

TITLE IX: Pregnant and Parenting Student Policy

Policy Number: **Date Issued:** 08.22.2023

Section: Title IX **Revised Date:**

Title: Title IX Rights of Pregnant and Parenting Students **Review Date:** Annually

Effective Date: 08.22.2023

Responsible University Officer: Provost and Vice President for Learning

Responsible Office: Title IX, Accessibility Services

Applies to: Faculty, Staff, Administrators, Students, Visitors, Guests

I. Policy

The University is committed to ensuring a safe environment free from all forms of sex or gender-based harassment, discrimination, and sexual misconduct. All members of the University community, including students, faculty, staff, guests, and visitors, are expected to conduct themselves in a manner that does not infringe upon the rights of others. The University takes the position of zero tolerance for sex and gender-based misconduct. Zero tolerance means that when an allegation of misconduct is brought to an appropriate administrator's attention, protective and other remedial measures will be used to reasonably ensure that such conduct ends, is not repeated, and the effects on the individual whose rights have been violated as well as the effects on the community are remedied, including serious sanctions when a responding party is found to have violated this policy. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated.

Sex discrimination can include discrimination based on pregnancy or parental status and is prohibited and illegal in admission, educational programs and activities, hiring, leave policies, employment policies, and health insurance coverage. Under the U.S. Department of Education's (DOE) Title IX regulations, an institution that receives federal funding "shall not discriminate against any student or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom." According to the DOE, appropriate treatment of a pregnant student includes granting the student leave "for so long a period of time as is deemed medically necessary by the student's physician," and then effectively reinstating the student to the same status as was held when the leave began.

Capital University hereby establishes a policy and associated procedures for ensuring the protection and equal treatment of pregnancy individuals, persons with pregnancy-related conditions, and new parents.

II. Definitions

- a. *Caretaking*: caring for and providing for the needs of a child.
- b. *Medical Necessity*: a determination made by a health care provider (of the student's choosing) that a certain course of action is in the patient's best health interests
- c. *Parenting*: the raising of a child by the child's parents in the reasonably immediate post-partum period.
- d. *Pregnancy*: includes (but is not limited to) pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery from any of these conditions.
- e. *Pregnancy Related Conditions*: conditions arising in connection with pregnancy and recovery from any of these conditions
- f. *Pregnancy Discrimination*: includes treating an individual affected by pregnancy or a pregnancy-related condition less favorably than similar individuals not so affected, and includes a failure to provide legally mandated leave or accommodations
- g. *Pregnant Student/Birth-Parent*: refers to the student who is or was pregnant. This policy and its pregnancy-related protections apply to all pregnant persons, regardless of gender identity or expression.
- h. *Reasonable Accommodations*: (for the purposes of this policy) appropriate adjustments or modifications in the academic environment or typical operations that enable pregnant students or students with pregnancy-related conditions to continue to pursue their studies and enjoy the equal benefits of Capital University without fundamentally altering a course or program.

III. Policy Details

Under the U.S. Department of Education's (DOE) Title IX regulations, an institution that receives federal funding "shall not discriminate against any student or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom." According to the DOE, appropriate treatment of a pregnant student includes granting the student leave "for so long a period of time as is deemed medically necessary by the student's physician," and then effectively reinstating the student to the same status as was held when the leave began.

This generally means that pregnant students should be treated by Capital University the same way as someone who has a temporary medical condition and will be given an opportunity to make up missed work wherever possible. Extended deadlines, make-up assignments (e.g., papers, quizzes, tests, and presentations), peer tutoring, independent study, online course completion options, and incomplete grades that can be completed at a later date, may be reasonable accommodations, in addition to any other ergonomic and assistive supports to provide equal access. To the extent possible, Capital University will take reasonable steps to ensure that pregnant students who take a leave of absence or medical leave return to the same position of academic progress that they were in when they took leave, including access to the same Academic Bulletin that was in place when the leave began. In situations such as clinical rotations, performances, labs, and group work, the institution will work with the student to devise an alternative path to completion, if possible. In progressive curricular and/or cohort-model programs, medically necessary leaves are sufficient cause to permit the student to shift course order, substitute similar courses, or join a subsequent cohort when returning from leave. The

Title IX Coordinator, in conjunction with the Director of Accessibility Services, has the authority to determine that such accommodations are necessary and appropriate, and to inform faculty members of the need to adjust academic parameters accordingly. Information about pregnant students' requests for accommodations will be shared with faculty and staff only to the extent necessary to provide the reasonable accommodation. Faculty and staff will regard all information associated with such requests as private and will not disclose this information unless necessary. Administrative responsibility for these accommodations lies with the Title IX Coordinator, who, in conjunction with the Director of Accessibility Services, will maintain all records related to accommodations.

Pregnancy related conditions that rise to the level of a temporary disability may qualify students for protections under the American's with Disabilities Act (ADA). Students will be required to follow the registration process and submit documentation according Accessibility Services' policies.

SCOPE OF POLICY

This policy applies to all aspects of Capital University including, but not limited to, admissions, educational programs and activities, extracurricular activities, hiring, leave policies, employment policies, and health insurance coverage, including:

- Excusing medically necessary absences (this must be granted, irrespective of classroom attendance requirements set by a faculty member, department, or division);
- Granting leave per Capital University's leave of absence policy or implementing incomplete grades for classes that will be resumed at a future date; or
- Allowing breastfeeding students reasonable time and space to express breast milk in a location that is private, clean, and reasonably accessible. Bathroom stalls do not satisfy this requirement.

Nothing in this policy requires modification to the essential elements of any academic program. Pregnant students cannot be channeled into an alternative program or school against their wishes.

MODIFIED ACADEMIC RESPONSIBILITIES POLICY FOR PARENTING STUDENTS

Students with child caretaking/parenting responsibilities who wish to remain engaged in their coursework while adjusting their academic responsibilities because of the birth or adoption of a child or placement of a foster child may request an academic modification period during the first six months from the time the child entered the home. Extensions may be granted when additional time is required by medical necessity or extraordinary caretaking/parenting responsibilities.

1. During the modification period, the student's academic requirements will be adjusted, and deadlines postponed as appropriate, in collaboration among the Title IX office, Accessibility Services, faculty, and the appropriate academic department(s).
2. Students seeking a period of modified academic responsibilities should consult with the Title IX office to determine appropriate academic accommodations requests. The Title IX office will communicate all requests under this policy to coordinate accommodation-

related efforts with Accessibility Services. Students are encouraged to work with their faculty members to reschedule course assignments, lab hours, examinations, or other requirements, and/or to reduce their overall course load, as appropriate once authorization is received from the Title IX office. If, for any reason, caretaking/parenting students are not able to work with their faculty members to obtain appropriate modifications, students should alert the Title IX office as soon as possible, and the office will help facilitate needed accommodations and modifications.

3. In timed degree, certification, or credentialing programs, students who seek modifications upon the birth or placement of their child will be allowed an extension of up to six months to prepare for and take preliminary and qualifying examinations, and an extension of up to six months toward normative time to degree while in candidacy, to the extent those deadlines are controlled by Capital University. Longer extensions may be granted in extenuating circumstances.
4. Students can request modified academic responsibilities under this policy regardless of whether they elect to take a leave of absence.
5. While receiving academic modifications, students will remain registered and retain benefits accordingly.

LEAVE OF ABSENCE

A leave of absence may be granted to a student who wishes to interrupt, but not permanently discontinue, enrollment at Capital University. Leaves of up to one academic year may be granted including transient work. The Title IX Office will assist students with the process. A leave of absence allows a student to return without the necessity of re-applying. A student on an approved leave of absence returns to Capital under the same bulletin requirements for which they originally entered.

Students may also need to take a leave of absence from the institution due to multiple reasons (which include personal, medical, financial, religious, military, family, work-related). A student may take a leave of absence from Capital University for up to one year. Extensions can be granted for extenuating circumstances. To be eligible for a leave, a student must be in good academic, financial, and disciplinary standing. Students who have been dismissed from the University are not eligible to request a leave of absence.

If the leave of absence is requested after a term begins but before the end of the ninth week of classes for traditional students, the student will receive a notation of W (for withdrawal from the course) on the academic record. For students enrolled in the Adult and Continuing Education Program, or for an eight-week modular course or a summer session, a notation of W is recorded up through the end of the mid-point of the term. There may be financial aid implications for a student requesting a leave of absence. Please check with the Office of Financial Aid to determine any implications.

In the semester preceding their return to the University, a student on a Leave of Absence will be eligible to participate in such procedures as registration for classes.

STUDENT-EMPLOYEE LEAVE

1. All student-employees will be entitled to the protections of the Family and Medical Leave Act, regardless of whether they are also students or hold post-doctoral status.

2. Pregnancy and related conditions will be treated as any other temporary disability for job purposes, including leave and benefits.

HOUSING-RELATED ACCOMMODATIONS

Pregnant students' on-campus housing status will not be altered based on pregnancy status unless requested by the pregnant students. Family housing may also be available. Housing accommodations will be coordinated in conjunction with Accessibility Services and the Office of Residential and Commuter Life.

RETALIATION AND HARASSMENT

Retaliation is defined as any form of intimidation, threat, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege established by this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

Retaliation also includes filing a complaint against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege under this Policy.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy does not constitute retaliation prohibited under of this section, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

DISSEMINATION OF THE POLICY AND TRAINING

A copy of this policy will be made available to faculty, staff, and employees in annually required training and posted on the Capital University Title IX website. Capital University will alert all new students about this policy and the location of this policy as part of orientation. The Title IX office will make educational materials available to all members of the Capital community to promote compliance with this policy and familiarity with its procedures.

IV. Procedure

Title IX Coordinator will assist any pregnancy/parenting student requesting accommodations with scheduling an appointment with the Director of Accessibility to discuss all options for accommodations, to ensure every option is offered to the student. Together, the Director of Accessibility Services and the Title IX Coordinator will coordinate with faculty and other campus departments to initiate and support accommodations.

Students who are pregnant and are seeking accommodations are invited to fill out the Pregnancy Disclosure Form (https://cm.maxient.com/reportingform.php?CapitalUniv&layout_id=35). Accessibility Services will contact the student to schedule a meeting with the Director of Accessibility Services to engage in an interactive discussion to assist in determining reasonable accommodations.

Pregnant students may experience other pregnancy related conditions that could qualify as a temporary disability under the ADA. Students should register with Accessibility Services as soon as possible to discuss reasonable and appropriate accommodations. Information about Accessibility Services and related policies can be found on Accessibility Services' webpage: <https://www.capital.edu/about-capital/accessibility-services/>.

V. Responsibilities

The Title IX Coordinator will work in conjunction with the Director of Accessibility Services to ensure reasonable accommodations for pregnant or parenting students.

VI. Resources

VII. Contacts

Associate Provost/Dean of Engagement and Success and Title IX Coordinator

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Director of Accessibility Services

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Individuals with complaints of the process and procedures at Capital University also have the right to file a formal complaint with the United States Department of Education:

Office of Civil Rights (OCR)

400 Maryland Avenue, SW

Washington, DC 20202-1100

Customer Service Hotline: 800.421.3481

TDD# 877.521.2172

Email: OCR@ed.gov

Web: <http://www.ed.gov/ocr>

VIII. History

Draft revisions finalized 2023/08/04

Approved by President's Cabinet on 2023/08/22