



# Students and alumni sue Yale, alleging discrimination against students with mental illnesses

*On Wednesday, Yale was hit with a class-action lawsuit by an alumni mental health advocacy group and current students for policies plaintiffs claim discriminate against students with mental health disabilities.*

ANIKA SETH & SARAH COOK | 12:32 AM, DEC 01, 2022

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*Content warning: This article contains references to suicide.*

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Yale has failed to appropriately accommodate and support students with mental illnesses, a lawsuit filed Wednesday morning alleges.

[The 41-page suit](#) — which was brought forth on Nov. 30 by the mental health advocacy group Elis for Rachael as well as two current Yale undergraduates —



Specifically, the suit alleges that students with mental illnesses, especially those who choose to withdraw, are held to harsher standards than those without. Plaintiffs also say that students with mental illnesses who hail from “less privileged backgrounds” — including students of color, students from poor families or rural areas and international students — are especially harmed by these discrepant protocols.

“Yale has ignored student demands for change for decades, doing only the bare minimum to accommodate students with mental health needs,” Alicia Abramson ’24, one of the student plaintiffs, wrote to the News. “Yale has refused to make substantive changes to policies that discriminate against students with mental health disabilities despite our federally protected rights to accommodations. There is no excuse for Yale’s refusal to change their punitive and disciplinary policies.”

Abramson and Hannah Neves ’23 join as undergraduate plaintiffs alongside [Elis for Rachael](#), an advocacy group composed of Yale alumni and the loved ones of Rachael Shaw-Rosenbaum ’24, who died by suicide in 2021. The group’s website lists a slate of [specific changes](#) they demand Yale make to its mental health care infrastructure.

This lawsuit follows a recent [Washington Post](#) article criticizing the University’s policies for withdrawal and reinstatement. The article led administrators to publicly [defend](#) the University’s mental health policies, citing recent efforts to [expand](#) mental health care.

Last spring, the News [reported](#) that students feel that the withdrawal and reinstatement policies at the time left them with no choice other than to leave Yale in the case of a serious bout of mental illness. The University has since made [reforms](#) to its policies, which the lawsuit acknowledges.

The plaintiffs seek injunctive relief, meaning they would like Yale to make further reforms to their mental health policies to remedy the alleged



mental health reasons. Abramson wrote to the News that the lawsuit is an effort to prevent other people from experiencing the same “agonizing process” that she endured when she withdrew.

According to Abramson, this process included the “denial of accommodations, unreasonable burdens for seeking reinstatement and punitive consequences for withdrawal.”

She wrote she is on the “fortunate end” because, with her family’s support, she could access treatment outside Yale. However, she says University policies are especially harmful to students from backgrounds that may limit access to health insurance, treatment options, familial and financial support or housing outside of Yale.

The lawsuit is class-action, which means it is filed on behalf of an entire group of people, which in this case is “all Yale students who have, or have a record of, mental health disabilities and who are harmed, or reasonably fear being harmed, by the illegal policies and practices challenged in this lawsuit.”

The lawsuit alleges that the University’s mental health policies violate the American with Disabilities Act, the Fair Housing Act, the Affordable Care Act, Section 504 of the Rehabilitation Act and it seeks class-action status from the U.S. District Court of Connecticut.

Interim Vice President of Communications Karen Peart wrote to the News that the University is “confident” their policies comply with applicable laws and regulations. Nevertheless, she said University leaders have been working on policy changes that are “responsive to students’ emotional and financial wellbeing” and are working to increase supportive resources.

“Yale’s faculty, staff, and leaders care deeply about our students. We recognize how distressing and difficult it is for the student and their loved ones when a student is facing mental health challenges,” Peart wrote on behalf of the



Peart noted that in many cases, the “safest plan” for a student includes involving their parents and family. Peart also noted in her statement that the University has recently simplified the process of returning from a medical withdrawal.

Elis for Rachael organizer Paul Mange Johansen '88 told the News that the lawsuit was filed largely due to a lack of University response to numerous student reports. He explained there have been six reports from various student groups, including a mental health advocacy group from students at Yale Law School, detailing problems with Yale’s mental health policies over nine years. He characterized student’s requests for policy changes as “very thoughtful” and “not unreasonable,” and he claimed that “very little” has happened in response.

Johansen also expressed appreciation for the students who shared their experiences with mental health at Yale. In addition to the two current students who are plaintiffs, numerous alumni shared their experiences accessing mental health care and withdrawing from Yale.

“I think it takes a tremendous amount of courage as current students to accuse your college of the things that we are accusing them of,” Johansen told the News.

In addition, Johansen said Elis for Rachael has had numerous conversations with Hoffman, which have also led to little change.

Maia Goodell LAW '06, the lawyer representing the two current students and Elis for Rachael, told the News that Elis for Rachael sent a complaint to the University in early August with her counsel. The complaint aligned with the claims in the lawsuit, but they have not met or discussed the issues in the complaint.



She added that now that the lawsuit has been filed, the University can either comply with the policy requests or file a motion to dismiss the case if they find the legal claims invalid. Choosing not to file an answer would trigger a significant period of legal argument.

When a defendant argues that the claims are invalid, they would follow the steps of a typical civil lawsuit, Goodell explained. Usually, this briefing does not involve substantial evidence, but some cases lead to a more thorough court argument. Should the case take the court route, it will then go into a discovery period, in which both sides will exchange case-related documents and information and perform depositions.

After the depositions, the case would go to trial. At any time during this process, however, either parties can reach a settlement or choose to engage in a structured negotiations agreement. Negotiations involve both parties coming together to plan a way of resolving the claims without going through a trial.

Alicia Floyd '05, another organizer of Elis for Rachael, told the News that one of the main goals of the lawsuit is to force the University to listen more directly to the experiences of students.

“Our top priority is to compel Yale to listen to students and hopefully in the process, give them some practice and improve their skills for the future going forward,” Floyd told the News. “We’re definitely in this for the long haul.”

Goodell explained that this is one of the reasons this was filed as a class-action lawsuit.

The Federal Rules of Civil Procedure explain the criteria for a judge to deem a class as valid, which include size and similarity across the group, among other traits. If the class is deemed invalid, the case is typically dismissed.

The legal team, according to Goodell, has spoken with a number of students in the course of an “extensive investigation” of potential claims and continues to



“We’d love to hear from people who are having these kinds of experiences on whatever their perspectives are,” Goodell said.

Johansen also added that the lawsuit does not preclude other efforts Elis for Rachael is involved with.

Floyd and Goodell both emphasized that the lawsuit is not about animosity towards Yale, but instead an effort to make Yale better. Floyd described the lawsuit as only a “piece of the larger puzzle” for mental health advocacy.

“Students have rights and there are legal means to approach students not having those rights upheld,” Floyd said. “But there are other things that we’re looking to do. We want it all for students.”

The discourse around Yale’s policies is part of a larger conversation about mental health at higher education institutions.

In 2018, Goodell helped file a similar class-action [lawsuit](#) against Stanford University, which accused the school of forcing students with mental disabilities off campus and treating them like a “legal liability.” Stanford settled in 2019, agreeing to give students a greater say in whether to take a mental health-related leave of absence. For students who choose to remain, Stanford agreed to provide disability-compliant accommodations.

Some say the Stanford settlement did not extend far enough. Harrison Fowler, a student plaintiff in the Stanford case, told the [Washington Post](#) that while their lawsuit brought attention to the problem and prompted some policy change, problems still persist. Fowler cited a friend who recently checked into a Stanford hospital and had no choice but to take a leave of absence.

Separately, U.S. Senator Edward Markey of Massachusetts [sent a letter](#) to Secretary of Education Miguel Cardona and Attorney General Merrick Garland asking the federal government to issue new guidance to prevent colleges from forcing students to take involuntary medical leaves of absence. He asked for



## The case against Stanford was brought on the behalf of Stanford Mental Health and Wellness Coalition by the Disability Rights Advocates in San Francisco.

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