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Balancing Concerns About ¹the Rights of Students with Mental Health Issues and Campus

Safety Concerns

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Balancing Concerns About ¹the Rights of Students with Mental Health Issues and Campus Safety Concerns

Mental health issues play a significant role in the safety of the individuals in school because majority of these individuals pose great risks to other students. Therefore, controlling how students with mental health issues can perform their education and run their daily activities without interfering with the safety of other students is essential. Although mental health issues occur in different ways and can range from minor worries that people encounter in their life to severe conditions. Most individuals facing mental health challenges can overcome it or learn to live with it especially if they get therapeutic assessment early. Furthermore, making decisions concerning students with mental health issues can be challenging, therefore, educational institutions will need to balance the rights of mental health challenged students and the safety of other individuals. This paper will focus on the major legal provision that addresses the balance of students with mental health issues and safety of concerns as well as describe the challenges it causes to university disability services and provide the policy and recommendations of the future directions concerning the topic.

Major Legal Provisions

Although students with mental health issues may be a threat to other students' safety, several considerations and legal provisions have been set to ensure these individuals are protected. Similarly, individuals with mental health challenges deserve to be respected like other people. According to lawinsider.com (n.d), legal provisions are a whole or part of the federal or state constitution or rule of court. Therefore, based on the topic there are two legal standards that control the way university individuals communicate with students with mental health problems and their parents as well as with other students.

One of the major legal provisions is privacy and confidentiality which is stipulated inside ³ the Family Educational Rights and Privacy Act (FERPA). The act has concentrated on safeguarding students' privacy on educational records. Moreover, FERPA provides a platform where communication between certain students can be done with the university officials and other administrators dealing with campus welfare and safety. However, according to The Jed Foundation (2008), some universities have strict laws concerning student's privacy that can restrict FERPA. Additionally, since the amendment of these guidelines, the campus staff are provided with directions concerning the disclosure of information in emergency conditions.

Another major legal provision is operational to therapeutic and mental health records as well as to the physicians and the students under care. Thus, the legal provisions under the physician and client communication include the physician code of ethics, licensing necessities and standard of exercise. Nonetheless, state laws are also substantial as they may provide certain needs regarding an individual that must be reported under specific situations. Moreover, the privacy responsibilities restrict the communication about students with mental health problems between the campus physicians and individuals outside the university. Campus physician is obliged to provide information concerning the student if they have provided the consent to have the capacity to cause significant harm to themselves to interfere with the safety of other students.

In addition, the two major legal provisions promote campus-wide communication because people will have an overall procedure concerning the confidentiality of the student records. Also, the educational institutions will have an advantage through having a written directive that the campus staff will be required to follow if they recognize a person with distress or having the ability to be involved in detrimental behavior (Pedrelli et al., 2015). Promoting communication concerning mental health problems and campus safety with individuals involved

is a substantial step in engaging them in finding suitable help. Although the majority of the students with mental health concerns do not like seeking medical attention having such legal provisions will provide a way for them to be encouraged in attending the therapeutic services.

Recent Major Changes in the Law

Several laws have been established to protect individuals with a disability. Education institution has always had a tendency of not providing the right accommodations and requirements that will support this individual, hence, the federal government had to intervene and develop the Americans ² with Disabilities Act (ADA) in the year 1990 and section 504 of the rehabilitation act in 1973 (Aoun & Appelbaum, 2019). Nevertheless, as time moves by new challenges emerge hence bring up the need for new reforms and laws. For that reason, the recent major changes in the law concerning the issue is the establishment of the American with Disabilities Amendment Act (ADAA) in the year 2008.

The office for civil rights (OCR) has worked hard on developing more compliance with the acts on educational institutions including campuses. Although university institutions have always been considerate of the issues to be included such as the necessary requirements and support services to help them read, OCR has provided several letters to the university institutions regarding amenability of the laws (Aoun & Appelbaum, 2019). Some of the changes made to the law include the provision of related procedures such as a chance for the student to offer their elucidations before decisions are delivered, notice to the student recognizing the issue and a chance for individuals to appeal the decision made in the hearing. Furthermore, following appropriate processes the educational institution can prompt complete information concerning a specific student and condition so as to attain a rational decision.

ADAA also altered the laws concerning the students regarded as having a disability. As a result, students who will be protected by the disability law must have met certain criteria, for example, they must have physical or mental damage that significantly restricts them in at least one primary life activity. For example, life events that might be affected or individuals become unable to do are walking, learning, hearing, working or speaking. Another condition is to have a record indicating that the impairment is in existence to the individuals. However, the disability law forbids the educational institution from discerning students who have been considered as with disability either straightforwardly or indirectly. According to The Jed Foundation (2008), straightforward discerning is when the education institution has prevented a student from participating in campus programs such as staying in university houses and indirect discerning is when the institution's code of conduct has unreasonably antagonistic effects on the individuals with a disability.

Current Challenges to University Disability Services Offices

University disability services offices have a significant role to employ in ensuring equality of service being provided as well as providing leadership to the campus community in attaining employment and educational access for students with disabilities. Again, the offices perform more services including providing effective equipment that will support the students, proper accommodations, services to faculty and students with disability and interpreters as well as support to alleviate barricades to access through the campus. However, despite all this the university disability services offices are faced with challenges when they try to equate individuals with disability rights with university welfare.

One of the challenges is to deliver the same service and ensure all students access the education system through online learning. Online courses have emerged significantly due to

advancements in technology and thus university disability service offices need to ensure that all individuals with a disability have access to the course. However, not all individuals are considered to understand how to use the online systems or the system may have no way of incorporating the required support measures that will support learning to the individuals. Moreover, according to Hong (2015), university disability services offices have been faced with a procedural problem that results from obtaining the required services to cater to students with disabilities. Again, the university is required to provide accommodation for individuals with disabilities through either adjusting the roles, processes or the environment. More problems with assessments appear because the campus may delay in providing the accommodations.

Another challenge is on the attitude and acquittance of the university disability service offices which makes the students with disabilities not to open up about their issues regardless, of how minor they are. Sniatecki et al. (2015) argue that majority of the students with an imperceptible disability such as emotional disorders are certain that they will be alleged to be weak and unqualified if they reveal their disability. Therefore, students suffer because of hiding their identities since the university disability office will not provide essential services and accommodations that may decrease workload and enhance their performance. Also, the fear that students have in disclosing their disability so as to be provided with adjustments has resulted in an increased challenge for the university to focus on handling the problems.

Program Proposal

Dealing with individuals with mental health problems is critical and thus requires collaboration between the university and the students around the campus. First, to handle and balance the rights of the students with mental health issues with the safety concerns on campus, the university will be required to play a significant role in creating awareness to other students

and understand what is required of them when certain situations happen. A student with mental health problems is faced with many challenges while in the university including discrimination and being avoided by other students, however, I propose the development of a program on creating awareness in the institution to educate students as well as university staff on equality of all students. Despite the increase in the policies such as ADAA and section 504 of the rehabilitation act, the university should also play a key role in balancing the rights of disabled individual and safety of other students, through creating awareness programs individuals will learn to work with students with mental health issues and react to a certain situation that might be risky to their lives when it occurs.

The issue of corresponding the rights of individuals with mental health challenges and university welfare is an issue that will require continuous evaluation because substantial changes will be required to be addressed due to changes in the educational system. For instance, as education continues to advance and more courses moving online, there will be a need to handle how these individuals will cope with the advancement in technology and revised educational curriculum. Similarly, the topic will also change based on the practical approach being employed in the educational system which might interfere with the learning approach used by individuals with mental health issues.

In summation, handling students with mental health issues while considering the safety concerns on campus is critical. The major legal provisions on handling the issue include the privacy and confidentiality of sharing students' reports on both the university and other institutions as well as the physician and students. While several changes have been made to the law, the university disability service office is faced with significant challenges such as

procedural problems. A program on creating awareness to other students concerning students with a mental health problem is critical.

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