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# Montana University System

**Office of the Commissioner of Higher Education**



**Methods of Administration Review**

Postsecondary Self-Assessment Compliance Checklist

**Federal Compliance Requirements:**

U.S. Department of Education Regulations Implementing:

* Title VI of the Civil Rights Act of 1964 (Title VI), 34 CFR Part 100
* Title IX of the Education Amendments of 1972 (Title IX), 34 CFR Part 106
* Section 504 of the Rehabilitation Act of 1973 (Section 504), 34 CFR Part 104
* Vocational Education Programs Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color and National Origin, Sex and Handicap (Guidelines), 34 CFR Part 100 Appendix B

U.S. Department of Justice Regulations Implementing:

* Title II of the Americans with Disabilities Act of 1990 (ADA), 28 CFR Part 35

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Montana University System | Office of the Commissioner of Higher Education

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| **Section 1 Administrative** | | |
| **Equity Requirement/**  **Legal Citation** | **Indicators of Compliance** | **Documentation** |
| **1.1 Continuous Nondiscrimination Notice** | | |
| A college must take continuing steps to notify participants, beneficiaries, applicants, parents, employees (including those with impaired vision or hearing), and unions or professional organizations holding collective bargaining or professional agreements with the college that it does not discriminate on the basis of race, color, national origin, sex, or disability.  Title IX; 34 CFR 106.9  Section 504: 34 CFR 104.8 | A variety of college publications notifies applicants, students, employees and parents that it does not discriminate on the basis of race, color, national origin, sex, or disability.  *Please provide a minimum of three examples of nondiscrimination notices.* | * Brochures on programs, activities * Student application * Job application * Catalog * Student handbook * Job announcements * Posters advertising various programs * Recruitment materials * Website * Newspapers (school newspaper as well as ads in community newspaper) |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |
| **1.2 Persons Responsible for Coordinating Title IX and Section 504** | | |
| Each college shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Section 504, Title II, and Title IX.  The college must notify students and employees of the name, office address, and phone number of the designated employee(s).  Title II: 28 CFR 35.107 (a)  Title IX: 34 CFR 106.8  Section 504: 34 CFR 104.7(a) | College has assigned a person(s) to coordinate Section 504, Title II, and Title IX activities. This (these) person(s) must be aware of their duties and responsibilities and have the training necessary to carry out their responsibilities.  College lists coordinators of Section 504, Title II, and Title IX with their name/title, address, and phone number in the notice of nondiscrimination. | * Catalogs * Handbooks * Job descriptions * Website * Interviews with Section 504, Title II, and Title IX coordinators * Interview students, particularly nontraditional and disabled * Interview some faculty and administrators |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |

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| **Section 1 Administrative** | | |
| **Equity Requirement/**  **Legal Citation** | **Indicators of Compliance** | **Documentation** |
| **1.3 Annual Public Notification** | | |
| Prior to the beginning of each school year, colleges must advise students, parents, employees and general public that all vocational opportunities will be offered regardless of race, color, national origin, sex or disability.  The notice must include a brief summary of program offerings and admission criteria and the name, office address,  and phone 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(a)  Title II: 28 CFR 35.107(a)  Guidelines IV-O | College 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 Section 504/ADA and Title IX with their name/title, address, and phone number. | * A notice in a local newspaper, college newspaper, or other publication * A copy of the notice describing program offerings and admission criteria * A description of how the notice reaches students, employees, and applicants * A description of the method used to make this notice available to the visually impaired * If there are national origin minority students with limited English skills in the community, a description of the method used to make this notice available to them |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |
| **1.4 Grievance Procedure** | | |
| A college shall adopt and publish a grievance procedure providing for prompt and equitable resolution of student and employee complaints alleging any discrimination based on sex or disability.  Section 504: 34 CFR 104.7(b)  Title IX: 34 CFR 106.8(b)  Title II: 28 CFR 35.107(b) | College 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. | * Student handbooks * Employee handbooks * Catalogs * Data on complaints * Interviews with faculty, students, and administrators * Interviews with Section 504/ADA and Title IX coordinators |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |

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| **Section 2 Site Location** | | |
| **Equity Requirement/**  **Legal Citation** | **Indicators of Compliance** | **Documentation** |
| **2.1 Site Selection** | | |
| College 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. Colleges must locate vocational 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 | Career & Technical Education sites are readily accessible to minority and nonminority communities and their location does not have a segregative effect. | * Maps showing location of Career & Technical Education facilities * Enrollment demographics for each facility * Demographics of communities surrounding facility |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |
| **2.2 Site Modifications** | | |
| A college may not add to, modify, or renovate the physical plan of a vocational facility in a manner that creates, maintains, or increases segregation on the basis of race, color, national origin, sex, or disability.  Guidelines IV-D | After modification, the Career & Technical Education site is readily accessible to minority and nonminority communities and the modification does not have a segregative effect. | * Maps showing location of modified Career & Technical Education facilities * Student demographics before and after facility modifications * Demographics of communities surrounding facility |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |
| **2.3 Residency** | | |
| A college may not establish, approve, or maintain geographic boundaries that unlawfully exclude students on the basis of race, color, or national origin.  Guidelines IV-C | Attendance zones do not have the effect of excluding students on the basis of race, color, or national origin. | * Maps of attendance zones * Demographics of contiguous service areas to the facility * Curriculum offerings at contiguous facilities * Job placement rates at contiguous facilities |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |

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| **Section 3 Recruitment** | | |
| **Equity Requirement/**  **Legal Citation** | **Indicators of Compliance** | **Documentation** |
| **3.1 Non-exclusive Recruitment** | | |
| Colleges 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 | All potential students have access to information.  Efforts are made to reach underrepresented groups. | * Recruitment plans * List of recruitment activities and sites * Description of recruitment activities |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |
| **3.2 Recruitment Materials** | | |
| 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 | Descriptions of career opportunities are bias-free and free from stereotyping. | * Recruitment brochures and marketing materials * Course catalog |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |
| **3.3 Recruiting Teams** | | |
| To the extent possible, recruiting teams should represent persons of different races, national origins, sexes, and disabilities.  Guidelines V-C | Where possible, persons of differing races, genders, and disability are used for recruiting purposes.  (But a failure to do so should not be construed as noncompliance.) | * Staff demographics by program * Recruitment team demographics by program |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |

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| **Section 3 Recruitment** | | |
| **Equity Requirement/**  **Legal Citation** | **Indicators of Compliance** | **Documentation** |
| **3.4 Promotional Efforts and Materials** | | |
| Colleges 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 | Materials and/or media presentations show persons of varying races, male and female, persons with disabilities, and different national origins. | * Promotional materials, including: * brochures * flyers * newspaper advertising * catalogs |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |
| **3.5 Community with Persons of Limited English Proficiency** | | |
| If a college’s service area contains a community with persons of limited English proficiency, information must be available to that community in its language.  Guidelines V-E | Process is in place to identify and communicate with language minority communities. Efforts are made to communicate in a commonly understood language. | * Verification of limited English proficient community * Samples of materials in other languages |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |

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| **Section 4 Admissions** | | |
| **Equity Requirement/**  **Legal Citation** | **Indicators of Compliance** | **Documentation** |
| **4.1 Student Eligibility** | | |
| College 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 | Student eligibility criteria for admission to Career & Technical Education schools, facilities or programs do not discriminate on the basis of race, color, national origin, sex, or disability. | * Eligibility and admission criteria for Career & Technical Education Schools * Eligibility and admission criteria for Career & Technical Education facilities, campuses * Eligibility and admission criteria for Career & Technical Education programs |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |
| **4.2 Admission Issues** | | |
| A college 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 of a particular race, color, national origin, sex, or disability. If such disproportionate exclusion occurs, the criteria or standards must be validated as essential to participation.  Guidelines IV-K | Demographics of career-technical enrollment are similar to demographics of eligible pool or college provides a legitimate nondiscriminatory rationale.  Demographics of specific Career & Technical Education programs are similar to demographics of entire career-technical enrollment or college 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. | * Admissions policy for career and technical education programs. Description of the admissions process * Procedures and criteria for selective admissions for career and technical programs (where there are more applicants than can be accommodated) * Demographics of rejected applicants by selection criteria * Demographics of selected applicants by selection criteria |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |

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| **Section 4 Admissions** | | | |
| **Equity Requirement/**  **Legal Citation** | | **Indicators of Compliance** | **Documentation** |
| **4.3 Preadmission Inquiries** | | | |
| Colleges must avoid preadmission inquiries about marital, parental, or disability status.  Title IX: 34 CFR 106.21(c) Section 504: 34 CFR 104.42 (b)(4)  Title II: 28 CFR 35 | Application forms and materials do not request information about marital, parental, or disability status. | | * Admissions application form and materials |
| **Comments:** | | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | | |
| **4.4 Unlimited Occupational Opportunities for Disabled Persons** | | | |
| A college 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 disabled persons than for nondisabled persons.  Section 504: 34 CFR 104.10  Section 504: 34 CFR 104.43(c)  Guidelines IV-N | | The agency does not discourage students with disabilities from participating in programs due to potential workplace discrimination. | * Documentation of counseling * Counseling materials * Enrollment data * Number of disabled students by program * Placement/follow-up data * Interviews |
| **Comments:** | | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | | |

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| **Section 4 Admissions** | | |
| **Equity Requirement/**  **Legal Citation** | **Indicators of Compliance** | **Documentation** |
| **4.5 Limited English Skills** | | |
| A college may not restrict admission to vocational 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 | College has a procedure in place to identify and assess applicants with limited English proficiency.  LEP enrollment in vocational education is proportional to LEP enrollment in the service area  LEP enrollment in specific vocational programs is proportional to LEP enrollment in vocational education overall. | * 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. |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |
| **4.6 Impaired Sensory, Vocal, or Speaking Skills** | | |
| **Postsecondary** admission tests are selected and administered in such a way that they accurately reflect the aptitude or achievement of an applicant  with impaired sensory, vocal, or speaking skills, rather than measuring the disability (except where these skills are the factors the tests purports to measure).  Section 504: 34 CFR 104.44(b)(3)  Guidelines IV-N | Admission tests and their manner of administration are validated for use with persons with impaired sensory, vocal or speaking skills. | * Lists of tests used * Description of test administration methods for persons with sensory, vocal, or speaking impairments |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |
| **4.7 Preadmission Inquiries Regarding Disabling Conditions** | | |
| **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) | The college does not request information about disability prior to admission. | * Student handbook/college catalog * Application forms * Guidance/counseling forms and procedures * Recruitment materials * Admissions packets * Interviews |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |

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| **Section 5 Student Financial Assistance** | | | |
| **Equity Requirement/**  **Legal Citation** | | **Indicators of Compliance** | **Documentation** |
| **5.1 Financial Assistance Available to All Students** | | | |
| 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 | | 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. | * Financial aid data by sex, race, color, national origin, or disability * Interviews with students * Interviews with financial aid staff * Interviews with admissions counselors |
| **Comments:** | | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | | |
| **5.2 Sex-Restricted Awards** | | | |
| 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 106.37  Guidelines VI-B | 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 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 |
| **Comments:** | | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | | |

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| **Section 5 Student Financial Assistance** | | | |
| **Equity Requirement/**  **Legal Citation** | **Indicators of Compliance** | | **Documentation** |
| **5.3 Financial Aid Information Written Equitably** | | | |
| Information about financial assistance is equitably written and does not lead students to believe it is awarded on a discriminatory basis.  Guidelines VI-B | 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 materials written for students and families concerning the financial assistance available * Interviews with students * Interviews with financial aid staff |
| **Comments:** | | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | | |
| **5.4 Aid Information in Other Languages** | | | |
| National origin minority persons with limited English language skills receive information about financial assistance in their own language.  Guidelines VI-B | | 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 written communications * Review demographics of the area served by the college * Interviews with students * Interview bilingual interpreters |
| **Comments:** | | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | | |

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| **Section 6 Advising and Counseling** | | |
| **Equity Requirement/**  **Legal Citation** | **Indicators of Compliance** | **Documentation** |
| **6.1 Counseling Materials and Activities** | | |
| Colleges 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 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), and 104.34 (a) and (c)  Section 504: 34 CFR 104.47 (b)  Title II: 28 CFR 35.130  Guidelines V-A | The written guidance plan, policy, and procedures ensure nondiscrimination.  The written assessment plan ensures nondiscrimination. | * Advising plan, policy, and procedure * Assessment plan with a list of tests administered (if applicable) * Written procedures for evaluation and placement of disabled students * Promotional and recruitment materials * Enrollment demographics * Recruitment, admission policies |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |
| **6.2 Career & Technical Education Programs Open to All Students** | | |
| Counselors must not direct students into programs based on their race, color, national origin, sex, or disability. Colleges 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 | Career & 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. | * Admission criteria * Enrollment forms * Enrollment demographics by class/program |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |

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| **Section 6 Advising and Counseling** | | | |
| **Equity Requirement/**  **Legal Citation** | **Indicators of Compliance** | **Documentation** | |
| **6.3 Nonrestrictive Career Objectives for Students with Disabilities** | | | |
| Colleges 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 | Disabled students have equal access to all programs and classes based on abilities and interests. | * Examples of pre-enrollment counseling * Enrollment data | |
| **Comments:** | | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | | |
| **6.4 Counseling of Students with Limited English Proficiency or Sensory Impairments** | | | |
| Colleges must ensure that counselors can effectively communicate with students with limited English proficiency and with students with sensory impairments.  Guidelines V-D | 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. | * 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 | |
| **Comments:** | | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | | |
| **6.5 Disproportionate Enrollment** | | | |
| If disproportionate enrollments occur, efforts must be made to ensure that counseling services and materials are not responsible. Colleges 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 | College has process in place to identify disproportionate enrollment. When disproportionate enrollment occurs, college assesses counseling materials and activities and makes appropriate revisions or can articulate a legitimate, nondiscriminatory rationale. | | * Examples of pre-enrollment counseling * Enrollment data * Examples of revised counseling materials or activities in response to disproportionate enrollments |
| **Comments:** | | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | | |

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| **Section 7 Services for Students with Disabilities** | | |
| **Equity Requirement/**  **Legal Citation** | **Indicators of Compliance** | **Documentation** |
| **7.1 No Exclusion Based on Disability** | | |
| 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.  Section 504: 34 CFR 104.4(a)  Title II: 28 CFR 35.130(a)  Guidelines IV-N | The agency implements policies and procedures ensuring access for students with disabilities to programs, services, and activities. | * Institutional Policy * Student handbooks * Membership lists in clubs and activities * Procedures for selection into clubs, activities, programs * Criteria for admission into courses, programs, services, and activities |
| 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 agency provides appropriate aids and services for students with disabilities and does not have policies that limit participation of students with disabilities. | * Example(s) of equipment adapted * Description of policy for providing aids and services * Description of aids and services available/provided/denied * List of materials/resources available for seeing or hearing impaired * Enrollment data by program * Number of disabled students denied admission * Student handbook/college catalog * Policies governing use of guide dogs, tape recorders, note takers * Interviews |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |
| **7.2 Academic Adjustments** | | |
| 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) | List of academic adjustments available to disabled students who need such modifications in order to succeed in a career and technical education program. Please note: This list should also identify the providers of such services. | * Interviews with disabled students services coordinator and faculty * Records or equipment schedules for the provision of auxiliary aids and services to individuals students with disabilities. * Interviews with disabled students |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |

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| **Section 7 Services for Students with Disabilities** | | |
| **Equity Requirement/**  **Legal Citation** | **Indicators of Compliance** | **Documentation** |
| **7.3 Adjusted Academic Requirements** | | |
| Postsecondary colleges need to adjust academic requirements to meet the needs of individual students with a disability.  Section 504: 34 CFR 104.44(a)  Title II: 28 CFR 35.130(b)(7)  Guidelines IV-N | The agency adjusts academic requirements as appropriate to meet the needs of students with disabilities. | * Number of disabled students in various courses and programs * List of programs in which particular disabled students have been denied access * Programs in which essential requirements or licensing requirements have prevented access * List of modifications by program * Interviews |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |
| **7.4 Course Examinations & Evaluations** | | |
| Course examinations or other procedures for evaluating students' academic achievements are administered in such a way that disabled students' aptitudes or achievement levels or other relevant factors are measured and not the disability.  Section 504: 34 CFR 104.44(c)  Title II: 28 CFR 35.130(b)(8)  Guidelines IV-N | The agency accommodates needs of students with disabilities during testing. | * Lists of modifications to tests or test administration * Location of testing; facility accessible, auditory/lighting adequate * Procedures for determining need * Interviews |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |
| **7.5 Housing in Postsecondary Institutions** | | |
| Students receive equitable opportunities to benefit from housing programs regardless of their sex, national origin, color, race, or disability.  Title VI: 34 CFR 100.3(b)  Title IX: 34 CFR 106.32  Section 504: 34 CFR 104.45  Guidelines VI-C | The on-campus housing reflects the demographics of the general student population.  If an apparent disparity exists, the institution offers a legitimate, nondiscriminatory reason. | * Data of those living on campus. * Interviews with students * Interviews with residence hall staff |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |

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| **Section 7 Services for Students with Disabilities** | | |
| **Equity Requirement/**  **Legal Citation** | **Indicators of Compliance** | **Documentation** |
| **7.6 Comparable Housing** | | |
| 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 nondisabled students.  Section 504: 34 CFR 104.45  Guidelines VI-C | The housing program meets 504 and Title II accessibility requirements.  Students with disabilities have a full range of features and prices to choose from. | * Interviews with students * Disaggregated demographic study of who is living in the residence halls * Audit of features and prices |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |
| **7.7 Off-campus Housing Does Not Discriminate** | | |
| 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 VI: 34 CFR  Title IX: 34 CFR  Section 504: 34 CFR  Guidelines VI-C | 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 arrangement. | * Data showing who is using the off campus housing service * Interviews with students * Review of contracts and agreements. |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |

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| **Section 8 Accessibility** | | |
| **Equity Requirement/**  **Legal Citation** | **Indicators of Compliance** | **Documentation** |
| **8.1 504/ADA Accessibility Issues** | | |
| College 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.  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* | Applicable accessibility standards are determined by the date the facility was constructed or last renovated by the institution. | * List each facility reviewed with the date of construction or last renovation and the Career & Technical Education programs offered therein. * (building) * (date) * (programs) * (Additional Attachments may be required) |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |
| **8.2 Existing Facility under Section 504 – built or altered beginning June 3, 1977, or earlier** | | |
| A college shall operate its program or activity so that when each part is viewed in its entirety, it is readily accessible to disabled persons. A college 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 | * 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 | * Observations and measurements * Blueprints and plans * Renovation schedules * Maintenance records * Work orders or contracts indicating construction start dates |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |

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| **Section 8 Accessibility** | | |
| **Equity Requirement/**  **Legal Citation** | **Indicators of Compliance** | **Documentation** |
| **8.3 New Construction under Section 504 – built or altered between June 4, 1977, and January 17, 1991, inclusive** | | |
| Each facility or part of a facility constructed by, on behalf of, or for the use of a college 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) | ANSI  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 | * Observations and measurements * Blueprints and plans * Renovation schedules * Maintenance records * Work orders or contracts indicating construction start dates |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |
| **8.4a New Construction under Section 504 – built or altered between January 18, 1991, and January 26, 1992, inclusive** | | |
| **8.4b New Construction under ADA Title II and Section 504 – built after January 26, 1992; exercising the option to follow UFAS** | | |
| Each facility or part of a facility constructed by, on behalf of, or for the use of a college 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 subpart 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 | Uniform Federal Accessibility Standards (UFAS), as applicable, 4.1 through 4.34.  <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-aba-standards/ufas> | * Observations and measurements * Blueprints and plans * Renovation schedules * Maintenance records * Work orders or contracts indicating construction start dates |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |
| **Section 8 Accessibility** | | |
| **Equity Requirement/**  **Legal Citation** | **Indicators of Compliance** | **Documentation** |
| **8.5 New Construction under ADA Title II and Section 504 – built after January 26, 1992; exercising the option to follow 1991 ADAAG** | | |
| Each facility or part of a facility constructed by, on behalf of, or for the use of a college 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 | ADA Accessibility Guidelines (ADAAG), as applicable, 4.1 through 4.35.  <https://www.ada.gov/1991standards/1991standards-archive.html> | * Observations and measurements * Blueprints and plans * Renovation schedules * Maintenance records * Work orders or contracts indicating construction start dates |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |

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| **Section 9 Comparable Facilities** | | |
| **Equity Requirement/**  **Legal Citation** | **Indicators of Compliance** | **Documentation** |
| **9.1 Comparable Facilities** | | |
| 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 | Facilities are comparable.  Programs are comparable.  Services are comparable. | * Review of facilities * Comparison of programs and services offered to both students with disabilities and students without disabilities |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |
| **9.2 Comparable Showers & Changing Rooms** | | |
| 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 | 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 & Technical Education areas are comparable for both men and women.  Persons with disabilities have convenient access to changing facilities and shower facilities. | * Visual examination of the facilities * Interviews with students * Interviews with staff |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |

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| **Section 10 Work Study, Cooperative Education, & Job Placement** | | |
| **Equity Requirement/**  **Legal Citation** | **Indicators of Compliance** | **Documentation** |
| **10.1 Opportunities Available to All** | | |
| 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 | Students in the work-study, cooperative education, and job placement programs are representative of the demographics of the school or program.  If there is disparity, the institution provides a legitimate, nondiscriminatory rationale. | * Review of enrollment data in the work-study, cooperative education, and job placement programs * Interviews with students * Interviews with staff |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |
| **10.2 Assurance of Employer Nondiscrimination** | | |
| A college 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 | Workplace agreements contain an assurance of nondiscrimination that is signed by both the employer and the agency.  The college 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 of workplace assignments, hours of work, and job assignments * Interviews with students * Interviews with staff |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |

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| **Section 11 Apprenticeship Training Program** | | |
| **Equity Requirement/**  **Legal Citation** | **Indicators of Compliance** | **Documentation** |
| **11.1 Nondiscrimination from Union or Sponsor** | | |
| 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-A | Verification that staff understands this requirement.  Verification that the staff has not honored any request. | * Policy or written procedure * Interview with students * Interview with staff * Interview with sponsors of apprenticeship programs |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |
| **11.2 Written Agreement Assuring Nondiscrimination from Union or Sponsor** | | |
| 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-A | Written agreement between apprenticeship program and the agency contains the nondiscrimination statement that is signed by both parties. | * Review of the written agreement |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |

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| **Section 12 Employment** | | |
| **Equity Requirement/**  **Legal Citation** | **Indicators of Compliance** | **Documentation** |
| **12.1 Pre-employment & Employment Practices** | | |
| Colleges may not engage in any employment practice that discriminates against any employee or applicant for employment on the basis of sex or disability. Colleges 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.  Colleges may not make pre-employment inquires concerning disability, marital, or parental status.  Title VI: 34 CFR 100.3(c)  Title IX: 34 CFR 106.51, 106.57, and 106.60  Section 504: 34 CFR 104.13 and 104.14  Guidelines VIII-A | College’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. | * Employment practices or documents including: * 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 |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |
| **12.2 Notice to Faculty of Nondiscrimination** | | |
| The college 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 | Local 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. | * Application form for employment * Vacancy announcements and advertisements * Recruitment letters or contacts * Personnel web site and other related recruitment documents * Published nondiscrimination statement in newspapers, student handbooks, other college materials |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |

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| **Section 12 Employment** | | |
| **Equity Requirement/**  **Legal Citation** | **Indicators of Compliance** | **Documentation** |
| **12.3 Faculty Salary Scales Do Not Discriminate** | | |
| The college 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 and 12  Guidelines VIII-D | 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. | * Faculty salary schedules and related policies * Faculty assignment information by race/ethnic group, sex, and disabled staff * A non-faculty classification/compensation system is in place that evaluates jobs and places them in appropriate salary ranges according to working conditions and levels of employment responsibility |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |
| **12.4 Equal Employment Opportunities for Applicants with Disabilities** | | |
| Colleges 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 | College’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. | * Number of disabled staff * Copies/description of policies, procedures, and criteria considered for hiring, promotion, retention, and tenure including professional and non-professional applications |
| **Comments:** | | |
| **[State use only]** 🞎 Compliance 🞎 Noncompliance 🞎 Undetermined | | |