



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION I
5 POST OFFICE SQUARE, 8th FLOOR
BOSTON, MASSACHUSETTS 02109-3921

May 14, 2018

President Michael B. Alexander
Lasell College
1844 Commonwealth Avenue
Newton, MA 02466
Email: president@lasell.edu

Re: Complaint No. 01-17-2014
Lasell College

Dear President Alexander:

This letter is to advise you of the outcome of the complaint that the U.S. Department of Education (Department), Office for Civil Rights (OCR) received against Lasell College (the College). The Complainant specifically alleged that the College failed to provide adequate gluten-free dining options for her, as a student X-PORION REDACTED-X. As explained further below, before OCR completed its investigation, the College expressed a willingness to resolve the complaint by taking the steps set out in the enclosed Resolution Agreement. The following is a discussion of the relevant legal standards and information obtained by OCR during the investigation that informed the development of the Resolution Agreement

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department. The College is a recipient of financial assistance from the Department and therefore OCR has jurisdictional authority to investigate this complaint under Section 504.

Legal Standards

The Section 504 regulation, at 34 C.F.R. § 104.43(a), provides that a qualified person with a disability may not be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any postsecondary aids, benefits, or services on the basis of disability.

Colleges may establish reasonable requirements and procedures for students to provide documentation of their disability. Students are responsible for obtaining disability documentation and for knowing and following the procedures established by the college. Once the student has provided adequate notice and documentation of his/her disability and the need for modifications due to the disability, the college must engage the student in an interactive process concerning the student's disability and related needs to afford the student an equal opportunity to participate in a school's program.

Conclusion

Prior to the conclusion of OCR's investigation and pursuant to Section 302 of OCR's *Case Processing Manual*, the College expressed an interest in resolving this complaint. OCR has not made a finding with regards to the College's practices with respect to accommodations in dining services. Further, the College no longer uses the food service provider from the 2016-2017 academic year and has changed to a new food service provider. With the new provider, the College instituted a station dedicated to meal preparations free from specific allergens and gluten; designated a space marked by signs for gluten-free food storage and preparation; continues to ensure staff are trained in managing food allergens and gluten; as well as took steps to meet with the Complainant to review the available options and consider her suggestions. Subsequent discussions between OCR and the College resulted in the College signing the enclosed Agreement which, when fully implemented, will address the issues raised in the complaint. OCR will monitor the College's implementation of the Agreement.

This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the College's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the College must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, you may contact Tokufumi Noda, Civil Rights Attorney, at (617) 289-0017 or by e-mail at Tokufumi.Noda@ed.gov.

Sincerely,

Molly O'Halloran
Acting Compliance Team Leader

Enclosure
Cc: Jennifer O'Keffe, Esq.