



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

915 2ND AVE., SUITE 3310
SEATTLE, WA 98174-1099

REGION X
ALASKA
AMERICAN SAMOA
GUAM
HAWAII
IDAHO
MONTANA
NEVADA
NORTHERN MARIANA
ISLANDS
OREGON
WASHINGTON

April 15, 2021

Via E-mail Only to: coliveira@crowleyfleck.com

Mr. Christopher K. Oliveira
Attorney
Crowley Fleck PLLP
900 North Last Chance Gulch, Suite 200
Helena, Montana 59601

Re: Carroll College
OCR Reference No. 10202256

Dear Mr. Oliveira:

This letter is to inform you of the disposition of the above-referenced complaint filed against Carroll College (college) with the U.S. Department of Education (Department), Office for Civil Rights (OCR). The complaint alleged that the college discriminates against individuals with disabilities by failing to meet the regulatory requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504) at 34 C.F.R. §§ 104.21-23 with respect to the physical accessibility of the college's facilities, programs, and services. Specifically, the complainant alleged that the college fails to provide:

1. Accessible exterior routes (as constructed and maintained across campus).
2. Accessible parking (as constructed adjacent to O'Connell Hall and as maintained across campus).
3. Accessible facilities, programs, and services (St. Albert's Hall, the Waterbarn, St. Charles Hall, O'Connell Hall, Guadalupe Hall, and All Saints Chapel).
4. Accessible restrooms (Nelson Stadium, Corette Library, and the Physical Education Center).
5. Notice to individuals of accessible campus features (parking, building entrances, and accessible routes) and how an individual may request disability-related accommodations.

As explained below, prior to completion of OCR's investigation, the college expressed an interest in voluntarily resolving the complaint and signed the enclosed Voluntary Resolution Agreement (agreement) to address the complaint allegations.

OCR investigated this case under the authority of Section 504 of the Rehabilitation Act of 1973 and its implementing regulation. This statute prohibits discrimination on the basis of disability in programs and activities that receive federal financial assistance from the U.S. Department of Education. The college is a recipient of federal financial assistance from this Department.

The regulation implementing Section 504 at 34 C.F.R. §§ 104.21-23 addresses the physical accessibility of the college's facilities, programs, and services.

OCR's investigation to date included reviewing information regarding the college's campus facilities and processes for notifying interested parties of accessible programs and campus facilities. Based on OCR's review of this information, OCR has identified concerns that college may not be providing services, activities, programs and facilities that are accessible to, and usable by, individuals with disabilities and may not be providing notice to interested individuals of those accessible services, activities, programs and facilities.

In accordance with Section 302 of the *OCR Case Processing Manual*, a complaint may be resolved at any time when, prior to OCR issuing its final determination, the recipient expresses an interest in resolving the complaint allegations and OCR determines that it is appropriate to resolve the issues under investigation with an agreement during the course of an investigation. In this case, the college requested to resolve the complaint prior to the conclusion of OCR's investigation. In light of the college's willingness to address the concerns identified by OCR comprehensively without further investigation, OCR determined that entering into a voluntary resolution agreement was appropriate. Subsequent discussions with the college resulted in the college signing the enclosed agreement.

The actions the college will take under the agreement include conducting an assessment of several specific features of campus facilities to determine whether they meet the physical accessibility requirements when they were built or altered, conducting an assessment of campus facilities to determine whether the college is providing individuals with disabilities access to the programs and services housed in those facilities, and conducting an assessment of the college's practices for providing notice to interested parties of the campus's accessible features and programs.

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.

This concludes OCR's investigation of the complaint. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the college 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.

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.

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 Mark Farr, Senior Equal Opportunity Specialist, by telephone at (206) 607-1607, by e-mail or mark.farr@ed.gov.

Sincerely,

Sukien Luu
Supervisory Attorney

Enclosure: Voluntary Resolution Agreement