
Chapter: Student Affairs

Modification No. 008

Subject: Equal Education Opportunity and Non-Discrimination Policy

- 1 I. Montgomery College is committed to equal education opportunity that assures access,
2 equity, and diversity in student admissions, and assures equity in student financial
3 assistance and other student policies. Further, the College is committed to providing an
4 environment in which all persons are provided the opportunity for participation in
5 academic programs, and/or other College activities free from discrimination, any form of
6 harassment as prohibited by federal regulations and state law, and sexual assault.
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- 8 II. In accordance with applicable law, the College does not discriminate against any student
9 or applicant for admission based on protected attributes as age, color, citizenship status,
10 covered veteran status, disability, gender, gender identity or expression, genetic
11 information, national origin, marital status, race, religion, sexual orientation, or for any
12 other reason to the extent these attributes are not covered in this policy and covered by
13 federal, state and county laws and regulations.
- 14 III. It is the policy of the Board of Trustees to take positive steps to identify and change
15 College policies, practices, procedures, and other institutional barriers that may prohibit
16 or adversely affect access, equity, and diversity.
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- 18 IV. Education is a key element of this policy. The College will provide education and
19 information, as appropriate, for students and employees to enhance understanding and
20 increase awareness of the College's Equal Education Opportunity and Non-
21 Discrimination Policy. Any mandatory education requirements will be announced and
22 posted on the College's website. The President is authorized to provide institutional
23 leadership and guidance for developing education programs to promote awareness about
24 equal education opportunity. Some goals to be achieved through education are: (a)
25 ensuring that all individuals are aware of their rights; (b) notifying individuals of conduct
26 that is proscribed; (c) informing employees, contractors, and students about the proper
27 way to recognize and address complaints involving a violation of this policy; (d)
28 preventing issues that this Policy addresses; and (e) identifying the necessary steps for
29 preventing its recurrence and addressing its effects.
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- 31 V. The President is authorized and directed to establish procedures and programs to
32 implement this policy.
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35 Board Approval: January 22, 1975; July 26, 1976; April 15, 1991; July 15, 1991; September 21,
36 1999, November 18, 2002, December 13, 2010; February 25, 2013.

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I. General Accommodations

A. Montgomery College is committed to providing equal access to educational opportunities for students with disabilities. Montgomery College recognizes that individuals with disabilities may need reasonable accommodations to have equally effective opportunities to participate in or benefit from College educational programs, services and activities. Montgomery College shall adhere to all applicable federal and state laws, regulations, and guidelines with respect to providing reasonable accommodations as necessary to afford equal access to programs for qualified persons with disabilities.

B. Accommodation Requests

1. Applicants and students requesting reasonable accommodations for placement testing, degree, and non-degree programs shall contact Disability Support Services (DSS) at Rockville, Germantown, Takoma Park/Silver Spring, or Workforce Development and Continuing Education. Students must complete the online DSS Intake Form located on the DSS web site.
2. The DSS Counselors are responsible for the determination of eligibility and all reasonable accommodations.
3. Students must provide supporting documentation that demonstrates how their disability limits participation in courses, programs, services, jobs, activities, and/or access to College facilities and how the accommodation meets their need. The type of required documentation will vary depending on the nature of the disability and accommodations requested.
4. Documentation of the disability must be from appropriate professionals who are credentialed to make a diagnosis. DSS Counselors will determine the appropriateness of the documentation and reserve the right to request additional documentation when the disability and need for accommodation is unclear.
5. All documentation related to a student's disability shall be kept confidential and retained by DSS. The DSS file shall be maintained separately from other student records maintained by the College.
6. Requests for accommodation should be made as soon as possible after admission to the College, or as soon as the disability becomes known to allow DSS adequate time to review the documentation, establish whether the student is qualified, and determine a reasonable accommodation through an interactive process with the student. In general, students are encouraged to request accommodations prior to the beginning of a semester or course or as soon as a disability becomes known.

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C. Eligibility Determination and Implementation

1. Students are responsible for scheduling ~~an in-person~~ a meeting with DSS and submitting all necessary supporting documents prior to that meeting. The purpose of the meeting is for DSS to engage the student in an interactive process to determine whether the student is: 1) a qualified individual, and 2) appropriate ~~accommodations~~ accommodations that meet the student's individual needs.
2. An *Accommodations Letter* will be developed for the student with directions for sharing the letter with instructors. After receiving the *Accommodations Letter*, students are expected to meet with each course instructor, to provide them with a copy of the letter. Students are responsible for requesting accommodation letters each semester from DSS.
3. Students and instructors should discuss a plan for how the accommodations will be implemented throughout the semester or duration of the course. Questions regarding how to implement accommodations must be referred back to the DSS counselor.
4. DSS will work with the student and instructor (and chair or dean as appropriate) to facilitate effective and timely implementation of approved accommodations. Accommodations must be implemented by faculty, unless it is determined that the accommodation would fundamentally alter the course or program.
5. If an instructor, chair, or dean believes the accommodation fundamentally alters the academic objectives of the course, curriculum, program, or degree, they are obligated to notify DSS immediately, in writing, and provide an explanation of the reasoning.
6. If a student believes they are being denied reasonable accommodations or that reasonable accommodations are not being implemented in an effective and timely manner, the student should contact their DSS counselor or chair of DSS immediately.
7. The College, through DSS, will attempt to resolve any complaints within five (5) business days. If the student is not satisfied with the results of the efforts to resolve the complaint, they may file a complaint with the Director of ADA Compliance.
8. Within ten (10) business days, DSS will work with the student, instructor, chair, and dean to identify an alternative solution to ensure the student's accommodation needs are met.

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II. Student Short Term Medical Leave

A. Montgomery College recognizes that individuals with personal medical incapacitation may need reasonable academic adjustments to have equally effective opportunities to participate in or benefit from College educational programs, services and activities. Montgomery College shall adhere to all applicable federal and state laws, regulations, and guidelines with respect to providing reasonable accommodations as necessary to afford equal access to programs for all qualified persons. Students should be aware that applying for short-term medical leave may have financial aid and transfer implications and are encouraged to speak with a counselor.

B. Responsibilities

a. Students requesting short-term medical leave must contact the Director of ADA Compliance.

b. The Director of ADA Compliance is responsible for reviewing and approving all requests for student short-term medical leave.

c. In conjunction with the Director of ADA Compliance, academic departments and faculty members will make a determination of all reasonable academic adjustments and providing those adjustments.

C. General Procedures for Students

1. To apply for short-term medical leave, a student must provide medical documentation, fill out a short-term medical leave form and submit that form to the Director of ADA Compliance.

2. The Director of ADA Compliance will review the application for all student short-term medical leave.

3. If the request for leave is deemed eligible, the Director of ADA Compliance will work with the academic department and instructor of record to determine appropriate academic adjustment(s) that will allow the student to successfully complete the course requirements.

4. The Director of ADA Compliance will notify the student in writing of the conditions of his/her short-term medical leave.

5. The student must acknowledge receipt and acceptance of the academic adjustment(s) in writing to the Director of ADA Compliance. Until the student acknowledges receipt of the academic adjustment(s) in writing,

188 the student will continue to be held to the standards that were set forth in
189 the course syllabus.

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192 6. A request for short-term medical leave should be submitted as close to
193 the medical condition as possible, preferably within the same
194 semester/session during which the leave will be used. In cases where
195 the medical leave was unanticipated, a student can retroactively request
196 leave.

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199 D. General Procedures for Faculty

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202 1. The instructor of record will consult with the Director of ADA Compliance
203 to determine which academic adjustment(s) will ensure that the student
204 is able to fulfill the course requirements.

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207 2. It is at the discretion of the instructor of record to determine which
208 academic adjustment(s) presented by the Director of ADA Compliance
209 will allow a student to successfully complete the course requirements.

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212 3. Academic adjustments may include, but are not limited to:

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a. extensions on course assignments;

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b. alternative content delivery; or

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c. possible withdrawal from a course

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221 4. During the review process, the Director of ADA Compliance may consult
222 with other offices as necessary to determine academic adjustments.

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225 III. Pregnancy Disclosure

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228 A. A student who is, or becomes, pregnant is strongly encouraged to notify her
229 their course instructors or the Director of ADA Compliance as soon as
230 possible. By doing so, the student and instructors and the Director of ADA
231 Compliance can collaborate and develop an appropriate plan for the
232 continuation of the student's education in light of the unique nature of the College
233 program, as well as particular challenges the student may face while pregnant or
234 when recovering from childbirth (e.g., missed classes, make-up work, etc.).

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237 Adjustments described in III., B., below may also apply to the pregnant
238 student's partner at the discretion of the Director of ADA Compliance. However,
239 the choice to declare a pregnancy is voluntary, and a student is not required to
disclose this information to the College.

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239 B. Options After Disclosure

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241 Once a student has voluntarily decided to disclose a pregnancy to the College, the
242 student will have several options, as described below. The instructor will set up
243 an interactive meeting with the student and the Director of ADA Compliance.
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245 1. Continue in the program

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247 If a student decides to continue in the program and desires to have any
248 adjustments to their academic program due to the pregnancy, the
249 student should contact the instructor. Then the instructor and the
250 Director of ADA Compliance will meet with the student to discuss any
251 reasonable adjustments that may be necessary to continue in the
252 program. ~~Such adjustments, if any, will be documented on the form in~~
253 ~~Addendum A which will be signed by both the student and the~~
254 ~~instructor.~~
255

256 2. Request a leave of absence

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258 a. A leave of absence due to pregnancy may be for various
259 amounts of time depending on a student's particular
260 circumstances. Such a leave may be extended if deemed
261 medically necessary by the student's physician.
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263 b. Due to the structure of some College academic programs,
264 such as Nursing and Health Sciences, the timing and/or length
265 of a student's leave of absence may result in the student
266 being required to re-take or finish course(s) in a future term.
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268 c. If taking a leave of absence due to a pregnancy, an
269 educational plan will be developed and discussed with the
270 student and instructor and the Director of ADA Compliance.
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274 3. Withdraw from the College

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276 The student may, ~~in student's~~ at the student's sole discretion,
277 determine that they must withdraw from the College for an indefinite
278 period of time or permanently due to pregnancy. Normal College
279 withdrawal procedures, and readmission procedures (if applicable),
280 apply.
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282 IV. Accommodations for Faith-based or Religious ~~Observance~~ Practices

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284 A. It is the College's long-standing policy and practice to ~~reasonably~~ provide
285 reasonable alternative academic ~~adjustments~~ accommodations ~~to for~~ students ~~so~~
286 ~~that they do not experience an adverse academic consequence when to practice~~
287 sincerely held faith-based or religious beliefs ~~or observances conflict with~~
288 academic requirements. In addition, the College provides space on each campus
289 to accommodate faith-based or religious practices. A directory of these spaces
290 can be found at [\[insert URL\]](#).

- 291
292 ~~B. — Students who wish to request academic adjustments for a religious observance~~
293 ~~should submit their request in writing directly to the instructor of the course.~~
294 ~~Students and instructors who have questions or concerns about academic~~
295 ~~adjustments for religious observance or religious beliefs may contact the~~
296 ~~College's Director of ADA Compliance,~~
297 ~~Christopher.moy@montgomerycollege.edu, 240-567-5412.~~
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300 ~~C. — Adjustments do not relieve students of the responsibility for completion of any~~
301 ~~part of the coursework missed as the result of a religious observance.~~
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304 ~~D.B.~~ Students will be allowed reasonable alternative accommodations for missing an
305 examination or other academic requirement if the student's sincerely held faith-
306 based or religious belief or practice affects the student's ability to take an
307 examination as scheduled or meet any other academic requirement. However,
308 where there is more than one alternative accommodation that will effectively
309 eliminate a religious conflict, the College may select any of the accommodations.
310 In addition, the College is not required to grant any requested accommodation
311 that would fundamentally alter a course or academic program.
312
313 ~~E.C.~~ The Office of Equity & Inclusion will post a list of major religious holidays or
314 festivals for the next two academic years [insert URL](#). Instructors should make
315 every effort to avoid scheduling exams on the listed days. The posted list is non-
316 exhaustive, and the list may not be used to deny accommodation to a student for
317 a holiday or festival of the student's faith-based or religious belief system that
318 does not appear on the list.
319
320 ~~F.D.~~ Students are responsible for reviewing the course syllabus during the first week
321 of instruction for potential conflicts with faith-based or religious practices and
322 email their instructor to request any academic accommodations. For exams and
323 assignments subsequently added or announced, students should email their
324 instructor as soon as possible and in advance of the conflict.
325
326 ~~G.E.~~ The instructor will review the student's request for any academic
327 accommodations to practice sincerely held faith-based or religious practices,
328 engage in an interactive process with the requesting student as appropriate to
329 determine whether and how the request can be accommodated, and provide a
330 written response to the student.
331
332 F. If the instructor grants a student's request under this procedure, the instructor will
333 provide the student the opportunity to make up missed assignments, exams, or
334 activities, or provide alternatives that are substantially equivalent to the original
335 assignment, exam, or activity. Student absences granted as an accommodation
336 under this procedure will not be counted against any mandatory attendance
337 policy, but they do not relieve the student of the responsibility for completion of
338 any part of the coursework missed as the result of a faith-based or religious
339 practice.
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341 G. If, upon good faith consideration of the request, the student and instructor are
342 unable to agree upon a reasonable accommodation, or the instructor has

343 [concerns regarding the student's request and whether a reasonable](#)
344 [accommodation is possible, the instructor should consult with the department](#)
345 [chair before denying the request.](#)

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347 H. [If the instructor, after consultation with the department chair, denies a student's](#)
348 [request for accommodation under this procedure, the student may file a written](#)
349 [appeal, accompanied by the student's original request and the instructor's written](#)
350 [denial, to the instructional dean of the department within five \(5\) business days of](#)
351 [the instructor's decision. The instructional dean or designee will issue a decision](#)
352 [in writing within five \(5\) business days of receiving the appeal. The decision of](#)
353 [the dean or dean's designee is final.](#)

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355 I. [Students, faculty members, chair and/or deans who have questions or concerns](#)
356 [about academic accommodations for religious observances or religious beliefs,](#)
357 [may contact the College's Director of ADA Compliance, at](#)
358 [Compliance@montgomerycollege.edu or 240-567-4279.](#)

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360 J. [Students wishing to report noncompliance with this section or who believe they](#)
361 [have been harassed or discriminated against based on religion may contact the](#)
362 [College's Director of ADA Compliance at Compliance@montgomerycollege.edu](#)
363 [or 240-567-4279 or file a complaint pursuant to the procedures set forth in](#)
364 [Section V below.](#)

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367 V. Discrimination Complaint Procedure

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369 A. Any student may file a discrimination complaint with the Director of ADA
370 Compliance when they believe a discriminatory violation has occurred. A formal
371 discrimination complaint must be in writing and include all pertinent information
372 concerning the individual's complaint. All complaints will be subject to a
373 comprehensive investigation conducted by the Director of ADA Compliance in
374 consultation with the appropriate dean. A discrimination complaint must be filed
375 within 180 calendar days after the facts giving rise to the alleged violations has
376 occurred to comply with federal regulation and College policy. If the
377 discriminatory behavior is or has been continuous, the complainant should
378 consult the Director of ADA Compliance immediately.
- 379
380 B. Students are encouraged to attempt informal resolution of any problem within the
381 unit where the problem occurs. Confidential inquiries may be made to the
382 Director of ADA Compliance in an effort to resolve complaints informally.
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384 C. Upon receipt of a discrimination complaint, the Director of ADA Compliance will
385 meet with the concerned individual(s) as soon as practicable in an attempt to
386 resolve the complaint, consistent with established procedures.
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388 D. More detailed information concerning the complaint procedures is available in the
389 offices of the Dean of Student Affairs on all three campuses and the Office of
390 Compliance and Ethics.
- 391
392 E. The College recognizes the importance of confidentiality. To the extent possible,
393 all information received in connection with the filing, investigation, and resolution

394 of complaints will be treated as confidential. Records will be maintained in a
 395 confidential manner to the extent permitted by law and insofar as they do not
 396 interfere with the College's legal obligation to investigate and resolve issues of
 397 discrimination. Thus, confidentiality will be maintained except as disclosure may
 398 be required to be made: (i) by law; (ii) to individual witnesses with knowledge of
 399 facts relating to the complaint; (iii) to the Director of ADA Compliance, or
 400 designated representative, when applicable; (iv) to union representatives in the
 401 event the Respondent(s) are union members, and/or; (v) on a need to know
 402 basis to counsel, insurers, auditors, appropriate Board members and executives
 403 of the College. The Complainant(s) and Respondent(s) shall, at all times pending
 404 final determination of the matter, maintain the confidentiality of the matter and
 405 shall not disclose to any person the name of the Complainant(s), any
 406 Respondent(s), or the facts asserted to give rise to the complaint. Complainants
 407 and witnesses should be informed that the confidentiality of their identities cannot
 408 be assured throughout the investigation, although a reasonable effort will be
 409 made to protect and preserve confidentiality. A Complainant(s) should be aware
 410 that s/he/they may be called as a witness in subsequent disciplinary or other
 411 related proceedings.

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- 413 F. Retaliation against a person who has filed a complaint or against any individual
 414 who participated in an investigation is strictly prohibited. Any retaliatory action by
 415 any College employee or student against a Complainant or witness is prohibited
 416 and may be grounds for disciplinary action or dismissal from the College.
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 - 418 G, Any individual found to have knowingly and intentionally filed a false allegation or
 419 provided false information may be subject to appropriate disciplinary action. A
 420 complaint made in good faith is not considered false merely because the
 421 evidence does not ultimately support the allegation of discrimination.

422 VI. OCR Complaint:

423 Although students are encouraged to attempt to resolve complaints pertaining to
 424 disabilities by using this Grievance Procedure, they have the right to file a complaint
 425 directly with the U.S. Department of Education, Office for Civil Rights (OCR).
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427 VII. Education and Training

428 Education is a key element of this procedure. The College will provide education and
 429 information, as appropriate, for students and employees to enhance understanding and
 430 increase awareness of the College's Student Short-Term Medical Leave Policy. Any
 431 mandatory education requirements will be announced and posted on the College's
 432 website.

433 _____
 434 Administrative Approval: October 7, 2010; December 13, 2010; February 23, 2015; February 12,
 435 2018.