



Office of Title IX

2023 – 2024

**Title IX Rights of Pregnant
and Parenting Students Policy**

Be seen. Be heard.

2023 – 2024

Rights of Pregnant and Parenting Students Policy

LAST REVISED: August 2023

THIS POLICY MANUAL SEEKS TO COMBINE AND IMPLEMENT THE LEGAL, REGULATORY, AND POLICY REQUIREMENTS REGARDING PREGNANT AND PARENTING STUDENTS CONTAINED WITHIN:

- a. Title IX of the Education Amendments Act of 1972
- b. Minot State University NDUS Human Resource Policy; Family (FMLA) Leave; Section 20,21,22, SBHE 607.4
- c. Minot State University Residence Life Handbook

NON-DISCRIMINATION STATEMENT

Minot State University (“MSU”) does not engage in discrimination or harassment against any person because of race, color, religion or creed, sex, gender, gender identity, pregnancy, national or ethnic origin, disability, age, ancestry, marital status, sexual orientation, veteran status, political beliefs or affiliations, or information protected by the Genetic Information Nondiscrimination Act (“GINA”); and complies with all federal and state non-discrimination, equal opportunity and affirmative action laws, orders and regulations, including remaining compliant and consistent with the Civil Rights Act, the Americans with Disabilities Act, the Rehabilitation Act of 1973, and Title IX of the Education Amendments of 1972. This policy on non-discrimination applies to admissions, enrollment, scholarships, loan programs, participation in University activities, employment, and access to participation in, and treatment in all University programs and activities.

MSU prohibits retaliation against any individual or group who exercises its rights or responsibilities protected under the provisions of state law, federal law and/or MSU policy. Employees or students who violate this policy may face disciplinary action up to and including separation from the University. Third parties who commit discrimination or harassment may have their relationships with the University terminated and/or their privileges of being on University premises withdrawn.

Questions, comments, or complaints regarding sexual discrimination or sexual harassment may be directed to the Title IX Office. All other forms of discrimination (e.g. racial) or harassment may be directed to the Vice President for Student Affairs or the Director of Human Resources, as appropriate. Complaints may also be filed with the U.S. Department of Education, Office for Civil Rights.

Lisa Dooley, Ed.D.

Title IX Coordinator
Memorial Hall, 4th Floor, Room 412
500 University Ave W.
Minot, ND 58707
701-858-3447
lisa.dooley@minotstateu.edu

Kevin Harmon

Vice President, Student Affairs
Administration Bldg., 1st Floor
500 University Ave W.
Minot, ND 58707
701-858-3410
kevin.harmon@minotstateu.edu

Sara Abrahamson

Director, Human Resources / EEO/AA
500 University Ave W
Minot, ND 58707
701-858-4610
hr@minotstateu.edu

The Office for Civil Rights/Chicago

U.S. Department of Education
John C. Kluczynski Federal Building
230 South Dearborn Street, 37th Floor, Chicago, IL 60604
Telephone: (312) 730-1560, FAX: (312) 730-1576,
TDD: (800) 877-8339, email: OCR.Chicago@ed.gov,
website: ed.gov/ocr

Purpose:

To establish Minot State University's policy regarding Pregnant and Parenting Students. This policy applies to all University programs and activities.

Policy Statement/Overview

Minot State University 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). Title IX protects students against harassment by school employees or other students because of their pregnancy and related conditions.

Under the Department of Education's (DOE) Title IX regulations, an institution that receives federal funding must not discriminate against any student, or exclude any student from their education program or activity, including any class or extracurricular activity, based on a student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom. 34 C.F.R. § 106.40(b)(1). According to the DOE, an institution must provide leave to a student for pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom, for as long as the student's physician deems medically necessary. After that leave, the student must be reinstated to the status the student held when the leave began. 34 C.F.R. § 106.40(b)(5).

Institutions must treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom the same as any other temporary disability with respect to any hospital or medical benefit, service, plan, or policy for students. 34 C.F.R. § 106.40(b)(4). As with disability accommodations, information about pregnant students' requests for accommodations will be shared with faculty and staff only to the extent necessary to provide the reasonable accommodation. Faculty and staff will regard all information associated with such requests as private and will not disclose this information unless necessary. The Title IX Coordinator, who is responsible for overseeing all Title IX complaints, including for discrimination based on pregnancy and related conditions. 34 C.F.R. § 106.8(b)(2). The Title IX Coordinator will maintain all appropriate documentation related to accommodations.

Students are encouraged to work with their faculty members and the University'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. 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 possible.

REPORTING

Any member of the University community may report a violation of this Policy to any supervisor, or to the Title IX Coordinator (or designee). All mandated reporters are responsible for promptly forwarding such reports to the Title IX office. The Title IX Coordinator (or designee) is responsible for overseeing complaints of discrimination involving pregnant and parenting students.

DEFINITIONS

- a. **Medical Necessity:** a determination made by a health care provider that a certain course of action is in the patient's best health interests.
- b. **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.
- c. **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.
- d. **Pregnancy 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.
- e. **Reasonable Accommodations:** (for the purposes of this Policy) changes in the academic environment or typical operations that enables pregnant students or students with pregnancy-related conditions to

continue to pursue their studies and enjoy the equal benefits of the University.

REASONABLE ACCOMMODATIONS OF STUDENTS

- a. The University and its faculty, staff, and other employees will not require students to limit their studies as the result of pregnancy or pregnancy-related conditions.
- b. The benefits and services provided to students affected by pregnancy will be no less than those provided to students with temporary medication conditions.
- c. Students with pregnancy-related disabilities, like any student with a short-term or temporary disability, are entitled to reasonable accommodations so that they will not be disadvantaged in their courses of study or research, and may seek assistance from the Title IX office.
- d. No artificial deadlines or time limitations will be imposed on requests for accommodations, but the University is limited in its ability to impact or implement accommodations retroactively.
- e. Reasonable accommodations may include, but are not limited to:
 1. Providing accommodations requested by a pregnant student 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);
 2. Making modifications to the physical environment (such as accessible seating);
 3. Providing mobility support;
 4. Extending deadlines and/or allowing the student to make up tests or assignments missed for pregnancy-related absences;
 5. Offering remote learning options;
 6. Excusing medically-necessary absences (this must be granted, irrespective of classroom attendance requirements set by a faculty member or department);
 7. Implementing incomplete grades for classes that will be resumed at a future date; or
 8. Allowing breastfeeding students reasonable time and space to pump breast milk in a location that is private, clean, and reasonably accessible. A breastfeeding station is located in the Atrium of the Administration & Student Center.

MODIFIED ACADEMIC RESPONSIBILITIES 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 or adoption of a child or placement of a foster child may request an academic modification period during the first 6 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.
- b. 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 student's academic advisor, and the appropriate academic department(s).
- c. Students seeking a period of modified academic responsibilities may consult with their academic advisor or with the Title IX office to determine appropriate academic accommodations requests. The Title IX office will communicate all requests under this policy to student's academic advisors and coordinate accommodation-related efforts with the advisors unless the students specifically requests that their advisors be excluded. Students are encouraged to work with their advisors and faculty members to reschedule course assignments, lab hours, examination, or other requirements, and/or to reduce their overall course load, as appropriate, once authorization is received from the Title IX office. If advisors/faculty members to obtain appropriate modifications, students should alert the Title IX office as soon as possible, and the office will help facilitate needed accommodations and modifications.
- d. Students can request modified academic responsibilities under this policy regardless of whether they elect to take a leave of absence.
- e. While receiving academic modifications, students will remain registered and retain benefits accordingly.

LEAVE OF ABSENCE

- a. As long as students can maintain appropriate academic progress, faculty, staff or other University employees will not require the student to take a leave of absence, or withdraw from or limit their studies as the result of pregnancy, childbirth, or related conditions, but this policy is absent from the required

modification of the essential elements of any academic program.

- b. Enrolled students may elect to take a leave of absence for up to 6 weeks' time period 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.
- c. Students taking a leave of absence under this policy will provide notice of the intent to take leave 30 calendar days prior to the initiation of leave, or as soon as practical.
- d. Intermittent leave may be taken with the advance approval of the Title IX office and students' academic department(s), when medically necessary.
- e. 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.
- f. Continuation of students' scholarship, or similar University 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 University supported funding by exercising their rights under this policy.
- g. The Title IX 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.

RETALIATION AND HARASSMENT

- a. Harassment of any member of the University's 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, 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.

HOUSING-RELATED ACCOMMODATIONS

Pregnant students' on-campus housing status will not be altered based on pregnancy status unless requested by the pregnant students. Parenting students' access to housing is governed by the University's Residence Life Handbook.

REVISIONS

This policy and procedures will be reviewed and updated at a minimum annually by the Title IX Coordinator (or designee). Procedures may also vary with notice (on the institutional web site with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred. Policy in effect at the time of the offense reported will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy. If government regulations change in a way that impacts this policy, this policy will be construed to comply with regulations in their most recent form.



OFFICE OF TITLE IX

500 University Ave W., Minot, ND 58707 (701)

858-3447

Email: lisa.dooley@ndus.edu

Web: <https://www.minotstateu.edu/title9/index.shtml>