

Resolution Agreement
OCR Complaint #03122112
Pennsylvania State University

Pennsylvania State University (the University) has agreed to resolve the allegations of disability discrimination raised in complaint #03122112 filed with the U.S. Department of Education, Office for Civil Rights (OCR). The University agrees to implement the following steps and to report the results of implementation to OCR. The Agreement does not constitute an admission of liability on the part of the University, nor does it constitute a determination by OCR of any violation of our regulations by the University.

1. The University recognizes its obligation under Section 504 and Title II to ensure that no person, on the basis of disability, be excluded from participation in, be denied the benefits of, be treated differently from another person, or otherwise be discriminated against in any program or activity. The University acknowledges its obligations under Section 504 and their implementing regulations, Section 504 at 34 C.F.R. §§ 104.4 and 104.7, and 28 C.F.R. §§ 35.107 and 35.130 to promptly and equitably investigate formal and informal complaints alleging violations of Section 504 and Title II. The University also acknowledges its obligation under 34 C.F.R. § 100.7(e), as incorporated by 34 C.F.R. § 104.61, and 28 C.F.R. § 35.134, to refrain from retaliating against parties who have engaged in a protected activity or participated in the resolution process of complaints alleging discrimination in violation of statutes and regulations enforced by OCR.
2. Within thirty (30) days following confirmation by OCR of University's Section 504 grievance procedures in accordance with Section 3 below, the University will distribute a memorandum to all faculty, staff, and administrators at the University's Hershey campus which announces the updated Section 504 grievance procedure and also explains that failure to promptly and equitably investigate alleged disability discrimination is a violation of Section 504 and Title II as well as informing them of its obligations not to retaliate. The University may distribute the notice electronically.

REPORTING REQUIREMENT: Within 30 calendar days after OCR's approval of the Section 504 grievance procedures in Paragraph 3, below, the University will provide OCR with documentation of a copy of the memorandum, as well as a list of individuals by name and/or title who received the memorandum.

3. By November 30, 2014, in accordance with Section 504 at 34 C.F.R. § 104.7(b), the University will review and revise, as necessary, its Section 504 grievance procedures and will submit to OCR for its review a copy of the revised grievance procedures, which incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any prohibited actions under Section 504. The grievance procedures should contain the following elements:
 - a. notice to students, parents, and employees of the procedure, including how and where to file a complaint;
 - b. application of the procedure to complaints alleging disability discrimination carried out by students, employees, or third parties;

- c. adequate, reliable, and impartial investigation, including the opportunity to present witnesses and other evidence;
- d. designated and reasonably prompt timeframes for the major stages of the complaint process;
- e. notice to the parties of the outcome of the complaint, and the basis for the decision; and
- f. an assurance that the recipient will take steps to prevent the recurrence of any prohibited actions and to correct its discriminatory effects on the complainant and others, if appropriate.

REPORTING REQUIREMENT: Within 30 calendar days after OCR's approval of the Section 504 grievance procedures, the University will provide OCR with documentation that it has implemented the procedures, including copies of written notices issued to students and employees regarding the approved grievance procedures and a description of how the notices were distributed; copies of its approved student and employee handbooks and any other publications where these procedures are published; and a link to its webpage where the approved grievance procedures are located.

- 4. Within 30 calendar days of OCR's approval of the Section 504 grievance procedures, the University will notify the Complainant of her right to file a grievance regarding matters concerning the Complainant. The Complainant will be provided 15 days to respond. If the Complainant wishes to file such a grievance, the University will, within 20 days, complete an interview of the Complainant, make good faith efforts to interview any witnesses identified by the Complainant, and relevant documentation, including documents provided by the Complainant. After the completion of the investigation, the University will make a determination of whether the allegation of disability discrimination is substantiated, determine corrective actions (if necessary), and notify the Complainant.

REPORTING REQUIREMENTS: Within 60 days of providing the Complainant with notice of her right to file a disability discrimination grievance, the University will provide documentation demonstrating the University has complied with Action Step 4;

The University understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the University understands that during the monitoring of this Agreement, if necessary, OCR may visit the University, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the University has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.4 and 104.7, Title II at 28 C.F.R. §§ 35.107 and 35.130, and 34 C.F.R. § 100.7(e), as incorporated by 34 C.F.R. § 104.61 which were at issue in this case.

The University understands that OCR will not close the monitoring of this Agreement until OCR determines that the University has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.4 and 104.7, Title II at 28 C.F.R.

§§ 35.107 and 35.130, and 34 C.F.R. § 100.7(e), as incorporated by 34 C.F.R. § 104.61 which were at issue in this case.

The University understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9 and 100.10) or judicial proceeding to enforce this Agreement, OCR shall give the University written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

/s/

11/10/2014

President or Designee

Date