

August 2, 2017

Dr. William L. Fox
President
St. Lawrence University
23 Romoda Drive
Canton, New York 13617

Re: Case No. 02-17-2135
St. Lawrence University

Dear Dr. Fox:

This letter is to notify you of the determination made by the U.S. Department of Education, Office for Civil Rights (OCR), with respect to the above-referenced complaint filed against St. Lawrence University (the University). The complainant alleged that the University discriminates on the basis of disability by charging higher rates for single rooms in the University's residence halls, even if a student requires a single room as an accommodation for a disability.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities receiving financial assistance from the U.S. Department of Education (the Department). The University is a recipient of financial assistance from the Department. Therefore, OCR has jurisdictional authority to investigate this complaint under Section 504.

The regulation implementing Section 504, at 34 C.F.R. § 104.4(a), states that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in any program or activity that receives or benefits from Federal financial assistance. Further, the regulation implementing Section 504, at 34 C.F.R. § 104.4(b)(4), states that a recipient may not, directly or through contractual or other arrangements, utilize criteria or methods of administration that have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability.

In addition, the regulation implementing Section 504, at 34 C.F.R. § 104.43(a), provides that no qualified individual with a disability shall, on the basis of disability, be subjected to discrimination regarding housing in a postsecondary education program or activity. Further, the regulation implementing Section 504, at 34 C.F.R. § 104.45(a), 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 as to others. The housing must be available in sufficient quantity and variety so that the scope of choice of living accommodations for disabled students is, on the whole, comparable to that of nondisabled students.

In its investigation, OCR interviewed University staff and reviewed documentation that the complainant and the University submitted. OCR made the following determinations.

The complainant alleged that the University discriminates, on the basis of disability, by charging higher rates for single rooms in the University's residence halls, even if a student requires a single room as an accommodation for a disability. In support of his allegation, the complainant cited to the "Special Housing Accommodations" page on the University's Residence Life website, which stated that for students who receive single rooms as a housing accommodation: "if you request a single and are assigned to a single, the single room fee will apply."

The University's Senior Associate Director of Residential Life (the director) informed OCR that the University is a four-year residential school, meaning that all students typically live on campus throughout the four years they are enrolled at the University.¹ The director stated that the University offers single, double, triple, and quad rooms in a range of residence buildings, including traditional residence halls, cottages, senior town houses, and University-owned fraternity and sorority houses. OCR determined that the University charges two different rates for housing; namely, one rate for single rooms (\$4,203 and \$4,357)² and a separate rate for all other types of housing (\$3,428 and \$3,552). The director stated that the University does not charge room rates depending on the amenities available within particular rooms.

In order to obtain housing accommodations, students are required to complete a "Special Needs Housing Petition" form; meet with a staff member from the University's Health Services Center, Disability and Accessibility Services office, or Counseling Services Center; and, if necessary, provide supporting documentation. Thereafter, a committee comprising staff members from the Health Services Center, Disability and Accessibility Services office, and Counseling Services Center review student petitions and consult with the University's Residence Life office. The director informed OCR that returning students are required to submit petitions prior to the time the University conducts its annual room draw, and incoming students are required to submit petitions prior to their first semester; however, the director stated that the University would review housing accommodation requests that are submitted at any time during the year.

OCR confirmed that at the time the instant complaint was filed, the University's policy stated that it would charge students the rate for single rooms that were provided as an accommodation for a student's disability, regardless of whether the student could have otherwise been in a cheaper room except for the need for the accommodation. OCR determined that in accordance with this policy, the University charged six students the rate for single rooms that were provided as a housing accommodation during academic year 2015-2016; and, charged 13 students the rate

¹ The director stated that there are approximately 2,400 students enrolled at the University.

² The first amount reflected in the parenthesis is the room rate for each semester during academic year 2015-2016, and the second amount is the rate for each semester during academic year 2016-2017.

for single rooms that were provided as a housing accommodation during academic year 2016-2017.³ OCR determined that the University's charging students the single room rate for housing that was provided as an approved accommodation for a disability or disabilities, regardless of whether a student may have otherwise selected to live in a room with a lower rate, violated the regulation implementing Section 504, at 34 C.F.R. §§ 104.4(b)(4) and 104.43(a).

During the course of OCR's investigation, the University advised OCR that it has changed its policy. The Special Housing Accommodations page of the University's Residence Life office now states: "The additional single fee will be waived for approved accommodations."

On August 1, 2017, the University agreed to implement the enclosed resolution agreement to resolve the compliance issues OCR identified. OCR will monitor the implementation of the resolution agreement.

This letter should not be interpreted to address the University'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 University 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. If this happens, the individual may file a complaint alleging such treatment.

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

If you have any questions, please contact Logan Gerrity, Compliance Team Attorney, at (646) 428-3791 or logan.gerrity@ed.gov; or Coleen Chin, Senior Attorney, at (646) 428-3809 or coleen.chin@ed.gov.

Sincerely,

/s/

Timothy C.J. Blanchard

cc: XXXXX XXXXX, Esq.

³ With respect to academic year 2016-2017, one of the students was charged the single-room rate for only one semester. The University waived the additional cost associated with a single room due to financial need for 18 other students who were provided a single room as a housing accommodation during academic years 2015-2016 and 2016-2017.