

Judge David L.

BAZELON CENTER
for Mental Health Law

NEWS

Student Punished for Getting Help

March 10, 2006—Jordan Nott was a straight-A sophomore at George Washington University (GWU) in the fall of 2004 when he sought emergency psychiatric care for depression. When they learned of Nott's hospitalization, university officials charged him with violating the school code of conduct, suspended him, evicted him from his dorm and threatened him with arrest for trespassing if he set foot on university property.

An editorial in the March 13, 2006 Washington Post asks, "Since when does being sick constitute a disciplinary problem?" The Bazelon Center considers the university's actions to be discrimination based on the perception that Nott had a disability, and is representing him in a lawsuit claiming that GWU violated the Americans with Disabilities Act, the DC Human Rights Act, the Rehabilitation Act and the Fair Housing Act.

Situations like Nott's are increasingly common in educational institutions around the country, as described in a March 13, 2006 article in Inside Higher Education. A fundamental problem is that, without considering students' individual circumstances, disciplinary charges or mandatory leaves of absence are imposed on students who appear to have self-injurious behaviors or thoughts and/or seek psychiatric treatment. If students fear reprisal when their efforts to obtain help come to administrators' attention, many will suffer in silence.

Jordan Nott had become depressed after a close friend committed suicide, so he went to the university's counseling center, which prescribed antidepressants. But he felt worse and began to worry about a potentially negative drug reaction. At 2:00 am one Saturday morning, he voluntarily admitted himself to the university hospital.

Within hours, Nott got a letter saying that he could not return to his dorm without receiving clearance from the university counseling center and the "community living and learning center" (his dorm). The following day, while he was still in the hospital, another letter came, charging him with "endangering behavior" in violation of the school's code of conduct. Who or what he "endangered" with the "behavior" of seeking treatment remains a mystery.

Jordan could attend a hearing before the judicial board, the letter said, but if the board found him guilty of violating the student code of conduct he faced suspension or expulsion. Or he could withdraw and seek readmission upon proof that he had successfully completed medical treatment, had been symptom-free for six months and could live independently and perform successfully. He chose to withdraw and is now completing studies at the University of Maryland.

The Bazelon Center filed a complaint on his behalf in October 2005, with the law firms of Heller, Huron, Chertkof, Lerner, Simon & Salzman, and Howrey, LLP as co-counsel, pro bono. Our hope is that settlement discussions will lead to development of a model policy for educational institutions—one that treats self-injurious behavior and thought as a mental health issue, encourages students to seek help without punishing them and includes a firewall between counseling services and administrations.