



STUDENTS AT RISK FOR SELF-HARM OR SUICIDE

On October 13, 2021, the Department of Education Office for Civil Rights and the U.S. Department of Justice, Civil Right Division jointly published a factsheet entitled “Supporting and Protecting the Rights of Students at Risk of Self-Harm in the Era of COVID-19.” This fact sheet outlined the Federal civil rights laws that protect students with mental health disabilities and included Federal resources to help schools, postsecondary institutions, and families meet students’ mental health needs. The intent surrounding the release was to remind K-12 schools and postsecondary institutions of the obligations they have to address the needs of students with mental health disabilities. This month’s Melissa Talks will provide a reminder review of the aforementioned information. This topic is of particular importance as we near the holiday season, finals, and the winter months. A recent study found that 1 in 3 college students experiences significant depression and anxiety.¹ Unfortunately, as many as 50% of students who struggle with depression and anxiety are reluctant to seek help.² It is not enough to assume these students will ask for and receive mental health assistance outside of school.

It is fairly well established that the COVID-19 pandemic has taken a profound toll across the world, particularly as it pertains to the mental health of many students throughout the United States. Researchers quoted in a report on the disparate impact of the pandemic have found a rise in suicidal ideation among children and young adults during the pandemic. In addition, certain populations of students—such as students of color and students who identify as LGBTQI+—may also be at increased risk for self-harm or suicide.

The Office for Civil Rights enforces two federal laws that protect the rights of individuals with disabilities. Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits discrimination based on disability in any program or activity operated by recipients of federal funds, including nearly all colleges, universities, and vocational rehabilitation programs. Section 504 says:

No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance . . .

¹ <https://www.mayoclinichealthsystem.org/hometown-health/speaking-of-health/college-students-anddepression>

² [Mental Health Awareness: The Ultimate Guide \[2022\] - Mental Health Foundation](#)

Title II of the Americans with Disabilities Act of 1990 (Title II) prohibits discrimination based on disability by public entities, regardless of whether they receive federal financial assistance. Title II says:

No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

A student with a condition such as anxiety, depression, or a substance use disorder can have a mental health disability. Students with mental health disabilities are protected by these laws. Section 504 and the ADA require schools and postsecondary institutions to make decisions about how to respond to students at risk of self-harm based on an assessment of each student's circumstances rather than on fears, generalizations, or stereotypes about mental illness. In making these decisions, postsecondary institutions generally must provide students who have mental health disabilities with reasonable accommodations/modifications to school policies, practices, and procedures as appropriate for the individual student. Of course, students must self-disclose their mental health diagnoses and seek accommodations.

When schools and postsecondary institutions do not meet these responsibilities, the U.S. Department of Education's Office for Civil Rights (OCR) and the U.S. Department of Justice's Civil Rights Division (CRT) can help by enforcing these Federal laws that protect students from discrimination based on disability.

EXAMPLES OF SCENARIOS THAT MAY PROMPT AN OCR INQUIRY

A college student with bipolar disorder has been struggling with anxiety and is hospitalized for a suicide attempt. Without conducting an individualized assessment, the college's academic dean visits the student in the hospital and informs him that the college's policy requires an immediate medical leave whenever a student is hospitalized for reasons related to mental illness.

A university student who contracted COVID-19 last year has "long COVID" with severe fatigue, joint pain, and an inability to concentrate, all of which have compounded her preexisting depression. While getting ready to register for classes, the student asked the university's office for disability services for permission to take three instead of five courses and to attend these courses remotely, explaining that her fatigue would hinder her ability to commute and take a full course load. The university did not conduct an individualized assessment and refused to consider the request.

Prolonged isolation and the stress of a close relative dying from COVID-19 exacerbate a college student's depression, leading him to take a voluntary medical leave of absence from his college. When the student applies to return in the next semester with a supporting letter from his therapist, the college does not conduct an individualized assessment and instead informs him that under the college's policy, he must remain on leave for at least two semesters.

MCCCD does not have clinical counseling at its college campuses. College counselors use a “triage and refer” process for addressing student mental health issues. Outside of clinical counseling, there are things our college counselors currently do to support student mental health and wellness. Some include:

1. Helping students work on time management skills. Good time management helps to alleviate stress, which can cause anxiety.
2. Helping students practice good organizational skills. Disorganization can play a role in stress and depression.
3. Building a strong support network. This support network can assist when a student feels alone or otherwise needs guidance and support.
4. Helping students regulate their sleep patterns. Sleep cycles aid in the regulation of hormones like serotonin and dopamine which are necessary to ward off anxiety and depression.
5. Helping students take breaks and being active. No matter how productive you are and how strong your time management skills can be, you need to take breaks to recuperate. Meditation is a good way to take a break. Meditation is a guided way to reduce the thoughts in your head and quiet your mind. Physical activity is also a great way to reduce stress and anxiety. When you work out, you increase blood circulation and can boost your mood naturally.

When students are in need of more targeted or specific assistance, college counselors will refer them to community partners and organizations for assistance.

The factsheet outlined the following steps that can help postsecondary institutions create an environment supportive of students:

- o Develop trauma-informed crisis management procedures that include an individualized assessment of the student’s circumstances.
- o Provide and facilitate access to mental health evaluations and services, including making efforts to reduce or remove barriers and negative consequences, including stigma, associated with receiving mental health services.
- o Reasonably modify policies, such as attendance policies, for individual students as appropriate.
- o Train staff to recognize and respond appropriately to signs of distress and suicidal ideation in students.
- o Promote emotional well-being and connectedness among all students.
- o Identify students who may be at risk for suicide and assist them in getting help.
- o Be prepared to respond when a suicide death occurs

Colleges should consider posting publicly or providing the following information to students:

[988 Suicide and Crisis Lifeline](#): Dial 988 from any phone. You can also dial 1-800-273-TALK for English or En Español, llame 1-888-628-9454. For TTY Users, use your preferred relay service, or dial 711 then 1-800-273-8255. A chat function is also available.

[DeafLEAD](#): A 24-hour crisis line for deaf or hard of hearing individuals available in ASL.

[The Trevor Project](#): 24/7 crisis intervention and suicide prevention services for lesbian, gay, bisexual, transgender, queer, questioning and intersex (LGBTQI+) people under the age of 25 as well as their friends and allies. Call 1-866-488-7386, text “START” to 678678, or use TrevorChat online.

[Crisis Text Line](#): Text 741741 from anywhere in the United States to connect with a trained crisis counselor.

[Suicide Prevention Resource Center](#) (for Schools): Data, research, strategies, tools, and interventions to help prevent suicide.

If you have any questions, please contact Melissa Flores at Melissa.Flores@domail.maricopa.edu.

References:

[Education in a Pandemic: The Disparate Impacts of COVID-19 on America’s Students](#)

<https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-students-self-harm-covid-19.pdf>

[Importance of Mental Health in College Students - UoPeople](#)

[Mental Health Awareness: The Ultimate Guide \[2022\] - Mental Health Foundation](#)



Melissa Flores

MARICOPA COMMUNITY COLLEGES

Interim General Counsel | Office of the General Counsel

2411 West 14th Street, Tempe, AZ 85281

Melissa.Flores@domail.maricopa.edu

<https://www.maricopa.edu/>

O: [480-731-8418](tel:480-731-8418) | M: [801-557-1657](tel:801-557-1657)

