



## **Episode 48: Food Allergies and The Rights Of Individuals With Allergy-Related Disabilities Under The ADA**

**Event Date:** SEPTEMBER 6, 2017

**Presenter:** Dr. Daniel Newman, Executive Director of Academic Support Services, and ADA/504 Coordinator - Lesley University

**Host:** Barry Whaley - Project Director, Southeast ADA Center

**VOICE-OVER ANNOUNCER:** Blog Talk Radio. (Music) Welcome to WADA ADA Live! Talk radio. Brought to you by the Southeast ADA Center, your leader for information, training and guidance on the Americans with Disabilities Act. And here's your host.

**BARRY WHALEY:** Hi, everybody and good afternoon welcome to WADA ADALive. On behalf of the Southwest ADA Center, the Burton Blatt Institute at Syracuse University and the ADA National Network, I want to welcome you to Episode 48 of ADALive!

I'm Barry Whaley, the Project Director for the Southwest ADA Center and our topic for today's show is "Food Allergies and the Rights of Individuals with Allergy-Related Disabilities Under the ADA."

Many people may not know that food allergies can impact a major life area and therefore people with food allergies can have protections under the ADA.

As a reminder, listeners, you can submit your questions about "Food Allergies and the Rights of Individuals with Allergy-Related Disabilities Under the ADA" or any of our other topics at any time at [ADALive.Org](http://ADALive.Org).

Now it's my pleasure to introduce today's speaker, Dr. Daniel Newman. Dr. Newman is the Executive Director of Academic Support Services, and the ADA/504 coordinator at Lesley University in Cambridge, Massachusetts. His job is to oversee all Disability Services and ADA compliance as well as arranging individualized tutoring for both on-campus and online students. Prior to Lesley, Dr. Newman directed educational programs at Cambridge college and the Brookline Center for Adult and Community Education.

Hi, Dan, welcome to our show

**DR. DANIEL NEWMAN:** Hi, Barry, thanks for having me.

**BARRY WHALEY:** It's great to have you here. Dan, in December of 2012 there was a Settlement Agreement between the Department of Justice and Lesley University to ensure that students with food allergies could fully and equally enjoy the university's foodservices in compliance with the Americans With Disabilities Act. This is an area of particular interest to me because I happen to have a brother-in-law who has nut allergies. So, if you would, I would like to start by having you talk about the lessons learned in your process of responding to the settlement.

**DR. DANIEL NEWMAN:** Yes, I think the important thing is that there's a system or institution wide response to the needs of students with food related disabilities. So really to think about all of the different parts of the university that might be related. From CAs or RAs in Residence Life to foodservice to facilities. All different aspects. Who might have a stake in supporting students with disabilities. So thinking of it as a system-wide issue. And bringing everyone in to kind of support this.

As well as the need for clear communications with students about how to get services and where the services are. And who to contact to get their support.

I think those are kind of the major lessons learned. As well as always thinking about students with -- every student is unique in their own way. And to be able to speak to their needs as individuals rather than just as a group.

I think those are probably the major lessons learned.

**BARRY WHALEY:** That's interesting. So it's more broadly applied than just foodservice. I mean you're looking at a campus-wide initiative here. That's interesting.

I would imagine that many aspects of the Agreement would serve as a model for other schools, as well, particularly those who require students to participate in a meal plan.

My experience, however, has been that foodservice plans and dining options, they are really not one-size-fits-all. So I'm curious how Lesley University now accommodates students with specific allergens. I think your foodservice provider would shop for specific food items requested by students with allergies?

**DR. DANIEL NEWMAN:** Right, that's one aspect of what we do is that -- well, it also helps that we are a fairly small school. So we can really work with each student individually with specific allergens and needs for -- with food disabilities. We also have -- we are in an urban area so there are different places to shop including a Whole Foods for different types of organic foods or specific types of foods.

Yes, so we have had the ability for the food provider to receive shopping lists from students. This is just one aspect of our compliance. And to go basically one day a week they get the list. And they would go -- most likely would go to like a whole food, which is in the area. -- Whole Foods which is in the area. And shop for those students with specific dietary or food-related needs and have it available for them for pickup. Usually on Sundays. Maybe have it for the week and maybe go another time during the week. I think we'll talk a little bit later about the challenges that we've had with doing this. There's been some challenges with this aspect, as well.

But this is just one aspect of the support that we give.

**BARRY WHALEY:** That's interesting, thanks. So how well do you think these changes have worked? What's been the reaction by your students to the choices that they have now?

**DR. DANIEL NEWMAN:** It's been great and we have gotten very, very good responses. We have done some surveying of students. And particularly -- well, probably about a year or two into it because there's always glitches along the way. But they have been very, very pleased with it.

And I can talk in a little bit more detail if you would like about some of the challenges that we've had and how we have responded to it and how the students have really kind of appreciated -- working with them again individually.

**BARRY WHALEY:** Please do, yeah.

**DR. DANIEL NEWMAN:** One of the things we do in fact we were talking about in one of the details is this ability to shop, have a grocery list or shopping list that -- Bon Appetit is our foodservice provider would then go and shop for them during the week. When we first started this several years ago we had maybe 10, 12 students. With that particular aspect that they were looking for for individualized grocery lists and now it's like 30. So it's really been increasing a lot. So that's one of the challenges that I think a lot of schools have to deal with is the number of students and the growing complexity of students with different disabilities.

So one of the challenges had been a growing number of students that were requesting this. We have a list that they can kind of check off of different foodstuffs and food items but also they could put in the -- their own request. And what was going on was we had more and more students and then students requesting things that were quite expensive or difficult to find. And may not have been specifically related to the disability and then they would come back to us, we would have to work with them. And clarify what was the disability and specifically what were their food-related needs.

So one of the issues that also came up was that there were so many students that were requesting it that the -- our food vendor wasn't able to get -- let's say if somebody wanted a sweet potato and they would buy a potato. It was getting larger and larger and more and more expensive to do and students weren't happy with that aspect of it.

So what we decided to do and we experimented with it last year, we piloted a program which they can use their student card, which is used -- can be used for different vendors in the Cambridge area, one of which is like a stop and shop and different markets as well as the Whole Foods. And we calculated the cost, the general cost of the shopping. We put that money onto their card. We said, okay, you don't have the ability to have someone else shop but you can go shop for yourself. So we worked out and we had a contract with the students. And it's worked out great. So that was a challenge that -- of the number of students as well as the complexity of their needs. And it was becoming almost unwieldy when it was just the vendor doing it.

But by doing it, allowing them to go shopping for themselves, for those who wanted to, those who had the largest issues would have been able to do that and it worked out fine and students are very, very pleased with that. That's just one specific way of responding to needs that have grown because of the number of students that have grown.

**BARRY WHALEY:** That's a pretty unique solution to a very complex problem.

**DR. DANIEL NEWMAN:** Yes.

**BARRY WHALEY:** Thank you so much for that. So I'm curious, a student comes to Lesley, how are they made aware of the modifications and the accommodations that might be available to them?

**DR. DANIEL NEWMAN:** So in general, we use -- we have syllabus statements that we send out to faculty. Online, on-campus, adjunct faculty. And the syllabus statements would include contacts such as myself and my staff. And kind of a scripted thing to say to students if there are any kinds of needs including food-related needs to please contact us.

We also during student orientations, registrations, when we have open houses, we have accepted students day, I and my staff are there. We have information about all of the stuff that we do. All of the supports that we provide. But as well as specifically talking about food-related needs.

So even before they kind of come in, we are informing them. Again, we are a small enough school, about 1600, 1700 undergraduates, much larger graduate population. So we can really reach out to everyone who is coming in.

We also have -- and this is actually interesting. It's one of the more complicated things. Is getting our Web site updated because that involved working with different departments and different programs and getting information out there on to the Web site. And with appropriate links

So for example, on the dining services main page, it would have links to relevant Disability Services personnel information. For example, it would say on the dining services aspect of Lesley University's Web site, it would say if you have a food-related allergy please contact or if you think you have a food-related disability, please contact and it would be myself and my department.

So we would also train our -- we call them CAs or RAs but they are community advisors in Residence Life. We would have to -- this actually was required under the agreement with the Department of Justice but we do it anyways is do a training twice a year on our services with a particular focus on food-related disabilities.

Because they are often the frontline to people. They are the ones who are working with students in their residence halls who they get questions about these things or they may observe something. And then it would then be able to communicate directly to the students and say here are some contact people. Then they contact us and we made them just reach out to the students.

We also -- oh, go ahead.

**BARRY WHALEY:** No go ahead.

**DR. DANIEL NEWMAN:** Other things that we do, this is also under the agreement with the Department of Justice but we have been doing it before but we made it more accessible is to distribute notices concerning food allergies. We have five dining halls. And we post prominent notices in bold type large font about if you have a food allergy be aware we may handle and prepare foods that may have certain allergens in them, please either contact the food manager or -- and/or the Disability Services department. And here are all of the contacts. And if they contact the foodservices manager, he knows we work almost on a daily basis with each other in contact with each he would come right to us saying this person reached us to me and we'll work together to support that student

Also we would post information about this is a gluten-free area say in the student -- in our main dining halls. There's an area that, say, would be gluten free. Actually not gluten free. But made without gluten. And there would be notices right kind of in the food area what is made without gluten. What are some areas that say have pasta and things like that that may have gluten in it.

So we try to do it again throughout -- what I was talking about originally, about that systematic approach is that it's not just in the food line or whatever. It's not just Disability Services. It's all throughout. Whenever we have contact and communicate with students and say their parents information about who to contact, kind of what the relevant information is.

**BARRY WHALEY:** Yes. It seems very multidimensional that you're approaching it from so many different areas. You mentioned gluten a second ago, Dan, and I have a good friend who has a daughter with celiac disease. And I'm curious if you can talk a little more about specifically what you offer to those students who may need gluten-free food.

**DR. DANIEL NEWMAN:** So we have in a designated area and this is actually interesting, the issue, again this is part of the agreement with the Department of Justice, foods made without gluten in a specific area of the -- particularly in the main dining hall. We have one large dining hall and oftentimes they will prepare foods that will go out to the other dining halls that are smaller. So we have a specific area that foods prepared without gluten and one of the issues is again we're a small school. And so the kitchen is very small. So we couldn't -- it would be an undue burden to build out an entire new kitchen. And this is also in discussions with the Department of Justice what would be appropriate. And so what we do is we have a section of the kitchen, a grill area, that all the gluten free foods are made at one time. It may have -- be used for non-gluten free foods. But we have specially -- it's cleaned off between the kind of making non-gluten and gluten free foods -- I mean foods with gluten and non-gluten -- and gluten-free foods and then the cooking utensils are all marked which ones are for gluten -- foods that may include gluten and foods that are without gluten.

So we keep it clean. We use special utensils for one little area of the kitchen. But that is a difficult thing to do. But we're able to make it work.

Does that answer your question? I just want to make sure

**BARRY WHALEY:** Yeah, I believe so. Yes thanks so much.

**DR. DANIEL NEWMAN:** Yeah.

**BARRY WHALEY:** So a lot of attention, a lot of detail into keeping those foods and the utensils themselves separate. So thanks, Dan.

**DR. DANIEL NEWMAN:** Yeah. Can I mention just another aspect for students with gluten-related disabilities.

**BARRY WHALEY:** Sure.

**DR. DANIEL NEWMAN:** Is we do have a gluten-free room also was in the Department of Justice agreement. And fortunately there was a room -- again we're a small school so we didn't have a lot of extra rooms but there was an extra room next to the main dining hall in the main part of the campus where a lot of graduate students live in residence halls and it's a gluten-free room and it has a refrigerator, a heating area, storage areas, sink, kind of a cooking area. And it is every Sunday, I believe every Wednesday our food providers will buy basic foodstuff. Gluten-free pastas, gluten-free breads. Things like that.

And it's filled with those things. So any student that has a gluten-type allergy will work with my department and we then work -- so they work, also -- we will then work with the foodservice so they know the number of students who have gluten-related issues. And those students will then be given a special card access to that room

So only they, myself, and the food vendors have access to that room to keep it clean.

And they are trained --

**BARRY WHALEY:** Yes No. I find that interesting. Go ahead.

**DR. DANIEL NEWMAN:** Okay. Yeah, and so the students are trained like basically don't bring in foods that -- don't let your friends store foods there. And you know be respectful. It's for everybody.

So that one it's not like students particularly like John Doe or Mary Smith. It's food for you and it's marked for you. It's for all students with gluten related allergies and they will come in and take whatever they need. They can also kind of cook it there.

So the students with -- kind of to clarify, students can order foods to be -- organize basic foodstuff. These are students with any type of allergies. Those foodstuffs are purchased once or twice a week. They are put in bags with the students' names and they are actually in another room right next to where the food provider is and they will pick up those bags of foods, bring it back to their residence halls every residence hall, by the way, has a kitchen so they can cook their own foods that's students with general food allergies for students with gluten related issues there's also a separate room basically for all of them that has basic foodstuffs they can come in and get out and use and cook there.

**BARRY WHALEY:** Sure. Thanks, Dan. ADALive! Listening audience if you have questions about food allergies and the ADA you can submit your questions at any time at our online forum at ADALive.Org. Let's pause for a second for a word from the Southwest ADA Center

>> ANNOUNCER: The Southwest ADA Center is your leader in providing information, training and guidance on the Americans With Disabilities Act and disability access tailored to the needs of business, Government and individuals at local, state, and regional levels. The Southwest ADA Center, located in Atlanta, Georgia, is a member of the ADA National Network and serves eight states in the Southeast Region. For answers to your ADA questions, contact the ADA National Network at 1-800-949-4232

**BARRY WHALEY:** Welcome back to our show, folks. We're talking with Dr. Daniel Newman from Lesley University about "Food Allergies and the Rights of Individuals with -- food allergies and accommodations under the Americans With Disabilities Act can students with food-related disabilities go off of the meal plan or how does it work for them.

**DR. DANIEL NEWMAN:** We try to encourage them to stay on the meal plan because we have these different ways of supporting them. So basically the students who choose to do their own shopping and any type of food-related disability, I said that number has increased, we will put most of the money that would have gone into their meal plan, basically swipes, that they can use at the different cafeterias and food areas. And we put that money into their cards. That they would then go shopping

So they are basically off the meal plan. We allow them I believe it's say 9 or 10 meals during the week. Because well, we're the northern area. There may be a blizzard and they can't get out to the grocery store or something like that, weather or whatever. So we don't want anyone to be stuck without food so we do give them I believe it's about 9 meal swipes a week. If there's an emergency, we can increase it with no problem

So they are basically off the meal plan with kind of a minimum meal plan at that school.

**BARRY WHALEY:** I know we've kind of covered this but Dan you mentioned that Lesley is a small school And I'm curious about the space needed to support these accommodations. You mentioned the room for folks with gluten issues. Can you talk a little more about the space accommodations for this?

**DR. DANIEL NEWMAN:** Yeah, I would say that it's basically the room that is in that one area. And because we're small, it was acceptable to the Department of Justice having kind of the one space even though there are other food areas, other food delivery areas, cafeterias and things like that. So that one space which is 20 by 20 feet it's actually fairly large and extensive. And that's really it for kind of space, physical space. One could also say that the physical space of where people get their food and then go into the food line and there's an area that we call quote-unquote comfort foods it's basically all gluten free. So that's kind of an area in the food delivery area that is gluten free and -- but really that's it for space. So there's no other kind of spaces on the university, physical spaces, that are dedicated to this

**BARRY WHALEY:** I see. And as you said, this is -- you said there were multiple foodservice areas. Did you say five I think?

**DR. DANIEL NEWMAN:** Yes.

**BARRY WHALEY:** Is that right? Okay So each of those then would have some sort of space dedicated for students with specific allergies?

**DR. DANIEL NEWMAN:** Yes what we would do is just kind of the one main area. The one main cafeteria. The other spaces are much smaller there's a smaller cafeteria and very small cafes which are small rooms, some are even self-serve What we do in all of the areas but particularly we're looking at in the smaller areas is all of the foods are marked. So there is a -- especially at the self-serve food areas that the students would open up a little closest area and you can pull out a fruit salad or whatever, premade things that they would then purchase, each of those little things would be marked Each of the foods would be marked. So we have vegan we have different things it would be a V but if it's gluten free you would find a G with a cross in it showing it's made without gluten so those things are premarked

So if students are going to the much smaller areas and self-purchasing foods that are premade, they will know it's made without gluten.

We will also have trained if someone is behind the counter at any of those places, any of our smaller food areas to be able to answer questions. As I said before, there are clearly marked signs saying, please ask food manager any questions. Also you can talk to Disability Services with any questions.

So one of the things, by the way, this is a little bit on the size that we did try was to do delivery. And that would be literally delivering the meals to students. That's also part of the agreement so we put that together.

Basically no one ever asked for meals. So it went on for a couple of months, a few people wanted meals delivered but in the end they wanted to go to the food halls, the dining halls, or the little cafes that we have. So it's important to keep those up to snuff with all of the correct information.

But there's no -- particularly in the smaller ones, there's no separate area if you have a gluten allergy or other food-related disabilities.

**BARRY WHALEY:** So you had mentioned that the residence halls themselves, you can prepare food there, as well. And I'm curious what safeguards are in place in those smaller residence hall areas.

**DR. DANIEL NEWMAN:** So we let those students know -- well some of them are suites which have their own little kitchen which are easier. Again we don't have very, very large -- that's also where we're unique and we're smaller. It's in the middle of Cambridge which is an urban area so we have little Victorian homes and smaller buildings.

So during the orientation for new students when they are coming into their residence halls they are taught about keeping things clean and washing things off. And they use their own utensils. But there are small kitchenettes and things like that.

The students know and -- who have food-related disabilities who are bringing the food back and they will be cooking the gluten-free spaghetti or whatever it is, they are responsible to ensure. At that point we can't really oversee that it's that they are responsible for using their own pots and pans and own utensils to keep things clean.

**BARRY WHALEY:** I see. Right. I'm curious going back to the foodservice provider itself, what sort of safeguards are in place to ensure that they follow through on the accommodations.

**DR. DANIEL NEWMAN:** Well there are several. One is that I will go once or twice a semester without warning and go to each of the foodservice areas. And I have like a checklist going through to ensure that I see, like I said before, that if it's a self-service area that the food is properly marked. With a little sticker saying if it's made without gluten, et cetera.

I will go into the room, the gluten-free room. Make sure that everything is proper in there. We'll look in the cabinets, the fridge making sure that there is nothing there that seems -- it might be allergenic with gluten in it. I will then meet with the head of foodservices several times to go over questions or concerns. We have a very good -- and maybe talk about the communications before. It's very important to have very good communications with your manager of foodservices. We're constantly in touch with each other anyways. I mean, students will tell us often. And they are very, very responsible, Bon Appetit.

The other thing is they do the ServSafe certification, the food vendors, about allergens and keeping things clean. And they will do that I believe it's every year.

They have their own nutritionist that works for the company. She comes every -- I think once a year. And I'll meet with her as well as the manager and talk about any kind of new issues out there, new concerns, new ways of responding to allergies

They do staff training to ensure -- they sign off. I get the list of everyone who has attended the staff training talking about celiac, food allergy awareness, avoiding cross contamination how to store food and things like that

Again, that communication connection is very, very important. With everyone. But particularly with your food vendors. To ensure that they are kind of following proper procedures.

**BARRY WHALEY:** Right. Of course. Dan, we're almost out of time. I would like for you, if you could, to describe some of the challenges you are currently facing and also I would like for you to leave our audience with some advice about what to consider when implementing a food plan that addresses such a broad range of allergies.

**DR. DANIEL NEWMAN:** Right. So again, that issue we had with the shopping list, that was a really big challenge. It was getting expensive for our food vendor. More and more students were using it. And therefore there was more of a chance for things -- for the wrong thing to be purchased or to not be purchased because there were so many students using the shopping list so the ability to have them go use their own, their university card, and go purchasing their own kind of staples and food at local markets with -- has really kind of helped support that

The issue, also, is oftentimes because a meal plan is expensive itself, a lot of students will say oh I just want to go off the meal plan. Only in those special situations. So emotions, because money is involved with the meal plan and everyone wants to go off the meal plan and saying it's -- because it's expensive and saying no it's only for the students in this situation working with parents and students and clarifying that is very, very -- has been a challenge. But it's something we have to do.

Also looking for something that's seemingly small could have a big effect. So it's always a challenge. One must really look very carefully when you do -- when I do my tour and look around of the different cafeterias and dining halls.

For example, in one area we had a panini press. And -- that the students could then use. And I realized, wait, a student may have gluten-free allergy and use gluten-free breads or whatever they can't use that panini press now because someone else may have used it with regular white bread so we had to get another panini press and mark that it's -- one is for gluten free. One is for regular types of breads.

So little things that may seem, oh, that's not a big deal, can have obviously a devastating effect on the students and their health. So that's always a challenge. And it's never ending

It becomes more of a challenge as you have more students with more complex dietary food-related issues and just the absolute number of students with disabilities is increasing. So always kind of looking out for those things.

So I would say those are kind of the main kind of constant concerns or issues that we're always working on.

**BARRY WHALEY:** Thanks, Dan, thank you for this conversation. It's been very interesting. Listeners we have been talking today with Dr. Daniel Newman the Executive Director of Academic Support Services and ADA/504 coordinate at Lesley University in Cambridge, Massachusetts.

Remember that this episode and all our previous ADA episodes are on our Web site at ADALive.Org. I want to thank our audience for listening today. We are always thankful for your great support and listening to our ADALive! Broadcasts. Remember you can submit your questions for any of these topics at ADALive.Org. I hope you'll join us on October 4th. We'll be celebrating National Disability Employment Month and our guest will be Katie Whaley from the University of Kentucky's Human Development Institute. And she'll be discussing customized employment for people who have significant impact of disability.

If you have questions about the ADA, you can contact your center at 1-800-949-4232. And remember, all calls are free and confidential.

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