

# Office for Civil Rights Review Checklist

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### Administrative Requirements

Recipients need to have certain base requirements in place to comply with the OCR Guidelines, Title VI, Title IX and Section 504. These basic procedures include an annual public notice, continuous notification, designation of a person(s) to coordinate activities under Title IX and Section 504, and a grievance procedure that will allow students an avenue for dealing with discrimination from faculty, fellow students and administrators. To verify this, it will be necessary to review many documents and to interview administrators, Title IX and Section 504 coordinators, faculty and students.

**Suggested Persons to Interview:** Interview PR person, some administrators, and students (particularly LEP and students using assistive technology).

### Continuous nondiscrimination notice

**Legal Requirements:** A recipient must take continuing steps to notify participants, beneficiaries, applicants, elementary and secondary school parents/legal guardians, employees (including those with impaired vision or hearing), and unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of race, color, national origin, sex, or disability.

*Title IX: 34 CFR § 100.6(d)*

*Title IX: 34 CFR §106.9*

*Section 504: 34 CFR § 104.8*

**Indicators of Compliance:** A variety of recipient publications notifies applicants, students, employees and parents that it does not discriminate on the basis of race, color, national origin, sex, or disability. Recipient lists coordinators of Title IX and Section 504 with their name or title, address, phone number and email address in the notice of nondiscrimination.

### Review:

- Is nondiscrimination notice found in the following publications?
  - brochures on programs, activities
  - student application
  - job application
  - catalog
  - student handbook
  - job announcements
  - posters advertising various programs
  - recruitment materials
  - website
  - school newspaper

- Interview PR person, administrators and students (particularly ELL and those using assistive technology)

Persons responsible for coordinating Title IX and Section 504

**Legal requirements:** Each recipient shall designate one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II, Title IX and Section 504.

*Title IX: 34 CFR § 106.8*

*Section 504: 34 CFR § 104.7(a)*

**Indicators of Compliance:** Recipient has assigned a person(s) to coordinate Title II, Title IX and Section 504 activities. These person(s) must be independent without conflicts of interest and aware of their duties and responsibilities and have the training and authority necessary to carry out their responsibilities. Recipient lists coordinators of Title II, Title IX and Section 504 with their name/title, address, and phone number in the notice of nondiscrimination. Title IX Coordinators must receive training on:

- The definition of sexual harassment in 34 C.F.R. § 106.30;
- The scope of the recipient’s education program or activity;
- How to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes, as applicable; and
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

And these training materials must be made publicly available on recipient’s website.

**Review:**

- Catalogs
- Handbooks
- Job descriptions
- Interviews with Title IX and Section 504 Coordinators
- Interview students, particularly nontraditional and disabled
- Interview some faculty and administrators

Annual public notification

**Legal requirements:** Annual notices must include these three elements: (1) Prior to the beginning of each school year, recipients must advise students, parents, employees and general public that all vocational opportunities will be offered regardless of race, color, national origin, sex or disability. (2) Brief summary of program offerings and admissions criteria. (3) Notice must include name, office address and telephone number of persons designated to coordinate compliance under Title IX and Section 504.

*Title IX: 34 CFR § 106.8(b)*

*Section 504: 34 CFR § 104.7*

*OCR Guidelines IV-O*

**Indicators of Compliance:** Recipient issues annual public notice of nondiscrimination. The notice also is disseminated in the language of any national origin minority community in the

service area. Annual notice lists coordinators of Title IX and Section 504 with their name/title, address and phone number in the notice of nondiscrimination.

**Review:**

- Is the notice published on the recipient's website?
- Does the notice have brief description of program offerings and admission criteria?
- Do publications with notice reach students, employees and applicants? Describe how distributed. Ask administrators how this process is handled. Ask students and employees if they are aware of notice.
- Is notice available to the visually impaired? Describe method used. Ask administrators what is done.
- Does community have national origin minority students with Limited English language skills? If yes, is public notice in the language of that national origin minority community and state that college will take steps to assure that the lack of English language skills will not be a barrier to admission/participation?
  - Determining national origin minority communities: (1) Percentages of people from different national origins, (2) Whether there is local news, radio or television programming that is available and targeted at persons from specific national origins, (3) Whether there are community centers or other places where people of different national origins gather
- How does notice get disseminated to national origin minority community? Ask faculty and administrators about process. Ask national origin minority students with Limited English language skills if they saw notice.

Grievance procedure

**Legal requirements:** A recipient shall adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any discrimination based on sex or disability. OCR recommends to also adopt procedures for resolving complaints of discrimination based on race, color and national origin.

*Title IX: 34 CFR § 106.8(b)*

*Title IX: 34 CFR § 106.8(c)*

*Section 504: 34 CFR § 104.7(b)*

**Indicators of Compliance:** Recipient notifies students and employees that there is a grievance procedure for persons who feel they have been discriminated against based on sex or disability. The procedure is readily available to students and employees and it is prompt and equitable. Ten requirements for grievance process for formal complaints of sexual harassment (§ 106.45):

1. Treat Parties Equitably
2. Objective Evaluation of Evidence
3. Training; No Conflicts of Interest
4. Presumption of Innocence
5. Reasonably Prompt Time Frames
6. Description of Range of Outcomes
7. Standard of Evidence

8. Right to Appeal
9. Description of Range of Supportive Measures (e.g., counseling, extension of deadlines, campus escort services)
10. Preserving Legal Privileges

**Review:**

- Student handbooks
- Employee handbooks
- Catalogs
- Data on complaints
- Interviews with Title IX and Section 504 coordinators
- Interview students
- Interview student grievance
- Interview employee grievance
- Interviews with administrators and faculty

[Site location and student eligibility criteria](#)

Career and technical Education Guidelines, Sections IV-A – IV-K, establish standards that site selection and criteria for student eligibility cannot have the purpose or effect of discriminating, segregating, or excluding students on the basis of race, color, national origin, sex, or disability. Issues that could result in discrimination or segregation include the selection of sites for career and technical education facilities, establishing geographic residence requirements, establishing numerical limits on students from sending schools, additions to existing career and technical education facilities, and any other criteria that have the purpose or effect of disproportionately excluding students of a particular race, national origin, sex, or disability.

[Student eligibility](#)

**Legal requirements:** Recipient may not develop, impose, maintain, approve, or implement student admission eligibility criteria that discriminate on the basis of race, color, national origin, sex or disability.

*Guidelines IV-A*

**Indicators of Compliance:** Student eligibility criteria for admission to career and technical education schools, facilities or programs do not discriminate on the basis of race, color, national origin, sex, or disability.

**Review:**

- Eligibility and admission criteria for career and technical schools
- Eligibility and admission criteria for career and technical facilities, campuses
- Eligibility and admission criteria for career and technical programs

[Site selection](#)

**Legal requirements:** Recipient may not select or approve a site that has the purpose or effect of excluding, segregating, or otherwise discriminating on the basis of race, color, or national

origin. Recipients must locate career and technical facilities at sites that are readily accessible to both minority and nonminority communities and that do not tend to identify the facility or program as intended for minority or nonminority students.

#### *Guidelines IV-B*

**Indicators of Compliance:** Career and technical sites are readily accessible to minority and nonminority communities and their location does not have a segregative effect.

#### **Review:**

- Maps showing location of career and technical facilities
- Enrollment demographics for each facility
- Demographics of communities surrounding facility

#### Site modifications

**Legal requirements:** A recipient may not add to, modify, or renovate the physical plan of a career and technical facility in a manner that creates, maintains, or increases segregation on the basis of race, color, national origin, sex, or disability.

#### *Guidelines IV-D*

**Indicators of Compliance:** After modification, the career and technical site is readily accessible to minority and nonminority communities and the modification does not have a segregative effect.

#### **Review:**

- Maps showing location of modified career and technical facilities
- Student demographics before and after facility modifications
- Demographics of communities surrounding the facility

#### Residency

**Legal requirements:** A recipient may not establish, approve, or maintain geographic boundaries that unlawfully exclude students on the basis of race, color, or national origin.

#### *Guidelines IV-C*

**Indicators of Compliance:** Attendance zones do not have the effect of excluding students on the basis of race, color, or national origin.

#### **Review:**

- Maps of attendance zones
- Demographics of contiguous service areas to the facility
- Curriculum offerings at contiguous facilities
- Job placement rates at contiguous facilities

#### Recruitment

Recruitment activities and materials should convey the message that all career and technical education programs are open to all students without regard to race, color, national origin, sex or disability status. Information about career and technical education opportunities should be available to all potential students. Promotional materials should avoid stereotyping.

Recruitment teams, to the extent possible, should represent persons of different races, national origins, sexes and disabilities.

Suggested Persons to Interview:

#### Activities

**Legal requirements:** Recipients must conduct their recruitment activities so as not to exclude or limit opportunities on the basis of race, color, national origin, sex or disability.

*Title IX: 34 CFR § 106.23(a)(b)*

*Guidelines V-C*

**Indicators of Compliance:** All potential students have access to information. Efforts are made to reach underrepresented groups.

**Review:**

- List of recruitment activities and sites
- Description of recruitment activities

#### Materials

**Legal requirements:** Recruitment materials' description of career and occupational opportunities should not be limited on the basis of race, color, national origin, sex or disability.

*Guidelines V-C*

**Indicators of Compliance:** Description of career opportunities are bias-free and free from stereotyping. If a subrecipient's service area has a community of national origin minority persons with limited English language skills, promotional literature must be available to that community in its language.

**Review:**

- Recruitment brochures and marketing materials
- Course catalog

#### Team representation

**Legal requirements:** To the extent possible, recruiting teams should represent persons of different races, national origins, sexes and disabilities.

*Guidelines V-C*

**Indicators of Compliance:** Where possible, persons of differing races, genders, and disability are used for recruiting purposes. (But failure to do so should not be construed as noncompliance.)

**Review:**

- Staff demographics by program
- Recruitment team demographics by program

#### Counselors

**Legal requirements:** Recipients must ensure that counselors can effectively communicate with students with limited English proficiency and with students who are hearing impaired.

*Guidelines V-D*



**Indicators of Compliance:** The content of materials available to other students and their parents is available to students and parents who speak languages other than English. Formats other than the printed word are available for students with disabilities

**Review:**

- Written plan for the provision of services for ESL individuals
- Written plan for provision of services for hearing impaired individuals
- Samples of materials in other languages/formats

Promotional efforts

**Legal requirements:** Recipients may not undertake promotional efforts in a manner that creates or perpetuates stereotypes or limitations based on race, color, national origin, sex or disability. Materials that are part of promotional efforts may not create or perpetuate stereotypes through text or illustration.

*Guidelines V-E*

**Indicators of Compliance:** Materials and/or media presentations show persons of varying races, male and female, persons with disabilities, and different national origins.

**Review:**

- Promotional materials, including brochures, flyers, newspaper advertising, catalogs

Limited English proficiency

**Legal requirements:** If a recipient's service area contains a community with persons of limited English proficiency, materials must be distributed to that community in its language.

*Guidelines V-E*

**Indicators of Compliance:** Process is in place to identify and communicate with language minority communities. Efforts are made to communicate in a commonly understood language.

**Review:**

- Verification of Limited English Proficiency (LEP) community
- Samples of materials in other languages

Admissions

Admission policies, procedures and criteria may not exclude students from ATE programs on the basis of race, color, national origin, sex or disability. Where admissions criteria exclude a disproportionate number of persons of a particular race, color, national origin or sex or persons with disabilities, the criteria should be validated as essential to success in the program.

Preadmission inquiries about marital, parental or disability status should be avoided.

Suggested Persons to Interview:

Admission

**Legal requirements:** A recipient may not judge candidates for admission to career and technical education programs on the basis of criteria that have the effect of disproportionately excluding persons or a particular race, color, national origin, sex or disability. If such disproportionate exclusion occurs, the criteria or standards must be validated as essential for participation.

#### *Guidelines IV-K*

**Indicators of Compliance:** Demographics of career and technical education programs enrollment are similar to demographics of eligible pool or recipient provides a legitimate nondiscriminatory rationale. Demographics of specific career and technical education programs are similar to demographics of entire career and technical education enrollment or recipient provides a legitimate nondiscriminatory rationale. Admissions procedure, policy and/or practice for career and technical education program enrollment avoid criteria that disproportionately exclude persons of a particular race, color, national origin, sex or disability status. Admissions criteria that disproportionately exclude have been validated as essential to participation.

**Review:**

- Admissions policy for career and technical education programs. Description of the admissions process.
- Procedures and criteria for selective admissions for career and technical education programs (where there are more applicants than can be accommodated).
- Demographics of admitted applicants by selection criteria.

#### *Preadmission inquiries*

**Legal requirements:** Recipients must avoid preadmission inquiries about sex, marital, parental or disability status.

*Title II: 28 CFR § 35*

*Title IX: 34 CFR § 106.21(c)*

*Section 504: 34 CFR § 104.42(b)(4)*

**Indicators of Compliance:** Application forms and materials do not request information about sex, marital, parental or disability status.

**Review:**

- Admissions application form and materials

#### *Access*

**Legal requirements:** A recipient must not deny access to vocational and academic programs or courses to students with a disability on the basis that employment opportunities in any occupation or profession may be more limited for persons with a disability than for persons who are nondisabled.

*Section 504: 34 CFR § 104.10*

*Section 504: 34 CFR § 104.43(c)*

#### *Guidelines IV-N*

**Indicators of Compliance:** The agency does not discourage students with disabilities from participating in programs due to potential workplace discrimination.

**Review:**

- Evidence of transition services
- Enrollment data
- Evidence that career and advising services are serving students with disabilities.

### Postsecondary placement tests

**Legal requirements:** Postsecondary admission/placement tests are selected and administered in such a way that they accurately reflect the aptitude or achievement of an applicant with a disability rather than measuring their disability (except where these skills are the factors the tests purports to measure).

*Section 504: 34 CFR § 104.44(b)(3)*

*Guidelines IV-N*

**Indicators of Compliance:** Admission/placement tests and their manner of administration are validated for use with persons with disabilities.

**Review:**

- Lists of tests used
- Description of test administration methods for persons with sensory, vocal or speaking impairments.

### Postsecondary preadmission inquiries

**Legal requirements:** Postsecondary institutions may not make preadmission inquiries regarding disabling conditions except when taking remedial steps to increase participation when underrepresentation is identified.

*Section 504: 34 CFR § 104.42(b)(4) & (c)*

**Indicators of Compliance:** The recipient does not request information about disability prior to admission.

**Review:**

- Student handbooks/college catalogs
- Application forms
- Guidance/counselor forms and procedures
- Recruitment materials
- Admissions packets
- Interviews

### Access – Limited English language skills

**Legal requirements:** A recipient may not restrict admission to career and technical education programs because the applicant, as a member of a national origin minority group with limited English language skills, cannot participate in and benefit from career and technical education to the same extent as students whose primary language is English.

*Guidelines IV-L*

**Indicators of Compliance:** Recipient has a procedure in place to identify and assess applicants with limited English proficiency. Recipients must take steps to open all CTE programs to these LEP students. LEP enrollment in career and technical education is proportional to LEP enrollment in the service area. LEP enrollment in specific career and technical education programs is proportional to LEP enrollment in career and technical education overall.

**Review:**

- Procedure for LEP identification and placement
- Summary of steps taken to increase LEP participation in programs where they traditionally have been underrepresented
- Specific program enrollment demographics by LEP status

### Student financial assistance

Colleges are not to limit honors, awards and scholarships to a group on the basis of race, color, national origin, sex or disability unless such targeting is done to provide opportunities to members of a group that has not traditionally been represented. Outside agencies that provide awards are to be notified of the college nondiscrimination policy.

A college may administer or assist in the administration of scholarships, fellowships or other forms of financial assistance established pursuant to domestic or foreign will, trust, bequests or similar legal instruments or by acts of a foreign government which require that awards go to a student of a particular sex, race or national origin, or with a particular disability. However, the overall effect of such restricted awards and scholarships must not lead to discrimination in access to total scholarships on the basis of sex, race, national origin or disability.

While this is primarily a postsecondary issue, secondary schools helping to prepare students for postsecondary experiences can help disadvantaged students by being aware of this requirement because financial aid is often the stumbling block for those historically underrepresented in postsecondary education.

Suggested Persons to Interview (may clarify compliance with this standard): Financial Aid Director, Financial Aid Counselors, Guidance Counselors, Department Chairs, Title IX Coordinator, 504/ADA Coordinators.

### Availability

**Legal requirements:** Financial assistance is available to all students regardless of sex, race, color, national origin or disability.

*Title VI: 34 CFR § 100.3(b)*

*Title IX: 34 CFR § 106.37*

*Section 504: 34 CFR § 104.46(a)*

*Guidelines VI-B*

**Indicators of Compliance:** Institutional data on financial aid demonstrates that there is equitable distribution of financial aid regardless of sex, race, color, national origin or disability. If an apparent disparity exists, the institution offers a legitimate, nondiscriminatory reason.

### Review:

- Financial aid data by sex, race, color, national origin or disability
- Interviews with students
- Interviews with financial aid staff

### Awards

**Legal requirements:** Sex-restricted awards are made only when established by will, trust, bequest or other legal instrument. The overall effect may not discriminate on the basis of sex.

*Title IX: 34 CFR § 100.3(b), 106.37*

### *Guidelines VI-B*

**Indicators of Compliance:** Documentation is available as to the number and amount of aid given as a result of will, trust, bequest or other legal instrument. Overall, the institution's financial assistance does not discriminate on the basis of sex.

**Review:**

- Review of all financial assistance given as a result of trust, bequest, or other legal instrument.
- Review of all sex-restricted financial aid given.
- Review total list of financial aid to ensure the overall effect does not discriminate.

### Information

**Legal requirements:** Information about financial assistance is equitably written and does not lead students to believe it is awarded on a discriminatory basis.

### *Guidelines VI-B*

**Indicators of Compliance:** Materials written provide information equitably. All written materials contain the nondiscrimination statement. Institutional awards provided as a result of the group being historically underrepresented or as a result of a bequest, trust or other legal instrument is acknowledged as such in the written materials.

**Review:**

- Review materials written for students and families concerning the financial assistance available.
- Interviews with students
- Interviews with financial aid staff

### Limited language skills

**Legal requirements:** National origin minority persons with limited English language skills receive information about financial assistance in their own language.

### *Guidelines VI-B*

**Indicators of Compliance:** Community demographics indicate that national origin minority persons with limited English language skills are a part of the population served by the college. Communications about financial assistance is available in the home language of these members of the community.

**Review:**

- Review written communications
- Review demographics of the area served by the college
- Interviews with students
- Interview bilingual interpreters

### Assurances

**Legal requirements:** Every application for Federal financial assistance for any education program or activity shall as condition of its approval contain or be accompanied by an

assurance from the applicant or recipient that each education program or activity shall operate without discrimination based on race, color, national origin, sex or disability.

*Title VI: 34 CFR § 100.4*

*Title IX: 34 CFR § 106.4*

*Section 504: 34 CFR § 104.5*

**Indicators of Compliance:** Every application for financial assistance that the recipient makes directly to the Federal government shall contain an assurance that the recipient will not discriminate based on race, color, national origin, sex or disability.

**Review:**

- Copies of grants and applications recipient made directly to the Federal government for financial assistance

### Counseling and prevocational programs

Issues relating to counseling and prevocational programs may include steering of students toward particular courses or programs that are “traditional” for the student’s race, color, national origin, English language proficiency, sex or disability status. Services and materials related to counseling and recruitment must be free of discrimination and stereotyping in language, content, and illustration.

### Counseling materials and activities

**Legal requirements:** Recipients must ensure that their counseling materials and activities (including student program selection and career/employment selection), promotional, and recruitment efforts do not discriminate on the basis of race, color, national origin, sex or disability.

*Title II: 28 CFR § 35.130*

*Title IX: 34 CFR § 106.21(a)(b)*

*Title IX: 34 CFR § 106.36(a)*

*Title IX: 34 CFR § 106.34*

*Section 504: 34 CFR § 104.4(a)*

*Section 504: 34 CFR § 104.34(a) & (c)*

*Section 504: 34 CFR § 104.47(b)*

*Guidelines V-A*

**Indicators of Compliance:** The written guidance plan, policy, and procedures ensure nondiscrimination.

**Review:**

- Guidance plan, policy, and procedure
- Written procedures for evaluation and placement of disable students
- Promotional and recruitment materials
- Enrollment demographics
- Recruitment, admission policies
- LEP policy
- Calendar of counseling and prevocational activities

Program guidance ('steering')

**Legal requirements:** Counselors must not direct students into programs based on their race, color, national origin, sex or disability. Recipients must ensure that counselors do not direct or urge any student to enroll in a particular career or program, or measure or predict a student's prospects for success in any career or program, based upon the student's race, color, national origin, sex or disability.

*Title IX: 34 CFR § 106.34*

*Section 504: 34 CFR § 104.47(b)*

*Guidelines V-B*

**Indicators of Compliance:** Career and technical education program enrollments by sex, race, national origin and disability are proportionate to enrollment of these groups in the general student population. Where enrollments are not proportionate, the institution can furnish a legitimate, nondiscriminatory rationale.

**Review:**

- Admission criteria
- Enrollment forms
- Enrollment demographics by program

Students with disabilities

**Legal requirements:** Recipients may not counsel disabled students toward more restrictive career objectives than nondisabled students with similar abilities and interests.

*Section 504: 34 CFR § 104.37(b)*

*Guidelines V-B*

**Indicators of Compliance:** Students with disabilities students have equal access to all programs and classes based on abilities and interests.

**Review:**

- Examples of pre-enrollment counseling
- Enrollment data

Disproportionate enrollments

**Legal requirements:** If disproportionate enrollments occur, efforts must be made to ensure that counseling services and materials are not responsible. Recipients must take steps to ensure that any disproportionate enrollment does not result from unlawful discrimination in counseling activities.

*Title IX: 34 CFR § 106.36*

*Guidelines V-B*

**Indicators of Compliance:** Recipient has process in place to identify disproportionate enrollment. When disproportionate enrollment occurs, recipient assesses counseling materials and activities and makes appropriate revisions or can articulate a legitimate, nondiscriminatory rationale.

**Review:**

- Examples of pre-enrollment counseling
- Enrollment data
- Examples of revised counseling materials in response to disproportionate enrollments

### Services for students with disabilities

No qualified person with a disability may be excluded from, denied benefits of, or subjected to discrimination in any course, program, or activity. A recipient may not restrict access for students with disabilities to institutions, programs, services and activities because of architectural barriers, equipment barriers, the need for related aids and services, or the need for auxiliary aids. Section 504 and ADA Title II are based upon the premise that students with disabilities will be integrated with their nondisabled peers as much as possible. Historically, the assumption was made that person with disabilities would not be able to function and the able-bodied should not put them in a position where they might be “uncomfortable”. However, research shows that gains made by persons with disabilities in the educational setting are enhanced when they are integrated with the appropriate aids and services. The Section 504 requirements for services for elementary and secondary students with disabilities are different from the requirements for services for postsecondary students with disabilities.

Suggested Persons to Interview (may clarify compliance with this standard): Agency CEO, Guidance Counselors, Department Chairs, ADA and 504 Coordinators, Coordinator for Student Support Services, Facilities Director. In addition to interviews, a visual inspection of facilities should be conducted.

### Program Access

**Legal requirements:** No qualified person with a disability is excluded from, denied benefits of, or subjected to discrimination in any course, program service or activity solely on the basis of disability.

*Title II: 28 CFR § 35.130(a)*

*Section 504: 34 CFR § 104.4(a)*

*Guidelines IV-N*

**Indicators of Compliance:** The agency implements policies and procedures ensuring access for students with disabilities to programs, services and activities.

**Review:**

- Board policy
- Student handbooks
- Non-standard criteria for admission into courses, programs, services and activities

### Exclusion

**Legal requirements:** Students with disabilities must not be excluded from vocational, career or academic programs, courses, services or activities due to equipment barriers or because necessary related aids and services or auxiliary aids are not available.

*Guidelines IV-N*

The institution does not impose additional rules on disabled students which have the effect of limiting participation.



*Title II: 28 CFR § 35.130(b)(8), 35.160(b)(1)*

*Section 504: 34 CFR § 104.33, 104.44(b)(d)*

**Indicators of Compliance:** The agency provides appropriate aids and services for students with disabilities and does not have policies that limit participation of students with disabilities.

**Review:**

- List of materials/resources available for students with disabilities
- Student handbook/college catalog
- Description of aids and services available/provided/denied
- Policies governing use of service animals, auxiliary aids, and closed captioning.
- Number of students with disabilities denied admission

Supplementary Aids

**Legal requirements:** Are supplementary aids and special services provided to students with disabilities to enable them to participate equally in career and technical programs?

*Section 504: 34 CFR § 104.44(d)(2)*

*Guidelines IV-N*

**Indicators of Compliance:** Is there a functioning accommodations process.

**Review:** List supplementary aids and services available to students with disabilities, which should also identify the providers of such services

Postsecondary 504 services

**Legal requirements:** If academic requirements that are essential to the career and technical program have the effect of discriminating against applicants or students on the basis of a disability, the institution should provide academic adjustments, including modified course examinations and auxiliary aids and services, for qualified disabled persons to complete a degree program and/or licensure requirements.

*Section 504: 34 CFR § 104.44(a)*

**Indicators of Compliance:** List of potential accommodations available to students with a disability who need such accommodations in order to succeed in a career and technical education program. Please note: this list should also identify the providers for such services.

**Review:**

- Interviews with student support services coordinator and faculty
- Records or equipment schedules for the provision of auxiliary aids and services to individual students with disabilities
- Interviews with students who are disabled and access support services.
- Sample syllabi with ADA accommodation statement.

Postsecondary – Auxiliary aids

**Legal requirements:** Are educational auxiliary aids provided to students with disabilities to enable them to participate equally in career and technical programs? If the institution does not provide educational auxiliary aids (i.e. closed captioning, interpreters, classroom equipment), has it assured that students with disabilities are provided equal educational opportunities?

*Section 504: 34 CFR § 104.44(d)*

**Indicators of Compliance:** Examples of auxiliary aids: braille or accessible electronic versions of written materials, sign language interpreter, captioned videos, classroom equipment adapted for use by students with manual impairments, etc.

**Review:**

- Interviews with students
- Interview with 504 Coordinator/Accommodations Specialist(s)
- Data about accommodations requests?

Postsecondary – Adjustment

**Legal requirements:** Postsecondary recipients need to adjust academic requirements to meet the needs of individual students with a disability.

*Title II: 28 CFR § 35.130(b)(7)*

*Section 504: 34 CFR § 104.44(a)*

*Guidelines IV-N*

**Indicators of Compliance:** The agency adjusts academic requirements as appropriate to meet the needs of students with disabilities. These adjustments could include modifications to academic requirements or other rules, changes to course examinations, and provision of auxiliary aids.

**Review:**

- Number of students with disabilities in various courses and programs
- List of programs in which particular students with disabilities have been denied access
- Programs in which essential requirements or licensing requirements have prevented access
- List of modifications by program
- Interviews

Postsecondary – Examinations

**Legal requirements:** Course examinations or other procedures for evaluating students' academic achievements are administered in such a way that students' with disabilities aptitudes or achievement levels or other relevant factors are measured and not the disability.

*Title II: 28 CFR § 35.130(b)(8)*

*Section 504: 34 CFR § 104.44(c)*

*Guidelines IV-N*

**Indicators of Compliance:** The agency accommodates needs of students with disabilities during testing.

**Review:**

- List of modifications to tests or test administration
- Location of testing; facility accessibility, auditory/lighting adequate
- Procedures for determining need
- Interviews

#### Postsecondary – Housing

**Legal requirements:** Students receive equitable opportunities to benefit from housing programs regardless of their sex, national origin, color, race or disability.

*Title II: 28 CFR § 35*

*Title VI: 34 CFR § 100.3(b)*

*Title IX: 34 CFR § 106.32*

*Section 504: 34 CFR § 104.45*

*Guidelines VI-C*

**Indicators of Compliance:** The on-campus housing reflects the demographics of the general student population. If an apparent disparity exists, the institution offers a legitimate, nondiscriminatory reason.

**Review:**

- Data of those living on campus
- Interviews with students
- Interviews with residence hall staff

#### Postsecondary – Off-campus housing

**Legal requirements:** The institution offers students with disabilities on-campus or off-campus housing that is comparable, convenient, and accessible to students with disabilities, at the same cost and under the same conditions as offered to students without disabilities.

*Section 504: 34 CFR § 104.45*

*Guidelines VI-C*

**Indicators of Compliance:** The housing program meets 504 and Title II accessibility requirements. Students with disabilities have a full range of features and prices to choose from.

**Review:**

- Interviews with students
- Disaggregated demographic study of who is living in the residence halls
- Audit of features and prices:
  - Description of all housing and housing assistance
  - Number of students who are disabled and nondisabled in housing
  - Costs to students who are disabled and nondisabled
  - Description of services and accommodations provided within housing facilities
- Observations

#### Postsecondary – Housing equity

**Legal requirements:** If an off-campus housing service is provided for students by arrangement with the institution, there is evidence that it is serving all students regardless of their sex, race, color, national origin or disability.

*Title II: 28 CFR § 35*

*Title VI: 34 CFR*

*Title IX: 34 CFR*

*Section 504: 34 CFR*

### *Guidelines VI-C*

**Indicators of Compliance:** The institution has nondiscriminatory agreements in place with off-campus housing providers. The institution acts to resolve allegations of discrimination against off-campus housing providers operating under contract or similar agreements.

**Review:**

- Data showing who is using the off-campus housing service
- Interviews with students
- Interviews with the off-campus housing staff
- Review of contracts and agreements

### *Postsecondary – Landlords*

**Legal requirements:** The college does not cooperate with any landlord who discriminates on the basis of race, color, national origin, sex or disability.

*Title II: 28 CFR § 35*

*Title VI: 34 CFR*

*Title IX: 34 CFR*

*Section 504: 34 CFR*

### *Guidelines VI-C*

**Indicators of Compliance:** Written “contract” with the landlord that includes the notification of nondiscrimination. Timely investigation initiated and corrective action taken in response to any complaint.

**Review:**

- Review of the written contracts with landlords
- Interviews with students
- Interviews with off-campus housing staff
- Interview with a sample of landlords

### *Access to information*

**Legal requirements:** Persons with a disability are provided access to information regarding admission to programs, courses and activities.

*Title II: 28 CFR § 35.160(a), 35.161*

### *Guidelines IV-N*

**Indicators of Compliance:** Information regarding admission to programs, courses and activities is provided in alternate formats for students with disabilities.

**Review:**

- List of equivalent programs and activities (internships, OJT programs, child care)
- Criteria for participation
- Catalog, student handbook and brochure descriptions of programs and activities
- Interviews

### Equivalent program

**Legal requirements:** Any activity or program, not operated by the institution but considered a part of, or equivalent to an institution's program, is operated in a manner which provides equal opportunities to qualified persons with a disability.

*Title II: 28 CFR § 35.130(b)(1)*

*Section 504: 34 CFR § 104.4(b)*

*Guidelines IV-N*

**Indicators of Compliance:** Agency programs operated by outside agencies provide equal opportunities to students and staff with disabilities.

**Review:**

- List of equivalent programs and activities (internships, child care, special programs in cooperation with business or industry)
- Criteria for participation
- Catalog, student handbook and brochure descriptions of programs and activities
- Interviews

### Programs open to public

**Legal requirements:** Programs open to parents or public (including graduation ceremonies, athletic events, plays, lectures) are accessible.

*Title II: 28 CFR § 35.102*

*Guidelines IV-N*

**Indicators of Compliance:** Public events are held in accessible facilities.

**Review:**

- Location & description of events
- Building meets applicable standards
- Interviews
- Observations

### Facility Accessibility

Recipient may not exclude students with disabilities from enjoying the benefits of its program or service because its facilities are inaccessible to or unusable by persons with disabilities. Interviews with the following persons may clarify compliance with this standard: Agency CEO, Guidance Counselors, Department Chairs, ADA and 504 Coordinators, Coordinator for Disabled Student Services, Facilities Director. In addition to interviews, a visual inspection of facilities should be conducted. Blueprints. Construction contracts. Work orders. Applicable accessibility standards are determined by the date the facility was constructed or last renovated by the institution.

- Existing facilities/Section 504 (34 CFR § 104.22) - construction or alteration initiated before 6/4/77 - "readily accessible"
- New construction/Section 504 (34 CFR § 104.23) - construction or alteration initiated between 6/4/77 and 1/17/91 – ANSI A117.1-1961 (R1971)

- New construction/Section 504 (34 CFR § 104.23 - construction or alteration initiated on or after 1/18/91 - UFAS
- New construction/ ADA (28 CFR § 35.151) - construction or alteration initiated on or after 1/27/92 - ADAAG or UFAS

List each facility reviewed with the date of construction or last renovation and the career and technical programs offered therein.

Existing facility under 504 – Built or altered beginning June 3, 1977 or earlier

**Legal requirements:** A recipient shall operate its program or activity so that when each part is viewed in its entirety, it is readily accessible to disabled persons. A recipient is not required to make each of its existing facilities or every part of a facility accessible to and usable by persons with disabilities.

*Section 504: 34 CFR § 104.22*

**Indicators of Compliance:**

- redesign of equipment
- reassignment of classes or other services to accessible buildings
- assignment of aides to beneficiaries (but no carrying)
- home visits
- alteration of existing facilities and construction of new facilities in conformance with the requirements for new construction or
- any other methods that result in making its program or activity accessible to persons with disabilities

**Review:**

- Observations and measurements
- Blueprints and plans
- Renovation schedules
- Maintenance records
- Work orders or contracts indicating construction start dates

New construction under 504 – Built or altered between June 4, 1977 and January 17, 1991

**Legal requirements:** Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient is designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities. Conformance with the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Disabled," published by the American National Standards Institute, Inc. (ANSI A117.1-1961 (R1971) Later versions of ANSI A117.1 do not apply.

*Section 504: 34 CFR § 104.23 (prior to January 18, 1991 amendment)*

**Indicators of Compliance:**

- 4.1 Grading

- 4.2 Walks
- 4.3 Parking lots
- 5.1 Ramps and gradients
- 5.2 Entrances
- 5.3 Doors and doorways
- 5.4 Stairs
- 5.5 Floors
- 5.6 Toilet rooms
- 5.7 Water fountains
- 5.8 Public phones
- 5.9 Elevators
- 5.10 Controls
- 5.11 Identification
- 5.12 Warning signals
- 5.13 Hazards

**Review:**

- Observations and measurements
- Blueprints and plans
- Renovation schedules
- Maintenance records
- Work orders or contracts indicating construction start dates

New construction under 504 – Built or altered between January 18, 1991 and January 26, 1992.  
 New construction under ADA Title II and 504 – Built after January 26, 1992; exercising the option to follow UFAS

**Legal requirements:** Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient or public entity is designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities. Conformance with the Uniform Federal Accessibility Standards (UFAS) (Appendix A to 41 CFR subparts 101-19.6). Departures from particular technical and scoping requirements permitted where substantially equivalent or greater access to and usability of the building is provided.

*Section 504: 34 CFR § 104.23*

*Title II: 28 CFR § 35.151*

**Indicators of Compliance:**

- 4.1 Minimum requirements
- 4.2 Space allowance and reach ranges
- 4.3 Accessible route
- 4.4 Protruding objects
- 4.5 Ground and floor surfaces
- 4.6 Parking and passenger loading zones

- 4.7 Curb ramps
- 4.8 Ramps
- 4.9 Stairs
- 4.10 Elevators
- 4.11 Platform lifts
- 4.12 Windows
- 4.13 Doors
- 4.14 Entrances
- 4.15 Drinking fountains and water coolers
- 4.16 Water closets
- 4.17 Toilet stalls
- 4.18 Urinals
- 4.19 Lavatories and mirrors
- 4.20 Bathtubs
- 4.21 Shower stalls
- 4.22 Toilet rooms
- 4.23 Bathrooms, bathing facilities, and shower rooms
- 4.24 Sinks
- 4.25 Storage
- 4.26 Handrails, grab bars, tub and shower seats
- 4.27 Controls and operating mechanisms
- 4.28 Alarms
- 4.29 Tactile warnings
- 4.30 Signage
- 4.31 Phones
- 4.32 Seating, tables, and work surfaces
- 4.33 Assembly areas
- 4.34 Dwelling units
- Other requirements

**Review:**

- Observations and measurements
- Blueprints and plans
- Renovation schedules
- Maintenance records
- Work orders or contracts indicating construction start dates

New construction under ADA Title II and 504 – Built after January 26, 1992; exercising the option to follow ADAAG

**Legal requirements:** Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient or public entity is designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities. Conformance



with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) (Appendix A to 34 CFR Part 36). Departures from particular requirements permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided.

*Section 504: 34 CFR § 104.23*

*Title II: 28 CFR § 35.151*

**Indicators of Compliance:**

- 4.1 Minimum requirements
- 4.2 Space allowance and reach ranges
- 4.3 Accessible route
- 4.4 Protruding objects
- 4.5 Ground and floor surfaces
- 4.6 Parking and passenger loading zones
- 4.7 Curb ramps
- 4.8 Ramps
- 4.9 Stairs
- 4.10 Elevators
- 4.11 Platform lifts (wheelchair lifts)
- 4.12 Windows
- 4.13 Doors
- 4.14 Entrances
- 4.15 Drinking fountains and water coolers
- 4.16 Water closets
- 4.17 Toilet stalls
- 4.18 Urinals
- 4.19 Lavatories and mirrors
- 4.20 Bathtubs
- 4.21 Shower stalls
- 4.22 Toilet rooms
- 4.23 Bathrooms, bathing facilities, and shower rooms
- 4.24 Sinks
- 4.25 Storage
- 4.26 Handrails, grab bars, tub and shower seats
- 4.27 Controls and operating mechanisms
- 4.28 Alarms
- 4.29 Detectable warnings
- 4.30 Signage
- 4.31 Phones
- 4.32 Fixed or built-in seating or tables
- 4.33 Assembly areas

- 4.34 Automatic teller machines
- 4.35 Dressing and fitting rooms
- Other requirements

**Review:**

- Observations and measurements
- Blueprints and plans
- Renovation schedules
- Maintenance records
- Work orders or contracts indicating construction start dates

**Comparable facilities**

Separate facilities for students with disabilities should be similar in quality and convenience to facilities for students without disabilities. Separate changing rooms, showers and other facilities for students of one sex should be similar in quality and convenience to the facilities for students of the other sex. Any separate facilities for male, female or students with disabilities should be located in similar proximity to the associated classrooms, shops or laboratories.

**Legal requirements:** If separate programs or facilities exist for students with disabilities, they are comparable to those for students without disabilities.

*Section 504: 34 CFR § 104.34(c)*

*Guidelines VI-A*

Changing rooms, showers, and other facilities for students of one sex are comparable to those provided to students of the other sex.

Changing rooms, showers, and other facilities for students with disabilities are comparable to those provided to students without disabilities.

*Title IX: 34 CFR § 106.33*

*Section 504: 34 CFR § 104.4(b)(ii)*

*Guidelines VI-D*

**Indicators of Compliance:** Facilities are comparable. Programs are comparable. Services are comparable. Locker rooms have approximately the same space and amenities for both males and females. If there is disparity, the institution provides a legitimate, nondiscriminatory rationale. Changing rooms, shower, bathrooms, and other facilities near the career and technical areas are comparable for both men and women. Persons with disabilities have convenient access to changing facilities and shower facilities.

**Review:**

- Visual examination and review of facilities
- Comparison of programs and services offered to both students with disabilities and students without disabilities
- Interviews with students and staff

### Housing in residential postsecondary vocational education centers

Colleges may have gender segregated housing policies. However, these segregated housing units are to operate under the same rules, regulations and restrictions. Both genders and diverse racial/ethnic groups are to have equitable access to on-campus housing. Comparable housing with access for persons with disabilities must also be provided in a way that does not segregate students with disabilities from other on-campus residents.

If an off-campus housing service is provided by the college, the service may take no requests, fill any requests, or in any way cooperate with an entity that discriminates on the basis of gender, race, ethnicity or disability. All outside entities working with the off-campus housing service must be notified of the nondiscrimination policy of the college.

Suggested Persons to Interview:

#### Rules

**Legal requirements:** Rules for students living in on-campus housing are clearly communicated.

*Guidelines VI-C*

**Indicators of Compliance:** Policies for the residence hall are in writing and distributed to all students.

**Review:**

- Handbook or copy of rules given to each student who lives in the residence hall
- Interviews with students
- Interviews with residence hall staff

#### Discipline

**Legal requirements:** Rules for students living in on-campus housing are the same for all students regardless of their gender, race, national origin or disability.

*Title II: 28 CFR § 35*

*Title VI: 34 CFR § 100.3(b)*

*Title IX: 34 CFR § 106.32*

*Section 504: 34 CFR § 104.45*

*Guidelines VI-C*

**Indicators of Compliance:** Disciplinary system reflects the demographics of the population living in the residence hall.

**Review:**

- Review of data concerning who is disciplined and the severity of the discipline by gender, race, national origin and disability
- Interviews with students
- Interviews with residence hall staff

#### Supervision

**Legal requirements:** Effective supervision is provided to ensure that on-campus housing facilities are safe and provide an environment conducive to learning.

*Guidelines VI-C*

**Indicators of Compliance:** Students and staff perception of security and environment conducive to learning. Disciplinary records of harassment, loud noise, and/or other indicators that the residence halls are safe and conducive to learning.

**Review:**

- Interviews with students and residence hall staff
- Interviews with teaching staff

Accessible

**Legal requirements:** On-campus housing is accessible to students with disabilities.

*Title II: 28 CFR § 35*

*Section 504: 34 CFR § 104.45*

*Guidelines VI-C*

*ANSI*

*ADAAG*

*UFAS*

**Indicators of Compliance:** The facilities are barrier free and students with disabilities have independent access to the residence hall. The demographics of the residence hall reflects the student body.

**Review:**

- Interviews with students
- Disaggregated demographic study of who is living in the residence halls

Work study, cooperative education and job placement

An agency not only has the responsibility to provide its services in a nondiscriminatory manner, but it also has the responsibility not to foster discrimination by businesses that provide employment or workplace learning sites. To be a partner in that discrimination is illegal. Assignments cannot be made or withheld in such programs simply because of the sex, race, national origin or disability of the student. It is also illegal to cooperate with an employer that requests students on the basis of sex, race, color, national origin or disability status. It is recommended that agencies have written agreements whereby the cooperating worksite indicates that they will not discriminate and that they understand the institution or college will not work with any business that does. It is necessary to review these written agreements, the assignments of students presently in such programs and the placement process to see whether any such patterns exist.

Suggested Persons to Interview:

Opportunities

**Legal requirements:** Opportunities in work study, cooperative education and job placement programs are available to all students regardless of race, color, national origin, sex or disability.

*Title VI: 34 CFR § 100.3(b)*

*Title IX: 34 CFR § 106.31(d)*

*Section 504: 34 CFR § 104.4(b)*

### *Guidelines VII-A*

**Indicators of Compliance:** Students in the work-study, cooperative education and job placement programs are representative of the demographics of the institution or program. If there is a disparity, the institution provides a legitimate, nondiscriminatory rationale.

**Review:**

- Review of enrollment data in the work-study, cooperative education and job placement programs
- Interviews with students
- Interviews with staff

### *Employer non-discrimination*

**Legal requirements:** A recipient that assists employers and prospective employers in making employment opportunities available to any of its students must ensure that the employer does not discriminate on the basis of race, color, national origin, sex or disability in recruitment, hiring, placement, assignment to work tasks, hours of employment, levels of responsibility and pay.

*Title VI: 34 CFR § 100.3(b)*

*Title IX: 34 CFR § 106.38*

*Section 504: 34 CFR § 104.46(b)*

### *Guidelines VII-A*

**Indicators of Compliance:** Workplace agreements contain an assurance of nondiscrimination that is signed by both the employer and the agency. The recipient does not honor any employer's requests for students who are free of disabilities or for students of a particular race, color, national origin or sex.

**Review:**

- Review of workplace assignments, hours of work and job assignments
- Interviews with students
- Interviews with staff

### *Apprenticeship training program*

In the same way that an employer may not discriminate and the educational agency may not work with any that do discriminate, it also has the responsibility to ensure that entities sponsoring apprenticeship programs such as unions do not discriminate. To be a partner in that discrimination is illegal. Assignments cannot be made or withheld in an apprenticeship program simply because of the sex, race, color, national origin or disability of the student. A written agreement is recommended whereby the apprenticeship program indicates it will not discriminate on these bases. It is necessary to review apprenticeship assurance forms, the assignments of students presently in such programs and the placement process to see whether any such patterns exist.

Suggested Persons to Interview:

## Non-discrimination

**Legal requirements:** Schools may not enter into an agreement for the provision or support of apprentice training for students or union members with any labor union or other sponsor that discriminates against its members or applicants on the basis of race, color, national origin, sex or disability.

*Title VI: 34 CFR § 100.3(c)*

*Title IX: 34 CFR § 106.31(d)*

*Section 504: 34 CFR § 104.11(a)(4)*

*Guidelines VII-B*

**Indicators of Compliance:** Verification that staff understands this requirement. Verification that staff has not honored any request.

**Review:**

- Policy or written procedure
- Interview with students
- Interview with staff
- Interview with sponsors of apprenticeship programs

## Written assurance

**Legal requirements:** A written agreement between the institution and the labor union or other sponsor includes an assurance of nondiscrimination on the basis of race, color, national origin, sex or disability.

*Guidelines VII-B*

**Indicators of Compliance:** Written agreement between apprenticeship program and the agency contains the nondiscrimination statement that is signed by both parties.

**Review:** Review of the written agreement

## Employment

Recipients are prohibited from engaging in any employment practice that discriminates against any employee or applicant for employment on the basis of sex, disability, race, color or national origin. Specific issues include employment policies, recruitment and selection matters, salary establishment and administration, reasonable accommodation and overcoming the effects of past discrimination.

**Suggested Persons to Interview:** Personnel Director/Human Resources Director/Human Director, Recruiters or Personnel Staffing Specialists, Affirmative Action Officer, Top Managers, Members of Recruitment and Selection Teams or Committees, Recent hires, Union Officers or Negotiators, Staff who are members of protected groups.

## Employment practices

**Legal requirements:** Recipients may not engage in any employment practice that discriminates against any employee or applicant for employment on the basis of sex or disability. Recipients may not engage in any employment practice that discriminates on the basis of race, color or national origin if such discrimination tends to result in segregation, exclusion or other

discrimination against students. Recipients may not make pre-employment inquiries concerning disability, marital or parental status.

*Title VI: 34 CFR § 100.3(c)*

*Title IX: 34 CFR § 106.51, 106.57, 106.60*

*Section 504: 34 CFR § 104.13, 104.14*

*Guidelines VIII-A*

**Indicators of Compliance:** Recipient's employment practices are conducted without regard to race, color, national origin, sex or disability of applicants or employees. Application forms and materials are free from prohibited questions concerning disability or marital or parental status.

**Review:**

- Hiring policies and procedures
- Advancement policies and procedures
- Employee handbooks
- Application materials and forms
- Screening committee policies and procedures
- Rating systems
- Job announcements
- Recruitment policies
- Interview policies and procedures, and other appropriate personnel or employment policies, procedures, and documents

Notifications

**Legal requirements:** The recipient must notify every source of faculty that it does not discriminate on the basis of race, color, national origin, sex or disability.

*Guidelines VIII-B*

**Indicators of Compliance:** Local education agency or postsecondary institution notifies its sources of faculty that it does not discriminate on the basis of race, color, national origin, sex or disability.

**Review:**

- Employment policies
- Employee handbook
- Application form for employment
- Vacancy announcements and advertisements
- Recruitment letters or contacts
- Personnel website and other related recruitment documents
- Published nondiscrimination statement in newspapers, student handbooks, other college materials

Salary scales

**Legal requirements:** The recipient should establish and maintain faculty salary scales on the basis of the conditions and responsibilities of employment without regard to race, color, national origin, sex or disability.

*Title IX: 34 CFR § 106.54*

*Section 504: 34 CFR § 104.11, 104.12*

**Indicators of Compliance:** Faculty salary scales and policy are based upon the conditions and responsibilities of employment without regard to race, color, national origin, sex or disability. Faculty assignment patterns are nondiscriminatory on the basis of race, color, national origin, sex or disability. Non-faculty salary administration is based upon the conditions of employment without regard to race, color, national origin, sex or disability.

**Review:**

- Faculty salary schedules and related policies
- Faculty assignment information by race/ethnic group, sex and disable staff
- A non-faculty classification/compensation system is in place which evaluates jobs and places them in appropriate salary ranges according to working conditions and levels of employment responsibility

*Opportunity*

**Legal requirements:** Recipients must provide equal employment opportunities for teaching and administrative positions to disabled applicants who can perform the essential functions of the positions and make reasonable accommodations for the physical or mental limitations of disabled (otherwise qualified) applicants unless it can be demonstrated that such accommodations would impose undue hardship.

*Section 504: 34 CFR § 104.12*

*Guidelines VIII-E*

**Indicators of Compliance:** Recipient's employment policies do not unlawfully discriminate against the disabled. Disabled persons are employed in teaching and administrative positions and are not treated differently in promotion and tenure decisions.

**Review:**

- Number of staff with disabilities
- Copies/descriptions of policies, procedures and criteria considered for hiring, promotion, retention and tenure including professional and non-professional applications

*Representation of protected groups*

**Legal requirements:** The guidelines require that whenever the Office for Civil Rights finds that in light of the representation of protected groups in the relevant labor market there is a significant under-representation or over-representation of protected group persons on the staff of a vocational education school or program, it will presume that the disproportion results from unlawful discrimination. This presumption can be overcome by proof that qualified persons of the particular race, color, national origin or sex, or that qualified disabled persons are not, in fact, available in the relevant labor market.

*Guidelines VIII-C*

**Indicators of Compliance:** The percentage of members of protected groups represented on the recipient program or school staff by EEO category is as great as the percent of members of such



groups in the relevant EEO category labor market. If the percent of EEO category staff members was lower than the percent in the relevant labor market, the recipient provided proof that qualified members of protected groups were not available for hiring. The recipient is making substantial progress insuring the representation of protected groups in all EEO categories within the district.

**Review:**

- Percent of protected group members in relevant labor market and on recipient school or program staff by EEO category
- Availability of members of protected groups in the relevant labor market
- Time series data on EEO category data for school staff and similar data for labor market availability; Affirmative Action plan and summary of efforts to correct problems
- Recruitment information and statistics; hires information; retention information
- The percentage of members of protected groups represented on the recipient program or school staff by EEO category is as great as the percent of members of such groups in the relevant EEO category labor market
- If the percent of EEO category staff members was lower than the percent in the relevant labor market, the recipient provided proof that qualified members of protected groups were not available for hiring
- The recipient is making substantial progress insuring the representation of protected groups in all EEO categories within the district

Past discrimination

**Legal requirements:** Requires recipients to take steps to overcome the effects of past discrimination. Such steps may include the recruitment or reassignment of qualified persons of a particular race, national origin, sex or who are disabled.

*Guidelines VIII-F*

**Indicators of Compliance:** Recruitment efforts are limited to schools, communities or companies which are disproportionately composed of persons of a particular race, national origin, sex or those who are disabled. Local agency or postsecondary institution has: an affirmative action/equal employment opportunity plan adopted by the board. Taken steps to implement the affirmative action plan. Made substantial progress in taking steps to overcome the effects of past discrimination.

**Review:**

- Status report or description of recruitment activities including sources and contacts
- Description of any affirmative action taken or planned (if any) to overcome the effects of past discrimination

Federal financial assistance

**Legal requirements:** Requires where State Advisory Council of Vocational Education are recipients of federal financial assistance and, therefore, must comply with Section VIII of the Guidelines.

*Guidelines VIII-G*

**Indicators of Compliance:** The percentage of members of the protected groups represented on the State Advisory Council staff is as great as the percent of members of such groups in the relevant labor market. If the percent of staff members was lower than the percent in the relevant labor market, the recipient Advisory Council provided proof that qualified members of protected groups were not available for hiring.

**Review:**

- Percent of protected group members in relevant labor market and on State Advisory Council staff
- Availability of members of protected groups in the relevant labor market.