My Mental Health Rights on Campus

Tools for School - Tip Sheet 5 **TRANSITIONS RTC** *January 2012*

Are you nervous about attending college if you have a mental health condition? If so, this information will give you the knowledge you need to address your rights, rules, and resources while at college.

Can my school discipline me for something I think happened because of my mental health condition? It depends...

- Not if the school is discriminating against you because you have a mental health condition resulting in a disability. You are entitled to request a hearing and/or appeal process in most schools if you think you are being discriminated against.

Disciplining you because of hospitalizations and related absences may be discrimination, and therefore, against the law. Get some legal help/advice if you want to appeal a disciplinary action.[1]

- If your behavior violates a school's code of conduct, their disciplinary action may not be considered discriminatory as long as it is consistently applied to all students. Find out about the discipline policy and the disciplinary practice (such as "zero tolerance") in your school.

A school may be able to discipline you for disorderly conduct if it's in their rules, even if the behavior is caused by a mental health condition. Every school has different policies and the consequences of your actions may vary so find out the code of conduct at your school.*

- Having an education accommodation may help prevent behaviors that can get you in trouble. You can get an accommodation if you have a documented disability. See the tip sheet on accommodations at http://labs.umassmed.edu/transitionsRTC/Resources/Publications.html

Do not take on your school by yourself! You may need legal help to deal with these issues. You can get more information from the Bazelon Center for Mental Health Law: http://www.bazelon.org/ and the National Disability Rights Network (NDRN): www.ndrn.org

Can my school require me to take a leave of absence? It depends...

- A school should not impose a leave of absence simply because you have a record of a mental health diagnosis. A leave should only be imposed after an individualized assessment has been made to determine that the school considers you to be at risk of harming yourself or others.
- The school should also provide you with the same withdrawal arrangements as if you were leaving due to physical health reasons. Check your schools' policies.
- If the school tries to make you leave involuntarily, due to your mental health condition, it should give you "due process protections." You can also file a complaint with the disability compliance officer and/or the civil rights office. See what your schools' policies are regarding appeals.

Due process protections include notifying the student of the action the school is considering and an explanation of why the school believes that such an action is necessary. The student and his or her representative should have an opportunity to respond and provide relevant information.

* *Codes of conduct may also be called "Expectations of Students" or "Conduct Requirements."*

Can I be forced to take medication?

- In most circumstances, you cannot be forced or ordered to take medication. However, schools may say that you need medication to comply with rules of conduct or to come back to campus. If you disagree, explain why and propose alternatives.

How do I get help for my mental health condition on my college campus?

- Most college counseling centers can provide free therapy visits. Check your school's website.
- If you are calling your college counseling center and it is an emergency, please let the receptionist know right away so that they can take appropriate action, which may include helping to get you an immediate appointment.
- If you are in crisis and need immediate help: call 911, go to the nearest hospital emergency room, or call the National Suicide Prevention Lifeline at 1-800-273-TALK - available 24 hours a day.
- Try ULifeline; this is an online college resource that provides information about mental health issues and professional resources on and around many campuses: www.ulifeline.org.
- See if there is a chapter of Active Minds in or near your school. Active Minds is a student-run organization dedicated to raising mental health awareness and decreasing stigma among college students: http://www.activeminds.org/.

What are my privacy rights in dealing with mental health professionals on or off campus?

- All mental health professionals are legally required to keep what you say during therapy sessions confidential unless you authorize the release of information. The only exception to this is if they are concerned for your safety or the safety of others.
- Most school counseling centers will not release your medical information without your written authorization. Ask your counseling center about their policy on confidentiality.

Adapted from: Your Mind. Your Rights. Campus Mental Health: Know Your Rights. A guide for students who want to seek help for mental illness or emotional distress.
http://www.bazelon.org/Portals/0/pdf/YourMind-YourRights.pdf
1. www.bazelon.org; http://www.dlc-ma.org/contact.html; http://www.disabilitylawcenter.org/

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