

# **Mississippi Community College Board**



## **Guide to OCR Compliance**

## Table of Contents

Mississippi Community College Board.....	1
Guide to OCR Compliance .....	1
Background Information.....	3
Description of Regulations .....	4
Regulations and Standards Governing.....	5
ADMINISTRATIVE ISSUES .....	6
STUDENT RECRUITMENT ISSUES.....	13
STUDENT ADMISSIONS ISSUES.....	19
STUDENT FINANCIAL ASSISTANCE ISSUES .....	26
COUNSELING ISSUES.....	31
ATHLETICS ISSUES .....	36
DISABILITY SERVICES ISSUES .....	40
HOUSING ISSUES .....	46
WORK STUDY, COOPERATIVE EDUCATION, APPRENTICE TRAINING AND JOB PLACEMENT ISSUES .....	50
HUMAN RESOURCE / PERSONNEL ISSUES .....	55
FACILITIES ISSUES.....	64

## **Background Information**

In June 1979, the former Department of Health, Education, and Welfare set forth procedures and minimum requirements for state agencies regarding the development of civil rights compliance programs covering entities that provide vocational education and receive federal financial assistance.

The minimum requirements stipulate that:

- ✓ annual compliance reviews be conducted by SBCJC(MCCB)
- ✓ post-review letters of findings be issued to each reviewed institution
- ✓ areas/issues of concern and violations requiring corrective action be clearly identified
- ✓ voluntary compliance plans be negotiated in cases when corrective action is warranted
- ✓ biennial compliance reports be submitted by SBCJC(MCCB) to the Office for Civil Rights

The purpose of these procedures is to ensure that institutions are knowledgeable of and in compliance with federal regulations protecting individuals on the basis of race, color, national origin, age, sex, and disability status, as required by the Department of Education and the Department of Justice.

## Description of Regulations

To meet OCR compliance standards, Institutions must have certain basic requirements in place to comply with:

Common Name	Code of Federal Regulations	Covers Protections Based On
Title VI	34 CFR Part 100	Race, color, national origin
Title IX	34 CFR Part 106	Sex
Age Discrimination Act	34 CFR Part 110	Age
(Vocational Education Program) Guidelines	34 CFR Part 100 Appendix B	Race, color, national origin, sex, and handicap
Section 504	34 CFR Part 104	Disability (applies to recipients of federal grants)
Title II	28 CFR Part 35	Disability (applies to public institutions)
ANSI	American National Standard Institute Specifications for Accessible and Usable Buildings and Facilities	Disability (Accessibility Requirements)
UFAS (Uniform Federal Accessibility Standards)	41 CFR 101 Subpart 19.6, Appendix A	Disability (Accessibility Requirements)
ADAAG (ADA Accessibility Guidelines for Buildings and Facilities)	Americans with Disabilities Act of 1990	Disabilities (Accessibility Requirements)
New Construction	2010 ADA Regulations	Disabilities (Accessibility Requirements)

# Regulations and Standards Governing FEDERAL OCR COMPLIANCE

## U.S. Department of Education regulations implementing:

Title VI of the Civil Rights Act of 1964 (34 CFR Part 100)

<https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-100>

Title IX of the Education Amendments of 1972 (34 CFR Part 106)

<https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-106>

Section 504 of the Rehabilitation Act of 1973 (34 CFR Part 104)

<https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/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, (34 CFR Part 100, Appendix B) <https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-100/appendix-Appendix%20B%20to%20Part%20100>

Age Discrimination Act of 1975 (34 CFR Part 110)

<https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-110>

Uniform Federal Accessibility Standards (UFAS)

<https://www.access-board.gov/aba/ufas.html>

ADA Accessibility Guidelines (ADAAG)

<https://www.access-board.gov/adaag-1991-2002.html>

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

<https://www.ecfr.gov/current/title-28/chapter-I/part-35>

## American National Standards Institute (ANSI)

### Standards for Accessible and Usable Buildings and Facilities

(most recent version can be purchased on-line from ANSI's eStandards store)

<http://www.ansi.org/>

### Supplementary information available in the OCR Reading Room:

<https://www.ed.gov/laws-and-policy/civil-rights-laws/office-civil-rights-ocr-reading-room>

For federal regulations in PDF format, go to:

<http://www.ed.gov/policy/rights/reg/ocr/index.html>

## **ADMINISTRATIVE ISSUES**

- A1** Annual public notification
- A2** Continuous Notification
- A3** Designation of a person(s) to coordinate activities under Title IX, Section 504, and Title II
- A4** Grievance procedure that will allow students an avenue for dealing with alleged discrimination
- A5** Non-discriminatory appointment of advisory boards, councils, or committees

## A1 – Annual Public Notification

**Equity requirement:** Prior to the beginning of each academic year, recipients must advise students, parents, employees and general public that all vocational opportunities will be offered regardless of race, color, national origin, age, 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.

### **Legal Cites:**

Title IX: 34 CFR 106.8(b)

Guidelines IV-O

Section 504: 34 CFR 104.7 (a)

Age Discrimination Act: 34 CFR 110.25

Title II: 28 CFR 35.107(a)

### **Indicators of Compliance:**

- Recipient issues annual public notice of nondiscrimination.
- The notice is also 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.

### **Checklist:**

<b>Is the notice consistent and found in the following?</b>	<b>YES</b>	<b>NO</b>	<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
local newspaper			
school newspaper			
other publications			
<b>Does the notice have brief description of program offerings and admission criteria?</b>			
<b>Do publications with notice reach students, employees, and applicants? How?</b>			
<b>Is notice available to the visually impaired? How?</b>			
<b>Is notice available in the language of national origin minority community?</b>			
<b>Does notice get disseminated to national origin minority community? How?</b>			
<b>Comments:</b>			

## A2 - Continuous Nondiscrimination Notification

**Equity requirement:** A recipient must take continuing steps to notify participants, beneficiaries, applicants, employees (including those with impaired vision or hearing) and professional organizations holding professional agreements with the recipient that it does not discriminate on the basis of race, color, national origin, sex or disability.

### **Legal Cites:**

Title IX: 34 CFR 106.9

Section 504: 34 CFR 104.8

Age Discrimination Act: 34 CFR 110.25

### **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, age, sex, or disability.

### **Checklist:**

<b>Is the nondiscrimination notice found in the following?</b>	<b>YES</b>	<b>NO</b>	
Board Policy Manual			<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
Catalog			
Website			
Recruitment materials			
Brochures on programs, activities			
Posters advertising various programs			
Student application			
Student handbook			
Job announcements			
Employment application			
Faculty/staff handbook			
School newspaper			
<b>Comments:</b>			

### A3 - Persons Responsible for Coordinating Title IX, Section 504, and Age Discrimination

**Equity requirement:** Each recipient 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.

**Legal Cites:**

Title IX: 34 CFR 106.8  
 Section 504: 34 CFR 104.7  
 Age Discrimination Act: 34 CFR 110.25

**Indicators of Compliance:**

- Institution has assigned a person(s) to coordinate Section 504, Title II, Age Discrimination Act and Title IX activities. This person(s) must be aware of their duties and responsibilities and have the training necessary to carry out their responsibilities.
- Institution lists coordinators of Section 504, Title II, Age Discrimination Act and Title IX with their name/title, address, and phone number in the notice of nondiscrimination

**Checklist:**

<b>Is the notice consistent and found in the following?</b>	<b>YES</b>	<b>NO</b>	
College catalog			<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
Student handbook			
Faculty/Staff handbook			
College website			
<b>Have Coordinators received adequate training with regard to their duties?</b>			
<b>Are Coordinators aware of their institution’s own policies?</b>			
<b>Are students aware of the coordinator’s exist?</b>			
<b>Are faculty and staff aware of the coordinator’s exist?</b>			
<b>Is there evidence (memos to students, staff, administrators, board reports, etc.) to show coordinators have been functioning?</b>			
<b>Comments:</b>			

## A4 – Grievance Procedure

**Equity Requirement:** A recipient shall adopt and publish a grievance procedure providing for due process and prompt and equitable resolution of student, employee, and applicant complaints alleging any discrimination based on age, sex or disability.

### **Legal Cites:**

Section 504: 34 CFR 104.7 (b)  
 Title IX: 34 CFR 106.8 (b)  
 Title II: 28 CFR 35.107 (b)  
 Age Discrimination Act: 34 CFR 110.25

### **Indicators of Compliance:**

- Recipient notifies students, employees, and applicants that there is a grievance procedure for persons who feel that they have been discriminated against based on sex or disability.
- The procedure is readily available to students, employees, and applicants.
- The procedure provides for due process and is prompt and equitable.

### **Checklist:**

<b>Is the grievance procedure consistent and published in:</b>	<b>YES</b>	<b>NO</b>	<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
college catalog			
student handbook			
faculty/staff handbook			
<b>Are students aware of the existence of grievance procedures?</b>			
<b>Are faculty and staff aware of the existence of the grievance procedure?</b>			
<b>Have grievances been filed in the past five years under this procedure?</b>			
<b>If so, were they acted upon promptly, equitably and according to procedure?</b>			
<b>Comments:</b>			

## A5 – Advisory Boards, Councils, or Committees

**Equity Requirement:** An institution shall not deny an individual membership to an advisory board, council, or committee based on race, color, national origin, sex or disability.

### **Legal Cites:**

Title VI: 34 CFR 100.3 (b) (vii)

### **Indicators of Compliance:**

- The institutional policy on planning or advisory boards, councils or committees includes a non-discriminatory clause covering race, color, national origin, sex, and disability.
- The composition of planning or advisory boards, councils or committees is representative of the district the institution serves.

### **Checklist:**

	YES	NO	
<b>Does the institution utilize advisory boards, councils, or committees?</b>			<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
<b>Does the institution have a written policy stipulating non-discriminatory appointment to advisory boards, councils, or committees based on race, color, national origin, sex, or disability?</b>			
<b>Are advisory board, council, or committee demographics representative of the district the institution serves?</b>			
<b>If not, can the institution provide a legitimate, non-discriminatory rationale?</b>			
<b>Comments:</b>			

### **Documentation of Administrative Compliance May Include (Where Applicable)**

- A1**   ▪ Copy of Annual Notification (newspaper, school paper, etc.)
  - Interview with Administrators
  
- A2**   ▪ Board Policy Manual
  - Catalog
  - Website
  - Recruitment Materials (brochures, posters, etc.)
  - Application for Admission
  - Student Handbook
  - Copies of Job Announcements
  - Application for Employment
  - Faculty/Staff Handbook
  - School Newspaper
  
- A3**   ▪ Catalog
  - Student Handbook
  - Faculty/Staff Handbook
  - Website
  - Interviews with Coordinators
  - Interviews with Students
  - Interviews with Faculty/Staff
  - Evidence of Coordinator activity (for example: memos and emails to students & staff; board reports, etc.)
  
- A4**   ▪ Catalog
  - Student Handbook
  - Faculty/Staff Handbook
  - Interviews with Students
  - Interviews with Faculty/Staff
  - Review of filed grievances
  
- A5**   ▪ Copy of policy relating to advisory boards, councils or committees
  - Membership roster of advisory boards, councils or committees, by race and gender, with notation if member is a person with a disability

## **STUDENT RECRUITMENT ISSUES**

- SR1** Information about career technical education opportunities should be available to all potential students without regard to race, color, national origin, sex, or disability status.
- SR2** Recruitment activities and materials should convey the message that programs are open to all students without regard to race, color, national origin, sex, or disability status.
- SR3** Promotional efforts (including activities of school officials, counselors, and vocational staff) should be conducted in a manner that does not create or perpetuate stereotypes or limitations based on race, color, national origin, sex or disability.
- SR4** Recruitment teams, to the extent possible, should represent people of different races, national origins, sexes, and disabilities.

**SR1 - Availability of Information About Career and Technical Opportunities**

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

**Legal Cites:**

Title IX: 34 CFR 106.23(a)(b)  
Guidelines V-C

**Indicator of Compliance:**

- All potential students have access to information.
- Efforts are made to reach underrepresented groups.
- The institution has procedures in place to assist students with limited English proficiency.
- The institution has procedures in place to effectively communicate with students with sensory impairments.

**Checklist:**

<b>Do the institution’s recruitment <i>sites</i> provide adequate access to diverse populations in terms of race, color, national origin, sex and disability?</b>	<b>YES</b>	<b>NO</b>	<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
<b>Do the institution’s recruitment activities provide adequate access to diverse populations in terms of race, color, national origin, sex and disability?</b>			
<b>Does the institution assess its programs with regards to enrollment demographics?</b>			
<b>Does the institution’s Recruitment Plan provide methods for targeting underrepresented populations?</b>			
<b>Comments:</b>			

## SR2 – Recruitment Activities and Materials Convey Open Programs

**Equity Requirement:** Recruitment materials’ description of career and occupational opportunities covers a broad range of occupational opportunities and is not limited on the basis of race, color, national origin, sex, or disability.

### **Legal Cites:**

Guidelines V-C

### **Indicators of Compliance:**

- Efforts are made to present a broad range of occupational opportunities available to all potential students.
- Descriptions of career opportunities are free from bias and stereotyping.

### **Checklist:**

<b>Do the curricula and programs described in marketing and recruitment materials cover a broad range of career and occupational opportunities, not limited on basis of race, color, national origin, sex, or disability?</b>	YES	NO	<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
<b>Do the curricula and programs described in the college catalog cover a broad range of career and occupational opportunities, not limited on basis of race, color, national origin, sex, or disability?</b>			
<b>Is the language used in the description of vocational and career opportunities race and gender neutral and sensitive to persons with disabilities?</b>			
<b>Are illustrations, pictures, and media presentations used to depict career and occupational opportunities free from stereotyping?</b>			
<b>Comments:</b>			



**SR4 – Recruitment Teams**

**Equity Requirement:** To the extent possible, recruiting teams should represent people of different races, national origins, sexes, and disabilities.

**Legal Cites:**

Guidelines V-C

**Indicator of Compliance:**

- Where possible, people of differing races, genders, and disability are used for recruiting purposes (but a failure to do so should not be construed as non-compliance).

**Checklist:**

<b>Do staff demographics by program reflect diversity in terms of race, national origin, sex, and disability?</b>	<b>YES</b>	<b>NO</b>	<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
<b>Do recruitment team demographics reflect diversity in terms of race national origin, sex, and disability?</b>			
<b>Comments:</b>			

**Documentation of Student Recruitment Compliance May Include (Where Applicable)**

- SR1**   ▪ Recruitment Plan, including sites and activities
- Interviews with individuals involved in student recruitment
  
- SR2**   ▪ Curricula- and program-related marketing and recruitment materials
- College Catalog
  
- SR3**   ▪ Brochures, flyers, advertisements
- College Catalog
- Media presentations
  
- SR4**   ▪ Roster of individuals involved in recruitment, by race and gender, with notation if individual is a person with a disability.

## **STUDENT ADMISSIONS ISSUES**

- SA1** Admissions policies, procedures and criteria may not exclude students from programs on the basis of race, color, national origin, sex or disability.
- SA2** 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.
- SA3** Preadmission inquiries about marital, parental or disability status should be avoided.

**SA1 – Admissions policies, procedures, and criteria**

**Equity Requirement 1:** An institution 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, age, sex, or disability. If such disproportionate exclusion occurs, the criteria or standards must be validated as essential to participation.

**Legal Cites:**

Guidelines IV-K  
Age Discrimination Act: 34 CFR 110.10

**Indicators of Compliance:**

- Demographics of career-technical enrollment are similar to demographics of eligible pool or institution that provides legitimate nondiscriminatory rationale.
- Demographics of specific vocational programs are similar to demographics of entire career-technical enrollment or institutions provide 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, age, sex, or disability status.
- Admissions criteria that disproportionately exclude have been validated as essential to success in that program.

**Checklist:**

<b>Do the overall institutional admissions policies, procedures, and practices contain any requirements or criteria that could result in disproportionate exclusion of persons of a particular race, color, national origin, age, sex, or disability status?</b>	<b>YES</b>	<b>NO</b>	<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
<b>Do programs with selective admission policies have any requirements or criteria that could result in disproportionate exclusion of persons of a particular race, color, national origin, age, sex, or disability status?</b>			
<b>If admissions criteria exist that do disproportionately exclude a particular group or groups, have those criteria been validated as essential to success in the program?</b>			
<b>Are the demographics of career-technical enrollment similar to the demographics of the eligible pool?</b>			
<b>Are the demographics of specific vocational programs similar to demographics of entire career-technical enrollment?</b>			
<b>Comments:</b>			

**SA1 – Admissions policies, procedures, and criteria, continued**

**Equity Requirement 2:** An institution 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 non-disabled persons.

**Legal Cites:**

Section 504: 34 CFR 104.10  
 Section 504: 34 CFR 104.43(c)  
 Guidelines IV-N

**Indicator of Compliance:**

- The institution does not discourage students with disabilities from participating in programs due to potential workplace discrimination.

**Checklist:**

<b>Are the enrollment demographics of students with disabilities comparable to the enrollment demographics of non-disabled students with regards to courses and programs?</b>	<b>YES</b>	<b>NO</b>	<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
<b>Does a review of advising documents and materials reveal any indication that handicapped students may be steered away from any particular course or program?</b>			
<b>Do disabled students feel that they have been denied access or encouraged not to participate in any vocational or academic courses or programs because of their disability?</b>			
<b>Comments:</b>			

## SA1 – Admissions policies, procedures, and criteria, continued

**Equity Requirement 3:** An institution 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.

### **Legal Cites:**

Guidelines IV-L

### **Indicator of Compliance:**

- Institution has a procedure in place to identify and assess applicants with limited English proficiency.
- LEP enrollment in vocational education is proportional to overall LEP enrollment.
- LEP enrollment in specific vocational programs is proportional to overall LEP vocational enrollment.

### **Checklist:**

<b>Does this institution have a procedure for LEP identification and placement?</b>	<b>YES</b>	<b>NO</b>	<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
<b>Is the enrollment of LEP students in vocational programs proportional to the overall LEP enrollment?</b>			
<b>Is the enrollment of LEP students in individual vocational programs proportional to the overall LEP vocational enrollment?</b>			
<b>If not, does the institution take steps to increase LEP participation in programs where they have traditionally been under-represented?</b>			
<b>Comments:</b>			

## SA2 – Validation of Admissions Criteria

**Equity Requirement:** Admission criteria and admissions tests are selected and administered in such a way that they accurately reflect the aptitude or achievement of an applicant with impaired sensory, manual, or speaking skills, rather than measuring the disability (except where these skills are the factors the tests purport to measure).

### **Legal Cites:**

Section 504: 34 CFR 104.44(b)(3)  
Guidelines IV-N

### **Indicators of Compliance:**

- Admissions tests and their manner of administration are validated for use with persons with impaired sensory, manual or speaking skills.
- Admissions tests that are designed for persons with impaired sensory, manual, or speaking skills are offered as often and in as timely a manner as are admissions tests for other students.
- Admissions tests are administered in facilities that, on the whole, are accessible to handicapped persons.

### **Checklist:**

Does the list of tests and criterion used for admissions include any that are un-validated?	YES	NO	
If so, are there alternate tests or criteria that could be used that have a less disproportionate, adverse effect?			
Does the institution have a procedure for administering admissions tests for persons with sensory, manual, or speaking impairments? (Describe)			<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
Do those procedures provide for comparable testing opportunities for disabled students as for non-disabled students?			
Are the testing facilities handicapped accessible?			
Does the institution place limits on the number of handicapped students admitted?			
<b>Comments:</b>          			

### SA3 – Pre-Admission Inquiries

**Equity Requirement:** Institutions must avoid preadmission inquiries about marital, parental, or disability status.

**Legal Cites:**

Title IX: 34 CFR 106.21(c)  
 Section 504: 34 CFR 104.42(b)(4) & (c)  
 Title II: 28 CFR 35

**Indicators of Compliance:**

- Inquiry and application forms do not request information about marital, parental, or disability status.

**Checklist:**

	YES	NO	
Do the institution’s inquiry or application forms make direct or indirect inquiry about marital status of the applicant (example of indirect inquiry: Miss or Mrs.)?			<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
Do the institution’s inquiry or application forms make direct or indirect inquiry about parental status of the applicant?			
Do the institution’s admission inquiry or application forms make direct or indirect inquiry about disability status of the applicant?			
If preadmission inquiry is made regarding the disability status of the applicant, have disabled students been formally identified as an underrepresented portion of the population?			
If yes, is the institution making inquiry for the purpose of increasing participation by disabled students?			
Is the purpose for this type of inquiry clearly articulated?			
Comments:			

## **Documentation of Student Admissions Compliance May Include (Where Applicable)**

- SA1**
- Catalog (or other document specifying admissions criteria)
  - Roster of selected applicants into selective admission programs during the past academic year (minimum), by race and gender, with notation if applicant is a person with a disability or LEP (may also include relevant ranking criteria, if needed)
  - Roster of rejected applicants into selective admission programs during the past academic year (minimum), by race and gender, with notation if applicant is a person with a disability or LEP (may also include relevant ranking criteria, if needed)
  - Career-Technical enrollment (overall and by program) during the past academic year (minimum), by race and gender, with notation if student has disability or LEP
  - For comparison, overall institutional enrollment during past academic year (minimum), by race and gender, with notation if student has disability or LEP
  - Most recently submitted OCR Demographics report
  - Program-related advising documents and materials
  - Interviews with Technical Dean and/or Program Chairs
  - Interview with Students with Disabilities
  - Interview with Admissions staff
  - Interview with ESL staff
  - Interview with LEP students
- SA2**
- Admissions-related documents that show tests or criterion for admissions
  - Interview with testing staff
  - Interview with Admissions staff
  - Interview with Students with Disabilities
  - Inspection of testing facilities
- SA3**
- Student inquiry forms
  - Admission Applications
  - Interview with Admissions staff

## **STUDENT FINANCIAL ASSISTANCE ISSUES**

- FA1** 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.
- FA2** A College Administrator 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.
- FA3** Students and outside agencies that provide awards are to be notified of the College's non-discrimination policy.

## FA1 – Limitations of Honors, Awards, and Scholarships

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

### **Legal Cites:**

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 in equitable distribution exists, the institution offers a legitimate, nondiscriminatory reason.
- Materials and information used to notify students of opportunities for financial assistance does not contain language or examples that would lead applicants to believe the assistance is provided on a discriminatory basis.
- If an institution’s service area contains a community of national origin minority persons with limited English proficiency, such information is disseminated to them in that language.
- The institution provides reasonable opportunities for awards of athletic scholarships or grants-in-aid for members of each sex in proportion to the number of each sex participating in interscholastic or intercollegiate athletics.

### **Checklist:**

	YES	NO	
<b>Do financial aid data (in-house reports) reveal an equitable distribution of financial aid regardless of sex, race, color, national origin, or disability?</b>			<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
<b>If not, can the institution provide a legitimate, nondiscriminatory reason? (Describe)</b>			
<b>Are criteria used in awarding financial aid and scholarships non-discriminatory?</b>			
<b>Do materials and information used to notify students of opportunities for financial assistance contain non-discriminatory language or examples?</b>			
<b>Where appropriate, are those materials and information provided in a language other than English?</b>			
<b>Is the number of athletic scholarships awarded by gender proportional to the number of each sex participating in athletics?</b>			
<b>Comments:</b>			

**FA2 – Awards to Students of a Particular Race, Color, National Origin, Sex, or Disability**

**Equity Requirement:** Restricted awards are made only when established by will, trust, bequest, or other legal instruments. The overall effect may not be discriminate on the basis of sex.

**Legal Cites:**

Title IX: 34 CFR 106.37  
Guidelines VI-B

**Indicators of Compliance:**

- Institution awards no financial assistance in the form of loans, grants, scholarships, special funds, subsidies, compensation for work, or prizes to students on the basis of race, color, national origin, sex, or disability, except to overcome the effects of documented past discrimination.
- Documentation confirms that all sex-restricted awards were established by will, trust, bequest or other legal instrument.
- Demographics of the institution’s financial assistance do not indicate discrimination on the basis of sex as a result of sex-restricted awards.

**Checklist:**

Does the institution offer financial assistance on the basis of race, color, national origin, sex, or disability?	YES	NO	
If so, are these actions being taken to overcome the effects of documented past discriminatory practices?			<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
Does a review of the documentation on sex-restricted awards (including number, amount, source, and criteria) confirm that all were established by will, trust, bequest, or other legal instrument?			
Does a comparison of sex-restricted awards with overall financial aid awarded reveal discrimination as a result of the sex-restricted awards?			
<b>Comments:</b>          			

### FA3 – Notification of Student and Outside Agencies

**Equity Requirement:** Information about financial assistance is equitably written and does not lead students or the agencies that provide the awards to believe that awards are provided on a discriminatory basis.

**Legal Cites:**

Guidelines VI-B

**Indicators of Compliance:**

- Written materials provide information in an equitable manner.
- All written materials contain the non-discrimination statement.
- Institutional awards provided as a result of a group being historically underrepresented or as a result of a will, trust, bequest, or other legal instrument is acknowledged as such in the written materials.
- Award providers are informed of the Institution’s non-discrimination policy.

**Checklist:**

<b>Does a review of materials written for students and families concerning available financial assistance confirm:</b>	<b>YES</b>	<b>NO</b>	
Presence of the non-discrimination statement			
Acknowledgement and explanation of any sex-restricted awards resulting from a will, trust, bequest or other legal instrument.			
Acknowledgement and explanation of any awards provided to a historically underrepresented class in order to reverse the results of documented past discrimination.			
The presence of non-discriminatory language and examples.			
<b>Are award providers informed of the Institution’s non-discrimination policy? (How?)</b>			
<b>Comments:</b>			

**Documentation of Student Financial Assistance Compliance May Include  
(Where Applicable)**

- FA1**
  - Most recently submitted OCR Demographic Report
  - Materials listing financial aid and scholarship criteria
  - Examples of aid-related materials provided to students, including any in language other than English
  - List of athletic scholarships awarded during the past academic year, by gender
  - For comparison, list of all student athletes during past academic year, by gender
  - Interview with Financial Aid staff
  
- FA2**
  - Materials related to restricted scholarships or aid
  - List of restricted award recipients by category of restriction
  - Interview with Financial Aid staff
  
- FA3**
  - Examples of aid-related materials available to students
  - Interview with Financial Aid staff

## **COUNSELING ISSUES**

- C1** Counseling services, instruments, and materials must be free of discrimination and stereotyping in language, content, and illustration.
- C2** Institutions may not steer students towards particular courses or programs considered “traditional” for the students’ race, color, national origin, English language proficiency, sex or disability status.

## C1 – Counseling Services and Materials

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

### **Legal Cites:**

Title IX: 34 CFR 106.21 (a) and (b)	Section 504: 34 CFR 104.4 (a)
Title IX: 34 CFR 106.36 (a)	Section 504: 34 CFR 104.34 (a) and (b)
Title IX: 34 CFR 106.34	Section 504: 34 CFR 104.47 (b)
Guidelines V-A	Title II: 28 CFR 35.130

### **Indicators of Compliance:**

- Guidance and Counseling plans, policies, and procedures ensure non-discrimination.
- Student assessment (testing) plans, policies, and procedures ensure non-discrimination.

### **Checklist:**

<b>Does the institution have internal procedures to ensure that counseling materials are non-discriminatory?</b>	<b>YES</b>	<b>NO</b>	<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
<b>Does a review of counseling materials confirm that they are free of discrimination and stereotyping in language, content and illustration?</b>			
<b>Does the institution avoid assigning counselors on the basis of race, color, national origin, LEP, sex, or disability?</b>			
<b>Has staff received training in multi-cultural and non-sexist approaches to guidance and counseling?</b>			
<b>Can counseling staff effectively communicate with national origin minority students and students with hearing impairments?</b>			
<b>If not, are interpreters available for these groups?</b>			
<b>Are different instruments used to assess, appraise, or counsel students based on their gender?</b>			
<b>If so, can it be shown that such differences are necessary to eliminate sex bias?</b>			
<b>Comments:</b>			

## C2 – Disproportion in Classes

**Equity Requirement 1a:** Counselors must not direct students into programs based on their race, color, national origin, sex, or disability. Institutions 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.

**Equity Requirement 1b:** If disproportionate enrollments occur, efforts must be made to ensure that counseling services and materials are not responsible. Institutions must take steps to ensure that any disproportionate enrollment does not result from unlawful discrimination in counseling activities.

### **Legal Cites:**

Title IX: 34 CFR 106.34  
 Title IX: 34 CFR 106.36  
 Section 504: 34 CFR 104.47 (b)  
 Guidelines V-B

### **Indicators of Compliance:**

- Vocational programs enrollment by race, color, national origin, sex, and disability are proportionate to the enrollment of these groups in the general student population.
- Where enrollments are not proportionate, the institution has processes in place to assess counseling materials and activities and make appropriate revisions OR can provide a legitimate, non-discriminatory rationale.

### **Checklist:**

Does staff periodically review program enrollment, course enrollments and involvement in extra-curricular activities on the basis of race, color, national origin, sex, and disability?	YES	NO	<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
In cases where a disproportionate enrollment of a particular group occurs, has a review of counseling practices been conducted to determine whether such disproportion is the result of discrimination?			
If discriminatory practices occurred, have appropriate revisions of those practices been implemented?			
If no discriminatory practices were found to occur, can the institution provide a legitimate, non-discriminatory rationale for disproportional enrollment? (Explain)			
<b>Comments:</b>			

## C2 – Disproportion in Classes, continued

**Equity Requirement 2:** Institutions may not counsel disabled students toward more restrictive career objectives than non-disabled students with similar abilities and interests.

### **Legal Cites:**

Section 504: 34 CFR 104.37 (b)  
Guidelines V-B

### **Indicators of Compliance:**

- Disabled students have equal access to all programs and classes based on abilities and interests.

### **Checklist:**

<b>Are the written policies and procedures for handicapped students non-discriminatory in terms of evaluation and placement?</b>	<b>YES</b>	<b>NO</b>	<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
<b>Has staff received specialized training in guidance and counseling of disabled students?</b>			
<b>Comments:</b>			

**Documentation of Counseling Compliance May Include (Where Applicable)**

- C1**
  - Examples of Counseling Materials
  - List of Counseling Assessment Instruments Used
  - Interview with Counseling Staff
  - Interview with Students
  
- C2**
  - Examples of program, course, and extra-curricular enrollment reviews
  - Written policies and procedures for evaluating and placing students with disabilities
  - Evidence of specialized training or professional development
  - Interview with Counselors
  - Interviews with Students with disabilities

## **ATHLETICS ISSUES**

- AT1** No student shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics.
- AT2** No qualified handicapped student shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be discriminated against in any physical education, athletics, or recreation activity.

**AT1 – Athletics and Gender**

**Equity Requirement:** Institutions which operate or sponsor intercollegiate, club or intramural athletics shall provide equal athletic opportunity for members of both sexes.

**Legal Cites:**

Title IX: 34 CFR 106.41

**Indicators of Compliance (institution need only demonstrate one of the following):**

- The percentages of male and female athletes are substantially proportionate to the percentages of male and female students enrolled.
- The institution has a history and continuing practice of expanding athletic opportunities for the underrepresented gender.
- The athletics program fully and effectively accommodate the interests and abilities of the underrepresented gender.

**Checklist:**

<b>Are the percentages of male and female athletes proportionate to the percentages of males and females enrolled?</b>	<b>YES</b>	<b>NO</b>	<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
<b>If not, can the institution provide documented evidence of a history and continuing practice of expanding athletic opportunities for the under-represented gender?</b>			
<b>If not, does the institution have a method for measuring the athletic interests of male and female students?</b>			
<b>If so, do those methods:</b>			
Take into account nationally increasing women’s interests and abilities?			
In any way disadvantage the underrepresented gender?			
Take into account team performance records of both male and female teams?			
Respond to the expressed interests of the underrepresented gender?			
<b>Are male and female athletes provided equally advanced competitive opportunities, in proportion to their participation in athletic programs?</b>			
<b>If not, are opportunities for advance competition available for the underrepresented gender in the institution’s normal competitive region?</b>			
<b>Are there substantial and unjustifiable gender-based disparities in the treatment, services, and benefits provided to student athletes?</b>			
<b>Comments:</b>			

## AT2 – Athletics and Disability

**Equity Requirement:** An institution that offers physical education courses or that operates or sponsors intercollegiate, club, or intramural athletics shall provide to qualified handicapped students an equal opportunity for participation in these activities.

### **Legal Cites:**

Section 504: 34 CFR 104.47 (a)

### **Indicators of Compliance:**

- No qualified handicapped student is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

### **Checklist:**

<b>Does the institution have policies that prohibit a student with a disability from competing for an intramural or intercollegiate club or athletic team?</b>	<b>YES</b>	<b>NO</b>	<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
<b>Does the institution have policies that prohibit a student with a disability from participating in physical education courses or in the physical components of other courses?</b>			
<b>Does the institution offer reasonable accommodations to disabled students with regards to required physical education courses?</b>			
<b>If reasonable accommodation for a disabled student is not possible in a required course, does the institution allow for a course substitution or waiver?</b>			
<b>Comments:</b>			

**Documentation of Athletics Compliance May Include (Where Applicable)**

- AT1**
  - List of student athletes by sport and gender
  - Interview with Athletics staff
  - Interview with Student Athletes
  
- AT2**
  - Policies for participation in athletics
  - Interview with Deans or Program Chairs
  - Interview with Students with Disabilities

## **DISABILITY SERVICES ISSUES**

- D1** No qualified person with a disability may be excluded from, denied benefits of, or subjected to discrimination in any course, program, or activity.
- D2** Institutions may not restrict access for students with disabilities to schools, program, services, and activities because of architectural barriers, equipment barriers, the need for related aids and services, or the need for auxiliary aids.

## D1 – General Discrimination of Handicapped Students

**Equity Requirement:** 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.

### Legal Cites:

Section 504: 34 CFR 104.4(a)	Title II: 28 CFR 35.130(a) (d)
Section 504: 34 CFR 104.34(a) (b)	Guidelines IV-A
Section 504: 34 CFR 104.35(a)	Guidelines IV-N

### Indicators of Compliance:

- The institution implements policies and procedures ensuring access for students with disabilities to programs, services, and activities.
- Students with disabilities are integrated to the maximum extent possible with non-disabled students in both academic and non-academic settings.

### Checklist:

Does the institution have a policy to provide disability services to students?	YES	NO	<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
Does the institution adequately inform students about the availability of disability services? (How?)			
Do the procedures and criteria for admission into courses and/or programs in any way discriminate against persons with disabilities?			
Has any disabled applicant been denied admission into courses and/or programs? If so, how many and why?			
Do the procedures and criteria for obtaining services provided to students in any way discriminate against persons with disabilities?			
Has any disabled student been denied services? If so, how many and why?			
Do the procedures and criteria for participating in extra-curricular activities in any way discriminate against persons with disabilities?			
Has any disabled student been denied the opportunity or discouraged from participating in extracurricular activities? If so, how many and why?			
<b>Comments:</b>			

## D2 – Aids, Services, and Equipment for Handicapped Students

**Equity Requirement 1:** Disabled students 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.

### **Legal Cites:**

Guidelines IV-N

### **Indicators of Compliance:**

- The institution provides appropriate aids and services for students with disabilities.

### **Checklist:**

<b>The institution has written policies governing the uses of :</b>	<b>YES</b>	<b>NO</b>	<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
tape recorders			
note takers			
testing and exam accommodations			
program and classroom accommodations			
adaptive technology			
guide dogs			
other (please specify)			
<b>Does the list of aids, materials and services available for disabled students include:</b>			
taped texts, interpreters or other effective methods of oral delivery of materials to students with hearing impairments			
readers in libraries for students with visual impairments			
adaptive equipment for use by students with manual impairments			
other (please specify)			
<b>Does the record of aids, materials, and services requested, provided, and denied indicate that appropriate actions are being taken to provide for and not limit participation of students with disabilities?</b>			
<b>Comments:</b>			

## D2 – Aids, Services, and Equipment for Handicapped Students, continued

**Equity Requirement 2a:** If academic requirements 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 exams and auxiliary aids and services for qualified disabled persons to complete a degree program and/or licensure requirements.

**Equity Requirement 2b:** Postsecondary recipients should adjust academic requirements to meet the needs of individual students with disabilities.

### Legal Cites:

Section 504: 34 CFR 104.44 (a)  
 Title II: 28 CFR 35.130(b)(7)  
 Guidelines IV-N

### Indicators of Compliance:

- The institution can provide a list of academic adjustments available to disabled students in need of such modifications in order to succeed in a career or technical education program.
- The institution can provide a list of academic adjustments provided to disabled students and the identity of the providers.

### Checklist:

<b>For the purpose of accommodating students with disabilities the institution provides for the following academic adjustments:</b>	<b>YES</b>	<b>NO</b>	<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
changes in length of time permitted for completion of degree requirements			
substitution of specific courses required for degree completion			
adaptation of the manner in which specific courses are conducted			
other (please specify)			
<b>Records of academic adjustments and modifications made by program indicate that reasonable accommodations are being made to allow disabled persons to complete academic, degree and/or licensure requirements.</b>			
<b>Are there programs in which essential academic and/or licensure requirements have prevented access by students with disabilities? If so, which ones and why?</b>			
<b>Comments:</b>			

**D2 – Aids, Services, and Equipment for Handicapped Students, continued**

**Equity Requirement 3:** Course examinations or other procedures for evaluating students’ academic achievements are administered in such a way that disabled students’ aptitudes, achievement levels, or other relevant factors are measured and not the disability.

**Legal Cites:**

Section 504: 34 CFR 104.44 (c)  
 Title II: 28 CFR 35.130(b)(8)  
 Guidelines IV-N

**Indicators of Compliance:**

- The institution accommodates the needs of students with disabilities during testing.

**Checklist:**

<b>Does the institution have policies and procedures for determining need for testing and exam modifications?</b>	<b>YES</b>	<b>NO</b>	<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
<b>Does a review of modifications to tests or test administration procedures indicate that the institution is making reasonable accommodations for disabled students in order to adequately measure their aptitude, achievement, or other relevant factor, rather than their disability?</b>			
<b>Is the location of testing accessible to disabled students?</b>			
<b>Is the location of testing adequate in terms of auditory and light requirements for hearing and visually impaired students?</b>			
<b>Comments:</b>			

### **Documentation of Disability Services Compliance May Include (Where Applicable)**

- D1**
  - Disability Services Policy
  - Examples of materials informing students of disability services
  - Program or Course Admission criteria
  - Interview with Disabilities Coordinator
  - Interview with Students with Disabilities
  
- D2**
  - Disability Services Policy
  - List of aids, materials, and services available to students with disabilities
  - Record of aids, materials, and services requested by students with disabilities
  - Record of aids, materials, and services provided and denied to students with disabilities
  - Records of academic adjustments and modifications made
  - Interview with Students with Disabilities
  - Interview with Deans, Program Chairs, and/or Registrar
  
- D3**
  - Testing Policies and Procedures with regards to Students with Disabilities
  - Inspection of Testing Location
  - Interview with Testing Staff

## **HOUSING ISSUES**

- H1** Students receive equitable opportunities to benefit from housing programs regardless of race, color, national origin, sex or disability.
- H2** Disabled students are offered housing that is convenient, accessible, at the same cost and under comparable conditions as non-disabled students.



## H2 – Housing for Students with Disabilities

**Equity Requirement:** The institution offers students with disabilities housing that is comparable, convenient, and accessible to student with disabilities at the same cost and under the same conditions as offered to non-disabled students.

### Legal Cites:

Section 504: 34 CFR 104.45  
Guidelines VI-C

### Indicators of Compliance:

- Student housing meets all accessibility requirements.
- Students with disabilities are offered the same range of features and prices as are non-disabled students.

### Checklist:

<b>Does the student housing meet all accessibility requirements for students with disabilities?</b>	<b>YES</b>	<b>NO</b>	<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
<b>Does a review of housing contract and agreements indicate that students with disabilities are offered the same range of features and prices as are non-disabled students?</b>			
<b>Have there been any documented complaints from students with disabilities with regards to student housing?</b>			
<b>Are students with disabilities utilizing student housing? (If not why not?)</b>			
<b>Do the students with disabilities believe that they receive equitable treatment with regards to student housing?</b>			
<b>Comments:</b>			

### **Documentation of Housing Compliance May Include (Where Applicable)**

- H1**
  - List of students housed on-campus, by race and gender, with notation if student has disability
  - List of documented student complaints, if any, alleging housing discrimination
  - Interview with students housed on-campus
  
- H2**
  - Inspection of student housing
  - Housing contracts and agreements
  - List of documented student complaints, if any, alleging housing discrimination based on disability
  - Interviews with students with disabilities

## **WORK STUDY, COOPERATIVE EDUCATION, APPRENTICE TRAINING AND JOB PLACEMENT ISSUES**

- WS1** An institution has the responsibility to provide its work-study, cooperative education, job placement and apprentice training services in a non-discriminatory manner.
- WS2** An institution shall not cooperate with an employer that request students on the basis of race, sex, color, national origin or disability status when selecting businesses as employment or workplace learning sites.

**WS1 – Non-Discrimination in Work Study, Cooperative Education, Etc.**

**Equity Requirement 1:** Opportunities in work study, cooperative education, and job placement are available to students regardless of race, color, national origin, sex, or disability.

**Legal Cites:**

- 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 work-study, cooperative education, job placement and apprenticeship training programs are representative of the demographics of the school or of the program.
- If a disparity exists, the institution provides a legitimate, nondiscriminatory rationale.

**Checklist:**

<b>Does a review of the demographics of students involved in work-study programs indicate a disparity in terms of race, color, national origin, sex and/or disability?</b>	<b>YES</b>	<b>NO</b>	<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
<b>Does a review of the demographics of students involved in cooperative education programs indicate a disparity in terms of race, color, national origin, sex and/or disability?</b>			
<b>Does a review of the demographics of students involved in job placement programs indicate a disparity in terms of race, color, national origin, sex and/or disability?</b>			
<b>If a disparity exists, does the institution provide a legitimate, non-discriminatory rationale?</b>			
<b>Does the institution have a written policy for how students are selected for participation in these programs?</b>			
<b>Do students feel these services are provided in a non-discriminatory manner?</b>			
<b>Comments:</b>			

**WS1 – Non-Discrimination in Work Study, Cooperative Education, Etc, continued**

**Equity Requirement 2:** Opportunities in apprenticeship training are available to students regardless of race, color, national origin, sex, or disability. Therefore, institutions may not enter into an agreement for the provision or support of apprentice training for students with any sponsor (including a labor union) that discriminates against its members or applicants on the basis of race, color, national origin, sex or disability.

**Legal Cites:**

- 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

**Indicators of Compliance:**

- The institution has not made or withheld assignments to an apprenticeship program simply due to the race, color, national origin, sex, and disability of the student.
- A written agreement between the institution and sponsor includes an assurance of nondiscrimination on the basis of race, color, national origin, sex, and disability.

**Checklist:**

Does the institution offer apprentice training opportunities for students?	YES	NO	
If so, does the institution have a written policy or procedure that addresses non-discrimination requirements?			<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
Does the institution have a written policy for how students are selected for participation in apprenticeship training?			
Do written agreements between the institution and the sponsor contain a nondiscrimination statement that is signed by both parties?			
Does a review of the demographics of students involved in apprenticeship training programs indicate a disparity in terms of race, color, national origin, sex and/or disability?			
If a disparity exists, does the institution provide a legitimate, non-discriminatory rationale?			
Do students feel apprenticeship training opportunities are provided in a non-discriminatory manner?			
<b>Comments:</b>    			

## WS2 – Cooperation with Workplace Learning Employers

**Equity Requirement:** Institutions that assist 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 recruiting, hiring, placement, assignment to work tasks, hours of employment, levels of responsibility, and pay.

### **Legal Cites:**

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 non-discrimination that is signed by both the employer and the institution.
- The institution does not honor any employer’s request for students of a particular race, color, national origin, sex, or disability status.

### **Checklist:**

<b>Does the institution maintain workplace agreements with non-discrimination assurances from each of the employers it works with?</b>	<b>YES</b>	<b>NO</b>	
<b>Does a review of workplace assignments, hours of work, and job assignments indicate any disparities based on race, color, national origin, sex or disability?</b>			<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
<b>If a disparity exists, does the institution provide a legitimate, non-discriminatory rationale?</b>			
<b>Have there been any problems or complaints involving discrimination by outside employers?</b>			
<b>If so, were they investigated and equitably resolved? (Explain)</b>			
<b>Do students involved in outside employment facilitated by the institution feel that they are treated fairly and equitably without regard to the race, color, national origin, sex, or disability status?</b>			
<b>Comments:</b>			

**Documentation of Work-Study, Cooperative Education and Job Placement Compliance May Include (Where Applicable)**

- WS1**
- Separate lists of students involved in 1) work-study, 2) cooperative education and 3) job placement by race and gender, with notation if student has disability or LEP
  - Written policies for selection for work-study, cooperative education, and job placement opportunities
  - Written policies and procedures for selection for apprenticeship opportunities.
  - List of students involved in apprenticeships, by race and gender, with notation if student has disability or LEP
  - Examples of agreements between institutions and sponsors
  - Interview with relevant staff
  - Interview with students involved
- WS2**
- Examples of workplace agreements between institutions and employers
  - Review of workplace assignments, including work hours and duties, by race and gender, with notation if student has disability or LEP
  - Documentation of problems or complaints by students regarding outside employers, as well as their resolution.
  - Interview with relevant staff
  - Interview with students involved

## **HUMAN RESOURCE / PERSONNEL ISSUES**

- HR1** Institutions may not limit their recruitment for employees to schools, communities, or companies disproportionately composed of persons of a particular race, color, national origin, sex or disability.
- HR2** Institutions are prohibited from engaging in any employment practice that discriminates against any employee or applicant on the basis of race, color, national origin, age, sex, or disability.
- HR3** Salary, fringe benefits, and leave policies shall not discriminate on the basis of race, color, national origin, sex, or disability.
- HR4** The institution must provide equal employment opportunities for teaching and administrative positions to handicapped applicants who can perform the essential functions of the position in question.



## HR2 – Discrimination in Employment Practices

**Equity Requirement:** The institution’s employment practices must be conducted without regard to the race, color, national origin, sex, or disability of applicants or employees.

### Legal Cites:

Title VI: 34 CFR 100.3 (c)  
 Title IX: 34 CFR 106.51; 106.57; 10.60  
 Section 504: 34 CFR 104.11; 104.13; 104.14  
 Guidelines VIII-A; VIII-C

### Indicators of Compliance:

- Employment application forms and materials are free from prohibited questions concerning disability, marital, or parental status.
- Hiring policies and procedures are free from language and practices that could be discriminatory with regards to race, color, national origin, sex, and disability.
- The composition of the institution’s staff with regards to race, color, national origin, sex and disability is proportional to their representation in the relevant labor market.

### Checklist:

<b>Does a review of the application forms and materials confirm they are free from prohibited questions concerning disability, marital (including Miss or Mrs. designations) and parental status?</b>	<b>YES</b>	<b>NO</b>	<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
<b>Has the institution’s human resources staff been trained in equal opportunity issues in employment?</b>			
<b>Does the institution have a structured process that sets non-discriminatory guidelines and standards for interviewing and ranking applicants for employment?</b>			
<b>Does the institution administer or operate any test or other criterion for employment that could have a discriminatory effect based on race, color, national origin, sex, or disability?</b>			
<b>If so, is the test or criterion directly related to the job in question?</b>			
<b>Has that test or criterion been shown to validly predict successful performance in the position?</b>			
<b>Are there alternative tests available for such purposes that do not have a discriminatory effect?</b>			
<b>Comments:</b>			

<b>Does a review of institutional faculty and employee demographics indicate disproportionate employment of any protected group?</b>			
<b>If so, can the institution provide proof that qualified persons of that particular race, color, national origin, sex, or disability are not available in the relevant labor market? (Explain)</b>			
<b>Comments:</b>			

### HR3 – Salary, Fringe Benefits, and Leave

**Equity Requirement:** The institution must establish and maintain salary, fringe benefits, and leave policies based upon the conditions and responsibilities of employment, without regard to race, color, national origin, sex, or disability.

**Legal Cites:**

Title IX: 34 CFR 106.54 – 106.57  
 Section 504: 34 CFR 104.11 and 104.12  
 Guidelines VIII-D

**Indicators of Compliance:**

- Salary scales and policies are based upon the conditions and responsibilities of employment without regard to race, color, national origin, sex, or disability.
- Job assignment and promotion patterns are nondiscriminatory on the basis of race, color, national origin, sex, or disability.

**Checklist:**

Does a review of salary schedules by job indicate discrepancies with regards to salary scales and policies based on race, color, national origin, sex, or disability?	YES	NO		
Does a review of fringe benefits policy indicate discrepancies based on race, color, national origin, sex, or disability?				
Does a review of job assignments indicate discrepancies based on race, color, national origin, sex or disability?			<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined	
Does a review of promotion policies and patterns indicate discrepancies based on race, color, national origin, sex or disability?				
Does a review of leave policies indicate discrepancies based on race, color, national origin, sex or disability?				
Does the institution have a pregnancy leave policy which includes allowances for pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery there from, without decrease in rate of compensation or loss of promotional opportunities?				
<b>Comments:</b>				

## HR4 – Equal Opportunities for Persons with Disabilities

**Equity Requirement 1:** Institutions must make reasonable accommodations for the physical or mental limitations of disabled applicants who are otherwise qualified, unless they can demonstrate that the accommodation would impose an undue hardship on the operation of the program or activity

### Legal Cites:

Section 504: 34 CFR 104.12  
Guidelines VIII-E

### Indicators of Compliance:

- The institution’s facilities are readily accessible to and usable by persons with disabilities.
- The institution has a record of making accommodations for employees with disabilities.

### Checklist:

<b>Are facilities used by employees readily accessible to and usable by persons with disabilities?</b>	<b>YES</b>	<b>NO</b>	<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
<b>Has a disabled employee of the institution requested any of the following accommodations?</b>			
job restructuring			
part-time or modified work schedule			
acquisition or modification of equipment or devices			
provision of readers or interpreters			
<b>Were these accommodations (or other reasonable alternatives) granted? (If other, please explain.)</b>			
<b>If not, can the institution demonstrate that the accommodation would pose an undue hardship? (Explain)</b>			
<b>Comments:</b>			

## HR4 – Equal Opportunities for Persons with Disabilities

**Equity Requirement 2:** When selecting and administering criteria or tests concerning employment, the institution must ensure that, when administered to an applicant or employee who has a handicap that impairs sensory, manual, or speaking skills, the criteria or test results accurately reflect the applicant's or employee's job skills, aptitude or whatever other factor the test purports to measure, rather than reflecting the applicants or employee's disability (except where those skills are factors that the test purports to measure).

### **Legal Cites:**

Section 504: 34 CFR 104.13

### **Indicators of Compliance:**

- **The institution does not make use of any employment test or other selection criteria for the purposes of screening out persons with disabilities.**

### **Checklist:**

<b>Does the institution have any jobs for which criteria or tests are administered as a condition for employment or advancement?</b>	<b>YES</b>	<b>NO</b>	<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
<b>If so, are the criteria or tests validated as predictors of successful performance on the job in question?</b>			
<b>Do the criteria or tests accurately assess job skills, aptitude, etc. without unfairly measuring the applicant's or employee's disability?</b>			
<b>Comments:</b>			

## HR4 – Equal Opportunities for Persons with Disabilities

**Equity Requirement 3:** An institution may not conduct a pre-employment medical examination and may not make pre-employment inquiry of an applicant as to whether the applicant is a disabled person or as to the nature or severity of a disability. (An institution may, however, make pre-employment inquiry into an applicant’s ability to perform job-related functions.)

### **Legal Cites:**

Section 504: 34 CFR 104.14

### **Indicators of Compliance:**

- **The institution does not make use of any pre-employment medical exams or inquiries as to the disability status of an employee or to the nature and/or severity of a disability.**

### **Checklist:**

<b>Are there questions pertaining to disability status on the application for employment?</b>	<b>YES</b>	<b>NO</b>	
<b>Is a medical examination required prior to an offer of employment?</b>			<input type="checkbox"/> Compliance <input type="checkbox"/> Noncompliance <input type="checkbox"/> Undetermined
<b>Is an offer of employment ever conditional upon results of a medical examination?</b>			
<b>If so, is that condition in affect for all employees, regardless of disability?</b>			
<b>Comments:</b>			

### **Documentation of HR Compliance May Include (Where Applicable)**

- HR1**
  - Examples of position vacancy announcements
  - Applications for Employment
  - List of regular sources for employee recruitment
  - Job Descriptions
  - Interview with Human Resources staff
  
- HR2**
  - Applications for Employment
  - Documentation of training and/or professional development
  - Written guidelines and standards for interviewing and ranking applicants
  - List of tests or criteria for employment
  - Review of most recent EEO6 report
  - Interview with Human Resources staff
  
- HR3**
  - Salary schedules by job, race, and gender, with notation if employee has disability or LEP
  - Fringe benefits policies
  - Promotions policies
  - Leave policies
  - Interviews with Human Resources staff
  - Interviews with Faculty and Staff
  
- HR4**
  - Inspection of facilities
  - Documentation of accommodations made for employees with disabilities
  - Interview with Human Resources staff
  - Interview with employees with disabilities
  - List of tests or criteria for employment
  - Application for Employment

## **FACILITIES ISSUES**

- F1** The institution shall operate its programs or activities so that, when each part is viewed in its entirety, it is readily accessible to disabled persons. (Note: Institutions are not required to make each of their existing facilities or every part of a facility accessible to and usable by persons with disabilities.)
- F2** Separate facilities for males and females as well as for disabled and non-disabled persons should be similar in quality and convenience.

## Standards of Accessibility Compliance

Required accessibility standards are determined by the date the facility was constructed or last renovated. Please refer to the referenced standards below for applicable accessibility requirements for each facility on your campus.

Renovated portions of facilities (except in cases where the renovation is cosmetic in nature only) must comply with the standard associated with the date of the renovation or alteration. Therefore, it is possible more than one standard may apply to a single facility.

Type	Construction/Alteration Initiated	Applicable Regulation	Standard
Existing facilities	before 6/4/1977	Section 504: 34 CFR 104.22	“Readily Accessible”
New Construction	6/4/1977 – 1/17/1991	Section 504: 34 CFR 104.23	ANSI A117.1-1961 (R1971)
New Construction	1/18/1991 – 1/26/1992	Section 504: 34 CFR 104.23	UFAS
New Construction	1/27/1992 or after	ADA: 28 CFR 35.151	ADAAG/UFAS or ADA (institution must specify one)
New Construction	March 15, 2012 or after	ADA: 28 CFR part 35.151	2010 ADA Regulations

**Note:**

- Parking Lots are considered separate facilities and must comply with the standard determined by the date of construction or last alteration (including paving and striping).
- Institutions must provide, in advance of the on-site review, the specific dates (mm/dd/yy) of the completed construction or renovation of the facilities.
- Additional facilities guidance can be found in the MCCB Facilities Quick Reference: <https://www.mccb.edu/moa-compliance/documents>

### **Documentation of Facilities Compliance May Include (Where Applicable)**

- F1**
  - List of all campus facilities, with date constructed, date last renovated, and a listing of all programs taught in the facility
  - List of all campus parking lots, with date constructed or last renovated
  - Inspection of facilities, including parking lots and sidewalks
  - Interview with Disabilities Coordinator
  - Interview with Administrators
  - Interview with Deans and/or Program Chairs
  - Interview with Students
  - Review of Blueprints and plans
  - Review of Renovation Schedules
  - Review of Maintenance Records
  - Review of Work orders or contracts associated with construction and/or renovation
  
- F2**
  - Inspection of facilities
  - Interview with Disabilities Coordinator
  - Interview with Administrators
  - Interview with Students