

POL 04.30.02
Pregnant and Parenting Students Policy

Authority: Chancellor

History:

- First Issued: July 3, 2018

Related Policies:

- [UNCP Student Sexual Misconduct Policy](#)

Additional References:

- [U.S. Department of Education - Office for Civil Rights: Title IX and Sex Discrimination](#)
- [US Department of Justice Overview of Title IX of the Education Amendments of 1972](#)
- [US Department of Labor – Family and Medical Leave Act](#)
- [ED OCR Dear Colleague Letter Guidance on Supporting the Academic Success of Pregnant and Parenting Students](#)
- [ED OCR Dear Colleague Letter Guidance on the Prohibition against Retaliation under Federal Civil Rights Laws](#)
- [The Pregnant Scholar](#)
- [The Pregnant Scholar - Know Your Rights: Breastfeeding](#)
- [NCAA Pregnant and Parenting Student-Athletes](#)
- [National Women's Law Center Pregnant and Parenting Students' Rights](#)
- [National Women's Law Center Pregnant and Parenting Students' Rights: FAQs for College and Graduate Students](#)

Contact Information: Director, Title IX and Clery Compliance, 910-521-6281

1. PURPOSE

1.1 To describe the university's commitment to provide a supportive learning environment for pregnant and parenting students.

2. POLICY STATEMENT

2.1 UNC Pembroke 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. UNC Pembroke hereby establishes a policy and associated procedures for ensuring the protection and equal treatment of pregnant individuals, persons with pregnancy-related conditions and new parents.

2.2 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.

2.3 This generally means that pregnant students should be treated by the university 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, and assistive supports typically provided by the Center for Student Success (910.775.4286) and the Accessibility Resource Center (910.521.6891) should be available. To the extent possible, the university will take reasonable steps to ensure that pregnant and parenting students who take a leave of absence 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 interim measures are necessary and appropriate, and to inform faculty members of the need to adjust academic parameters accordingly.

2.4 In situations such as student teaching, clinical rotations, performances, labs, and group work, the university will work with the student to devise an alternative path to completion, if possible. In progressive curricular and/or cohort-model programs, it may be reasonable to permit the student to shift course order, substitute similar courses, or join a subsequent cohort when returning from leave.

2.5 Students are encouraged to work with their professors and the university's support systems to devise a plan for how to best address the conditions as the 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.

2.6 The university will not discriminate against students whose significant other is pregnant, or is dealing with childbirth, false pregnancy, termination of pregnancy, or recovery therefrom. These students will also be provided the same opportunities for interim measures.

3. PRIVACY

3.1 As with disability accommodations, information about pregnant students' requests for interim measures will be shared with faculty and staff only to the extent necessary to provide the reasonable accommodation.

3.2 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 interim measures lies with the Title IX Coordinator, who will maintain all appropriate documentation related to accommodation.

4. SCOPE OF POLICY

4.1 This policy applies to all aspects of UNC Pembroke's programs, including, but not limited to, admissions, educational programs and activities, extracurricular activities, hiring, leave policies, employment policies, and health insurance coverage.

5. DEFINITIONS

5.1 Caretaking: caring for and providing for the needs of a child.

5.2 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/student's best health interests.

5.3 Leave of Absence: An absence from the classroom or extracurricular activities because of a pregnancy and/or pregnancy-related condition and deemed necessary and documented by an appropriate health care provider.

5.4 Parenting: the raising of a child by the child's parents in the reasonably immediate post-partum period.

5.5 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.

5.6 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 accommodation.

5.7 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.

5.8 Reasonable Interim Measures: for the purpose of this policy, changes in the academic environment or typical operations that accommodate and enable pregnant students or students with pregnancy-related conditions to continue to pursue their studies and enjoy the equal benefits of UNC Pembroke.

6. REASONABLE ACCOMMODATION OF STUDENTS AFFECTED BY PREGNANCY, CHILDBIRTH, OR RELATED CONDITIONS

6.1 UNC Pembroke and its faculty, staff, and other employees will not require students to limit their studies as the result of pregnancy or pregnancy-related conditions.

6.2 The benefits and services provided to students affected by pregnancy will be no less than those provided to students with temporary medical conditions.

6.3 Students with pregnancy-related conditions, like any student with a short-term or temporary disability, are entitled to reasonable accommodation so that they will not be disadvantaged in their course of study or research.

6.4 Students who need accommodation for their pregnancy or pregnancy-related condition should notify the Title IX office.

6.5 No deadlines or time limitations will be imposed on requests for accommodation, but the university may be limited in its ability to impact or implement interim measures retroactively.

6.6 Reasonable accommodation may include, but are not limited to:

6.6.a. providing interim measures 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);

6.6.b. making modifications to the physical environment (such as accessible seating);

6.6.c. extending deadlines and/or allowing the student to make up tests or assignments missed for pregnancy-related absences;

6.6.d. offering remote learning options;

6.6.e. excusing medically-necessary absences by Title IX office (this must be granted, irrespective of classroom attendance requirements set by a faculty member, department, or division);

6.6.f. granting extended leave per this policy

6.6.g. implementing incomplete grades for classes that can be resumed at a future date;

6.6.h. granting withdrawals with extenuating circumstances; or

6.6.i. 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.

6.7 Nothing in this policy requires modification to the essential elements of any course or academic program.

6.8 Pregnant students cannot be channeled into an alternative program or school against their wishes.

7. MODIFIED ACADEMIC RESPONSIBILITIES POLICY FOR PARENTING STUDENTS

7.1 A student with child caretaking/parenting responsibilities who wishes to remain engaged in their coursework while adjusting their academic responsibility because of the birth, or adoption of

a child, or placement of a foster child may request an academic modification period during the first three (3) months from the time the child entered the home. Extensions may be granted when additional time is requested by medical necessity or extraordinary caretaking/parenting responsibilities.

7.2 Students seeking a period of modified academic responsibility may consult with their academic advisor and/or with the Title IX office to determine an appropriate academic interim measure request. The Title IX office may communicate all requests under this policy and coordinate accommodation-related efforts with the student's advisor, unless the student specifically request that their advisor be excluded.

7.3 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 appropriate academic department(s), and, if authorized by the student, the student's academic advisor.

7.4 Students are encouraged to work with their faculty members and their advisors 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 faculty members/advisors to obtain appropriate modifications, students should alert the Title IX office as soon as possible, and the office will help facilitate needed interim measures.

7.5 In timed degree, certifications or credentialing programs, students who seek modifications upon the birth or placement of their child will be allowed an extension of up to twelve (12) months to prepare for and take preliminary and qualifying examinations, and an extension of up to twelve (12) months toward normative time to degree while in candidacy, to the extent those deadlines are controlled by UNC Pembroke. Longer extensions may be granted in extenuating circumstances.

7.6 Students can request modified academic responsibilities under this policy regardless of whether they elect to take a leave of absence.

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

8. LEAVE OF ABSENCE

8.1 Faculty, staff, or other UNC Pembroke employees will not require a student to take a leave of absence, or withdraw from, or limit their studies as the result of pregnancy, childbirth, or pregnancy-related conditions, but nothing in this policy requires modification of the essential elements of any course or academic program.

8.2 Enrolled students may elect to take a leave of absence (similar to other medical leave or temporary disability leave policies) because of pregnancy and/or birth, adoption, or placement of a child. The leave term may be extended in the case of extenuating circumstances or medical necessity.

8.3 Students requesting a leave of absence under this policy will provide notice and medical documentation to the Title IX Coordinator of the intent to take leave 30 calendar days prior to the initiation of leave, or as soon as practicable.

8.4 Intermittent leave may be taken with the approval of the Title IX Coordinator when medically necessary.

8.5 To the extent possible, the university 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.

8.6 Continuation of students' scholarship, fellowship, or similar university-sponsored funding during the leave term will depend on the policies of the funding program regarding registration status. Students will not be negatively impacted by or forfeit their future eligibility for the scholarship, fellowship, or similar university-sponsored funding by exercising their rights under the policy.

8.7 The Title IX Coordinator 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.

9. STUDENT-EMPLOYEES LEAVE

9.1 All student-employees will be entitled to the protections of the Family and Medical Leave Act.

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

9.3 Pregnancy and pregnancy-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.

10. RETALIATION AND HARASSMENT

10.1 The university prohibits discrimination against qualified individuals based on their status as protected veterans or individuals with disabilities, and prohibits discrimination against all individuals based on their age, race, color, creed, religion, sex, sexual orientation, gender identity, genetic information, genetic expression, or national origin. Harassment of any member of the university community based on sex, to include pregnancy or parental status, is prohibited.

10.2 Faculty, staff, and other university employees are prohibited from interfering with students' right to take leave, seek reasonable accommodation, or otherwise exercise rights under this policy.

10.3 Faculty, staff, and other university 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 students request leave or accommodation, file a complaint, or otherwise exercise their rights under this policy.

11. HOUSING-RELATED ACCOMMODATIONS

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

12. DISSEMINATION OF THE POLICY AND TRAINING

12.1 A copy of this policy will be made available to faculty, staff, and employees in their annually required training and posted on the university's website on the Title IX and Clery Compliance webpage. The university will alert all new students about this policy and the location of this policy as part of New Student Orientation. The Title IX office will make educational materials available to all members of the university community to promote compliance with this policy and familiarity with its procedures.

13. PROCEDURES

13.1 All students in need of an accommodation because of pregnancy and/or pregnancy-related conditions should notify the Title IX Coordinator via the Pregnancy and Parenting Reporting Form on the university's Title IX and Clery Compliance webpage.

13.2 Students who believe they have been denied access to reasonable accommodation may file a complaint with the Title IX Coordinator via the Pregnancy and Parenting Complaint Form on the university's Title IX and Clery Compliance webpage.

14. COMPLIANCE

14.1 Any member of The University of North Carolina at Pembroke community should report a violation of this policy to the Title IX Coordinator. All Responsible Employees (mandatory reporters under Title IX), are responsible for promptly forwarding such reports to the Title IX office. The Title IX Coordinator is responsible for overseeing complaints of discrimination involving pregnant and parenting students.

14.1 The Title IX Coordinator for UNC Pembroke is:

Ronette Sutton Gerber
Director, Title IX and Clery Compliance
Title IX Coordinator
Health Sciences Building
910.521.6281
Ronette.gerber@uncp.edu
Titleixcoordinator@uncp.edu

14.2 Complaints may also be filed with the US Department of Education's Office for Civil Rights at:

Office for Civil Rights (OCR)
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline #: 800.421.3481
Facsimile: 202.453.6012
TDD #: 877.521.2172
OCR@ed.gov
www.ed.gov/ocr

14.3 Complaints may be filed with the DOE, using the following form:
www.ed.gov/ocr/complaintintro.html