

Establishing reasonable modifications due to pregnancy or related conditions is an interactive process between the Title IX Coordinator and the learner, ensuring compliance with Title IX of the Education Amendments of 1972. Reasonable modifications are based on various factors, including the nature of the pregnancy or related condition, impact on the learner, classroom environment, and course objectives.

The information contained in this process is applicable to College classroom and lab environments. Clinical settings: In addition to classroom learning, clinical learning occurs throughout College programs and involves considerations (such as patient safety and clinical facilities in our nursing program, as an example) that are not present for classroom accommodations. For this reason, any applicant or learner who seeks modifications prior to or immediately after enrolling in a College program with a clinical setting must also request an assessment of the types of reasonable modifications needed for the clinical training component of the program. Please see the Title IX Coordinator for more information on modifications in clinical settings.

“Pregnancy and related conditions” include pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions. Title IX also prohibits a school from applying any rule related to a student’s parental, family, or marital status that treats students differently based on their sex.

### 1. Initiation of Request:

The process begins when the learner informs the Title IX Coordinator of the need for modifications due to pregnancy, childbirth, or related conditions. The learner may notify the Title IX Coordinator in person, via email, or submitting the Pregnancy & Related Conditions Modification Form.

- The **Title IX Coordinator** will provide the learner with their rights under Title IX, including protection from discrimination and retaliation.
- **Note:** Frequently requested modifications, such as access to a larger desk, seating adjustments, or frequent breaks, do not require medical documentation and are automatically available if requested. Learners are encouraged to communicate their needs as soon as they arise and to stay in touch with the Title IX Coordinator as their needs change.

### 2. Submission of Documentation:

For certain modifications (e.g., excused absences because of pregnancy or childbirth), the learner may submit supporting documentation, such as:

- A note from a medical professional indicating the condition, anticipated duration, and any recommended accommodations.
- For parenting-related accommodations (*e.g., absences for newborn care or foster child placement into the home*), *additional documentation such as birth records or similar information may be required.*)

### 3. Accommodations for Birth and Recovery:

Under College policy, learners are entitled to two weeks off for an uneventful birth. Learners should inform the Title IX Coordinator of their anticipated absence and recovery period.

- The Title IX Coordinator will assist the learner in developing a reasonable plan to make up missed coursework, in collaboration with the learner's instructors.
- Reasonable modifications may include:
  - Extended deadlines for assignments.
  - Rescheduling exams or presentations.
  - Access to course materials (e.g., recorded lectures or notes).

- Temporary remote learning options, when feasible.

#### 4. Lactation and Nursing Support:

Under Title IX, learners have the right to pump breast milk while on campus. Supports include:

- Reasonable breaks for lactation during class time or other campus activities.
- Access to a private, clean, free from intrusion, and non-bathroom space to pump breast milk.
- Flexibility with attendance policies or class participation requirements to allow for lactation or nursing needs.

The **Title IX Coordinator** will work with the learner to ensure these measures are provided and that instructors are notified of any required breaks or schedule modifications.

#### 5. Review and Determination:

The **Title IX Coordinator** will review the request and documentation (when applicable), engaging in an **interactive process** with the learner to determine reasonable modifications and supports. This process includes:

- Discussing the learner's needs, anticipated challenges, and appropriate accommodations.
- Considering the nature of the course, program requirements, and the learner's condition.

**Pregnancy is not in and of itself a disability; however, some pregnant persons may develop a temporary or permanent disability as a result of pregnancy. If a learner becomes disabled as a result of pregnancy, then the Title IX Coordinator will liaison with the Accessibility Services Coordinator to ensure the learner is transferred so that reasonable accommodations are provided in accordance with Federal law.**

#### 6. Communication of Decision:

The Title IX Coordinator will:

- Notify the learner of the approved modifications. The learner may reject any offered reasonable modification.
- Communicate the approved modifications to the learner's instructors. The Title IX Coordinator will also emphasize the importance of self-advocacy in communicating with instructors.

#### 7. Monitoring and Adjustments:

Once modifications are implemented, the learner may request a change in modifications if their condition or circumstances change. The learner should promptly notify the Title IX Coordinator, who will reassess as needed.

#### Rights and Protections Under Title IX:

Learners are protected from discrimination and retaliation for requesting modifications related to pregnancy, lactation, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions. All requests and any required documentation will be handled with confidentiality to the extent permitted by law.

- Learners have the right to appeal the outcome of their pregnancy and related conditions modification request, and may ask for reconsideration by submitting a written request within ten business days (unless circumstances prevent the ability to appeal) to the Vice President of Enrollment Management and Student Affairs. The Vice President of Enrollment Management and Student Affairs will review the request and respond within ten business days of receiving the appeal. This decision will be final.
- Learners have the right to take two weeks off for recovery following an uneventful birth and will work with their instructors and the Title IX Coordinator to develop a reasonable plan to make up missed work. *(For learners who require more than two weeks leave due to medical necessity, the learner should communicate that to the Title IX*

*Coordinator with accompanying documentation from their medical provider that states that their leave is medically necessary and provides a return date.)*

- Learners have the right to pump breast milk on campus, with access to reasonable breaks and a private, clean, free from intrusion, and non-bathroom space for lactation or nursing needs.
- Standard modifications such as seating adjustments, larger desks, or frequent breaks can be provided without medical documentation. Absences or other leave may require medical documentation.

If a learner experiences discrimination or harassment on the basis of sex, including due to pregnancy, lactation, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions, they should contact the Title IX Coordinator immediately.

**COMPLETED BY LEARNER**

LEARNER NAME

LEARNER N#

PHONE #

E-MAIL ADDRESS

**1. Prospective Modification (Check all that apply.)**

Larger Desk

Request for Extensions of Class Work

Larger Chair

Other. Specify:

Permission to Leave Classroom to Eat or Drink

\_\_\_\_\_ Request for

Extra Time in Restroom When Needed

alternative learning format (e.g., virtual instruction, recorded

Permission to Leave Classroom to Lactate

lectures, alternative to lab.)

*\*Faculty are required to give you an alternative assignment to class participation if: a) they grade you in whole or in part based on class participation and b) you are unable to earn class participation credit due to missing a class.*

**2. Provide the specific condition necessitating the request for modification(s) are you requesting and how will it assist you.**

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**3. Provide the date you are requesting the modification(s) to begin.** \_\_\_\_\_

**4. If currently pregnant, please provide due date.** \_\_\_\_\_

**5. Acknowledgements (All Required)**

I understand that I may be asked to provide medical documentation for any absences, particularly a prolonged absence, due to pregnancy or childbirth.

I agree                       I do not agree

I understand that notifications to faculty by the Title IX Coordinator do not remove my responsibility to communicate with my instructor(s) about ongoing or changing circumstances. It is my responsibility to keep my faculty informed of my status and any issues that may arise.

I agree                       I do not agree

I understand that faculty notifications do not remove any requirements for coursework assigned per each course's syllabus. Modifications are designed for each student to help them complete their coursework successfully and do not excuse students from any assignments.

I agree                       I do not agree

Upon returning to the classroom, I will work closely with my instructor(s) to establish a plan for completing all assignments and tests. *(Faculty will provide flexibility on due dates to complete missing assignments and tests due to pregnancy-related absences.)*

I agree                       I do not agree

I agree to update the Title IX Coordinator if I should require a change in any reasonable modification that I have accepted. I also understand that if any modification is changed or cancelled by the Title IX Coordinator I have the right to be notified in advance of any such change or cancellation and to request a meeting to understand why such a change or cancellation was put forth.

I agree                       I do not agree

**LEARNER SIGNATURE**

**COORDINATOR SIGNATURE**

**DATE**

Under Title IX, learners who are pregnant or experiencing pregnancy-related conditions have a right to reasonable modifications and leave. This guide offers an overview of how educational institutions may ask learners to document their condition to access services.

**Who can request medical documentation?**

- **Title IX Coordinators** are responsible for ensuring that individualized reasonable modifications for pregnancy-related conditions are provided to learners. They may delegate some duties as needed. The Coordinator or their designee may require documentation from a student when necessary and reasonable.
- **Faculty members** should not request medical documentation from learners regarding their medical conditions including pregnancy-related conditions. Instead, faculty must provide the Title IX Coordinator's contact information and inform Learners that the Coordinator can facilitate modifications and leave. Faculty will only be informed of the details necessary to implement a modification or leave plan.

**When can medical documentation be required?**

The Title IX 2020 regulations do not mandate the collection of medical documentation for modifications or leave. However, institutions may set their own standards for documentation as long as they are non-discriminatory. Documentation requests must meet the following criteria:

- **Reasonable and necessary** to determine required actions.
- **Limited in scope**, including only what is needed to confirm that the learner has a need related to pregnancy or related conditions requiring a modification or leave.

**Institutions cannot require documentation:**

- When the need is obvious.
- When sufficient documentation has already been provided.
- For requests that involve basic modifications, such as:
  - Carrying water or keeping water nearby.
  - Taking breaks to eat, drink, or use the restroom.
  - Accessing a bigger desk.
  - Sitting, standing, or taking lactation breaks.

**Which care providers can provide medical documentation/certification?**

Under the 2020 Title IX regulations, any licensed healthcare provider qualified to practice in their state can provide medical documentation. Examples include:

- Nurse practitioners
- Nurse midwives
- Therapists
- Certified lactation consultants

\*\*\*Institutions are not required to verify licensure before accepting documentation.

**Can Learners be required to certify their ability to participate during or following pregnancy?**

Educational institutions' ability to request certification is limited:

- Certification can only be required when the level of ability/health is necessary for participation.
- All Learners in similar circumstances must also certify their ability.
- Certification must not be used in a discriminatory manner.

\*\*\*Emotional ability certifications are impermissible.

**What privacy standards apply to medical documentation?**

Institutions and employees must:

- Protect Learners' personally identifiable information.
- Only disclose information necessary for faculty or staff to meet their obligations under Title IX.

Disclosures are allowed only:

- With written consent.
- To authorized individuals (e.g., parents, guardians).
- To meet Title IX obligations or federal/state legal requirements.

**MEDICAL CERTIFICATION FORM**

LEARNER NAME \_\_\_\_\_

LEARNER N# \_\_\_\_\_

PHONE # \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

- 1. Please identify the learner's limitations or needs.** *(This can include any physical or mental condition, impediment, or problem related to maintaining the learner's health or pregnancy. A specific diagnosis is not required to be disclosed.)*

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- 2. Is the limitation or need related to pregnancy or related condition(s)?**     Yes     No

*Examples of pregnancy-related conditions include but are not limited to:*

- *Pregnancy-related fatigue, dehydration, or increased water intake.*
- *Morning sickness, gestational diabetes, or hypertension.*
- *Lactation, antenatal or postpartum depression.*

- 3. Do you recommend any particular modifications or leave/absences to address the need or limitation?**

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**If recommending leave, is the time off medically necessary?** *(Healthcare providers have full discretion to determine medical necessity.)*

Yes     No     In Part (Please Specify) \_\_\_\_\_

If yes or in part, what date may the learner return to school? \_\_\_\_\_

- 4. Certifying Healthcare Information**

Provider's Name & Title: \_\_\_\_\_

Provider's Address \_\_\_\_\_

**PROVIDER SIGNATURE****DATE**