



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV

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REGION IV
ALABAMA
FLORIDA
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September 27, 2019

Via Electronic Mail Only

Dr. Jeffrey D. Senese, President
Saint Leo University
33701 State Road 52
Saint Leo, FL 33574-6665
PresidentsOffice@saintleo.edu

RE: OCR Complaint #04-17-2050
Saint Leo University, FL

Dear Dr. Senese:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has concluded its investigation of a complaint received by this office on November 7, 2016, alleging discrimination on the basis of disability by Saint Leo University (University). Specifically, the Complainant alleged that the University imposed a housing surcharge on single dormitory rooms, when provided as an accommodation for a student's 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 by recipients of Federal financial assistance. As a recipient of Federal financial assistance from the Department, the University is subject to this law. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

Based on the above, OCR opened an investigation of the following legal issue: Whether the University, by imposing a housing surcharge on single dormitory rooms when those rooms are provided as an accommodation for a student's disability, is discriminating against students with disabilities, in noncompliance with the Section 504 implementing regulation at 34 C.F.R. § 104.45.

Pursuant to OCR's *Case Processing Manual* (CPM), at Section 302, a complaint may be resolved when, before the conclusion of an investigation, the recipient expresses an interest in resolving the allegation(s) and issue(s) and OCR determines that it is appropriate to resolve them with a resolution agreement (Agreement) during the course of an investigation. After submitting information in response to OCR's data request letter, the University informed OCR of its desire to take voluntary actions necessary to resolve the allegation in the complaint, as well as concerns that arose during the

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course of investigation. Accordingly, OCR has not issued findings concerning this complaint. Set forth below is a summary of the evidence obtained thus far, prior to the signing of the Agreement:

The University has 13 student residential buildings. The University provided general descriptions of the buildings and copies of seven of the buildings' floorplans. (OCR would need all the buildings' floorplans to determine whether there are any variations in housing unit configurations that may not be encompassed by the general descriptions provided.) For each building, the descriptions included (but were not limited to) the number of stories; total number of occupants; number of bedrooms, room configurations (e.g., double or single occupancy), bathroom configurations (e.g., community, private, or shared), and kitchen configurations (e.g., full kitchen, kitchenette, sink, or no kitchen amenities).

The University also provided OCR with information regarding rental rates it charged to various students with disabilities. (A comprehensive key of all rental rates for each housing unit would be necessary, along with a basis for determining rates, in ascertaining whether students with disabilities who sought housing accommodations were subject to surcharges.) Housing staff indicated that it has been their practice "not to be too strict" in observing the University's requirement that students with disabilities seeking special housing to accommodate their disabilities provide appropriate documentation. Further, housing staff indicated that, to the advantage of students with disabilities, it has been their practice to treat all such students' stated housing needs and preferences as their disability-related accommodation needs.

Additionally, the University provided copies of its Non-Discrimination Notice, Guide to Residential Living, and Policy and Procedure Manual for Students with Disabilities. During its review of these documents, OCR identified various issues that did not align with the requirements of Section 504. However, the University expressed its willingness, during this investigation, to revise these documents to address these identified concerns.

As indicated above, prior to the completion of OCR's investigation, the University requested to voluntarily resolve this complaint, and OCR determined that resolution pursuant to OCR's CPM section 302 was appropriate. The attached Agreement, signed by the University President and received by OCR on September 24, 2019, requires the University to take actions to remedy any compliance concerns identified in the complaint and/or during OCR's review of University documents.

OCR will monitor the University's implementation of this Agreement to ensure that it is fully implemented. If the University fails to fully implement the Agreement, OCR will reopen the complaint and take appropriate action to ensure compliance with Section 504. The Complainant may file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the University may not harass, coerce, or discriminate against any individual because he or she has filed a complaint, or participated in the complaint resolution process. If this occurs, the Complainant may file another 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. If OCR receives such a request, we will seek to protect, to the extent provided by law,

OCR Complaint No. 04-17-2050

personally identifiable information that, if released, could constitute an unwarranted invasion of privacy.

OCR is committed to prompt and effective service. If you have any questions, please contact Demetria Mills-Obadic at (404) 974-9353 or by email at demetria.mills-obadic@ed.gov or the undersigned at (404) 974-9408.

Sincerely,

for April England-Albright
Supervisory General Attorney

Enclosure(s)