University of California, Santa Barbara

July 18, 2022

To: Distribution

Re: **Americans with Disabilities Act – Follow-up**
        Audit No. 08-22-0013

We have completed a review of the Americans with Disabilities Act compliance as part of the 2021-22 annual audit services plan. The audit was conducted in conformance with the *International Standards for the Professional Practice of Internal Auditing.* Enclosed is the report detailing the results of our work.

We sincerely appreciate the cooperation and assistance provided by Administrative Services, Student Affairs, Undergraduate Education, the Department of Economics, and the Department of Chemistry and Biochemistry personnel during the review. If you have any questions, please contact me.

Respectfully submitted,

Ashley Andersen
Director
Audit and Advisory Services

Enclosure

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UC SANTA BARBARA
Audit & Advisory Services

Audit Report

Americans with Disabilities Act – Follow-up

July 18, 2022

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Report No. 08-22-0013

EXECUTIVE SUMMARY

OBJECTIVE

The primary purpose of this audit was to reevaluate the adequacy of internal controls to support the campus disability program, with a special attention to the exam accommodation process, in order to ensure compliance with relevant governmental regulations, and University of California (UC) and University of California Santa Barbara (UCSB) policies related to the Americans with Disabilities Act (ADA).

CONCLUSION

Based on the results of the work performed within the scope of the audit, we found that:

- The current exam accommodation process, managed by Disabled Students Program (DSP), provides the majority of exam accommodations requested, as required by ADA. In addition, complaints are addressed in less than 30 days, although DSP does not commit to resolving the complaints in a specific time.

- The departments queried about the current process are overall satisfied with the current process managed by DSP. However, the identification of available rooms could be facilitated and optimized through a more formalized process and through a consolidated bank of available rooms on campus. Moreover, DSP's role in supporting departments to find available rooms has not been formalized. In addition, the DSP portal could be optimized.

- The departments queried about the Testing Center (TC) process in Fall 2021 raised faculty concerns regarding loss of control of the exams to guarantee academic integrity, the new software being potentially more complicated than the DSP portal, the TC operating hours not being flexible enough, and the TC facilities not being well adapted to the students' requests.

- Some changes in ADA processes implemented after the prior audit are not on-going due to reevaluation of priorities to address the COVID-19 pandemic (COVID-19) and due to resource limitations as a consequence of having the ADA Compliance Officer position vacant for six months.

OBSERVATIONS, RECOMMENDATIONS, AND RESPONSES

1. EXAM ACCOMMODATIONS

OBSERVATION

Our review found that the exam accommodations requested between Fall 2019 and Winter 2022[1] have been filled through two different processes:

- DSP has been responsible for the exam accommodations process during the scope of this review with the exception of Fall 2021. Our review highlighted that most of the requests were filled. However, DSP does not commit to resolving accommodation request complaints in a specific period of time.

- A new process was formalized in a memorandum of understanding (MOU) that included shared responsibilities between DSP and the Division of Undergraduate Education[2] to manage the accommodation process. This process was only operational during Fall 2021. Departments interviewed informed us that they observed potential areas of improvement in this process, such as the availability of the TC. However, they also noted challenges using the new IT system and faculty concerns regarding loss of control of the exams to guarantee academic integrity. The process was cancelled at the end of the quarter for lack of resources to operate the TC, and the previous process was reactivated. No data was available to assess the performance of this new process, because no data was backed up after the contract was cancelled with the supplier of the IT system used to track the accommodations requests.

Compliance

DSP filled approximately 99.5% of the exam accommodations requests between Fall 2019 and Winter 2022[3]. However, DSP does not commit to resolve the complaints in a specific period of time. We verified that, from November 15, 2021 to April 30, 2022, complaints were overall addressed in less than 30 days.

a. Fulfillment of Exam Accommodation

The exam accommodation process managed by DSP includes the relationship with the departments and the students, the management of the DSP portal used for the requests, and the management of the proctors. We reviewed the data available related to the number of exam accommodations requested from Fall 2019 to Winter 2022 and verified whether these requests had been filled. We found that, over the years, approximately 99.5% of requests were able to be filled. Although the number of requests has decreased between Winter 2020[4] and Winter 2022, the number of unfilled requests has remained very low.

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[1] UCSB academic calendar is divided in four quarters: Fall (September to December), Winter (January to March), Spring (April to June), Summer (June to August).

[2] See Background section.

[3] For Fall 2021, the data available only covers finals week exams proctored by DSP after the TC ceased operations. As mentioned above, data managed by the TC during Fall 2021 was not available for analysis.

[4] Winter 2020 was the last exam session before classes and exams went online due to COVID-19.

In particular,

- For nine out of 11 unfilled requests in Winter 2022, the exams were held online and did not need an accommodation from DSP. The departments did not inform DSP to cancel the requests.

- The last two unfilled requests were filed one day before the exam, which did not allow enough time to find an available room.

Table 1 shows the evolution of the number of requests, and the number of unfilled requests.

Table 1	Exam Accommodation Requests	
Quarter	**Requests**	**Unfilled Requests**
Fall 2019	4416	14
Winter 2020	4154	10
Spring 2020	2545	1
Fall 2020	1927	1
Winter 2021	657	1
Spring 2021	358	0
Fall 2021	291*	0
Winter 2022	2653	11**

Source: DSP and auditor analysis.
* Number of requests handled by DSP only. Data related to requests filed in RegisterBlast unavailable.
** Nine out of 11 were held online by the departments but DSP was not informed.

b. Complaints

The process to file a complaint is described on the Administrative Services Division website, and responsibilities are shared between DSP and the ADA Compliance Officer[5]. However, roles and responsibilities, as well as a timeline to resolve the complaints, are not formally documented.

We reviewed the list of complaints filed between January 20, 2021 and April 30, 2022[6] and verified that, on average, the complaints were resolved within one month. Complaints were related to the following topics:

- The Testing Center
- DSP accommodations and provision of service
- Access barriers to campus buildings, services, or programs
- University Housing

Table 2 shows the evolution of the number of complaints.

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[5] The ADA Compliance Officer is only involved in more complex cases.
[6] The tracking system was implemented in January 2021.

Table 2	Complaints to DSP
Month*	**Complaints**
January 2021	3
February 2021	1
July 2021	2
September 2021	2
October 2021	10
November 2021	14
December 2021	3
February 2022	2
April 2022	2

Source: DSP.
* Months with 0 complaints between January 2021 and April 2022 are not presented in the table.

Our analysis shows that the number of complaints increased in October and November 2021, and were mostly related to the Testing Center[7].

We noted that complaints prior to 2021 were not tracked by date, making it very difficult to implement a record retention schedule for this data. Since January 2021, complaints have been tracked by DSP in a new application.

Opportunities for Improvements

The DSP process to request exam accommodations is described on the DSP website and is the same for all departments, although the steps involving communicating with faculty are slightly different from one department to another. The process managed by TC in Fall 2021 is also described on the TC website. The TC coordinator provided training to staff and faculty, explaining the new steps and how to use the new software, RegisterBlast.

We interviewed campus personnel involved in exam accommodation requests outside of DSP. The departments interviewed are satisfied with the DSP process overall. However, they suggested the following areas of improvement:

- The DSP portal used to request exam accommodations is perceived as outdated and has some limitations that could create misunderstandings and lead to complaints. For example, the portal is not configured to allow selecting exam dates only. Students might end up picking another date. Departments have to individually identify this situation and contact students to inform them of the correct exam dates.

- The process to identify and assign space is ad hoc, and each exam session requires a case-by-case solution, which is not optimal. The identification of available rooms could be facilitated and optimized through a more formalized process:

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[7] 21 out of 24 complaints submitted for incidents that happened in October and November 2021 were related to the Testing Center.

o Departments have the responsibility of finding space to address exam accommodation requests, and DSP has been traditionally facilitating the accommodation process. However, DSP's role in supporting departments finding available rooms has not been formalized to consistently provide this support.

o To identify available rooms, DSP relies on the following options: TC rooms, Ad Astra[8], Department rooms (ex. Psychology and Brain sciences), and a DSP Space bank spreadsheet. However, a consolidated bank of available rooms on campus could expedite the identification of space for exam accommodations.

Regarding the process managed by TC in Fall 2021, campus personnel involved in exam accommodation requests outside of DSP reported the following areas need improvements:

- Faculty had less control over the exam process, raising concerns over academic integrity. Specifically:

  o Faculty had to share the exam early in the quarter, instead of providing it to the proctor shortly before the exam date, as is the case in the DSP process. The TC coordinator was responsible to print out the exams and make sure they were properly and securely distributed. No security issues have been reported.

  o Exams were sometimes returned late, and sometimes not in one batch, which made it more complicated for faculty to review exams.

- One department reported that the software[9] used with the TC process was considered more complicated, although staff and faculty had received training. This assessment could be due to the learning curve of familiarizing oneself with the new system and not related to the system actually being more complicated.

- Exam accommodation schedules were limited to the TC operating hours, which was not always compatible with class schedules[10]. As an example, 9% of the exam accommodations in Winter 2022 would have been outside of the TC operating hours[11].

- TC facilities were not adequate to accommodate private room requests or to schedule different exams in the same room at the same time, which was the cause of some complaints. A significant number of exam accommodations had to be located outside of TC facilities, requiring the participation of the departments. Additionally, bathrooms in TC were poorly designed for people with mobility impairments.

RECOMMENDATION

We recommend DSP document and formalize a procedure, including roles and responsibilities, to manage complaints from students, faculty, or any other individuals having access to DSP services.

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[8] Scheduling resource tool.
[9] RegisterBlast was used in Fall 2021. The contract with the supplier had been terminated at the time of the audit.
[10] The Testing Center was operating from Monday to Friday, from 8 a.m. to 5 p.m.
[11] In Winter 2022, the TC did not manage exam accommodations. This estimate shows what the situation would have been if TC had been managing the accommodations at that time.

MANAGEMENT RESPONSE

DSP will document and formalize a procedure, including roles and responsibilities, to manage complaints from students, faculty, or any other individuals having access to DSP services.

Audit and Advisory Services will follow up on the status of these issues by October 31, 2022.

RECOMMENDATION

We recommend DSP evaluate creating a streamline process to identify available rooms.

MANAGEMENT RESPONSE

DSP will evaluate creating a streamline process to identify available rooms.

Audit and Advisory Services will follow up on the status of these issues by October 31, 2022.

2. OTHER AREAS

OBSERVATION

We found that some changes in ADA processes implemented after the prior audit are not on-going due to reevaluation of priorities to address the COVID-19 pandemic (COVID-19) and due to resource limitations as a consequence of having the ADA Compliance Officer position vacant for six months. Specifically:

- The self-assessment template was created but has not been provided to the departments for their annual review. The voluntary self-assessment purpose is to identify compliance discrepancies with ADA within the departments.

- Individuals who had access to DSP services received a survey to provide feedback. However, surveys have not been sent to the individuals who were accommodated by other departments.

- Web training has been provided to some individuals, but the target list is still in progress.

Emergency Action Plan (EAP) and Emergency Operations Plan (EOP)

An EAP is a document that aims at providing guidelines to facilitate local emergency planning and to provide practical emergency response guidelines for common types of incidents. EAPs are specific to each department or unit. We verified that the template was available on the Emergency Management website to allow the departments to update their documentation.

We also reviewed the campuswide EOP that establishes policies, procedures, and an organizational structure for the mitigation, preparedness, response, and recovery of emergency events impacting UCSB. We confirmed that the EOP had been updated in 2022, which is compliant with the action plan agreed upon in 2020.

Housing Emergency Planning

We reviewed the information available to residents in UCSB housing to verify that the opportunity to work with housing on specialized plans under the EAP was advertised on the Housing website. In addition, RAs have been trained on evacuation procedures, including assistance to be provided to individuals with mobility or special needs.

ADA Compliance Self-assessments

The previous audit showed that periodic assessments of the campus compliance to ADA needed to be performed and documented. In the new process, departments are expected to perform a voluntary assessment every year.

The self-assessment template has been created. However, this template has not been provided to the departments in 2020 and 2021, due to campus operating mostly remotely. The template had not yet been sent out for the 2022 self-assessment.

Satisfaction Surveys

Our review shows that satisfaction surveys were sent only to students who requested accommodations from DSP and not to individuals who requested other campus community accommodations such as Housing accommodations or General Campus Access.

As a result, UCSB members who accessed one of these services, but not DSP services, did not have the opportunity to provide feedback.

Web Training

Web training has been provided to campus web developers and content editors to improve campus website compliance with ADA accessibility requirements at both the design phase and the maintenance phase. However, this training is voluntary, and the complete target audience has not yet been identified and informed.

We reviewed the training material from February 2021, and the sign-up sheet listing 42 target users for May 2022. 14 users had not responded to the invitation.

RECOMMENDATION

We recommend the ADA Compliance Officer:

- Ensure that the departmental self-assessment template is provided to all campus departments.

- Determine the required retention period for complaints related to exam accommodations. These retention requirements will be documented and communicated to DSP.

MANAGEMENT RESPONSE

The ADA Compliance Officer will:

- Ensure that the departmental self-assessment template is provided to all campus

departments.

- Determine the required retention period for complaints related to exam accommodations. These retention requirements will be documented and communicated to DSP.

Audit and Advisory Services will follow up on the status of these issues by October 31, 2022.

GENERAL INFORMATION

BACKGROUND

The Americans with Disabilities Act[12]

The Americans with Disabilities Act (ADA) became law in 1990. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. The ADA gives civil rights protections to individuals with disabilities similar to those provided to individuals based on race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications.

The ADA is divided into five titles (or sections) that relate to different areas of public life. The Title II of the ADA explains the public programs, services and activities that protect people with disabilities in places such as schools, parks, fire station, stadiums, and sidewalks. In 2008, the Americans with Disabilities Act Amendments Act (ADAAA) was signed into law and became effective on January 1, 2009.

UCSB Disability Program

UCSB Administrative Services is the designated ADA Compliance Office that administers all aspects of campus-wide compliance with federal and state laws, as well as University policies and procedures pertaining to protections for persons with disabilities. It is also responsible for all non-academic accommodations on campus. Disabled Students Program (DSP) receives guidance as one of the direct disability service providers for students on campus to facilitate making appropriate academic accommodations to students with disabilities. University Community Housing and Residential Services (UCHS) offers accommodations to students with a disability-based housing need. Each year temporarily and permanently disabled students attend classes at UCSB. Students with disabilities can be assured of receiving the same core support academic services offered throughout the UC's system-wide chain of campuses.

DSP serves as the campus liaison regarding issues and regulations related to students with disabilities. The DSP staff works in an advisory capacity with a variety of campus departments to ensure that equal access is provided to all disabled students. The focus of the DSP's mission is to ensure full participation and equal access to all educational activities and classes at UCSB and to facilitate student success for students with disabilities. Providing academic accommodations to students with disabilities is a shared responsibility of the campus.

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[12] Americans with Disability Act website.

Students with disabilities are responsible for ensuring that the DSP is aware of their disabilities and for providing DSP with appropriate documentation. Students utilize a respective form to verify their disability. This requires written verification from students' treating clinicians (such as a medical doctor, psychologist, psychiatrist, licensed educational psychologist, etc.). Documentation from a treating physician establish eligibility for services. For students with a temporary disability, DSP also requires detailed documentation from the treating physician (written on the physician's stationery) of the temporary disability, including a specific diagnosis, the expected duration, and the limitations imposed by the condition described. Once documentation is received, a Disabilities Specialist will review the information submitted pertaining to the student's condition and students will be contacted regarding status.

Table 3 shows the population of DSP for the last four years.

Table 3	DSP Census
Year	**Population**
2019	2042
2020	1575
2021	2025
2022	2461

Source: Gary White, Director of DSP.

DSP core funding comes from Students Affairs and student fees. Every two years students reaffirm their support for the department's operations through a fee.

Testing Center[13]

The mission of the UC Santa Barbara Testing Center is to provide a professional testing environment that supports the campus educational mission.

The Testing Center project was initiated in 2020, and formalized through a Memorandum of Understanding (MOU) in March 2021 signed by the DSP Director and the Associate Director, the Testing Center Coordinator, the Vice Chancellor for Student Affairs, the Associate Vice Chancellor for Undergraduate Education, the Assistant Vice Chancellor for Student Academic Support Services, and the Office of the Executive Vice Chancellor.

The signees agreed on the DSP and the Testing Center's respective roles and responsibilities in terms of budget, staffing, and exam management.

The Testing Center was used for exam accommodations in Fall 2021, under the management of a coordinator. Registrations for the exams were performed and documented in the software RegisterBlast that has been abandoned since TC operations ceased. Data was not maintained locally, and the software supplier did not provide a backup, which did not allow us to perform a full data analysis including this period.
At the time of the audit, the exam accommodations process had rolled back to being fully managed by DSP, using the DSP portal. The software RegisterBlast was abandoned, and the data was not maintained by UCSB. Discussions were ongoing to resume the Testing Center

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[13] Testing Center website.

process.

Memorandum of Understanding (MOU)

The Memorandum of Understanding (MOU) formalizing the agreement between the TC and DSP, and used for Fall 2021 exams, described roles and responsibilities related to the use and management of the TC. Specifically, the MOU described roles and responsibilities in terms of:

- Budget
- Organization
- IT systems
- Communication

Financial responsibilities were defined, and shared between the TC and DSP. While the TC was responsible for the operational management and the scheduling of the exams, DSP was responsible for the budget and hiring of the TC staff and student workers, who performed these tasks for the TC. Assigning operational and financial responsibilities over the same processes to different units could lead to process road blocks in case of conflicting interests.

SCOPE

The scope of our audit included the review of process changes occurred after the last audit and the exam accommodation processes from Fall 2019 to Winter 2022. Specifically, we:

- Obtained information and documentation on the process changes that occurred after the last audit.

- Obtained feedback from two departments[14] on the exam accommodation processes.

- Reviewed the Memorandum of Understanding formalizing roles and responsibilities related to the Testing Center.

- Reviewed the metrics available related to exam accommodations.

- Reviewed the list of complaints and their current status between January 20, 2021 and April 30, 2022.

CRITERIA

Our audit was based upon standards as set forth in the UC and UCSB policies, best practices, and other guidance relevant to the scope of the review. This audit was conducted in conformance with the *International Standards for the Professional Practice of Internal Auditing.*

In particular, we reviewed:

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[14] Departments of Economics and Department of Chemistry and Biochemistry, representing 30% of exam accommodations requests in Winter 2022.

- UCSB *Americans with Disabilities Act Handbook* 2020-21*.*
- The Memorandum of Understanding between the TC and DSP.

AUDIT TEAM

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