

Title IX Fact Sheet: Pregnancy and Related Conditions

Title IX prohibits discrimination on the basis of sex, which includes discrimination on the basis of current, potential, and past pregnancy and related conditions, as well as current, potential, and past parental, family, and marital status. Title IX requires that institutions treat pregnancy and related conditions in the same manner and under the same policies as other temporary medical conditions.

General Definitions	
What does “pregnancy or related conditions” mean?	“Pregnancy or related conditions” means: pregnancy; childbirth; termination of pregnancy; lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.
What does “parental status” mean?	A person has “parental status” if they are: a biological parent; an adoptive parent; a foster parent; a 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.
Students Experiencing Pregnancy or Related Conditions	
What must an employee do upon receiving notification of a student’s pregnancy or related condition?	When a student, or a person with the legal right to act on behalf of a student, informs an employee of the student’s pregnancy or related condition, the employee must promptly: <ol style="list-style-type: none"> 1. Provide the student with the contact information for the College’s Title IX Coordinator; and 2. Inform the student that the Title IX Coordinator can arrange specific actions to prevent sex discrimination and ensure the student’s equal access to the College’s education program or activity; and 3. Document that these steps have been taken.
What must the Title IX Coordinator do upon receiving notification of a student’s pregnancy or related condition?	The Title IX Coordinator is responsible for coordinating actions that ensure that the student has equal access to the education program or activity and that sex discrimination is prevented. The Title IX Coordinator must also: <ol style="list-style-type: none"> 1. Inform the student of the College’s obligations, including the right to reasonable modifications, a voluntary leave of absence, and a lactation space; 2. Provide the student with the College’s notice of nondiscrimination; and 3. Otherwise ensure that, upon receiving a report that a student is experiencing pregnancy or a related condition, the College takes action to promptly and efficiently prevent sex discrimination.
What must the College provide to a student experiencing pregnancy or a related condition?	<p><u>Reasonable Modifications:</u> The Title IX Coordinator must make reasonable modifications to the College’s policies, practices, or procedures to enable the student to access the College’s education program or activity and coordinate implementation of any modifications proposed by the College and accepted by the student. Reasonable modifications must: (1) be based on the student’s individualized needs; and (2) be developed in consultation with the student. A modification that would fundamentally alter the nature of the College’s education program or activity is not a reasonable modification.</p> <p><u>Lactation Space:</u> When necessary, the College must provide the student with adequate lactation space. Adequate lactation space is an area other than a bathroom that is: (1) clean; (2) shielded from view; (3) free from intrusion from others; and (4) may be used for expressing breast milk or breastfeeding as needed.</p>

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	<p><u>Voluntary Access:</u> The College must allow the student to voluntarily access any separate and comparable portion of the College’s education program or activity, provided that the College ensures that the separate portion of the program or activity is comparable to that offered to students who are not pregnant and do not have related conditions.</p> <p><u>Voluntary Leave:</u> The student must be allowed to voluntarily take a leave of absence to cover, at minimum, the period of time deemed medically necessary by the student’s licensed healthcare provider. If the student qualifies, under a separate College policy, for a voluntary leave that is longer than the period of time deemed medically necessary, the College must allow the student to take leave under that policy if they choose. Upon the student’s return, the student must be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the leave began.</p>
<p>When may the College require documentation from the student or parent/guardian to support the pregnancy or related condition?</p>	<p>The College cannot require documentation supporting pregnancy or a related condition unless it is <u>necessary and reasonable</u> in order to determine appropriate reasonable modifications or other additional specific actions.</p>
<p>Employees Experiencing Pregnancy or Related Conditions</p>	
<p>What are the general requirements with regard to employees experiencing pregnancy or a related condition?</p>	<p>The College must treat pregnancy and related conditions as any other temporary medical condition for all job-related purposes including: commencement, duration, and extensions of leave; payment of disability income; accrual of seniority and any other benefit or service; reinstatement; and under any fringe benefit offered to employees by virtue of employment.</p> <p>Additionally, the College may not take any employment action on the basis of pregnancy or related conditions; on the basis of parental, family, or marital status; or on the basis of whether an employee or applicant is the head of household or principal wage earner in their family unit.</p>
<p>Are employers required to provide employees experiencing pregnancy or a related condition with breaks?</p>	<p>The College must provide employees with reasonable break time for the expression of breast milk or for breastfeeding as needed. Employees must also be provided an adequate lactation space in which to take such breaks. The space must be an area other than a bathroom that is: (1) clean; (2) shielded from view; (3) free from intrusion from others; and (4) may be used for expressing breast milk or breastfeeding as needed.</p>
<p>What inquiries may employers permissibly make of applicants during the hiring process?</p>	<p>The College may not make pre-employment inquiries into the marital status of any applicant.</p> <p>The College may ask applicants to self-identify their sex, but only if the question is asked of all applicants and is not a basis for employment decisions.</p>
<p>Are employees experiencing pregnancy or a related condition entitled to a leave of absence?</p>	<p>The College must allow the employee to take accrued leave consistent with any applicable College leave policy.</p> <p>If the employee has insufficient accrued leave under an applicable College leave policy, the College must allow for a voluntary leave of absence without pay for a reasonable period of time. At the conclusion of this leave, the employee shall be reinstated to the same or a comparable position, without decrease in rate of pay or loss of promotional opportunities.</p>

As a reminder, federal and State law provide additional protections for pregnant workers. Please contact the HR Department to ensure full compliance with applicable law.

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