



## NEWS RELEASE

Wednesday, November 30, 2022

*Media Contact:*

Bernard Kavaler for Disability Rights Connecticut  
860-729-3021 [bernard@express-strategies.com](mailto:bernard@express-strategies.com)

### **Yale University Violates Federal Law in Treatment of Students with Mental Health Disabilities, Lawsuit Alleges, Seeking Court Action to End University's Discriminatory, Unlawful and Harmful Practices**

*Suit Filed on Behalf of Current and Former Students Seeks Class Action Status As Concerns About Suicides, Current Yale Policies Remain Despite Advocacy for Change*

Yale University has, for decades, treated unequally and failed to accommodate students with mental health disabilities, according to a federal lawsuit filed Wednesday in U.S. District Court in Connecticut on behalf of students at Yale University, the organization *Elis for Rachael, Inc.* and a proposed class, seeking court action to “remedy Yale University’s systemic discrimination against students with mental health disabilities.”

The 41-page lawsuit alleges that Yale, through failure to make reasonable modifications to policies, “discriminates against students with mental health disabilities in a variety of ways,” in violation of federal law. The lawsuit alleges that Yale’s policies are in violation of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, the Fair Housing Act, and Affordable Care Act. The legal action states that:

- Yale’s withdrawal policies and practices push students with mental health disabilities out of Yale, impose punitive consequences on students who have withdrawn, and place unreasonable burdens on students who, after a withdrawal, seek reinstatement.
- Yale imposes on all students, regardless of disability, a rigid requirement of full-time enrollment and refuses or makes it unreasonably difficult to secure accommodations for disabilities in coursework or housing.
- The impact of Yale’s discriminatory policies is harshest on students with mental health disabilities from less privileged backgrounds, including students of color, students from poor families or rural areas, and international students.
- Yale’s discriminatory policies leave students with mental health disabilities at risk of losing their university health insurance coverage, with no option to continue coverage despite their need to withdraw to attend to their disability needs. This disproportionately affects students from economically disadvantaged backgrounds.

For at least the past decade, members of the Yale community have endeavored to persuade Yale to change its policies and practices. These efforts have resulted in little change, the lawsuit states. It was filed on behalf of the plaintiffs by Disability Rights Connecticut, the Bazelon Center for Mental Health Law, and Vladeck, Raskin & Clark, P.C. The class that the plaintiffs seek to represent is “composed of all Yale students who have, or have a record of, mental health disabilities and who are being harmed, or reasonably fear being harmed, by the illegal policies and practices challenged in this lawsuit.”

Yale’s withdrawal and reinstatement policies and practices, the lawsuit points out, have received national scrutiny. The Ruderman Foundation, in consultation with national experts, examined leave of absence and withdrawal policies at Ivy League schools and gave Yale a grade of F.

More recently, Yale's mental health policies and their devastating effect on students with mental health needs were the subject of an investigative article published this month by *The Washington Post*. The article described a university "beset by inadequate services and policies that often fail students in crisis," detailing student suicides and suicide attempts, as well as numerous student experiences with Yale's policies, which one student described as "the exact opposite of what you'd want to happen."

The lawsuit outlines specific actions "pressuring students to take 'voluntary' time off when they experience significant symptoms from a mental health disability." These involve current and former students, including students admitted to Yale New Haven Hospital for mental health treatment.

As the lawsuit explains, "Yale's written policy, and the widespread belief among students that seeking mental health treatment risks being pressured into 'voluntary' withdrawal or being involuntarily withdrawn, deters students from seeking the mental health treatment they need and from requesting accommodations for their disability." The plaintiffs in the lawsuit are seeking injunctive relief that would end Yale's discriminatory practices; monetary damages are not being sought.

*Elis for Rachael* was formed after first-year Yale student Rachael Shaw-Rosenbaum died by suicide on campus in March 2021. The grassroots organization – which has brought together hundreds of Yale alumni, family, and friends – provides emotional support, mentorship, and financial support to current students with mental health needs. They also consistently advocate for policy change at Yale, including better access and accommodations. *Elis for Rachael* recently earned 501(c)(3) nonprofit status; its leadership includes Yale alumni with mental health disabilities who have experienced first-hand the impact of Yale's alleged illegal practices.

"We are proud to stand with current students to fight to end Yale's discriminatory policies," said *Elis for Rachael* member Lily Dorman Colby, Yale Class of 2010. "Students don't feel heard. They don't feel like they can share what's really happening to them. And ultimately inflexible policies lead to students not getting what they need when they need it."

The named plaintiffs include a current Yale undergraduate in her third year and a Yale undergraduate in her fourth year; the lawsuit outlines their experiences and those of alumni seeking or receiving mental health treatment while at Yale. The lawsuit also details the university's actions related to their mental health disability. Named defendants in the legal action are Yale University and the Yale President and Fellows of Yale University, also known as The Yale Corporation, which is Yale University's principal governing and policy-making body.

"We hope that this lawsuit brings about essential changes in Yale's long-standing policies and practices to ensure that students with mental health disabilities receive the accommodations that they need in order to have an equal educational opportunity," said Deborah A. Dorfman, Executive Director/Attorney, Disability Rights Connecticut.

"It's unfortunate this lawsuit had to be filed, but we hope it can catalyze a productive discussion with Yale about its obligations under disability rights law," said Maia Goodell of Vladeck, Raskin & Clark, P.C.

"The U.S. Departments of Justice and Education have already made clear that federal civil rights laws require universities to support students with mental health disabilities. Instead, Yale punishes students when they need help. These students deserve better," said Monica Porter of the Bazelon Center for Mental Health Law.

The lawsuit alleges that Yale "administers its withdrawal and reinstatement policy in a way that compounds the hurdles for students with mental health disabilities." It provides multiple examples of the unreasonable burdens imposed by Yale's policies, which:

- require students on withdrawal to move out of their campus housing within 48 hours.

- are especially punitive with respect to health insurance, which particularly harms students who cannot otherwise obtain health insurance.
- may not provide students who have to leave school for disability-related reasons during the term with any rebate for tuition, room, and board payments.
- requires withdrawn students to remain away for one or two full semesters (after the semester in which they withdraw), even if they are ready to return earlier.

After a student withdraws, the lawsuit notes, Yale imposes a “daunting reinstatement process.” Yale’s reinstatement policy requires a student to persuade Yale that they were “constructively occupied” during their withdrawal, and “policies do not provide for deference to the views of the student’s treating professionals.” The lawsuit stated the experience of a former student who sought reinstatement, which was supported by his treating providers, but Yale did not allow him to return.

Yale makes it virtually impossible to take a part-time course load, even when doing so is required as a reasonable accommodation for a mental health disability, the lawsuit states, pointing out that “students understand that requesting part-time study, as a reasonable accommodation for their mental health disability, would be futile.”

“Taking time off from school can be helpful and even essential for addressing one’s mental health. That’s why the withdrawal and reinstatement process at any university ought to be simple, flexible, and focused on supporting a student’s recovery,” said Rishi Mirchandani, Yale Class of 2019, and *Elis for Rachael* member. “At Yale, however, the process is confusing, rigid, and unsupportive. Withdrawing from Yale means agreeing to an extended absence without university health insurance, housing, institutional support, or a manageable reinstatement process. This simply cannot be the only alternative to a full-time schedule.”

According to published reports, 11% of U.S. undergraduates report a disability, with mental health disabilities among the most commonly reported. While Yale disability advocates believe these numbers are an undercount of the disability population at Yale, using the 11% number would mean that more than 1,300 current Yale students have disabilities, and a significant number of those students have mental health disabilities.

“Yale’s discriminatory conduct presents a real and immediate threat of current and continuing violations,” and “named Plaintiffs and members of the proposed class will suffer irreparable harm,” the lawsuit states in urging the court to grant declaratory and injunctive relief.

###

**About Disability Rights Connecticut** - *Disability Rights Connecticut, an independent statewide non-profit organization, advocates for the human, civil, and legal rights of people with disabilities in Connecticut. DRCT is the Protection & Advocacy System for Connecticut, having replaced the state Office of Protection & Advocacy for Persons with Disabilities in 2017. DRCT’s mission is to advocate, educate, investigate and pursue legal, administrative, and other appropriate remedies to advance and protect the civil rights of individuals with disabilities to participate equally and fully in all facets of community life in Connecticut. [www.disrightsct.org](http://www.disrightsct.org)*

**About Vladeck, Raskin & Clark, P.C.** - *The firm’s disability rights practice is centered on the enforcement of the Americans with Disabilities Act (ADA) and related civil rights laws. We concentrate on helping people with all types of disabilities address individual and systemic discrimination, negotiate accommodations and achieve equity in employment, housing, higher education, transportation and public accommodations. [www.vladeck.com](http://www.vladeck.com)*

**About Bazelon Center for Mental Health Law** - *Since 1972, the Judge David L. Bazelon Center for Mental Health Law has advocated for the civil rights, full inclusion and equality of adults and children with mental disabilities. We were pivotal in expanding the civil rights movement to include fighting discrimination against, and segregation of, people with mental disabilities. Today, the Bazelon Center accomplishes its goals through a unique combination of litigation, public policy advocacy, coalition building and leadership, public education, media outreach and technical assistance—a comprehensive approach that ensures we achieve the greatest impact. [www.bazelon.org](http://www.bazelon.org)*