



## Rowan College of South Jersey

Administrative Procedure: 7019

### **PREGNANT AND PARENTING STUDENTS AND EMPLOYEES**

#### **Scope**

This administrative procedure applies to all aspects of Rowan College of South Jersey's ("RCSJ") programs, including, but not limited to, admissions, educational programs and activities, extracurricular activities, hiring, leave and employment policies, and health insurance coverage.

#### **Definitions**

- **Caretaking:** caring for and providing for the needs of a child.
- **Faculty:** RCSJ employee responsible for teaching classes or supervising academic work.
- **Fundamental alteration:** any academic accommodation, adjustment/auxiliary aid, or service that would fundamentally affect or change the nature of a program or course being taught or that fundamentally alters the essential requirements of instruction or course requirements is not considered a reasonable academic accommodation. *RCSJ is not required to alter or modify a course or program to the extent that it changes the fundamental nature of that course or program offering.*
- **Medical necessity:** a determination made by a health care provider (of the student's or employee's choosing) that a certain course of action is in the patient's best health interest.
- **Parenting:** the raising of a child by the child's parents in the reasonably immediate post-partum period.
- **Parenting person:** person with the legal or voluntary responsibility to ensure the safety and well-being of a child and includes birth and non-birth parents, adopting parents, fostering parents, legal guardians, spouses and domestic partners of a parent or legal guardian, stepparents, siblings with significant caregiving responsibility (such as during absence or incapacitation of primary caregiver), kinship placement, and acting in place of a parent.
- **Pregnancy and pregnancy-related conditions:** include, but not limited to, pregnancy, childbirth, false pregnancy, termination of pregnancy, conditions arising with pregnancy, and recovering 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 or employee who is or was pregnant. This administrative procedure and its pregnancy-related protections apply to all pregnant persons regardless of gender identity or expression.
- Reasonable accommodations: (as it relates to this administrative procedure) refers to approved changes in the academic environment or typical operations that enables pregnant students or students with pregnancy-related conditions to continue their studies and enjoy the equal benefits afforded to all RCSJ students and employees. Reasonable accommodations extended under this administrative procedure may not fundamentally alter or modify a course or program to the extent that it changes the nature of the student’s course of study or requirements.
- Undue burden/hardship: Any academic accommodation, adjustment/auxiliary aid, or service that would result in a significant financial or administrative burden or expense constitutes an undue burden/hardship and is not considered a Reasonable Accommodation.

## **Students**

### **Background**

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 educational 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 means pregnant students should be treated by RCSJ the same way as a person who has a temporary disability and will be given an opportunity to make up missed work whenever possible. Extended deadlines, make up assignments (e.g., papers, quizzes, tests, and presentations), independent study, online course completion options, and extension of incomplete course grade status, should all be employed, in addition to any other accommodations typically provided by the Department of Special Services (“Special Services”). RCSJ will take reasonable steps to ensure pregnant students who take a leave of absence return to the same position of academic progress they were in when they took the leave, including access to the same course catalog that was in place before 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. The Title IX coordinator may consult and collaborate with Special Services to ensure all accommodations are being considered and available to the student.

As with disability accommodations, and in compliance with HIPAA privacy rules, information regarding a pregnant student's request for accommodations will be shared with faculty and staff only to the extent necessary to provide reasonable accommodations. Faculty and staff will regard all information associated with such requests as confidential and will not disclose this information. Administrative responsibility for these accommodations lies with the Title IX Coordinator in conjunction with Special Services, who will maintain all appropriate documentation related to accommodations.

In situations such as clinical rotations, performances, labs, and group work, RCSJ will work with the student to devise an alternative plan for completion. 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 faculty and RCSJ's support systems to devise a plan for how to best address the conditions as pregnancy progresses, anticipate the need for a leave, 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.

### **Reasonable Accommodation of Students Affected by Pregnancy, Childbirth, or Related Conditions**

- A. RCSJ and its faculty, staff, and other employees will not require students to limit their studies as a result of pregnancy or pregnancy related conditions nor should they counsel a student to do so.
- B. The benefits and services provided to students affected by pregnancy will be no less than those provided to students with temporary disabilities.
- C. Students with pregnancy related disabilities, like any student with a temporary disability, are entitled to reasonable accommodations so that they will not be disadvantaged in their courses of study, and may seek assistance from the Title IX office in conjunction with Special Services.
- D. No deadlines or time limitations will be imposed on requests for accommodations, however, RCSJ is limited in its ability to implement retroactive accommodations.
- E. Reasonable accommodations may include, but not limited to:
  - Providing accommodations requested by a pregnant student to protect the health and safety of the student and/or pregnancy (such as allowing the student to maintain a safe distance from hazardous substances);
  - Making modifications to the physical environment (such as accessible seating);
  - Extending deadlines and/or allowing the student to make up tests or assignments missed for pregnancy related reasons;
  - Offering remote learning options, where feasible;

- Excusing medically necessary absences (This must be granted regardless of classroom attendance requirements set by a faculty member, department, or division);
- Granting leave or implementing incomplete grades for classes that will be resumed at a future date; and/or
- Allowing lactating students reasonable time and space to express milk in a location that is private, clean, and accessible. Please refer to policy and administrative procedure *7105 Lactation Room Accommodations*.

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

### **Modified Academic Responsibilities for 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 6 weeks 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 reasonably postponed as appropriate, in collaboration with the Title IX office and Special Services, and the appropriate academic departments.
- C. To receive academic modifications, students must remain registered at RCSJ.

### **Leave of Absence**

- A. As long as students maintain appropriate academic progress, faculty, staff, or other employees will not require students to take a leave of absence, withdraw, from, or limit their studies as the result of pregnancy, childbirth, or related conditions. Modifications of the essential elements of an academic program will not be required.
- B. Enrolled students may elect to take a leave of absence for up to one (1) academic year because of pregnancy and/or birth, adoption, or placement of a child. This leave term may be extended at the discretion of the Title IX officer, in the case of extenuating circumstances or medical necessity.
- C. Intermittent leave may be taken with prior approval of the Title IX officer in conjunction with the Office of Special Services and the head of the student's academic department(s), when medically necessary.
- D. To the extent possible, RCSJ will take reasonable steps to ensure that upon return from leave, the students will be reinstated to their program in the same status as when the leave began, with no tuition penalty.

- E. Continuation of students' scholarships, or similar school sponsored funding during the leave term will depend on the student's registration status and the policies of the funding program. Students will not be negatively impacted for their future eligibility for scholarships or similar RCSJ supported funding as a result of leaves of absences.
- F. The Title IX office can and will advocate for students with respect to financial aid agencies and external scholarship providers if a leave of absence places eligibility into question.

### **Student Employee Leave**

- A. All student employees will be entitled to the protections of the Family and Medical leave Act.
- B. Pregnancy and related conditions will be treated as any other temporary disability as it relates to job benefits.

### **Retaliation and Harassment**

- A. Harassment of any member of RCSJ community based on sex, gender identity, gender expression, pregnancy, or parental status is prohibited.
- B. Faculty, staff, and other RCSJ employees are prohibited from interfering with students' rights to take leave, seek reasonable accommodations, or otherwise exercise their rights under this policy.
- C. Faculty, staff, and other RCSJ employees are prohibited from retaliating against students for exerting 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.

### **Dissemination of the Policy and Training**

A copy of policy *7019 Pregnant and Parenting Students and Employees* will be made available to faculty, staff, and employees in annually required training and posted on the RCSJ website. RCSJ will alert all new students about the policy and administrative procedure, and the location of this information as part of orientation. The Title IX office will make related educational materials available to all members of the RCSJ community to promote compliance and familiarity of procedures.

## **Employees**

### **Background**

RCSJ provides various types of leave to all employees to assist in balancing the demands of the workplace and the needs of their families in a manner consistent with the organizational needs and requirements of RCSJ.

The procedures for these leaves are provided in administrative procedure *7107 Leaves of Absence*. Due to associated state and federal laws, collective bargaining agreements, and the benefits associated with various employee classifications, the Human Resources department should be consulted to answer any questions. All eligible employee leave requests must be processed through the Human Resources department.

### **Accommodations**

Employees are encouraged to request Pregnancy and Parenting-Related Reasonable Accommodations with their supervisor in advance, whenever possible, which may include, but not limited to:

- Changes to protect the health and safety of the pregnant person and /or their pregnancy (such as allowing the person to maintain a safe distance from hazardous substances;
- Changes to the physical environment (such as accessible seating);
- Allowing the person to eat or drink during College activities;
- Parking access and/or mobility support;
- Larger uniforms;
- Extra breaks during work activities to use the restroom;
- Extension of probationary period for tenure-track faculty per RCSJ guidelines;
- Allowing lactating employees reasonable time and space to express milk in a location that is private, clean, and accessible. Please refer to policy and administrative procedure *7105 Lactation Room Accommodations*; and/or
- As a general rule, children are not allowed in the workplace or in class. See policy and administrative procedure *2001 Minors on Campus* for information related to the presence of children in the workplace or classroom.

Employees or supervisors may contact RCSJ's Title IX Office to formalize an accommodation request or otherwise consult on accommodation plans.

### **Harassment and Retaliation**

Harassment based on an employee's pregnancy or pregnancy-related condition or lactation is unlawful and prohibited (see policy and administrative procedure *7011 Harassment and Discrimination* and *7013 Sexual Misconduct and the Rights of Victims*).

Examples of conduct related to pregnancy or parenting status that may constitute harassment include, but not limited to:

- Sexual comments or denigrating remarks regarding pregnancy;
- Negative stereotyping;
- Comments about an individual's intellectual or physical ability to complete work or commitment to their future profession based on their pregnancy or parenting status;
- Spreading rumors about sexual activity;
- Making sexual propositions or gestures; or
- Withholding or threatening to withhold job advancement due to pregnancy or parenting status.

Faculty, staff, and other RCSJ employees are prohibited from retaliating against students or employees for exercising the rights articulated by these administrative procedures, including imposing or threatening to impose negative educational outcomes due to requesting accommodations, filing a complaint, or otherwise exercising rights under this administrative procedure.

Area: Human Resources

Approved: 06/20/19

President's Authorization: \_\_\_\_\_



References:

Rowan College of South Jersey Board of Trustees Policy Manual, *2001 Minors on Campus, 7011 Harassment and Discrimination, 7013 Sexual Misconduct and the Rights of Victims, 7019 Pregnant and Parenting Students and Employees, 7105 Lactation Room Accommodations, 7107 Leaves of Absence, and 8003 Anti-Bullying and Intimidation*

Rowan College of South Jersey Administrative Procedure, *2001 Minors on Campus, 7011 Harassment and Discrimination, 7013 Sexual Misconduct and the Rights of Victims, 7105 Lactation Room Accommodations, and 7107 Leaves of Absence*

Age Discrimination in Employment Act of 1967

Civil Rights Act of 1991

Family Education Rights and Privacy Act (FERPA)

Title IX of the Education Amendments of 1972

Clery Act Amendments -Violence Against Women Act (VAWA)

Association of Title IX Administrators – ATIXA

National Women's Law Center - [nwlc.org/issue/pregnant-parenting-students/](http://nwlc.org/issue/pregnant-parenting-students/)

[www.ThePregnantScholar.org](http://www.ThePregnantScholar.org)

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