

PREGNANCY AND RELATED CONDITIONS

I. Purpose

Western Dakota Technical College (WDTC) is committed to creating and maintaining a community where all individuals enjoy freedom from discrimination, and WDTC does not discriminate in its education programs or activities¹ against any student based on the student's current, potential, or past pregnancy or related conditions.

II. General Statement of Policy

- A. WDTC's Title IX Office is responsible for assisting students seeking pregnancy modifications.
- B. WDTC will take specific actions to promptly and effectively prevent sex discrimination and ensure equal access to WDTC's education program or activity once the student notifies the College's Title IX Office of the student's pregnancy or related conditions.
 - 1. The Title IX Office will inform the student of WDTC's obligations by providing this policy and 4420.Exhibit.01 Disclosures and Notice.
 - 2. WDTC will make reasonable modifications to WDTC's policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to WDTC's education program or activity.
 - a. Each reasonable modification must be based on the student's individualized needs. In determining what modifications are required under this paragraph, the Title IX Office will consult with the student. A modification that WDTC can demonstrate would fundamentally alter the nature of its education program or activity is not a reasonable modification.
 - b. The student has discretion to accept or decline each reasonable modification offered by the College. If a student accepts an offered reasonable modification, the College will implement it.
 - c. Reasonable modifications may include, but are not limited to, breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom; intermittent absences to attend medical appointments; access to

¹ This policy is in regard to an education program or activity. If a student is serving in an employee role, pregnancy and related conditions would be addressed through the employee policy for the employed position and this policy for education programs and activities.

online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; changes in physical space or supplies (for example, access to a larger desk or a footrest); elevator access; or other changes to policies, practices, or procedures.

3. WDTC will allow access, on a voluntary basis, to any separate and comparable portion of the institution's education program or activity.
 4. WDTC will allow the student to voluntarily take a leave of absence from the College's education program or activity to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. To the extent that a student qualifies for leave under a leave policy maintained by the College that allows a greater period of time than the medically necessary period, the College will permit the student to take voluntary leave under that policy instead if the student so chooses. When the student returns to WDTC's education program or activity, the student will be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began.
 5. WDTC will ensure that the student can access a lactation space, other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed.
 6. WDTC will not require supporting documentation under paragraphs (B)(2) through (5) unless the documentation is necessary and reasonable for the College to determine the reasonable modifications to make or whether to take additional specific actions under paragraphs (B)(2) through (5). Examples of situations when requiring supporting documentation is not necessary and reasonable include, but are not limited to, when the student's need for a specific action under paragraphs (B)(2) through (5) is obvious, such as when a student who is pregnant needs a bigger uniform; when the student has previously provided the Title IX Office with sufficient supporting documentation; when the reasonable modification because of pregnancy or related conditions at issue is allowing a student to carry or keep water nearby and drink, use a bigger desk, sit or stand, or take breaks to eat, drink, or use the restroom; when the student has lactation needs; or when the specific action under paragraphs (B)(2) through (5) is available to students for reasons other than pregnancy or related conditions without submitting supporting documentation.
- C. To the extent consistent with paragraph (II)(B) of this section, the College will treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital

benefit, service, plan, or policy the College administers, operates, offers, or participates in with respect to students admitted to the College's education program or activity.

- D. WDTC will not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in the College's class, program, or extracurricular activity unless:
1. The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
 2. The College requires such certification of all students participating in the class, program, or extracurricular activity; and
 3. The information obtained is not used as a basis for discrimination prohibited by this policy.

III. Definitions

- A. Pregnancy or related conditions means pregnancy, childbirth, termination of pregnancy, or 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.
- B. Reasonable modifications means individualized modifications to WDTC's policies, practices, or procedures that do not fundamentally alter WDTC's education program or activity.

IV. Reporting Procedures

Discriminating against or harassment of any member of the WDTC community based on pregnancy or related conditions is prohibited. WDTC employees are prohibited from interfering with a student's right to seek reasonable modifications or otherwise exercise their rights under this policy. WDTC 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 modifications or leave, file a complaint, or otherwise exercise their rights under this policy.

WDTC employees must report a violation of this policy to the Title IX Coordinator. The Title IX Coordinator is responsible for overseeing complaints of discrimination or harassment involving this policy.

The Title IX Coordinator for WDTC is:
Kelly Oehlerking, VP for Institutional Effectiveness and Student Success
Kelly.Oehlerking@wdt.edu
605-718-2931

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

South Dakota Regional Office
Kansas City Office
Office for Civil Rights
U. S. Department of Education
Phone: (816)268-0550
TDD: (800)877-8339
e-Mail: OCR.KansasCity@ed.gov
Address: One Petticoat Lane
1010 Walnut St., Third Floor, Suite 320 Kansas City, MO 64106

Complaints may be filed online, using the form available, at
www.ed.gov/ocr/complaintintro.html.

V. Dissemination of Policy and Training

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

Legal References: [34 CFR Part 106](#)

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