

## **Episode 2: The intersectionality of the ADA and Title IX with Dr. Michelle Rigler**

Courtney Bullard:

Welcome to The Law and Higher Ed podcast. My name is Courtney Bullard, CEO of Institutional Compliance Solutions and your host. I'm a Tennessee attorney, and I began ICS after serving as campus counsel for eight years at a university system. In that role, I handled all legal matters affecting the campus, or as I like to say, I did everything but divorces. I bring that on the ground experience with me in working with clients today. And that experience shaped the mission behind ICS, which is to provide legally sound but also practical advice to the institutions that we partner with.

Today, I specialize in compliance with Title IX and related laws and regulations, as a result of my experience in the area on campus since the Title IX boom in 2011. This podcast provides relevant, tangible information that you can utilize in your professional life right now, and even maybe your personal life. Through interviews with campus leaders and subject matter experts, and informational episodes, you have access to information at any time, any day, that has both legal and practical implications for your career and your campus. So let's get to it.

This episode delves into the intersectionality of the Americans with Disabilities Act and Title IX. My guest this week is Michelle Rigler. Michelle and I worked together at UTC, University of Tennessee Chattanooga, for eight years. And boy, did I learn a lot from her about accommodating students and employees with disabilities. I had worked on issues with clients in private practice, but once in-house I really had my eyes opened, helping manage the legal aspects of these issues on the ground. I grew personally and professionally as a result of my time and experiences with Michelle. Michelle's work in this area is extensive. She is truly an expert in the field, even though she fights the designation when I call her as much.

Her career in higher education has focused on creating equal access for students, faculty and staff, and visitors with disabilities. By remaining fluent in the language of the Americans with Disabilities Act Amendments Act, through all of its changes she's been able to create and manage an effective disability resource center at the University of Tennessee at Chattanooga. Through her work with a great team at UTC, she's been able to jumpstart a movement towards creating a culture of access for peoples with disabilities. In this role, she has rejuvenated her passion for studying and working with students with autism spectrum disorders or ASD.

In partnership with colleagues, she's developed a comprehensive and holistic program to support students with ASD as they transition to and move through their college careers. This program has proven to be successful. And through the hard work and dedication put into the curriculum for the program, she's grown her expertise in this area. Michelle has coauthored a four-book series with Jessica Kingsley Publishers that serves as the curriculum for the program. In addition, Michelle has coauthored a book on safety for people with ASD, a chapter about the intersection of ASD and mental health, as well as many scholarly articles about ASD and disability access in general.

She's a professional member of several organizations and served in many leadership roles within these organizations. Currently she is on the Board of Directors for AHEAD, serves on the Policy Committee for AHEAD, co-leads the Asperger's SIG, and was the education chair for Tennessee AHEAD.

In addition, she has presented at several local, regional, national and international conferences regarding the varying aspects of accommodations and programming for people with ASD, global accessibility, program development models, and transition to higher education for people with disabilities. I hope you enjoy my conversation with Michelle.

Michelle, thank you for agreeing to talk to me today. We were colleagues for a long time. I consider you a friend and invaluable resource on everything ADA. So I'm really excited to share your knowledge with everybody, and grateful that you agreed to be my guinea pig, my first, literally my first person that I'm interviewing for The Law and Higher Ed podcast. So, hi.

Michelle Rigler:

Hi, thank you for having me.

Courtney Bullard:

So tell me about your position at University of Tennessee Chattanooga, and the team that you've created and how that came to be.

Michelle Rigler:

Okay. I am the executive director of the Disability Resource Center and the Mosaic program. And I also manage the incoming accommodation requests for faculty, staff and visitors for our campus. And the way that came to be was, almost 15 years ago now, I came to Chattanooga as a single person in this position with a hundred students. And now we have a field of 1700-ish students, and a really great team of about 11 very professional staff members. So I'm pretty lucky.

Courtney Bullard:

And to put that into context, I can't fully remember, UTC now has about 12,000 students?

Michelle Rigler:

It's about 12,000.

Courtney Bullard:

And your resource center you said has 1200 registered students?

Michelle Rigler:

Mm-hmm (affirmative). Well, we have about 1700 registered, but that includes previous students. So I would say our active number is around 1200, with typically within a semester 700 to 900 students very actively using accommodations.

Courtney Bullard:

That's wild. You guys have a huge amount of folks that you service and I've seen it firsthand, and stay very busy. So how did you develop your team?

Michelle Rigler:

Actually, it's funny because if people look at my team, they know that many of the people that work in our department started out as student workers. And so what happened is I was floundering by myself in first hall, all alone, and saw some student workers that were very committed and very hard workers, and latched onto them and introduce them to the work that we do. And I had a pocket of about five or six student workers that really literally were my staff members, and I couldn't do anything without them. Two of them are now the associate directors, one over Mosaic and one over the Disability Resource Center. And they've stayed very committed and very loyal to this department since they were undergrads, and now they both have graduate degrees and they're in professional positions.

Courtney Bullard:

We talked about this yesterday when we were prepping for all of this, but it is very cool to see how you have brought folks along under you. Succession planning is always a big deal at institutions and any really corporate entity and something that people struggle with, and you've done a great job of developing a team and bringing folks along, which I think is pretty incredible.

Michelle Rigler:

Well, thank you. It's really great that they've been so committed.

Courtney Bullard:

There's no doubt that you're in a really specialized area. Even as an attorney preparing for the podcast, I had to go and look at the ADA again and get myself reacquainted with things, even though sometimes I'm helping clients with it all the time. And working with you I can say that you are the definition of a servant leader, so I want to know how your interest in this area started.

Michelle Rigler:

Okay. I didn't really know what I wanted to do growing up. I wanted to do a little bit of everything. So when I started college I was actually pre-med. And I learned very quickly when I did my first visit on a pediatric oncology unit that, that was not going to be for me. So I ended up changing major seven times for undergrad, which is why it took me seven years to graduate. But during that time, what I realized is that every degree path that I chose had to do with disabilities, it had to do with working with people with disabilities. And I don't have anybody in my immediate family necessarily that has any apparent disabilities or anybody in my family that has apparent autism.

The only thing I can attribute it to is, I used to volunteer with my cousin who was a physical therapist assistant at a rehab hospital when I was young. I think I was in seventh grade. When I was there I had the opportunity to meet a young boy named Teddy. Well, he was close to my age, so it wasn't really a young boy, but when I think about it now. And he was somebody that suffered a gunshot wound to the head, and he used to do what was called aqua therapy. And so I used to be able to just get in the pool with him and swim with him and hold him up. And he was just so happy and I learned so much from him. And I got so much happiness from spending time with him. And I think that shaped my path. So I just kept going that direction.

Courtney Bullard:

How you ended up in Chattanooga to me, which I just learned for the first time yesterday and was telling my husband about last night, I think it's fascinating. So share that.

Michelle Rigler:

Okay. So I was an exceptional ed teacher for severe affective needs in Colorado, which in that licensure, what that meant was severe behavioral needs, severe behavioral disorders, which in Colorado autism fell under that. And I was teaching in the K-12 system, which is very regimented and I was in a box and I was just not happy at all there. And we had Colorado in our address, so it was very expensive to live there. And I got tired of my little pet name that everybody called me at the schools, they call me Mrs. behavior because anytime anybody in their classrooms misbehaved they would send them to me to figure it out. And I just, I wasn't happy anymore. So we pulled a family meeting with my mom and dad and our best friends.

I'm an only child, so I knew my parents would be down to go with me if I was moving. And my husband and I just told them that we were ready to move. And when you live in Colorado it's really outside the norm for somebody to say I'm ready to move, but we were just tired of working so hard and not having any downtime. So we all discussed about where we wanted to move, and nobody really knew where. We just knew we didn't want to be up North where it snowed, and we didn't want to be mid-states, we wanted to be within eight hours of driving to the ocean. We couldn't decide on where we wanted to go. So we took my daughter, Sydney, who is now 19, at the time she was almost four, and we blindfolded her and opened up an Atlas and just held her finger in the air, and we told her to drop her finger and she dropped it on Tennessee.

So we said, "Okay, we're moving to Tennessee." And my mom and I took several trips. We actually took a position in, both of us took jobs in Murray, Kentucky. And the trip had a few more days before we flew back. And we were looking at the map and looking around the region, and my mom's like, "Holy cow, there's a place called Chattanooga like the Chattanooga Choo Choo song." And she sang the song to me, which was really silly. And I said, "Okay. Well, let's take a drive. We have nothing to do." So we drove from Murray, Kentucky to Chattanooga. And we came around the bend on 27 and it was just stunning, it was beautiful. And I said, "Is it too late to change our mind?" And she's like, "Well, what are we going to do for jobs?"

And so we just started driving around the city and I saw a university. And we were driving on Baldwin Street, which is my mother-in-law's maiden name. And we drove by a store that said Chad's Records, which is my husband's name. And then I was like, "Let's just find the HR place and see if there's anything that I can do here." I already had my master's degree. I was just tired of teaching. So I went into actually the development house now, and there's an adjacent parking lot but then it was just an empty parking lot. And this is that, but I changed my clothes in the car, put on some semi formal clothing or professional clothing and went up to the HR department to look at what jobs were available, and this position was open. And I had no idea that people with disabilities could have accommodations when they got to college as well.

So I applied for it and hoped for the best. And then about probably two months later I hadn't really heard, or maybe not two months, maybe a month, I hadn't heard anything. And so I called the person that I knew was chairing the search. And I said, "So this might be a little forward, but I'm coming to Chattanooga to look at some houses. And this would be a great time for you to interview me because

you won't have to pay for it. And I know that I'm very qualified for your position, and you're probably going to want to hire me. So this is your chance to get me there and talk to me without having to pay for anything." And so he did.

Courtney Bullard:

I so love that story. Yeah. I didn't even know that you could get disability services in higher ed until I worked on campus and really saw it in real time. I mean, I knew but I didn't know. And even to this day, when I talk to parents who have children who are struggling with ADHD or some, usually ADHD in the K-12 environment, and they're about to graduate and they're so worried about them, and I'm always like, "Make sure you find the Disability Resource Center." And they are like, "What?" So it's amazing how much still folks don't know. And then it's such a huge asset to the students, especially on UTC's campus because you all have such a robust program, but something that I didn't fully appreciate either until I worked in higher ed. And that's why I say all the time I learned so much from you. And at the time, Nancy Badger, who's over the counseling program, who's legally blind, just being in that environment it was very eye opening, and something that I've definitely taken with me and comes into my life almost daily.

Michelle Rigler:

Yeah, absolutely.

Courtney Bullard:

We recently recorded a webinar together and I came to campus, I hadn't been back to campus in a little while since I left, to do it. And of course I picked a time that was close to finals, which wasn't exactly awesome for you or Emily who was helping. But in any event, you all were slammed with students needing assistance. And while you were taking it all in stride, it was clearly stressful, there's a lot going on. And as we were talking yesterday, and we'll get into the Mosaic Program in a minute, but it's just you all stay very, very busy. So what keeps you going?

Michelle Rigler:

For me personally, I'm very much of a mover and I really like innovation. And so knowing that at this university the administration has faith in us and trust us to do what's right, and to be consistent and to be efficient, they also trust us to do something new. So I don't like to just sit and get stagnant, I like to always improve our resources, improve our offerings, improve our programming so that we're doing more than just compliance. That really is energizing to me, to be able to create newness and then also know that I have a team around me that can help fill in the holes when I'm missing things. I've definitely developed a team that has a lot of my opposites on it. So that when I'm really throwing ideas out there and trying to move forward really fast, Emily Quinn is the associate director for the DRC and she's very contemplative and she looks at details. And so we work really well together. But when I can throw an idea out there and then see it come to fruition, that to me is the most amazing energizer.

Courtney Bullard:

And I will say when I started on the campus, and of course I was the first attorney to ever be there, it was more. I mean, I think I can say this, it was more of a compliance mindset. And it's amazing what

you've been able to do in those 10, 12, 14 years, to create a culture of accommodations instead of just that compliance mindset.

Michelle Rigler:

Right. We actually have a push right now where we're doing disability ambassadors workshops all across campus, which is very much like safe zone and green zone trainings. And we ask people to join us in moving the needle towards a cultural of access. So even move beyond accommodation but thinking about accessibility in the planning stages, so that people don't have to get vulnerable and go in and ask for something significant or something minor, they can just go in and have things accessible to them.

Courtney Bullard:

I think that's really cool. So I say it all the time to even my clients to call you as a resource when they have issues, but UTC is really unique and it's work with ASD and the Mosaic Program that you have. So can you explain what ASD is, and then a little bit about the mosaic program?

Michelle Rigler:

Sure. Autism spectrum disorders is a set of neurological differences. And I like to use the wording of neurodiversity. So if you think about diversity in all its aspects, cultural diversity, biodiversity, any form of diversity strengthens our culture and strengthens our world. And neurodiversity is just an aspect of everybody thinks differently, processes the world around them differently, and then expresses that information differently. And autism spectrum lies right on that neurodiversity spectrum. So essentially somebody with autism has differences in how they communicate, how they interact with people socially and how they experience the world around them. And so having an understanding of autism really helps us tap into those strengths that are associated with it.

So way back when I think it was in 2006, I had a couple students that were on the autism spectrum come to me and say, "Michelle, it's really great that we have these accommodations in place. And the extra time on tests really help, but I really need more." And so diving deeper, I joined them into their experience at UTC. And what they were asking for was understanding for why the roommates were mad at them all the time or why the professors didn't want them in their class anymore, or why people were looking at them sideways when they say something and not understanding a social miscue. They just wanted to understand more about the social world of college. So we started on the line of developing Mosaic. So now 10 years later, Mosaic is a very comprehensive program. Not many colleges have a program this comprehensive. In reality, there's only about 80 programs in the country that are on a four-year campus.

Courtney Bullard:

Which blows my mind because there's like 10,000 institutions.

Michelle Rigler:

Right. And the reason why there's not many is because it's really based on a service model. And the ADA says that we have to provide accommodations to level the playing field, to provide equal access. And what we're doing is providing services and support towards success. And so our program, as I say, it's one of the most comprehensive because we have four components that all contribute to earning a letter

grade for participation. And it's only for degree seeking students. So there's about 250 certificate-based programs for individuals on the autism spectrum. But that's more for life skills and having the experience in college, but not working towards a degree. So all of our students are degree seeking. They will hopefully graduate with a degree from UTC.

But to participate in our program, like I said, they take the course, which the curriculum is based on four textbooks that Amy Rutherford, Emily Quinn and I wrote, and are published through Jessica Kingsley Publishers. We worked through that curriculum just like any other academic class. And the curriculum ranges from transitioning into college all the way through their college years and then transitioning into their career. So each year we focus on something significantly different, but it builds on the year before. But then to get your letter grade for that class, you also have to meet with a coach. So somebody that's an academic coach, executive function coach and life coach all rolled into one. So students are required to meet with a coach.

Then we also have a set of trained peer mentors that also take a class that's required. And the students have to meet with their peer mentors at least once a week. It doesn't have a timeframe other than it has to be at least an hour. They can meet for as long as they want, as long as it's at least an hour. Then they also have to participate in what we call supervised study for at least four hours a week. Now, for some students that get into social trouble or academic trouble, we make that more like six hours, or we do what's called Mosaic bootcamp, where they're with us every waking hour. But essentially it's to help us find the gaps. So if somebody is studying for hours and hours and hours but they're not doing well, it's not translating to their exams, then we help them develop better study strategies so they can study smarter instead of harder.

Courtney Bullard:

So here's your legal primer. The Americans with Disabilities Act became law in 1990. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities and all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. The ADA gives civil rights protections to individuals with disabilities, similar to those provided to individuals on the basis of race, color, sex, national origin, age and religion.

Disability rights legislation and higher education includes the Americans with Disabilities Act, which was amended in 2008. And we now refer to as the ADAAA, you got to love all the acronyms in the law. Section 504 of the Rehab Act of 1973, the Fair Housing Act, which is where the issues of service animals have come into play in residence halls. And then of course you have to pay attention to your state and local laws. The Americans with Disabilities Act Amendments Act or the ADAAA, has several different components to it. Title one is what is geared towards employment. And it is enforced by the Equal Employment Opportunity Commission. And that is for those who are employed or want to be employed that have a disability, that's what the law or the area that governs that.

So mostly your human resources folks deal with that. Although as what happened on UTC's campus, a lot of times on campuses everything flows through the Disability Resource Center or whatever name it is called for your specific campus. Title two is what governs public services. And both public and private colleges and universities must provide equal access to post-secondary education for students with disabilities. And this is covered under title two for publicly funded universities, community colleges

and vocational schools. And title three is what covers privately funded schools. And then you have all public or private schools that receive federal funding are required under section 504 of the Rehabilitation Act to make their programs accessible to students with disabilities.

Now, what constitutes a disability and how you receive accommodations is a completely separate podcast. And dealing with employees versus student accommodations could also be a completely separate podcast. But just know that the definition of a disability is a physical or mental impairment that substantially limits one or more major life activity. And accommodation for that is an individualized response to a barrier experienced by a person with a disability. And for accessibility, individuals with disabilities can acquire the same information, engage in the same interactions, and enjoy the same services within the same timeframe as individuals without disabilities. And when you have all of this together, then you have a culture of access, as you'll hear Michelle talk about in this podcast. And it is amazing because there's a huge demand for it. You were telling me yesterday that there's 10 in the program or that are accepted into the program. And you had like 250 per year and you've had 250 this year apply.

Michelle Rigler:

No, no, no. We had almost 50 apply.

Courtney Bullard:

Oh, I'm sorry, 50.

Michelle Rigler:

Yeah, 50. Thanks goodness it's not 250.

Courtney Bullard:

But still it's still a lot.

Michelle Rigler:

Every year we have to turn away more than we can accept, and that's heartbreaking.

Courtney Bullard:

Yeah. One thing for me with ASD and learning more and more about it, is just understanding... So when you go to college, obviously you get more out of it than just the educational experience. You're having all these social experiences as well that impact you as a person to go out there in the world and do your thing. And so folks on the spectrum really do struggle with that social aspect, and it is a really important aspect of being on a college campus. And so this program really is cool because it allows those students to bridge that gap.

Michelle Rigler:

Yeah, absolutely.

Courtney Bullard:

I mean, from my perspective. And I know we could have an entire podcast on ASD, but one thing I do want to have you explain a little bit is that Asperger's is part of the spectrum that falls under ASD, right?

Michelle Rigler:

Yes.

Courtney Bullard:

And so talk a little bit about some of the behaviors you see with folks with Asperger's and where they struggle and may need accommodations, because I know that is a place we're seeing a big crossover with Title IX.

Michelle Rigler:

Absolutely. So the DSM was rewritten and revised, so it became the DSM-5. And when that happened, all the different variations of autism spectrum, so all the different diagnoses that coincided with autism spectrum were pulled in under the ASD diagnosis. So for some people that was a little frustrating because when you have Asperger's a lot of times people develop this [Aspy 00:24:23] prize, so it's part of their culture and part of their identity. So we don't take that away from anybody. If they say they have Asperger's, they have Asperger's, right? We don't say, "Oh well, no, now you have autism." Because they tie their identity to Asperger's. But really Asperger's is under the autism spectrum disorder, sorry, autism spectrum umbrella. But essentially what we're seeing at the college level is, in particular with the overlap with Title IX, is first of all that the consent training is really difficult and needs to be structured very differently for students on the spectrum.

We work with our Center for Women and Gender Equity on campus to do very specialized programming on relationships and all the different levels of relationships. So we saw students that were friends with another student. I'll just give you an example. We had a young man who was in the program before we really had the program the way it is. And he was very interested in this girl in his class because they had very similar interests and very similar intellectual levels. And he just really wanted to invite her on a date. And so he came to me and he said, "I want you to look at this multiple choice tests that I've normed, that I want to get to the school that I'm interested in." And I could not for the life of me figure out what he was talking about. And it really was kind of a compatibility test that he had researched in norm that he wanted to give to this girl.

And so I worked through it with him because if he would have just gone into the class and said, "Here, take this test." It would have been really creepy, and weird, and off-putting. So I talked to him about why he wanted to do that, what the purpose was, and then helped him develop a script for what he wanted to say to her. But then in addition, I said, "If she says no, it's no, you don't keep asking. And then you also don't text her and email her and try to contact her in numerous ways. If she says she's not interested, you just let it be." So he heeded that advice and did not have issues with that. But then another person that was not in the program was interested in the girl. She shared her phone number with him because they were in a study group.

And so he texted her and asked her to go out for coffee and she didn't respond. Then he texted her and asked her to go to lunch and she didn't respond. And he did that for several days and then ended up getting in trouble for stalking. So even these behaviors that are perceived as stalking are

generally just social miscues, where students don't understand that they need to stop asking. So instead of... It would have been helpful if the girl would have just said, "I'm really not interested. Then that person would have understood, but just not responding the student was assuming that maybe she didn't get the text message, or she didn't read it, or he had the wrong number, and just kept trying.

Courtney Bullard:

Because the way I understand it from you is, you have to be very direct with folks that fall within the spectrum. And so they misread social cues, maybe all those non-verbals that are so much of our communication every day are not things that those folks necessarily cue into very well.

Michelle Rigler:

Right. They may not cue into it or they may misperceive it. So perception is something that's really difficult to mitigate as well. So sometimes females on the spectrum that we experienced difficulties with or they experience difficulties is because maybe they misperceive what somebody said and they take it as a very different message than what was intended. So they get their feelings hurt often and they get very sensitive. So we spend a lot of time explaining the purpose behind the message instead of just what you hear in the message.

Courtney Bullard:

So you talked about the training and consent and Title IX training on the campus and how you do something a little bit extra for your folks that are on the spectrum. Explain that a little bit more. What are the differences that they need in a training outside of just your "normal student"?

Michelle Rigler:

So we often will participate with the student in any kind of intervention. So if something comes up and they have a violation or they need to go in for an interview or whatever, we will prep them for what it might look like. We don't give them cues in on what to say or anything like that, we just give them details about what the room will look like, who the person they're going to be talking to, give them the information before they go. And then we'll also offer to go as a social interpreter for them. We'll go in and make sure that what they're saying is interpreted appropriately or presented appropriately. And then what they're hearing is presented in a way that they can understand it, so that there's no misunderstanding based on a social miscue.

Courtney Bullard:

Yeah. The social interpreter concept is fascinating to me because it's so clear when you need an interpreter for say another language or you're deaf and you need sign language or something like that. But in this case, you're talking about something totally different.

Michelle Rigler:

Well, it falls along the same lines. It's just a matter of interpreting the messages out loud for both sides. So it's not giving any information or taking away any information, it's just translating it out loud so both parties understand what's being said and they're working from the same information.

Courtney Bullard:

How do you become involved in a Title IX case or your office? Are you support persons? Is that under the policy or is it just a service because they are registered and have a disability or is it a combination of both?

Michelle Rigler:

It's a combination of both. So we... Emily Quinn is also on our sexual misconduct and relationship violence and stalking team, which is very big mouthful. But she works hand in hand with that group that manages all Title IX cases and helps them understand when there's an accommodation need through any part of that process. And then once there's a possibility of transitioning from Title IX accommodations to the potential of ADA accommodations, she transitions those students pretty fluidly so they don't feel like they're being dropped from one department to another. So for all students we work on a team.

So everything that we do at UTC is done so well because we partner with everybody that will possibly partner with us. In this situation, our title IX coordinator, Stephanie Roland, came to us and said, "I have this idea. Don't say no till you hear it." And presented this idea of having somebody be on that team and act as a transition person so that students feel very fluidly supported. And we jumped on board right away. And since that's been happening I feel like students have had a better experience in a really difficult situation, but they don't feel abandoned in any way, they feel fully supported all the way through.

Courtney Bullard:

Yeah. So you are eliminating that silo effect that we see on so many campuses, not intentionally, but it just what happens when folks are in their specific area of campus. And I'm always talking about bridging those gaps between the Title IX office and a lot of other offices, but yours is one that I'm not sure every campus really thinks of immediately in UTC because you have such a good program. Obviously you probably have more students with needs than some other campuses, but so important to keep that in the back of your mind, because I know I've had some client calls with folks who aren't registered with their Disability Resource Center, but then when they get into the case, they get into an investigation and then they figure out that the individual is on the spectrum and then how to manage that. And one thing that is hard is separating the behavior from the disability and determining how to sanction someone or what have you. So do you have any advice there?

Michelle Rigler:

Well, what we always tell people is, you always hold everybody to the same standard regardless. You don't excuse somebody because of their disability. However, it is difficult to tease out when the behavior could be due to the disability. So if people always just focus on the action and focus on the behavior and then during the investigation find out the purpose of it, that's where you could be in a good state. So having the people know how to answer or ask the question, not just the right questions but how deep to go. So somebody that is on the spectrum that maybe doesn't know you isn't going to trust you very well. That's why we recommend having somebody go in as an advocate. And then knowing that if an investigator asks a very surface level question and somebody's going to answer it in a very logical and detail oriented way, maybe rephrasing how they ask it. And so you're asking the right question instead of a bunch of questions. Does that make sense?

Courtney Bullard:

Yes.

Michelle Rigler:

I feel like that was a little confusing.

Courtney Bullard:

No, it makes sense. It's hard when you're not seeing it in action, but I think I'm following you. I think the part. So take the stalking example. And a student gets charged with stalking, and they're on the spectrum or have Asperger's, however you want to term it. They go in, the investigation happens, they have somebody from your office who is with them helping as a social interpreter. At what point, and I guess maybe you don't know the answer to this, I don't know. How does the institution say, "Okay, this is a mitigating factor. This was not intentional. He or she was just trying to get to know the person better and they never told them don't contact me anymore, so they kept," like the example you gave before, "they weren't reading any of those social cues, they just kept asking, asking, asking." Is that then a mitigating factor when they finally get to the end of it or is it, "No, you're going to be sanctioned for stalking and here's some things we can do going forward to prevent this." Or I guess you probably see a mixed bag, I don't know.

Michelle Rigler:

We do see a mix, but also I'm on the care team for our campus. So we address a lot of these things before they come to this point. Not that we excuse anything by any means, we don't excuse behavior at all. But they do, the campus community does rely a lot on our Mosaic team because of their knowledge with autism. So whether it's a student in Mosaic or it's not a student in Mosaic, because we have a lot of students on our campus that are on a spectrum that are not in our program, they tend to come here, they apply to UTC, apply to Mosaic. And if they don't get in, they come here anyway because they think that people on the campus understand autism more, which is very true. So in the situation of the stalking, it may be that in that investigation had somebody not had an understanding of autism, they may say something like, "Well, I have evidence that you have texted this person 42 times, and there was no reply but you continued."

Well, a person on the spectrum would say, "Yes, that's correct." And then that would be it, right? But if a social interpreter was in there or had offered a line of questioning even to dive deeper, it may be something like, "Well, can you tell me why you continued to text her?" And then he may say, "Well, I just wanted to talk to her." And then he may be asking another question of, "Why didn't you stop after she didn't respond?" And then that's where you would get the answers of, "Well, I thought maybe she didn't get the message or something like that." So in some situations on our campus it has been a mitigating factor, but in other situations on campus it has not.

Courtney Bullard:

Sure. And the BIT team, which is now the care team, behavioral intervention team, which is what I served on and started when I was there, is really where I learned so much because... And I encourage every campus to have some type of BIT team, care team, that interfaces with the Title IX team, because a lot of things do get brought up early on before it reaches a certain level. But man, did I learn so much

in those meetings about the different things that students were facing each day, and it was a great learning experience for me.

Michelle Rigler:

Yeah. So now we have the student care team. So all the reports that come in will meet with the care team first, then if it elevates to a point of concern... I'm sorry, the student of concern team. Then if it elevates beyond that typical concern for student and starts getting really worried about harm to self, harm to others or a significant concern, it'll elevate to the care team. And that team is pretty comprehensive for the campus population. So we have representatives from all over the place that will process through those things and ask those questions, come up with solutions and then figure out next steps. So I don't, in my opinion, I don't think any of those decisions are made in a silo. We work very well as a team and lean on each other quite a bit to bounce ideas off each other. In that situation where maybe it's a person that has autism, I may say, "This may be because of autism and this is how." Or I may say, "No, this is just behavior. Let's just focus on behavior."

Courtney Bullard:

And I know it comes up in all kinds of contexts, like classroom disruptions or issues with professors. And of course like you mentioned, roommates, a lot of roommate disagreements or issues. And so you see it all over the place, not just obviously in the Title IX context. Do you think this is something that is going to continue to come up in the Title IX context?

Michelle Rigler:

I do. I think the population of people on the spectrum is growing so tremendously. We base the numbers that we see in the CDC from years prior. So the numbers that we're seeing coming into the university now were assessed when the students were eight or the kids were eight years old, and it was years and years ago when the numbers were 1 in 110. Now we're at one in 59 people that have autism. So the upswing of people entering our university campuses is just going to continue to grow. These are students that are very highly academically prepared, very intelligent, know what they want to do, very committed and dedicated, and they're going to get to our universities.

Courtney Bullard:

Do you see it at all on the employee?

Michelle Rigler:

I do. Yeah. So I'm also that first point person where people submit information. And I probably have worked with about four employees since we started this model. And I don't remember what year we started it, but I started it with you, Courtney.

Courtney Bullard:

I don't know when it was either.

Michelle Rigler:

I'm thinking maybe it was 2012-ish maybe, maybe a little later than that. And it started out very slow, we didn't have many requests at all. And now I have about six requests from this past week from employees. Of course not all of them are on the spectrum, but we are seeing more and more.

Courtney Bullard:

And as the awareness increases, I think there's a lot of adults who probably were never diagnosed or evaluated and knew that there was actually a... Help me out with my word.

Michelle Rigler:

Diagnosis.

Courtney Bullard:

Yeah. The diagnosis for what they have. And so they never made that connection. That's what I was trying to say. They never really made that connection until later in life, but now they're realizing, "Oh, there's some things, there's some resources and this explains this or that or whatever."

Michelle Rigler:

Right. Yeah. And what we hear, because one thing, a lot of girls are diagnosed very late because the diagnosing criteria is very male focused. And females also mask and they camouflage very well. So they put on what they call their neuro-typical mask and act like they fit in, when that is exhausting, it's exhausting for them. So then they start to inherit some mental health impacts as well, because of all the anxiety of trying to be on stage all the time. So when females do get the diagnosis, they often voice that it finally makes sense, that all the time they felt like they were an alien on another planet or born in a country where they didn't speak the language, but now everything makes sense. And they feel like there's a place because there's other people like them.

Courtney Bullard:

Yeah. That's what I was thinking. That's fascinating, I think. So I've already said that you all to me are pioneers in disability resources as a whole, and then of course in this area of ASD. So you have a really robust program, a lot of depth. You have a big team. I'm sure you would always want more. But in perspective, maybe bigger than some other institutions that are your size, do you have any advice for those institutions or folks of those institutions who might be listening and they don't have the same infrastructure or depth, and they're a Title IX coordinator, and one day they may be faced with a case where they suspect someone has ASD, or maybe they're even registered, how they could go about working through that? Any suggestions on resources, things that they could start doing now to help them out if they're ever faced with that situation?

Michelle Rigler:

Yeah. I would say your number one resource is your disability resource person. Knowing that I came from a single person operation, I didn't have time to go out across campus and find people and talk about how we can work together. But if a Title IX coordinator came to me, I probably would have jumped on with being able to work with them. So I would suggest calling your disability service office, take that person out to lunch, or go get them a cup of coffee and go meet with them where they are and talk about your ideas. I'm sure they'd be happy to work with you. And that's going to be the person

that's going to have the best knowledge about the impact of disability. So that would be a great starting point for you.

Courtney Bullard:

Yeah. And I always say that a lot of what ends up being litigation is just simply students who've had a bad experience and the folks on the ground who are taking students or employees through an experience like an investigation. Basically somewhere from when a complaint is filed to the end, they're not happy with how they were treated. And to have these resources and the understanding and the crossover of departments can really go a long way to helping facilitate that process and make it a smooth experience. It's not necessarily always going to be a good experience, but a smooth experience for that member of your campus community.

Michelle Rigler:

Absolutely, absolutely. The more supportive a student feels or an employee feels, the better the outcome is going to be.

Courtney Bullard:

Exactly. Hey there, Courtney Bullard. Did you know that ICS has a membership? Are you a Title IX coordinator that feels you can never keep up with the changing Title IX landscape, or you just need access to tools that can help you stay current and perform your job at the highest level for your institution, perhaps your campus needs help with training? Put our knowledge to work for you with an ICS membership. Over 15 courses that can be utilized to train your campus, unlimited access to all ICS webinars, compliance aids and tools that are legally current, discounts on services and information to assist you with Title IX and other laws and regulations such as [CLIA 00:41:53], VAPA and the ADA, or just a few of the benefits of an ICS membership. Whether you're interested in one for your institution or as an individual, contact us today or visit our website at [www.icslawyer.com](http://www.icslawyer.com) to become a part of our fast growing ICS family. We'd love to have you.

Okay. So I think that's everything I want to cover that's using our brain for today. I wanted to move to a couple of fun facts to close this out if you don't mind. So the first is, some hobbies. What do you do in your free time? Yeah, I know you don't have a lot of free time.

Michelle Rigler:

No, no. I work really hard during the week. So my thing that pushes me through getting through the end of the week is going to the lake. I'm very much of a lake person, I love water and we have a boat. And so we usually keep our boat docked at a really fun marina. And so even if we don't go out on the lake, we'll just go sleep in the boat like we're camping. So that's always my push to get through, which is really hard in the winter months because we don't go on the lake.

Courtney Bullard:

Right.

Michelle Rigler:

And I end up just sitting around a lot and eating a lot.

Courtney Bullard:

Yes. The lake is my husband's happy place too. And here in Chattanooga, if you've never been to Chattanooga, it's beautiful. And we have this gorgeous lake. And it's hard not to be a boat person when you have what we have here.

Michelle Rigler:

And I've grown up on boats my whole life. So I was primed for it from the time I was three years old. My kids have all grown up on boats, so that's our thing.

Courtney Bullard:

I did not grow up on boats, but I feel like my children have now been on boats constantly and definitely are growing up more like you did, which I think is really cool because I don't know how to drive a boat, I just ride along. We are trying to get our... My husband is teaching our kids to drive our boat and drive the jet ski and get boating licenses and all those great things. I think it's pretty cool. What is something that most people don't know about you?

Michelle Rigler:

I would say that if people on the surface know me, they would say I'm very extroverted. And I talk to anybody and nobody is a stranger, but in reality I'm a closet introvert. And I can stand up and talk to people for hours and I can do full day long presentations and multi-day presentations, and I love that. I get a lot of energy from that. But then I don't want to do the afterwards where people come up and want to talk to me specifically about their program, or shake my hand and talk more about what we just presented. I want to be able to leave the room and just go decompress for a few minutes. So I think most people would be surprised that I'm a closet introvert.

Courtney Bullard:

And I wonder, you and I talked about this yesterday, because I think I'm feeling more that way about myself too. And I don't know if it's age or if it's just always been that way, I don't know. But I definitely feel like I'm an introvert-extrovert. Yeah. I get a lot from people, but then I'm like, "Okay, I need a break."

Michelle Rigler:

I need some quiet time.

Courtney Bullard:

Yes. And as an only child too, we call it Courtney time. My husband's like, "I get it. You need to go be alone for a while."

Michelle Rigler:

Yeah. I didn't know you're an only child. That's another thing we have in common.

Courtney Bullard:

Yeah. I'm an only child with four children. And you've got a lot of children too.

Michelle Rigler:

I got three, three plus all of their friends.

Courtney Bullard:

Right. And I didn't understand how siblings interacted. I was like, "Is this normal that my girls are telling each other they hate each other." And my husband is like, "Yes."

Michelle Rigler:

Yeah. I used to cry to my husband and go, "Is that okay? Should we be going to counseling?"

Courtney Bullard:

Yes. Because I didn't know as an only child. Yeah, exactly. But it's fun having a big family. But I never felt like I was missing out on anything when I was an only child.

Michelle Rigler:

No. I didn't either.

Courtney Bullard:

I was used to talking to adults and that's how my life was. I was going to finish with your favorite book or movie, but I know, we talked yesterday, one of the reasons that you are an expert, and I know you don't want me to use the term, but I don't care, I'm going to use it anyway, that you are an expert in this area is because you dedicate a lot of your time, including your free time to learning and submersing yourself in everything that you can lap up on your profession. But I don't know since then, if you've thought of anything else that would be your favorite book or movie outside of work. And it's okay if it is work related.

Michelle Rigler:

It is. I mean, I'm a big nerd when it comes to the ADA, when it comes to case law, when it comes to diversity and inclusion, and I'm just a big nerd about that. So I'll still say that my favorite book is NeuroTribes, which is all about the legacy of autism and how it developed, and then where the neuro diversity spectrum is taking us. So that still I've read it twice and it's a very big book, and I'm probably going to start it again pretty soon. But one of our prime moments is, we went to Mercyhurst University to do an inaugural autism and college conference, where we brought some of our students and we got to speak alongside Temple Grandin and Stephen Shore, and Steve Silberman who wrote NeuroTribes.

Courtney Bullard:

Oh, wow.

Michelle Rigler:

So we got to have lunch with him. Because we were featured speakers and he was a featured speaker, we got to have a lunch with him. And one of our Mosaic students who is incredibly thoughtful and insightful and doesn't even realize it, said something, I don't even know what he said because oftentimes he speaks way above my head. But he said something and Steve Silberman looked at him

and was in awe. And he said, "Do you mind if I quote you on that in my next book and get the immensity of that statement?" Because his current book I think it's the only book he's written and it's a New York Times bestseller. And so Amy Rutherford and I both were diving under the table trying to find business cards to give Steven Silberman the student's contact information and how he can get in touch with him. It was an amazing experience.

Courtney Bullard:

That's really cool. So you had a total fan girl experience.

Michelle Rigler:

I did.

Courtney Bullard:

A nerdy fan girl experience, but nonetheless you got experience. But I'm glad you mentioned it because, listen, I like to read about all kinds of things. I mostly like to read about trash on my free time, but generally speaking in my professional life I want to know about everything that touches what I do, including what you do, which is why I wanted to interview you. So it's always good to hear about resources for anybody who's interested in this subject, even if this isn't their profession. It may be affecting them personally or what have you. So it's okay that you're nerdy and you only had a nerdy book to share.

Michelle Rigler:

My favorite movie though is Willy Wonk & the Chocolate Factory. The first one.

Courtney Bullard:

That's a really good one. Okay. So you do watch some things for fun?

Michelle Rigler:

I do. I watch a lot of trashy movies and movies that don't take a lot of brain power.

Courtney Bullard:

Yeah. We share that in common as well for sure. Well, listen, I know that you are swamped as always, but I wanted to just tell you thank you so much for sharing with us today. And I know you're always open to folks who need a resource or want to pick your brain.

Michelle Rigler:

Absolutely.

Courtney Bullard:

Everybody look for Michelle Rigler at UTC at the Disability Resource Center. You can Google her and find her pretty easily. I know she'd be happy to talk to you.

Michelle Rigler:

Absolutely. Anytime.

Courtney Bullard:

Thanks Michelle.

Michelle Rigler:

Thank you Courtney.

Courtney Bullard:

I am so glad that you tuned into this episode today, as I think that the intersection of the ADA and Title IX is something that we are going to see more and more on campuses and needs for accommodations in that process. If you would like to hear more about that intersectionality, Michelle and I did a webinar at the end of 2018. If you are an ICS member, you have unlimited access to that webinar through your services. If you are someone who is not an ICS member and want to learn more about it, you can of course contact us or contact me directly if you want a copy of that webinar to listen to. Please connect with us, we are on... Well, I'm on LinkedIn, or you can find us on Facebook or on Twitter. Thanks again, and see you next time. This podcast does not establish an attorney client relationship, which is only formed when you have signed an engagement agreement with ICS. It is also not intended to replace any legal advice provided by your legal counsel. It is for informational purposes only.