

UNIVERSITY OF SCRANTON
PREGNANT AND PARENTING STUDENTS POLICY

Office of Equity and Diversity

Responsible Office: Office of Equity and Diversity

Effective Date: January 26, 2022; Updated August 1, 2024

Approved by the President: December 1, 2022;
August 16, 2024

This Policy will be reviewed every three (3) years

POLICY STATEMENT

The University of Scranton 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 University prohibits members of the University 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 policy and its pregnancy-related protections apply to all pregnant persons, regardless of gender identity or expression.

REPORTING:

If a student discloses they are pregnant or have a pregnancy related condition, University employees are required to provide the student with the Title IX Coordinator's contact information, and inform the student that the Title IX Coordinator can help take specific actions including modifications to prevent discrimination and ensure equal access to the University's education program and activity.

The Title IX Coordinator for the University is:

Elizabeth M. Garcia

Office of Equity and Diversity

IMBM Suite 315

elizabeth.garcia2@scranton.edu

570-941-6645

<https://www.scranton.edu/equity-diversity/>

DEFINITIONS

- a. Caretaking: caring for and providing for the needs of a child, including adoptive or foster.
- b. Family Status: the configuration of one's family or one's role in a family.
- c. Marital Status: The state of being married or unmarried.
- d. 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.
- e. Parental Status: The status of a person who 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.

f. **Pregnancy and Pregnancy-Related Conditions:** The full spectrum of processes and events connected with pregnancy, including pregnancy, childbirth, the ending of a pregnancy, or lactation related medical conditions; and recovery therefrom.¹

g. **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.

h. **Reasonable Modifications:** (for the purposes of this policy) Individualized modifications to the University's policies, practices, or procedures that do not fundamentally alter the University's education program or activity.

CONTACT WITH STUDENT

Upon notification, the Title IX Coordinator will meet with the student and inform them of the University's obligations to:

- Prohibit sex discrimination and a resolution process for sex discrimination allegations.
- Provide reasonable modifications.
- 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.

REASONABLE MODIFICATIONS FOR STUDENTS

Students seeking Reasonable Modifications must contact the 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, feed 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

¹ "[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.

- Excusing medically-necessary absences, irrespective of classroom attendance requirements set by a faculty member, department, or division
- Granting leave per the University's medical leave policy or implementing incomplete grades for classes that will be resumed at a future date
- 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
- 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 in labs)
- Other changes to policies, practices, or procedures determined by the Title IX Coordinator

In situations such as clinical rotations, performances, labs, and group work, the University will work with the student to devise an alternative path to completion, if available. 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. While Students are encouraged to work with their faculty members to devise a plan, the Title IX Coordinator or Deputy Title IX Coordinator will assist with plan development and implementation as needed.

Reasonable accommodations may not be appropriate if they fundamentally alter the programs of instruction. Students will need to meet the academic and or technical standards of the programs. Pregnant students cannot be channeled into an alternative program or school against their wishes.

MEDICAL DOCUMENTATION

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.

Health Care Provider documentation may be required only in instances where the program or activity has a certified level of physical or health that is necessary for participation and/or the University requires certification for all students participating.

NOTIFICATION OF PLAN:

Once a student engaged in the process with the Title IX Coordinator or designee, and a plan is developed, the Title IX Coordinator will provide a copy of the plan to the student and with faculty and staff only to the extent necessary to provide the Reasonable Modification.

LEAVE OF ABSENCE

a. Students are permitted to take a voluntary leave of absence for a reasonable time as deemed medically necessary 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 elect to take leave under this policy may register under an "on leave" status to continue their eligibility for certain benefits.

b. Students seeking to take a leave of absence must provide notice of the intent to take leave to

the Title IX Coordinator or the Deputy Title IX Coordinator at least 30 calendar days prior to the initiation of leave, or as soon as practicable.

c. To the extent possible, the University 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.

d. Continuation of students' scholarships, fellowships, or similar University-sponsored funding during the leave term will depend on student 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 University-supported funding by exercising their rights under this policy. Students who elect to take leave should contact the registrar's office and financial aid, if appropriate to discuss status options to continue their eligibility for certain benefits.

e. The Financial Aid 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.

REASONABLE ACCOMMODATIONS UNDER THE AMERICANS WITH DISABILITIES ACT

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 will consult and or assign the matter to the Office of Student Success and Support (OSSS) to ensure the student receives reasonable accommodations for their disability as required by law.

LACTATION SPACE ACCESS

The University provides students 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.

Lactation space is located at Loyola Science Center Room Number 318.

Students should contact the Office of Human Resources at (570) 941-7767 or email hr@scranton.edu to access the space.

MODIFIED ACADEMIC RESPONSIBILITIES POLICY 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 of a child, fostering or adopting a child may request an academic modification period during the first three months from the time the child entered the home. Extensions may be granted when additional time is required by medical necessity or extraordinary caretaking responsibilities.

During the modification period, the student's academic requirements may be adjusted and deadlines postponed as appropriate, in collaboration with the Title IX Coordinator or designee, the student's academic advisor, and the appropriate academic department. Students seeking a period of modified academic responsibilities may consult with their academic advisor or with the Office of Equity and Diversity to determine appropriate academic adjustment requests. The Office of Equity and Diversity

will communicate all requests under this policy to students' academic advisors and coordinate adjustment-related efforts with the advisors unless the student 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 Office of Equity and Diversity. If, for any reason, caretaking/parenting students are not able to work with their advisors/faculty members to obtain appropriate modifications, students should alert the Office of Equity and Diversity as soon as possible, and the office will help facilitate needed accommodations and modifications.

b. In timed degree, certification or credentialing programs, students who seek modifications upon the birth or placement of a child will be allowed an extension up to three months to prepare for and take preliminary and qualifying examinations, and toward normative time to degree while in candidacy, to the extent those deadlines are controlled by the University. Longer extensions may be granted in extenuating circumstances.

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

RETALIATION, DISCRIMINATION AND HARASSMENT

a. Harassment or discrimination of any member of the University community based on sex, gender identity, gender expression, pregnancy, or parental status is prohibited.

b. Faculty, staff, and other University 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 University employees are prohibited from retaliating against students for exercising the rights articulated by this policy.

d. Reports of harassment, discrimination or retaliation should be reported pursuant to the University's Non-Discrimination and Anti-Harassment Policy to the Title IX Coordinator, Elizabeth Garcia, in the Office of Equity and Diversity, elizabeth.garcia@scranton.edu or 570 941-6645. A copy of the discrimination policy can be located at: <https://www.scranton.edu/equity-diversity/docs/nondiscrimination-antiharassment-policy.pdf>