DISABILITY COMPLIANCE FOR HIGHER EDUCATION

QUICK STUDY

An overview of the key topics faced by disability services providers with citations to noteworthy cases, statutes, regulations, and additional sources.

Housing

Overview

Review recent Office for Civil Rights rulings related to disability discrimination in campus housing.

Key Rulings

❑ OCR investigated a student’s complaint that Medaille College discriminated against students with disabilities by charging higher rates for single rooms provided as accommodations for a disability. The student pointed to wording in the college’s “Room and Board” contract. OCR determined that during academic years 2015–16 and 2016–17, all students who requested single rooms as an accommodation for a disability and provided supporting documentation were assigned to live alone in double-occupancy rooms but charged the standard double-room rate. OCR concluded there was insufficient evidence to substantiate the complainant’s allegation, advised that it would take no further action, and closed the complaint. Letter to: Medaille College, No. 02-18-2107 (OCR 07/05/17).

❑ A student alleged to OCR that East Stroudsburg University of Pennsylvania charged extra for several accommodations, including air conditioning units in student housing, single rooms and preferential campus housing locations, kitchen-equipped campus housing, and early campus housing move-ins. OCR did not complete the investigation, because the university requested to resolve the allegations through a voluntary resolution agreement. Pursuant to the agreement, the university would review and revise as necessary its policies and procedures to ensure that any additional charges are waived when students obtain housing accommodations. Letter to: East Stroudsburg University of Pennsylvania, No. 03172082 (OCR 06/08/17).

❑ OCR investigated a student’s complaint alleging that the University of Scranton discriminated against students with disabilities by maintaining housing policies that charged them a default rate for rooms assigned as a disability-related accommodation rather than the lowest alternate housing rate. Before OCR could complete its investigation, the institution requested to resolve the allegations by entering into a settlement agreement. Among other things, the university agreed to publish revised housing policies and procedures stating that it would provide comparable, convenient, and accessible housing to students with disabilities at the same cost it is provided to nondisabled students. Letter to: The University of Scranton, No. 03172101 (OCR 06/26/17).

❑ OCR investigated a student’s complaint that St. John’s University denied his request for a specific housing accommodation. An evaluation by a licensed psychologist supported the complainant’s request for a single room, and the university assigned him to a single room in a suite. After the student complained his suitmates were teasing him and asked for a corridor-style single room, the university moved him to a different suite and gave him a sound machine. The university told OCR it could not provide a corridor-style room midsemester without displacing other students, and OCR concluded it had offered an effective alternative. Letter to: St. John’s University, No. 02-17-2210 (OCR 01/29/18).

What You Should Know

• Students assigned to a single room as an accommodation should not be charged more than they would pay in a standard room.
• Fees should not be charged for accommodations such as specific locations or early move-ins.
• A university’s policies should make clear that housing accommodations will not cost extra.
• A university may provide an effective alternative to a student’s specific housing request.