



Indiana University of Pennsylvania
Office of Social Equity/Title IX Office
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Title IX Rights for Pregnant and Newborn-Parenting Students **Guidelines**

Indiana University of Pennsylvania (IUP) is committed to creating and maintaining a community where all individuals enjoy freedom from discrimination, including discrimination on the basis of sex, as mandated by Title IX of the Education Amendments of 1972 (Title IX). Sex discrimination, which can include discrimination based on pregnancy, marital status, or parental status, is prohibited and illegal in admissions, educational programs and activities, hiring, leave policies, employment policies, and health insurance coverage. IUP hereby establishes guidelines for ensuring the protection and equal treatment of pregnant individuals, persons with pregnancy-related conditions, and new parents.

Under the 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 the same way as someone who has a temporary disability 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), tutoring, independent study, online course completion options, and incomplete grades that can be completed at a later date, should all be employed, in addition to any other ergonomic and assistive supports typically provided by Disability Services. To the extent possible, IUP 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 course catalog that was in place when the leave began. The Title IX Coordinator 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.

As with disability accommodations, 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 will maintain all appropriate documentation related to accommodations.

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.

Students are encouraged to work with their faculty members and IUP support systems to devise a plan for how to best address the conditions as pregnancy progresses, anticipate the need for leaves, minimize the academic impact of their absence, and get back on track as efficiently and comfortably as possible. The Title IX Coordinator will assist with plan development and implementation as needed.

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. *Newborn-Parenting*: the caring for a child who experiences medical needs in the reasonably immediate post-partum period.
- d. *Pregnancy and Pregnancy-Related Conditions*: include (but are not limited to) pregnancy, childbirth, false pregnancy, termination of pregnancy, conditions arising in connection with pregnancy, and recovery from any of these conditions.
- e. *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.
- f. *Pregnant Student/Birth-Parent*: refers to the student who is or was pregnant. These guidelines and its pregnancy-related protections apply to all pregnant persons, regardless of gender identity or expression.
- g. *Reasonable Accommodations*: (for the purposes of these guidelines) changes 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 the university.

Reasonable Accommodation of Students affected by Pregnancy, Childbirth, or Related Conditions:

- a. IUP and its faculty, staff, and other employees will not require students to limit their studies as the result of pregnancy or pregnancy-related conditions.
- b. The benefits and services provided to students affected by pregnancy will be no less than those provided to students with temporary medical conditions.
- c. Students with pregnancy-related disabilities, like any student with a short-term or temporary disability, are entitled to reasonable accommodations so that they will not be disadvantaged in their courses of study or research and may seek assistance from the Title IX office.
- d. No artificial deadlines or time limitations will be imposed on requests for accommodations, but IUP is limited in its ability to impact or implement accommodations retroactively.
- e. Reasonable accommodations may include, but are not limited to:
 1. Providing accommodations requested by a pregnant student to protect the health and safety of the student and/or the pregnancy (such as allowing the student to maintain a safe distance from hazardous substances);
 2. Making modifications to the physical environment (such as accessible seating);
 3. Providing mobility support;
 4. Extending deadlines and/or allowing the student to make up tests or assignments missed for pregnancy-related absences;
 5. Offering remote learning options;
 6. Excusing medically-necessary absences (this must be granted, irrespective of classroom attendance requirements set by a faculty member, department, or division);
 7. Granting leave per IUP's medical leave guidelines or implementing incomplete grades for classes that will be resumed at a future date; or

8. Allowing breastfeeding students reasonable time and space to pump breast milk in a location that is private, clean, and reasonably accessible. Bathroom stalls do not satisfy this requirement

Nothing in these guidelines require 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 for Newborn-Parenting Students:

- a. 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 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.
- b. During the modification period, the student's academic requirements will be adjusted, and deadlines postponed as appropriate, in collaboration among the Title IX office, the student's academic advisor, and the appropriate academic department(s).
- c. Students seeking a period of modified academic responsibilities may consult with their academic advisor or with the Title IX office to determine appropriate academic accommodations requests. The Title IX office will communicate all requests under these guidelines to students' academic advisors and coordinate accommodation-related efforts with the advisors unless the students specifically requests that their advisors be excluded. Students are encouraged to work with their advisors and 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 advisors/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.
- d. 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 a certain number of months to prepare for and take preliminary and qualifying examinations, and an extension of a certain number of months toward normative time to degree while in candidacy, to the extent those deadlines are controlled by IUP. Longer extensions may be granted in extenuating circumstances.
- e. Students can request modified academic responsibilities under these guidelines regardless of whether they elect to take a leave of absence.
- f. While receiving academic modifications, students will remain registered and retain benefits accordingly.

Leave of Absence:

- a. As long as students can maintain appropriate academic progress, faculty, staff, or other IUP employees will not require them to take a leave of absence or withdraw from or limit their studies as the result of pregnancy, childbirth, or related conditions, but nothing in these guidelines require modification of the essential elements of any academic program.
- b. Enrolled students may elect to take a leave of absence for a certain time period because of pregnancy and/or the birth, adoption, or placement of a child. The leave term may be extended in the case of extenuating circumstances or medical necessity.
- c. Students taking a leave of absence under these guidelines will provide notice of the intent to take leave as soon as practicable prior to the initiation of leave.
- d. Intermittent leave may be taken with the advance approval of the Title IX office and students' academic department(s), when medically necessary.

- e. To the extent possible, IUP will take reasonable steps to ensure that, upon return from leave, students will be reinstated to their program in the same status as when the leave began, with no tuition penalty.
- f. Continuation of students' scholarship, fellowship, or similar IUP-sponsored funding during the leave term will depend on the students' registration status and the policies of the funding program regarding registration status. Students will not be negatively impacted by or forfeit their future eligibility for their scholarship, fellowship, or similar IUP-supported funding by exercising their rights under these guidelines.

Student Employee Leave:

- a. Pregnancy and related conditions will be treated as any other temporary disability for job purposes, including leave and benefits.
- b. Pregnancy and related conditions will be regarded as a justification for a leave of absence without pay for a reasonable period of time, at the conclusion of which employees will be reinstated to the status that they held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

Retaliation and Harassment:

- a. Harassment of any member of the IUP community based on sex, gender identity, gender expression, pregnancy, or parental status is prohibited.
- b. Faculty, staff, and other IUP employees are prohibited from interfering with students' rights to take leave, seek reasonable accommodation, or otherwise exercise their rights under these guidelines.
- c. Faculty, staff, and other IUP employees are prohibited from retaliating against students for exercising the rights articulated in these guidelines, including imposing or threatening to impose negative educational outcomes because students request leave or accommodation, file a complaint, or otherwise exercise their rights under these guidelines.

Housing-Related Accommodations:

Pregnant students' on-campus housing status will not be altered based on pregnancy status unless requested by the pregnant students.

Compliance:

Any member of the IUP community may report a violation of these guidelines to the Title IX Coordinator, who is responsible for overseeing complaints of discrimination involving pregnant and parenting students. The Title IX Coordinator for IUP is: Elise Glenn, Office of Social Equity, B-17 Delaney Hall, 724-357-3402, title-ix@iup.edu.

Complaints may also be filed with the U.S. Department of Education's Office for Civil Rights at the Office for Civil Rights (OCR). Complaints may be filed online, using the form available, at www.ed.gov/ocr/complaintintro.html.