



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

July 5, 2017

President James Dlugos
278 Whites Bridge Road
Standish, ME 04084

Re: Complaint No. 01-17-2021
Saint Joseph's College

Dear President Dlugos:

This is to inform you that the U.S. Department of Education, Office for Civil Rights (OCR) has resolved the above-referenced complaint against Saint Joseph's College (College). OCR investigated whether the College discriminates against students on the basis of disability with respect to student housing by charging more for single dormitory rooms, even if such housing is required as an accommodation for a student's disability.

OCR accepted this complaint for resolution under the authority of Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation found at 34 C.F.R. Part 104, which prohibit discrimination in programs and activities receiving federal financial assistance. The College receives federal financial assistance from the U.S. Department of Education, and is therefore subject to Section 504. The regulation implementing Section 504 at 34 C.F.R. § 104.45 states that a recipient that provides housing to students without disabilities shall provide comparable, convenient, and accessible housing to students with disabilities at the same cost.

The investigation to date reflects that the College has a policy regarding the provision of housing accommodations for students with disabilities, which states that students who receive a single room as a disability accommodation will be charged an extra fee of approximately \$3,200 per year. Specifically, OCR found the following language on the application form that students must use for requesting a housing accommodation: "Students who are granted a single room due to a medical accommodation(s) will be charged the single room rate, which is an additional \$1,600 per semester beyond the regular room rates."

However, OCR's investigation to date found that, in practice, the College has for at least the past two school years not charged students an extra surcharge for a single room provided as a disability accommodation – or, if it charged students, promptly reimbursed them. Specifically, the College provided documentation to OCR demonstrating that during the 2015-2016 and 2016-2017 academic years, of the 11 students granted a single room as a housing accommodation, only four students were initially charged the surcharge for a single room, and the College reimbursed those four students the surcharge prior to and independent of OCR's investigation of this matter.

Based on its preliminary investigation to date, OCR was concerned that the College's stated housing accommodation policy misstates the College's obligation under Section 504 and may have a chilling effect that discourages students from requesting housing accommodations without incurring a surcharge.

Upon receiving notice that OCR had opened an investigation into this matter, the President of the College immediately informed OCR of the College's desire to amend its stated housing accommodations policy to comport with its practice of not charging students with disabilities a surcharge for a housing accommodation, and requested to voluntarily resolve the matter.

In accordance with Section 302 of the OCR *Case Processing Manual*, a complaint may be resolved at any time when, before the conclusion of an investigation, the institution expresses an interest in resolving the complaint and OCR determines that it is appropriate to resolve the issues under investigation with an agreement during the course of an investigation. In light of the College's willingness to address the concerns identified by OCR comprehensively without further investigation, OCR determined entering into a voluntary resolution agreement was appropriate.

Pursuant to the Agreement, the College will: (1) review and revise as necessary all relevant policies, procedures, and practices pertaining to the provision of housing to students with disabilities to reflect that the College does not discriminate in the provision of housing to students with disabilities; (2) disseminate a memorandum to relevant staff at the College which describes the College's obligations under Section 504 to provide comparable, convenient, and accessible housing to students with disabilities at the same cost as to others; and (3) review its records to determine whether any students with disabilities who were granted single room student housing as a disability-related accommodation during the academic years 2013-2014 and 2014-2015 were charged more than the rate for comparable non-disability related housing options, and if so to reimburse those students for any fees they paid that were inappropriately charged.

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 herein. The College may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. Also, under the Freedom of Information Act, it may be necessary to release this document and related records upon request. In the event of such a request, OCR will seek to protect, to the extent provided by law, personal information that, if released, could reasonably be expected to constitute an unwarranted invasion of privacy.

This letter sets forth OCR's determination in an individual case. It 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 a right to file a private suit in federal court whether or not OCR finds a violation.

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OCR would like to thank the College for its cooperation. If you have any questions, you may contact Attorney Benita Brahmbhatt at (617) 289-0055 or Benita.Brahmbhatt@ed.gov.

Sincerely,

Ramzi Ajami
Compliance Team Leader

Enclosure