

Policy VI.6004.D, Pregnancy and Parenting

Associated Procedure

Procedure VI.6004.D.a, Pregnancy and Parenting Accommodations

Procedure VI.6004.D.b, Student Lactation Access

Purpose

This Policy provides rules and procedures for the San Jacinto College (“College”) to comply with state and federal laws prohibiting discrimination against pregnant and parenting persons. The College complies with the mandates of Title IX of the Education Amendments of 1972 (“Title IX”), the Family and Medical Leave Act of 1993, the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act (Section 504), and the Texas Commission on Human Rights Act, as applicable.

Policy

The College is committed to maintaining and strengthening 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 or parental status, is prohibited.

This policy provides for the protection and equal treatment of students who are pregnant, have pregnancy-related conditions, and/or are parents. This policy applies to all aspects of the College’s programs, including but not limited to, admissions, educational programs and activities, and extracurricular activities.

The pregnant or parenting student may start an interactive process with the Title IX Coordinator or Deputy Coordinators by visiting the Title IX webpage or the Accessibility Services webpage, or by emailing either TitleIX@sjcd.edu or accessibility.services@sjcd.edu.

Student Rights and Accommodations

The College and its instructors, staff, and other employees shall not require a pregnant or parenting student to take a leave of absence, withdraw from, or limit their studies or activities due solely to pregnancy, childbirth, or related conditions.

Pursuant to Title IX, the College treats Pregnancy and Pregnancy-Related Conditions as justification for a student to request a leave of absence for as long as deemed medically necessary by a student’s physician.

The benefits and services provided to pregnant and parenting students shall be no less than those provided to students with temporary medical conditions.

A pregnant student’s college-provided housing (e.g., student-athletes who are utilizing College-provided housing) will not be altered based on pregnancy status unless requested by the pregnant student.

Pregnant and parenting students cannot be channeled into an alternative program or school against

their wishes based on their pregnancy status.

To the extent possible, the College will take reasonable steps to ensure that upon return from leave, the student will be reinstated to their program in the same status as when the leave began.

Students are encouraged to request pregnancy and parenting-related reasonable accommodations in advance whenever possible, which may include, but are not limited to:

- Changes to protect the health and safety of the pregnant person and/or their pregnancy (such as allowing the person to maintain a safe distance from hazardous substances).
- Extra breaks during class, work, or other activities to use the restroom.
- Excusal of medically necessary absences (including exceptions to class attendance requirements set by the faculty, department, or division) to the extent allowable and/or reasonable.
- Leave of absence when medically necessary.

The above accommodations may be applied retroactively if warranted based on an individualized assessment of the circumstances.

Absences for reasons related to a student's pregnancy, childbirth, or any resulting medical status or condition will be excused absences. Coursework missed as a result of these absences must be completed within the normal time allowed per College policy. Students with a medical basis for an extension should promptly contact the College's Accessibility Services office to request additional time or assistance with access to instructional materials, if needed.

Lactation Access

Breastfeeding persons must be granted reasonable time and space to express breast milk in a location that is private, clean, and reasonably accessible. Bathroom stalls do not satisfy this requirement. An appropriate lactation facility should be located within a reasonable distance of the person's location and be available for up to a year following childbirth. Break time should be adjusted to account for the distance to the nearest lactation facility.

Family-friendly Assistance and Flexibility

Instructors are encouraged to work with parenting persons to consider their parenting obligations and needs, which may include, but are not limited to, meeting with the child's school officials, closure of a school or childcare facility, family-related health issues (including physical, behavioral, or emotional health concerns), routine healthcare and bereavement.

Students are encouraged to work in advance with their instructors to request excused time off for routine infant and child healthcare matters. Child health emergencies of parenting students should be excused to the same degree as student healthcare emergencies, with an opportunity to make up missed work and participation points as applicable. Generally, children are not allowed in the workplace or in class.

If students require additional support to resolve infant and child health care matters, they may contact the Title IX Office or Student Support Services for information and resources.

Reporting Violations

Any member of the College community may report a violation of this policy to any supervisor, manager, or the Title IX Coordinator or Deputy Coordinators. Employees are responsible for promptly forwarding such reports to the Title IX Coordinator or Deputy Coordinators.

A pregnant or parenting person alleging pregnancy discrimination or other form of sexual harassment may file a formal complaint with the Title IX Coordinator or Deputy Coordinators.

Privacy

In addition to requirements under The Family Educational Rights and Privacy Act of 1974 (FERPA), employees will regard all information associated with pregnant and parenting accommodation requests as private and will not disclose this information to anyone, unless there is a business or academic need to know.

Harassment and Retaliation

Harassment based on a student's pregnancy or pregnancy-related condition, or breastfeeding is unlawful and prohibited. Examples of conduct related to pregnancy or parenting status that may amount to harassment include, but are not limited to:

- Sexual comments or denigrating jokes about a pregnancy;
- Negative stereotyping;
- Comments about an individual's intellectual or physical ability to complete coursework or commitment to their education or future profession based on their pregnancy or parenting status;
- Spreading rumors about sexual activity;
- Making sexual propositions or gestures; and/or
- Withholding or threatening to withhold academic benefits due to pregnancy or parenting status.

Instructors, staff, and other College employees are prohibited from retaliating against students or employees for exercising the rights articulated by this policy, including imposing or threatening to impose negative educational outcomes due to requesting leave or accommodation, filing a complaint, or otherwise exercising their rights under this policy.

Definitions

Fundamental Alteration – Any academic accommodation, adjustment/auxiliary aid, or service that would fundamentally affect or change the nature of a program or course being taught or that fundamentally alters the essential requirements of instruction or course requirements is not considered a reasonable academic accommodation. The College is not required to alter or modify a course or program to the extent that it changes the fundamental nature of that course or program.

Instructor – College employee responsible for teaching classes or supervising academic work including, but not limited to, faculty, adjunct faculty, and graduate teaching assistants.

Medical Necessity – Determination made by a health care provider of a student’s or employee’s choosing.

Parenting Person – Person with the legal or voluntary responsibility to ensure the safety and well-being of a child under the age of 18 years and includes birth and non-birth parents, adopting parents, fostering parents, legal guardians, spouses and domestic partners of a parent or legal guardian, stepparents, siblings with significant caregiving responsibility (such as during absence or incapacitation of primary caregiver), kinship placement and acting in place of a parent.

Pregnancy and Pregnancy-Related Conditions – Health conditions including but not limited to childbirth, false pregnancy, miscarriage, termination of pregnancy, conditions arising in connection with pregnancy, recovery from any of these conditions, and medically necessary child healthcare within a reasonable time postpartum in accordance with federal law.

Pregnancy Discrimination – 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 Person or Birth-Parent – An individual 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 – Changes in the education or workplace activities that enable a person with a Pregnancy or Pregnancy-Related Condition to continue to pursue their studies and/or occupation and enjoy equal benefits of the College.

Undue Burden/Hardship – Any academic accommodation, adjustment/auxiliary aid, or service that would result in a significant financial or administrative burden or expense constitutes an undue burden/hardship and is not considered a reasonable accommodation. Factors to consider in determining whether there is an undue burden/hardship include:

- the overall size of the program or activity with respect to the number of employees, number and type of facilities, and size of budget;
- the type of operation, including the composition and structure of the workforce;
- and the nature and cost of the accommodation needed.

The Authority, Applicability, Sanctions, Exclusions, and Interpretation do not differ from Policy II.2000.A, Policy and Procedures Development, Review, Revision, and Rescission.

Date of Board Approval	This policy became effective as of December 12, 2023, under the Chancellor’s authority granted by the Board under Policy II.2000.A, Policy and Procedure Development, Review, Revision, and Rescission. Permanent affirmation of the change followed the standard policy review process at the next regularly scheduled meetings of the Board with first reading on December 4, 2023 and approval on January 29, 2024.
Effective Date	December 12, 2023

Associated Procedure	Procedure VI.6004.D.a, Pregnancy and Parenting Accommodations Procedure VI.6004.D.b, Student Lactation Access
Primary Owner	Deputy Chancellor & President
Secondary Owner	Associate Vice Chancellor, Student Services