



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE WANAMAKER BUILDING, SUITE 515
100 PENN SQUARE EAST
PHILADELPHIA, PA 19107-3323

REGION III
DELAWARE
KENTUCKY
MARYLAND
PENNSYLVANIA
WEST VIRGINIA

April 14, 2017

IN RESPONSE, PLEASE REFER TO 03172083

Dr. José Antonio Bowen
President
Goucher College
President's Office
1021 Dulaney Valley Road
Baltimore, MD 21204

Dear Dr. Bowen:

This is to notify you of the resolution of the complaint filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against the Goucher College (the College). The Complainant alleges that the College discriminates against students with disabilities by imposing a housing surcharge on single dormitory rooms, rooms with kitchens, and rooms with private bathrooms, which are provided as an accommodation for a student's disability.

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 or activities receiving financial assistance from the Education (the Department). As a recipient of financial assistance from the Department, the College is subject to Section 504 and its implementing regulations.

This letter summarizes the applicable legal standards, the information gathered during the investigation, and how the investigation was resolved.

Legal Authority:

The Section 504 regulations at 34 C.F.R. §104.4(a) and (b) provides that no qualified person 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 under any program or activity which receives Federal financial assistance.

The Section 504 regulations at 34 C.F.R. §104.43(a) also provides that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in housing or other postsecondary education aid, benefits or services.

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

In addition, the Section 504 regulation at 34 C.F.R. §104.45(a) requires a recipient that provides housing to its nondisabled students provide comparable, convenient, and accessible housing to students with disabilities at the same cost as to nondisabled students.

Investigation to Date:

OCR reviewed information about the College's on-campus housing, as well as its housing policies and procedures published on the College website. Pursuant to College policy, students who seek accommodations based on their disability(ies) must complete the requisite forms and provide appropriate supporting documentation from a health care professional to demonstrate the need for the accommodation requested. Furthermore the College's Housing Accommodation Committee reviews all requests and documentation provided and makes housing determinations on a case-by-case basis. The College notes that there are various apartments available for students and each accommodates a different number of students. One example noted is the Welsh (on-campus) apartments where students are assessed the single room rate. Students living in all other apartments will be assessed the special-double room rate. According to documentation, both rates are higher than the standard room rate. The posted rates are as follows:

- Basic room rate = \$7,282/year or \$3,641.00/semester
- Single Room rate - \$7,924/year or \$3,962/semester
- Double Room rate - \$7,488/year, \$3,744/semester.
- Double room with close bathroom access - \$7,488/year or \$3,744/semester

The College also notes that residents of the apartments are required to purchase a meal plan and apartment residents will be responsible for beyond what is provided and are responsible for cleaning supplies and toiletries. The College further notes regarding Welsh Hall:

- Small kitchens are located in each apartment, but they vary in size and amenities.
- Because the kitchens are not of adequate size for regular, multiple-meal preparation, students in apartments must enroll in a meal plan.

RESOLUTION

Under OCR procedures, a complaint may be resolved before the conclusion of an investigation if a recipient asks to resolve the complaint by signing a voluntary resolution agreement. The provisions of the agreement must be aligned with the issues investigated and be consistent with applicable regulations. Such a request does not constitute an admission of liability on the part of a recipient, nor does it constitute a determination by OCR of any violation of our regulations. Consistent with OCR's procedures, the College requested to resolve the complaint allegations through a voluntary resolution agreement (the Agreement) which was executed on April 3, 2017. Accordingly, OCR is concluding its investigation of this complaint. A copy of the signed agreement is enclosed. As is our standard practice, OCR will monitor the College's implementation of the Agreement.

This letter is not intended, nor should it be construed, to cover any other issues regarding the College's compliance with Section 504 and its implementing regulations that may exist and are not discussed herein.

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, which, if

Page 3 – Dr. José Antonio Bowen

released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions, please contact me at 215-656-6935 or by email at beth.gellman-beer@ed.gov.

Sincerely,

/s/

Beth Gellman-Beer
Team Leader

Enclosure – Resolution Agreement