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MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS & CLARK COUNTY

BOARD OF REGENTS OF HIGHER  
EDUCATION OF THE STATE OF MONTANA,  
Petitioner,

-vs-

THE STATE OF MONTANA, by and through  
Austin Knudsen, Attorney General of the State of  
Montana in his official capacity.  
Respondent.

**FILED**

JUN 07 2021

ANGIE SPARKS, Clerk of District Court  
By Angie Sparks Deputy Clerk

**BDV**  
Cause No. BVD 2021-598  
Judge Michael McMahon

**PETITIONER'S REPLY BRIEF IN  
SUPPORT OF MOTION FOR  
PRELIMINARY INJUNCTION**

**All exhibits referenced in this brief are attached to the Petition, except  
Exhibit 6, which is attached hereto.**

Petitioner Board of Regents of Higher Education of the State of Montana ("Board" or "BOR") submits this reply brief in support of its Motion for Preliminary Injunction.

### PROCEDURAL STATUS

On May 19, 2021, at a properly noticed meeting and after consideration of public comment, BOR voted to challenge the constitutionality of House Bill 102, an Act Generally Revising Gun Laws. On May 20, 2021, BOR filed the challenge as an original proceeding in the Montana Supreme Court. On May 26, 2021, the Supreme Court dismissed the original proceeding, finding that no emergency existed because a stay or injunction of implementation of HB102 "may be obtained to maintain the status quo or on other appropriate basis through the District Court." (Petition, Ex. 5).

On May 27, 2021, the Board sought the relief identified by the Montana Supreme Court, filing a three-count petition in this Court. In Count I of the Petition, BOR seeks a judicial declaration that House Bill 102 ("HB102") is unconstitutional as applied to BOR, the Montana University System ("MUS"), and MUS campuses and locations. In Count II, the Board requests a preliminary injunction to preclude application of HB102 to BOR, MUS and MUS campuses and locations during the pendency of this action. In Count III, the Board sought a temporary restraining order ("TRO"). Also on May 27, 2021, the Board moved the Court for a TRO and a preliminary injunction.

On May 28, 2021, this Court issued a TRO enjoining application of HB102 with respect to BOR and the MUS until further order of this Court. The Court also ordered Respondent State of Montana ("the State") to appear on June 7, 2021 and show cause

why preliminary injunctions should not be issued during the pendency of this action. The matter is fully briefed.

This Court is now confronted with the single issue presented in Count II of the Petition – whether a preliminary injunction should be issued pursuant to § 27-19-201(1) or (2), MCA. The merits of the constitutional challenge, set forth in Count I’s declaratory request, are not at issue. “In determining whether to grant a preliminary injunction, a court should not anticipate the ultimate determination of the issues involved, but should decide merely whether a sufficient case has been made out to warrant the preservation of the *status quo* until trial.” *Yockey v. Kearns Props., LLC*, 2005 MT 27, ¶ 18, 326 Mont. 28, 106 P.3d 1185 (citations omitted).

#### MATERIAL FACTS

1. The Montana Legislature passed HB102, and the Governor signed it into law on February 18, 2021. (Petition, Ex. 1).
2. HB102 generally revises gun laws with respect to open carry and concealed carry, including allowing open and concealed carry on MUS campuses and directing BOR in the method and manner it may adopt policies regarding the same. (Petition, Ex. 2, HB102; Sections 4, 8, and 6).
3. Most portions of the bill went into effect on February 18, 2021; section 6 regarding BOR implementation goes into effect June 1, 2021, absent the TRO. (Petition, Ex. 1, Section 15)
4. Article X, Section 9(2)(a) of the Montana Constitution provides:

The government and control of the Montana university system is vested in a board of regents of higher education which shall have full power, responsibility, and authority to supervise, coordinate, manage and control the Montana university system and shall supervise and coordinate other public educational institutions assigned by law.

5. If allowed to go into effect, HB102 will effectively eliminate existing BOR Policy 1006, which governs the access to and use of guns on campuses. (Rogers, ¶ 5).
6. Because Policy 1006 is just one part of BOR's overall management structure for MUS, implementing HB102 will inevitably lead to inconsistencies in BOR's management of MUS. (Rogers, ¶ 6).
7. Implementation of HB102 prior to resolution of this constitutional challenge would require significant funding, time and resources from MUS. (Rogers, ¶¶ 7, 8).
8. BOR has identified significant and serious safety concerns regarding immediate implementation of HB102. (Rogers, ¶ 13).

#### **PRELIMINARY INJUNCTION STANDARD**

BOR requests a preliminary injunction pursuant to two subsections of § 27-19-201,

MCA:

A district court may issue a preliminary injunction in any of the following cases:

- (1) when it appears that the applicant is entitled to the relief demanded and the relief or any part of the relief consists in restraining the commission or continuance of the act complained of, either for a limited period or perpetually;
- (2) when it appears that the commission or continuance of some act during the litigation would produce great or irreparable injury to the applicant . . . .

§ 27-19-201, MCA. BOR need only meet the criteria of one of the two subsections to meet its burden of establishing the need for injunctive relief. *Sweet Grass Farms, Ltd. v. Bd. of Co. Comm'rs*, 200 MT 147, ¶ 27, 300 Mont. 66, 2 P.3d 825.

In *Driscoll v. Stapleton*, 2020 MT 247, ¶ 15, 401 Mont. 405, 473 P.3d 386, the Montana Supreme Court recognized that the showing required under subsection (1) differs from the showing required under subsection (2). Only subsection (2) requires a showing of “irreparable injury,” as distinguished from “the lesser degree of harm implied within the other subsections of ¶ 27-19-201, MCA.” *Id.*, citing *BAM Ventures, LLC v. Shcifferman*, 2019 MT 67, ¶ 16, 395 Mont. 160, 437 P.3d 142. The Court enunciated the appropriate standards which apply to subsections (1) and (2), clearly stating:

[W]e will affirm the preliminary injunction if the record shows that [Petitioners] demonstrated either a prima facie case that they will suffer some degree of harm and are entitled to relief (§ 27-19-201(1), MCA) or a prima facie case that they will suffer an “irreparable injury” through the loss of a constitutional right (§ 27-19-201(2), MCA).

*Id.* BOR has established the basis for a preliminary injunction under both subsections.

## ARGUMENT

### I. THIS COURT SHOULD NOT REACH THE ULTIMATE ISSUES IN THIS CASE IN DETERMINING WHETHER TO ISSUE A PRELIMINARY INJUNCTION.

#### A. The State Incorrectly Applies a Merits-Based Standard.

The State argues that “an applicant seeking injunctive relief must establish a prima facie case,” citing to *Citizens for Balanced Use v. Maurier*, 2013 MT 166, ¶ 16. (State Brief, p. 7). Citing *Sandrock v. DeTienne*, 2010 MT 237, ¶ 16, the State then incorrectly

concludes: “In other words, an applicant must be likely to succeed on the merits.” (State Brief, p. 7).

The Supreme Court in *Maurier* actually held that “the applicant for a preliminary injunction must show a prima facie case *that he will suffer irreparable injury before the case can be fully litigated.*” *Id.* (*emphasis added*). Moreover, the Court emphasized that “[t]he district court considering a preliminary injunction sits in equity **and should not anticipate the ultimate determination of the issues in the case.**” *Id.* (*citations omitted, emphasis added*). Similarly, the cited paragraph in *Sandrock* reveals that the Montana Supreme Court held that under subsection (1) – and only that subsection – of § 27-19-201, “an applicant must show that he ‘has a legitimate cause of action, and that he is likely to succeed on the merits of that claim.’” *Sandrock*, 2010 MT 237, ¶ 16. However, the Court provided further elucidation, stating: “[a]n applicant for a preliminary injunction must establish a prima facie case, **or show that it is at least doubtful whether or not he will suffer irreparable injury before his rights can be fully litigated.**” *Id.* (*emphasis added*).

In *Driscoll*, the Montana Supreme Court identified the appropriate standards for analyzing requests for injunctions under subsections (1) and (2) of § 27-19-201, MCA. *Driscoll*, 2020 MT 247, ¶ 17. Under either subsection, BOR is not required to establish that it will ultimately succeed on the merits of its constitutional challenge to obtain injunctive relief. *Id.* To the contrary, this Court “should not anticipate the ultimate determination of the issues involved, but should decide merely whether a sufficient case

has been made out to warrant the preservation of the *status quo* until trial.” *Yockey*, 2005 MT 27, ¶ 18.

**B. BOR is Not Required to Establish the Viability of a Claim Not Asserted in this Action.**

The State incorrectly asserts “the gravamen of this case is about the Board’s authority to restrict students’ individual, constitutional rights under both the United States and Montana constitutions.” (State Brief, p. 8). The State then attempts to establish that BOR failed to establish a likelihood of success on such a claim. Indeed, the State devotes a healthy portion of its brief arguing Second Amendment rights cannot be infringed by the Board of Regents. (State Brief, pp. 8-11).

In bringing this action, BOR has not sought a declaration of the constitutionality of the existing MUS policy regarding access to and use of firearms on MUS campuses. Furthermore, BOR does not challenge the constitutionality of the legislatively directed policies contained in HB102. (Petition, ¶ 33). The merits of HB102 and the policy choices made by the Legislature in enacting HB102 have not been placed at issue by BOR’s Petition. *See Montana Association of Counties v. State by and through Fox*, 2017 MT 267, ¶ 1, 389 Mont. 183, 404 P.3d 733.

Significantly, BOR’s Petition presents a distinctly different legal question: Whether HB102 is unconstitutional as applied to BOR and the MUS, given that the Constitution grants sole authority to BOR, not the Legislature, to control, manage, supervise, and coordinate the MUS. BOR *expressly* does not challenge the facial constitutionality of HB102, or take any stance regarding the statute’s constitutionality and

enforceability except as it is applied to BOR and the MUS contrary to the constitutional directive of Article X, Section 9. (Petition, ¶ 33).

The State’s attempt to re-frame BOR’s petition, and then “prove” that BOR has not made a prima facie case of the unasserted claim, must fail.

**C. BOR Has Met its Burden of Establishing a Sufficient Case for Declaratory Relief to Support Preliminary Injunction.**

“Because a preliminary injunction does not decide the ultimate merits of a case, . . . a party need establish only a prima facie violation of its rights to be entitled to a preliminary injunction—even if such evidence ultimately may not be sufficient to prevail at trial.” *Driscoll*, 2020 MT 247, ¶ 16. Montana’s Constitution vests in BOR the “right and obligation to full power, responsibility, and authority to supervise, coordinate, manage and control the Montana university system.” Mont. Const., art. X, sec. 9(2)(a).

Relying on controlling Montana law, BOR has established that BOR – not the Legislature – is the competent body to determine priorities in higher education, including those related to the safety of students, professors, staff, and any other person on MUS campuses. *Board of Regents v. Judge*, 168 Mont. 433, 450, 543 P.2d 1323, 1333 (1975); *Sheehy v. COPP*, 2020 MT 37, ¶ 29, 399 Mont. 26, 458 P.3d 309. BOR has established that in enacting HB102, the Legislature dictated BOR policy changes; limited BOR policymaking; and conditioned funding on BOR adopting those changes. (Ex. 1, 3). In doing so, the Legislature violated BOR’s right to control, manage, coordinate, and supervise the MUS. This showing is more than sufficient to establish the prima facie



violation of the BOR's constitutional rights required for issuance of a preliminary injunction.

**II. BOR HAS ESTABLISHED THE HARM NECESSARY TO SUPPORT ISSUANCE OF A PRELIMINARY INJUNCTION UNDER BOTH SUBSECTIONS (1) AND (2) OF § 27-19-201, MCA.**

BOR seeks an injunction pursuant to § 27-19-201(1) or (2), MCA. The subsections in 27-19-201 are disjunctive, and BOR need only meet one of the criteria for an injunction. *Stark v. Borner*, 226 Mont. 356, 359-360, 735 P.2d 314, 316 (1987). “A preliminary injunction should be granted ‘if the record shows that [BOR] demonstrated either a prima facie case that [BOR] will suffer some degree of harm and [is] entitled to relief (§ 27-19-201(1), MCA) or a prima facie case that [BOR] will suffer an ‘irreparable injury’ through the loss of a constitutional right (§ 27-19-201(2), MCA).” *Driscoll*, 2020 MT 247, ¶ 17.

**A. BOR has Established “Irreparable Injury” Through the Loss of a Constitutional Right Under Subsection (2).**

BOR is entitled to a preliminary injunction under Subsection (2) if the “commission or continuance of some act during the litigation would produce a great or irreparable injury to the applicant.” § 27-19-201(2), MCA. Immediate implementation of HB102 would produce irreparable injury because “[f]or the purposes of a preliminary injunction, the loss of a constitutional right constitutes an irreparable injury.” *Driscoll*, ¶ 15. In fact, the Montana Supreme Court has repeatedly and consistently held that harm from constitutional infringement justifies a preliminary injunction. *See Weems v. State by and through Fox*, 2019 MT 98, ¶ 25, 395 Mont. 350, 440 P.3d 4, *citing City of Billings v. Cty. Water Dist. Of*

*Billings Heights*, 281 Mont. 219, 231, 935 P.2d 246, 231 (1997); *Montana Cannabis Indus. Ass'n v. State*, 2012 MT 201, ¶ 27, 366 Mont. 224, 286 P.3d 1161.

BOR has established that the Montana Constitution vests the Board with the full power and authority to manage, supervise, coordinate, and control the MUS, and that HB102 strips BOR of that constitutional right with respect to policymaking regarding the access to and use of firearms on MUS campuses. Mont. Const., art. X, sec. 9(a)(2). The loss of BOR's constitutional right to manage the MUS, standing alone, establishes "irreparable injury." *Driscoll* at ¶ 17. BOR has met its burden under § 27-19-201(2).

**B. BOR has Established "Some Degree of Harm" To Support a Preliminary Injunction Under Subsection (1).**

BOR is entitled to a preliminary injunction under § 27-19-201 (1) if BOR "is entitled to the relief demanded and the relief or any part of the relief consists in constraining the commission or continuance of the act complained of, either for a limited period or perpetually." BOR petitions to constrain enforcement of HB102 with respect to BOR and the MUS. Hence, under subsection (1), BOR need not establish "irreparable injury," but instead shows that BOR will suffer "some degree of harm." *Driscoll* at ¶ 17.

*1. Financial Injury.*

If HB102 becomes effective immediately, the MUS will suffer significant and irreversible financial injury. Immediate implementation of HB102 requires funds to create training programs, hire new employees, and other functions. (Rogers Declaration, ¶ 8). The Legislature allotted \$1,000,000 to the MUS to fund implementation, but that funding was contingent upon BOR's acquiescing to constitutionality of HB102. (Ex. 3). BOR will

still incur expense dealing with the fallout from any perceived applicability of HB102, even if it is declared unconstitutional at a later date. (Rogers Declaration, ¶ 7).

The potential financial losses are not “some abstract logistical challenge,” as implied by the State. (State’s Brief, p. 11). The Legislature estimated the cost of implementation of HB102 as \$1 million. (Ex. 3). The State counters that “the Board will lose those funds because it chose to do the one thing that the Legislature forbade – challenge HB102.” (State’s Brief, p. 14). The State provides crystal clear evidence of the legal basis for the Board’s constitutional challenge, admitting that the Legislature outright “forbade” the constitutionally empowered BOR from performing its constitutionally established obligation to manage and control the MUS. The Legislature then used the power of the purse to forbid BOR from seeking legal redress. The Legislature’s acts here mirror the constitutional violation identified in *Judge*, though this is more egregious.

In addition to the loss of \$1 million in legislative funding, Regent Brianne Rogers testified by declaration that “implementation of HB102 would require significant funds to create training programs, hire new employees, and otherwise implement the language of the statute. . . . (Rogers Declaration, ¶ 8). In addition, numerous public commenters, particularly parents, indicated that they may dis-enroll their students from MUS campuses if HB102 is immediately implicated. (Ex. 4, Ex. A). Each student who withdraws represents a loss of up to four to five years of tuition to the institution.

BOR has not just established “some degree” of financial injury, but has amply demonstrated significant injury.

## 2. *Safety Risks*

The public comments to the BOR establish the harm implementation of HB102 will cause with respect to student safety. Thousands of students, parents, faculty, and other stakeholders have documented the harm which comes from ceding management of the MUS to the Legislature, even temporarily. (Ex. 4A).

Regent Rogers testified as to the many commenters who “raised concerns about how the presence of firearms on campus could impact suicide rates and expressed fear that young adults, already a high-risk population for suicide, would now have easier access to lethal firearms.” (Rogers Declaration, ¶ 20). The State counters that “these statements . . . are purely hypothetical.” (State’s Brief, p. 14). For a member of the BOR, suicide prevention is not hypothetical. Years ago, BOR initiated a suicide prevention initiative, and formed a Suicide Prevention Task Force. The work of the Task Force and its campus affiliates is summarized in public comment provided Betsy Asserson, Director of Counseling and Psychological Services at Montana State University, and Brian Kassar, Suicide Prevention Coordinator. (Ex. 6, attached). They report that “reducing access to lethal means is a supported best practice for suicide prevention. . . .” (Ex. 6, p. 1). This best practice is based on concrete data:

College is generally a protective factor against suicide, but sadly suicide remains the second leading cause of death for 15-24-year-olds. At CPS [Counseling and Psychological Services], over 40% of clients have seriously considered suicide. Over the last five years, firearms have been the most used means for completed suicides by students on our campus. A key component of the MUS suicide prevention plan is to reduce access to lethal means. . . . for the majority of people who attempt suicide, the time that passes between decision to attempt suiciden and suicidal action is brief:

24% move from decision to action in 5 minutes or less and 46% in one our hour less. Most people who use a firearm during a suicide attempt die because of the lethality of firearms. In Montana, 86% of gun deaths are suicides, and Montana's firearm mortality rate is 2-5X higher than states with enhanced firearm safety laws.

(Ex. 6, p. 1). BOR's longstanding commitment to suicide prevention is just one example of the safety concerns which establish irreparable harm. Suicide is a pervasive and prevalent safety risk on campuses, and the entire campus community fervently wishes the risk were hypothetical. It is not.

**C. BOR Need Not Establish Emergency or Mitigation.**

Throughout its brief, the State argues that BOR created an "emergency" by not acting quickly enough to challenge HB102. The State then asserts that BOR has done nothing to mitigate the harm. The State's argument is irrelevant; urgency and mitigation simply are not factors in determining whether a preliminary injunction should issue pursuant to § 27-19-201(1) or (2), MCA. Rather, this Court "should decide merely whether a sufficient case has been made out to warrant the preservation of the *status quo* until trial." *Yockey*, 2005 MT 27, ¶ 18.

The State's claims also fail factually. BOR has acted timely and appropriately. BOR must conduct its business in public, and must deliberate only after allowing and considering public comment. Certainly, "[a] Regent must engage in meaningful and public deliberations as part of her public function as a member of the Board." *Copp* at ¶ 69 (J. McKinnon, *specialy concurring*). HB102 was signed into law on February 18, 2021. BOR had only two regularly scheduled meetings between February 18 and June 1,

one on March 11 and one on May 25-26. (<https://mus.edu/board/meetings/2021>). In a matter of weeks after passage of HB102, the Office of Commissioner of Higher Education (“OCHE”) researched, drafted, and published a proposed policy for BOR’s consideration at the May 25 meeting. (State’s Brief, p. 5, fn 2). In the intervening weeks, BOR accepted public comment regarding the policy, and received an unprecedented response. (Rogers Declaration, ¶ 10). Over five thousand people exercised their constitutional right to participate in BOR’s deliberations. In written comment and at a specially scheduled listening session on May 12, many of the commenters urged BOR to challenge HB102’s constitutionality. (Ex. 4A).

After hearing and receiving over 5,700 public comments in response to the proposed policy, BOR scheduled a special meeting on May 19 to consider whether to direct OCHE, on behalf of BOR, to request judicial review of HB102. (Website, *supra*). After again considering public comment, BOR voted to challenge the bill, and did so immediately, on May 20.

The State cheekily asserts that “[t]he Board of Regents should simply get to the business of developing a policy that respects the fundamental rights of students and faculty.” (State’s Brief, p. 2). The Board has a policy, which has been in place as written for almost a decade. (Policy 1006, Ex. 2). The State has not challenged that policy, but instead attempts to legislate over it. (HB102, Ex. 1). The Board did not create the need for this constitutional challenge and did not exacerbate the damages caused. To the contrary, the seven volunteer Regents took herculean efforts to perform their constitutional

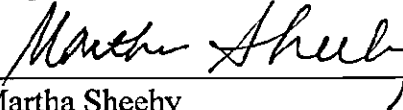
duty to manage, control, supervise and coordinate the MUS; work with the Legislature; consider public comment; and deliberate in an open, transparent way.

### CONCLUSION

Petitioner requests that this Court issue a preliminary injunction to enjoin the State from applying HB102 to BOR, MUS, or MUS campuses and locations under the terms set forth in the TRO.

DATED this 7<sup>th</sup> day of June, 2021.

Respectfully submitted,



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*/s/ Kyle A. Gray*

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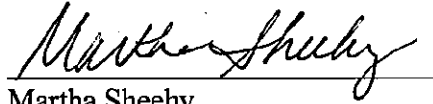
Ali Bovindon  
MUS Chief Legal Counsel

*Attorneys for Petitioner*

**CERTIFICATE OF SERVICE**

This is to certify that on the 7<sup>th</sup> of June, 2021, a copy of the foregoing has been filed, and served upon the following by hand delivery.

David Dewhirst  
J. Stuart Segrest  
Hannah Tokerud  
Montana Attorney General  
Justice Building, Third Floor  
315 N. Sanders  
Helena MT 59601

  
Martha Sheehy





April 27, 2021

Dear Commissioner Christian and MUS Board of Regents,

We are a diverse staff of mental health professionals (counselors, psychologists, and social workers) at MSU's Counseling and Psychological Services (CPS). We appreciate the invitation to offer our professional input regarding the implementation of HB 102 into MUS policy.

We frame the discussion of firearms on campus in the context of student safety and well-being, suicide, and suicidal behavior. College is generally a protective factor against suicide, but sadly suicide remains the second leading cause of death for 15-24-year-olds. At CPS, over 40% of clients have seriously considered suicide. Over the last five years, firearms have been the most used means for completed suicides by students on our campus. A key component of the MSU suicide prevention plan is to reduce access to lethal means. In practice, this means educating our students, faculty, and staff about the increased risk involved when someone in a suicidal crisis has access to a lethal method to carry out a suicide plan. For the majority of people who attempt suicide, the time that passes between decision to attempt suicide and suicidal action is brief: 24% move from decision to action in 5 minutes or less and 46% in one hour or less. Most people who use a firearm during a suicide attempt die because of the lethality of firearms. In Montana, 86% of gun deaths are suicides, and Montana's firearm mortality rate is 2-5x higher than states with enhanced firearm safety laws.

Reducing access to lethal means is a supported best practice for suicide prevention by the Suicide Prevention Resource Center. MSU engages in a comprehensive approach to means reduction on campus by training campus mental health professionals to specifically assess for access to firearms and lethal means when conducting a suicide risk assessment, working in close collaboration with the MSU Police Department to ensure safe storage of lethal means in the centralized weapons storage facility when someone is at risk, engaging in collaborative efforts with campus partners (i.e. Facilities, University Architect, University Police, and Safety and Risk Management) to conduct environmental scans of possible additional lethal means, including prescription drop boxes at University Health Partners and University Police to reduce access to medications which could be used to attempt a lethal overdose.

A growing trend in college mental health over the last six years is the emergence of trauma as a top presenting concern for university counseling center clients. At CPS, 20% of the (total) clients seen in counseling presented with trauma-related symptoms. Individuals with histories of trauma can be activated by stimuli that lead to similar emotional reactions experienced during a trauma. Open carry policies may increase traumatic responses in students when they unexpectedly see someone carrying a weapon in a classroom or in other campus settings. Common trauma and stress reactions affect people's physical, emotional, and cognitive functioning. Students subjected to seeing firearms in the classroom, on-campus, in their residence hall room, or in a health facility, may experience a trauma-induced-response, causing panic attacks, undue stress, or other negative psychological effects.

### **Counseling and Psychological Services**

211 Swingle  
P.O. Box 173180  
Bozeman, MT 59717-3180  
[www.montana.edu/counseling](http://www.montana.edu/counseling)

Tel 406-994-4531  
Fax 406-994-2485

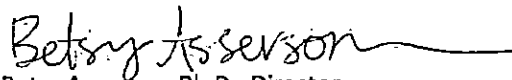
Accredited by the International  
Association of Counseling  
Services Internship Training  
Program approved by American  
Psychological Association


We respectfully request that the Board of Regents consider implementation of a policy that does not undermine the progress being made to reduce access to lethal means as a suicide prevention strategy. Losing one student to suicide is one too many, especially when we know that mental health treatment and reducing access to lethal means are both effective in reducing suicides. We recommend the following considerations as you progress with policy development:

1. Prohibit firearms in residence halls. If students do not have a firearm readily available in their residence, there is more opportunity to intervene, delay suicidal action, and get the student help if they are suicidal. This also limits access by others who aren't the owner of the firearm, thus reducing their risk as well.
2. Prohibit firearms in medical/counseling facilities. As noted above, with over 40% of CPS clients seriously considering suicide and approximately 13% of counseling appointments requiring safety planning for suicidal ideation, it is imperative that clients not have a firearm with them at counseling sessions. This will allow for increased safety planning and ensure safety for staff who are working with clients in crisis who may be distressed and impulsive.
3. Prohibit open carry of firearms on campus. This will protect students from potentially being emotionally activated if they have past histories of trauma or violence.
4. Require suicide prevention training in any campus firearms trainings. Training will be essential to ensure that everyone understands and follows the new policies around firearms on campus. Including suicide prevention training will be critical to ensure that everyone is able to identify a person at-risk for suicide and know how to refer those at-risk to help.

We appreciate that it is difficult to develop a comprehensive policy addressing this issue. Student safety and well-being informs our recommendations. The MUS has shown leadership and commitment to supporting student mental health and we respectfully ask for you to continue that leadership by creating policies that align with suicide prevention best practices. We would be happy to answer any of your questions related to these recommendations.

Sincerely,

  
Betsy Asserson, Ph.D., Director

  
Brian Kassan, Psy.D., Suicide Prevention Coordinator

On behalf of the following CPS mental health professionals:

Cheryl Blank, Ph.D.

Catie Francis, Psy.D.

Hilary Burt, M.S.

Katie Darnell, Psy.D.

Laura Thum, Ph.D.

Mariah Hill, Psy.D.

Megan Monroe, Psy.D.

Melissa Frost, M.S.

Mika Awanohara, Psy.D.

Paige Vermaat, M.S.W.

Ryan Niehus, Psy.D.

Sandy Newton, Ph.D.