

**RESOLUTION AGREEMENT**  
***Pennsylvania State University***  
***OCR Case No. 03-18-2103***

The U.S. Department of Education, Office for Civil Rights (OCR) and the Pennsylvania State University (the University) enter into this Agreement (Agreement) to resolve the allegation in the above-referenced complaint. This Agreement does not constitute an admission of liability by the University. The University assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act (Title II) and its implementing regulation at 28 C.F.R. Part 35.

Prior to the completion of OCR's investigation, the University agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the University agrees to take the following actions.

**MEMORANDUM TO STAFF**

1. Within 45 days of signing this agreement, the University will send an email to all staff members who process requests for reasonable accommodations, instructing them on the consideration of requests for Emotional Support Animals in University facilities. University staff will be instructed that upon receipt of a request for an emotional support animal, they are required to engage in a reasonable process regarding that request and make an individualized determination, following the same procedure that is used for student requests to accommodate other disability related needs. The staff can also be reminded that the University is not expected to make fundamental alterations to its educational programs and services to support the presence of an emotional support animal. This instruction can also clarify that there is no required alteration of the University's existing policy for processing requests for Emotional Support animals in University Housing, other than the alteration to the form for this process (see Action Step 3 below).

**Reporting Requirement:**

Within 60 days of signing this agreement, the University will submit documentation to OCR demonstrating the University's compliance with Action Step #1. The University's submission must include:

- a. A copy of the email message required by Action Step #1; and
- b. A list of University staff members who received the email.

**AMENDMENTS TO UNIVERSITY POLICY AND FORMS**

2. Within 60 days of signing this agreement, the University will modify its Service Animal Policy to ensure it is consistent with the requirements of Title II, including removing the requirement that persons seeking to have a service animal with them on campus follow the procedures required for students seeking reasonable accommodations.
3. Within 60 days of signing this agreement, the University will revise its form, “Request for Service Animal in University Housing,” to remove the optional authorization for the University to discuss the student’s medical information, reasonable accommodation request, and room assignment with a designated person.
4. Within 60 days of signing this Agreement, the University will revise its form, “Request for Emotional Support Animal in University Housing,” to indicate that requests for Emotional Support Animals, in any area of the University’s facilities not just in housing, will be considered a request for an accommodation and will be evaluated on an individualized, case by case basis.

**Reporting Requirement:**

Within 90 days of signing this agreement, the University will submit documentation to OCR demonstrating the University’s compliance with Action Steps #2-#4. OCR will review the documentation to ensure that the University met the requirements of this agreement. The University’s submission must include:

- a. Copies of the updated forms and policy listed in the Action Steps 2-4 above.
- b. A statement describing where these updated forms and the policy are located and links to their locations on the University’s website.

The University understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the University understands that during the monitoring of this Agreement, 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(a) and 104.44 and Title II, at 28 C.F.R. §§ 35.130(a) and 35.136, which were at issue in this complaint. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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, 100.10) or judicial proceedings to enforce this Agreement, OCR shall give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the University's representative below.

/s/

8/24/18

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For the University

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Date