

# University Student Accommodations and Appeals Policy

Subject:	Student Disability Accommodations and Appeals
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Responsible Party:	Office of Disability Services

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## **100.00 Introduction and Purpose**

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

The University 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 University'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.

## **200.00 Definitions**

1. **Academic Adjustments** – Section 504 of the Rehabilitation Act of 1973 (Section 504) requires the University 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 University 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 University with the intention of finding a reasonable accommodation to address those barriers.
6. **ODS** –means the Office of Disability Services at Montana State University.
7. **Personal Services or Devices** - Personal services or devices are those that a student with a disability must use regardless of attendance at the University. 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 University 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 University’s operation.

### **300.00 Requesting Reasonable Accommodations**

Students seeking accommodations or academic adjustments must register with ODS and submit a request for accommodation through the ODS website (<https://www.montana.edu/disabilityservices/>). 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. ODS may request additional documentation from the student to support the request for accommodation. A representative from ODS 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 University 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, housing adjustments, preferential seating, and priority registration, among others. ODS may, when appropriate and in a confidential manner, consult with other University officials to determine program or course requirements and appropriate accommodations. The University 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 University 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.

Once all required documentation is submitted, ODS shall meet with the student requesting an accommodation to engage in the interactive process and discuss the requested accommodations. 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.

## **400.00 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 University's Discrimination, Harassment and Retaliation policy (<https://www.montana.edu/equity/policies/index.html>).

The University has the discretion to extend the deadlines identified below when determined necessary or appropriate.

### **400.10 Informal Resolution**

Students are encouraged to work with ODS to resolve any conflicts or concerns. Students who disagree with a decision made by ODS may submit a statement in writing to the Director of ODS. 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 University officials, as appropriate. The Director of ODS shall have ten (10) 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.

### **400.20 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 Vice President for Student Success. A request for formal appeal must be submitted within ten (10) days of the response from the Director of ODS to the request for informal resolution.

Disagreement with a determination is not sufficient grounds for a formal appeal. The review by the Vice President for Student Success 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 Vice President of

Student Success shall have discretion to request additional documents and information from the student, ODS, or other relevant University 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 Vice President of Student Success 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 Vice President of Student Success may remand the case to ODS 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, ODS, and any relevant University officials.

The decision of the Vice President of Student Success shall be based solely on the record and relevant documentary evidence and is the final decision of the University in this matter.