



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1350 EUCLID AVENUE, SUITE 325
CLEVELAND, OH 44115-1812

REGION XV
MICHIGAN
OHIO

October 6, 2021

Via E-mail Only to clurrutia@eastmansmith.com

Carrie L. Urrutia, Esq.
Eastman & Smith Ltd.
One Seagate, 24th Floor
P.O. Box 10032
Toledo, Ohio 43699

Re: OCR Docket No. 15-21-4015

Dear Ms. Urrutia:

This letter is to notify you of the disposition of the above-referenced complaint filed on March 6, 2021, with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against the Salon Institute (the Institute) alleging that the Institute discriminated against a student (the Student) based on disability. Specifically, the complaint alleged that:

- 1) XXXXX – SENTENCE REMOVED - XXXXX; and
- 2) the Institute lacks grievance procedures intended to address complaints of disability-based discrimination and harassment and lacks a designated a person to serve as the Institute's Section 504 Coordinator.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 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 Institute is subject to this law.

Based on the complaint allegations, OCR opened an investigation of the following legal issues:

- whether the Institute, on the basis of disability, excluded a student from participation in, denied a student the benefits of, or otherwise subjected a student to discrimination in its programs and activities based on the student's disability in violation of the regulation implementing Section 504 at 34 C.F.R. § 104.4;
- whether the Institute, on the basis of disability, excluded a qualified student with a disability from participation in, denied the student the benefits of, or otherwise subjected the student to discrimination under any academic or other postsecondary education aid, benefit, or service, in violation of the Section 504 implementing regulation at 34 C.F.R. § 104.43(a);

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- whether the Institute failed to comply with the Section 504 requirements regarding notice of nondiscrimination, in violation of the Section 504 implementing regulation at 34 C.F.R. § 104.8;
- whether the Institute failed to designate at least one person to coordinate its efforts to comply with the Section 504 regulation, in violation of the Section 504 implementing regulation at 34 C.F.R. § 104.7(a); and
- whether the Institute failed to adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by the Section 504 or Title II regulations, as required by the Section 504 regulation at 34 C.F.R. § 104.7(b).

During its investigation to date, OCR reviewed information provided by the Student and the Institute and interviewed the Student and the owner of the Institute (Owner). OCR also determined that Institute is interested in resolving the complaint allegations by entering into a voluntary resolution agreement.

The Institute operates cosmetology programs at its facility in Columbus, Ohio. XXXXX – SENTENCE REMOVED – XXXXX. XXXXX – SENTENCE REMOVED – XXXXX.

The Student reported that she suffers from multiple disabilities on her application. The Complainant stated that the campus XXX XXXXXXXXXXXXXXXX XX XXXXXX XXXXXXXXXXXX XXX XXXXX XX XXX XXXXX XXXX XXX XXXXXXXXXXXXXXXX XX XXXX XXX XXXXXXX XXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXX XXXXXXXXXXXX XXXX XXX XXXXX XXXXXX XXXX XXX XXXXXXXXXXXX XX XXX XXXXXXXXXXX XXXXXXX. XXXXX – SENTENCE REMOVED – XXXXX.

XXXXX – PARAGRAPH REMOVED – XXXXX.

During the course of the investigation, OCR staff searched the Institute’s website and found no policies or procedures related to Section 504, including no process for requesting accommodations under Section 504, nor a grievance procedure for making complaints of disability discrimination under Section 504. The Institute’s general policy of non-discrimination is posted on its website lists disability but makes a distinction regarding physical disabilities. In addition, there is no designated Section 504 coordinator listed on the website.

The Toledo Director denied that XXX XXXXXXXXXXXXXXXX XXX XXXXXXXXXXX XXXX XXXXXXX XXXXXXXXXXXXXXXX XXXXXXXXXXXXXXX XXXXX XX XXXXXXX XXX XXXXXXX XXXX XXX XXXXXXX XXXXXX XXX XXX XXXXXXXXXXXXXXXX. The Owner stated that if a student at the Institute needs assistance, Institute staff would have conversations with the student about what assistance they could receive. When asked how students would know how to seek accommodations, the Owner stated that they are told that they can ask for help during orientation. She stated that many students, XXXXXXXXXXX XXX XXXXXXX, have received assistance such as help with studying or taking practice tests.

Under Section 302 of OCR’s *Case Processing Manual*, allegations under investigation may be resolved at any time when, prior to the issuance of a final investigative determination, the recipient expresses an interest in resolving the allegations and OCR determines that it is appropriate to resolve them because OCR’s investigation has identified concerns that can be addressed through a resolution agreement. In this case, the Institute expressed an interest in resolving the allegations prior to the conclusion of OCR’s investigation and OCR determined resolution was appropriate given that OCR identified concerns that can be addressed via resolution agreement. On September 30, 2021, the Institute signed the enclosed Resolution Agreement, which, when fully implemented, will address all the allegations in the complaint. OCR will monitor the implementation of the Resolution Agreement.

This concludes OCR’s investigation of the complaint and should not be interpreted to address the Institute’s compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR’s determination in an individual OCR case. 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.

Please be advised that the Institute 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 individual 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, 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.

The Complainant may file a private suit in federal court, whether or not OCR finds a violation.

OCR looks forward to receiving the Institute’s first monitoring report by October 15, 2021. For questions about implementation of the Agreement, please contact XXXXXXXX XXXXXXXX. He will be overseeing the monitoring and can be reached by telephone at (XXX) XXX-XXXX or by e-mail at XXXXXXXXXXXXXXXX@ed.gov. If you have questions about this letter, please contact me by telephone at (216) 522-4979, or by e-mail at Brian.Gnandt@ed.gov.

Sincerely,

/s/

Brian Gnandt
Program Manager/Acting Team Leader

Enclosure