

## Policy on Pregnancy and Pregnancy-Related Conditions For Students | The Office of Title IX

### I. Summary

Xavier University of Louisiana is committed to creating and maintaining a community where all individuals enjoy freedom from discrimination, including discrimination or harassment, on the basis of sex, as mandated by Title IX of the Education Amendments of 1972. Harassment or discrimination based on pregnancy, marital status, or parental status is prohibited and illegal in the University's education programs and activities, including, but not limited to admissions, hiring, leave policies, employment policies, and health insurance coverage. The University establishes this policy to ensure the protection and equal treatment of individuals who are pregnant, experiencing a medical condition related to pregnancy, including lactation, or the need to express breast milk for a child.

For the purposes of this policy, the legal definitions of reasonable adjustment, undue hardship, and other definitions and legal standards pertinent to the provision of reasonable adjustments for an individual's pregnancy or a condition related to pregnancy apply.

### II. Scope and Definitions

This policy applies to all aspects of the University's education program and activities that a student is pursuing as part of their matriculation and educational experience at XULA. The following relevant concepts are defined below:

- a. "Medical necessity" is a determination made by a health care provider of a student's or employee's choosing.
- b. "Parent" includes biological, adoptive and legal guardians.
- c. "Pregnancy and 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, in accordance with federal law.
- d. "Pregnancy discrimination" includes treating a student or employee affected by pregnancy or a pregnancy-related condition less favorably than similar individuals unaffected and failing to provide legally mandated leave or adjustments.
- e. "Pregnant person/Birth-parent" refers to the individual who is pregnant. This policy and its pregnancy-related protections apply to all pregnant persons regardless of gender identity or expression.
- f. "Reasonable Adjustments" for students are changes in the academic environment or typical operations that enable pregnant students with pregnancy-related conditions to continue to pursue their studies and enjoy the equal benefits of Xavier University of Louisiana. Such adjustments may include extended deadlines, make-up assignments (e.g., papers, quizzes, tests, and presentations), tutoring, independent study, online course completion options, and incomplete grades that can be completed at a later date, should all be employed, in addition to any other

- ergonomic and assistive supports typically provided by Disability Services such as a larger desk or closer parking spot. To the extent possible, Xavier University of Louisiana will take reasonable steps to ensure that pregnant 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 course catalog that was in place when the leave began.
- g. “Reasonable Adjustments” for employees are changes to the work environment or the way things are usually done at work. Such adjustments for pregnancy employees might include the ability to sit or drink water; receive closer parking; have flexible hours; receive appropriately sized uniforms and safety apparel; receive additional break time to use the bathroom, eat, and rest; take leave or time off to recover from childbirth; and be excused from strenuous activities and/or activities that involve exposure to compounds not safe for pregnancy. Employers are required to provide reasonable adjustments unless they would cause an “undue hardship” on the employer’s operations. An “undue hardship” is significant difficulty or expense for the employer.
  - h. “Temporary Disability” generally means that pregnant students should be treated the same way as someone who has a temporary disability.
  - i. “The Title IX Coordinator” is the person designated with the authority to manage Title IX compliance for the University. The Coordinator or their designee determines that such adjustments are necessary and appropriate and will inform faculty or appropriate managers of the need to adjust learning, living, or working parameters accordingly.

### III. Right to Privacy

Information regarding pregnancy and related conditions will be shared on a need-to-know basis or if there is a legitimate business need to know. Information about pregnant students’ requests for adjustments will be shared with faculty and staff only to the extent necessary to provide the reasonable adjustments or modifications. Information about pregnant employees’ requests for adjustments will be shared with supervisors only to the extent necessary to provide reasonable adjustments. Faculty and staff will regard all information associated with such requests as private and will not disclose this information unless necessary.

### IV. Employee Expectations

Any employee who learns that a student might be experiencing a pregnancy and/or related condition is required to notify the Title IX Coordinator so the coordinator can provide information that applies to this Policy. Employees can notify the Coordinator by emailing [titleix@xula.edu](mailto:titleix@xula.edu) to request the Title IX Coordinator contact the student to review their rights.

The University has designated the following offices to manage and respond to the pregnancy-medical conditions.

1. Office of Disability Services
2. Title IX Office
3. Human Resources

#### V. Parenting Status

The University prohibits treating individuals differently based on their sex, including parental status. A parenting student who is not recovering from childbirth, not nursing, or not navigating an adoption, however, does not receive formal adjustments or adjustments.

#### VI. Reasonable Adjustment Requests For Students

The University will make reasonable and responsive adjustments for pregnant students. Pregnant students will be given an opportunity to make up missed work wherever possible. Extended deadlines, make-up assignments (e.g., papers, quizzes, tests, and presentations), tutoring, independent study, online course completion options, and incomplete grades that can be completed at a later date, should all be employed, in addition to any other ergonomic and assistive supports typically provided by Disability Services (See below for examples). The University will provide pregnant students with access to the same services that it provides to students with temporary medical conditions.

To the extent possible, the University will take reasonable steps to ensure that pregnant 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 course catalog that was in place when the leave began.

Employees or faculty shall not require a student to limit their studies due to pregnancy or pregnancy-related conditions. The benefits and services provided to students affected by pregnancy or related conditions shall be no less than those provided to students with temporary medical conditions. Students experiencing pregnancy or related conditions, like any other student with a disability, are entitled to reasonable adjustment so they will not be disadvantaged in their courses of study or research and may seek assistance from the Office of Title IX and/or Disabilities Office of the Division of Student Affairs.

The University assesses requests for adjustments for pregnancy and related conditions as they arise.

Reasonable adjustments and modifications for students may include, but are not limited to:

- adjustments requested by the student experiencing pregnancy or related conditions to protect the health and safety of the student and/or their pregnancy (such as allowing the student to maintain a safe distance from hazardous substances);
- modifications to the physical environment (such as accessible seating);
- mobility support;

- extending deadlines and/or allowing the student to make up tests or assignments missed for absences due to pregnancy or related conditions;
- providing remote learning options;
- excusing medically necessary absences;
- granting leave.

Accordingly, the university provides a reasonable amount of break time to accommodate a student's need to express breast milk for an infant child. Where possible, break time shall run concurrently with other breaks. The university will make a reasonable effort to provide the student with the use of a room or other location in close proximity to their learning or living area to express milk in private. Such space will not be a bathroom and will meet the requirements of applicable law.

Faculty, staff, or other employees shall not require a student to take a leave of absence or withdraw from or limit their studies due to pregnancy, childbirth, or related conditions. Students who elect to take leave under this policy may register in an inactive or "on-leave" status Medical Leave of Absence Policy to continue their eligibility for certain benefits. Students will need to work with the Office of Enrollment Management and its guidelines.

Upon return from leave, the student will be reinstated to their program in the same status as when the leave began. Continuation of the student's scholarship, fellowship, or similar university-sponsored funding during the leave term will depend on the student's registration status and the policies of the funding program regarding registration status. Students will not negatively impact or forfeit their future eligibility for their scholarship, fellowship, or similar university-supported funding by taking leave under this policy.

#### Student Employee Leave

Pregnancy and related conditions will be regarded as a justification for a leave of absence without pay for a reasonable period of time, at the conclusion of which the student-employee will be reinstated to the status that they held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

#### VII. Adjustment Requests For Employees and Applicants

The university may require that an employee requesting the adjustment provide documentation from an appropriate health care or rehabilitation professional about the need for a requested adjustment or the need to extend an existing adjustment. The university will not require such documentation if the employee has requested more frequent restroom, food or water breaks; seating; limits on lifting over 20 pounds; or private, non-bathroom space for expressing breast milk. The university will process requests for reasonable adjustments and provide reasonable adjustments in a prompt, fair, and efficient manner. The university will not

tolerate any form of discrimination or retaliation against applicants or employees on the basis of pregnancy or pregnancy-related conditions.

Accordingly, the university provides a reasonable amount of break time to accommodate an employee's need to express breast milk for an infant child. Where possible, break time shall run concurrently with other breaks. The university will make a reasonable effort to provide the employee with the use of a room or other location in close proximity to the employee's work area for the employee to express milk in private. Such space will not be a bathroom and will meet the requirements of applicable law. Upon request for an adjustment, the university will endeavor to provide a reasonable adjustment for an employee's pregnancy, or a condition related to an employee's pregnancy to enable the employee to perform the essential functions of the employee's job, unless the requested adjustment would impose an undue hardship on the university, as defined by law.

#### VIII. Individuals Responsible for Policy Implementation

The University has designated the Title IX Coordinator to oversee compliance of this Policy. The Title IX Coordinator has the authority to determine that such adjustments are necessary and appropriate, and to inform faculty members or the appropriate manager of the need to adjust learning, living or working parameters accordingly. The Title IX Coordinator or its designee will manage this Policy, its dissemination, and the response to conditions defined herein.

For concerns involving students, the Title IX Coordinator will respond and maintain all appropriate documentation related to request and adjustments. This may include providing an adjustment for pregnant students with conditions that relate to pregnancy even if the student is not experiencing a pregnancy-related disability. Any concerns or requests pertaining to students shall be reported to the Title IX Coordinator.

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For concerns involving employees or applicants to the University, the Director of Human Resources will respond and maintain all appropriate documentation related to request and adjustments. This may include providing an adjustment for pregnant employees, applicants or for employees with conditions that relate to pregnancy even if the employee is not experiencing a pregnancy-related disability.

- An employee may request a reasonable adjustment by contacting the University [Human Resources Department](#).

An applicant for employment may request a reasonable adjustment orally or in writing from the university employee with whom the applicant has been in contact with regarding the application process or through the University Human Resources at [504-520-7537](tel:504-520-7537).

Any individual can submit complaints with the U.S. Department of Education's Office for Civil Rights at the Office for Civil Rights (OCR). Complaints may be filed online, using the form available, at [www.ed.gov/ocr/complaintintro.html](http://www.ed.gov/ocr/complaintintro.html).

#### IX. Prohibition of Retaliation and Harassment

Harassment by any member of the University community based on sex, gender, gender identity, gender expression, pregnancy, or parental status is prohibited. Faculty, staff, and other employees are prohibited from interfering with a student's taking leave, seeking reasonable adjustment, or otherwise exercising their rights under this Policy. Faculty, staff, and other University employees are prohibited from retaliating against a student or an employee for exercising the rights articulated by this Policy, including imposing or threatening to impose negative educational outcomes because student requests leave or adjustment, files a complaint, or otherwise exercises their rights under the Policy.

#### X. Dissemination of the Policy

A copy of this Policy shall be made available to faculty, staff, and employees in their required training and posted on the XULA website. XULA shall alert all new students to this Policy and the location of this Policy as part of orientation. The Office of Title IX shall make preventive educational materials available to all members of the XULA community to promote compliance with this Policy and familiarity with its procedures.

END OF POLICY.