



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

915 2ND AVE., SUITE 3310
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June 1, 2017

Dr. Sabah Randhawa
President
Western Washington University
516 High Street
Bellingham, Washington 98225-5996

Re: Western Washington University
OCR Reference No. 10172085

Dear Dr. Randhawa:

This is to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR) has resolved the above-referenced complaint against Western Washington University (university). OCR investigated whether the university discriminates against students on the basis of disability with respect to student housing by charging more for single dormitory rooms and for early arrival into dormitories, when such housing and early arrival is required as an accommodation for a student's disability.

OCR investigated this complaint for resolution under the authority of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II). These laws prohibit discrimination in programs and activities receiving federal financial assistance and by public entities, respectively. The university receives federal financial assistance from this Department and is a public entity, and is therefore subject to these laws.

The regulation implementing Section 504 at 34 C.F.R. §104.45 states that a recipient that provides housing to its non-disabled students shall provide comparable, convenient, and accessible housing to disabled students at the same cost as to others. The regulation implementing Title II at 28 C.F.R. §35.130(b)(7)(i) states that public entities must make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless it can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

The evidence collected by OCR to date reflects that the university offers a variety of housing options for its students at differing rates. Differing rates are charged for a triple room, double room, single room and super-single room. Super-single rooms are the most expensive accommodation and triple rooms are the least expensive. Early arrival into university housing is also offered to students for an additional fee.

The university has established policies and procedures regarding student housing and the provision of reasonable accommodations to students with disabilities in university housing. These policies

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and procedures state that students with disability-related needs in housing should contact the DisAbility Resources for Students (DRS) office, and DRS staff then engages in an individualized, interactive process with the student regarding the need for housing accommodations. If the student is determined to need a reasonable housing accommodation, DRS staff enters the housing accommodation into the DRS-University Residence shared web tool to inform the University Residence office of what accommodation must be provided.

The university informed OCR that when a student has been determined to require a single room as a medically necessary accommodation for their disability, the student is charged the same rate as if they were in a standard double room with a roommate. With respect to the assessment of fees for early arrival into housing, the university informed OCR that these fees are waived for any student who has been determined to have a disability-related need for this service. However, based on information provided by the complainant, OCR has a concern that the university may not be consistently applying its practice of modifying certain charges for students who have a disability-related need for a single room or early arrival.

In accordance with Section 302 of the OCR *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 and OCR determines that it is appropriate to resolve the issues under investigation with an agreement during the course of an investigation. Before OCR completed its investigation with respect to the allegation, the university expressed an interest in voluntarily resolving this case. In light of the university's willingness to address the concerns identified by OCR comprehensively without further investigation, OCR determined entering into a voluntary resolution agreement was appropriate.

The actions the university will take under the agreement include the following:

- review and revise as necessary all relevant policies, procedures, and practices pertaining to the provision of housing to students with disabilities to reflect that: (a) the university does not discriminate in the provision of housing to students with disabilities; (b) the university will provide comparable, convenient, and accessible housing to students with disabilities; (c) students with disabilities approved for housing accommodations are not subject to surcharges; and (d) the university will make reasonable modifications to its housing policies, procedures, and practices when the modifications are necessary to avoid discrimination;
- disseminate a memorandum and provide training to relevant staff in the university's DRS office and the University Residences office which describes the university's obligations under Section 504 to provide comparable, convenient, and accessible housing to students with disabilities at the same cost as to others, and the obligations under Title II to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability; and
- reimburse students with disabilities who were granted single dormitory rooms and/or early arrival into dormitories as a disability-related accommodation during the academic years 2015-2016 and 2016-2017 and who were charged more than comparable non-disability-related housing options.

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 first report under the agreement is due by **September 13, 2017**.

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 regardless of OCR's determination.

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 the complaint resolution process. If this happens, 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. In the event that OCR receives such a request, we 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 staff in resolving this complaint. If you have any questions, please feel free to contact Tania Lopez, Senior Attorney, by telephone at (206) 607-1623 or by e-mail at tania.lopez@ed.gov.

Sincerely,

Barbara Wery
Team Leader

Enclosure: Voluntary Resolution Agreement

cc: Vice Provost for Equal Opportunity and Employment Diversity