



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

915 2<sup>ND</sup> AVE., SUITE 3310  
SEATTLE, WA 98174-1099

July 28, 2014

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Stephen V. Sundborg, SJ  
President  
Seattle University  
900 Broadway  
Seattle, Washington 98122-4340

Re: Seattle University  
OCR Reference No. 10092037

Dear Father Sundborg:

The U.S. Department of Education, Office for Civil Rights (OCR) is discontinuing its investigation of the referenced complaint against Seattle University, in which it was alleged that during the fall term of 2008, the university discriminated against a student based on disability by denying her campus housing benefits.

OCR accepted this complaint for resolution under the authority of section 504 of the Rehabilitation Act of 1973 and its implementing regulations, which prohibit disability discrimination in programs and activities receiving federal financial assistance from the U.S. Department of Education. The university receives federal financial assistance from this Department and is, therefore, required to comply with Section 504.

The specific legal issues that OCR investigated in this complaint were whether in the fall of 2008, the university discriminated against the student based on disability when: (1) it denied the student campus housing after XXX XXXXXXX XXXXXXXX XX XXX XXXXXXX XXXXXXXXXXX, and (2) it excluded the student from campus housing until XXX could demonstrate to the university's satisfaction that XXX was not a risk of safety XX XXXXXXX, in violation of Section 504.

The Section 504 regulations require that no qualified individual with a disability, on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity of a recipient. See 34 CFR 104.4(a) and 104.43(a).

Under the Section 504 regulations, a qualified individual with a disability, with respect to a postsecondary institution, is an individual who meets the academic and technical standards requisite to admission or participation in the institution's education program or activity. See 34 CFR 104.3(l)(3). According to the regulations' analysis, technical standards are all

nonacademic admissions criteria that are essential to participation in the program in question. See 34 CFR Pt. 104, App. A, Subpt. A(5).

In accordance with Section 302 of OCR's Case Processing Manual, a complaint may be resolved at any time when, before the conclusion of an investigation, the institution expresses an interest in resolving the complaint. In such a case, the provisions of an agreement to resolve the complaint must be aligned with the complaint allegation and any information obtained during the discontinued investigation, and must be consistent with the applicable regulations.

In this case, the university requested to resolve the complaint prior the conclusion of OCR's investigation through the enclosed Voluntary Resolution Agreement. The actions that the university will take under the agreement include a review of its policies and procedures regarding involuntary leave of absences, including removal from campus housing, to ensure compliance with the Section 504 regulations, and notice and training on any revised policies and procedures.

OCR will monitor the implementation of the agreement and will close the complaint when OCR determines that the terms of the agreement have been satisfied.

The complainant may have the right to file a private law 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 OCR's complaint resolution process. If this happens, the individual may file a complaint alleging such retaliatory 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, OCR will seek to protect, to the extent provided by law, personally identifiable information, which if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Thank you for the cooperation that you and your staff extended to OCR in resolving this complaint. If you have any questions about this letter, you may contact Amy Kim, attorney, at (206) 607-1621 or amy.kim@ed.gov.

Sincerely,

/ s /

Kelli Lydon Medak  
Team Leader

Enclosure: Voluntary Resolution Agreement

cc: Michael Porter, Miller Nash, LLP