact, be criminal acts. More general statements, “leakage,” or odd behavior are important *warning signs* but should not be treated as disciplinary matters. The goal is to identify troubled students and get them help in time to prevent violence, not to stigmatize and punish oddball conduct. Stigmatization and punishment may actually make things worse, rather than prevent violence.<sup>20</sup>

Distorted thoughts and behaviors distinguish violence-prone individuals from their more normal counterparts. Externalization of blame is a cardinal characteristic of those who eventually engage in assault or murder.<sup>21</sup> Their humiliating failures are always someone else’s fault. The violence-prone individual ruminates about perceived slights or injustices for months or even years, stoking the fire of smoldering resentment. Because he is often a loner, he has no circle of

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<sup>19</sup>*Id.* at 7-9.

<sup>20</sup> Helen Smith, *THE SCARRED HEAT: UNDERSTANDING AND IDENTIFYING KIDS WHO KILL* 195 (2000).

<sup>21</sup>Fox & Levin, *supra* n. 1, at 47-64.

friends to correct his misinterpretations of other people's intentions and behaviors. Because he looks at the world from a very egocentric point of view, he is unable to correctly perceive the effect of his behavior on other people. The emotion he feels is not everyday anger but profound and intense hatred of those who have allegedly demeaned or wronged him. His thinking is so faulty that he can justify assaultive behavior on the basis that *he* is the innocent victim.<sup>22</sup> This type of faulty thinking was evident in Seung-Hui Cho's parting note: "You caused me to do this."<sup>23</sup>

Belligerent behavior was displayed by many of the recent school shooters long before their final homicidal attack. For example, Peter Odighizuwa (the shooter at Appalachian School of Law) was prone to angry and vulgar outbursts.<sup>24</sup> Robert Flores (the shooter at Arizona) disrupted classes, challenging his instructors and behaving rudely to other students.<sup>25</sup> Gavin DeBecker, a leading expert on predicting violence, summarizes these behaviors with the useful acronym TIME (threats, intimidation, manipulations, escalations).<sup>26</sup>

Bizarre behaviors, such as those exhibited by Seung-Hui Cho, should also alert faculty that a student is disturbed and in need of treatment (See Table for examples). Cho's behavior

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<sup>22</sup>Aaron T. Beck, *PRISONERS OF HATE: THE COGNITIVE BASIS OF ANGER, HOSTILITY, AND VIOLENCE* 142 (1999).

<sup>23</sup>See ABC News (ABC television broadcast Apr. 17, 2007), <http://abcnews.go.com/US/story?id=3048108&page=1>

<sup>24</sup> Kahn, *supra* n. 12.

<sup>25</sup>John M. Broder, *Student Kills 3 Instructors and Himself at U. Of Arizona*, N.Y. TIMES, Oct. 29, 2002, at A20. For an account of events preceding the killings written by the shooter in his suicide note, see Robert S. Flores, *Communication from the Dead*, available at <http://cgi3.azstarnet.com/specialreport/index.html>.

<sup>26</sup>Gavin DeBecker, *THE GIFT OF FEAR* 150 (1997).

was so inappropriate that he was actually removed from a creative writing class 17 months before his shooting spree.<sup>27</sup>

It is often said that the best predictor of violent behavior is past violent behavior. A history of domestic violence or other assaultive behavior (or recent police encounters) should always heighten faculty vigilance.<sup>28</sup> Suicide attempts should also arouse concern. Other predictors identified by DeBecker include (1) rigid ideas and resistance to change; (2) exaggerated reaction to criticism; (3) sullen, angry, or depressed appearance; (4) refusal to accept responsibility for actions; (5) paranoid thoughts that others are “out to get” him or her; (6) tendency to always be involved in some grievance, crusade, or mission; (7) odd behavior that produces uneasiness and apprehension in other people; (8) jokes about having weapons or praise for other perpetrators of violence; and (9) expressions of despair or hopelessness, such as, “What’s the use? Nothing changes anyway.”<sup>29</sup>

Student violence is more likely to occur during times of high stress, such as final exam periods, or despair arising from suspension/expulsion from a program. A nurse educator who had failed a student endured more than a year of stalking after the student was dismissed from the program. Here is her chilling account:

I have been a nurse educator for over 16 years. About four to five years ago, I had a frightening experience with a male student whom I had failed for not meeting program objectives. This student initially seemed pleasant and friendly, but his demeanor changed dramatically when I failed him. He threatened to kill me, stalked me for well over a year, threatened the lives of my children, and vowed to ‘put you down if it’s the last thing I ever do.’

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<sup>27</sup>Julie Rawe, *What Can Schools Do?*, TIME, Apr. 19, 2007, at 59.

<sup>28</sup>DeBecker, *supra* n. 26, at 174.

<sup>29</sup>*Id.* at 151-153.

I had to file a restraining order against him, and live in fear for a good year. After he was dismissed from the program, I later learned that this student had a history of abusive relationships and a bipolar personality disorder. He was banned from returning to school; however, he still lives in the state and occasionally leaves me messages to remind me that he is still around. He not only terrified me, but tormented my children, who lived in fear that something would happen to their mother.<sup>30</sup>

Rampage killers, such as those at Virginia Tech, Appalachian School of Law, University of Arizona, and Case Western Reserve, tend to be males with a history of work and relationship failures. A common characteristic is aspiring to more than they can achieve. They often have a preoccupation with weapons or war regalia, even those that serve no purpose, such as nunchucks or throwing stars.<sup>31</sup> They are *not* acting on impulse, but rather enacting purposeful, predatory violence that they have been planning for a long time. Most commonly, revenge is the aim—against victims chosen “because of what they have done or what they represent.”<sup>32</sup> For example, Marc Lepine, who hated feminists, killed 14 female engineering students at the University of Montreal (presumably targeted because of their “masculine” career pursuit).<sup>33</sup>

Within hours or days of mass murders, there is often a final, precipitating event, involving an affront or rejection. This final affront destroys any remnants of hope. For Appalachian Law School student Peter Odighizuwa, dismissal from the school (for the second time) was the precipitating event. Among his victims was his dean, who had once helped him

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<sup>30</sup> Sandra P. Thomas, *Handling Anger in the Teacher-Student Relationship*, 24 NURSING EDUCATION PERSPECTIVES 23 (2003)

<sup>31</sup> J. Reid Meloy, VIOLENCE RISK AND THREAT ASSESSMENT: A PRACTICAL GUIDE FOR MENTAL HEALTH AND CRIMINAL JUSTICE PROFESSIONALS 194 (2000)

<sup>32</sup> Fox & Levin, *supra* n.1, at 51.

<sup>33</sup> *14 Women are Slain by Montreal Gunman*, N.Y. TIMES, Dec. 7, 1989, at A23 (“A police official said the killer rushed into a classroom in a hunting outfit and yelled in French, ‘You’re all a bunch of feminists!’”).

buy a car, clothing, and food.<sup>34</sup> Violence, in the view of such individuals, is the only option to salvage their self-esteem and wreak vengeance on those believed to have caused their unbearable misery. Most do not try to get away from the scene, either killing themselves or achieving “suicide by cop.”<sup>35</sup>

The characteristics of rampage killers that were delineated in a *New York Times* study covering more than 50 years and 102 rampage killers are clearly evident in the profiles of recent rampage killers at universities.<sup>36</sup> While Biswanath Halder, the shooter at Case Western, was no longer a student at the time of his crime, his profile is very similar. He was filled with fury at a university employee who allegedly erased several of his computer files. The triggering event for his attack was the loss of a final appeal of his lawsuit against this university employee. Heavily armed, he went to the building where the individual whom he had sued was working. During his seven-hour spree, Halder peppered the building with gunfire, but his intended target hid in a basement office and escaped harm. Unfortunately, Halder succeeded in killing a student and wounded two others before a SWAT unit stormed the building.<sup>37</sup>

### **III. Management of a Threatening Situation**

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<sup>34</sup>Kahn, *supra* n. 24.

<sup>35</sup>Ford Fessenden, *They Threaten, Seethe and Unhinge, Then Kill in Quantity*, N.Y. TIMES, Apr. 9, 2000, at 11 (study of 100 cases involving “multiple victims, at least one of whom died, and [which] . . . occurred substantially at one time and in a place where people gather -- a workplace, a school, a mall, a restaurant, a train,” available at 2000 WLNR 2991080,

<sup>36</sup>*Id.* See *infra* Table, at p. 20.

<sup>37</sup>Thomas C. Greene, *Hacking Victim Goes Postal*, THE REGISTER (May 12, 2003), <http://www.theregister.co.uk/content/55/30646.html>.

Ideally, depressed and angry students would be identified and referred for treatment before a homicidal or suicidal crisis occurs. However, you could be called upon to manage a threatening situation. Imagine that you are faced with a belligerent individual who could have a weapon. Given the baggy clothing that many students wear, there may be no visible evidence that the student is carrying a weapon. Several behaviors indicate that an assault may be impending. Watch for loud or profane speech, clenched fists, flaring nostrils, reddened face, and other signs of agitation. To manage an acutely threatening situation, educators should aim to accomplish the following:

- containing the situation and/or student to prevent the possibility of an attack
- protecting possible targets
- providing the student support and guidance to deal with his/her problems<sup>38</sup>

The university's resources for dealing with such situations should be mobilized (for example, obtain help by pressing a panic button in the classroom or telephoning security). Community resources, including police and/or mobile mental health crisis units, should be mobilized as well. There should be a plan for evacuation of classrooms, should a shooter enter your building. Tragically, in the University of Arizona killings, the shooter proceeded unimpeded from the second floor, where he killed one professor, to the fourth floor, where he killed two other professors in front of a classroom full of students taking an exam.

If confronted directly with a violent individual where no avenue of escape is possible, it may help to say, "No, don't do it" in a firm manner. This kind of verbal intervention can make the difference, along with follow-up help, and if necessary, restraint. J. Reid Meloy, a forensic

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<sup>38</sup>Robert A. Fein, et al., U.S. Secret Serv. & U.S. Dept. Of Educ., *THREAT ASSESSMENT IN SCHOOLS: A GUIDE TO MANAGING THREATENING SITUATIONS AND TO CREATING SAFE SCHOOL CLIMATES* 68 (2002).

psychologist who has worked on mass murder cases, discovered that people who survive these horrible events are active and aggressive.<sup>39</sup> They either run out of the building, or if cornered, they aggress against the perpetrator and then run. People who are killed do not run or hide effectively: they usually choose obvious hiding places, like a desk or table.<sup>40</sup>

Once the acute crisis has been diffused, follow the university policy regarding threatening and/or violent incidents and work closely with offices of student conduct or judicial affairs. Some schools require counseling as a condition for continued enrollment of a troubled student. While records of counseling sessions are confidential, the counselor can be asked to report to school officials whether the student is attending sessions as scheduled. Cognitive behavioral therapy of anger has proven efficacy with a wide variety of people, ranging from college students to abusive spouses, juvenile delinquents, and prison inmates.<sup>41</sup> Psychotropic medications, such as antidepressants, may be indicated as adjuncts to therapy for some individuals.

While referral to counseling may be strongly indicated for a student who is in great psychological distress, bear in mind that simply referring the student to counseling may not prevent future violence. Third-party payers may disallow payment for therapies of sufficient length to be efficacious, and the student himself may be unwilling or unable to properly engage with a therapist because of mistrust. Likewise, having a student arrested may be insufficient to protect an intended target. Guidelines prepared by the U.S. Secret Service and the U.S.

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<sup>39</sup>Meloy, *supra* n. 31, at 226.

<sup>40</sup>*Id.* at 226.

<sup>41</sup>*See generally* Richard Beck & Ephrem Fernandez, *Cognitive-behavioral Therapy in the Treatment of Anger*. 22 COGNITIVE THERAPY & RES. 63 (1998).

Department of Education warn that “the response with the greatest punitive power may or may not have the greatest preventive power.”<sup>42</sup>

#### **IV. Violence Prevention Measures**

Violence prevention begins with examination of your school’s admission policies. The American Bar Association’s Standards for the Accreditation of Law Schools state that “a law school shall not admit applicants who do not appear capable of satisfactorily completing the educational program and being admitted to the bar.”<sup>43</sup> Allowing students into law school who have lower than normal grade point averages or LSAT scores may, at best, set them up for failure or, at worst, increase the stress upon a potentially violent student who may feel overwhelmed and strike out. Another important consideration at the time of admission is a history of assaultive behavior. Some schools now require criminal background checks as part of their applicant screening process.<sup>44</sup> The fee is charged to the applicant.

A designated person, such as an associate dean, should be assigned to handle all reports of inappropriate student behavior. Careful records should be kept regarding any threats or angry behaviors toward faculty, staff, or students. These records can be vital in documenting patterns of hostile interactions or escalation in ominous behavior. The university’s office of student conduct should be kept up-to-date regarding troublemakers. Students should be encouraged to

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<sup>42</sup>Fein, *supra* n. 38, at 65.

<sup>43</sup>Standard 501, American Bar Association, Standards for Approval of Law Schools, 2003-2004, at 39-40 (2003).

<sup>44</sup> For example, this policy is in effect at the University of Tennessee College of Nursing, Knoxville, Tennessee.

come forward when they observe aggressive behavior, such as the outbursts of profanity, punching walls, or shoving desks displayed by Odighizuwa and Flores.<sup>45</sup>

It may behoove faculty to thoughtfully consider institutional characteristics that heighten the possibility of violence. Schools where students are detached from the institution or their fellow students, schools that foster or tolerate disrespect among students, and schools that foster race or class divisions among students are at greater risk of violence.<sup>46</sup> Schools need not strive to establish an overtly “touchy-feely” atmosphere in order to prevent violence; in fact, clear rules about civility, and well-established boundaries regarding appropriate behavior, may actually prevent the sort of escalation that leads to violence. It is important to set a professional tone in the classroom, and to expect appropriate behavior from all concerned. Verbal abuse from a student should never be permitted, in the classroom or anywhere else. “Disruption of teaching” is a reportable offense in the student conduct handbooks of most universities. Many faculty now include behavioral guidelines in their course syllabi, setting out expectations for classroom decorum at the beginning of each semester.<sup>47</sup>

Take threats of violence seriously and follow the university’s policy regarding threats. Many people ignore even very blatant warning signs, for fear of looking foolish or being sued.

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<sup>45</sup>See, e.g., C. Kahn, *supra* note 12. Other students at Appalachian School of Law and University of Arizona were well aware that Peter Odighizuwa and Robert Flores were paranoid and angry men. The president of the school’s Black Law Students’ Association, Zeke Jackson, told reporters he had stopped trying to recruit Odighizuwa to join the association after Odighizuwa sent the dean a letter complaining about this “harassment.” After the killings, Jackson said, “I knew he’d do something like this.” Flores had even bragged to classmates about his concealed weapons permit. Unfortunately, no formal complaint was ever filed with the Dean of Students Office.

<sup>46</sup>O’Toole, *supra* n. 18, at 22-23.

<sup>47</sup>Noonan-Day & Jennings, *supra* n. 9, at 314, 316-318.

If you feel uneasy or sense that “something seems wrong here,” don’t delay reporting your feelings.<sup>48</sup> Never be embarrassed to call security or notify administration when a threat is made or implied.

Do not put yourself in an unsafe situation. Never agree to meet an agitated individual in an isolated place or during evening hours when the building is deserted. If you feel apprehensive about meeting with a disgruntled student, ask campus police to be nearby while you have the meeting. Such a procedure was used recently by colleagues of the second author, who needed to fire an incompetent research assistant. While the firing took place, police were in an adjacent room, ready to come to the aid of faculty if the student became violent. The officers remained on the scene until they observed the student getting in his car and leaving campus.

Work with campus police to make the environment safer (for example, alarm mechanisms, brightly lit corridors, video surveillance). Develop procedures for immediate response to an armed individual who enters the building. Think about the unique architectural features of your building that could inhibit apprehending a violent individual (for example, hiding places under stairwells, easy ways to exit via unlocked back or side doors). Consider these in developing a crisis plan, and point them out during training for faculty, staff, and security. While installation of metal detectors is impractical for most universities, some are considering measures such as locking the back and side doors of buildings and requiring students and faculty to enter from a central front entrance after showing or swiping their ID badges. Universities are also exploring the use of cell phones and computers to send emergency

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<sup>48</sup>See Gerald Amada, *The Role of the Mental Health Consultant in Dealing with Disruptive College Students*, in *CAMPUS VIOLENCE: KINDS, CAUSES, AND CURES* 132-135 (Leighton C. Whitaker & Jeffrey W. Pollard, eds. 1994)

information to students and staff. No one wants universities to become like prisons, but heightened vigilance will surely save lives

## **V. A Final Word**

### **V. A Final Word**

Although we believe the suggestions in this paper should enable law faculty to feel more confident in maintaining safety and decorum in the classroom, angry and potentially violent students will continue to be a problem. Fueled by cultural myths and misconceptions about anger, inappropriate anger behavior is a pervasive problem in the United States. Road rage, air rage, and desk rage have received intensive coverage in both professional and popular literature.<sup>49</sup> While some theorists attribute excessive free-floating hostility to increased traffic, noise, crowding, and crime in modern urbanized society, a more likely explanation may be found by examining faulty beliefs in the culture, such as beliefs that anger is instinctive, uncontrollable, and should be vented to achieve so-called “catharsis.” Moreover, research shows that people have fewer successful strategies for controlling anger than for any other emotional state.<sup>50</sup>

Contrary to popular notions, anger behavior is learned; angry reactions are controllable; and finally, venting anger escalates arousal, rather than providing release.<sup>51</sup> Young people today learn dysfunctional anger behaviors from aggressive role models in television, movies,

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<sup>49</sup>J. Daw, *Road Rage, Air Rage and now 'Desk Rage,'* 32 MONITOR ON PSYCHOL. 52 (2001).

<sup>50</sup>D. Tice & R. Baumeister, *Controlling Anger: Self-Induced Emotion Change*, in HANDBOOK OF MENTAL CONTROL 393 (D.M. Wegner & J.W. Pennebaker, eds. 1993).

<sup>51</sup> S.P. Thomas, *Teaching healthy anger management*. 11 DIRECTIONS IN PSYCHIATRIC NURSING 90 (2005).

videogames, and other popular media. These role models express no remorse for aggressive behavior and usually receive no penalties, even for egregious violent acts.<sup>52</sup>

The results of this incessant media bombardment have been documented in a recent longitudinal study at the University of Michigan.<sup>53</sup> In this longitudinal study, children were interviewed at ages six to nine and again in their early twenties. Both boys and girls who watched a lot of television violence were much more likely to engage in aggressive behavior as adults. Men who had scores in the top 20 percent on childhood exposure to violence were about twice as likely as other men to have pushed, grabbed, or shoved their wives in the year preceding the adult interview. Women scoring in the top 20 percent were about twice as likely as other women to have thrown something at their husbands. Criminal acts were also more common in the high-violence-exposure group. The link between violent television and subsequent aggression persisted even when the effects of socioeconomic status, intellectual ability, and a variety of parenting factors were controlled.<sup>54</sup>

Of course, it would be simplistic to assert that violent media, or any other single cause, makes someone behave violently. Most behavior is multiply determined,<sup>55</sup> contributing to the

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<sup>52</sup>N. Seppa, *Children's TV Remains Steeped in Violence*, 28 AM. PSYCHOL. ASSOC. MONITOR 36 (1997).

<sup>53</sup>L. Rowell Huesmann, et al., *Longitudinal Relations between Children's Exposure to TV Violence and their Aggressive and Violent Behavior in Young Adulthood: 1977-92*, 39 DEV. PSYCHOL. 201(2003).

<sup>54</sup>*Id.* at 215-18.

<sup>55</sup>Psychologists have observed that school shootings occur when three lethal components are stirred together: isolation, projection of blame, and pathological anger. See J. McCarty. *All signs were there for an attack*, THE PLAIN DEALER, May 12, 2003, available at <http://www.cleveland.com/cwrushootings/index.ssf?> The cases reviewed in this paper illustrate the amalgam of these components.

popular understanding that it is impossible to accurately predict violence. Gavin DeBecker makes an important point about the propensity to negate the warning signs of violence: “We want to believe that human violence is somehow beyond our understanding, because as long as it remains a mystery, we have no duty to avoid it, explore it, or anticipate it. We can tell ourselves that human violence is something that just happens without warning.”<sup>56</sup>

Nevertheless, warning signs were evident in every case we analyzed; however, American communities are no longer the tight-knit places of yesteryear, and many people no longer live near families who could intervene when they see one of their members acting in an unstable manner. Parents of university students, miles away from campus, may not be aware of deepening depression or paranoia in their child. The Family Educational Rights and Privacy Act of 1974<sup>57</sup> forbids institutions from disclosing student information to family members—even serious problems—without student permission.

Therefore, an observant faculty member could play a vital role in identifying warning signs that an individual requires clinical intervention. In the first author’s psychology practice, many angry students said they had tried to discuss grievances with authorities only to be rebuffed or ignored. The feeling that no one was listening, and that they could get away with threats and/or inappropriate behavior, fueled additional anger. In the aftermath of these highly publicized campus shootings, an important question remains: what is the responsibility of a university to identify and respond to warning signs of violence?

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<sup>56</sup>G. DeBecker, *THE GIFT OF FEAR* 16 (1997).

<sup>57</sup>20 U.S.C. 1232g (commonly known as “FERPA” or the Buckley amendment).

**Table: Characteristics of three campus shooters**

<p><b><i>Peter Odighizuwa</i></b>, who killed Dean Anthony Sutin, Professor Thomas Blackwell, and a fellow student at Appalachian School of Law on January 16, 2002.</p> <ul style="list-style-type: none"> <li>● Age 43</li> <li>● His aspiration to become a lawyer may not have been realistic; he was a taxi driver when Dean Sutin gave him the opportunity to attend law school</li> <li>● Fellow students had noted his anger outbursts</li> <li>● He complained that another student was</li> </ul>	<p><b><i>Robert Flores</i></b>, who killed three professors at University of Arizona School of Nursing on October 28, 2002.</p> <ul style="list-style-type: none"> <li>● Age 41</li> <li>● Gulf War veteran</li> <li>● Struggled academically but did not accept personal responsibility for any of his failures</li> <li>● Went to Assistant Dean abruptly ( in middle of a class) to complain about an instructor’s “slights”</li> <li>● Viewed Assistant Dean’s effort to discuss the Code of Student Conduct</li> </ul>	<p><b><i>Seung-Hui Cho</i></b>, an English major from Centerville, Virginia who killed himself, 5 professors, and 27 students at Virginia Tech University on April 15, 2007.</p> <ul style="list-style-type: none"> <li>● Age 23</li> <li>● He switched his major from business to English and other English students took notice that he seemed “physically and emotionally down, like he was depressed”</li> <li>● He frightened students in his classes with his writings on death and destruction; at one point, only seven</li> </ul>
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<p>harassing him</p> <ul style="list-style-type: none"> <li>● He exhibited paranoia: repeatedly telling police his home had been broken into</li> <li>● He struggled academically, making poor grades</li> <li>● He was described as follows: “With Peter, life was always a matter of somebody else’s fault”</li> <li>● He had been arrested for assaulting his wife</li> <li>● Students joked that he was one of the guys who would finally crack and bring a gun to school</li> <li>● Precipitating event was dismissal from the school (for the second and final</li> </ul>	<p>with him as an “intimidation tactic” (implicitly denying that anything about his behavior was problematic)</p> <ul style="list-style-type: none"> <li>● Denied any validity of staff complaints about his clinical performance</li> <li>● Denied any validity of ex-wife’s claim that he was cruel and abusive</li> <li>● According to students, he was threatening and disruptive long before the killings (there was a pattern of perceived insults, impulsive behavior, hostility, and suicidal thoughts) BUT no formal complaint was ever filed with the Dean of Students Office</li> <li>● He made a threat against the College of Nursing in April, 2001, that was</li> </ul>	<p>students out of seventy came to class because the rest were frightened of him, but when his teacher told him he would have to stop writing such horrific poems or he would have to leave the class, he said, “You can’t make me.”</p> <ul style="list-style-type: none"> <li>● Cho had been stalking two different female students at the university and was brought to the attention of the police; however, the women did not press charges.</li> <li>● In December 2005, Cho had been found potentially suicidal and adjudicated to a mental hospital where he remained overnight. A temporary detention order was issued against him. At the hearing,</li> </ul>
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<p>time)</p> <ul style="list-style-type: none"> <li>● He exploded in rage and threw a chair across the room when told of his dismissal (returning to campus with a gun the next day)</li> <li>● At his arraignment, he said, “I was sick...I was supposed to see my doctor. He was supposed to help me out...I don’t have my medication.”</li> </ul>	<p>reported to policy by Melissa Goldsmith, his clinical instructor, BUT police did not follow-up properly (an officer left him a message on his answering machine and Flores did not return the call)</p> <ul style="list-style-type: none"> <li>● A fellow student described Flores as “very aggressive and mean...seemed to have a lot of issues with being angry,” another called him “obnoxious and rude”</li> <li>● Flores bragged to pediatrics classmates that he had received a concealed weapons permit</li> <li>● Following the failure of his marriage, physical health problems, mounting</li> </ul>	<p>special justice Paul Barnett found that Cho “presents an imminent danger to himself as a result of mental illness,” according to court records. However, Barnett opted not send Cho back to the mental facility, instead ordering outpatient treatment.</p> <ul style="list-style-type: none"> <li>● He engaged in predatory violence and planned the rampage for some time, evidenced by his purchasing weapons, making video tapes, and writing notes prior to the murder.</li> <li>● He expressed admiration for “martyrs like Eric and Dylan,” apparently referring to Columbine shooters Eric Harris and Dylan Klebold.</li> </ul>
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	<p>financial problems, failure in two nursing courses and impending dismissal from the school, he decided to engage in his rampage (which he viewed as “a settling of account”)</p> <ul style="list-style-type: none"> <li>● Sent a 22-page letter to a local newspaper, to be read after he killed his teachers, in which he stated, “I regret that there are such people in the world that push a person to contemplate and carry out such an act”</li> </ul>	<ul style="list-style-type: none"> <li>● Cho’s suicide note suggested that he externalized blame for his rampage on others (the wealthy, hedonists, snobs). The note contained an explanation of his actions and states, “You caused me to do this.”</li> </ul>
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