



Portland State University to Change Disability Practices and Pay More than \$160,000 in Discrimination Suit

PSU agrees to pay individual plaintiff and FHCO in landmark settlement that will help protect students with disabilities in the future

PORTLAND, Ore. – February 14, 2014 - The Fair Housing Council of Oregon (FHCO) announced today that a Consent Decree has been signed by U.S. District Court, District of Oregon Judge Michael Simon, approving a settlement of more than \$160,000 in a disability discrimination case against Portland State University (PSU).

PSU agreed to sign the Consent Decree and pay \$142,500 to Cindy Leland and the FHCO, the identified Plaintiffs in the case, for discriminating against Leland and infringing her legal right to the use of her service animal within university dormitories and required course classrooms. FHCO alleged that PSU had a pattern and practice of discriminating against disabled students who lived in dormitories.

The action, originally filed on April 20, 2012, has resulted in a first of its kind, university-wide resolution related to discrimination of college students based on disability in Oregon and the United States, and requires that PSU revise disability related policies to ensure they are compliant with the Fair Housing Act (FHA) and the American with Disabilities Act (ADA).

Dennis Steinman, an attorney with Kell, Alterman & Runstein, L.L.P., stated, "This is a great outcome not only for Cindy Leland, but for all disabled students who may have been discriminated against. The remedies in the Consent Decree are far-reaching and will make it possible for students with disabilities to participate in campus life in the same manner as all other students. With these procedures in place, students can now feel comfortable coming forward if they have experienced harassment or discrimination based on their disabilities. The resolution of this case is a model for universities nationwide to follow because discrimination against disabled students will not be tolerated."

"The Fair Housing Council of Oregon's goal is to ensure equality for all in housing and to eliminate discrimination against any group whether based on disabilities, race, color, national origin, sexual orientation, religion, gender, source of income, marital status, or familial status. We are thrilled to be taking part in the protection the rights of all students with disabilities. Now that the terms of the Consent Decree have been agreed upon, PSU can now begin implementing those terms, making the University a more welcoming learning environment, free from the fear of illegal discrimination," said Pegge McGuire, executive director of the FHCO.

After the case was filed, the United States Department of Justice commenced an investigation into PSU's practices and determined that there was a pattern of disability discrimination. Based on PSU's agreement to modify its policies, PSU has agreed to enter into a separate Settlement Agreement with the United States.

“My office is committed to ensuring that persons with disabilities are provided equal program access and the ability to equally use and enjoy their home, pursuant to federal law. Portland State University’s commitments in the Consent Decree to make student housing equally accessible for those with assistance animals, as well as a revising the process for students seeking reasonable accommodations or modifications to University policies, is a great step forward in creating an environment that embraces equal access,” Amanda Marshall, United States attorney for the District of Oregon.

The signed Consent Decree also imposes additional non-monetary items as part of the settlement. The Court will continue to preside over the implementation and enforcement of the Decree for the next three years to ensure that PSU complies with its obligations related to assistance and service animals under the laws set forth under the FHA and the ADA. In addition, no student will be identified by his or her disability. Many PSU personnel, including members of the university’s Office of Housing and Residence Life and Disability Resource Center, will be required to attend mandatory education and training courses so that they can better understand the laws pertaining to assistance animals, discrimination and harassment.

This Consent Decree is a landmark in university fair housing cases. It is one of the first disability discrimination cases resolved against a state university in the nation. However, according to McGuire, “this is not the end of the process, only the beginning.”

“Public universities are obligated under the law to aid students with disabilities and when they fail to do this, they are engaging in discrimination and social inequality. I am pleased that PSU has now recognized that students with disabilities cannot be treated as second class citizens and will now be taking actions to ensure their safety and security in the future as they pursue higher education at PSU,” said Plaintiff Cindy Leland.

In addition to the \$142,500 owed the Plaintiffs in the case, PSU has agreed to pay \$19,000 into a Fund for Students with Disabilities and Service or Assistance Animals, which will be administered by FHCO. The fund will serve to assist other students who may have been treated differently because of their disabilities; PSU will send notices to students regarding this fund with additional details.

Note: The case is Leland et.al v. Portland State University, U.S. District Court, District of Oregon - Case No. 3:12-cv-00911-SI.

About Fair Housing Council of Oregon (FHCO)

The Fair Housing Council of Oregon is a civil rights organization with a mission of eliminating housing discrimination through enforcement and education across Oregon and southwest Washington. For more than 20 years, FHCO has successfully promoted equal access to housing in Oregon by providing education, outreach, technical assistance and enforcement related to federal, state and local fair housing laws. These laws protect against illegal housing discrimination based on “protected class status”, including race, color, national origin, religion, gender, family status, disability, marital status, sexual orientation, military status and domestic violence victims. For more information about FHCO, visit www.fhco.org.

About Kell, Alterman & Runstein, L.L.P.

Kell, Alterman & Runstein was founded in 1929 when Gus J. Solomon established a practice dedicated to the highest levels of client service, community involvement and collegiality. Kell, Alterman & Runstein lawyers serve clients in Oregon, around the U.S., and abroad on a range of legal matters.

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