

# **United States Department of Education Office for Civil Rights**

#### **DISCRIMINATION COMPLAINT**

## **Part 1: Name of person filing this complaint:**



## **Attorneys for**:

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### Part 2: Name of person discriminated against:

Same as above.

#### Part 3: Name of institution or agency that engaged in the alleged discrimination:

**Princeton University** 

**Part 4: The basis of this complaint:** Princeton has discriminated against on the basis of his mental disability, namely, major depression.

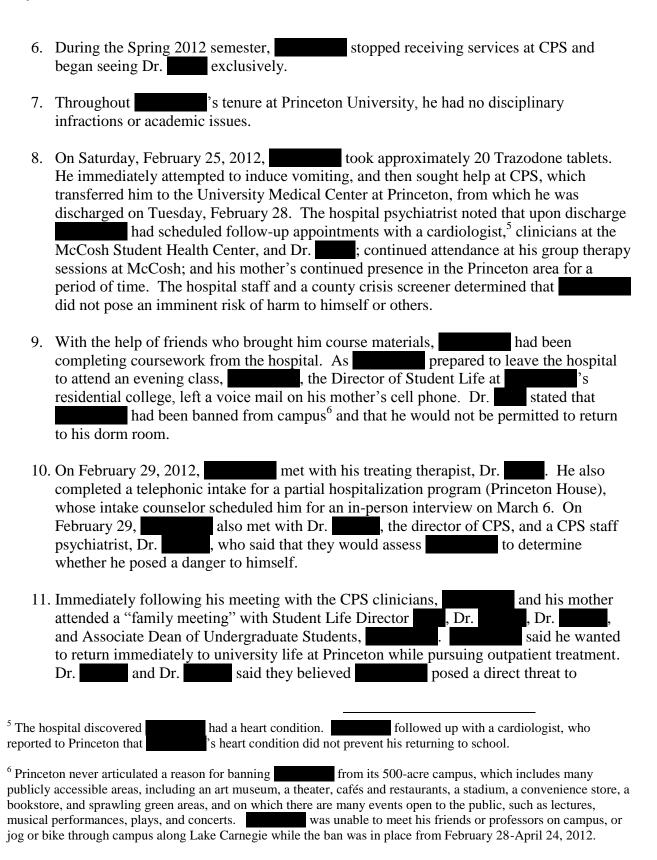
Part 5: Description of each alleged discriminatory act, including the relevant dates; names of those involved, including witnesses; and why the complainant believes the discrimination was because of disability.

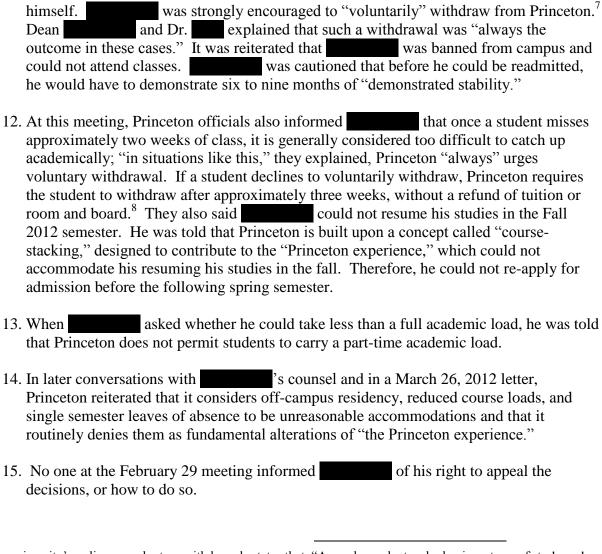
### **SUMMARY**

At the time of Princeton's actions described below, was fully qualified to continue as a residential student at Princeton. He was fully capable, with or without accommodations, of meeting the essential eligibility requirements for being a Princeton student, including meeting Princeton's academic and non-discriminatory behavior standards.

has received a recent diagnosis of Bipolar Disorder, Type II; therefore, Princeton University may regard him as having bipolar disorder.

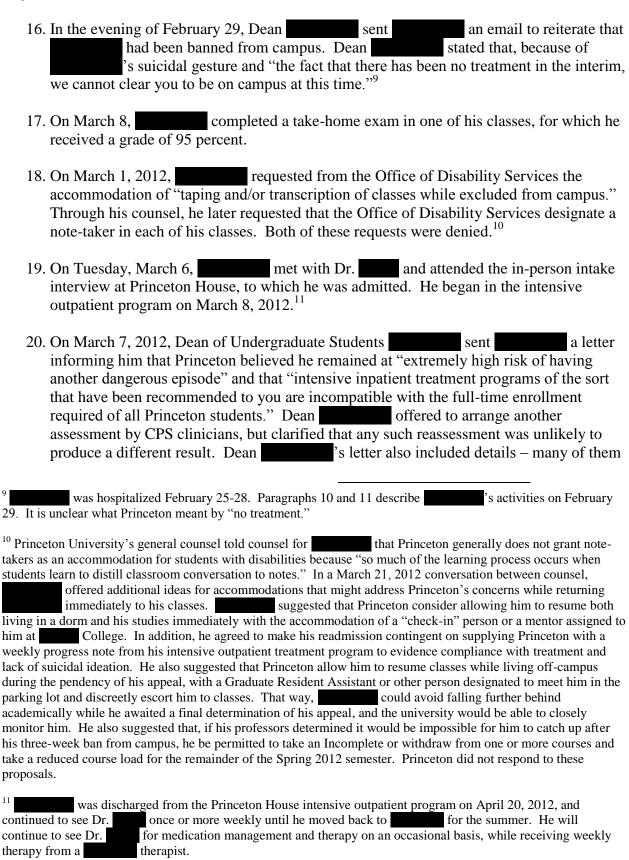
1.	Princeton University discriminated against in response to a manifestation of his mental illness by taking the following actions after his suicidal gesture:  a. evicting him from his dorm room; b. prohibiting him from attending classes; c. banning him from all areas of campus; and d. coercing him to withdraw "voluntarily" from the University.
2.	Princeton denied reasonable accommodations. When Princeton expressed opposition to remaining in his dorm room and continuing as a student, offered, at various times, to:  a. pursue a part-time academic schedule; <sup>2</sup> b. live off-campus while pursuing a part-time academic schedule; <sup>3</sup> and c. take a single-semester leave of absence rather than a two-semester leave, on which Princeton was insisting. <sup>4</sup>
	Princeton refused each of these accommodations.
3.	Princeton discriminated against by imposing on him conditions of reenrollment that are needlessly onerous and intrusive, as well as more onerous and intrusive than those it imposes on students who withdraw for reasons of physical illness or disability.
	<u>Facts</u>
4.	enrolled as a freshman for the 2011-12 academic year at Princeton University. Before classes began, he sought treatment and a referral to an outside provider from Princeton University's Counseling and Psychological Services (CPS) at the McCosh Student Health Center.
5.	During the Fall 2011 semester, received outpatient therapy services and attended group psychotherapy sessions at CPS and attended additional appointments for assessment and medication management. In addition, he began to see an outside psychiatrist, Dr. to whom CPS had referred him.
allow a	ormal course load at Princeton is four courses per semester. In "exceptional circumstances," Princeton may freshman student to take three courses per semester rather than four. <i>See</i> Undergraduate Announcement: nic Standing and Regulations, <i>available at</i> http://www.princeton.edu/ua/sections/9/.
	dergraduates at Princeton are required to reside in a residential college during their freshman and sophomore <i>See</i> Parents' Handbook 2011-12: Residential Life, <i>available at</i> http://www.princeton.edu/pub/ph/residential-
Undergr	that it does not permit leaves of absence of less than a year in cases like his. <i>See</i> raduate Announcement: Academic Standing and Regulations, <i>available at</i> http://www.princeton.edu/ua/s/9/ ("undergraduates are eligible to take leaves of absence at the discretion of the dean of the college for o, or three years, but not less than one year).

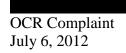


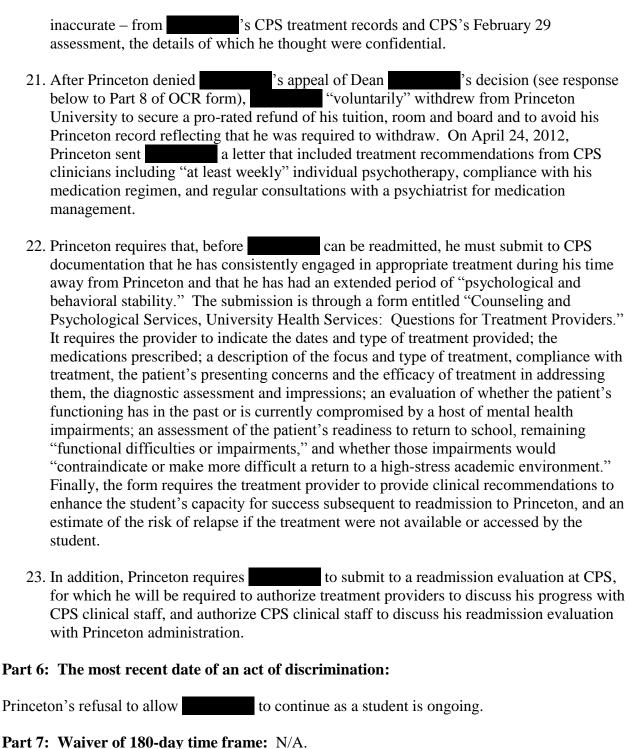


The university's policy on voluntary withdrawals states that, "An undergraduate who begins a term of study and leaves the university before the end of reading period is considered to have withdrawn voluntarily. Readmission is normally not guaranteed to a student who withdraws voluntarily. However, the Faculty Committee on Examinations and Standing generally gives favorable consideration to a request for readmission supported by a record of productive activity while away from Princeton that indicates readiness to resume full-time study without further difficulty or interruption. The dean of the college or the dean of undergraduate students also may establish specific additional requirements for readmission if the circumstances of the withdrawal warrant this action. All requests for voluntary withdrawal and applications for readmission must be presented to the Office of the Dean of the College for approval. A student who has had a total of three withdrawals from the University, whether voluntary or required for academic reasons, should not expect a further opportunity to qualify for a degree." *See supra note* 2, Undergraduate Announcement.

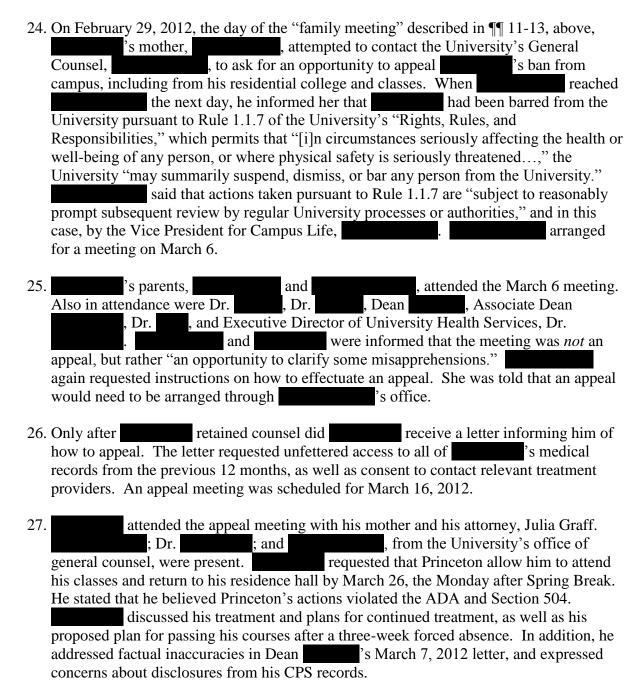
<sup>&</sup>lt;sup>8</sup> This was repeated in conversations between counsel and is reflected in a March 26, 2012 letter from the Vice President for Campus Life ("I do hope... that you will reconsider and take a voluntary withdrawal by no later than March 30, 2012. If you choose not to do so, I will require you to withdraw, which would then be reflected on your transcript."). Princeton's Undergraduate Announcement lists five circumstances that can lead to required withdrawal from the University and risk of academic failure is not among them; neither is absence from a student's residential college. *See supra note* 2, Undergraduate Announcement.







# Part 8: Have you attempted to resolve these allegations with the institution through an internal grievance procedure, appeal or due process hearing?



28. In su	pport of his appeal, provided Vice President with:	
i 1 6	A letter, dated March 15, 2012, from Dr. 2012 stating that 2012 st	
	A note from a scardiologist, which states that there are "no cardiac contraindications to return to school;"	
c. I i	Redacted records from serious, 's February 25-28, 2012 hospital admission, indicating that he had been "medically cleared for discharge" and that he "can be discharged to outpt ( <i>sic</i> ) follow-up as planned;"	
d. A	A detailed academic plan for passing each of his four courses after a three-week	
	Involuntary absence; and Emails of support and encouragement from several of his professors.	
See E	Exhibit A.	
infor	owing the March 16 appeal meeting, Vice President requested more mation from several records. In response, despite requested with the following:	
	His complete, unredacted medical records from the February 25-28, 2012 hospital admission;	
b. 7	Γhe risk evaluation of the Mercer County mental health screener;	
d. (   	Documents from Princeton House concerning of a streatment; Consent for Dr. to contact Dr. for additional information. Dr. and Dr. spoke on March 23, 2012, at which time Dr. reiterated that should be allowed to continue his studies and live in a residential college at Princeton;	
f. (	A summary, prepared by , of his Fall 2011 treatment at CPS; Consent for CPS to deliver to Dr. its own "summary of treatment" from	
	the Fall 2011 semester; CPS's post-hospitalization risk assessment; and	
	A history of sprevious mental health treatment.	
See E	xhibit B.	
Prior to going into private practice, Dr. was for 13 years the sole consulting psychiatrist for the McCosh Student Health Center at Princeton University, and McCosh's CPS clinicians had referred to Dr. Princeton officials had no reason to doubt Dr. 's professional opinion, his expertise, or his understanding of Princeton.		

OCR Complaint July 6, 2012 30. The February 28 decision to ban from campus, including his residential college and classes, was upheld in a letter from Vice President March 26, 2012. See Exhibit C. has <u>not</u> filed a complaint with any other Federal, state, or local civil rights agency, or any Federal or state court. **Part 10: Communications:** If you wish to speak with please contact his attorney, Julia Graff, at the Judge David L. Bazelon Center for Mental Health Law at (202) 467-5730, ext. 306 or by email at juliag@bazelon.org. **Part 11: Remedies:** seeks the following remedies: a. Readmission to Princeton University for the fall 2012 semester, including on-campus residence at College; b. A finding that Princeton University violated Section 504 of the Rehabilitation Act by from classes, evicting him from his dorm, and forcing him to withdraw from the University because of a manifestation of his mental illness; c. A finding that Princeton University violated Section 504 of the Rehabilitation Act when it denied the reasonable accommodation of off-campus residency, part-time academic schedule, and a single-semester leave of absence; and d. A finding that Princeton University violated Section 504 of the Rehabilitation Act by imposing on him conditions of reenrollment that are more onerous and intrusive than it imposes on students who withdraw for reasons of physical illness or disability.

7/6/12 Date