

LOUISIANA COMMUNITY & TECHNICAL COLLEGE SYSTEM

Policy # 2.020

Title: THE TITLE IX RIGHTS OF PREGNANT AND PARENTING STUDENTS

Authority: Board Action

Original Adoption: 08/10/2022

Effective Date: 08/10/2022

Last Revision: 08/10/2022

Policy

The Louisiana Community and Technical College System (LCTCS) and all member colleges are 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. The LCTCS 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.

Under the Department of Education’s (DOE) Title IX regulations, an institution that receives federal funding “shall not discriminate against any student or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student’s pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.” According to the DOE, appropriate treatment of a pregnant student includes granting the student leave “for so long a period of time as is deemed medically necessary by the student’s physician,” and then effectively reinstating the student to the same status as was held when the leave began.

This generally means that pregnant students should be treated by LCTCS or any member college the same way as someone who has a temporary disability and 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. To the extent possible, the LCTCS and all member colleges 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. The Title IX Coordinator has the authority to determine that such accommodations are necessary and appropriate, and to inform faculty members of the need to adjust academic parameters accordingly. The Title IX Coordinator, working in consultation with the college disabilities specialist, will determine all reasonable accommodations.

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. Administrative responsibility for these accommodations lies with the Title IX Coordinator, who will maintain all appropriate documentation related to accommodations.

In situations such as clinical rotations, performances, labs, and group work, the institution will work with the student to devise an alternative path to completion, if possible. In progressive curricular and/or cohort-model programs, medically necessary leaves are sufficient cause to permit the student to shift course order, substitute similar courses, or join a subsequent cohort when returning from leave.

Students are encouraged to work with their instructors and college 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. The Title IX Coordinator will assist with plan development and implementation as needed.

Scope of Policy

This policy applies to all aspects of all member colleges' programs, including, but not limited to, admissions, educational programs and activities, and extracurricular activities.

Definitions

- **Caretaking:** caring for and providing for the needs of a child.
- **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.
- **Parenting:** the raising of a child by the child's parents in the reasonably immediate post-partum, post-adoption, or post-foster placement periods. (See Modified Academic Responsibilities For Parenting Students section below).
- **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.
- **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.
- **Pregnant 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.
- **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 LCTCS and member colleges.

Responsible Employee/Mandated Reporters: An employee who receives a direct statement regarding or witnesses an incident of power-based violence or discrimination. Responsible Employees do not include an employee designated as a Confidential Advisor pursuant to R.S. 17:3399.15(B) or an employee who has privileged communications with a student as provided by law.

Reporting

Any member of the LCTCS or member college community may report a violation of this policy to any supervisor, manager, or to the Title IX Coordinator. All Responsible Employees/mandated reporters are responsible for promptly forwarding such reports to the Title IX office. The Title IX Coordinator is responsible for overseeing complaints of discrimination involving pregnant and parenting students.

The Title IX Coordinator for The Louisiana Community and Technical College System (LCTCS) is:

Title IX Coordinator
Dr. Amber Blair
Executive Director of Student Compliance, Equity, and Governance
265 S. Foster Dr.
Baton Rouge, LA 70806
Phone: (225) 308-4390
Email: amberblair1@lctcs.edu

Member college Title IX Coordinators can be found on college Title IX websites, each of which may be located here: <https://www.lctcs.edu/titleix>

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

Office for Civil Rights (OCR)
400 Maryland Avenue, SW
Washington, DC 20202---1100
Customer Service Hotline #: (800) 421-3481 Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: www.ed.gov/ocr

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

Reasonable Accommodations of Students Affected By Pregnancy, Childbirth, or Related Conditions

- Neither the LCTCS, member colleges, nor its faculty, staff, nor other employees will require students to limit their studies as the result of pregnancy or pregnancy-related conditions.
- The benefits and services provided to students affected by pregnancy will be no less than those provided to students with temporary medical conditions.
- 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.
- No artificial deadlines or time limitations will be imposed on requests for accommodations, but LCTCS and member colleges are limited in its ability to impact or implement accommodations retroactively.
- Reasonable accommodations may include, but are not limited to:
 - 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).

- Making modifications to the physical environment (such as accessible seating).
- Providing mobility support
- Extending deadlines and or allowing the student to make up tests or assignments missed for pregnancy-related absences.
- Offering remote learning options
- Excusing medically necessary absences (this must be granted, irrespective of classroom attendance requirements set by a faculty member, department, or division).
- Granting leave per LCTCS or member college medical leave policy or implementing incomplete grades for classes that will be resumed at a future date; or
- 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 For Parenting Students

- 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 3 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.
- During the modification period, the student's academic requirements will be adjusted, and deadlines postponed as appropriate, in collaboration among the Title college IX office, the student's academic advisor, and the appropriate academic department(s).
- Students seeking a period of modified academic responsibilities may consult with the college Title IX office to determine appropriate academic accommodation requests. The college Title IX office will communicate all requests under this policy to students' faculty and instructors. Students are encouraged to work with their advisors and faculty members 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 college Title IX office. If, for any reason, caretaking/parenting students are not able to work with their instructors/faculty members to obtain appropriate modifications, students should alert the college Title IX office as soon as possible, and the office will help facilitate needed accommodations and modifications.
- Students can request modified academic responsibilities regardless of whether they elect to take a leave of absence.
- While receiving academic modifications, students will remain registered and retain benefits accordingly.

Retaliation and Harassment

- Harassment of any member of the LCTCS or member college community based on sex, gender identity, gender expression, pregnancy or parental status is prohibited.

- Faculty, staff, and other LCTCS or member college employees are prohibited from interfering with students' right to take leave, seek reasonable accommodation, or otherwise exercise their rights under this policy.
- Faculty, staff, and other LCTCS or member college 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.