



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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September 14, 2016

Mr. John R. Kroger
President
Reed College
3203 SE Woodstock Boulevard
Portland, Oregon 97202-8199

Re: Reed College
OCR Reference Nos. 10162101, 10162102, and 10162103

Dear President Kroger:

This is to inform you that the U.S. Department of Education, Office for Civil Rights (OCR) is discontinuing its investigation of the above-referenced discrimination complaints against Reed College (college). As explained below, prior to completion of OCR's investigation, the college expressed an interest in voluntarily resolving the complaints and signed the enclosed Voluntary Resolution Agreement (agreement) to address the complaint allegations.

The complaints alleged that the college discriminates against students with disabilities by: (1) refusing to modify its housing policies to ensure that students who require on-campus housing due to the students' disabilities are provided appropriate housing to afford them equal opportunity to participate in the college's programs; and, (2) failing to maintain a Section 504 grievance procedure that provides a prompt and equitable resolution of disability discrimination complaints.

OCR accepted this complaint for resolution 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, and is therefore subject to this civil rights law.

The Section 504 regulation, at 34 C.F.R. §104.4 and 104.43(a), provides that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any postsecondary education program of a recipient, including housing. The Section 504

regulation, at 34 C.F.R. §104.7(b), requires a recipient employing 15 or more persons to adopt grievance procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging disability discrimination.

The investigation to date indicated that the college guarantees on-campus housing for freshman, transfer, and exchange students; all other returning students who seek to live on-campus are required to participate in the college's housing lottery. The investigation indicated that the college did not provide on-campus housing as a disability-related accommodation during the 2015-2016 school year, and required all students, including those with approved disability-related accommodations, to participate in the housing lottery if they sought to live in on-campus housing.

The investigation to date revealed that the college's "Disability Grievance Procedures" informs students that they can resolve matters informally or immediately file a formal complaint through campus procedures or with OCR. The procedure states that concerns can be addressed informally by meeting with the Director of Disability Support Services (DSS). The procedure states that a student can meet with the Dean of Student Services to attempt to resolve the matter if the student has concerns about meeting with the Director of DSS.

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 allegations or any information obtained during the discontinued investigation and must be consistent with applicable regulations. In this case, the college requested to resolve the complaint prior to the conclusion of OCR's investigation. Subsequent discussions with the college resulted in the college signing the enclosed agreement.

The actions the college will take under the agreement include:

- reviewing, and if necessary, revising its housing and/or disability policies, procedures, and/or practices to ensure that students who require on-campus housing due to their disabilities are provided appropriate housing to afford them equal opportunity to participate in the college's programs;
- reviewing and, if necessary, revising its disability grievance procedure to ensure that it provides complainants with a prompt and effective grievance process;
- providing training to all DSS and Residence Life staff regarding the college's revised housing and/or disability policies and procedures;

- providing training to all staff involved in the implementation of the college's disability grievance procedure regarding the college's revised disability grievance procedure; and
- providing notice by mail or email of the college's revised policies and procedures to all staff and students.

OCR will monitor the implementation of the agreement and will close the complaints when OCR determines that the terms of the agreement have been satisfied. The first report under the agreement is due by November 1, 2016.

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 complaints. The complainant may have the right to file a private suit in federal court regardless of OCR's determination.

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.

Thank you for the cooperation that you and your staff extended to OCR staff in resolving these complaints. If you have any questions, please feel free to contact Caitlin Burks, attorney, by telephone at (206) 607-1620 or by e-mail at caitlin.burks@ed.gov.

Sincerely,

/ s /

Paul Goodwin
Supervisory Attorney

Enclosure: Voluntary Resolution Agreement