

Audit and Advisory Services
401 Golden Shore
Long Beach, CA 90802-4210

September 3, 2024

Dr. Ronald S. Rochon, President
California State University, Fullerton
800 N. State College Boulevard
Fullerton, CA 92834

Dear Dr. Rochon:

**Subject: Audit Report 23-27, Americans with Disabilities Act Compliance,
California State University, Fullerton**

We have completed an audit of *Americans with Disabilities Act Compliance* as part of our 2023-2024 Audit Plan, and the final report is attached for your reference. The audit was conducted in accordance with the Institute of Internal Auditors' *International Standards for the Professional Practice of Internal Auditing*.

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

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

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

Sincerely,



Vlad Marinescu
Vice Chancellor and Chief Audit Officer

c: Mildred García, Chancellor
Lillian Kimbell, Chair, Committee on Audit
Anna Ortiz-Morfit, Vice Chair, Committee on Audit

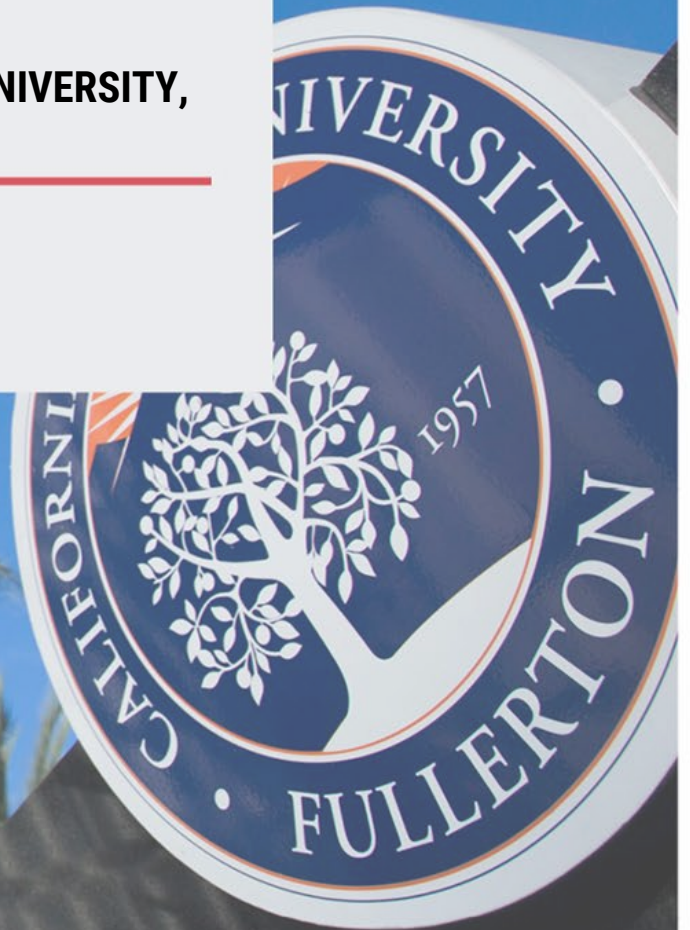
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AMERICANS WITH DISABILITIES ACT COMPLIANCE

**CALIFORNIA STATE UNIVERSITY,
FULLERTON**

**AUDIT REPORT 23-27
SEPTEMBER 3, 2024**



EXECUTIVE SUMMARY

AUDIT OBJECTIVES AND BACKGROUND

In accordance with the fiscal year 2023/24 Audit Plan, as approved by the Board of Trustees, Audit and Advisory Services performed an audit of Americans with Disabilities Act (ADA) compliance at California State University, Fullerton (Cal State Fullerton).

The objectives of the audit were to ascertain the effectiveness of operational, administrative, and financial controls related to ADA compliance and to ensure compliance with relevant federal and state regulations, Trustee policy, Office of the Chancellor (CO) directives, and university procedures.

ADA compliance is driven by multiple federal acts, including the Rehabilitation Act of 1973, the ADA of 1990, and the ADA Amendments of 2008, that aim to prohibit discrimination on the basis of disability and ensure equal opportunity for people with disabilities. These federal acts built upon each other to extend protections for people with disabilities to more broadly encompass impairments of major life activity and the inclusion of assistive devices, auxiliary aids, and accommodations. In addition, they established requirements for employers to have an ADA coordinator, perform self-evaluations, and develop a transition plan to ensure ADA compliance. Further, provisions of the California Education Code set additional requirements for the level and quality of services provided to students with disabilities and for procedures that must be followed by the California State University (CSU).

The CSU has a few main policies that establish systemwide rules for disability support and accommodation to ensure ADA compliance. The first is *Policy for the Provision of Accommodations and Support Services to Students with Disabilities*, which is intended to ensure that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in the services, programs, or activities of the CSU and its universities. This policy applies only to students with disabilities. CSU ADA compliance is also guided by the *Disability Support and Accommodations Policy*, which documents policies for the disability support and accommodation program and outlines responsibilities for monitoring compliance with the policy. This policy expands on the student support policy and applies, but is not limited to, academic programs and services, student services, human resources services, information resources and technologies, procurement of goods and services, and capital planning, design, and construction. It applies to students, faculty, staff, and the general public. The CSU also has an *Accessible Technology Initiative Policy* to develop the work plan, guidance, and resources to assist universities in carrying out the accessible technology provisions in the *Disability Support and Accommodations Policy*.

OVERALL CONCLUSION

Based upon the results of the work performed within the scope of the audit, except for the weaknesses described below, the operational, administrative, and financial controls for ADA compliance as of June 24, 2024, taken as a whole, provided reasonable assurance that risks were being managed and objectives were met.

AUDIT SCOPE AND RESULTS

In general, we found that ADA operations and services provided were effective and in compliance with CSU policies and procedures and federal regulations. Cal State Fullerton maintains passionate individuals within disability support services (DSS), human resources, diversity, and inclusion (HRDI), and capital programs and facilities management (CPFM) to help ensure pathways and facilities are accessible and disability services are provided to university students, staff, faculty, visitors, and the community.

However, our review did note areas for improvement in the ADA governance structure, accommodation and verification process for students, and parking audit reports. A summary of the observations noted in the report is presented in the table below. Further details are specified in the remainder of the report.

Area	Processes Reviewed	Audit Assessment
Overall Processes and Compliance		
Administration	Organizational structure, ADA initiatives, budget and funding, expenditures, chargebacks, and equipment purchases	<i>Observation noted related to ADA compliance coordinator and advisory committee</i>
Accessibility	Transition plan, program assessments, outreach and communication, signage, and parking reports	<i>Observation noted related to parking audit reports</i>
Complaints and Grievance Process	Handling, resolution, and escalation of complaints; ADA-related grievances, litigation, and settlements; and required notices	<i>Effective – no reportable observations noted</i>
Student Accommodations		
Administration	Policies and procedures, hiring practices and qualifications, and contracted support.	<i>Effective – no reportable observations noted.</i>
Accommodation and Verification Processes	Processes for accommodations, including requests process, disability verification, interactive process, assessment of reasonableness, provision of accommodation, and follow-up/feedback process	<i>Observation noted related to the accommodation process.</i>
Employee Accommodations		
Administration	Policies and procedures, hiring practices and qualifications, and contracted support	<i>Effective – no reportable observations noted</i>
Accommodation and Verification Processes	Processes for accommodations, including requests process, disability verification, interactive process, assessment of reasonableness, provision of accommodation, and follow-up/feedback process	<i>Effective – no reportable observations noted</i>

The audit focused on procedures in effect from January 1, 2022, through June 21, 2024. Our audit and evaluation included the audit tests we considered necessary in determining whether operational, administrative, and financial controls are in place and operative. Our review was limited to gaining reasonable assurance that essential elements of ADA compliance were in place and did not examine all aspects of the program. Review of compliance with the ATI policy and requirements for the procurement of goods and services from third parties were not included in the scope of this audit.

OBSERVATIONS, RECOMMENDATIONS, AND RESPONSES

1. ADA GOVERNANCE

OBSERVATION

The university did not have an ADA compliance coordinator and advisory committee.

We noted that the university did not have a designated ADA compliance coordinator and did not have an established advisory committee. The university did have individuals assigned to ADA activities within DSS, HRDI, and CPFM; however, there was no one individual appointed to coordinate all of these activities to ensure ADA compliance for the university as a whole.

The CSU *Disability Support and Accommodations Policy* requires that the university designate an employee to coordinate compliance with the policy and the ADA. The contact information for the employee is also required to be readily available on university websites.

In addition, the CSU *Policy for the Provision of Accommodations and Support Services to Students with Disabilities* requires that the university have an established advisory committee. The committee’s responsibilities include assisting in the evaluation of current university policies and procedures relating to students with disabilities and developing plans and recommending priorities relating to programs and services for students with disabilities. The committee members shall be appointed by the president or designee and shall include students, staff, faculty, and administrators who represent a variety of disabilities, academic disciplines, the business office, and other sectors of the university community.

Proper ADA governance and oversight can reduce the risk of noncompliance and help the university maintain an up-to-date and robust ADA program.

RECOMMENDATION

We recommend that the university:

- a. Designate an ADA compliance coordinator and ensure that the coordinator’s information is easily accessible on the university website.
- b. Establish an advisory committee and charter that meets the requirements within the *Policy for the Provision of Accommodations and Support Services to Students with Disabilities*.

MANAGEMENT RESPONSE
<p>We concur.</p> <ol style="list-style-type: none"> a. The university has appointed the executive director for risk management and compliance as the interim ADA compliance officer and established an ADA compliance website. This website provides key resources and information including contact information for the ADA compliance officer. Additionally, beginning June 13, 2024, the university began actively recruiting a permanent ADA compliance officer. All corrective actions have been completed. b. The interim ADA compliance officer will establish an advisory committee and charter that meets the requirements within the <i>Policy for the Provision of Accommodations and Support Services to Students with Disabilities</i> by December 31, 2024.

2. ACCOMMODATION AND VERIFICATION PROCESS

OBSERVATION

The accommodation and verification process for DSS needed improvement, and certain required forms were not posted to the DSS website.

DSS administers accommodations for students with disabilities at the university. Students can apply for accommodations through the DSS website. Once the application is submitted, the student is assigned a disability management specialist (DMS) who goes through the accommodation and verification process with the student. The DMS obtains documentation to verify the disability of the student, which can be done through the Disability Verification Form, and works with the student to identify any barriers and discuss any accommodations that can be provided. The student can select from the identified accommodations and are encouraged to contact their DMS if they need any additional assistance.

We reviewed the accommodation and verification process for 30 students and found that:

- Audio recording agreements were not obtained for seven of nine students who were approved for audio recording of lectures. *University Policy Statement (UPS) 300.230, Recording and Transcription of Class Content by Students*, was updated by the Academic Senate in July 2023 to require DSS to obtain the audio recording agreement for all students with an approved accommodation for audio recording of lectures. However, agreements were not always obtained. In addition, the audio recording agreement was not posted to the website as required by the updated UPS. DSS stated that the Academic Senate did not notify it of the update to the policy.
- Disability verification forms were not obtained for three students, but these students were still approved for and provided accommodations.
- Loan documentation for DSS equipment was not obtained for one of the seven students who were loaned equipment. Students are required to sign a lending agreement when they are loaned equipment to document what was provided, the replacement cost, and the student's acknowledgement of their responsibility to return the item timely and pay the cost of replacing or repairing the item if it is lost or damaged.

Proper administration of the student accommodation and verification process helps ensure compliance with systemwide and university policies, and adequate retention of accommodation and verification documents helps to ensure that accommodation decisions are adequately supported.

RECOMMENDATION

We recommend that the university:

- a. Obtain audio recording agreements for students identified above with an approved accommodation for audio recording of lectures.
- b. Update the DSS website to ensure that all required forms are available.
- c. Reiterate accommodation and verification requirements to appropriate personnel to ensure all forms and agreements are obtained.

- d. Develop and implement a process to adequately notify appropriate personnel of applicable university policy updates.

MANAGEMENT RESPONSE
<p>We concur. The university will:</p> <ul style="list-style-type: none"> a. Obtain the audio recording agreements from the students who continue to be enrolled at the university. b. Update the DSS website to include all required forms. c. Reiterate accommodation and verification requirements to appropriate personnel within the Disability Support Services department to ensure all forms and agreements are obtained. d. Develop and implement a process to notify appropriate personnel of applicable university policy updates. <p>These actions will be completed by February 3, 2025.</p>

3. PARKING AUDIT REPORTS

OBSERVATION

The university did not complete biennial parking audit reports.

The CSU *Disability Support and Accommodations Policy* requires the university to conduct biennial audits of parking spaces to determine whether spaces designated for use by individuals with disabilities comply with state building codes. The parking audit report must document the audit findings and any actions taken as a result of the audit. The biennial report needs to be submitted to systemwide Capital Planning, Design, and Construction (CPDC) and must be retained by the university until the next audit is completed.

We noted that the university did not complete a parking audit report and submit it to systemwide CPDC during the audit period. The university did perform annual inventory counts of parking spaces, which includes counts of spaces designated for individuals with disabilities. CPFM also developed an update to the ADA transition plan in 2020 that documented the ADA parking requirements and identified improvements that could be made to the parking spaces. However, other required elements of the parking audit report, such as the location, design, and signage for accessible parking spaces, were not reviewed.

Completing parking audit reports can ensure compliance with CSU policy and identify areas for improvement to ensure that parking spaces for individuals with disabilities adhere to ADA and state regulatory requirements and are accessible to members of the university community.

RECOMMENDATION

We recommend that the university:

- a. Perform and document the biennial parking audit and submit the report to systemwide CPDC.
- b. Retain a copy of the parking audit report until the subsequent audit is completed.

MANAGEMENT RESPONSE

We concur. Management completed the biennial parking audit and submitted the report to systemwide CPDC on July 31, 2024. A copy of the parking audit report is saved and will be retained in a departmental shared drive. All corrective actions have been completed.

GENERAL INFORMATION

ADDITIONAL BACKGROUND

At Cal State Fullerton, DSS is responsible for providing services to students with disabilities. Under the Division of Student Affairs, DSS verifies, authorizes, and facilitates services and accommodations for students with temporary and permanent disabilities. Employee-related disability services and accommodations are the responsibility of personnel within the division of HRDI. During the audit period, DSS and HRDI provided accommodations for more than 2,900 registered students and 100 employees.

CRITERIA

Our audit was based upon standards as set forth in federal and state regulations and guidance, Trustee policy, Office of the Chancellor directives, and university procedures, as well as sound administrative practices and consideration of the potential impact of significant risks. This audit was conducted in conformance with the Institute of Internal Auditors *International Standards for the Professional Practice of Internal Auditing*.

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

- 28 Code of Federal Regulations (CFR) Part 35, *Nondiscrimination on the Basis of Disability in State and Local Government Services*
- 34 CFR Part 104, *Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance*
- ADA of 1990
- ADAAA of 2008
- California Education Code §67300, *Disabled Student Services*
- California Government Code (GC) §11135-11139.8, *Discrimination*
- GC §13403, *The State Leadership Accountability Act*
- Family Educational Rights and Privacy Act (FERPA)
- *CSU Disability Support and Accommodations Policy*
- *CSU Policy for the Provision of Accommodations and Support Services to Students with Disabilities*
- *CSU Nondiscrimination Policy*
- Rehabilitation Act of 1973
- University Policy Statement (UPS)300.001, *Supporting Students with Disabilities*
- UPS 330.230, *Recording and Transcription of Class Content by Students*

AUDIT TEAM

Senior Audit Manager: Hannah Gardener
Senior Auditor: Jesse Santos