



Policy: **Student Pregnancy and Parenting Accommodations**

Effective: 4/28/23

Title IX

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**Policy**

In accordance with Title IX of the Education Amendments of 1972, Grace College and Seminary will provide Students who are Pregnant or have a Pregnancy-Related Medical Condition or who request accommodations related to their role as a New Parent, with Reasonable Accommodations as necessary to afford such Students an equal opportunity to participate in Grace’s Educational Programs or Activities, to the extent that such accommodations would not result in a Fundamental Alteration of an academic program or impose an Undue Burden on Grace.

**Purpose**

Grace College is committed to creating and maintaining a community in which all individuals enjoy freedom from discrimination, including discrimination on the basis of sex related to a Student’s actual or potential parental, family, or marital status.<sup>1</sup> Grace, therefore, wants to ensure the protection and equal treatment of those who are Pregnant, have Pregnancy-Related Conditions, or are New Parents and to provide a supportive learning environment.

In doing so, Grace will provide Pregnant Students, and Students with related conditions such as childbirth, false pregnancy, pregnancy loss or recovery therefrom, with at least the same level of resources and supports as it provides to Students with other temporary conditions unless the Student requests voluntarily to participate in a separate portion of the program or activity at Grace<sup>2</sup>.

**Scope**

This Policy applies to all currently enrolled Students and to all aspects of Grace’s Educational Programs and Activities, including admissions, financial aid, scholarships, housing, academics, lab and clinical work, student employment, career counseling, athletics, school-sponsored extra-curricular activities, and co-curricular activities such as internships.

Employees requesting accommodations should consult the *Employee Handbook* available from the human resources department.

**Definitions**

1. *Child*: A Student’s biological, adopted, or foster child; legal ward; or relative for whom the Student has parenting responsibilities.
2. *Clinical Program*: Supervised experiences in settings that provide practical experience for

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<sup>1</sup> Title IX regulation at 34 C.F.R. § 106.40(a)

<sup>2</sup> Title IX regulation at 34 C.F.R. § 106.40(b)(4)



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Students enrolled in degree programs, including student-teaching, nursing, graduate counseling, exercise science, and other discipline-specific practicums and internships.

3. *Educational Program or Activity*: All operations of the college, including admissions, financial aid, scholarships, housing, academics, lab and clinical work, student employment, career counseling, athletics, school-sponsored extracurricular activities, and co-curricular activities such as internships.
4. *Fundamental Alteration*: A change so significant that it alters the essential nature of the course or program.
5. *Interactive Process*: Discussion about the Student's Pregnancy or Pregnancy-Related Condition in which the student, health care provider, and Disabilities Services Coordinator each share information about how Grace can support the Student in continuing her education.
6. *Medical Necessity*: A determination made by a health care provider of a Student's choosing.
7. *New Parent*: An individual who has Parenting or primary caretaking responsibilities for a Child who has typically entered the home no more than eight weeks prior.
8. *Parenting*: Fulfilling the role of parent for a biological, adopted, or foster Child; a legal ward; or a relative for whom the Student has primary caretaking responsibilities.
9. *Pre-leave Status*: As determined by a Student's academic, athletic, extra-curricular or other status.
10. *Pregnancy Discrimination*: Includes treating a Student affected by Pregnancy or a Pregnancy-Related Condition less favorably than other Students not so affected, and includes a failure to provide legally-mandated leave or Reasonable Accommodations.
11. *Pregnant Student/Birth-Parent*: A Student who is or was Pregnant.
12. *Pregnancy and Pregnancy-Related Conditions*: Include, but are not limited to, pregnancy, childbirth, false pregnancy, pregnancy or infant loss, breastfeeding and expelling breast milk, and conditions arising in connection with or recovery from any of these conditions in accordance with federal law.
13. *Reasonable Accommodations*: For purposes of this policy, Reasonable Accommodations are defined as changes in the academic environment or typical operations that enable a Pregnant Student, a Student with a Pregnancy-Related Condition, or a Student who requests accommodations as a result of their role as a New Parent to continue to pursue their studies and enjoy equal access to the College's Educational Programs and Activities.
14. *Student*: A person who has gained admission to a full- or part-time course of study for academic credit at Grace and where that person's primary role at Grace is that of a student



not an employee.

15. *Undue Burden*: An imposition of more than a de minimis cost or disruption, which may include resources or supports that are overly costly, infringe on the rights of others, require others to do potentially hazardous or unduly burdensome work, or which compromise the health or safety of any person.
16. *Discrimination*: An unlawful distinction, preference, or detriment compared to others who are similarly situated; it includes unfavorable treatment or actions that deprive the individual of educational, program, service, or employment access, benefits, or opportunities. This Policy prohibits discrimination on the basis of a Student's Pregnancy or Pregnancy-Related Condition at Grace.
17. *Harassment*: Unwelcome conduct, comments or behaviors that are so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Grace's education program or activity. This Policy prohibits harassment of a Student on the basis of their Pregnancy or a Pregnancy-Related Condition at Grace.
18. *Retaliation*: Any adverse action taken against a person because of that person's participation in a complaint or investigation of discrimination or harassment under this Policy, such as an adverse action taken because a person has (1) participated in the reporting, investigation, or resolution of the alleged violation of this Policy; (2) opposed actions that may be thought to be in violation of this Policy; or (3) requested or received information, support, resources or Reasonable Accommodations on the basis of Pregnancy and Pregnancy-Related Conditions. Retaliation may include intimidation, threats, coercion, discrimination, or harassment.

### **Prohibited Conduct**

Grace College prohibits discrimination and harassment on the basis of Pregnancy or Pregnancy-Related Conditions, and prohibits Retaliation related to a person's participation in a complaint or investigation under this Policy, or related to a person's request for information, resources, supports or Reasonable Accommodations under this Policy.

### **Institutional Responsibilities**

1. Students affected by Pregnancy or a Pregnancy-Related Condition will be offered benefits and services equivalent to those provided to other Students with a disability or temporary medical condition. These benefits and services are available through the Office of Student Disabilities Services at Grace College.
2. Grace will not require that a Student identify as Pregnant; however, as with any temporary or permanent disability or condition potentially necessitating resources or supports, Students [requesting an accommodation](#) must self-identify with the Disabilities Services



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Office so that those requests can be reviewed and accommodations provided where appropriate.

3. To protect Pregnant Students and all members of the campus community, Grace will issue general warnings concerning possible hazards on its campus and will post appropriate signage to warn of any hazardous materials or dangerous conditions that may impact Pregnant Students or Students with Pregnancy-Related Conditions.
4. Grace will assist a Student who has self-identified as Pregnant in determining her options including continuing in the Educational Program with or without Reasonable Accommodations or other available options depending upon the Student's wishes and the available resources.

**Office of Student Disabilities Services**

1. Once a Student has [requested an accommodation](#), the Coordinator of Disabilities Services will assist the Student who has self-identified as Pregnant with formalizing an individualized education plan following the Interactive Process. Students should not develop plans with individual professors, coaches, or supervisors without the assistance of Disabilities Services.
2. The education plan should address relevant areas such as academics, housing, financial aid, and athletics.
3. The Coordinator of Disabilities Services will coordinate the education plan with Grace's Title IX Coordinator as needed.
4. The Office of Student Disabilities Services maintains the privacy of Students who seek its services, including for Pregnancy and Pregnancy-Related Reasons. Unless a Student is in imminent danger for health or safety reasons, it does not disclose a Student's Pregnancy without that Student's permission or as needed to assist in coordinating the education plan.
5. Pregnant Students and those with Pregnancy-Related Conditions may also be eligible for disability protections and services under the ADA, depending upon their condition.

**Amnesty**

The health and wellbeing of Students is important to Grace College. Grace understands that there may be times when the request for Reasonable Accommodations includes the admission of a community lifestyle violation by one or both parties. Although these violations are not condoned by Grace, Students disclosing a Pregnancy or Pregnancy-Related Condition themselves to Student Affairs despite the possible admission of a conduct violation is strongly encouraged so Students can receive support. The Office of Student Disabilities Services and/or the Title IX Office will assist any Student in contacting Student Affairs regarding their Pregnancy or Pregnancy-Related Condition if they desire.



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Grace's Student Affairs office will respond educationally or developmentally rather than through the discipline process to Students disclosing a Pregnancy or Pregnancy-Related Condition in violation of the code of conduct. Consistent with the *Student Handbook* section on Pregnancy, student affairs staff will assist Students in considering their options. Support is also available through Grace's Health and Counseling Services or its Title IX office.

**Confidential Sources**

Privileged and confidential communication about Pregnancy and Pregnancy-Related Conditions lies with the following Grace employees:

- A. Licensed counselors or interns supervised by one in the Grace College Health and Counseling Center
- B. Administrative staff in the Grace College Health and Counseling Center
- C. Dean of the Chapel (campus chaplain)
- D. Campus nurse
- E. Grace College athletic trainers

Confidentiality only extends to these employees when they are functioning in the role for which they were hired, not when they are in another capacity (e.g., when the campus chaplain is teaching a course as a faculty member). Other faculty and staff with similar credentials do not have privileged communication related to a Student's Pregnancy or Pregnancy-Related Conditions because they were not hired to fulfill the role for which they are credentialed.

There are some situations in which even those with privileged communication may be required by law to bring certain matters to the attention of law enforcement. For example, counselors are required by law to report when an individual is a threat to harm himself/herself/others, including suicidal and homicidal thoughts and child or sexual abuse.

**Non-Discrimination and Reasonable Accommodation of Students**

Grace and its faculty and staff shall not require a Student to limit her studies due to Pregnancy or Pregnancy-Related conditions.

1. The benefits and services provided to Students affected by Pregnancy or Pregnancy-Related Conditions shall be no less than those provided to Students with temporary medical conditions.
2. Students affected by Pregnancy or Pregnancy-Related Conditions, like a Student with a disability, are entitled to Reasonable Accommodations and may seek assistance from the Coordinator of Disabilities Services to gain equal access to their courses of study or research.



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3. Grace will only ask a Pregnant Student or a Student with Pregnancy-Related Conditions to obtain a physician's certification that the Student is physically and emotionally able to continue in the regular Education Program or Activity so long as such certification is required of all students for other physical or emotional conditions requiring the attention of a physician.<sup>3</sup> Grace will treat Pregnancy and Pregnancy-Related Conditions in the same manner and under the same policies as any temporary disability.<sup>4</sup>
4. Where the Coordinator of Disabilities Services requires Students to identify their disabilities and request accommodations by a fixed date in the term, deadline exceptions may be granted in the case of disabilities arising as a result of Pregnancy or Pregnancy-Related Conditions.
5. Reasonable Accommodations for Pregnancy and Pregnancy-Related Conditions may include, but are not limited to:
  - a. Those requested to protect the health and safety of the Student and/or her Pregnancy, such as allowing the Student to maintain a safe distance from hazardous substances
  - b. Modifications to the physical environment, such as accessible seating
  - c. Mobility support
  - d. Allowance of more frequent trips to the restroom or breaks for water
  - e. Extending deadlines and/or allowing the Student to make up tests or assignments missed for Pregnancy-Related absences
  - f. Granting incomplete grades for courses to be completed at a later date
  - g. Providing remote learning options
  - h. Excusing medically-necessary absences
  - i. Allowing course drops, incompletes, medical leaves of absence, or medical withdrawals.
  - j. Providing temporary disability parking permits
  - k. Granting reasonable time and private space to pump breast milk
  - l. Providing larger uniforms for athletics or on-campus jobs
  - m. Modifications to the use of cameras during online courses

**Lactation Space**

1. Breastfeeding Students will be granted reasonable time and space to pump breast milk in

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<sup>3</sup> Title IX regulation at 34 C.F.R. §106.40(b)(2)

<sup>4</sup> Title IX regulation at 34 C.F.R. § 106.40(b)(4)



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an approved location that is private, clean, away from the classroom or their workstation, free of interruptions, and reasonably accessible. Grace will also provide a refrigerator for daily storage.

2. These locations will be designated as a “Lactation Room” when necessary and will be available, have sanitation supplies, and a sign posted advising it is in private use.
3. The location of designated lactation spaces is maintained by human resources and the Office of Disabilities Services.
4. Students are encouraged to use their own cooler for secure storage of breastmilk, but may use the refrigerator provided in the lactation room. They should use and label their own containers and store them only until the end of the day.

**Modified Academic Responsibilities Policy for New Parent Students**

1. Students with New Parenting responsibilities who wish to remain engaged in their coursework while adjusting their academic responsibilities because of the birth or adoption of their Child or placement of a foster Child may request an academic modification period beginning within the first month of the Child’s entering the home.
2. Students seeking a period of modified academic responsibilities as an accommodation must consult with the Coordinator of Disabilities Services to review their options and to determine which academic responsibilities will be suspended, modified, or ongoing. The Student will work with the coordinator to reschedule course assignments, lab hours, examinations, or other requirements and/or reduce the Student’s overall course load as appropriate.
3. The length of the modification period generally does not exceed 8 weeks and any extensions granted when additional time is required due to Medical Necessity or extraordinary Parenting responsibilities generally do not exceed 6 weeks. Requests for extensions are submitted as an additional accommodation using the accommodation [request process](#) including physician’s certification. They will be treated as an additional accommodation and evaluated for reasonableness and whether granting such request amounts to Fundamental Alteration of the program.

**Pregnancy-Related Leaves of Absence**

1. Grace does not have a leave of absence policy for its students. It will, however, treat Pregnancy and Pregnancy-Related Conditions and recovery therefrom as a justification for a medical leave for so long a period of time as is deemed medically necessary by the student’s physician, at the conclusion of which the Student shall be reinstated to the status which she





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held when the leave began<sup>5</sup>.

2. Faculty, staff, or other employees shall not require a Student to take a medical leave or withdraw from or limit their studies due to Pregnancy or Pregnancy-Related Conditions if another accommodation is reasonably available.
3. Students are permitted to take time off of school for as long as it is deemed medically necessary by their doctor, whether that is a few absences for necessary medical appointments, or a longer medical leave for a high-risk Pregnancy or childbirth. The leave term may be extended in the case of extenuating circumstances or if Medically Necessary due to the health of the Student.
4. Students are not penalized for taking a medical leave for Pregnancy or Pregnancy-Related Conditions and will be able to return to school in the Pre-Leave Status they held before taking leave.
5. Return to Pre-Leave Status provides the Student the opportunity to continue participation in an Educational Program or Activity. Determination of Pre-Leave Status will be individualized, guided by the duty to provide Reasonable Accommodations that do not result in the Fundamental Alteration of the program. In some instances, it may not be possible to fully restore the Student to her Pre-Leave Status as requested without Fundamentally Altering the Education Program or Activity.
6. Intermittent leave may be taken with the advanced approval of the Office of Disabilities Services and the Student's department, or when Medically Necessary due to the Student's health condition.
7. Continuation of the Student's scholarship, graduate assistantship, or similar institutional funding during the leave term will depend on the Student's Pre-Leave and the policies of the funding program regarding registration status. Students will not negatively impact or forfeit their future eligibility for their scholarship, graduate assistantship, or similar institutional funding by taking leave under this policy.

**Athletics**

1. Grace will not subject only Students of one sex to additional or different requirements, such as requiring female athletes to sign athletic contracts listing Pregnancy as an infraction.
2. Grace will treat Student-Athletes who are Pregnant or have a Pregnancy-Related Condition the same way it treats other ill or injured Student-Athletes or Student-Athletes needing extra support or resources.
  - a. Financial aid to a Pregnant Student-athlete will not be withdrawn due to Pregnancy,

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<sup>5</sup> Title IX regulation 34 C.F.R. § 106.40(5)





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suspected Pregnancy, parenthood, or Pregnancy or infant loss.<sup>6</sup>

- b. A formerly Pregnant Student-athlete will be returned to the status she held when the leave began, including as a full-fledged member of the team and eligibility for athletic awards if that was her status when the leave began.

**Special Circumstances**

1. *Student Employment*

Leave time from or flexibility in a Student's work study schedule as a Reasonable Accommodation for an on-campus job is coordinated through the Coordinator of Disabilities Services using the same process as a Student's request for academic accommodations. Disabilities Services will consult with HR, the work study supervisor, or other campus personnel as needed to accommodate a Student's campus employment.

Qualified Students will not be denied campus employment opportunities if the denial is based on the need for a Reasonable Accommodation related to a Pregnancy, childbirth, or Pregnancy-Related condition.

2. *Labs*

Academic labs in which chemicals or hazardous materials or equipment are present will be labeled with the appropriate warning or disclosure signage for Students, faculty, staff, and visitors. Academic areas on campus in which chemicals are used will maintain policies about the hazardous materials at that location, including safety, exposure, and how Students, lab technicians/managers, faculty, and staff can request accommodations.

3. *Clinical programs*

Students enrolled in programs or internships with a clinical component should request any needed accommodations with the Office of Disabilities Services, which will coordinate approved accommodations with the professor and, if needed, the site supervisor. Aspects of a clinical program to consider for accommodations include, but are not limited to:

- Progression in the program
- Readmission
- Residency
- Clinical rotations, practicums, and internships
- Lifting or other physical requirements
- Exercise requirements
- Lab experiments, chemicals, and use of equipment

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<sup>6</sup> Title IX regulations state that in providing financial assistance to any of its students, a recipient shall not "apply any rule or assist in application of any rule concerning eligibility for such assistance which treats persons of one sex differently from persons of the other sex with regard to marital or parental status." See 34 C.F.R. § 106.37(a)(3).



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- Fitness-based internships instruction
- Behavioral support-based internships

4. *Other specific circumstances*

In other specific circumstances, the Office of Student Disabilities Services will work with the Student to coordinate accommodations as needed for the Educational Programs and Activities utilized by the Student.

**Retaliation and Harassment**

1. Title IX ensures the right to take Medically Necessary leave and to be free of harassment, intimidation, or other discrimination because of Pregnancy-Related Conditions.
2. Harassment or Retaliation by any member of the Grace Community based on Pregnancy, or New Parent status is prohibited. Grace employees, therefore, are prohibited from Retaliating against or interfering with a Student’s taking a leave of absence, seeking Reasonable Accommodation, or otherwise exercising their rights under this Policy, including imposing or threatening to impose negative educational outcomes because a Student requests a leave or Reasonable Accommodation, files a complaint, or otherwise exercises their rights under the Policy.

**Compliance and Accountability**

Any member of the Grace community may report a violation of this Policy to any supervisor, manager, the Coordinator of Disabilities Services, or the Title IX Coordinator. Individuals receiving a notice of discrimination or possible violation of this Policy are responsible for promptly forwarding such reports to the Title IX office.

**Related Policies:**

- Disabilities Services policies
- Student Employee Handbook*
- Title IX policies

**Revision History**

7/28/22	Initial legal review of draft.
2/28/23	Second legal review of draft.
3/29/23	Cabinet approval of final policy.
4/28/23	Minor clarification of Amnesty. Added Confidential Sources section.