



SMCCCD - Cañada College

Appendix G: Self-Evaluation of Policies, Procedures, and Practices

DRAFT



The Americans with Disabilities Act
Self-Evaluation Report for
San Mateo Community College District
Cañada College



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I. PROJECT OVERVIEW

A. Acknowledgments

Sally Swanson Architects, Inc. (SSA) would like to thank Cañada College staff for their time, thoughtfulness, and conscientious contributions to this Self-Evaluation process. The Self-Evaluation process is more than simply responding to questions, it's an opportunity to immerse, reflect, grow, and demonstrate an unwavering commitment to making Cañada College the best it can be for all who come here. The level of commitment exhibited by Cañada College staff throughout this Self-Evaluation process attests to the College's dedication to equal access for all.

SSA would like to especially thank Heidi Rank, Architect and Project Manager for this Self-Evaluation. Without her leadership, and everyone's contribution, this project and the milestones of equality that will follow would not have been possible.

B. Introduction

Cañada College came into existence in the mid to late-1960's. The college offers more than 40 instructional programs under three instructional divisions, and is a regional center for Science, Technology, Engineering, and Mathematics (STEM) education. Cañada College has demonstrated commitment to maximizing the likelihood of success among underrepresented and educationally disadvantaged students, as well as veterans.

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Because of its history and mission of community service, Cañada College is particularly committed to providing seamless access to all its programs, services and activities for qualified people with disabilities. Cañada College is not only dedicated to ensuring compliance with State and Federal disability rights laws, it aspires to be a model of best practices in the areas of accessibility and reasonable accommodation.

The Americans with Disabilities Act (ADA) Title II mandates that covered entities, such as Cañada College, conduct a Self-Evaluation, create a Transition Plan, appoint an ADA Coordinator, and develop a Grievance Procedure and an ADA Notice of Compliance. To meet this obligation, and to create a path forward toward total accessibility, Cañada College has contracted with Sally Swanson Architects, Inc. (SSA) to assist with meeting (ADA) Title II mandates.

This document presents only the ADA Self-Evaluation. This evaluation provides a comprehensive report outlining a review of Cañada College programs, services and activities. Results of the survey and analysis identify programmatic and administrative barriers to programs and are contained herein along with the Grievance Procedure and ADA Notice of Compliance.

C. Background Information Regarding the Americans with Disabilities Act and California State Law

1. Purpose of the Americans with Disabilities Act

Passed in 1990, the Americans with Disabilities Act (ADA) is one of the most comprehensive civil rights laws in the nation. It provides protection to an estimated 57 million Americans in: employment (Title I); receipt of programs, services and activities from State and local government (Title II); the receipt of goods and services from private businesses (Title III); and telecommunications (Title IV). In 2008, the Americans with Disabilities Amendment Act (ADAAA) was passed. The ADAAA gives guidance to the courts regarding who has standing under ADA. The result has been an increasing number of people who are now able to bring ADA claims in Federal Court.

2. Overview of Disability Civil Rights Law Impacting Cañada College

Cañada College is covered by the ADA Title II, ADAAA of 2008, the Rehabilitation Act of 1973, and California Government Codes 11135 and 12926. All contractual activities are also covered by California Government Code 4450. Employment programs are covered by the ADA (Title I), the ADAAA and California Government Code 12926. Construction activities are covered by California Code 4450.

When comparing State and Federal law 28 CFR 35.103, it is mandated that the most stringent law be applied to create the maximum amount of access for people with disabilities. Thus, the most stringent standards were applied to the evaluation reported in this document.

3. ADA Self-Evaluation Requirements

Required by 28 CFR 35.105, the ADA Self-Evaluation is a complete examination of all programs, services and activities provided by Cañada College, to ensure that, when viewed in their entirety, they are readily accessible to qualified people with disabilities. The purpose of the ADA Self-Evaluation is to identify areas where changes are needed to ensure access is in place for people with disabilities.

4. Who is a Qualified Person with a Disability?

To be qualified as a person with disabilities for the purposes of this Self-Evaluation, an individual must have a disability as defined below and must be qualified to participate in the programs, services or activities of Cañada College.

Under California Government Code 11135, the ADA was incorporated into State law and therefore the ADA issues raised in this Report are both State and Federal issues. In California Government Code 12926, the definition of mental and physical disability was broadened beyond the ADA. Summarized as follows:

1. A person having a physical or mental disability that limits a major life activity. This person is considered as having unmitigated status (i.e., how the individual in question would function without the use of medication or devices that may mitigate the impact of the disability). If there is a limitation to a major life activity in this statute, coverage is established;

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2. A person with a history of a disability as described above;
3. A person is regarded as having a disability, such as described.

California State law also provides protection to cancer survivors, people who have a genetic predisposition to illnesses or disabilities or people who have received services within a special education program.

D. Scope of the Self-Evaluation

The Self-Evaluation is intended as a review of the programs, services and activities provided by Cañada College. The US Department of Justice (DOJ) within the ADA Title II, Technical Assistance Manual (TAM) (Section II-8.2000) recommends a scope of review for Self-Evaluations, which contains thirteen program areas which were considered for use in the development of this report. Areas considered include:

- The Transition Plan (physical access to existing College facilities),
- Policies that may limit or exclude the participation of people with disabilities;
- Communication systems used by Cañada College;
- Provision of auxiliary aids and services to people who are engaged in Cañada College's programs, services or activities;
- Access to emergency management for people with disabilities;
- Disability awareness among Cañada College staff;
- Policies addressing policy modification requests and the determination of fundamental alteration of programs;
- Access to public meetings;
- Human Resources programs and policies;
- Construction policies;
- College staff training and support;

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- ❑ ADA-related drug policies.

E. Self-Evaluation Method of Review

The ADA mandates that a Self-Evaluation review all programs, services and activities of the covered entity. The Self-Evaluation of Cañada College's programs, services, and activities required and involved the participation of every College department. Various teams were assigned relevant surveys based on their programs, services and activities. Departments were instructed to complete a survey for different divisions if they were sufficiently separate and unique. Copies of survey questions are included in the Appendix to this report, and completed surveys are available upon request.

F. ADA Transition Plan Requirements

The ADA Transition Plan is required by 28 CFR 35.150 (d). An ADA Transition Plan must include the following components:

1. A list of all physical barriers in sites at which Cañada College provides programs, services or activities;
2. A statement regarding the method to be used to mitigate the barriers;
3. A schedule for barrier mitigation;
4. The name of the official who is responsible for the ADA Transition Plan administration.

The ADA Transition Plan will be contained in a separate report.

G. How This Report is Organized & To Be Utilized

As noted above, Cañada College is committed not only to compliance with federal and state laws regarding disability and access, but strives to be a model of accessibility and reasonable accommodations best practices. Accordingly, this Report is organized according to survey responses.

This Report is intended to be a summary – not full recitation – of survey results. Each section begins with an overview of recommendations and segues into a breakdown of survey summaries providing the basis for those recommendations. College Staff-provided recommendations are also indicated, and other lists, such as lists of available accessibility resources, are generally indicated as well.

By organizing it this way, the College can easily access the information it needs and use this Report to sharpen its focus on providing the best possible service to its constituents with disabilities, and become a model of best practices.

II. SURVEY RESPONSES AND RECOMMENDATIONS

ADA Coordinator

Recommended Actions

- Draft, implement and publicize uniform College policies regarding: anti-disability harassment; non-discrimination against former illegal drug users; motorized mobility devices on campus; and service and emotional support animals.
- Ensure that trainings are regularly given to employees regarding the ADA, including but not limited to: person-first language; etiquette; responding to reasonable accommodations requests and the interactive process; accessible built (and digital) environments; positive representations of persons with disabilities; and college resources available to assist with all of these issues.
- Ensure that employees know they will not be required to pay for reasonable accommodations which enable them to perform the essential functions of their position.
- Clarify who is responsible for determining undue hardship in employee reasonable accommodation requests.
- Draft and implement uniform College policy regarding determination of “direct threat”.
- Draft and implement guidance regarding maintenance of clear floor space and maneuvering clearances, as well as maintenance of accessible features and accessible classrooms.

Survey Response Overview

Notices & ADA-Related Procedures

Survey responses indicate that the College’s website contains notifications regarding ADA compliance, generally, and web accessibility, specifically. Additionally, the College has a robust grievance process that contains several levels of review. There

is no grievance process specific to ADA concerns, but these concerns would be addressed by the grievance process at large.

Survey responses indicated that there have been complaints regarding disability civil rights matters. Specifically, there have been complaints regarding the accessibility of Building 13 and campus space as a whole, as well as complaints regarding the process for providing and denial of accommodations.

Student requests for reasonable accommodations, including the interactive process, are handled by the Disability Resource Center (DRC); employee requests are handled by Human Resources. For students, determinations of undue hardship are made by the DRC counselors; for employees, this was unclear. The College is clear that DRC student services are free of charge; for employees, this was not clear.

Training & Policies

Survey responses also indicated that there is currently no specific policy in place regarding anti-disability harassment, motorized mobility devices, non-discrimination against former drug users, or service or emotional support (“comfort”) animals. If there is a need regarding these, it would be addressed on an individual basis.

Survey responses indicated that, with regard to employee ADA orientation and training, the DRC provides regular training which may include information on etiquette, disability civil rights, and person-first language. Additionally, distance learning professors are required to complete a distance education training that involves information on accessibility. There is currently no training or review process for ensuring positive representations of persons with disabilities. Additionally, there is no policy in place regarding determination of “direct threat”.

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Survey responses indicated that College facilities staff are aware of clear and maneuvering space requirements, but it was unclear whether there is specific guidance and/or training regarding this, or whether staff are aware of requirements around maintaining accessible features (e.g. water fountains, paper towel dispensers, etc.), or ensuring that classrooms are set up for proper sight lines.

Communications

Recommended Actions

- Update style guide to include best practices around accessible fonts, sizes, use of color/contrast.
- Evaluate campus phone lines, including 911, to ensure lines are accessible to persons who are Deaf or Hard of Hearing.
- Ensure the College has a process for procuring Video Remote Interpreting (VRI) services as needed.

Survey Response Overview

Print Materials/Vision Impairments

Survey responses indicate that the College has a style guide to ensure consistency of presentations and announcements. A brief review of this style guide did not reveal any reference to best practices around accessible fonts and font sizes. Campus publications are available in alternative formats, however, and are reviewed for person-first language and to portray persons with disabilities in a positive manner. When publications are sent electronically, they are not typically sent as PDFs and Word documents simultaneously.

Communication with People who are Deaf or Hard of Hearing (HoH)

Survey responses indicate that Campus telephone lines and the College 911 system are likely not accessible to TTY. Most videos used by the College's website as well as videos used in waiting and lobby areas are captioned. Survey responses also indicated it wasn't clear whether the College has a policy in place for securing Video Remote Interpreting services (VRI), or that Public Address (PA) systems are accessible to persons who are Deaf or HoH. Campus Security did note that, although it has no procedures in place to obtain a sign language interpreter if needed in an emergency situation, this would likely be obtainable via its contacts at Facilities, or through the SMCSO. If such assistance is not available, Campus Security will communicate via writing on a notepad.

Faculty

Recommended Actions

- No recommended actions at this time

Survey Response Overview

Survey responses indicated that Faculty are held accountable by their Dean and the Vice President of Instruction to ensure that their instructional materials are ordered and available in a timely fashion. The College's website has a page dedicated to the Disability Resource Center and, on this page, there is a link for Faculty Resources. The

DRC's Faculty Resources page contains extensive information on working with DRC for individual student accommodations, as well as detailed instruction and resource on how to ensure that course materials are accessible.¹

Information Technology & Digital Communication

Recommended Actions

- No recommendations at this time.

Survey Response Overview

Survey responses indicate that website postings can be reviewed for accessibility before they are published using the “accessibility checker” feature in “OU Campus”, the District’s CMS. There are numerous technologies available to identify potential accessibility issues, and individual files are checked using WAVE and/or aXe. The College is in the process of moving older form documents to accessible digital versions in Formstack. All new websites produced are required to meet WCAG 2.1 standards and are reviewed for ADA compliance. Older sites have undergone remediation, with a significant reduction in scannable errors. The College has not received major complaints regarding web accessibility, and web pages include a link in the footer to a web form, where accessibility errors can be reported.

¹ <https://canadacollege.edu/disabilityresourcecenter/faculty.php>
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For web images, Cañada College uses text equivalents, such as alt or aria-label, for photos and graphics that convey meaning. Decorative images, such as icons, are hidden from screen readers to streamline the experience. Additionally, the College web site does not rely solely on color to display any information with semantic meaning, and does not use any strobing, flickering or flashing elements on any of its web pages. Overall, the College's survey responses regarding IT and digital communications demonstrated a strong knowledge around and implementation of the Web Content Accessibility Guidelines (WCAG) 2.1.

Law Enforcement

Recommended Actions

- Recommend developing and delivering ADA-specific training tailored to law enforcement scenarios.

Survey Response Overview

Survey responses indicate that College first responders have not been trained regarding the disability civil rights mandates that the College is held to under State and Federal laws. The only related training is for its Crisis Intervention Team (CIT). Campus Security indicated that, in large part, it partners with the local Police Department for issues around custody, Miranda Rights, and service animals.

Library Services

Recommended Actions

- Develop and implement training on best practices for assisting Library guests with disabilities.
- Develop and implement guidelines on best practices for maintaining accessibility in the Library's built environment.
- Develop and implement basic training on digital accessibility and digital access tools.
- Set aside resources so that the Library can caption older reference materials.

Survey Response Overviews

Library Services survey responses indicated that the Library has not received complaints relevant to accessibility. The Library does not have large print, Braille or audio books, or specific resources for people who are vision-impaired and/or who have mobility limitations. It does, however, ensure that DVDs have captioning.

The Library has one computer with a low visibility program running on it. All public Library computers are equipped with Kurzweil - a program for people with different types of learning disabilities. Additionally, computers used by students are equipped with software which makes them accessible to persons with visual impairments. Database systems providers generally address digital accessibility.

Regarding accessibility in the built environment, the Library survey responses indicated that this type of accessibility is always attempted, but not clear if it's always successful. Step stools are available for persons who are of shorter stature, and two brochure racks are available. Public bulletin boards are not accessible. Additionally,

survey responses indicated that there is currently no evacuation procedure for persons with disabilities.

The Library survey responses indicated that Library Staff would like: to have services for closed captioning for older materials; to know how to make physical spaces more accessible; and to know more about software to make computers more accessible.

Meetings & Events

Recommended Actions

- Develop a meeting and events accessibility checklist for physical spaces and offer it to Facilities, Campus Security, and anyone involved in producing meetings and/or events. Ensure that this checklist applies to College related events that happen to be off-campus.
- Develop and offer training to meeting and event organizers for accessibility best practices.

Survey Response Overview

Survey responses indicated that meetings and events are held at locations accessible by public transportation. If transportation is provided, it is contracted out². If transportation accommodations are required, students can make this request. With regard to the physical accessibility of meeting and event spaces, this would be handled by Facilities staff, largely on a case by case basis and/or if they were made aware that

² Survey responses did not indicate whether contracted transportation services met basic accessibility requirements, however Purchasing and Contracting Services survey responses stated that compliance with the Americans with Disabilities Act is part of contractual requirements.

reasonable accommodations would be required. If it is known ahead of time that a presenter has a disability and requires accommodation, an event space could be set up to ensure access to a stage, podium, microphone and/or presentation area.

Survey responses were unclear as to whether all meeting and event notifications uniformly notify potential guests/attendees regarding the availability of auxiliary services. Should a guest/attendee require assistance, these requests would be received by and handled by the event organizer.

With regard to the accessibility of meeting or event content (e.g. by presenters), it was unclear whether any such training is offered or available. Additionally, there are currently no processes in place for addressing service animals at meetings or events.

Physical Education

Recommended Actions

- Evaluate concerns listed below to determine accessible paths of travel may be improved to Physical Education and athletic areas.

Survey Response Overview

Survey responses indicated that, although there are currently no adaptive PE courses offered, PE teachers are taught how to modify their coursework to ensure that all students are able to participate.

With regard to the buildings, rooms and facilities where PE courses are offered, survey responses indicated some concern regarding accessibility of these. First, classes may take place in rooms not originally intended for PE classes and, as a result,

may not be set up for optimum accessibility. Additionally, the following concerns were raised:

- There is no direct walkway to/from the Tennis Courts to the general campus area.
- Cañada Athletics sponsors an Intercollegiate Varsity Women's Tennis Team which hosts other colleges. As of now, vehicles are forced to park on Cañada Loop (although not permitted) when the parking is full.
- Wooden Stairs – the walk way from Lot 6 to the baseball field is outdated and steep. Right now, there is no ramp available for those who need wheelchair access if the gates are closed.

Survey responses indicated a overarching desire to improve access, generally, between main campus and PE/athletic areas.

Purchasing & Service Contracts

Recommended Actions

- There are no recommended actions at this time.

Survey Response Overview

Survey responses indicated that all contracted service providers and vendors are held to the mandates of Title II of the ADA and California Government Code. It is not clear if bidding materials are accessible, but related meetings are held in accessible locations, and major projects are reviewed with members of the community of persons with disabilities. Additionally, the College mandates that items purchased are accessible, and usable by persons with disabilities.

If a recipient of programs, services or activities via service contracts believe that their civil rights have been violated, they may report it to the DRC department or contact the Office of Civil Rights. When questions come up regarding purchases, the College will consult outside resources such as the Job Accommodations Network (JAN). When purchased items are installed into built environments, there is a check for accessibility.

Student & Community Services

Recommended Actions

- Design and implement best practices and etiquette for working with students who have disabilities.
- Examine whether measures might be implemented to assist with door opening (e.g. automatic door opener, power assist, etc.)

Survey Response Overview

Student Center survey responses indicated that its built environment is maintained to be accessible in terms of clear floor and maneuvering space, and that staff has received extensive training on how to evacuate people with disabilities in the event of an emergency.

All flyers contain statements regarding the ADA, and any student who requires assistance completing a form will receive that help. Student forms aren't offered in large form, but they are offered electronically. Brochure racks aren't accessible, and the survey respondent indicated that the Center has received complaints regarding how difficult it is to open the door (which is typically closed for fire purposes).

Medical Services

Recommended Actions

- Develop and implement best practices on working with patients with disabilities in a medical and healthcare setting.

Survey Response Overview

Survey responses indicate that the Medical Services waiting room is set up to accommodate people who may use mobility devices, but does not have alternative seating for people who may need higher seats due to trouble getting in and out of chairs. Medical facilities ensure that patients with disabilities receive adequate treatment, even if it requires more time and attention, and that patients with disabilities are not required to wait longer for treatment due to lack of accessible equipment.

Health care providers do not receive ADA-specific training, but do receive some training regarding unconscious bias. Additionally, health education materials are available in alternative formats.

Emergencies & Evacuation Procedures

Recommended Actions

- Develop and implement training for Building Captains and Staff on best practices for evacuating persons with disabilities during an emergency scenario.
- Develop protocols for use of evacuation chairs in the event more than one person requires assistance with these chairs.

- ❑ Examine how existing elevator communications systems could be modified to ensure communication with persons who are Deaf or HoH.
- ❑ Develop and implement protocols on assisting persons with disabilities during a shelter in place.

Survey Response Overview

Survey results indicate that evacuation procedures are in place, that persons with disabilities have been consulted in creating these procedures, but it is unclear whether building captains have received training in assisting people with disabilities. Buildings are equipped with evacuation chairs, and staff has been trained in the use of these. It is not clear what procedure would be followed in the event more than one person requires evacuation chair assistance.

The College coordinates with the local fire department in emergency evacuation scenarios, and has protocols in place for shutting down HVAC systems, for instance, to protect persons within facilities. If a person who is Deaf or HoH were trapped in an elevator, there apparently is currently no way for them to communicate via the elevator communication systems. Emergency exits are clearly marked, alarms are both audio and strobe, and, in active shooter situations, communication can be achieved via text, audio and in person. Based on survey responses, it appears there are currently no protocols for assisting persons with disabilities during a shelter in place.

Construction

Recommended Actions

- Develop policies and practices that enable persons with disabilities to be notified of accessible routes during construction, including on notifications, and construction area signage.

Survey Response Overview

The College's ADA coordinator indicates that, during construction, notices are sent out campus wide. It was not clear whether accessible routes are indicated on these notices, and/or how accessibility is maintained during construction. Survey responses indicated that accessibility during construction is likely the responsibility of the construction company.

Vetting of Self-Evaluation Results

Cañada College is committed to the vetting of these results with stakeholders as required by law and developing an implementation plan designed to implement necessary changes and track good-faith compliance efforts.

Vetting Activity

Report Concerning the Self-Evaluation Vetting

- Date(s) and location(s) of vetting
- List of attendees

Input Received During Vetting

Response to Input during Vetting:

Persons Involved in Vetting:

Use of This Self-Evaluation as a Living Document

The ADA requires that a Self-Evaluation be conducted once. Many entities, including Cañada College, recognize the value of using this document on an ongoing basis. As such, it's available to incorporate new policies as needed in response to emerging issues in case law, new regulations or the development of, and/or modification of College programs. Thus, an addendum to this report can be added as needed to document the College's good-faith effort to make the changes necessary to ensure appropriate access for students, employees and visitors to Cañada College.

Staff Who Contributed to this ADA Self-Evaluation

Megan Rodriguez Antone, Director of Community Relations & Marketing

Michael Ryan, Web Programmer Analyst

Brian Tupper, Captain, Public Safety

Diana Tedone-Goldstone, Librarian

Rachel Corrales, Senior Accounting Coordinator

Matthew Lee, Interim Athletic Director

Mary Chries Concha Thia, College Business Office

Michiko Kealoah, Student Life

Mendoza Pérez, VPSS

Work Plan for the Self-Evaluation Implementation

The following is the Cañada College ADA Self-Evaluation work plan. It is contained in a spreadsheet designed to be modified as progress is made. It may also be modified when work is necessary that is not identified within the body of this Report. Such instances may occur pursuant to new regulations or case law developments.

The first column will contain a series of recommendations that come from interaction with Cañada College officials. These are entitled "General Recommendations". The second column is "Action Taken by the College". This column is designed to record whether the College has accepted the recommendation, modified or rejected it. If the recommendation is rejected or modified it would be advisable to record the rationale for this action in the "notes" section, which is the seventh column to the right.

Columns titled "Staff Assigned", Due Dates, "Reviewed by" and "Date" are designed to record progress in the implementation of the ADA self-evaluation.

Many of the recommendations are clustered by subject and can be addressed with one staff assignment. Occasionally, there will be one recommended action that addresses a number of issues noted within the report. For example, disability awareness training benefits the College's operation in a number of areas which are noted by findings. The provision of the training, therefore, addresses a wide variety of issues.

It is very important that the date on the work plan be updated each time an entry is made.

Appendices

Appendix A

28 CFR 35.105 Self-Evaluation.

- (a) A public entity shall, within one year of the effective date of this part, evaluate its current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of this part and, to the extent modification of any such services, policies, and practices is required, the public entity shall proceed to make the necessary modifications.
- (b) A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the Self-Evaluation process by submitting comments.
- (c) A public entity that employs 50 or more persons shall, for at least three years following completion of the Self-Evaluation, maintain on file and make available for public inspection:
 - (1) A list of the interested persons consulted;
 - (2) A description of areas examined and any problems identified;
and
 - (3) A description of any modifications made.
- (d) If a public entity has already complied with the Self-Evaluation requirement of a regulation implementing section 504 of the Rehabilitation Act of 1973, then the requirements of this section shall apply only to those policies and practices that were not included in the previous Self-Evaluation

Appendix B

California Government code section 11135

11135. (a) No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state. Notwithstanding Section 11000, this section applies to the California State University.

(b) With respect to discrimination on the basis of disability, programs and activities subject to subdivision (a) shall meet the protections and prohibitions contained in Section 202 of the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, except that if the laws of this state prescribe stronger protections and prohibitions, the programs and activities subject to subdivision (a) shall be subject to the stronger protections and prohibitions.

(c) (1) As used in this section, "disability" means any mental or physical disability, as defined in Section 12926.

Appendix C

California Government Code Section 12926

Cal Gov Code § 12926 (2010)

§ 12926. Definitions regarding unlawful practices

As used in this part in connection with unlawful practices, unless a different meaning clearly appears from the context:

(a) "Affirmative relief" or "prospective relief" includes the authority to order reinstatement of an employee, awards of backpay, reimbursement of out-of-pocket expenses, hiring, transfers, reassignments, grants of tenure, promotions, cease and desist orders, posting of notices, training of personnel, testing, expunging of records, reporting of records, and any other similar relief that is intended to correct unlawful practices under this part.

(b) "Age" refers to the chronological age of any individual who has reached his or her 40th birthday.

(c) "Employee" does not include any individual employed by his or her parents, spouse, or child, or any individual employed under a special license in a nonprofit sheltered workshop or rehabilitation facility.

(d) "Employer" includes any person regularly employing five or more persons, or any person acting as an agent of an employer, directly or indirectly, the state or any political or civil subdivision of the state, and cities, except as follows:

"Employer" does not include a religious association or corporation not organized for private profit.

(e) "Employment agency" includes any person undertaking for compensation to procure employees or opportunities to work.

(f) "Essential functions" means the fundamental job duties of the employment position the individual with a disability holds or desires. "Essential functions" does not include the marginal functions of the position.

(1) A job function may be considered essential for any of several reasons, including, but not limited to, any one or more of the following:

(A) The function may be essential because the reason the position exists is to perform that function.

(B) The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed.

(C) The function may be highly specialized, so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

(2) Evidence of whether a particular function is essential includes, but is not limited to, the following:

(A) The employer's judgment as to which functions are essential.

(B) Written job descriptions prepared before advertising or interviewing applicants for the job.

(C) The amount of time spent on the job performing the function.

(D) The consequences of not requiring the incumbent to perform the function.

(E) The terms of a collective bargaining agreement.

(F) The work experiences of past incumbents in the job.

(G) The current work experience of incumbents in similar jobs.

(g) "Labor organization" includes any organization that exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection.

(h) "Medical condition" means either of the following:

(1) Any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer.

(2) Genetic characteristics. For purposes of this section, "genetic characteristics" means either of the following:

(A) Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or his or her offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder.

(B) Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or his or her offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.

(i) "Mental disability" includes, but is not limited to, all of the following:

(1) Having any mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section:

(A) "Limits" shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

(B) A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.

(C) "Major life activities" shall be broadly construed and shall include physical, mental, and social activities and working.

(2) Any other mental or psychological disorder or condition not described in paragraph (1) that requires special education or related services.

(3) Having a record or history of a mental or psychological disorder or condition described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

(4) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any mental condition that makes achievement of a major life activity difficult.

(5) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (1) or (2).

"Mental disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

(j) "On the bases enumerated in this part" means or refers to discrimination on the basis of one or more of the following: race, religious creed, color, national origin,

ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation.

(k) "Physical disability" includes, but is not limited to, all of the following:

(1) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:

(A) Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

(B) Limits a major life activity. For purposes of this section:

(i) "Limits" shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

(ii) A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.

(iii) "Major life activities" shall be broadly construed and includes physical, mental, and social activities and working.

(2) Any other health impairment not described in paragraph (1) that requires special education or related services.

(3) Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

(4) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any physical condition that makes achievement of a major life activity difficult.

(5) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (1) or (2).

(6) "Physical disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use

disorders resulting from the current unlawful use of controlled substances or other drugs.

(l) Notwithstanding subdivisions (i) and (k), if the definition of "disability" used in the Americans with Disabilities Act of 1990 (Public Law 101-336) would result in broader protection of the civil rights of individuals with a mental disability or physical disability, as defined in subdivision (i) or (k), or would include any medical condition not included within those definitions, then that broader protection or coverage shall be deemed incorporated by reference into, and shall prevail over conflicting provisions of, the definitions in subdivisions (i) and (k).

(m) "Race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation" includes a perception that the person has any of those characteristics or that the person is associated with a person who has, or is perceived to have, any of those characteristics.

(n) "Reasonable accommodation" may include either of the following:

(1) Making existing facilities used by employees readily accessible to, and usable by, individuals with disabilities.

(2) Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

(o) "Religious creed," "religion," "religious observance," "religious belief," and "creed" include all aspects of religious belief, observance, and practice.

(p) "Sex" includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth. "Sex" also includes, but is not limited to, a person's gender, as defined in *Section 422.56 of the Penal Code*.

(q) "Sexual orientation" means heterosexuality, homosexuality, and bisexuality.

(r) "Supervisor" means any individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(s) "Undue hardship" means an action requiring significant difficulty or expense, when considered in light of the following factors:

(1) The nature and cost of the accommodation needed.

(2) The overall financial resources of the facilities involved in the provision of the reasonable accommodations, the number of persons employed at the facility, and the effect on expenses and resources or the impact otherwise of these accommodations upon the operation of the facility.

(3) The overall financial resources of the covered entity, the overall size of the business of a covered entity with respect to the number of employees, and the number, type, and location of its facilities.

(4) The type of operations, including the composition, structure, and functions of the workforce of the entity.

(5) The geographic separateness, administrative, or fiscal relationship of the facility or facilities.

HISTORY:

Added Stats 1980 ch 992 § 4. Amended Stats 1985 ch 1151 § 1; Stats 1990 ch 15 § 1 (SB 1027); Stats 1992 ch 911 § 3 (AB 311), ch 912 § 3 (AB 1286), ch 913 § 21.3 (AB 1077); Stats 1993 ch 1214 § 5 (AB 551); Stats 1998 ch 99 § 1 (SB 654); Stats 1999 ch 311 § 2 (SB 1185), ch 591 § 5.1 (AB 1670), ch 592 § 3.7 (AB 1001); Stats 2000 ch 1049 § 5 (AB 2222); Stats 2003 ch 164 § 1 (AB 196); Stats 2004 ch 700 § 4 (SB 1234).

Amendments:

1985 Amendment:

Added (1) "or her" after "employed by his" in subd (b); and (2) subd (i).

1990 Amendment:

Added subd (j).

1992 Amendment:

(1) Added subd (a); (2) redesignated former subds (a)-(d) to be subds (b)-(e); (3) amended the introductory clause of subd (d) by (a) deleting ", except as hereinafter provided," before "includes"; and (b) substituting ", except as follows:" for a period; (4) added subdivision designation (d)(1); (5) added subd (d)(2); (6) added subd (f); (7) redesignated former subdivisions (e) and (f) to be subds (g) and (h); (8) substituted "includes, but is not limited to," for "means" in subd (h); (9) added subd (i); (10)

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redesignated former subd (g) to be subd (j); **(11)** substituted "disability, mental disability" for "handicap" in subd (j); **(12)** substituted subd (k) for former subd (h) which read: "(h) 'Physical handicap' includes impairment of sight, hearing, or speech, or impairment of physical ability because of amputation or loss of function or coordination, or any other health impairment which requires special education or related services."; **(13)** added subds (l) and (m); **(14)** redesignated former subds (i) and (j) to be subds (n) and (o); and **(15)** added subd (p) and the last paragraph. (As amended 1992 ch 913, compared to the section as it read prior to 1992. This section was also amended by two earlier chapters, ch 911, ch 912. See *Gov C § 9605*.)

1993 Amendment:

(1) Substituted "functions" for "duties" after "Essential" both times it appears in subd (f); **(2)** deleted ", but is not limited to," after "includes" in subd (h); **(3)** deleted former subd (l) which read: "(l) 'Reasonable accommodation' may include either of the following:

"(1) Making existing facilities used by employees readily accessible to, and usable by, individuals with disabilities.

"(2) Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities. It is the intent of the Legislature that the definition of 'physical disability' in this subdivision shall have the same meaning as the term 'physical handicap' formerly defined by this subdivision and construed in *American National Ins. Co. v. Fair Employment & Housing Com.*, 32 Cal. 3d 603. However, 'physical disability' does not include conditions excluded from the federal definition of 'disability' pursuant to Section 511 of the Americans with Disabilities Act of 1990 (42 U.S.C., § 12211). Additionally, for purposes of this part, the unlawful use of controlled substances or other drugs shall not be deemed, in and of itself, to constitute a physical disability."; **(4)** designated the former last paragraph in the section to be subd (l); and **(5)** substituted "of" for "or" after "size of the business" in subd (p)(3).

1998 Amendment:

(1) Amended subd (d) by **(a)** substituting the comma after "indirectly" for the semicolon; and **(b)** adding the comma after "thereof"; **(2)** substituted "that" for "which" after "organization" in subd (g); **(3)** amended subd (h) by adding **(a)** "(1) genetic characteristics, or (2)" after "include" in the first sentence; and **(b)** the second sentence; and **(4)** added "and" before "(5) the geographic" in subd (p).

1999 Amendment:

(1) Amended subd (d) by (a) substituting "of the state" for "thereof" in the introductory clause; (b) deleting subdivision designation (d)(1) at the beginning of the second paragraph; and (c) deleting former subd (d)(2) which read: "(2) 'Employer,' for purposes of provisions defining unlawful employment practices related to mental disability, means any person regularly employing 15 or more persons, or any person directly or indirectly acting as an agent of such an employer, and also includes the state and municipalities and political subdivisions of the state."; (2) substituted subd (h) for former subd (h) which read: "(h) 'Medical condition' includes (1) genetic characteristics, or (2) any health impairment related to or associated with a diagnosis of cancer, for which a person has been rehabilitated or cured, based on competent medical evidence. For purposes of this section, 'genetic characteristics' means any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or his or her offspring, or is determined to be associated with a statistically increased risk of development of a disease or disorder, or inherited characteristics that may derive from the individual or family member, that is presently not associated with any symptoms of any disease or order."; (3) substituted "or age" at the end of subd (j); (4) added subd (m); (5) redesignated former subds (m)-(o) to be subds (n)-(p); (6) added subds (q) and (r); and (7) redesignated former subd (p) to be subd (s). (As amended Stats 1999 ch 592, compared to the section as it read prior to 1999. This section was also amended by two earlier chapters, ch 311 and ch 591. See *Gov C § 9605*.)

2000 Amendment:

(1) Amended subd (h) by (a) adding "means" in the introductory clause; and (b) substituting "cancer or a record or history of cancer" for ", for which a person has been rehabilitated or cured, based on competent medical evidence" in subd (h)(1); (2) substituted subd (i) for former subd (i) which read: "(i) 'Mental disability' includes any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. However, 'mental disability' does not include conditions excluded from the federal definition of 'disability' pursuant to Section 511 of the Americans with Disabilities Act of 1990 (*42 U.S.C. Sec. 12211*). Additionally, for purposes of this part, the unlawful use of controlled substances or other drugs shall not be deemed, in and of itself, to constitute a mental disability."; and (3) substituted subd (k) for former subd (k) which read: "(k) 'Physical disability' includes, but is not limited to, all of the following:

"(1) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:

"(A) Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

"(B) Limits an individual's ability to participate in major life activities.

"(2) Any other healthy impairment not described in paragraph (1) that requires special education or related services.

"(3) Being regarded as having or having had a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (1) and (2).

"(4) Being regarded as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (1) or (2).

"It is the intent of the Legislature that the definition of 'physical disability' in this subdivision shall have the same meaning as the term 'physical handicap' formerly defined by this subdivision and construed in *American National Ins. Co. v. Fair Employment & Housing Com.* (1982) 32 Cal. 3d 603. However, 'physical disability' does not include conditions excluded from the federal definition of 'disability' pursuant to Section 511 of the Americans with Disabilities Act of 1990 (42 U.S.C., Sec 12211). Additionally, for purposes of this part, the unlawful use of controlled substances or other drugs shall not be deemed, in and of itself, to constitute a physical disability."

2003 Amendment:

(1) Added the second sentence of subd (p); and (2) amended subd (s) by substituting (a) "The" for "the" at the beginning of subds (s)(1)-(s)(5); and (b) the period for the comma at the end of subds (s)(1)-(s)(3) and the period for ", and" at the end of subd (s)(4).

2004 Amendment:

Substituted "*Section 422.56 of the Penal Code*" for "*Section 422.76 of the Penal Code*, except that, for purposes of this part, the reference in that definition to the "victim" shall mean the employee or applicant and the reference in that definition to the

"defendant" shall mean the employer or other covered entity or person subject to applicable prohibitions under this part" in subd (p).

Appendix D

Cañada College

Notice of Compliance Under ADA & California State Law

In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA) of 1990, the Americans with Disabilities Amendments Act of 2008, the Fair Employment & Housing Act (FEHA), California Government Code Section 11135 and other applicable codes, Cañada College does not discriminate against individuals on the basis of disability in its services, programs or activities.

Employment: Cañada College does not discriminate on the basis of disability in its hiring or employment practices and will comply with the Fair Employment and Housing Act, as well as Title I of the ADA, including the regulations promulgated by the U.S. Equal Employment Opportunity Commission (EEOC), including the requirement to provide reasonable accommodations.

Effective Communication: Cañada College will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities, including sign language interpreters, documents in Braille and other alternate formats to ensure information and communication is accessible to people who have speech, hearing, vision, or cognitive impairments so they can participate equally in the programs, services and activities.

Modification to Policies and Procedures: Cañada College will make reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to participate in all of its programs, services and activities. *For example, individuals with service animals behaving within applicable standards are welcome in offices and College facilities, even when pets are generally prohibited.*

Anyone who requires auxiliary aids and services for effective communication, or a

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modification of policies or procedures to participate in a program, service or activity in Cañada College should submit their request for reasonable accommodations to **(ADA COORDINATOR EMAIL ADDRESS NEEDED HERE)** (unless otherwise specified) as soon as possible, but no later than **72 hours** before the scheduled event.

Neither the ADA, nor state law requires Cañada College to take action that would fundamentally alter the nature of its programs, activities or services or impose an undue financial or administrative burden. Complaints about web accessibility, alternate media or academic accommodations can be submitted online via our [online complaint form](https://canadacollege.edu/policies/grievances.php) (link: <https://canadacollege.edu/policies/grievances.php>).

Cañada College will not place a surcharge on a particular individual with a disability or a group of individuals with disabilities to cover the cost of providing auxiliary aids and services or making a reasonable modification to a policy to create access.

Appendix E

Cañada College

ADA Notice Dissemination Plan

Title II of the ADA, 28 CFR 35.106³ requires that Cañada College produce and disseminate a notice of their ADA compliance.

The notice should be written clearly without undue complication. It should discuss what ADA requirements the entity is held to, the name of the ADA Coordinator, and provide current contact information enabling an individual to contact the ADA Coordinator. The notice should cover areas regarding:

- Employment;
- Effective Communication;
- Making reasonable modification to policies and programs;
- An explanation of the non-surcharge requirement concerning the provision of auxiliary aids and services; and
- Information regarding the grievance process.

³28 CFR 35.106 Notice: A public entity shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this part and its applicability to the services, programs, or activities of the public entity, and make such information available to them in such manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

In considering how to disseminate this document, the College should identify the impacted parties who would have an interest in the notice. The notice dissemination plan should address the frequency of notice dissemination. Methods of dissemination may include:

- The College's website;
- Local Newspaper(s);
- College Publications;
- Posters on College facilities;
- Inclusion of notice for special activities;
- Within transportation systems provided by the College;
- Within Disabled Students Programs and Services meetings and materials; and
- Other forms in which impacted stakeholders might be present.

Not all of the above notice dissemination methodologies may be necessary to effectively disseminate the notice.

Appendix F

Grievance Procedure under ADA or California State Disability Civil Rights Laws

This grievance procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"), the Americans with Disabilities Amendments Act (ADAAA) and California State law. It may be used by anyone wishing to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by Cañada College. The College's Disability Discrimination Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of the complainant and location, date and a description of the problem(s). The College's Grievance Procedure form is available online at <https://canadacollege.edu/policies/grievances.php>. Alternative means of filing a complaint, such as personal interviews or a tape recording of the complaint, are available to persons with disabilities upon request.

Appendix G

Contact Information for the Cañada College Disability Resource Center and/or Cañada College ADA or Reasonable Accommodations Coordinator:

For questions related to student accommodations or verifying student disability and any resulting educational limitations you can contact:

Disability Resource Center:

Building 5, Room 303

Phone: (650) 306-3259

TDD: (650) 306-3161

Fax: (650) 306-3185

Appendix H

SURVEY QUESTIONS

ADA Coordinator

1. Does the College have an ADA Notice of Compliance? If yes, does it address State law? Please attach the Notice.
2. Does the grievance system:
 - a. Offer assistance to persons with disabilities, who due to their disability are not able to complete the grievance form?
 - b. Provide timelines when a complainant can expect a result?
 - c. Have a second level of review?

- d. Contain a notice regarding availability of the grievance system in alternative format?
 - e. Contain the name and contact information of the ADA Coordinator?
3. Are the ADA Notice of Compliance and the grievance system posted on the College website?
4. Who handles the fact finding and grievance administration?
5. Does the College have a plan for ADA Notice and Grievance dissemination?
6. Does the ADA Coordinator's office have ready access to senior management? If no, how are disability civil rights issues elevated in order that they may be addressed in a timely manner?
7. Who provides auxiliary aids and services to persons seeking accommodation under ADA Title II?
8. Who provides reasonable accommodations to applicants and employees under ADA Title I, ADAAA and California Government Code 12926 (employment)?
9. Who investigates grievances related to reasonable accommodations and other ADA related issues?
10. Is an interactive process used? If yes, how is it documented?
11. How is undue hardship determined and by whom?

12. Is there an anti-surcharge policy in place to make it clear to staff not to charge for accommodations?
13. Is contract language in place holding contractors and vendors to applicable State and Federal disability civil rights mandates? If yes, how is this enforced?
14. If a person with a disability believes they have been discriminated against by a campus vendor or contractor, what steps are open to them?
15. Is an accessibility plan check done when vendors are conducting tenant improvements in public services areas?
16. Is guidance in place for staff and vendors regarding clear space and furniture placement? If yes, please attach the guidance.
17. Does the College have a service animal policy? If yes, how is staff trained?
18. How is access for comfort animals addressed?
19. Is there a procedure in place to be used by staff should there be an incident involving a service animal? If yes, please attach the procedure.
20. How does the College address service animal relief areas during meetings and events?

21. Are all College publications offered in alternative formats?
22. Is there notice on all public meeting announcements that auxiliary aids and services are made available as needed for meeting participants with disabilities?
23. Is the College 911 system accessible to TTYs and modems?
24. Is College staff and vendors who have public contact trained or provided guidance regarding ADA requirements and disability awareness?
25. How are new employees oriented to etiquette, language and the College legal disability civil rights mandates?
26. When disability civil rights training is provided, do you retain a roster of trainees, information regarding the subject and length of the training, the training plan or PowerPoint and the trainer's resume?
27. Has the College Disability Advisory Committee (UA) been trained regarding the mandates the College is held to under ADA and California Government Code 11135 and 12926?
28. What trainings do you think should be provided to College faculty and staff?
29. Are publications reviewed to ensure they do not portray persons with disabilities in a negative manner?

30. Is there a policy and procedure in place to address policy modification requests and the determination of undue burden? If yes, when was it last updated? Please attach a copy of the policy.

31. Is there a policy and procedure in place to address direct threat determination to others? If yes, when was it last updated? Please attach a copy of the policy.

32. Is there a policy and procedure in place regarding maintenance of accessible features? If yes, please attach.

33. Is there a system in place to identify safety and access issues, which can be used by maintenance staff to report and/or correct problems?

34. Has maintenance staff been trained to identify access and safety issues?

35. If "*Program Access*" solutions are used to create access are they approved by the ADA Coordinator before they are put in place?

36. When "*Program Access*" solutions are put in place are they documented by a written procedure to ensure staff implements them appropriately?

37. Are transportation providers, if applicable, trained regarding, the use of tie downs, disability awareness, and the requirement that stops be called and other transportation mandates?

38. Has a policy been created to address motorized mobility devices, as required by 28 CFR 35.137? Note: This is a policy the College has the legal option of creating if it is seen to be in the College's best interest.
39. When the purchase of new equipment is made, (purchases including, but not limited to communication and transportation equipment) how are access requirements addressed?
40. Does the College operate any programs, services or activities from a registered historic site? If yes, please list the sites.
41. Have law enforcement officers received disability awareness training, such as the US DOJ role call videos?
42. How is access monitored during campus related projects during planning and construction?
43. When entering into settlement agreements as part of the Project Civic Access, the US DOJ requires that the staff of Title II entities, which have public contact, attend a 4-hour training covering ADA requirements and disability awareness. How is the College informing impacted staff of the College's responsibilities and disability awareness?
44. In addition to staff training provided to date, are there other trainings you think should be produced? If yes, what training is needed and for whom?
45. Are there areas, not noted above, that you think should be studied within this Self-Evaluation?

46. Does the College have a policy in place that prohibits discrimination against persons who formerly used drugs illegally?
47. Does the College have any programs that sell tickets with assigned seating?
48. How are reasonable accommodations handled for College volunteers?
49. Does the College have an anti-disability harassment policy?
 - a. If yes, is it based upon zero tolerance or the legal definition of disability harassment?
 - b. How often is it disseminated to all College staff?
50. Is the President involved in and supportive of the ADA project?
51. What is the policy/practice regarding faculty selecting instructional material in a timely manner in order that it may be made available in alternative format as needed?
52. Does the campus operate any programs in the satellite locations? If yes, were they surveyed as part of the Transition Plan?
53. What is the system for providing accommodation to programs, activities and services provided to the public? In this question we're looking at job fairs, commencement exercises, athletic events, etc.

54. Has the campus had complaints regarding disability civil rights matters? If yes, please explain.
55. Does the campus operate a distance learning program? If yes, how is access addressed?
56. Is there a policy in place that controls the faculty use of their private websites for required instruction?
57. Does the campus have “smart classrooms?” If yes, is access for persons with disabilities checked in those classrooms including site lines and access to technology?
58. How are disability civil rights addressed in program components that are provided through a third-party contract? It is important to note that the campus may not legally enter into a business arrangement that contracts the way the campus disability civil rights responsibilities.
59. Historically, has a self-evaluation or transition plan ever been performed? If yes, what was the date of these evaluations and are they available?
60. Are there policies or practices in place that exclude students with disabilities from participating in certain programs such as nursing?
61. Have community resources been identified for use in accommodation of students or the public?

62. Is a plan in place to involve student advisory groups in the ADA project in terms of project input and vetting of results?
63. Does the campus provide transportation services to field trips and events?
64. What procedure is in place to address access needs during field trips or off campus activities?
65. How does the physical education department accommodate people with disabilities?
66. How is on campus construction monitored regarding the quality of access compliance?
67. Does the campus rent space to third-parties for activities?
68. Does the College rent space off-campus for the purpose of providing programs, services or activities? If yes, how is that space evaluated for physical access?
69. What staff training has occurred to date regarding disability civil rights requirements?
70. Does maintenance staff use motorized carts, which share the path of travel with pedestrians on campus? If so, what safety considerations have been made for persons with disabilities sharing this path of travel?

71. Do trucks making deliveries to campus share the pedestrian path of travel? If yes, has there been an effort to minimize the comingling of pedestrian travel with delivery truck movement?

72. Are there campus programs offered offsite? If yes, please describe these programs.

Communications

1. Does the Campus prescribe a certain font type for Campus published documents? If yes, what font type is used?
2. Does the Campus require a certain font size in Campus publications? If yes, please name the font size.
3. Is there a notice on all Campus publications informing users that the publications are available in alternative format, if needed for persons with disabilities?
4. Have Campus publications been reviewed to determine whether they portray persons with disabilities in a demeaning or offensive manner?
5. Has the Campus staff that creates publications or correspondence on behalf of the College been trained in the appropriate use of "person first language"?
6. Have Campus telephone information lines been examined to determine whether or not they are accessible to persons who are deaf and hard of hearing?
7. Have local resources been identified which can provide auxiliary aids for communication as needed?
8. Does the Campus use any touch screen information systems for public interaction? If yes, is there an independent operating system for persons with visual impairments?

9. If videotape is used on the Campus website or in any other District forum, is it captioned?
10. Is there a policy in place for securing video remote interpreting services (VRI)?
11. If the Public Information Officer communicates with the press and releases critical information is a sign language interpreter visible and within the screenshot if television cameras are in use, or is a captioning service used?
12. Are computers used by students, such as in libraries or study halls? If yes, are they equipped with software which makes them accessible to persons with visual impairments?
13. Are videos played in such places as waiting rooms, captioned for the public?
14. If public address systems are used, is there a component that makes the information accessible to persons who are deaf or hard of hearing?
15. When announcements are distributed electronically from the Campus are they sent out in PDF and Word documents simultaneously?
16. Given the issues noted above, are there areas where you think training of Campus facility and staff would be beneficial? If yes, please list the areas of training you have identified.

Electronic Communication

1. Are all website postings reviewed for access before they are posted?
2. Have all files on Campus public sites been reviewed for access? If such a review is planned or in progress, please discuss it.
3. Do all websites meet WCAG 2.1 standards?
4. Have any complaints been received regarding access to any Campus website?
5. Is there a text equivalent, such as an alt tag on all non-text items such as photos or graphics?
6. For multimedia presentations, are equivalent accessible alternatives used, which are synchronized with the presentation?
7. If video is used is it captioned for persons who are deaf or hard of hearing?
8. When information is conveyed in color is the same information made available without the use of color?
9. Are documents organized in order that they are readable without the need for an associated style sheet?
10. Are redundant text links provided for each active region of a server-side image map?

11. Are row and column headers identified for data tables?
12. Is markup used to associate data cells and header cells for tables that have more than two or more logical levels of rows or column headers?
13. Are frames titled with text for form identification and navigation?
14. Are all pages designed to avoid the screen to flicker with a frequency greater than 2 Hz or less than 55Hz?
15. Is the text-only page, with equivalent information and functionality?
16. Is the content of the text-only page updated at the same time the primary page is changed?
17. Is updating addressed the same way for all Campus public websites?
18. If the page uses scripting languages to display content, or create interface elements, is the information provided by the script readable by assistive technology?
19. If a web page or informational kiosk requires an applet or plug in device for access, does the required device(s) comply with Section 1194.21 of the Technical Standards for Software Operating Systems (a) through (l)?

20. If electronic forms are to be filled out on line, do they work with assistive technology?
21. Have the systems discussed in question 19 been tested by end users?
22. Is a system in place that allows screen reader users to skip navigational links?
23. Are systems in place that may time out while a person is giving a response? If yes, is there a way that the user is warned and can obtain more time without losing data?
24. Are touch screen systems in use? If yes, do they have accessible operating systems for persons who are blind? If video is used, is it captioned? Does the video contain audio descriptors?
25. If Campus Council public meetings are broadcast do they have captioning?
26. Do faculty members assign students the task of visiting their personal websites as a class requirement? If yes, how does the college address its access requirements in this situation?

Law Enforcement

1. Have the campus first responders been trained regarding the disability civil rights mandates that the College is held to under State and Federal laws?
2. If applicable, have holding and booking areas been reviewed for access since the 2010 ADA Standards for Accessible Design became effective? If visitor areas are offered, are they accessible?
3. If inmate phone systems are provided is there a phone system for inmates who are deaf or hard of hearing?
4. When arrests are made, how are service animals dealt with?
5. When arrests are made, how are medical appliances (canes, walkers, hearing aids, oxygen tanks, etc.) addressed?
6. How are power wheelchairs, scooters and other large mobility devices transported after an arrest?
7. How are medication needs dealt with after an arrest?
8. When an officer is giving information (direction or Miranda Rights) to a person with a communication related limitation, how is it determined that the person has an understanding of the information being communicated?

9. How do officers communicate with persons who are deaf or hard of hearing?

10. Does the 911 system have TTY? If yes, how often does training occur regarding its use?

11. Is there a procedure in place for officers to obtain a sign language interpreter when one is needed on an emergency basis?

12. Have officers been trained regarding the best techniques for communication with persons with disabilities and officer safety? If yes, were the following disabilities covered?
 - a. Vision Impairments
 - b. Deaf, Hard of hearing and Speech Impairments
 - c. Developmental Disabilities
 - d. Traumatic Brain Injury
 - e. Post-Traumatic Stress Disorder
 - f. Learning Disabilities
 - g. Mobility Impairments
 - h. Multiple Chemical Sensitivities
 - i. Mental Disorders
 - j. Others, please list
 - k. Competing Disabilities (i.e. someone is on the bus with a service dog and another person on the bus has a phobic response to the dog and wants it removed as an accommodation. Both have rights to be considered. The passengers are in conflict).

13. Are there other issues you think should be addressed in dealing with disability civil rights and your role within the campus? If yes, please explain.

Library Services Program Survey

1. Please briefly describe the library services program elements.
2. Has the library services program received any complaints regarding access to programs, services or activities? Please explain.
3. Are all electronic communication systems within the library services program accessible to persons with disabilities? Please explain and consider software necessary for appropriate access for persons with visual impairments, clear space in the approach to equipment, audio descriptors within videotapes for persons who are blind and captioning for persons who are deaf and hard of hearing.
4. When videotape is purchased is it purchased with captioning and audio descriptions included? Please explain.
5. Are stacks and library furniture arranged in a manner that allows access for persons who use wheelchairs? Please explain.
6. How do persons of short stature, with mobility limitations, and/or with visual impairments retrieve books from high shelves? Please explain.
7. Have library services program staff who have public access been trained in disability awareness and in the legal mandates the University is held to within the library program? Please explain.

8. How do persons with disabilities obtain library materials in alternative formats such as large print, Braille, audio recordings, and documents stored electronically?

9. How do persons with visual impairments typically conduct library research projects?

10. Does the library have an emergency management plan which includes addressing the issues relative to persons with disabilities? Please explain.

11. Does the library use electronic informational kiosks? If yes, are they accessible to persons with mobility limitations, visual impairments or who are deaf and hard of hearing? Please explain.

12. Are brochure racks and bulletin boards at an elevation that makes them usable by persons with disabilities? Please explain.

13. In the spirit of continuous improvement, what actions can you recommend that would make library services program more accessible and usable by qualified persons with disabilities?

Meeting and Event Planners

For the purposes of this survey, it is important to understand that all open meetings must be addressed. Covered meetings include, but are not limited to; class meetings, commencement, new student orientation, theatrical performances, special events, etc. Thus, we are asking you to be as inclusive as possible.

1. Is notice provided within meeting/event announcements that auxiliary aids and services (reasonable accommodations) are available as needed for persons with disabilities? This may be a statement in the class syllabus.
2. Are persons administering the meeting trained regarding the College's disability civil rights responsibilities?
3. Are meetings held on public transportation routes?
4. Are meeting sites reviewed for physical accessibility before the meeting is calendared? Note: this must include arrival points, meeting room(s), supporting restrooms, drinking fountains, public phones, registration counters, etc.
5. Are service animal relief areas identified before the meeting? This may be on a campus-wide basis.
6. Are stages, speaking platforms, microphones and other items to be used by persons with disabilities accessible? Note: When considering microphone access please take into account podium elevations, touch screen control systems, goose neck microphone attached to the center of tables without

knee clearance for wheelchair users, and persons who will not be able to handhold any equipment.

7. If video is used, is it captioned?
8. If video is used, does it contain audio descriptors?
9. Are speakers asked to read aloud all content on PowerPoint Presentations?
10. Is integrated seating made available with companion seating for wheelchair users?
11. If seating is at tables, is knee clearance space checked for wheelchair users?
12. Is high seating available for persons who have difficulty getting in and out of low chairs?
13. Is staff trained to set up meeting rooms to provide maneuvering space for persons who use wheelchairs or service animals?
14. Are FM Loop systems (Assistive Listening Devices) available for persons who are hard of hearing? If FM Loop systems are being used, do meeting hosts ensure that all comments made during the meeting go through the PA system?

15. If sign language interpreters or a real time captioner are being used, is there reserved seating at the front of the room for persons needing these accommodations?
16. Are two sign language interpreters retained for meetings or events lasting more than two hours?
17. Are sign language interpreters and real time captioning screens positioned close to the speaker?
18. Are sign language interpreters under good lighting?
19. Are sign language interpreters and real time captioners provided information before the meeting/event regarding any unusual terms or difficult to spell names that will be part of the program?
20. If speaker cards are to be used, is staff available to assist persons with disabilities, as needed in completing the cards?
21. If public comment time is limited, is the time increased for persons who have speech impairments?
22. If events include displays, are the displays accessible and on an accessible route?
23. Is the indoor or outdoor surface where persons with disabilities will travel smooth, stable and slip resistant?

24. Have transaction points been reviewed for clear space, and elevation?
25. If parts of an exhibit are inaccessible due to technical infeasibility, is video with captioning used to display the exhibit?
26. If buffet food services are part of the event, is support available as needed for persons with disabilities?
27. Does the campus have an event planning checklist to address access in meetings and event planning?

Physical Education

1. Are persons with disabilities served in their integrated setting?
2. Is adaptive equipment available for persons with disabilities?
3. Is there adequate maneuvering space around equipment to provide an opportunity for wheelchair users to approach the equipment?
4. Can course requirements be modified to provide people with physical disabilities an opportunity to complete physical education courses?
5. How is orientation provided for persons who are blind?
6. Have you received complaints regarding access? If yes, please explain and state how the matter was resolved.
7. What ADA access improvements would you recommend for the Physical Education Program?

Purchasing and Service Contracts

Introduction

This document is designed to bring up a few of the general issues related to purchasing and contracting, that relate to disability civil rights compliance in State and local government including public colleges. It is important to note that each business transaction must be analyzed on its own merit and that the issues raised here are typical, but not exhaustive.

General Conditions

1. Are all public documents related to bidding and contracting available to persons with disabilities in alternative format if needed?
2. Are meetings related to bidding and contracting held in accessible locations?

Construction and Remodels

1. Do all design contracts hold design professionals to designs that use, at minimum, the most stringent access standards in effect at the time of the project?
2. Do design contracts encourage design professionals to exceed the maximum access standards when possible to ensure that construction tolerances are built into the project?
3. Is a policy in place that mandates CASp inspections at key points of construction and at completion, before final payment is made?

4. Are major public projects reviewed by stakeholders with disabilities during the planning stage?

Service Contracts

1. Do all contracts in which the contractor will be providing programs, services or activities on behalf of your office, written in a manner that holds the contractor to the mandates of Title II of the ADA and California Government Code 11135?
2. If a recipient of programs, services or activities via service contracts believe that their civil rights have been violated what recourse is open to them?
3. How do the contract administrator and ADA Coordinator become aware of alleged civil rights violations? (Please discuss timelines and communication of facts.)

Purchase of Items Which Have Communication Elements

1. Is there a requirement in place that mandates the purchasing agent check the marketplace to determine if accessible items of the type being purchased are available?
2. Are items purchased examined to determine if they are useable by persons who are:
 - a. Blind
 - b. Have low vision
 - c. Deaf
 - d. Are hard of hearing

- e. Have learning disabilities (Consider items that do not contain time limits on their use and close down.)
 - f. Have limited dexterity (Consider items that do not require grasping, pinching or twisting.)
3. When questions come up regarding accessible communication purchases are outside resources consulted (Disability Advisory Committees, Jobs Accommodation Network, local Independent Living Center, etc.) before the purchase is made?

General Purchases

1. Prior to the purchase and if applicable, are building standards reviewed to ensure the item in question will be compliant when installed in its intended location? (Factors to consider include, but are not limited to; toilet paper dispensers must be located below the grab bar, items may not protrude more than 4" from the wall in a path of travel if they are placed at an elevation above 27" or below 80", there must be clear space available for a wheelchair user to be able to approach the item for use, an item must not require a person to reach higher than 48" or lower than 15" to operate unless the user must reach over other items to operate, then it lowers, etc.)
2. Is the operational presser required to use an item considered? (It should not exceed 5lbs.)
3. Is dexterity considered before a purchase is made? (Users must not be required to grasp, pinch or twist the device to operate it.)
4. When furniture is purchased is knee clearance for tables and clear space within a room considered?

Student/Community Services

1. Have you received complaints concerning your operation relative to disability access issues? Please explain.
2. Does your staff offer assistance in completing forms if, because of a disability such as physical, sensory, or cognitive, someone is unable to complete the forms independently? Please explain.
3. Are forms and publications available in alternative formats such as large print, Braille, audio recordings, and documents stored electronically? Please explain.
4. How do you provide auxiliary aids and services as needed for persons with disabilities?

ADA 28 CFR part 35 section 35.104 defines:

“Auxiliary aids and services includes--

(1) Qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

(2) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(3) Acquisition or modification of equipment or devices; and

(4) Other similar services and actions”.

Please explain.

5. Has staff been trained concerning disability etiquette awareness and person first language? Please explain.
6. Is furniture arranged and maintained in your office in a manner that provides clear space for wheelchair access or space for service animals? Please explain.
7. Are brochure racks and bulletin boards at an elevation and reach range that makes them usable by persons with disabilities? Please explain.
8. Are there any policies that your office has created to deal with disability access issues? If yes, please attach them.
9. Do you have suggestions concerning how access to your programs, services and activities could be enhanced for persons with disabilities? Please explain.
10. Does your office sponsor or host public meetings and events? If yes, please complete the questions concerning production of meetings and events.
11. Does your office have an emergency management plan which includes persons with disabilities? Please explain.

Medical Services

Introduction

The questions below represent a few common issues that persons with disabilities encounter while obtaining medical services. Each interaction with a patient or medical facility visitor will differ. It is important that they receive the same level of care provided to other persons within the health care system. If you see issues that are not addressed below, please add them as notes at the bottom of this survey.

1. Do medical facilities have a space where a wheelchair user can be examined on an examining table rather than being examined while in their chair?
2. Is assistance available, if needed, to assist the patient in transferring from their wheelchair to an examining table?
3. Can services be provided to the patient without assistance from friends or family members of the patient?
4. In instances where the patient requests a family member or friend to assist, has a medical provider been trained to speak directly to the patient, rather than directing pertinent questions to the party providing assistance?
5. Is a policy in place which ensures that the patient will be treated despite the fact it may take longer to treat them than it would other patients?
6. Are there times when patients are required to wait longer than other patients for treatment because the accessible equipment needed is in use?

7. Is a patient ever asked to use the services of a friend or family member for sign language interpreting?
8. Have all medical facilities been reviewed for physical access by a CASp certified surveyor?
9. Is the medical equipment accessible to persons with disabilities?
10. Are waiting room furnishings arranged in such a way that there is space for wheelchair users or persons using service animals to sit?
11. As a best practice, are high and wide based seating available in waiting rooms to accommodate patients that have difficulty getting out of low chairs, or who are large and may not fit into standard chairs?
12. If paging systems are used, is there a video paging component for persons who are deaf or hard of hearing?
13. Has all staff having contact with the public received disability awareness and etiquette training?
14. If health education is provided, are class materials available in an alternative format, if needed, to create access for persons with disabilities?
15. Do training videotapes have captioning for the deaf and hard of hearing and audio descriptors for the blind?

Emergencies and Office Sites

1. Has the Campus used the guidance published by the EEOC regarding a lawful means of identifying employees who might need assistance during an emergency due to their disability?
2. Are floor wardens in place to assist during an event? If yes, please respond to items 3 and 4 below.
3. Have floor wardens been trained regarding the needs of persons with disabilities in emergency situations?
4. If floor wardens are assigned the responsibility of assisting persons with disabilities, are redundancies made in the assignments? (Consider wardens who might not be in the office on the day of the event.)
5. Has the emergency plan been coordinated with the Fire Department?
6. Is there a procedure for shutting down the intake on the HVAC system, if there is a need to shelter in place, due to contamination of the air outside the building?
7. Are persons with disabilities involved in emergency plan creation, drills and briefings?
8. In the event of an emergency evacuation, has the path of travel and assembly been coordinated with the Fire Department? (Consider Fire Department

points of arrival, staging area, areas for fire hoses, wheelchair users, distance needed from emergency site, etc)

9. How would communication be addressed during an active shooter event?
Please consider persons who are deaf or blind.
10. In response to a bomb threat, if evacuation is required, is the assembly site checked for explosives before it is populated?
11. If the event involves the need for site occupants to be decontaminated before leaving the site, is there a procedure in place to hold all parties on site until decontamination has been completed?
12. During shelter-in-place events, how are medical and medication needs addressed?
13. Can the person onsite handling the event until the Fire Department arrives, communicate with the Fire Department as they are rolling to the site?
14. Is there information available to staff regarding how to deal with various types of events? (Consider earthquake, fire, shooting, bomb threat, civil unrest, terrorist attack, etc.) If yes, has it been made available to employees, if needed, in alternative formats?
15. Is the whole site covered by fire alarms and strobe lights?
16. Are exits clearly marked?

17. Are back-up emergency evacuation chairs in place?

18. If areas of safe refuge will be in use, is there a communication system from that site to the event control center? If yes, would this system work for a deaf person?

19. Are all PA systems monitored by maintenance staff to ensure the volume is high enough to be heard throughout the intended areas of impact?

20. Are emergency evacuation chairs to be used? If yes, consider:
 - a. Has staff been trained in the use of these chairs?

 - b. If yes, did this training include information regarding the risks of transferring some persons with disabilities into and out of the chair?

 - c. Have impacted employees with disabilities been involved with the training?

 - d. What is the plan should the chair need to be used for more than one person? (Consider where the first evacuee will be left when the chair is taken back into the site for reuse.)

 - e. Have the chairs been tested in the stairwells to ensure they can operate and turn in the space available?

- f. What is the plan in the event the slow-moving chairs create a back up in the stairwell?
 - g. Are the chairs stored close to where they will be used?
 - h. Are there any barriers or locks impacting ability to obtain them when needed?
 - i. Are chair manufacturer directives, if any, followed regarding maintenance?
21. Is there a plan in place to keep people hydrated if it is necessary to hold them outside the building for a prolonged period during hot weather?
22. Do elevators have a system to communicate, if a person is trapped? If yes, will this system work for a person who is deaf or has speech limitations?
23. Has emergency management staff been trained regarding the variety of events that might occur and their impact on persons with disabilities?