

Office of Audit and Advisory Services
401 Golden Shore, 4th Floor
Long Beach, CA 90802-4210

562-951-4430
562-951-4955 (Fax)
lmandel@calstate.edu

March 13, 2018

Dr. Ellen N. Junn, President
California State University, Stanislaus
One University Circle
Turlock, CA 95382

Dear Dr. Junn:

Subject: Audit Report 17-11, Student Disability Support, California State University, Stanislaus

We have completed an audit of *Student Disability Support* as part of our 2017 Audit Plan, and the final report is attached for your reference. The audit was conducted in accordance with the Institute of Internal Auditors' *International Standards for the Professional Practice of Internal Auditing*.

I have reviewed the management response and have concluded that it appropriately addresses our recommendations. The management response has been incorporated into the final audit report, which has been posted to the Office of Audit and Advisory Services' website. We will follow-up on the implementation of corrective actions outlined in the response and determine whether additional action is required.

Any observations not included in this report were discussed with your staff at the informal exit conference and may be subject to follow-up.

I wish to express my appreciation for the cooperation extended by the campus personnel over the course of this review.

Sincerely,



Larry Mandel
Vice Chancellor and Chief Audit Officer

c: Timothy P. White, Chancellor

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The California State University

Office of Audit and Advisory Services

STUDENT DISABILITY SUPPORT

California State University, Stanislaus

Audit Report 17-11

February 9, 2018

EXECUTIVE SUMMARY

OBJECTIVE

The objectives of the audit were to review operational, administrative and financial controls related to support for students with disabilities, as well as to review compliance with relevant federal and state laws and regulations, Trustee policy, systemwide directives, and campus policies and procedures.

CONCLUSION

We found the control environment for some of the areas reviewed to be in need of improvement.

Based upon the results of the work performed within the scope of the audit, except for the weaknesses described below, the operational, administrative and financial controls for student disability support as of December 8, 2017, taken as a whole, provided reasonable assurance that risks were being managed and objectives were met.

Our review indicated that campus administration of disabled student services could be improved with regard to overall program governance, administration, and outreach. We noted that the campus had not formally designated an Americans with Disabilities Act (ADA) coordinator. In addition, we noted that required oversight committees were not compliant with requirements for membership composition and were lacking charters or similar documents to clearly state the purpose of the committees. We also noted that the campus did not have a formalized ADA transition plan and the last survey to assess physical accessibility was conducted in 2010. Further, we noted that the campus emergency and evacuation procedures for disabled individuals did not address several components described in regulatory guidelines. Additionally, we noted that the campus informal grievance procedure needed improvement in the administration and enforcement of the process. We also noted that outreach to students with disabilities and campus constituents responsible for ensuring their rights needed improvement.

Specific observations, recommendations, and management responses are detailed in the remainder of this report.

OBSERVATIONS, RECOMMENDATIONS, AND RESPONSES

1. ADA COORDINATOR

OBSERVATION

The campus had not formally designated an ADA coordinator.

The ADA requires that every public entity that employs 50 or more people designate at least one employee to coordinate efforts to comply with and carry out its responsibilities under the ADA. It further mandates that the name, office address, and telephone number of the ADA coordinator be readily available to all interested individuals.

The California Department of Rehabilitation (DOR) has been designated as the lead department to assist other state entities in their efforts to become fully ADA compliant. Its website lists the roles and responsibilities for an ADA coordinator, some of which include:

- Coordinating and developing ongoing efforts for full ADA compliance, including consultative services to management.
- Communicating ADA requirements to others in the agency/department.
- Other tasks, including arranging for and/or conducting training on the ADA.
- Review existing policies, such as reasonable accommodation.

Although the campus had employees performing some of the core responsibilities of an ADA coordinator, the tasks above had not been performed or assigned to any employees.

Failure to designate an ADA coordinator increases the risk that campus programs, services, and activities will not be fully accessible to all individuals and exposes the campus to regulatory sanctions.

RECOMMENDATION

We recommend that the campus formally designate an ADA coordinator and develop a written description of the coordinator's roles and responsibilities, incorporating the DOR's description of the position.

MANAGEMENT RESPONSE

We concur. The campus will formally designate an ADA coordinator and develop a written description of the coordinator's roles and responsibilities, incorporating the DOR's description of the position.

Expected completion date: May 15, 2018

2. REQUIRED COMMITTEES

OBSERVATION

Administration of the Disability and Compliance Committee (DACC) and other oversight committees needed improvement.

Systemwide policies addressing the rights of students with disabilities require campuses to develop two committees, as follows:

- EO 926 requires campuses to establish a committee to discuss, monitor, and evaluate campus-specific issues relating to compliance with the ADA. The policy specifically outlines membership composition requirements.
- Coded memorandum Academic Affairs (AA) 2014-08, *Policy for the Provision of Accommodations and Support Services to Students with Disabilities*, requires that each campus establish an advisory committee on services to students with disabilities to assist in the evaluation of current campus policies and procedures relating to students with disabilities and to develop plans and recommend priorities relating to programs and services for students with disabilities. The memo also states that this committee may be a stand-alone committee or may be the same as, or an ad hoc committee of, the committee mandated by EO 926.

We found that:

- The DACC and campus advisory committee experienced turnover and as of the audit, did not have members from all areas as specified by EO 926 and AA-2014-08.
- There were no charters or similar documents to clearly state the purpose of the committees.
- Members of the campus advisory committee had not been officially appointed by the campus president.
- A review of the committee minutes from meetings in 2015 and 2016 indicated that the campus advisory committee did not evaluate policies and procedures relating to students with disabilities, nor did it develop plans and recommend priorities related to its programs and services for students with disabilities.

Following systemwide policy with regard to ADA oversight committees provides greater assurance that campus practices will be in compliance with ADA requirements to provide equal access to individuals with disabilities.

RECOMMENDATION

We recommend that the campus:

- a. Formally adopt a charter or other governing document that clearly states the purpose of the DACC and the campus advisory committee and outlines the roles and responsibilities

of each, ensuring that both committees include all requirements outlined in systemwide policies.

- b. Identify and appoint DACC and campus advisory committee members in accordance with EO 926 and AA-2014-08.

MANAGEMENT RESPONSE

We concur. We will formally adopt a charter or other governing document that clearly states the purpose of the DACC and the campus advisory committee and outlines the roles and responsibilities of each, ensuring that both committees include all requirements outlined in systemwide policies. We will identify and appoint DACC and campus advisory committee members in accordance with EO 926 and AA-2014-08.

Expected completion date: June 30, 2018

3. ADA TRANSITION PLAN

OBSERVATION

The campus did not have a formal ADA transition plan, and the last survey to assess physical accessibility was conducted in 2010.

Executive Order (EO) 926, *The California State University Policy on Disability Support and Accommodations*, states that CSU campus transition plans, which were required by the ADA for all existing facilities at the time the law was enacted, should be updated to reflect current campus conditions and be used as a planning tool to evaluate and confirm program compliance and the priority of outstanding needs. It further states that listed barriers should be reviewed to assess whether they have been removed or corrected, continue to deny program access, or have no effect on program access. In addition, it states that the transition plan should be readily available for review and use.

A complete and current transition plan helps to ensure that campus facilities are accessible to people with disabilities and that the campus is in compliance with the ADA accessibility requirements.

RECOMMENDATION

We recommend that the campus:

- a. Create and continuously update its ADA transition plan to reflect current campus conditions.
- b. Use its ADA transition plan as a planning tool to evaluate and confirm program compliance and the priority of outstanding needs.

MANAGEMENT RESPONSE

We concur. We will update the ADA transition plan to reflect current campus conditions. We will use the ADA transition plan as a planning tool to evaluate and confirm program compliance and the priority of outstanding needs.

Expected completion date: August 1, 2018

4. EVACUATION PLAN AND EMERGENCY PROCEDURES FOR DISABLED INDIVIDUALS

OBSERVATION

The campus emergency and evacuation procedures for disabled individuals needed improvement.

The U.S. Department of Justice (DOJ) publication *Making Community Emergency Preparedness and Response Programs Accessible to People with Disabilities* states that the planning of emergency services should include specialized considerations for disabled persons in the areas of notification, evacuation, information access, and emergency sheltering. We found that although the campus had basic emergency procedures in place, it had not fully addressed the following guidelines from the DOJ publication:

- Specialized notification and communication mechanisms for individuals with limited ability to see, hear, or understand standard emergency alerts.
- Procedures to ensure that people with disabilities could evacuate the area in a variety of conditions and with or without assistance.
- Identification of instances in which specialized resources may be necessary for transportation and/or temporary sheltering of disabled individuals, including assurances that emergency shelters could accommodate mobility devices and service animals.

Emergency procedures with considerations for the special needs of disabled individuals provide greater assurance of campus community safety and an effective response to adverse situations affecting the campus.

RECOMMENDATION

We recommend that the campus revise emergency procedures to include considerations for disabled individuals in the areas of notification, evacuation, information access, and emergency sheltering.

MANAGEMENT RESPONSE

We concur. We will revise emergency procedures to include considerations for disabled individuals in the areas of notification, evacuation, information access, and emergency sheltering.

Expected completion date: July 31, 2018

5. INFORMAL GRIEVANCES

OBSERVATION

The administration and enforcement of the campus informal grievance procedure needed improvement.

We found that for issues that could be resolved without following the formal grievance process managed by human resources, equal opportunity, and compliance, DRS had an informal grievance process. However, the process did not include an efficient mechanism to track the nature and resolution of these informal complaints to facilitate management objective metrics and provide feedback for assessment of service levels.

Additionally, we surveyed management personnel in seven academic departments to determine their understanding of the processes for reporting accessibility complaints. We noted that five of the seven departments routinely handled disability access complaints on a case-by-case basis without notifying the DRS or requesting DRS intervention until the issues had escalated.

Processes to define and track grievances provide the campus with greater assurance of compliance with the ADA and other nondiscrimination regulations and allow the campus to self-assess its service levels.

RECOMMENDATION

We recommend that the campus:

- a. Adopt a mechanism to compile, track, and review the nature of informal complaints and ensure timely resolution.
- b. Provide training regarding the informal grievance process to campus departments and ensure that these procedures are enforced.

MANAGEMENT RESPONSE

We concur. We will adopt a mechanism to compile, track, and review the nature of informal complaints and ensure timely resolution. We will provide training regarding the informal grievance process to campus departments and ensure that these procedures are enforced.

Expected completion date: July 31, 2018

6. OUTREACH AND COMMUNICATION

OBSERVATION

Outreach to students with disabilities and campus constituents responsible for ensuring their rights needed improvement.

We reviewed various campus locations and conducted interviews with faculty and staff, and we found that:

- Signs and fliers regarding the location and services provided by DRS were not widely distributed in common areas such as food service and commercial enterprises.
- Of the seven academic department employees we interviewed about roles and responsibilities regarding support for disabled individuals, one indicated a lack of awareness and two others were non-responsive, indicating a possible lack of communication and training.
- A number of campus employees we interviewed indicated that campus departments often provided accommodations directly to students without notifying or requesting intervention from DRS.

Code of Federal Regulations (CFR) Title 28, Part 35, *Nondiscrimination on the Basis of Disability in State and Local Government Services*, states that a public entity shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.

Reasonable modifications to policies, practices, and procedures to accommodate special needs of disabled persons provide greater assurance that campus programs will be in compliance with ADA requirements and will provide equal access to individuals with disabilities. Adequate outreach efforts will result in a higher percentage of students with disabilities learning about their rights and responsibilities and the campus services available.

RECOMMENDATION

We recommend that the campus:

- a. Develop plans to increase visibility of the DRS and more fully communicate the availability of services and accommodations available for students with disabilities.
- b. Develop and implement training for campus faculty and staff regarding employee and DRS roles in providing support for individuals with disabilities.

MANAGEMENT RESPONSE

We concur. We will develop plans to increase visibility of the DRS and more fully communicate the availability of services and accommodations available for students with disabilities. We will develop and implement training for campus faculty and staff regarding employee and DRS roles in providing support for individuals with disabilities.

Expected completion date: August 1, 2018

7. REQUIRED DISCLOSURES

OBSERVATION

The campus was not providing all required disclosures regarding the systemwide policy prohibiting discrimination, harassment, and retaliation.

EO 1097 requires that the systemwide policy on discrimination, harassment, and retaliation be made readily available and be distributed on an annual basis to all students and employees via multiple methods of communication, including email, student orientations and catalogs, new employee orientations, campus websites and publications, and webpages for the offices of equity and diversity, student affairs, student judicial affairs, disabled student services, auxiliary organizations, academic affairs, extended education, athletics, residential life, and human resources.

We reviewed the webpages of all the areas required to provide the disclosures, and we noted that disclosures were not included on the webpages for academic affairs, student affairs, athletics, auxiliary organizations, and University Extended Education.

Communicating the systemwide policy on discrimination, harassment, and retaliation through multiple methods increases the overall campus awareness of the policy.

RECOMMENDATION

We recommend that the campus include disclosures regarding the systemwide policy prohibiting discrimination, harassment, and retaliation on the webpages for academic affairs, student affairs, athletics, auxiliary organizations, and University Extended Education.

MANAGEMENT RESPONSE

We concur. We will include disclosures regarding the systemwide policy prohibiting discrimination, harassment, and retaliation on the webpages for academic affairs, student affairs, athletics, auxiliary organizations, and University Extended Education.

Expected completion date: April 30, 2018

GENERAL INFORMATION

BACKGROUND

In 1973, Congress adopted the Rehabilitation Act, prohibiting discrimination on the basis of disability and ensuring equal opportunity for people with disabilities at any federal agency, including any program or institution that receives federal funds. Section 504 of the Rehabilitation Act ensures certain civil rights for people with disabilities, including access to federally funded programs or activities, and the federal government issued regulations to govern compliance in June 1977.

In 1990, the federal government enacted the ADA, which reaffirmed Section 504 of the Rehabilitation Act of 1973 and extended the discrimination prohibition to businesses and organizations that do not receive federal funds. The ADA also detailed additional criteria in the areas of employment, new construction or renovation, transportation, and telecommunications; and for public entities that employ 50 or more people, it required the appointment of an ADA coordinator, a self-evaluation, and a transition plan to itemize compliance steps.

The CSU system initiated changes and implemented policies and programs concurrent with the adoption of this legislation and subsequent updates. After Section 504 regulations were put in place in 1977, CSU campuses prepared self-evaluations identifying the steps that would ensure that students with disabilities would have equal access to educational opportunities. In March 1980, the CSU developed a policy statement, *Policy for the Provision of Services to Students with Disabilities*, which formalized the objectives of programs supporting disabled students: to increase the enrollment of students with disabilities in the total student population and to facilitate their access to all educational programs. In this same year, the CSU Systemwide Advisory Committee on Services to Students with Disabilities was established. The *Policy for the Provision of Services to Students with Disabilities* was revised in 1989, in part to incorporate disability services identified in Assembly Bill 746, *State Funded Disabled Student Programs and Services*, enacted in 1987.

In 2004, the CSU implemented EO 926, *Policy on Disability Support and Accommodations*, to document and make explicit systemwide policies for the disability support and accommodation program and to outline responsibilities for monitoring compliance with the policy. Concurrently, the CSU developed the Center for Accessible Media to help expedite the delivery of electronic instructional texts to eligible CSU students with disabilities. In January 2006, the CSU launched its Accessible Technology Initiative (ATI) to develop the work plan, guidance, and resources to assist campuses in carrying out the accessible technology provisions of its revised *Policy on Disability Support and Accommodations*.

The ADA Amendments Act (ADAAA) of 2008 became effective on January 1, 2009, and the most recent rule implementing the new requirements, published in the Federal Register in August 2016, took effect in October 2016. These amendments clarified and reiterated who is covered by the law's civil rights protections and revises the definition of "disability" to more broadly encompass impairments that substantially limit a major life activity. The amended language also states that mitigating measures, including assistive devices, auxiliary aids, accommodations, medical therapies, and supplies, have no bearing in determining whether a disability qualifies under the law.

At California State University, Stanislaus (Stanislaus State), DRS is responsible for administering ADA accommodations and services to students who self-identify as disabled. Under the division of student affairs, the DRS verifies, authorizes, and liaises with campus departments to facilitate services for students with temporary and permanent disabilities. Capital planning and facilities management is responsible for physical ADA accommodations, including the implementation and maintenance of the campus transition plan.

SCOPE

We visited the Stanislaus State campus from November 6, 2017, through December 8, 2017. Our audit and evaluation included the audit tests we considered necessary in determining whether operational, administrative and financial controls are in place and operative at the Stanislaus State campus. The audit focused on procedures in effect from July 1, 2015, through December 8, 2017.

Specifically, we reviewed and tested:

- Organizational roles and responsibilities for ensuring compliance with Section 504 of the Rehabilitation Act, ADA, and other regulations related to the provision of support to disabled students.
- Policies and procedures for the administration of departments and programs supporting disabled students, including those that describe and enforce grievance procedures when discrimination is alleged.
- The adequacy of required notice and outreach programs to ensure that eligible students are aware of their rights and the available accommodation benefits.
- The breadth of the accommodations provided, to ensure they are in accordance with at least the minimum required by CSU policy and reflective of the campus disabled student community.
- Processes to compile information and verify disabilities and to provide reasonable and appropriate accommodation based on verified need.
- The grievance and complaint process, to ensure that concerns are captured, recorded, and addressed in accordance with campus and system policy.
- Fiscal accountability, including controls over disbursements and capture of cost allocation opportunities.

As a result of changing conditions and the degree of compliance with procedures, the effectiveness of controls changes over time. Specific limitations that may hinder the effectiveness of an otherwise adequate system of controls include, but are not limited to, resource constraints, faulty judgments, unintentional errors, circumvention by collusion, and management overrides. Establishing controls that would prevent all these limitations would not be cost-effective; moreover, an audit may not always detect these limitations.

Our testing and methodology was designed to provide a review of key operational and administrative controls, which included detailed testing on a limited number of disabled student accommodation requests to ensure that each complied with regulatory, campus, and

systemwide policies. The audit did not address provision of support services or accommodations to employees self-identifying as disabled or the ATI.

CRITERIA

Our audit was based upon standards set forth in federal and state regulations; Board of Trustees policies; Office of the Chancellor policies, letters, and directives; campus procedures; and other sound administrative practices. This audit was conducted in conformance with the Institute of Internal Auditors' *International Standards for the Professional Practice of Internal Auditing*.

This review emphasized, but was not limited to, compliance with:

- 28 CFR, Part 35, *Nondiscrimination on the Basis of Disability in State and Local Government Services*
- 34 CFR, Part 104, *Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance*
- ADA of 1990
- ADAAA of 2008
- California Education Code §67300, *Disabled Student Services*
- California Government Code (GC) §11135-11139.8, *Discrimination*
- GC §13403, *The State Leadership Accountability Act*
- AA-2014-08, *Policy for the Provision of Accommodations and Support Services to Students with Disabilities*
- EO 926, *The CSU Policy on Disability Support and Accommodations*
- EO 1056, *California State University Emergency Management Program*
- EO 1097, *Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Students and Systemwide Procedure for Addressing Such Complaints by Students*
- *Rehabilitation Act of 1973*
- 2016 California Fire Code, Part 9, section 404, *Fire Safety, Evacuation and Lockdown Plans*
- Stanislaus State *DRS Student Eligibility Verification Procedures*
- Stanislaus State *DRS Qualification Guidelines*
- Stanislaus State *Informal Complaint Procedures for Disabled Students*

AUDIT TEAM

Assistant Vice Chancellor and Deputy Chief Audit Officer: Janice Mirza
Audit Manager: Ann Hough
Senior Auditor: Krittika Hursey