

Disability Services Faculty Guide

Our Mission

Disability Services strives to reduce accessibility barriers on campus and provide reasonable accommodations to students with disabilities.

Who Qualifies?

Students with registered disabilities and students with temporary injuries who are enrolled at Montana Tech and/or Highlands College, and visitors to campus with disabilities. Accommodations and services are only available to those categories. Faculty and staff with disabilities seeking accommodations must contact [Vanessa Van Dyk](#).

Service Limits

Medical conditions or emergencies unrelated to disability, such as a death in the family, a sick spouse or child, or absences related to COVID-19 (quarantine, self-isolating, positive COVID-19 test, etc.), do not fall under the scope of Disability Services.

English as a Second Language (ESL)

Students without a disability whose native language is not English are not eligible for accommodations from Disability Services. It is up to individual faculty whether or not they want to give the student extra time on assignments or exams. For inquiries unrelated to disability for international students, contact the [Director of International Services](#).

Campus Location

Disability Services is located in the Student Success Center (SSC) 3.137 within the Academic Center for Excellence (ACE).

Interactive Process

It is the responsibility of each student to inform both Disability Service and faculty of access needs. Disability Services works in conjunction with faculty and students to assist with the implementation of reasonable accommodations listed in the Accommodation Letter, and maintain on-going communication to ensure access.

Confidentiality

Student disclosure of a disability is voluntary. Montana Tech considers disability-related information as confidential material. The information will not be released except in response to a student's request or written authorization, as needed, to assist a student with an education-related issue, or as permitted under certain circumstances per legal guidelines.

Definition of Disability

Federal Law

In addition to the policies and procedures of Montana Tech, the following federal and state legislation applies:

- [Americans with Disabilities Act](#) (ADA)
 - [Amended](#) in 2008
- [Rehabilitation Act of 1973](#), Sections 503 and 504
- [Fair Housing Act of 1968](#)
- [Family Educational Rights and Privacy Act](#) (FERPA)
- [Montana Human Rights Act](#)

Legal Definition

The Americans with Disabilities Act (ADA) defines a person with a disability as someone who has a physical or mental impairment that substantially limits one or more major life activities. This includes anyone who has a record of such an impairment, even if she or he does not currently have a disability, and individuals who do not have a disability but are regarded as having a disability.

Faculty Rights

As an instructor at Montana Tech, you have the right to:

- [Dispute an unreasonable accommodation.](#)
- Dictate course policies and maintain the fundamental nature of their course or program content.
- Require students to demonstrate their knowledge of essential course content.
- Request verification of a student's eligibility for an accommodation. Faculty are not obligated to provide an accommodation unless an Accommodation Letter has been provided.

Faculty Responsibilities

Faculty are strongly encouraged to understand that students do not all learn, think, behave, or operate the same and to strive for creating courses and curriculums that can be accessed by all.

Communication

Please refrain from asking about the specifics of the disability and its limitations, but if the student discloses that information, keep it confidential. Disability Services encourages all faculty to be available to discuss accommodations with students and be clear in their expectations.

Most students will share the information of their disabilities readily with faculty. Some, however, decide not to share information and may never seek accommodations. Accommodation Letters are sent via email to faculty, and Disability Services encourages all students to maintain regular communication with faculty regarding their access needs.

If faculty are concerned that a student has a disability which has not been disclosed or diagnosed, they may discuss that matter with the

student or direct their concerns to Disability Services. It is the student's right, however, to keep the nature of their disability private.

Service Animals

We offer a [Guide on Responding to Service Animals on Campus](#) and an outline of our [policies on animals on campus](#). A service animal is allowed anywhere on campus, so long that the area does not pose a threat to the animal (ex. a lab or workspace where the animal may be exposed to harmful equipment or chemicals), and is not required to be registered or licensed. By law, faculty may only ask students with service animals the following questions:

1. Is the dog a service animal required because of a disability?
2. What work or task has the dog been trained to perform?

Faculty may not request any documentation for the dog, require that the dog demonstrate its task, or inquire about the nature of the student's disability.

Sample Syllabus Statement

Montana Tech provides reasonable accommodations to students who are registered with Disability Services. If you have been diagnosed with or believe you may have a disability, contact Disability Services to discuss accommodations, access needs, and obtain an Accommodation Letter. You can reach the Disability Services Coordinator via email at sgoodell@mtech.edu, by phone at 406-496-4428, or in person in the Academic Center for Excellence (ACE) within the Student Success Center (SSC). All services are confidential. Once you have received your letter, please meet with me to discuss your access needs.

Accommodations

Accommodation requests must be reasonable. "Reasonable" is defined as an accommodation that does not constitute an undue burden or

require a fundamental alteration of a course or program, and is provided on a case-by-case basis based on individual access needs. Reasonable accommodations exist to provide access.

Accommodations are not special treatment, nor can they guarantee success. Students with disabilities must be held to the same academic and procedures standards as students without disabilities.

A student with a disability has met the requirements and standards necessary to be accepted into a program or course at Montana Tech. They have as much right as students without disabilities to be here, and deserve a fair chance at earning a degree or certification.

Accommodation Letters

Accommodations are not retroactive, nor do they carry over between semesters, and begin the day the instructor receives the Accommodation Letter. Letters are emailed to the student and instructors with the student and instructors blind copied. Students are encouraged to approach instructors before or after class or during office hours to discuss individual access needs using the Letter as an ice-breaker.

Students must contact Disability Services every semester to receive an updated accommodation letter, as accommodations may change. Instructors should disregard accommodation letters from previous semesters. Letters may also be issued or revised at any point in a semester.

“Controversial” Accommodations Flexible Attendance (FLEX)

Course attendance is essential to the success of the student. Engagement with instructors and peers is beneficial for retention, learning, critical thinking, and communication. Students with disabilities are expected to follow attendance policies outlined in instructor syllabi,

and are responsible for communicating with instructors to complete any missed assignments and exams due to disability-related absences.

However, some students may have disabilities that result in a need to exceed the number of allowed excused absences. Therefore, a flexible attendance, or "FLEX", accommodation may be considered on a case-by-case basis. The applicability and extent of the flexibility will be determined with each individual student and instructor, but this does not mean unlimited absences are permitted. Students are required to meet with their faculty within two weeks of receiving a FLEX Agreement email from Disability Services to submit the agreement. The Disability Services coordinator is available to help mediate a discussion while filling out the form so that the best possible outcome can be agreed upon between student and instructor.

The reasonable amount of disability-related absences and make up procedures allotted before it fundamentally alters the course and compromises the integrity of the program will be determined by each individual instructor. Please note that FLEX may not be applicable to some courses, including labs. Faculty are not required to lower or make substantial modifications of standards for accommodation purposes, but can decide how important attendance to the class is.

Office of Civil Rights (OCR) Guidelines

The [United States Department of Education Offices of Civil Rights \(OCR\)](#) offers guidance on determining if class attendance is fundamental:

1. Is there classroom interaction between the instructor and students, and among students?
2. Do student contributions constitute a significant component of the learning process?
3. Does the fundamental nature of the course rely upon student participation as an essential method for learning?

4. To what degree does a student's failure to attend constitute a significant loss to the educational experience of other students in the class?
5. What does the course description and syllabus say?
6. What is the method by which the final course grade is calculated?
7. What are the classroom practices and policies regarding attendance?

Assignment Extensions

It is important for students to meet deadlines and submit their work on time. However, much like with FLEX, sometimes a student's disability may interfere with that ability, and extra time on some assignments may be considered on a case-by-case basis.

Examples of when accommodations like this may occur include an accommodation carrying over from a previous semester, a student with a physical disability that requires frequent medical visits, or a student with a condition that renders her or him unable to write or type.

Like with FLEX, students with assignment extensions are responsible for cooperating and communicating with instructors to create new deadlines for the assignments in which extensions are needed. As always, the Disability Services coordinator is available to help mediate a discussion on providing extra time while still meeting the standards and integrity of the course.

If you have a student who has not come through Disability Services and is requesting extra time on assignments, it may be beneficial to send her or him to the Academic Center for Excellence (ACE) or TRIO (if eligible) for assistance on time management and study skills, so that the students may learn to properly manage deadlines.

Remote Instruction

Students who are unable to come to campus for reasons related to disability may be eligible for remote instruction via recorded or livestreamed lectures as an accommodation on a case-by-case basis. Faculty may choose between recording and uploading lectures or livestreaming them, but Disability Services understands that remote attendance may not be possible for all courses. In the event remote attendance is not an option, alternative solutions will be explored.

Though it may appear as an accommodation for students with disabilities on a case-by-case basis, Disability Services strongly encourages all instructors to consider recording and uploading their lectures for the benefit of all students.

For remote learning information, resources and support, visit the [Center for Academic Innovation](#) or contact [Kat McCormick](#). For assistance with equipment and set up, contact the [IT Help Desk](#). Direct Zoom, Youtube, and Panapto inquiries to [Kathy Stevens](#).

Fundamental Alterations and Undue Burdens

An accommodation may not fundamentally alter a course or program, nor cause an undue administrative burden on the instructor. Students with disabilities must be held to the same academic standards as their peers.

If faculty believe an accommodation fundamentally alters courses or causes an undue burden, they are encouraged to contact Disability Services as soon as possible. Faculty have as much right as students to appeal the accommodation process. If an accommodation is deemed a fundamental alteration or an undue burden, Disability Services will work with the appropriate resources to find an alternative solution.