
Chapter: Student Affairs

Modification No. 009

Subject: **Equal Education Opportunity and Non-Discrimination Policy**

- I. Montgomery College is committed to equal education opportunity that assures access, equity, and diversity in student admissions and other student policies. Further, the College is committed to providing an environment in which all persons are provided the opportunity for participation in academic programs, and/or other College activities, free from discrimination and/or ethnic, cultural, and racial hostility, violence, or harassment.
- II. It is the policy and practice of the College to prohibit discrimination in its programs and activities against a qualified individual with a disability or on the basis of age, citizenship status, color, covered veteran status, gender identity, genetic information, marital status, national origin, race, religion, sex, sexual orientation or any other characteristic protected by applicable law. This policy is consistent with applicable laws and regulations.
- III. It is the policy of the Board of Trustees to take positive steps to identify and change College policies and other institutional barriers that may prohibit or adversely affect access, equity, and diversity.
- IV. The Board of Trustees authorizes the president to establish any procedures necessary to implement this policy.

Effective Date: January 22, 1975.

Modification Date(s): July 26, 1976; April 15, 1991; July 15, 1991; September 21, 1999, November 18, 2002, December 13, 2010; February 25, 2013, April 15, 2024.

Last Review Date: April 15, 2024.

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Modification No. 005

Subject: **Equal Education Opportunity and Non-Discrimination Policy**

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.

C. Eligibility Determination and Implementation

1. Students are responsible for scheduling 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 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.

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

1. Students requesting short-term medical leave must contact the Director of ADA Compliance.
2. The Director of ADA Compliance is responsible for reviewing and approving all requests for student short-term medical leave.
3. 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, the student will continue to be held to the standards that were set forth in the course syllabus.
6. A request for short-term medical leave should be submitted as close to the medical condition as possible, preferably within the same semester/session during which the leave will be used. In cases where the medical leave was unanticipated, a student can retroactively request leave.

D. General Procedures for Faculty

1. The instructor of record will consult with the Director of ADA Compliance to determine which academic adjustment(s) will ensure that the student is able to fulfill the course requirements.
2. It is at the discretion of the instructor of record to determine which academic adjustment(s) presented by the Director of ADA Compliance will allow a student to successfully complete the course requirements.
3. Academic adjustments may include, but are not limited to:
 - a. extensions on course assignments;
 - b. alternative content delivery; or
 - c. possible withdrawal from a course
4. During the review process, the Director of ADA Compliance may consult with other offices as necessary to determine academic adjustments.

III. Pregnancy Disclosure

- A. A student who is, or becomes, pregnant is strongly encouraged to notify their course instructors or the Director of ADA Compliance as soon as possible. By doing so, the student and instructors and the Director of ADA Compliance can collaborate and develop an appropriate plan for the continuation of the student's education in light of the unique nature of the College program, as well as particular challenges the student may face while pregnant or when recovering from childbirth (e.g., missed classes, make-up work, etc.). Adjustments described in III., B., below may also apply to the pregnant student's partner at the discretion of the Director of ADA Compliance. However, the choice to declare a pregnancy is voluntary, and a student is not required to disclose this information to the College.

B. Options After Disclosure

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

1. Continue in the program

If a student decides to continue in the program and desires to have any adjustments to their academic program due to the pregnancy, the student should contact the instructor. Then the instructor and the Director of ADA Compliance will meet with the student to discuss any reasonable adjustments that may be necessary to continue in the program.

2. Request a leave of absence

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

3. Withdraw from the College

The student may, at the student's sole discretion, determine that they must withdraw from the College for an indefinite period of time or permanently due to pregnancy. Normal College withdrawal procedures, and readmission procedures (if applicable), apply.

IV. Accommodations for Faith-based or Religious Practices

- A. It is the College's long-standing policy and practice to provide reasonable alternative academic accommodations for students to practice sincerely held faith-based or religious beliefs. In addition, the College provides space on each campus to accommodate faith-based or religious practices.
- B. Students will be allowed reasonable alternative accommodations for missing an examination or other academic requirement if the student's sincerely held faith-based or religious belief or practice affects the student's ability to take an examination as scheduled or meet any other academic requirement. However, where there is more than one alternative accommodation that will effectively accommodate the student's request, the College may select any of the accommodations. In addition, the College is not required to grant any requested accommodation that would fundamentally alter a course or academic program.
- C. The Office of Equity & Inclusion will post a list of major religious holidays or festivals for the next two academic years. Instructors should make every effort to avoid scheduling exams on the listed days. The posted list is non-exhaustive, and the list may not be used to deny accommodation to a student for a holiday or festival of the student's faith-based or religious belief system that does not appear on the list.
- D. Students are responsible for reviewing the course syllabus during the first week of instruction for potential conflicts with faith-based or religious practices and email their instructor to request any academic accommodations. For exams and assignments subsequently added or announced, students should email their instructor as soon as possible and in advance of the conflict.

- E. The instructor will review the student's request for any academic accommodations to practice sincerely held faith-based or religious practices, engage in an interactive process with the requesting student as appropriate to determine whether and how the request can be accommodated, and provide a written response to the student.
 - F. If the instructor grants a student's request under this procedure, the instructor will provide the student the opportunity to make up missed assignments, exams, or activities, or provide alternatives that are substantially equivalent to the original assignment, exam, or activity. Student absences granted as an accommodation under this procedure will not be counted against any mandatory attendance policy, but they do not relieve the student of the responsibility for completion of any part of the coursework missed as the result of a faith-based or religious practice.
 - G. If, upon good faith consideration of the request, the student and instructor are unable to agree upon a reasonable accommodation, or the instructor has concerns regarding the student's request and whether a reasonable accommodation is possible, the instructor should consult with the department chair before denying the request.
 - H. If the instructor, after consultation with the department chair, denies a student's request for accommodation under this procedure, the student may file a written appeal, accompanied by the student's original request and the instructor's written denial, to the instructional dean of the department within five (5) business days of the instructor's decision. The instructional dean or designee will issue a decision in writing within five (5) business days of receiving the appeal. The decision of the dean or dean's designee is final.
 - I. Students, faculty members, chair and/or deans who have questions or concerns about academic accommodations for religious observances or religious beliefs, may contact the College's Director of ADA Compliance, at Compliance@montgomerycollege.edu or 240-567-4279.
 - J. Students wishing to report noncompliance with this section or who believe they have been harassed or discriminated against based on religion may contact the College's Director of ADA Compliance at Compliance@montgomerycollege.edu or 240-567-4279 or file a complaint pursuant to the procedures set forth in Section V below.
- V. Discrimination Complaint Procedure
- A. Any student may file a discrimination complaint with the Director of ADA Compliance when they believe a discriminatory violation has occurred. A formal discrimination complaint must be in writing and include all pertinent information concerning the individual's complaint. All complaints will be subject to a comprehensive investigation conducted by the Director of ADA Compliance in consultation with the appropriate dean. A discrimination complaint must be filed within 180 calendar days after the facts giving rise to the alleged violations has occurred to comply with federal regulation and College policy. If the

discriminatory behavior is or has been continuous, the complainant should consult the Director of ADA Compliance immediately.

- B. Students are encouraged to attempt informal resolution of any problem within the unit where the problem occurs. Confidential inquiries may be made to the Director of ADA Compliance in an effort to resolve complaints informally.
- C. Upon receipt of a discrimination complaint, the Director of ADA Compliance will meet with the concerned individual(s) as soon as practicable in an attempt to resolve the complaint, consistent with established procedures.
- D. More detailed information concerning the complaint procedures is available in the offices of the Dean of Student Affairs on all three campuses and the Office of Compliance and Ethics.
- E. The College recognizes the importance of confidentiality. To the extent possible, all information received in connection with the filing, investigation, and resolution of complaints will be treated as confidential. Records will be maintained in a confidential manner to the extent permitted by law and insofar as they do not interfere with the College's legal obligation to investigate and resolve issues of discrimination. Thus, confidentiality will be maintained except as disclosure may be required to be made: (i) by law; (ii) to individual witnesses with knowledge of facts relating to the complaint; (iii) to the Director of ADA Compliance, or designated representative, when applicable; (iv) to union representatives in the event the Respondent(s) are union members, and/or; (v) on a need to know basis to counsel, insurers, auditors, appropriate Board members and executives of the College. The Complainant(s) and Respondent(s) shall, at all times pending final determination of the matter, maintain the confidentiality of the matter and shall not disclose to any person the name of the Complainant(s), any Respondent(s), or the facts asserted to give rise to the complaint. Complainants and witnesses should be informed that the confidentiality of their identities cannot be assured throughout the investigation, although a reasonable effort will be made to protect and preserve confidentiality. A Complainant(s) should be aware that s/he/they may be called as a witness in subsequent disciplinary or other related proceedings.
- F. Retaliation against a person who has filed a complaint or against any individual who participated in an investigation is strictly prohibited. Any retaliatory action by any College employee or student against a Complainant or witness is prohibited and may be grounds for disciplinary action or dismissal from the College.
- G. Any individual found to have knowingly and intentionally filed a false allegation or provided false information may be subject to appropriate disciplinary action. A complaint made in good faith is not considered false merely because the evidence does not ultimately support the allegation of discrimination.

VI. OCR Complaint

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

VII. Education and Training

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

Administrative Approval: October 7, 2010; December 13, 2010; February 23, 2015; February 12, 2018; October 20, 2023