

Litigation Update: Katy Daniel-Rivera wins \$75,000 jury verdict from Keiser University

On April 19, 2017, a jury of eight people, none of whom were deaf or knew anyone who was deaf, awarded Katy Daniel-Rivera \$ 75,000 and found that she was subject to intentional discrimination based on disability because she was not provided the opportunity to enter into Keiser University's Radiologic Technology program.

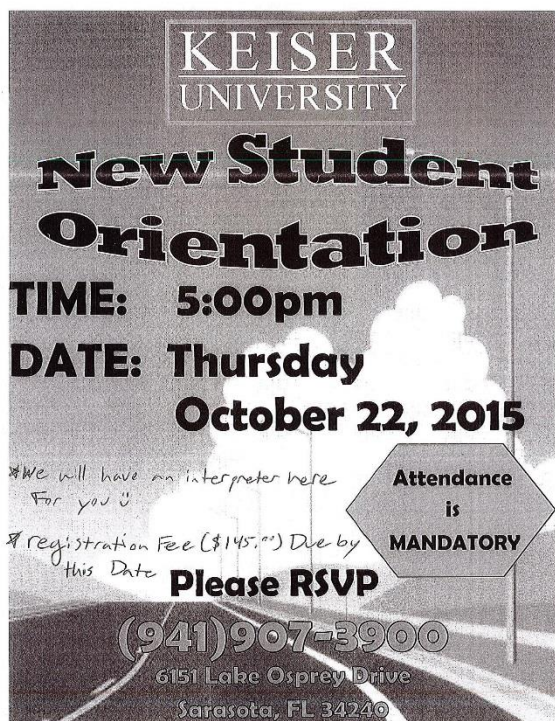
Katy is a Deaf woman who lives in Florida, and works at the Bay Pines Veterans Administration ("VA") Hospital as a Radiology Medical Support Assistant in the Imaging Service Department. After receiving many positive performance reviews over her three years at the VA, Katy sought to advance her career by becoming licensed by the State of Florida in Radiologic Technology. As a Deaf woman, Katy has been successful in her chosen career and has had sign language interpreters or other services through all of her education and other licensing opportunities.



As Katy began researching programs in 2014, Keiser University had reached out to Katy and told

her what a good match she would be for the University and its program in Radiologic Technology. After finding out about the program, Katy wanted to meet personally with the admission counselor to discuss the assessment test and the program, and requested a sign language interpreter for the meeting. The counselor denied her request, but assured her that Keiser would provide accommodations once she was admitted. Over a twelve-month period, Katy had numerous meetings about the accommodations she needed, but was not provided an interpreter for any of them. On September 29, 2015, Keiser accepted Katy into the Radiologic Technology Program and told her to show up at orientation on October 22nd, where they finally would provide an interpreter. At the orientation Katy was handed a letter from the Office of the Chancellor of Keiser rejecting her from the Keiser program because she is deaf, claiming that she posed a safety risk to others and

that providing interpreters would be "inordinately expensive and extremely difficult to maintain." Further, Keiser claimed that they could not find clinical placements for her. Katy was crushed.



On April 10, 2016, Matthew Dietz and Lisa Goodman from Disability Independence Group, and Caroline Jackson from National Association of the Deaf Law and Advocacy Center tried the case in the U.S. District Court behalf of Ms. Daniel-Rivera. After a six day trial and two days of deliberation, the jury of seven men and one woman found in favor of Ms. Daniel-Rivera, finding that she was subject to intentional discrimination based on her disability, and rejected Keiser's defense that hearing was an eligibility criteria that was required for a student that was entering its Radiology Technologist program. The jury awarded 75,000 for her mental pain and suffering as a result of this denial. However, contrary to the verdict of the jury of Ms. Daniel-Rivera's peers, the court felt that Ms. Daniel Rivera was not entitled to injunctive or declaratory relief, such as requiring the school to enroll Ms. Daniel Rivera.

Keiser's reasons for rejecting Katy Daniel-Rivera were based on stereotypes and out-moded beliefs and not on the actual capabilities of Ms. Daniel-Rivera. She has been successfully practicing in this field for several years, not once compromising other's safety because she is deaf. Further, numerous ASL-using deaf and hard of hearing individuals have successfully trained for and performed healthcare jobs that exceed the demands of Radiologic Technology. For example, ASL-using deaf individuals currently or previously have worked as pediatricians, and as hospitalists in teaching hospitals. Regarding expense, universities routinely provide sign language interpreters for all programs or services, as required by law. Indeed, Keiser accepts tens of millions of dollars of federal financial assistance each year conditioned on a promise to provide interpreters when needed. All Katy Daniel-Rivera was requesting was the opportunity to succeed in her chosen career and earn a license to be a Radiologic Technologist. With appropriate auxiliary aids and services, a person who is Deaf can perform any job. To deny a person that opportunity is discrimination.