



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

THE WANAMAKER BUILDING, SUITE 515  
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PHILADELPHIA, PA 19107-3323

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September 19, 2019

*By email only to David.Kahn@ogc.upenn.edu*

Mr. David E. Kahn  
Associate General Counsel  
University of Pennsylvania  
FMC Tower at Cira Centre South  
2929 Walnut Street, Suite 400  
Philadelphia, PA 19104

Re: OCR Docket No. 03-19-6931  
University of Pennsylvania

Dear Mr. Kahn:

This letter is to advise you of the resolution of the directed investigation that the U.S. Department of Education (Department), Office for Civil Rights (OCR) initiated in the University of Pennsylvania (University). OCR investigated whether the University's website and online programs exclude qualified persons with disabilities from participation in, deny them the benefits of, or otherwise subject them to discrimination under any program or activity, in violation of Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. §104.4.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in any program or activity receiving Federal financial assistance from the Department.

OCR conducted an assessment of the University's online programs, services, and activities and noted possible compliance concerns including, but not limited to:

- Users with disabilities who use computer keyboards for navigation due to a disability did not have access to all contents and functions.
- Users with disabilities who use computer keyboards for navigation due to a disability were unable to tell visually where they were on a page, as visual focus indicators were missing.

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness  
by fostering educational excellence and ensuring equal access.*

- The foreground and background colors of important content lacked sufficient contrast, posing a barrier to people with low vision.

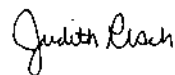
On August 21, 2019, the University signed the enclosed resolution agreement (Agreement) to voluntarily resolve the directed investigation pursuant to Section 302 of OCR's *Case Processing Manual*. OCR will monitor the implementation of the Agreement.

This concludes OCR's directed investigation. This letter should not be interpreted to address the University's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR directed investigation. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. An individual may have the right to file a private suit in federal court whether or not OCR finds a violation.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, you may contact me at (202) 453-5925 or by e-mail at [judith.risch@ed.gov](mailto:judith.risch@ed.gov).

Sincerely,

A handwritten signature in black ink that reads "Judith Risch". The signature is written in a cursive style with a large initial "J".

Judith Risch  
Attorney Advisor

Enclosure