

<p>Pregnant and Parenting Policy <i>(Note: Required by Title IX. The College currently has a practice I place, but not a policy)</i></p>	<p>BOT Approved: September 18, 2018</p>
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PURPOSE:

Garrett College 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. Garrett College hereby establishes a policy and associated procedures¹ for ensuring the protection and equal treatment of pregnant individuals, persons with pregnancy-related conditions, and new parents.

POLICY STATEMENT:

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 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 Garrett College 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, Garrett College 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 Director of Equity and Compliance, who serves as the College’s 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(s). Faculty and staff will regard all information associated with

¹ All policy and procedural language taken from the ATIXA Model Policy: The Title IX Rights of Pregnant and Parenting Students, used in accordance with the College’s membership with the organization.

such requests as private and will not disclose this information unless necessary. Administrative responsibility for these accommodations lies with the Director of Equity and Compliance, 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 Garrett College’s 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 Director of Equity and Compliance will assist with plan development and implementation as needed.

SCOPE OF POLICY

This policy applies to all aspects of Garrett College’s program, including, but not limited to, admissions, educational programs and activities, extracurricular activities, hiring, leave policies, employment, policies, and health insurance coverage.

DEFINITIONS:

Caretaking	Caring for and providing for the needs of a child.
Child(ren)	For purposes of this policy, those under the age of 18 who are dependents of students, faculty or staff.
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.
Parenting	The raising of a child by the child’s parents in the reasonably immediate post-partum period.
Pregnancy and Pregnancy-Related Conditions	Includes (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.

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.
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.
Reasonable Accommodations	For the purposes of this policy, changes in the academic environment or typical operations that enables pregnant students or students with pregnancy-related conditions to continue to pursue their studies and enjoy the equal benefits of Garrett College.

REASONABLE ACCOMODATIONS OF STUDENTS AFFECTED BY PREGNANCY, CHILDBIRTH, OR RELATED CONDITIONS:

1. Garrett College and its faculty, staff, and other employees will not require students to limit their studies as a result of pregnancy or pregnancy-related conditions.
2. The benefits and services provided to students affected by pregnancy will be no less than those provided to students with temporary medical conditions.
3. 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 student or research, and may seek assistance from the Equity and Compliance office.
4. No artificial deadlines or time limitations will be imposed on requests for accommodations, but Garrett College is limited in its ability to impact or implement accommodations retroactively.
5. Reasonable accommodations may include, but are not limited to:
 - a. 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);
 - b. Making modifications to the physical environment (such as accessible seating, lowering of beds in the residence halls);
 - c. Providing mobility support;
 - d. Extending deadlines and/or allowing the student to make up tests or assignments missed for pregnancy related absences;
 - e. Offering remote learning options;

- f. Excusing medically- necessary absences (this must be granted, irrespective of classroom attendance requirements set by a faculty member, department, or division);
- g. Granting leave per Garrett College's medical leave policy or implementing incomplete grades for classes that will be resumed at a future date; or
- h. 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 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

1. 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 3 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.
2. During the modification period, the student's academic requirements will be adjusted and deadlines postponed as appropriate, in collaboration among the Equity and Compliance office, the student's academic advisor, and the appropriate academic department(s).
3. Students seeking a period of modified academic responsibilities may consult with their academic advisor or with the Equity and Compliance office to determine appropriate academic accommodations requests. The Equity and Compliance office will communicate all requests under this policy to students' academic advisors and coordinate accommodation-related efforts with the advisors unless the student 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 Equity and Compliance 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 Equity and Compliance office as soon as possible, and the office will help facilitate needed accommodations and modifications.
4. 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 3 months to prepare for and take preliminary and qualifying examinations, and an extension of up to 3 months toward normative time to degree while in candidacy, to the extent those

deadlines are controlled by Garrett College. Longer extensions may be granted in extenuating circumstances.

5. Students can request modified academic responsibilities under this policy regardless of whether they elect to take a leave of absence.
6. While receiving academic modifications, the student will remain registered and retain benefits accordingly.

LEAVE OF ABSENCE

1. As long as students can maintain appropriate academic progress, faculty, staff, or other Garrett College 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 this policy requires modification of the essential elements of any academic program.
2. Enrolled students may elect to take a leave of absence for up to six (6) weeks 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.
3. Students taking a leave of absence under this policy will provide notice of the intent to take leave 30 calendar days prior to the initiation of leave, or as soon as practicable.
4. Intermittent leave may be taken with the advance approval of the Equity and Compliance office and students' academic department(s), when medically necessary.
5. Students who elect to take leave under this policy may register under an inactive status to continue their eligibility for certain benefits. While registered under that status, students who choose to take a leave of absence under this policy can elect to keep their health insurance coverage and continue residing in college housing, subject to the payment of applicable fees.
6. To the extent possible, Garrett College 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.
7. Continuation of students' scholarship, fellowship, or similar Garrett College-sponsored funding during the leave term will depend on the student's 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 Garrett College-supported funding by exercising their rights under this policy.
8. The Equity and Compliance office can and will advocate for students with respect to financial aid agencies and external scholarship providers in the event that a leave of absence places eligibility into question.

STUDENT-EMPLOYEE LEAVE

1. All student-employees will be entitled to the protections of the Family and Medical Leave Act (FMLA), 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.
3. Pregnancy and related conditions will be regarded as 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

1. Harassment of any member of the Garrett College community based on sex, gender identity, gender expression, pregnancy, or parental status is prohibited.
2. Faculty, staff, and other Garrett college employees are prohibited from interfering with students' right to take leave, seek reasonable accommodation, or otherwise exercise their rights under this policy.
3. Faculty, staff, and other Garrett College employees are prohibited from retaliating against students for exercising their rights articulated by this policy, including imposing or threatening to impose negative educational outcomes because students request leave or accommodation, file a complaint, or otherwise exercise their rights under this policy.

HOUSING-RELATED ACCOMMODATIONS

Pregnant students' on-campus housing status will not be altered based on pregnancy status unless requested by the pregnant student. Parenting students' access to housing is managed on a case-by-case basis.

HOUSING-RELATED ACCOMMODATIONS

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