



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

32 OLD SLIP, 26<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10005

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DIRECTOR  
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February 28, 2022

*Sent via email only to: [president.general@rpi.edu](mailto:president.general@rpi.edu)*

Dr. Shirley Ann Jackson  
President  
Rensselaer Polytechnic Institute  
110 Eighth Street  
Troy, New York 12180

Re: Case No. 02-21-2175  
Rensselaer Polytechnic Institute

Dear Dr. Jackson:

This letter is to notify you of the determination made by the U.S. Department of Education, Office for Civil Rights (OCR), regarding a complaint filed against Rensselaer Polytechnic Institute. The Complainant alleged that the Institute discriminates on the basis of disability by failing to provide individuals with mobility impairments with access to the Institute's campus tours (Allegation 1).<sup>1</sup> The Complainant also alleged that the Institute discriminated against her on the bases of her disability and race by failing to provide her with accommodations for her mobility impairment during the Institute's campus tour, held on XXXX XX, 2021 (Allegation 2). The Complainant further alleged that the Institute discriminated against her on the basis of her disability by failing to provide her with accommodations for her mobility impairment during the Institute's move-in day, held on XXXX XX, 2021 (Allegation 3).

OCR enforces 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 Department. OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. §2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color or national origin in programs and activities receiving financial assistance from the Department. As a recipient of Federal financial assistance from the Department, the Institute is subject to Section 504 and Title VI.

The regulation implementing Section 504, at 34 C.F.R. § 104.4(a), provides that no qualified disabled person shall, on the basis of disability, be excluded from participation in, be denied the

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<sup>1</sup> OCR is currently monitoring the physical accessibility of the Institute's campus in OCR Case No. 02-05-6001.

benefits of, or otherwise be subjected to discrimination under any program or activity which receives Federal financial assistance.

The regulation implementing Section 504, at 34 C.F.R. § 104.21, provides that “[n]o qualified person with a disability shall, because a recipient’s facilities are inaccessible to or unusable by individuals with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which this part applies.” The regulation implementing Title VI, at 34 C.F.R. § 100.3(a), states that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program to which the regulation applies.

In its investigation, OCR reviewed documentation that the Complainant and the Institute submitted. OCR also interviewed the Complainant.

OCR determined that the Institute is a private research university located in Troy, New York. During academic year 2020-2021, the Institute enrolled approximately 6,283 undergraduate and 1,333 post-graduate students.

With respect to Allegation 1, the Complainant alleged that the Institute discriminates on the basis of disability by failing to provide individuals with mobility impairments with access to the Institute’s campus tours.

OCR determined that the Institute offers campus tours for prospective students. Pursuant to the Institute’s current COVID-19 Campus Tour Policy, prospective students can schedule campus tours via the Institute’s website by selecting an available date and time from the calendar.<sup>2</sup> The user must then complete an online attendee information form that requests basic information such as the prospective student’s name and contact information.<sup>3</sup> The form also asks whether the user requires any special accommodations or has mobility needs (i.e. a wheelchair-accessible tour route) via a “yes/no” checkbox form.

OCR determined that the Institute has available three possible on-campus tour routes. The Institute uses one route (Route A) when none of the individuals who registered for a particular tour have indicated that they require a special accommodation or have mobility needs. The Institute uses two other routes (Routes B and C) when an individual who registered for a particular tour has indicated that the individual requires accommodations for mobility needs. Routes A and B both begin at the Heffner Alumni Center and follow the same general route through campus; however, Route B includes an additional path at the beginning of the route to bypass a staircase from the

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<sup>2</sup> In-person campus tours are currently limited to prospective students and one guest. <https://info.rpi.edu/visit> (last visited on February 28, 2022). [Rensselaer Polytechnic Institute Undergraduate Admissions - Schedule Your Visit \(rpi.edu\)](https://info.rpi.edu/visit) (last visited on February 28, 2022). This policy was in effect on August 3, 2021.

<sup>3</sup> [In-Person Campus Tour \(rpi.edu\)](https://info.rpi.edu/visit) (last visited on February 28, 2022).

North Lot to Sage Avenue.<sup>4</sup> Route C also follows the same general route but begins at the campus admissions building.<sup>5</sup>

The Institute informed OCR that in addition to providing two alternate accessible routes for campus tours (Routes B and C), the Institute has also provided other mobility-related accommodations to individuals who need them to access its campus tours in the past; e.g., designated accessible parking, a golf cart, and use of wheelchair.

Based on the above, OCR determined that there was insufficient evidence to conclude that the Institute discriminates on the basis of disability by failing to provide individuals with mobility impairments with access to the Institute's campus tours. Accordingly, OCR is closing Allegation 1.

With respect to Allegation 2, the Complainant alleged that the Institute discriminated against her on the bases of her disability (mobility impairment) and race (XXXX) by failing to provide her with accommodations for her mobility impairment during the Institute's campus tour, held on XXXX XX, 2021. The Complainant informed OCR that she uses a XXXXXXXXXXXX. The Complainant asserted that on XXXX XX, 2021, she and her son arrived at the Institute to attend a campus tour, which her son had scheduled in advance. The Complainant acknowledged that her son registered for the tour online and that she did not know if he indicated that she required mobility assistance for the tour. The Complainant stated that upon their arrival, they checked in at a staffed tent located in one of the Institute's parking lots, near the starting point of the tour. The Complainant stated that she and her son joined a tour with a group of approximately 15 people; however, soon after the tour began, the tour guide led the group to a set of stairs, which the Complainant was not able to navigate XXXXXXXXXXXX. The Complainant stated that she believed the tour guide expected her son to carry her XXXXXXXXXXXX. The Complainant stated that she told her son to continue the tour without her and she returned to the check-in tent by herself.

The Complainant stated that when she arrived at the tent, she asked the two staff members there why they let her proceed on the tour knowing that there were stairs on the route. The Complainant stated that she called campus security and informed them of her situation, and was directed to the admissions office; however, the Complainant was placed on hold and did not speak to anyone at the office. The Complainant stated that she then called campus security for a second time, after which; an officer from campus security arrived onsite to check on her. The Complainant stated that ultimately, the staff members provided her with the business card of someone at the admissions office but advised her that she should call the following day. The Complainant asserted that the Institute failed to accommodate her disability during the tour. The Complainant also asserted that the staff members discriminated against her on the bases of her race and disability by failing to offer her shelter or water while she waited for assistance as her son finished the campus tour without her.

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<sup>4</sup> Route A begins at Heffner Alumni House, continues across the North Lot and down a staircase at the far left to reach Sage Avenue. Route B begins at Heffner Alumni House, continues up Peoples Avenue, down 15<sup>th</sup> Street and down Sage Avenue.

<sup>5</sup> The Institute informed OCR that due to COVID-19 protocols, the Institute did not schedule any tours along Route C during the summer 2021.

OCR determined that on XXXX XX, 2021, the Complainant's son submitted an online form scheduling a campus tour for XXXX XX, 2021. OCR reviewed the submitted form and determined that the Complainant's son checked "No" in response to the question asking whether the user required any special accommodations or had mobility needs for the visit.

The Institute stated that on XXXX XX, 2021, two staff members (Staff Members 1 and 2) were assigned to a registration tent where they checked in individuals registered for the three campus tours scheduled for 3 p.m. that day. In a written statement, Staff Member 1 informed OCR that when the Complainant's son checked in, he did not inform either staff member that the Complainant required a mobility accommodation for the tour. The Institute stated that since no one in the tour group had requested an accommodation, the Complainant and her son were assigned to the group that was scheduled to follow Route A (described above) rather than an alternative accessible tour route (Route B, also described above).

Staff Member 1 stated that approximately 10 minutes after the Complainant's tour group left, the Complainant returned to the registration tent alone. Staff Member 1 stated that she offered to help the Complainant catch up with her son so that she could provide the Complainant and her son with a private tour that would be accessible; however, the Complainant rejected her offer. Staff Member 1 stated that the Complainant then moved approximately 200 feet away from the tent. Staff Member 1 corroborated that the Complainant spent the next 30 to 40 minutes calling different departments at the Institute on her phone.<sup>6</sup>

Staff Member 1 stated that at one point, Staff Member 2 approached the Complainant with the business card for the Institute's XXXXXXXXXX; and the Complainant responded by asking why Staff Members 1 and 2 had failed to invite her into the tent or provide her with water. Staff Member 1 stated that eventually, a XXXXXXXX arrived at the tent; this was at approximately the same time that the tour group, including the Complainant's son, returned to the tent. Staff Member 1 stated that she observed the Officer "calm the Complainant down," and the Complainant subsequently left the campus with her son.

The Institute stated that the Complainant could have readily accessed water that was available in the tent by herself, and the Complainant did not request water or shelter when she returned to the tent. The Institute further stated that the Complainant had rejected the accommodations the Staff Members offered and physically distanced herself from the tent to make phone calls.

With respect to Allegation 3, the Complainant alleged that the Institute discriminated against her on the basis of her disability by failing to provide her with accommodations for her mobility impairment during the Institute's move-in day, held on XXXX XX, 2021. The Complainant stated that on XXXX XX, 2021, she left a voicemail for the Institute's Office of Disability Services for Students (the Office) stating that she would be on campus for her son's move-in day on XXXX XX, 2021. The Complainant stated that she called the Office again on XXXX XX, 2021, and

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<sup>6</sup> The Institute provided OCR with recordings of two phone calls the Complainant made to campus public safety on XXXX XX, 2021. During the first call, XXXX XXXXX, the Complainant stated that Staff Members 1 and 2 had XXXXXXXX still failed to provide an alternate accessible tour route that did not have stairs. In response, Public Safety transferred the Complainant's call to the Admissions Office. During the second call, XXXXXXXX, the Complainant stated that XXXXXXXXXXXXXXXXXXXX.

when she did not reach anyone, she sent an email to the Office at approximately XXXX. In the email, the Complainant stated that her son was moving in the next day, that she XXXX, and requested assistance with getting around campus. The Complainant stated that she also followed up with a call to public safety and left a message. The Complainant stated that she did not receive any response to either her voicemail or email prior to move-in day. By email to the Complainant dated XXXX XX, 2021, one week after the move-in day, the XXXXX stated that she had just started in her position two days earlier, acknowledged that move-in day had already passed, and apologized that the Institute had not been able to assist the Complainant better.

Prior to the completion of OCR's investigation, on February 25, 2022, the Institute signed the enclosed agreement to resolve the Complainant's individual allegations of different treatment related to campus tours and move-in day. Pursuant to the resolution agreement, the Institute will develop procedures for responding to inquiries from individuals with mobility impairments who need assistance when on campus, including assistance for individuals on campus tours and move-in day; designate a knowledgeable accessibility contact person who is available during regular business hours to respond to any inquiries or complaints regarding access to Institute programs and activities; and prominently display information regarding its accessibility services on its website and ensure that all Institute offices and departments are able to provide information regarding the accessibility contact person to any interested individual. The Institute will also provide training to all administrators and staff involved in admissions on the Institute's Section 504 policies and procedures; the prohibition against discrimination on the bases of race and disability, pursuant to Section 504 and Title VI; the procedures for responding to inquiries from individuals with mobility impairments who need assistance when on campus; information regarding the designated accessibility contact person; and information regarding how to file a complaint of discrimination based on race and/or disability, both pursuant to the Institute's grievance procedures and with OCR. OCR will monitor the implementation of the resolution agreement. Upon the Institute's satisfaction of the commitments made under the agreement, OCR will close the case.

This letter should not be interpreted to address the Institute'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. You may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the Institute 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 against the Institute 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, 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.

The Complainant has a right to appeal OCR's determination regarding Allegation 1 within 60 calendar days of the date indicated on this letter. In the appeal, the Complainant must explain why the factual information was incomplete or incorrect, the legal analysis was incorrect, or the appropriate legal standard was not applied; and, how correction of any error(s) would change the outcome of the case. Failure to do so may result in dismissal of the appeal. If the Complainant appeals OCR's determination, OCR will forward a copy of the appeal form or written statement to the recipient. The recipient has the option to submit, to OCR, a response to the appeal. The recipient must submit any response within 14 calendar days of the date that OCR forwarded a copy of the appeal to the recipient.

If you have any questions, please contact Lisa Khandhar, Compliance Team Attorney, at (646) 428-3778 or [lisa.khandhar@ed.gov](mailto:lisa.khandhar@ed.gov); or Jocelyn Panicali, Compliance Team Leader, at (646) 428-3796 or [jocelyn.panicali@ed.gov](mailto:jocelyn.panicali@ed.gov).

Sincerely,

/s/

Rachel Pomerantz  
Regional Director

cc: Rhiannon Spencer, Esq. (by email)  
Attachment