

THE CALIFORNIA STATE UNIVERSITY
OFFICE OF THE CHANCELLOR



- BAKERSFIELD
- CHANNEL ISLANDS
- CHICO
- DOMINGUEZ HILLS
- FRESNO
- FULLERTON
- HAYWARD
- HUMBOLDT
- LONG BEACH
- LOS ANGELES
- MARITIME ACADEMY
- MONTEREY BAY
- NORTHRIDGE
- POMONA
- SACRAMENTO
- SAN BERNARDINO
- SAN DIEGO
- SAN FRANCISCO
- SAN JOSE
- SAN LUIS OBISPO
- SAN MARCOS
- SONOMA
- STANISLAUS

December 20, 2004

MEMORANDUM

TO: CSU Presidents
FROM: Charles B. Reed
Chancellor

SUBJECT: The California State University Board of Trustees Policy on Disability Support and Accommodations – Executive Order No. 926

Attached is a copy of Executive Order No. 926 relating to the CSU Board of Trustees policy on disability support and accommodations.

The policy is a result of Recommendation #1 of the CSU Trustee Audit Disability Support and Accommodations Report Number 02-33 and is a compilation of statewide-related policies and procedures for disability support and accommodations. In addition, the executive order formalizes and documents responsibilities for the oversight of systemwide activities, including policy and procedural development and compliance and monitoring.

In accordance with policy of the California State University, the campus president has the responsibility for implementing executive orders where applicable and for maintaining the campus repository and index for all executive orders.

Questions should be addressed to the appropriate division within the Office of the Chancellor as specified in Section IV of this executive order.

CBR:lem

Attachment

- cc: Provosts/Vice Presidents for Academic Affairs
Vice Presidents for Administration and Finance
Vice Presidents for Human Resources
Vice Presidents for Student Affairs
Chief Information Officer/Technology Officers
ADA Compliance Officers
Directors, Human Resources
Directors, Facilities Planner
Directors of Services to Students with Disabilities
Executive Staff, Office of the Chancellor

THE CALIFORNIA STATE UNIVERSITY
Office of the Chancellor
401 Golden Shore
Long Beach, California 90802-4210
(562) 951-4729

Executive Order: 926

Title: The California State University Policy on Disability Support and Accommodations

Effective Date: January 1, 2005

Supersedes: No Prior Executive Order

This executive order is issued pursuant to authority granted by Sections I and II of the July 14, 2004 Standing Orders of the Board of Trustees of the California State University. This executive order applies to all California State University campuses and the Office of the Chancellor.

I. INTRODUCTION

Disability support and accommodation is a significant component of the California State University (CSU) academic mission. Continuing compliance with the various federal and state disability laws rests upon the assumption that current compliance efforts are retained and periodically updated to respond to changing conditions and to address unforeseen events as they occur. The CSU provides systemwide program accessibility to all students, faculty, staff, and visitors. Campuses shall work collaboratively across the areas noted in this executive order to ensure that procedures are in place to assess and correct deficiencies when identified.

II. PURPOSE

The purpose of this executive order is to document and make explicit the systemwide policies for the disability support and accommodation program and to engender monitoring and full compliance with all of the disability support and accommodation elements noted herein.

This policy applies to all CSU campuses and to the Office of the Chancellor. It applies, but is not limited to, academic programs and services, student services, auxiliary programs and services, information resources and technologies, procurement of goods and services, and capital planning, design, and construction.

Procedures for compliance with this executive order, applicable federal and state laws,

and CSU policies are the responsibility of the president and his or her designee. Each campus shall develop and maintain overall procedures for ensuring compliance with applicable federal and state laws and regulations, as well as local written policies for accepting, investigating and resolving any student, faculty, staff and public complaints it may receive. Each campus will work with its campus Americans with Disabilities (ADA) Compliance officer/coordinator and establish a standing committee described under Section V to monitor the elements of this executive order.

III. POLICY STATEMENT

The policy of the CSU is to make its programs, services, and activities accessible to students, faculty, staff, and the general public who visit or attend a campus-sponsored event, with disabilities. This policy is in accordance with applicable state and federal laws including, but not limited to, the ADA, 42 U.S.C. § 12101 et seq.; Sections 504 and 508 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794 et seq.; and applicable state laws, including but not limited to the California Fair Employment and Housing Act (FEHA), Government Code § 12940 et seq. and Education Code §§ 67302 and 67310-13.

IV. ROLE OF THE OFFICE OF THE CHANCELLOR

The CSU systemwide divisions of Academic Affairs, Business and Finance, and Human Resources in the Office of the Chancellor shall each be responsible for their respective functions in the maintenance, support, and update of the requirements of this executive order.

Academic Affairs

Academic programs, services, and activities are those related to the curricular, co-curricular, or extra-curricular activities for students, faculty, staff, and general public participating in campus functions. Student access to academic programs, services, and activities is governed by policies that have been carefully developed to ensure student access to academic programs offered by the campuses, documented in the comprehensive statewide policy entitled "Policy for the Provision of Accommodations and Support Services to Students with Disabilities" (CSU coded memorandum AA 2002-035). In addition, the "Center for Alternative Media (CAM)" statewide policy (CSU coded memorandum AA 2004-25) expedites the delivery of electronic texts (e-texts of instructional materials) to eligible CSU students with disabilities. Upon review and recommendation by the statewide Academic Technology Advisory Committee and CSU Academic Senate, campuses will also be subject to compliance with new guidelines addressing technology accessibility for students, faculty, and staff.

Student services are those activities and programs that help students succeed at their educational experience at a CSU campus. Those services and programs not covered in the academic programs, services, and activities section are addressed via the central tenet of the federal and state disability laws: that no individual with a disability shall, on the basis of a disability, be excluded from participation in or be denied the benefits of the

services, program or activities of a public entity, or be subjected to discrimination by any public entity. Student service programs shall be made available so that all students, including students with disabilities, have the opportunity to participate.

The division of Academic Affairs, Student Academic Support is responsible for student access to academic programs, services, and activities and systemwide student program evaluation pursuant to Education Code 67312 and the CSU "Policy for the Provision of Accommodations and Support Services to Students with Disabilities" (coded memorandum AA 2002-35).

Questions about student access to academic programs, services and activities should be addressed to the Assistant Vice Chancellor, Student Academic Support in the division of Academic Affairs, Office of the Chancellor.

Business and Finance

The division of Business and Finance addresses the areas of business function and financial transactions for the university including the procurement of goods and services, capital planning, design and construction, information technology services, and parking facilities.

Procurement of Goods and Services

Any public solicitation process developed by campuses shall be compliant with all applicable regulations and guidelines issued pursuant to the ADA and California Government Code § 11135 so as not to deny persons with disabilities the opportunity to participate in the competition for the contract award.

When acquiring information technology, each campus shall acquire products that comply with applicable Section 508 provisions when such products are available in the commercial marketplace. If a product is available and meets some, but not all of the relevant provisions, the product that best meets the standard must be procured. If a campus determines that compliance with any provision of Section 508 is unfeasible, then such exception shall be fully documented and approved by a designee of the president.

Contracts for the acquisition of information technology products shall include the following statement in CSU General Provisions for Information Technology Acquisitions, clause 27, ADA.

"Contractor warrants that it complies with California and federal disabilities laws and regulations. Contractor hereby warrants that the products or services to be provided under this contract comply with the accessibility requirements of section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794d), and its implementing regulations set forth at Title 36, Code of Federal Regulations, Part 1194. Contractor agrees to promptly respond to and resolve any complaint regarding

accessibility of its products or services. Contractor further agrees to indemnify and hold harmless the CSU from any claims arising out of its failure to comply with the aforesaid requirements. Failure to comply with these requirements shall constitute a material breach and be grounds for termination of this Contract.”

Questions about the procurement of goods and services should be addressed to the systemwide Director, Contract Services and Procurement, in the division of Business and Finance, Office of the Chancellor.

Information Resources and Technologies

Information Resources and Technologies refer to all programs and services provided to students, faculty, staff, and the general public through computer or electronic media. This includes, but is not limited to computer and network access and services, computer-delivered or enhanced instruction, library electronic information resources, library online catalogs and homepages, campus informational web sites, computer-delivered or assisted administrative services, and voice and video programs and services.

It is the policy of the CSU to make information technology resources and services accessible to all CSU students, faculty, staff and the general public regardless of disability.

Section 11135 of the California Government Code was amended (Senate Bill 302, Chapter 784, Statutes of 2003) to clarify that Section 508 of the 1973 Rehabilitation Act applies to the CSU. Section 508 addresses all aspects of access to information technology, web-based materials, programs and services including guidelines for creating accessible web sites.

California Education Code § 67302 requires that, when certain conditions are met, “an individual firm, partnership or corporation that publishes or manufactures printed instructional materials for students attending...California State University...shall provide to the university...any printed material in an electronic format mutually agreed upon by the publisher or manufacturer and the college or campus.”

The office of Information Technology Services is responsible for oversight of systemwide information technology programs and services, in particular, but not limited to, those associated with the implementation of the Information Technology Strategy adopted by the CSU Board of Trustees in March 1996. Information Technology Services also has oversight of systemwide library technology programs. Questions about ADA compliance with information resources and technology should be addressed to the Assistant Vice Chancellor of Information Technology in the division of Business and Finance, Office of the Chancellor.

As noted under Academic Affairs, once approved by the statewide Academic Technology Advisory Committee and CSU Academic Senate, campuses will also be subject to

compliance with new guidelines addressing technology accessibility for students, faculty, and staff.

Physical Access

As a public entity, CSU is required to ensure that all of its programs are accessible to those with disabilities when viewed in their entirety. The removal of all existing architectural barriers is not required as long as program accessibility is provided. Pursuant to the ADA:

Section 35.105. Existing Facilities:

A public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and useable by individuals with disabilities. This paragraph does not necessarily require a public entity to make each of its existing facilities accessible to and useable by individuals with disabilities. A public entity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section.¹

The CSU campus transition plans² (required by the ADA for all existing facilities at the time the law was enacted) should be updated to reflect current campus conditions. With academic program and other physical changes that have occurred over time, the transition plan should mirror the current status of the campus, and be used as a planning tool to evaluate and confirm program compliance and priority of outstanding needs; listed barriers should be reviewed to assess if they a) have been removed/corrected, b) deny program access, or c) have no effect on program access. This document shall be readily available for review and use.

All new construction and renovation work (major and minor capital outlay projects) shall be designed to be compliant with Title 24 of the California State Building Code (accessibility standards), written to be compliant with the ADA Guidelines. Design professionals working on CSU public works projects shall comply with accessibility standards as identified in Title 24 [SUAM X Section 9203.01 Codes and Regulations]. The State of California Department of General Services, Division of the State Architect (DSA) shall certify these projects for access compliance and all applicable campus staff shall be involved [SUAM XI Sections 9230-9237].

Campuses shall continue to strive for a barrier-free environment, supportive of universal access, through major capital outlay renovation projects and minor capital outlay correction projects. Campus departments responsible for equipping such spaces should also take into consideration program access needs.

¹ Federal Register, Volume 56, No. 144, 28 CFR, Part 135 Nondiscrimination of the Basis of Disability in State and Local Government Services, Final Rule (7/26/91).

² Prepared by Building Analytics, an outside firm; completed in 1993.

The office of Capital Planning, Design and Construction is responsible for carrying out the authority of the Board of Trustees in the construction and physical development of CSU campuses and any buildings, facilities, parking and improvements connected with the CSU. Questions about physical access should be directed to the Assistant Vice Chancellor, Capital Planning Design and Construction in the division of Business of Finance, Office of the Chancellor.

Parking and Transportation

Compliance with California Building Code § 2001, effective November 1, 2002, as well as compliance with the Americans with Disabilities Act (ADA), is managed concurrently on several fronts across both the campus and Chancellor's Office and, by design, is an ongoing and responsive process. Compliance is both an important legal requirement and significant because of the CSU academic mission and commitment to access. Campuses that develop and operate transportation systems must ensure that such systems are accessible to persons with disabilities.

The Chief Administrator/Business Officer for each campus is responsible for establishing and implementing effective controls for the audit of disabled parking. The completion of timely reports as a method of verification for the status of compliance is delegated to the campus. Every two years, beginning in 2006, campuses should submit a copy of the completed audit to Systemwide Financial Services by April 1. A copy of the current audit should be kept on file at the campus until the new audit is completed.

The minimum requirements and standards for disabled persons' parking on campus are as follows:

The defined parking shall be in accordance with California Code of Regulations, Title 24, Part 2, and Volume 1. Generally, in the aggregate, where parking is provided for the public as clients, or guests of employees, the required number of accessible disabled parking stalls shall be provided. As further provided in section 1129B-general of the California Code of Regulations, when a parking facility does not serve a particular building, accessible disabled parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible disabled parking spaces shall be dispersed and located closest to the accessible entrances. The defined parking report must consider and be in compliance with Education Code §§ 67301 (c), 67312 (a) (4) and (b), and 67310 (f).

The campus parking fee may be waived for students with disabilities who meet the eligibility standards based on the financial information provided to the campus. The student financial aid office must certify that the student meets the requirements of the waiver.

Human Resources

The Office of Human Resources defines and governs the relationship between the CSU and its employees in the areas of labor relations, employee relations, academic human resources, administration and professional development.

The CSU is committed to maintaining a work environment free of disability discrimination and to providing reasonable accommodation in compliance with state and federal laws, regulations, and systemwide policies. Unit 8 employees, as well as Management Personnel Plan and Confidential employees, should refer to Executive Order 883 for the systemwide nondiscrimination policy. In summary relating to persons with disabilities, discrimination on the basis of disability is prohibited. ("Disability" as used herein is consistent with the definitions provided in the Americans with Disabilities Act and the Fair Employment and Housing Act.) Moreover, retaliation against individuals who have or are believed to have filed a discrimination complaint, opposed a discriminatory act or participated in a discrimination investigation or proceeding, is prohibited. Other represented employees should refer to their collective bargaining agreements. Employees are apprised of their rights and responsibilities under the CSU nondiscrimination policy and under state and federal laws through training provided by their respective campus, as required by Executive Order 883.

Pursuant to Executive Order 883, reasonable accommodation is to be provided upon request from an employee or applicant with disabilities, unless doing so would impose an undue hardship on the campus. What constitutes a reasonable accommodation is to be determined by the campus on a case-by-case basis after it has received the individual's request for accommodation and engaged in an interactive process with the individual to identify the nature and extent of the individual's restrictions and the appropriate accommodation that would enable the individual to perform the essential duties of his/her job. Reasonable accommodation may begin prior to the extension of a job offer to provide an applicant access to the application and interviewing processes.

The internal procedures for investigating and resolving issues concerning disability accommodation have been established for employees. Links to the nondiscrimination provision and the conflict-resolution procedure currently available to each bargaining unit, or employee classification, are provided in the appendix. Individuals may also contact the Equal Employment Opportunity Commission or the Department of Fair Employment and Housing to resolve any issues concerning disability accommodation.

Questions involving disability support and accommodation for employees should be addressed to the Senior Director of Employee Relations in the division of Human Resources, Office of the Chancellor.

While it is each campus' responsibility to provide compliance training to its respective campus community, campus staff may contact the Systemwide Professional Development unit in the division of Human Resources, Office of the Chancellor, for assistance in locating available training resources and tools.

Legal advice concerning ADA compliance that may affect the campus must be coordinated through the CSU Office of General Counsel.

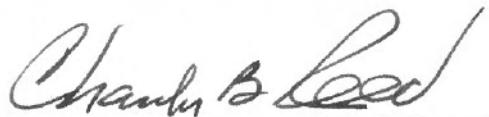
V. MONITORING AND COMPLIANCE

Pursuant to CSU systemwide "Policy for the Provision of Accommodations and Support Services to Students with Disabilities" (AA 2002-35), systemwide issues will be addressed through a statewide advisory committee and campus issues will be addressed through a campus advisory committee, as stated:

"A systemwide advisory committee on services to students with disabilities (has been) established by the Office of the Chancellor to review, evaluate, and recommend systemwide educational and administrative policies that address the needs of students with disabilities."

"Each campus shall establish an advisory committee on services to students with disabilities to assist in the evaluation of current campus policies and procedures relating to students with disabilities, develop plans relating to programs and services for students with disabilities, recommend priorities, review barrier removal priorities as specified in State University Administrative Manual (SUAM), and develop timelines as defined in each campus' transition plan."

Pursuant to this executive order, each campus shall establish a standing committee on Disability Access and Compliance involving the ADA compliance officer/coordinator and representatives from Academic Affairs, Business and Finance, Human Resources, Information Technology, Parking, Procurement, Student Services, one student representative appointed by the Associated Students, Inc., one faculty member appointed by the Academic Senate, and one staff representative, to discuss, monitor, and evaluate campus-specific issues relating to compliance with this executive order and applicable federal and state laws and regulations. The Chancellor's Office will request reports on campus compliance with all aspects of this executive order on an as needed basis.



Charles B. Reed, Chancellor

The following policies, contracts, executive orders, and manual define the mandates and support the intent of Executive Order 926.

Academic Programs, Services, And Activities

Policy for the Provision of Accommodations and Support Services to Students with Disabilities [CSU Coded Memorandum AA 2002-035]:
www.calstate.edu/AcadAff/codedmemos/AA-2002-35.pdf

“Center for Alternative Media (CAM)” statewide policy [CSU Coded Memorandum AA 2004-25]: www.calstate.edu/AcadAff/codedmemos/AA-2004-25.pdf

Human Resources

Executive Order 883: www.calstate.edu/eo/EO-883.pdf

Nondiscrimination provisions and conflict-resolution procedures available to each bargaining unit or employee classification:

UNIT 1 PHYSICIANS

Non-Discrimination Policy: Article 26.21

http://www.calstate.edu/LaborRel/Contracts_HTML/UAPD_Contract/UAPDart26.shtml

Complaint Procedure: Executive Order 419
www.calstate.edu/eo/EO-419.pdf

UNITS 2, 5, 7, 9 CSEA

Non-Discrimination Policy: Article 25

www.calstate.edu/LaborRel/Contracts_HTML/CSEA_Contract/Article25.shtml

Complaint Procedure: Executive Order 675
www.calstate.edu/eo/EO-675.pdf

UNIT 3 CFA

Non-Discrimination Policy: Article 16

www.calstate.edu/LaborRel/Contracts_HTML/CFA_CONTRACT/article16.shtml

Complaint Procedure: Article 10

www.calstate.edu/LaborRel/Contracts_HTML/CFA_CONTRACT/article10.shtml

UNIT 4 APC

Non-Discrimination Policy: Article 21

www.calstate.edu/LaborRel/Contracts_HTML/APC_Contract/Article21.shtml

Complaint Procedure: Executive Order 419

www.calstate.edu/eo/EO-419.pdf

UNIT 6 SETC

Non-Discrimination Policy: Article 6

www.calstate.edu/LaborRel/Contracts_HTML/SETC/Article6.shtml

Complaint Procedure: Executive Order 675

www.calstate.edu/eo/EO-675.pdf

UNIT 8 SUPA

Non-Discrimination Policy: Executive Order 883

www.calstate.edu/eo/EO-883.pdf

Complaint Procedure: Executive Order 675

www.calstate.edu/eo/EO-675.pdf

UNIT 10 IOUE

Non-Discrimination Policy: Article 8

www.calstate.edu/LaborRel/Contracts_HTML/CMA/Article8.shtml

Complaint Procedure: Executive Order 675

www.calstate.edu/eo/EO-675.pdf

MPP, CONFIDENTIAL

Non-Discrimination Policy: Executive Order 883

www.calstate.edu/eo/EO-883.pdf

Complaint Procedure: Executive Order 675

www.calstate.edu/eo/EO-675.pdf

Information Resources And Technologies

Information technology resources as governed by California state law:

www.leginfo.ca.gov/pub/bill/sen/sb_0301-0350/sb_302_bill_20031011_chaptered.html

Guidelines for Section 508:

www.leginfo.ca.gov/pub/bill/sen/sb_0301-0350/sb_302_bill_20031011_chaptered.html

Guidelines for creating accessible websites:
www.webable.com/508_guidelines.html
www.usability.gov/accessibility/#standards

Physical Access

SUAM: www.calstate.edu/CPDC/SUAM/

Contracts & Procurement

Non-Discrimination Policy: Article 220
Americans with Disabilities Act (ADA): Article 228
<http://www.calstate.edu/CSP/crl/policy/Policy.shtml>