

Cornell University
University Assembly

U.A. Resolution # 16

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

April 24, 2018

1 **Sponsored by: Matthew Battaglia, Graduate and Professional; Chair, Codes & Judicial**
2 **Committee; Ekarina Winarto, Graduate and Professional; Member, University Assembly**
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4 **Whereas,** the University Assembly (the “Assembly”) has the authority to examine matters which
5 concern the welfare of a substantial segment of the campus community and may make
6 recommendations thereon to the President or other appropriate officers of the university; and
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8 **Whereas,** areas concerning transportation policy have historically been an area of focus for the
9 Assembly and are explicitly listed in the Assembly’s Charter as areas the Assembly shall have
10 authority in policy development in;¹ and
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12 **Whereas,** ensuring equal access to disability accommodations is important to building an
13 inclusive and caring community as well as complying with the spirit and letter of various local,
14 state, and federal disability accessibility laws; and
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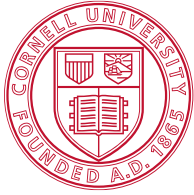
16 **Whereas,** the Assembly hosted Bridgette Brady; Director of Transportation Services, Helen
17 Steh; Customer Service Manager; and Reed Huegerich; Senior Planner at its meeting of April 10,
18 2018; and
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20 **Whereas,** at that meeting, the topic of temporary disability parking was discussed, and the
21 Assembly was informed that students must pay the standard permit rate to access temporary
22 disability parking on campus; and
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24 **Whereas,** in that discussion, part of the justification provided was that these students were
25 deriving additional “value” for the price paid as they were able to park in accessible spaces on
26 central campus for the price of a student perimeter permit; and
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28 **Whereas,** the Assembly is concerned with this logic as it conflates individuals who elect by their
29 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



Cornell University University Assembly

30 parking through no fault of their own and who may not otherwise desire to purchase on-campus
31 parking; and

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

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

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

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

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

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

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

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

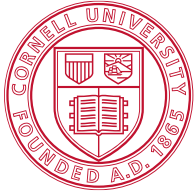
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64 **Whereas**, in subsequent conversations members of the Assembly learned that faculty and staff
65 do not pay a fee for temporary disability parking of up to eight weeks; and

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

² Bridgette Brady Report to Assembly; November 17, 2015 University Assembly Meeting.



Cornell University University Assembly

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71 **Whereas**, the Assembly believes it is reasonable to consider temporary disability parking as an
72 outgrowth of medical services and thus related to the benefits and services covered under the
73 Health Fee; and

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

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

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

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

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

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

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

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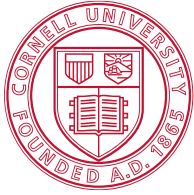
104 **Whereas**, the Assembly is deeply concerned that late-term pregnancy appears to be being treated
105 differently from other temporarily disabilities for faculty and staff; and

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107 **Whereas**, the U.S. Equal Employment Opportunity Commission (“EEOC”) provides guidance
108 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.

⁴ Pregnancy Discrimination. (n.d.). Retrieved April 17, 2018, from <https://www.eeoc.gov/laws/types/pregnancy.cfm>



Cornell University University Assembly

109 to pregnancy or childbirth, the employer ... must treat her in the same way as it treats any other
110 temporarily disabled employee";⁵ and

111
112 **Whereas**, the Assembly believes that to build an inclusive campus we must take steps to
113 accommodate all members of our community with disabilities including those with temporary
114 disabilities equally regardless of their status at the university or economic standing; and
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116 **Whereas**, the Assembly is concerned that we may be falling short of our legal and ethical
117 obligations to accommodate those with temporary disabilities; and
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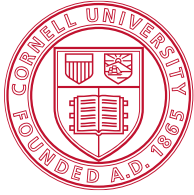
119 **Whereas**, the Assembly believes that intermittent use of accessible parking spaces by those with
120 temporary disabilities will only incur minimal, if any, additional costs for the University; and
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122 **Whereas**, the Assembly wishes to work cooperatively with the University Administration to
123 address these concerns; therefore
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125 **Be it Resolved**, that the Assembly requests the Office of Transportation Services take the
126 following steps:
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- 128 1. In situations where it would be less expensive for a student to pay by the day for parking
129 during a temporary disability the University adjust the price of a temporary disability
130 permit to match.
- 131 2. Include third-trimester accessible parking for pregnant faculty and staff within the scope
132 of temporary disability parking such that it is treated no differently than other temporary
133 disabilities and is included in the no-cost temporary disability parking currently available
134 to faculty and staff.
- 135 3. Investigate the marginal cost to Cornell associated with providing temporary disability
136 parking to students.
- 137 4. Examine the total number of community members (broken out by constituency: student,
138 faculty, staff) who have needed temporary accessible parking permits for the 2015-2016,
139 2016-2017, and thus far in the 2017-2018 academic years.
- 140 5. With the marginal cost data, evaluate the feasibility of removing the fee for temporary
141 disability parking for students entirely in line with current policy for faculty and staff.
- 142 6. Examine how the Student Health Fee and the Student Health Insurance Program might
143 help account for the back-end cost of temporary disability parking, in collaboration with
144 the SHBAC and Cornell Health (formerly Gannett).
- 145 7. Seek to remove or reduce the cost to students to access temporary disability parking.
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⁵ Pregnancy Discrimination. (n.d.). Retrieved April 17, 2018, from <https://www.eeoc.gov/laws/types/pregnancy.cfm>



Cornell University University Assembly

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

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

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155 **Be it Finally Resolved**, that a copy of this resolution be sent to the Vice-President of
156 Infrastructure Properties and Planning, the Vice-President of Student and Campus Life, the
157 Director of Cornell Health (formerly Gannett), the Director of Transportation Services, the
158 Director of Student Disability Services, and other offices who may be necessary to ensure its
159 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.