

## TITLE IX RIGHTS OF PREGNANT AND PARENTING STUDENTS

### I. Purpose

Western Dakota Tech (WDT) 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). Sex discrimination, which can include discrimination based on pregnancy, marital status, or parental status, is prohibited and illegal in admissions, educational programs and activities, hiring, leave policies, employment policies, and health insurance coverage.

### II. General Statement of Policy

- A. WDT hereby establishes a policy and associated procedures for ensuring the protection and equal treatment of pregnant individuals, persons with pregnancy-related conditions, and new parents.
- B. It shall be a violation of this policy to not protect and provide equal treatment of pregnant individuals, persons with pregnancy-related conditions, and new parents. It shall also be a violation to not train employees on their responsibilities to report violations to the Title IX Coordinator.

### III. Definitions

- A. *Caretaking*: caring for and providing for the needs of an infant.
- B. *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.
- C. *Parenting*: the raising of a child by the child's parents in the reasonably immediate post-partum period.
- D. *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.
- E. *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.
- F. *Pregnant Student/Birth-Parent*: This policy and its pregnancy-related protections apply to a student who is or was recently pregnant, regardless of gender identity or expression.

- G. *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 WDT.

#### **IV. Reporting Procedures**

##### **REASONABLE ACCOMMODATION OF STUDENTS AFFECTED BY PREGNANCY, CHILDBIRTH, OR RELATED CONDITIONS**

- A. WDT 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 medical 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 and may seek assistance from the Student Success Center.
- D. No artificial deadlines or time limitations will be imposed on requests for accommodations, but WDT 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 an instructor or program);
  - 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. Bathroom stalls do not satisfy this requirement.

Nothing in this policy requires modification to the essential elements of any academic program. Pregnant students cannot be channeled into an alternative program or school against their wishes.

## **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 or adoption of a child or placement of a foster child may request an academic modification period as deemed medically necessary. 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 Coordinator, the student's academic advisor, and the student's instructors.
- C. Students seeking a period of modified academic responsibilities must consult with their academic advisor and/or with the Title IX Coordinator to determine appropriate academic accommodations requests. The Title IX Coordinator will communicate all requests under this policy to students' instructors 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 instructors 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 Title IX Coordinator. If, for any reason, caretaking/parenting students are not able to work with their advisors/instructors to obtain appropriate modifications, students should alert the Title IX Coordinator as soon as possible, and the Coordinator will help facilitate needed accommodations and modifications.
- D. In timed degree, certification or credentialing programs, students who seek modifications upon the birth or placement of their child will be allowed an extension as deemed medically necessary to prepare for and take preliminary and qualifying examinations to the extent those deadlines are controlled by WDT. Longer extensions may be granted in extenuating circumstances.
- E. Students can request modified academic responsibilities under this policy regardless of whether they elect to take a leave of absence.
- F. 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, WDT employees will not require them to take a leave of absence, or withdraw from or limit their studies as the result of pregnancy, childbirth, or related conditions, but nothing in this policy requires modification of the essential elements of any academic program.

- B. Enrolled students may elect to take a leave of absence 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.
- 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 possible.
- D. Intermittent leave may be taken with the approval of the Title IX Coordinator and students' advisor, when medically necessary.
- E. To the extent possible, WDT 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 WDT-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 or similar WDT-supported funding by exercising their rights under this policy.
- G. The Title IX Coordinator 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.

#### **STUDENT-EMPLOYEE LEAVE**

- A. All student-employees will be entitled to the protections of the Family and Medical Leave Act, regardless of whether they are also students.
- B. Pregnancy and related conditions will be treated as any other temporary disability for job purposes, including leave and benefits.
- C. If the college does not provide leave or if employees are ineligible for other leave policies, then 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 employees 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.

#### **RETALIATION AND HARASSMENT**

- A. Harassment of any member of the WDT community based on pregnancy, marital status, or parental status is prohibited.
- B. WDT employees are prohibited from interfering with students' right to take leave, seek reasonable accommodation, or otherwise exercise their rights under this policy.

- C. WDT 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.

Any WDT employee must report a violation of this policy to any supervisor, manager, or to the Title IX Coordinator. All college employees are responsible for promptly forwarding such reports to the Title IX Coordinator. The Title IX Coordinator is responsible for overseeing complaints of discrimination involving pregnant and parenting students.

The Title IX Coordinator for WDT is:

Debbie Toms, Student Success Director/Registrar

[deborah.toms@wdt.edu](mailto:deborah.toms@wdt.edu)

605-718-2958

Complaints may also be filed with the U.S. Department of Education's Office for Civil Rights at:

Office for Civil Rights (OCR)

Rocky Mountain Regional Office

1961 Stout Street Room 08-148, Denver, CO 80294

Customer Service Hotline #: (800) 368-1019 Facsimile: (202) 619-3818

TDD#: (800) 537-7697

Email: [OCR@ed.gov](mailto:OCR@ed.gov) Web: [www.ed.gov/ocr](http://www.ed.gov/ocr)

Complaints may be filed online, using the form available, at

[www.ed.gov/ocr/complaintintro.html](http://www.ed.gov/ocr/complaintintro.html).

## **V. Dissemination of Policy and Training**

- A. This policy is posted on the WDT website on the policy page and in the WDT Student Handbook. The Title IX Coordinator will make educational materials available to all members of the WDT community to promote compliance with this policy and familiarity with its procedures.

- B. The college shall train employees when hired and on an annual basis.

Legal References: 34 CFR Part 106

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