



Questions and Answers About the Lesley University Agreement and Potential Implications for Individuals with Food Allergies

On December 20, 2012, the Justice Department entered into an [agreement with Lesley University](#) in Cambridge, Massachusetts to ensure that its students with celiac disease and other food allergies can fully and equally enjoy the university's food services in compliance with the Americans with Disabilities Act (ADA). Lesley University previously required all students living on campus to participate in, and pay for, its meal service plan – even if some students with severe allergies could not eat the food available through the plan without risk of illness. Under the Agreement, Lesley has made modifications to its meal plan to allow students with food allergies to take advantage of its food services. The Agreement also requires Lesley to consider exempting from its mandatory plan students who cannot, because of disability, take full advantage of the University's meal service plan.

Among other things, Lesley University agreed to:

- Provide gluten-free and allergen-free food options in its dining hall food lines in addition to its standard meal options;
- Allow students with known allergies to pre-order allergen-free meals;
- Display notices concerning food allergies and identify foods containing specific allergens;
- Train food service and university staff about food allergy-related issues;
- Provide a dedicated space in its main dining hall to store and prepare gluten-free and allergen-free foods; and
- Work to retain vendors that accept students' prepaid meal cards that also offer food without allergens.

Many aspects of the Agreement will serve as a model for other schools – particularly those that require students to participate in a meal plan. However, food service plans, like Universities, are not one-size-fits-all and each school should evaluate its food service plan to assess whether reasonable modifications for its students with disabilities are necessary to avoid discrimination.

1. Is a food allergy considered a disability under the ADA?

A: It depends. A disability as defined by the ADA is a mental or physical impairment that substantially limits a major life activity, such as eating. Major life activities also include major bodily functions, such as the functions of the gastrointestinal system. Some individuals with food allergies have a disability as defined by the ADA – particularly those with more significant or severe responses to certain foods. This would include individuals with celiac disease and others who have autoimmune responses to certain foods, the symptoms of which may include difficulty swallowing and breathing, asthma, or anaphylactic shock.

2. What is Celiac disease?

A: Celiac disease is a digestive condition triggered by consumption of the protein gluten, which is primarily found in bread, pasta, cookies, pizza crust and many other foods containing wheat, barley or rye. People with celiac disease who eat foods containing gluten experience an immune reaction in their small intestines. Celiac disease affects about 1 in 133 Americans.

3. Why is eating a gluten-free diet important for those with celiac disease?

A: For someone with celiac disease, eating foods with gluten can cause permanent damage to the surface of the small intestines and an inability to absorb certain nutrients, leading to vitamin deficiencies that deny vital nourishment to the brain, nervous system, bones, liver, and other organs.

4. Does the ADA require that all public accommodations that serve food, like restaurants, also serve gluten-free or allergen-free food?

A: No. The ADA does not require that every place of public accommodation that serves food to the public provide gluten-free or allergen-free food. The Lesley Agreement involved a mandatory meal program for a defined group of students. Because its meal plan was mandatory for all students living on campus, the ADA required that the University make reasonable modifications to the plan to accommodate students with celiac disease and other food allergies. This is different than the ADA's obligation for restaurants that serve the general public.

5. What might a restaurant or other similar place of public accommodation need to do to accommodate an individual with celiac disease or other food allergies?

A: A restaurant may have to take some reasonable steps to accommodate individuals with disabilities where it does not result in a fundamental alteration of that restaurant's operations. By way of example only, this may include: 1) answering questions from diners about menu item ingredients, where the ingredients are known, or 2) omitting or substituting certain ingredients upon request if the restaurant normally does this for other customers.

6. What is a fundamental alteration?

A: A fundamental alteration is a modification that is so significant that it alters the essential nature of the good or services that a business offers. For example, a restaurant is not required to alter its menu or provide different foods to meet particular dietary needs.

7. I have questions about how this applies to me. Where can I get more information?

A. The Department's ADA Technical Assistance Program can provide you with more information and can answer questions you may have. If you would like to speak to an ADA Specialist about your specific situation, please call the ADA Information Line. All calls are confidential. The ADA Website (www.ada.gov) also provides access to the ADA regulations, technical assistance documents, and settlements, briefs, and other information.

ADA Website: www.ADA.gov

ADA Information Line

800-514-0301 (Voice) and 800-514-0383 (TTY)

24 hours a day to order publications by mail.

M-W, F 9:30 a.m. – 5:30 p.m., Th 12:30 p.m. – 5:30 p.m. (Eastern Time)

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