

Pregnancy-Related Modifications under Title IX

Overview

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in education programs. This includes discrimination on the basis of pregnancy as well as marital and parental status, and protects students, employees, applicants for admission, and applicants for employment. Individuals who perceive they have experienced discrimination on one or more of these may initiate a complaint with the Title IX Coordinator.

Pregnant Students

Pregnant students may seek reasonable academic modifications, in accordance with these procedures to ensure equal access to their academic programs during their pregnancy. Such modifications may not fundamentally alter their education program, or cause an undue hardship to NSU. These procedures may be utilized by a student seeking academic modifications related to their pregnancy, childbirth, termination of pregnancy, lactation, and/or medical conditions related to these or recovery from these. The student's individual pregnancy-related medical needs, the requirements of their academic program, and the timing of the pregnancy are taken into consideration when determining reasonable modifications.

Expecting Student Parents who are Not Pregnant

A student who is expecting a child but is not physically pregnant with the child may seek excused absence(s) for the birth of their child. Accompanying a pregnant spouse, significant other, or other person to an appointment is not considered a medical need for a non-pregnant student. Expecting students are encouraged to schedule these appointments around their academic commitments if they wish to attend. In addition to the required documentation (e.g., anticipated delivery date of the child), the student will also need to provide documentation that they are the parent of the expected child to receive verifications through these procedures.

Disclosure of Pregnancy & Response

When an NSU employee learns from a student that the student is pregnant or has been diagnosed with a pregnancy-related condition, the employee should provide the student with the Title IX Office contact information and inform them that the Title IX Coordinator or designee¹ can coordinate actions to prevent discrimination and ensure equal access to educational programs and activities. The Title IX Case Manager serves as the main contact for pregnant students.

Grounds for Reasonable Modifications

Reasonable modification(s) may be offered to allow a pregnant student to participate in educational activities, so long as the modification does not result in a fundamental alteration of an educational program/activity or impose an undue burden on NSU. Pregnant students may seek reasonable modifications to preserve equal access to their educational programs and activities for any of the following:

1. Pregnancy, childbirth, termination of pregnancy, or lactation;
2. Medical condition(s) related to pregnancy, childbirth, termination of pregnancy, or lactation; or

¹ While these procedures refer to the Title IX Coordinator, the Title IX Case Manager is the main contact for pregnancy related modifications, but the Deputy or Title IX Coordinator may also serve as the contact when needed.

3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical condition(s).

Note: Baby-bonding, childcare, or caretaking of a partner/spouse are not justification for pregnancy-related modifications under Title IX.

Excused Absences

A pregnant student's absences that are medically necessary due to their pregnancy or related condition will be excused like any other excused absence so long as the student provides documentation to the Title IX staff which meets these requirements. Pregnant students are still expected to make up any academic requirements in accordance with their academic program's policies, which may be found in the applicable handbook. If there are multiple options provided by the program for making up the academic requirements, the student should be permitted to choose among the options provided. Appointments and/or medical procedures must be scheduled around the student's academic classes and exams whenever possible. Programs with strict attendance policies may require documentation verifying a particular appointment absence. Options for making up academic work and for temporary modifications vary depending on the student's academic program requirements, the timing and duration of the student's pregnancy or pregnancy-related need, and the nature of the academic requirement(s) missed. If absences result in an excessive amount of work missed, the student may need to take a leave or administrative break, in accordance with their program's requirements.

Leave of Absence

A pregnant student may take a voluntary leave² due to pregnancy or pregnancy-related condition under NSU's [Leave of Absence Policy](#) for students for the period which a licensed healthcare provider deems medically necessary. Upon return, the student will be reinstated to the same academic status (and extracurricular status, to the extent practical) as when the leave began. For certain programs, due to the nature of the curriculum and clinical experiences, a student may not be able to start back in the same semester where they left off but may need to take the course at the next course offering. This may result in a delay of program completion.

Certification to Participate

A pregnant student attempting to participate in their education (including returning from leave due to pregnancy or a related condition) is not required to provide documentation that the student is physically or emotionally able to participate in a class, program or extracurricular activity unless:

1. The certified level of ability or health is necessary for participation in the class, program, or activity and
2. Certification is required for all students participating in the class, program or activity.

Lactation

Students who are lactating have the right to access a lactation space that is clean and private and is not a restroom. A list of lactation spaces is available on the Title IX website. Additional locations may be designated based on need. If a student finds that a space is not available or clean, they may contact NSU Public Safety for assistance.

² Includes leave of absence, administrative break, or any other term for interruption of studies.

Privacy of Information

Pregnant students are not required to disclose the details of their medical conditions/procedures or provide medical records to their faculty members. A pregnant student also does not need to discuss the exact medical procedure or reason for an appointment, so long as enough information is provided so the Title IX staff can verify the absence or requested modification relates to pregnancy or the other bases referenced in these procedures. However, if a faculty member or other employee has concerns or questions about the nature of the absence or modification needed, they can inquire with the student and/or the Title IX staff. The Title IX staff maintain privacy of this information, sharing only what needs to be shared as part of the process for identifying reasonable modification(s) for the student. If a student is concerned about the privacy of their information, they are encouraged to contact the Title IX Coordinator to discuss their concerns.

When Documentation is Not Needed

There are some circumstances where documentation is not necessary for modifications for pregnant students, including:

1. When the need is obvious, such as the need for a larger uniform or desk,
2. When the modification may be made at the discretion of the faculty/program and is voluntary for the student, or
3. When the modification is permitted for other students without documentation.

In many cases, documentation is not necessary when the modification relates to an essential biological need such as having access to water, sitting or standing, restroom breaks, breaks to eat or drink, or lactation. However, during exams, labs, in clinical settings, or in other academic settings with environmental limitations, documentation may be necessary to ensure the modification is provided.

Documentation Requirements

Documentation is often required for academic modifications due to the academic and attendance requirements of many of NSU's programs. Given the nature of pregnancy and related conditions, the medical documentation may reflect anticipated needs (e.g., anticipated date of delivery or medical procedure or anticipated routine appointments), on-going functional needs (e.g., bedrest requirements, lactation needs, mobility or geographic limitations), and/or recent past medical emergencies (e.g., early delivery, unanticipated hospitalization due to complications, etc.). The more specific the care provider can be about a student's specific needs, the better so that modifications can be individualized to the student.

Documentation should be submitted as soon as reasonably possible to maximize the options available to the pregnant student, although in some situations the modification(s) may be provided retroactively. In addition, specific academic programs may have deadlines for documentation related to absences which apply to all students, including pregnant students.

Sufficient medical information must be provided by a licensed healthcare provider (who is not a family member of the student) to enable the Title IX staff to reasonably determine the nature, date, time, and duration of any medically necessary pregnancy-related absence, need, or limitation. The student may need to sign a medical release with their healthcare provider for the Title IX staff to obtain this information.

Documentation may be provided on the *Pregnancy-Related Certification Form* or on the letterhead or the prescription pad of the licensed care provider. The *Pregnancy-Related Certification Form* enables the

medical provider to provide enough details needed without disclosing personal medical details. The documentation must reflect the following:

- Student: Name of student requesting modifications who is being seen by the care provider
- Provider: Name and signature of licensed care provider
- Verification: Verification of pregnancy or pregnancy-related medical condition
- Delivery/Procedure Date(s): Date of delivery, anticipated delivery, or date of procedure or appointment
- Date: Date documentation was issued
- Medical necessity/relation to pregnancy: sufficient information to indicate why the absence, need, or limitation is both medically necessary for the student and relates to the pregnancy.
- Nature of absence, medical need, or functional limitation(s): sufficient information to verify how the pregnancy or related condition prevents the student from fully participating in their education, and/or creates a functional limitation for the student.
- Date, time, and duration of absence or functional limitation due to the medically necessary pregnancy-related condition. In cases where an absence conflicts with a class or exam, the student may need to obtain additional documentation from the provider indicating that the medical procedure or appointment was necessary to occur at that time.
- Modifications recommended: the nature of the modifications being recommended by the medical provider for the student to be able to participate in their education, despite the limitations and/or absences.

Procedures for Pregnancy-Related Modifications to Educational Programs and Activities

1. The pregnant student may review the procedures on the Title IX website, and/or schedule a meeting with a member of the Title IX staff. The Title IX Case Manager serves as the main contact for students with questions about these procedures.
2. The pregnant student seeking modifications due to their pregnancy or related condition(s) is encouraged to provide initial verification of their need(s) for any pregnancy-related modifications to the Title IX staff as soon as reasonably possible to begin planning for anticipated academic needs. Pregnant students are encouraged to submit requests and documentation through the [online form](#).
3. The Title IX staff will consult with the appropriate parties which may include the pregnant student, the Office of Student Disability Services (SDS), the student's academic program director or other academic officials, other university personnel, and the healthcare provider(s) to review any documentation provided and identify reasonable modifications for the student, based on their individual needs and academic program or activity requirements.
4. The Title IX staff may contact the pregnant student and/or the pregnant student's medical provider with any questions about the documentation.
5. If a pregnant student's requested modification would fundamentally alter the educational program or activity, that is not a reasonable option. In those cases, the academic program or university official may be required to document for the Title IX Coordinator why a requested modification would fundamentally alter the program or activity.
6. Once the documentation has been reviewed, the Title IX staff will document the necessary modifications in a letter provided to the pregnant student and the academic program director or appropriate academic officials or other employees involved in providing the modification(s).
7. Students are advised that if their condition may qualify under Section 504 of the Rehabilitation Act or the Americans with Disabilities Act, the student and/or the Title IX staff may notify SDS. If

a pregnancy-related condition becomes long-term or is a disability, the student may be referred to the SDS accommodation procedures.

8. If there is an emergency (such as a hospitalization or unanticipated medical procedure), the pregnant student or someone designated on their behalf are encouraged to contact the student's faculty and the Title IX staff directly as soon as reasonably possible. Reasonable efforts will be made to preserve the student's access to educational programs in these situations until documentation can be provided.
9. Students who are also student employees may also seek modifications related to their employment. In these situations, the Title IX staff or the student may contact the Office of Student Disability Services and/or the Office of Human Resources' Senior Benefits Administrator for Employee Wellness to assist with modifications.
10. Students who receive scholarships or financial assistance are encouraged to consult with their advisor or the appropriate person in Financial Aid prior to making decisions about their academic schedule or a leave of absence.
11. The Title IX staff will retain all relevant documentation as private in accordance with applicable laws and university policies.
12. If a pregnant student has concerns with the modifications offered or finds that they are not receiving the modifications they qualify for, the student can contact the Title IX Coordinator. Findings and determinations made by the Title IX Coordinator or designee are final and not subject to appeal. However, if a student believes they have been discriminated against on the basis of pregnancy, they may initiate a complaint in accordance with the discrimination grievance procedures.

Examples of Reasonable Modifications

Since modifications are determined through an individualized process, not all modifications are offered in all situations. This list is provided to offer examples and is not intended to be an exhaustive list.

- Accessible parking
- Access to lactation room(s)
- Breaks for restroom use or lactation
- Change in schedule, course section, or course sequence
- Excused absences
- Excused tardiness
- Extended deadlines/time
- Leave of absence
- Larger desk or other furniture
- Limited exposure to potentially dangerous substances (e.g., lab or clinical setting)
- Limited lifting
- Limited standing
- Make-up or alternative assignments
- Physical space modifications (e.g., table in lieu of desk)
- Relocation/limited location of clinical rotation site
- Rescheduling of exams
- Uniform adjustments
- Virtual participation in courses