

VOLUNTARY RESOLUTION AGREEMENT
Pennsylvania State University
OCR Complaint No. 03-21-2183

The Pennsylvania State University agrees to resolve allegations in this complaint by voluntarily entering into this Resolution Agreement (Agreement) with the U.S. Department of Education's Office for Civil Rights (OCR). This Agreement does not constitute an admission of liability, nor does it constitute a finding of non-compliance or wrongdoing on the part of the University. The University assures OCR that it will take the following actions to ensure compliance with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35 which prohibit discrimination on the basis of disability by recipients of federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, the University agreed to resolve Allegation 1(a) of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, the University agrees to take the following actions.

ACTION STEPS AND REPORTING REQUIREMENTS

1. The University recognizes its responsibility under Section 504 and its regulation, at 34 C.F.R. § 104.43(a), and Title II and its regulation, at 28 C.F.R. § 35.130(a), 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.
2. The University recognizes its responsibility under Section 504 and its regulation, at 34 C.F.R. § 104.44(d), and Title II and its regulation, at 28 C.F.R. § 35.160(b), to ensure no student with a disability is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills.
3. The University's Affirmative Action Office will ensure that the Professor has satisfactorily reviewed the comprehensive, specifically tailored training found at [Canvas | Penn State \(psu.edu\)](https://www.canvaslms.com/training) prior to the administration of the respective quizzes and/or tests and report this information to OCR providing any and all of the training materials used.

Reporting Requirements

1. Within 45 days of signing this Agreement, the University will provide a statement from the Professor stating that he has reviewed the comprehensive training available pursuant to Action Step 3 and understands how to provide extended time using the Canvas platform.

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 and obligations of this Agreement. The University understand that OCR will not close the monitoring of the Agreement until such time as OCR determines that the University has demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504 and its implementing regulations, 34 C.F.R. Part 104, and Title II and its implementing regulations, 28 C. F. R. Part 35, which were at issue in this case.

The University understands that OCR may initiate administrative enforcement proceedings to enforce the specific terms and obligations of this Agreement and the applicable statutes and regulations. Before initiating such proceedings, OCR will give the University written notice of the alleged breach and 60 calendar days to cure the alleged breach.

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

By: _____/s/_____ Date: 1/19/23
University President or designee