



SUBJECT: Student Affairs

POLICY: 301.2 Student Disability Accommodations and Appeals

RELATED PROCEDURE:

EFFECTIVE: December 2022

REVISED:

REVIEWED:

Introduction and Purpose

Great Falls College MSU seeks to provide equal access for qualified students to all College programs and services. Pursuant to the Americans with Disabilities Act (ADA) and to ensure a student's full participation in and enjoyment of College programs and services, the College provides qualified students with disabilities reasonable academic and non-academic accommodations. Disability Services (DS) works with students through an individualized yet collaborate approach designed to determine possible barriers and generate effective accommodations for students with disabilities.

The College recognizes that disagreements may occasionally occur about the accommodation process and the appropriateness of accommodations. To that end, and to support positive resolutions, this policy articulates the College's accommodation request and appeal process, which is designed to timely address student requests and situations where a student disagrees with the accommodation process or the approval or denial of accommodations.

Policy

Students seeking accommodations or academic adjustments must register with DS and submit a request for accommodation through the DS website (<https://students.gfcmsu.edu/disabilityservices/index.html>). Such requests must be accompanied by appropriate documentation to support the necessity of the accommodation. The types of documentation supportive of a request for accommodations may include medical records, psycho-educational testing or evaluations, and school assessments. Disability Services may request additional documentation from the student to support the request for accommodation. A representative from DS and the student will engage in the interactive process with the goal of finding a reasonable accommodation or academic adjustment to provide the student with equal access to College programs and activities. The interactive process may include consideration of several factors, such as the student's functional limitations due to their disability, provided documentation, and the academic or program requirements.

Reasonable accommodations and academic adjustments may include, but are not limited to, testing accommodations, note taking, assistive technology and other auxiliary aids, sign language interpreter, accessible materials, and preferential seating, among others. Disability Services may, when appropriate and in a confidential manner, consult with other College officials to determine program or course requirements and appropriate accommodations. The College is not obligated to provide accommodations that would fundamentally alter the nature of a service, program, or activity, or that would result in an undue financial or administrative burden. The College is also not obligated to provide personal devices or services or to provide retroactive accommodations. Students are responsible for requesting accommodations in a timely manner.

The first step to determine eligibility for services is to schedule a one-hour intake appointment with the Director of Disability Services to engage in the interactive process to discuss how one's disability impacts learning. Together, both the Director and the student will determine reasonable accommodations and services. Appropriate documentation from a qualified professional addressing the student's functional limitations must be submitted to the Disability Services office. A grant or denial of the requested accommodations shall be made as soon as practicable and sent to the



student in writing, either stating the accommodation or academic adjustment being provided, or for denials, the reason(s) the request was denied.

Appeal Process Students may appeal decisions concerning the accommodation process or the denial of requested accommodations by filing a request for informal resolution or formal appeal, as outlined below. If a student believes that a decision to deny an accommodation was based on unlawful discrimination, then the student may exercise any rights available under the College's Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, and Retaliation policy (http://www.gfcmsu.edu/about/policies/PDF/300/301_1.pdf). The College has the discretion to extend the deadlines identified below when determined necessary or appropriate.

Informal Resolution Students are encouraged to work with DS to resolve any conflicts or concerns. Students who disagree with a decision made by DS may submit a statement in writing to the Director of DS. The written statement should clearly identify: i) the issue of disagreement; ii) the substantive reason(s) the student disagrees with the decision; and iii) the student's desired outcome. The Director shall have discretion to request additional documents and information from the student and to consult with other College officials, as appropriate. The Director of DS shall have ten (10) business days to respond in writing to the student's request for an informal resolution to the concern(s) identified. Students must submit a request for informal resolution before filing a formal appeal.

Formal Appeal A formal appeal is available to students who have first attempted to resolve the issue through informal resolution, as outlined in section 400.10 above. A student who disagrees with a decision made regarding the accommodation process or the denial of requested accommodations may appeal the decision, provided it meets the criteria for appeal identified below, by submitting a written letter of appeal to the Executive Director Student Affairs and Human Resources. A request for formal appeal must be submitted within ten (10) business days of the response from the Director of DS to the request for informal resolution. Disagreement with a determination is not sufficient grounds for a formal appeal. The review by the Executive Director Student Affairs and Human Resources will be limited to the following grounds for appeal:

1. New evidence has been discovered that could substantially impact the original decision. A summary of this new evidence and its potential impact must be included in the letter of appeal.
2. The student's rights were violated (i.e., a violation of law or there was a material error in the request for accommodation procedure which substantially affected the student's ability to receive a fair review).

The letter of appeal must include: i) the issue on appeal; ii) a detailed summary of the pertinent facts fulfilling the above criteria for a formal appeal; iii) the substantive reason(s) the student disagrees with the decision; and iv) the student's desired outcome. If the appeal is accepted, the Executive Director Student Affairs and Human Resources shall have discretion to request additional documents and information from the student, DS, or other relevant College officials. If the appeal is not accepted because it does not fulfill one of the criteria identified above or for any other valid reason, the student will be notified in writing within ten (10) days of receipt of the request for appeal.

Upon acceptance of the formal appeal, the Executive Director Student Affairs and Human Resources shall render a written decision within fifteen (15) days from acceptance of the appeal. The written decision shall identify the issue on appeal and the basis for any determination. The Executive Director Student Affairs and Human Resources may remand the case to DS with directions for further clarification or processing, overturn the decision, or render an alternative decision. A copy of the decision shall be sent to the student, DS, and any relevant College officials. The decision of the If the appeal is accepted, the Executive Director Student Affairs and Human Resources shall be based solely on the record and relevant documentary evidence and is the final decision of the College in this matter.



Definitions

1. **Academic Adjustments** – Section 504 of the Rehabilitation Act of 1973 (Section 504) requires the College to provide academic adjustments to qualified students with disabilities by (a) codifying academic requirements unless such requirements are essential to the instruction being pursued or to any directly related licensing requirement; (b) ensuring that course examinations for students with disabilities reflect their achievement in the course and not their disabilities; (c) taking steps to ensure that a qualified student is not excluded from participation in or discriminated against because of the absence of educational auxiliary aids; and (d) ensuring that no rules have the effect of limiting the participation of students with disabilities in any educational program or activity.
2. **ADA** – the Americans with Disabilities Act (ADA) guarantees individuals with disabilities access to employment, public accommodations, transportation, public services, and telecommunications and provides such individuals with civil rights protections. Title II of the ADA prohibits discrimination on the basis of a disability in all services, programs, and activities provided to the public by state and local governments.
3. **Days** – means and refers to business days, unless otherwise specified herein.
4. **Disability** – a physical, medical, or mental impairment, or history or record of such impairment, that constitutes a disability under applicable federal or state law.
5. **Interactive Process** – the collaborative effort between the College and a student with a disability to identify existing barriers to the student’s access to academic and non-academic programs and activities at the College with the intention of finding a reasonable accommodation to address those barriers.
6. **DS** –means Disability Services at Great Falls College MSU.
7. **Personal Services or Devices** - Personal services or devices are those that a student with a disability must use regardless of attendance at the College. In addition, personal services are those for which no correlation between the disability's functional limitation and program access can be established. Examples of personal services or devices include, without limitation, personal attendants, wheelchairs, hearing aids, readers for personal use or study, and tutoring.
8. **Reasonable Accommodation** – means an accommodation provided to a student with a disability pursuant to the interactive process.
9. **Student with a Disability** – means an otherwise qualified College student who has a physical or mental impairment that substantially limits one or more major life activities, as specified according to the Americans with Disabilities Act or Section 504.
10. **Undue Burden** – an undue burden is an action that would require significant difficulty or expense when considered in light of a number of factors, including the nature and cost of the accommodation in relation to the size, resources, nature and structure of the College’s operation.

References

Section 504 of the Rehabilitation Act of 1973 (Section 504)
Americans with Disabilities Act of 1990 as amended

Related Manuals/Forms