

PREGNANCY AND RELATED CONDITIONS POLICY

Non-Discrimination Statement

Augustana College does not discriminate in its education program or activity against any applicant for admission, student, applicant for employment, or employee on the basis of current, potential, or past pregnancy or related conditions as mandated by Title IX of the Education Amendments of 1972 (Title IX). The College prohibits members of the College community from adopting or implementing any policy, practice, or procedure which treats an applicant for admission, student, applicant for employment, or employee differently on the basis of current, potential, or past parental, family, or marital status. This policy¹ and its pregnancy-related protections apply to all pregnant persons, regardless of gender identity or expression.

Definitions

Familial Status: The configuration of one's family or one's role in a family.

Marital Status: The state of being married or unmarried.

Parental Status: The status of a person who, with respect to another person who is under the age of 18,² is a biological, adoptive, foster, or stepparent; a legal custodian or guardian; in loco parentis with respect to such a person; or actively seeking legal custody, guardianship, visitation, or adoption of such a person.

Pregnancy and Related Conditions: The full spectrum of processes and events connected with pregnancy, including pregnancy, childbirth, termination of pregnancy, or lactation; related medical conditions; and recovery therefrom³.

Reasonable Modifications: Individualized modifications to the College's policies, practices, or procedures that does not fundamentally alter the College's education program or activity.

Information Sharing Requirements

Any College employee who becomes aware of a student's pregnancy or related condition is required to provide the student with the Chief Title IX Coordinator's contact information and communicate that the Chief Title IX Coordinator can help take specific actions to prevent discrimination and ensure equal access to the College's education program and activities.

Upon notification of a student's pregnancy or related condition, the Chief Title IX Coordinator or designee will contact the student and inform the student of the College's obligations to:

- Prohibit sex discrimination.
- Provide reasonable modifications.

¹ Based on the ATIXA Pregnancy and Related Conditions Model Policy

² Or a person who is 18 or older but who is incapable of self-care because of a mental or physical disability.

³ "[T]he Department interprets 'termination of pregnancy' to mean the end of pregnancy in any manner, including, miscarriage, stillbirth, or abortion." Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 89 F.R. 33474, April 29, 2024, codified at 34 C.F.R. 106.

- Allow access, on a voluntary basis, to any separate and comparable portion of the institution's education program or activity.
- Allow a voluntary leave of absence.
- Ensure lactation space availability.
- Treat pregnancy as comparable to other temporary medical conditions for medical benefit, service, plan, or policy purposes.

The Chief Title IX Coordinator or designee will also notify the student of the process to file a complaint for alleged discrimination, harassment, or retaliation, as applicable.

Reasonable Modifications for Students

Students who are pregnant or are experiencing pregnancy-related conditions are entitled to Reasonable Modifications to ensure equal access to the College's education program and activity. Any student seeking Reasonable Modifications must contact the Chief Title IX Coordinator to discuss appropriate and available Reasonable Modifications based on their individual needs. Students are encouraged to request Reasonable Modifications as promptly as possible. Reasonable Modifications are voluntary, and a student can accept or decline the offered Reasonable Modifications. Not all Reasonable Modifications are appropriate for all contexts.

Reasonable Modifications may include:

- Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom
- Intermittent absences to attend medical appointments
- Changes in schedule or course sequence
- Time extensions for coursework and rescheduling of tests and examinations
- Allowing a student to sit or stand, or carry or keep water nearby
- Counseling
- Changes in physical space or supplies (for example, access to a larger desk or a footrest)
- Elevator access
- A larger uniform or other required clothing or equipment
- Other changes to policies, practices, or procedures determined by the Title IX Coordinator or designee

In situations such as clinical rotations, performances, labs, and group work, the College 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 the College'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 and comfortably as possible. The Chief Title IX Coordinator or designee will coordinate plan development and implementation as needed.

Supporting documentation for Reasonable Modifications will only be required when it is necessary and reasonable under the circumstances to determine which Reasonable Modifications to offer to determine other specific actions to take to ensure equal access.

Information about pregnant students' requests for modifications will be shared with faculty and staff only to the extent necessary to provide the Reasonable Modification. The Chief Title IX Coordinator or designee will inform the student if information needs to be shared.

Students experiencing pregnancy-related conditions that manifest as a temporary disability under the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act are eligible for reasonable accommodations just like any other student with a temporary disability. The Title IX Coordinator or designee will consult with the Office of Disability Services to ensure the student receives reasonable accommodations for their disability.

Certification to Participate

All students should be informed of health and safety risks related to participation in academic and co-curricular activities, regardless of pregnancy status. A student may not be required to provide health care provider or other certification that the student is physically able to participate in the program or activity, unless:

- 1) The certified level of physical ability or health is necessary for participation;
- 2) The institution requires such certification of all students participating; and
- 3) The information obtained is not used as a basis for pregnancy-related discrimination.

Lactation Space Access

The Recipient provides students and employees with access to lactation spaces that are functional, appropriate, and safe. Such spaces are regularly cleaned, shielded from view, and free from the intrusion of others.

Current lactation spaces on campus are listed here. In the event these spaces are insufficient for any reason, students and employees should contact the Chief Title IX Coordinator for resolution.

Leaves of Absence

Students

Students are permitted to take a voluntary leave of absence for a reasonable time as deemed medically necessary by their health care provider 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. Students who choose to take a leave of absence under this policy can elect to keep any student health insurance coverage they have obtained through the College and continue residing in College housing, subject to the payment of applicable fees.

To the extent possible, the College will take reasonable steps to ensure that 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 or an equivalent course catalog that was in place when the leave began.

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

The Financial Aid Office can and will work with for students with respect to financial aid agencies and external scholarship providers in the event that a leave of absence places eligibility for such financial aid into question.

In order to initiate a leave of absence, the student must contact the Associate Dean of Students at least 30 calendar days prior to the initiation of leave, or as soon as practicable. The Associate Dean of Students will assist the student in completing any necessary paperwork.

Employees

Information on employment leave can be found here

<https://www.augustana.edu/about-us/offices/hr/handbook/section3-benefits>.

If an employee, including a student-employee, is not eligible for leave under the aforementioned leave policies because they either (1) do not have enough leave time available under that the policies, or (2) have not been employed long enough or otherwise do not qualify for leave under the policies, they are eligible for pregnancy or related condition leave under Title IX. Pregnancy and related conditions will be regarded as a justification for a leave of absence without pay for a reasonable period of time.

Employees who take leave under Title IX must be reinstated to the status held when leave began or a comparable position without a negative effect on any employment privilege or right.

Student Parents

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 three (3) 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. The Chief Title IX Coordinator or designee will help facilitate needed accommodations and Reasonable Modifications. Students will remain registered and retain benefits accordingly.

Recipient Housing

A pregnant student's College housing status will not be altered based on pregnancy status unless requested by the student. Parenting students' access to housing is governed by <https://www.augustana.edu/student-life/residential-life/handbook/assignment>.

Policy Review & Revision

This Policy will be reviewed and updated regularly by the Chief Title IX Coordinator. The Chief Title IX Coordinator will submit modifications to this Policy in a manner consistent with institutional policy upon determining that changes to law, regulation or best practices require policy or procedural alterations not reflected in this Policy.

This Policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon posting to the Augustana College website.

Policy updated: August 14, 2024