

POLICY 14 APPENDIX B

TITLE IX RIGHTS OF PREGNANT AND PARENTING STUDENTS POLICY STATEMENT

I. Purpose.

The purpose of the Title IX Rights of Pregnant and Parenting Students Policy Statement is to ensure that the student can participate in West Virginia State University's (WVSU) programs and activities free of unlawful discrimination, Protected Class Discrimination and Harassment and Title IX Sexual Harassment.

II. Scope.

This Policy Statement applies to all aspects of WVSU's programs, including, but not limited to, admissions, educational programs, activities, services, extracurricular activities, hiring, leave policies, employment policies, and health insurance coverage.

III. 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 postpartum 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. This policy and its pregnancy-related protections apply to all pregnant persons, regardless of gender identity or expression.
- g. Reasonable Accommodations: (for the purposes of this Policy Statement) 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 WVSU.

IV. Title IX.

Title IX of the Education Amendments of 1972 is a federal law that prohibits discrimination based on sex in educational programs and activities. Title IX makes it illegal to discriminate on the basis of sex, which includes discrimination on the basis of pregnancy, childbirth, false pregnancy, miscarriage, abortion or related conditions, including recovery.

WVSU offers support to students who are becoming parents through childbirth, adoption and/or foster care placement.

V. Policy Statement.

WVSU 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 includes 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. WVSU hereby establishes a policy statement and associated procedures for *THE TITLE IX RIGHTS OF PREGNANT AND PARENTING STUDENTS* ensuring the protection and equal treatment of pregnant individuals, persons with pregnancy related conditions, and new parents. Under the Department of Education's (ED) 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 ED, 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 WVSU 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, WVSU 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 WVSU'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 as possible. The Title IX Coordinator will assist with plan development and implementation as needed.

VI. Pregnant and Parenting Students.

- A. WVSU seeks to provide support services to pregnant/parenting students that promote student success. We want students to be educated about their rights and responsibilities under Title IX. You may not anticipate any academic needs associated with your pregnancy; however, your needs may change as your pregnancy progresses. Accommodations may be requested to support ongoing and/or changing needs such as special seating arrangements, breaks, flexible attendance, and early access to and/or extension of assignment or exam dates and time away from classes following delivery for medically-related recovery. Disclosure of your condition early in the pregnancy will help in making the planning process more proactive. To disclose your pregnancy to ensure proper accommodations and support, please follow the process as outlined below.
- B. All pregnancy concerns and pregnancy related absences are coordinated by the Office of Civil Rights and Title IX. Please contact the Civil Rights & Title IX Coordinator at 304-204-4018 for assistance. If you have questions regarding disability accommodations, please contact the ADA Coordinator/504 Coordinator at sar@wvstateu.edu or 304-766-3083.
- C. Complaints may also be filed with the U.S. Department of Education's Office for Civil Rights at: Office for Civil Rights (OCR) Rights U.S. Department of Education 100 Penn Square East, Suite 515 Philadelphia, PA 19107-3323 Telephone: 215-656-8541 FAX: 215-656-8605; TDD: 877-521-2172 Email: OCR_Philadelphia@ed.gov Website: <http://www2.ed.gov/about/offices/list/ocr/index.html> Email: OCR@ed.gov Web: www.ed.gov/ocr Complaints may be filed online, using the form available, at www.ed.gov/ocr/complaintintro.html.

VI. Reasonable Accommodation of Students Affected by Pregnancy, Childbirth or Related Conditions.

- a. WVSU and its faculty, staff, and all 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 WVSU 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 WVSU's medical leave policy 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 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.

VIII. 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 four (4) 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 this policy 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 advisor/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 to prepare for and take preliminary and qualifying examinations, and an extension toward normative time to degree while in candidacy, to the extent those deadlines are controlled by WVSU. Longer extensions may be granted in extenuating circumstances.
- e. Students can request modified academic responsibilities under this Policy Statement regardless of whether they elect to take a leave of absence.

f. While receiving academic modifications, students will remain registered and retain benefits accordingly.

IX. Leave of Absence

a. As long as students can maintain appropriate academic progress, faculty, staff, or other WVSU 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.

b. Enrolled pregnant/parenting students shall adhere to the WVSU Board of Governors' Approved Policy 18. Employee Leave. A student may elect to take a leave of absence for up to 12 months (Section 7. Parental Leave) 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 shall provide notice of the intent to take leave 30 calendar days prior to the initiation of leave, or as soon as practicable.

d. Intermittent leave may be taken with the advance approval of the Title IX office and students' academic department(s), when medically necessary.

e. Students who elect to take leave under this policy may register under a Leave 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 university housing, subject to the payment of applicable fees.

f. To the extent possible, WVSU 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.

g. Continuation of students' scholarship, fellowship, or similar WVSU-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 WVSU supported funding by exercising their rights under this policy.

h. The Title IX 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.

X. Student-Employee Leave

a. 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.

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

c. If the School does not provide leave or if employees are ineligible for other leave policies, then: 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.

XI. Retaliation and Harassment

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

XII. Housing-Related Accommodations

Contact the WVSU Housing and Residence Life, a Division of Student Affairs and Enrollment Management for all housing matters.

XIII. Statement Information Dissemination

A copy of this statement is available at: wvstateu.edu. Academic Affairs and Student Affairs are responsible for informing all new students and employees about this position, the location of this statement and how to access it as part of New Student Orientation and New Employee Onboarding. Upon request, the Office of Civil Rights and Title IX will make educational materials available to any member of the WVSU community to promote compliance and familiarity with its procedures.

XIII. Investigation Procedures.

Appendix A Procedures located in WVSU Board of Governors' Approved Policy 14 will be used to investigate pregnant/parenting complaints of sex-based discrimination.