U.A. Resolution # 16

Examining Cornell’s Policies for Temporary Disability Parking to Ensure Financial Accessibility and Equal Access

April 24, 2018

Sponsored by: Matthew Battaglia, Graduate and Professional; Chair, Codes & Judicial Committee; Ekarina Winarto, Graduate and Professional; Member, University Assembly

Whereas, the University Assembly (the “Assembly”) has the authority to examine matters which concern the welfare of a substantial segment of the campus community and may make recommendations thereon to the President or other appropriate officers of the university; and

Whereas, areas concerning transportation policy have historically been an area of focus for the Assembly and are explicitly listed in the Assembly’s Charter as areas the Assembly shall have authority in policy development in;¹ and

Whereas, ensuring equal access to disability accommodations is important to building an inclusive and caring community as well as complying with the spirit and letter of various local, state, and federal disability accessibility laws; and

Whereas, the Assembly hosted Bridgette Brady; Director of Transportation Services, Helen Steh; Customer Service Manager; and Reed Huegerich; Senior Planner at its meeting of April 10, 2018; and

Whereas, at that meeting, the topic of temporary disability parking was discussed, and the Assembly was informed that students must pay the standard permit rate to access temporary disability parking on campus; and

Whereas, in that discussion, part of the justification provided was that these students were deriving additional “value” for the price paid as they were able to park in accessible spaces on central campus for the price of a student perimeter permit; and

Whereas, the Assembly is concerned with this logic as it conflates individuals who elect by their own volition to purchase parking with individuals who have a need for temporary disability

¹ University Assembly Charter; Article III, § 3.1: Authority in policy development
parking through no fault of their own and who may not otherwise desire to purchase on-campus parking; and

Whereas, this policy does not make allowances for students on financial aid, from low socioeconomic backgrounds, or otherwise undergoing economic hardship; and

Whereas, students on financial aid, from low socioeconomic backgrounds, or undergoing economic hardship are already most likely to be negatively affected by sudden medical expenses which would be associated with a need for temporary disability parking; and

Whereas, in prior years the Assembly has been informed that it is the University’s goal to discourage individuals from bringing automobiles on campus and that charging parking fees is included in this goal; 2 and

Whereas, while this resolution does not address the overall scope of that goal, the Assembly is concerned that parking fees designed to discourage parking on-campus are being utilized as the basis of setting a fee for temporary disability parking when the circumstances leading to a need for temporary disability parking are vastly different and almost never voluntary; and

Whereas, the Assembly has been informed from constituents that in some circumstances it is less expensive to pay for parking by the day in a regular university lot than to pay for a temporary disability permit; and

Whereas, this incongruence is concerning as it appears to penalize students financially for requiring temporary disability accommodation; and

Whereas, students electing to park in non-accessible spaces or foregoing parking on-campus while temporarily disabled entirely due to financial constraints is a matter of concern to the Assembly; and

Whereas, students unable to access campus easily while temporarily disabled may inadvertently put themselves and others in harm’s way by attempting to attend class regardless, or miss multiple classes entirely; and

Whereas, in subsequent conversations members of the Assembly learned that faculty and staff do not pay a fee for temporary disability parking of up to eight weeks; and

Whereas, the Assembly recognizes that this is likely subsidized by the University Benefit Pool but notes that all students must also pay a University Health Fee (the “Health Fee”) to subsidize the cost of medical services on-campus; and

---

2 Bridgette Brady Report to Assembly; November 17, 2015 University Assembly Meeting.
Whereas, the Assembly believes it is reasonable to consider temporary disability parking as an outgrowth of medical services and thus related to the benefits and services covered under the Health Fee; and

Whereas, the Assembly was informed that the Health Fee was introduced to subsidize the cost of medical care and ensure that all students, regardless of socioeconomic status, had access to Gannett (now renamed Cornell Health) and necessary medical services on campus;³ and

Whereas, the Student Health Benefit Advisory Committee (“SHBAC”) is currently already investigating the feasibility of using the Health Fee to fund free rides for Cornell Health Appointments to and from locations on campus through a potential expansion of CU Lift; and

Whereas, the Assembly recognizes and supports the work done by the Office of Student Disability services which provides various services to students with disabilities and is currently able to provide bus passes, access to CU Lift, and other accommodations to students with temporary disabilities free of charge; and

Whereas, CU Lift, bus passes, and other accommodations are not always the optimal solution and the Assembly has been informed by constituents that CU Lift is currently frequently overburdened and generally not well suited for temporary disabilities due to the long processing time and documentation required; and

Whereas, in discussions with Transportation Services members of the Assembly were also informed that pregnant women in their third trimester are eligible for accessible parking but must pay a fee to access such parking; and

Whereas, this parking is not included in the free temporary disability parking currently afforded to faculty and staff; and

Whereas, pregnancy is recognized under the Americans with Disabilities Act and various state and local laws as a temporary disability when it interferes with an individual’s normal lifestyle;⁴ and

Whereas, the Assembly is deeply concerned that late-term pregnancy appears to be being treated differently from other temporarily disabilities for faculty and staff; and

Whereas, the U.S. Equal Employment Opportunity Commission (“EEOC”) provides guidance stating “If a woman is temporarily unable to perform her job due to a medical condition related

---

³ Dr. Janet Corson-Rikert Report to Assembly; April 7, 2015 University Assembly Meeting.
to pregnancy or childbirth, the employer … must treat her in the same way as it treats any other temporarily disabled employee”;\(^5\) and

Whereas, the Assembly believes that to build an inclusive campus we must take steps to accommodate all members of our community with disabilities including those with temporary disabilities equally regardless of their status at the university or economic standing; and

Whereas, the Assembly is concerned that we may be falling short of our legal and ethical obligations to accommodate those with temporary disabilities; and

Whereas, the Assembly believes that intermittent use of accessible parking spaces by those with temporary disabilities will only incur minimal, if any, additional costs for the University; and

Whereas, the Assembly wishes to work cooperatively with the University Administration to address these concerns; therefore

Be it Resolved, that the Assembly requests the Office of Transportation Services take the following steps:

1. In situations where it would be less expensive for a student to pay by the day for parking during a temporary disability the University adjust the price of a temporary disability permit to match.

2. Include third-trimester accessible parking for pregnant faculty and staff within the scope of temporary disability parking such that it is treated no differently than other temporary disabilities and is included in the no-cost temporary disability parking currently available to faculty and staff.

3. Investigate the marginal cost to Cornell associated with providing temporary disability parking to students.

4. Examine the total number of community members (broken out by constituency: student, faculty, staff) who have needed temporary accessible parking permits for the 2015-2016, 2016-2017, and thus far in the 2017-2018 academic years.

5. With the marginal cost data, evaluate the feasibility of removing the fee for temporary disability parking for students entirely in line with current policy for faculty and staff.

6. Examine how the Student Health Fee and the Student Health Insurance Program might help account for the back-end cost of temporary disability parking, in collaboration with the SHBAC and Cornell Health (formerly Gannett).

7. Seek to remove or reduce the cost to students to access temporary disability parking.

Further Resolved, that Assembly requests the University Administration and Office of Student and Campus Life examine the usage of Student Disability Services and ensure that it and its appurtenant programs are adequately resourced; and

Further Resolved, that Assembly requests the Office of Transportation Services provide an update on this matter to the Assembly during the Fall 2018 Semester including follow-up steps taken; and

Be it Finally Resolved, that a copy of this resolution be sent to the Vice-President of Infrastructure Properties and Planning, the Vice-President of Student and Campus Life, the Director of Cornell Health (formerly Gannett), the Director of Transportation Services, the Director of Student Disability Services, and other offices who may be necessary to ensure its implementation.

No signature block is present until the resolution has been disposed of by the Assembly (Passed, Failed, Withdrawn, etc.) Then a block with the certifying member (customarily Chair/Vice-Chair) verifying the authenticity and vote tally of the resolution.