



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

32 OLD SLIP, 26TH FLOOR
NEW YORK, NEW YORK 10005

TIMOTHY C. J. BLANCHARD
DIRECTOR
NEW YORK OFFICE

May 18, 2020

Sent by email only to: Belinda.Miles@sunywcc.edu

Dr. Belinda S. Miles
President
Westchester Community College
Hartford Hall
75 Grasslands Road
Valhalla, New York 10595

Re: Case No. 02-20-2239
State University of New York, Westchester Community College

Dear Dr. Miles:

On February 25, 2020, the U.S. Department of Education, Office for Civil Rights (OCR) received the above-referenced complaint filed against the State University of New York (SUNY), Westchester Community College (the College). The Complainant alleged that the College discriminated her, on the basis of her disability, by not allowing her service animal to accompany her on campus.

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). OCR also is responsible for enforcing Title II of the Americans with Disabilities Act of 1990 (the ADA), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. Under the ADA, OCR has jurisdiction over complaints alleging discrimination on the basis of disability that are filed against certain public entities. The College is a recipient of financial assistance from the Department and is a public postsecondary institution. Therefore, OCR has jurisdictional authority to investigate this complaint under both Section 504 and the ADA.

On March 9, 2020, OCR contacted the College to provide notice of the complaint and discuss OCR's Rapid Resolution Process (RRP). On March 17, 2020, the College communicated its willingness to voluntarily resolve the OCR complaint through RRP. On May 8, 2020, the College voluntarily entered into the attached resolution agreement to resolve the complaint, in accordance with Section 302 of OCR's Case Processing Manual. OCR will monitor implementation of the resolution agreement. If the College fails to comply with the terms of the resolution agreement, OCR will resume its processing of the Complainant's complaint.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

www.ed.gov

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 may not harass, coerce, intimidate, or discriminate against any individual because the individual 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 Natasha Fitzsimmons, Compliance Team Attorney, at (646) 428-3899 or natasha.fitzsimmons@ed.gov; or Eric Bueide, Senior Attorney, at (646) 428-3851 or eric.bueide@ed.gov.

Sincerely,

/s/

Erin Emery
Compliance Team Leader

Encl.