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Capstones

Craig Newmark Graduate School of Journalism

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### **Students with mental health disabilities suffer from discrimination across college campuses**

Abigail Nequa Napp

*craig newmark graduate school of journalism*

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*If you are having thoughts of suicide, call the National Suicide Prevention Lifeline at 1-800-273-8255 (TALK). You can find a list of additional resources at [SpeakingOfSuicide.com/resources](http://SpeakingOfSuicide.com/resources).*

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Luchang Wang was supposed to graduate from Yale University in 2017.

But the sophomore struggled with mental health issues. She enrolled in classes but then had taken time off to deal with her struggles. Now she feared that if she took another break, she would never be allowed back to a college she treasured.

“Dear Yale: I loved being here,” she wrote. “I only wish I could’ve had some time. I needed time to work things out and wait for new medication to kick in, but I couldn’t do it in school, and I couldn’t bear the thought of having to leave for a full year, or of leaving and never being readmitted. Love, Luchang.”

The passage is from her suicide note.

She posted it on Facebook in 2015, and it was reprinted in a local newspaper. She had flown back home to California, and jumped off San Francisco’s Golden Gate Bridge.

She has not been the only student at Yale who felt pressure over whether to seek mental health care and risk being allowed to continue their studies.

And Yale is far from alone.

At a time when America’s teens and young adults report record levels of mental health issues, filings with U.S. Department of Education’s Office of Civil Rights show more than 50 substantiated cases in the past five years where universities fell short of federal law when it came to helping students with mental health issues.

Universities across the nation have faced substantiated accusations that their leave of absence policies discriminate against those with mental health disabilities, public records show

Additional filings show professors ignoring required accommodations for students with certified special needs, universities not having the needed staff to help those with mental health disabilities, and schools not providing mental health counseling for victims of sexual assault.

The Department of Education documents are one of the few windows into the secretive world into how colleges treat those with mental health disabilities.

While universities are not responsible for mandating a student's medical care, federal law does require that they do not discriminate against those who suffer from mental health disorders. Universities are also required to make reasonable accommodations to allow these students to succeed. These principles are covered under the Americans with Disabilities Act as well as section 504 of the Rehabilitation Act.

But each year universities in America faces hundreds of complaints that they are violating ant-discrimination and accommodations laws, including those for students suffering from mental health challenges. Those complaints can be filed in federal court and with the U.S. Department of Education's Office of Civil Rights.

While such cases are typically handled behind closed doors under medical privacy laws, Department of Education complaints, when settlements are reached, become public. Lawsuits shed more light on disputes where students who suffer from mental health disorders say they were not treated fairly.

### **PUNISHED FOR SEEKING HELP**

For at least 11 universities, Department of Education disputes substantiated the kinds of concerns raised by Wang -- cases where students encountered penalties for seeking a medical leave of absence. This included students prevented from returning to campus after getting treatment.

The disputes show students may forfeit tuition payments and face delays to their education that are not based on medical evaluations. Others have described a process that leaves stigma because they sought care, and campus pressure that dissuades them from seeking counseling.

At [Duke University](#), a student who took a medical leave of absence because of a mental health issue filed a complaint because he was not allowed to return for a year even though his doctor said he was fit to come back earlier.

A federal review found the school's deans were confused about whether the university had a policy for how long a student would need to wait for returning after taking a medical leave of absence. There was also no record whether the student was told he would likely need to stay away from campus for a year. The deans "appear not to understand whether or not there is a minimum leave time requirement for medical leaves of absence," the report noted.

California Polytechnic State University was found to have unfairly [not allowed a needed medical withdrawal after a diagnosis](#) for a mental illness. Others were found to have improperly

suspended a student because of mental health issues, like [Henry Ford Community College](#) in Michigan.

In addition, lawsuits show more schools facing similar allegations, indicating that the Department of Education resolutions are just a snapshot of more widespread problems.

At Stanford University, six students last year sued the school in a class-action case over its leave of absence policy, arguing that they were forced to put their education on hold for months or a year solely because they had told university officials about their mental health problems.

One student, who chose to remain anonymous in the litigation, said that after she reported having suicidal thoughts, Stanford threatened to expel her if she did not choose to take a year-long leave of absence.

“Going to Stanford was my dream, but this has felt like a nightmare,” wrote a student, who only disclosed her identity in the litigation as Rose A. After having suicidal thoughts hurting herself, Rose was hospitalized in a nearby facility. She said Stanford threatened to expel her if she did not take a year-long leave of absence. Stanford barred her from returning to her dorm. She remained in the hospital until her parents arrived from Australia. She was not offered accommodations, like reduced course load or an option to stay on campus. A Residence Dean told her “it’s too late now.”

Another student wrote in a court filing that he, too, sought therapy for suicidal thoughts, got treatment and was banned from his dorm. Then he needed to pay a \$450 fee as part of being barred from returning to his dorm.

Mental illness has been a concern on Stanford’s campus. A 2014 campus survey of 500 students: almost a third said they suffered from depression, according to one document submitted as evidence in the lawsuit. Half of the students said they felt they reached stress levels that they ranked as seven or eight on a scale of one to 10.

Stanford settled the case in October, agreeing to alter its leave policies so students would no longer be required to depart the campus for months or a year, and acknowledging that a leave of absence will be considered only if an on-campus mental health expert has determined that all other accommodations have been exhausted. More case managers are being added to help those with mental disabilities. Additional funding will be allocated for counseling services. Students would also be informed about their right to not forfeit tuition fees should they take a leave of absence.

Another fear among students is the stigma of having sought mental health care.

At Princeton University, a student sued because he was forced to leave the campus after a suicide attempt.

The student, referred to litigation only as W.P., sought help from school counselors and attended group therapy sessions during his first semester on campus.

But at the beginning of his second semester, on Feb, 25, 2012, he felt he could not cope. He swallowed an overdose of his antidepressant medication. He regretted the decision and immediately tried to vomit out the pills. Then he sought help, and was sent to the school's medical center.

After a month, his psychiatrist said he was fit to return to school.

Instead, Princeton told him he could not come back for at least a year.

He was urged to voluntarily withdraw. He was told that if he rejected the deal, he would be forced to withdraw and would not be entitled to a tuition refund. In addition, his school transcript would be marred with a note that his departure was a "mandatory withdrawal."

So he left and was readmitted the following year. But in his lawsuit, he reported anxiety and stress about the need to explain to prospective employers why he was not in school for a year..

His complaint also alleges Princeton had not published procedures for cases like his.

[The legal battle went on for five years and was settled this summer for undisclosed terms.](#)

### **LACK OF COUNSELORS AND PSYCHIATRISTS**

Lack of counselors and adequate staffing is a concern echoed across the country.

The University of Virginia, in one dispute resolution, agreed to hire [more mental health counselors](#) after it became clear that its handling of sexual violence complaints on campus was in violation of federal standards. In the wake of another complaint, Philadelphia's [Moore College of Art](#) was found to not properly staffed the job for overseeing accommodations for disabled students nor had it provided students with consistent information about who to contact if they had a disability concern.

A [spring 2019 survey](#) of over 50,000 undergraduates by the American College Health Association, comprised of campus counselors and other health professionals, found that among undergraduate students, more than 57 percent reported feeling hopeless in the past year, and 88 percent reported feeling overwhelmed. Over 60 percent said they had felt "very lonely," and 46 percent they had felt so depressed that they found it difficult to function.

The National College Health Assessment survey [of nearly 200 counselors and students reported](#) that students' mental health problems were made worse because universities did not offer enough help.

In a [comprehensive report published in 2017](#) by the National Council on Disability, 47 percent of mental health practitioners said a lack of funding limited campus mental health services, and this is "a major problem impeding the success of students with mental health disabilities." 33 percent said counseling services "were not adequate." Only two said their colleges offered "comprehensive services."

While counseling centers have generally increased services for urgent cases like threats of suicide, [the 2018 Center for Collegiate Mental Health survey found](#) that from fall 2010 to spring 2016, college centers overall offered fewer services for routine treatment.

And for students needing to see a psychiatrist or a counselor over the weekend, the situation can be even more dire. Over 50 percent of the [571 counseling centers surveyed](#) by the Association for University and College Counseling Center Directors (AUCCCD) do not offer psychiatric services. Of those who do offer it, 57 percent said they needed more week day hours. Less than five percent of counseling centers offer clinical appointments on weekends, and the average wait for the first appointment was 6.5 business days.

Barry Schreier, a counseling director at the University of Iowa who serves on the board of the Association for University and Counseling Center Directors, said his organization's data shows students are reporting more mental health needs, and they are using far more services.

"These are staggering numbers," said Schreier. "It points a lot to the level of distress our students feel."

Part of the reason may be that so much has been done in society to reduce stigma around seeking mental health care, he said.

"The demand for services appears bottomless," said Schreier.

### **LACK OF ACCOMMODATIONS**

Federal records show at least 11 substantiated complaints against universities for failing to provide accommodations for students with mental health disabilities.

At Orange Coast College in Costa Mesa, Calif., an Iraq War veteran suffering from bipolar disorder and post-traumatic stress disorder, found that his request for accommodations was, needlessly delayed for months, according to investigators. Even when they were finally certified, one teacher refused to let him refer to his notes during a final exam, even though it was one of the approved accommodations.

The University of Missouri-St. Louis failed to [make accommodations like providing a note taker](#). While a student in a math class had an accommodation that called for having a note taker, that person quit during the semester, and no one was hired to continue the job. The ensuing dispute led the university to overhaul and update its procedures for providing accommodations.

In 2013, a [Houston Community Central College](#) professor ignored a student's approved accommodations. The case led to widespread changes on the campus. The school signed a dispute resolution agreeing to overhaul how it treats students with disabilities. All faculty and staff who work with disabled students would undergo mandatory anti-discrimination training. The school revamped its policies and make clear that it allowed accommodations for those who need them. An appeals process was clearly spelled out.

### **POOR COUNSELING FOR SEXUAL ASSAULT VICTIMS**

Meanwhile, more than a dozen universities have faced accusations of failing to provide appropriate mental health services for victims of sexual assault.

The list includes Michigan State University, where Larry Nassar, who served as one of the school's sports doctors, was convicted in 2016 on child sexual assault and pornography charges, stemming in part from his work with USA Gymnastics, one of the most notorious cases of sexual assault in recent history.

As part of a settlement, Michigan State agreed to a series of policy changes -- including making clear to students who allege they suffered sexual assault that they are [eligible for counseling and mental health services](#).

Students who suffer from a mental health disability -- such as anxiety, depression or PTSD -- are more likely to also be survivors of sexual violence, according to [a 2019 survey by the Association of American Universities](#) of over 180,000 students on 33 campuses on campus sexual assault

In separate cases, [Carthage College](#) in Wisconsin, [Citrus College](#) in California, [Minot State University](#) in North Dakota and [Southern Virginia University](#) agreed to policy changes so mental health and counseling services are offered to students after sexual assault.

[Frostburg State University](#) in Maryland was required to review all sexual harassment complaints from 2010 to 2016 to determine if it properly conducted investigations. As part of the settlement, the school was required to offer "counseling and other appropriate services" to at least 26 victims where the university failed to document whether help was offered when they filed their complaints.

The University of Virginia [agreed to hire more mental health counselors](#) in the wake of an investigation into how it handled sexual abuse cases.

[Princeton University](#) was found to have fallen short in providing mental health support to those who suffered sexual violence and abuse. In May of 2019, students there held a peaceful protest to express their concerns with how sexual misconduct was handled on campus. Princeton formally [updated a series of policies](#) in October [after two reports](#) authored by committees found, among other shortcomings, that navigating the Title IX process was “daunting or confusing.” The reports asked for an expansion of staffing and programming on Title IX, including more support resources for students and the creation of an emergency fund working group to make sure that there was enough funding and attention being given to the mental health needs of students.

### **PARENTS UPSET NOT BEING NOTIFIED**

Parents of students who have suffered from mental illness also content that colleges can be doing more, especially providing help for students who are suicidal.

That includes the parents of Han Nguyen, who was a 25-year old PhD student at the Massachusetts Institute of Technology. He struggled with depression since adolescence and was anxious that his academic performance would become marred if he sought treatment on campus.

Faculty, staff and clinicians knew of his struggles. Nguyen had informed MIT’s counselors about his history of depression and attempts to commit suicide before he enrolled at MIT.

While Nguyen sought treatment, no one at MIT reportedly believed he posed an “imminent” threat suicide. Nguyen never made it explicit that he was considering suicide. No one told his parents of his struggles.

After a strained conversation with a professor, Nguyen jumped off a campus building to his death.

His parents sued MIT for wrongful death.

Eighteen other Massachusetts colleges, including Harvard University and Boston University, joined in the legal battle defending MIT, contending that staff who were not clinicians treating a patient cannot be held responsible for suicide attempts by students or for notifying parents.

“Imposing this rigid, one-size-fits-all duty would require non-clinician employees to take overbroad, potentially intrusive steps to force mental health services (or other drastic measures) on students who do not want or need them,” they told the court.



In 2018, the Massachusetts Supreme Judicial Court, the state's highest court, ruled colleges cannot be held accountable for suicides of their students if they do not know a student is suicidal.

Nguyen's parents are not alone.

The parents of Olivia Kong, who was a junior at University of Pennsylvania, have sued the Ivy League school for negligence and wrongful death after their daughter committed suicide in 2016. Kong was 21 years old and enrolled at the Wharton School of Business.

Her parents, Xianguo Kong and Zhao Lin, said their daughter sought counseling several [times](#) and told clinicians about her suicidal thoughts, yet they were never notified. The parents are seeking damages, believing the school did too little to help their daughter. STATUS OF CASE.

Gina Burton, who lost her son to suicide during finals week his sophomore year at Hamilton College in upstate New York, has advocated for colleges to notify parents when students in despair and at risk of taking their lives.

After her son hanged himself in his dorm room, Burton began to read his journal. It was only then that Burton realized how much her son struggled with the shame of failing three classes.

In the spring of 2018, two years after their son's death, the Burtons wrote an [open letter](#) published in the Hamilton college newspaper demanding that the administration do more. They asked for a mandatory process to notify parents when college staff have concerns about a student.

Scott MacLeod and Susan Hack have taken a different tack. They started [The Sophie Fund](#) several years ago in memory of their daughter, Sophie, who committed suicide at age 23 after struggling with depression and taking a medical leave of absence from Cornell University.

The fund promotes [suicide prevention, adequate staffing of counseling centers, and leave of absence policies](#) that encourage students to seek mental health care. Recently they've been pushing to allow students who take a leave of absence to stay in the community during their time off.

## **WHAT SCHOOLS SHOULD BE DOING**

Advocates believe universities can be doing more.

The [Bazelon Center for Mental Health Law](#), based in Washington, D.C, has sued colleges for failures to help those with mental health issues.

It filed [suit in 2019 against Brown University](#) on behalf of a medical student suffering from

depression and attention deficit disorder who was allegedly forced out of the school without any attempt to accommodate her condition. The case is pending.

In the past 15 years, it won a \$165,000 settlement from [Hunter College](#) after a student was barred from campus after being hospitalized for a suicide attempt. It won a settlement against [Palm Beach State College](#) after the school “made inappropriate inquiries” about her mental health after she asked for a service dog. And it obtained a confidential settlement against [George Washington University](#) after it objected to him returning to campus when he reported feeling depressed after close friend committed suicide.

Bazelon promotes a [model policy](#) for universities to support students with mental health needs, including avoiding punitive measures against students who suffer from a mental health crisis and allowing students to continue their studies as soon as is reasonable.

It also provides guidebooks to students about their rights to privacy in mental health matters, how they can seek accommodations. It has helped train students on knowing their rights as a person with a mental health disability, so they know the law as its written and how to get legal representation, if needed.

Julia Garrison, a lawyer at the Bazelon Center who focuses on integrating those with disabilities into the community, and on providing services for people with disabilities, encourages students to ask for help and accommodations on campus, which can be a complicated process.

“Ninety percent of (the problems of mentally disabled students) would go away if colleges would help people,” said Garrison. “The law is the bare minimum of what people have to do not to discriminate against people with disabilities. That doesn’t mean people can’t go above and beyond and ask for more than what the law requires.”

The JED Campus Foundation, a nonprofit based in New York City that works on suicide prevention and emotional health across campuses, has worked with 215 institutions of higher education.

Diana Cusumano, a staff member at the JED Foundation and is a former college counselor, said the university counselors she’s spoken with are overwhelmed and overloaded by the increasing demand for their services on campus.

As schools seek to be more proactive about helping students, she said it has become harder for colleges to provide psychiatric care to students.

“One thing we’ll see helping the field is tele-health and tele psychiatry as we go into this new decade,” said Cusumano. “I think this could be a good opportunity for places in rural areas.”

The foundation recommends that universities surveys to better understand students' needs, and encourages schools to train every employee to identify students at risk, and help them get the services they might need.

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