

5.1.18 Pregnancy and Related Conditions and Parenting Student (2024)

1. Non-discrimination Statement

MCCCD does not discriminate in its education program or activity against any applicant for admission, student, applicant for employment, or employee on the basis of current, potential, or past pregnancy or related conditions as mandated by title ix of the education amendments of 1972 (Title IX). MCCCD prohibits members of the MCCCD community from adopting or implementing any policy, practice, or procedure which treats an applicant for admission, student, applicant for employment, or employee differently on the basis of current, potential, or past parental, family, or marital status. This policy and its pregnancy-related protections apply to all pregnant persons, regardless of gender identity or expression.

2. Definitions

- **Familial status.** The configuration of one's family or one's role in a family.
- **Marital status.** The state of being married or unmarried.
- **Parental status.** The status of a person who, with respect to another person who is under the age of 18 or a person who is 18 or older but who is incapable of self-care because of a mental or physical disability. Is a biological, adoptive, foster, or stepparent; a legal custodian or guardian; in loco parentis with respect to such a person; or actively seeking legal custody, guardianship, visitation, or adoption of such a person.
- **Pregnancy and related conditions.** The full spectrum of processes and events connected with pregnancy, including pregnancy, childbirth, termination of pregnancy, or lactation; related medical conditions; and recovery therefrom. Termination of pregnancy includes the end of pregnancy in any manner, including, miscarriage, stillbirth, or abortion.
- **Reasonable modifications.** Individualized modifications to the recipient's policies, practices, or procedures that do not fundamentally alter the recipient's education program or activity.

3. Information Sharing Requirements

Any MCCCD employee who becomes aware of a student's pregnancy or related condition is required to provide the student with the Title IX Coordinator's (TIXC) contact information and communicate that the TIXC can help take specific actions to prevent discrimination and ensure equal access to MCCCD's education program and activity. If the employee has a reasonable belief that the TIXC is already aware of the pregnancy or related condition, the employee is not required to provide the student with the TIXC's contact information.

Upon notification of a student's pregnancy or related condition, the TIXC will contact the student and inform the student of the recipient's obligations to:

- Prohibit sex discrimination.
- Provide reasonable modifications.
- Allow access, on a voluntary basis, to any separate and comparable portion of the institution's education program or activity.
- Allow a voluntary leave of absence.
- Ensure lactation space availability.
- Maintain a resolution process for alleged discrimination.
- Treat pregnancy as comparable to other temporary medical conditions for medical benefit, service, plan, or policy purposes.

The TIXC will also notify the student of the process to file a complaint for alleged discrimination, harassment, or retaliation, as applicable.

4. Reasonable Adjustments for Students

Students who are pregnant or are experiencing related conditions are entitled to reasonable adjustments to prevent sex discrimination and ensure equal access to MCCC'D's education program and activity. Any student seeking reasonable modifications must contact the TIXC to discuss appropriate and available reasonable modifications based on their individual needs. Students are encouraged to request reasonable modifications as promptly as possible, although retroactive modifications may be available in some circumstances. Reasonable modifications are voluntary, and a student can accept or decline the offered reasonable modifications. Not all reasonable modifications are appropriate for all contexts.

Reasonable modifications/adjustments and other information is located at:

<https://district.maricopa.edu/consumer-information/title-ix/working-pregnant-and-parenting-students>

Supporting documentation for reasonable adjustments will only be required when it is necessary and reasonable under the circumstances to determine which reasonable adjustments to offer to determine other specific actions to take to ensure equal access.

Information about pregnant students' requests for modifications will be shared with faculty and staff only to the extent necessary to provide the reasonable modification.

Students experiencing pregnancy-related conditions that manifest as a temporary disability under the Americans with Disabilities Act (ADA) or section 504 of the Rehabilitation Act are eligible for reasonable accommodations just like any other student with a temporary disability. The TIXC will consult with Disability Resources and Services (DRS) to ensure the student receives reasonable accommodations for their disability as required by law.

5. Certification to Participate

All students should be informed of health and safety risks related to participation in academic and co-curricular activities, regardless of pregnancy status. A student may not be required to provide health care provider or other certification that the student is physically able to participate in the program or activity, unless:

- The certified level of physical ability or health is necessary for participation;
- The institution requires such certification of all students participating; and
- The information obtained is not used as a basis for pregnancy-related discrimination.

6. Lactation Space Access

MCCC'D provides students and employees with access to lactation spaces that are functional, appropriate, and safe. Such spaces are regularly cleaned, shielded from view, and free from the intrusion of others.

7. Leaves of Absence

Students are permitted to take a voluntary leave of absence for a reasonable time as deemed medically necessary by their healthcare provider 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. To the extent possible, MCCCDC will take reasonable steps to ensure that 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 or an equivalent course catalog that was in place when the leave began.

Continuation of students' scholarships, fellowships, or similar MCCCDC-sponsored funding during the leave term will depend on student 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, fellowship, or similar MCCCDC-supported funding by exercising their rights under this policy.

In order to initiate a leave of absence, the student must contact the TIXC at least thirty (30) calendar days prior to the initiation of leave, or as soon as practicable. The TIXC will assist the student in completing any necessary paperwork.

8. Student Parents

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 eight (8) weeks 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 student's academic advisor, and the appropriate academic department(s).

Students seeking a period of modified academic responsibilities may consult with the TIXC to determine appropriate academic adjustment requests. Students are encouraged to work with their 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 TIXC. If, for any reason, caretaking/parenting students are not able to work with their faculty members to obtain appropriate modifications, students should alert the TIXC as soon as possible, and the office will help facilitate needed accommodations and modifications.

Students can request modified academic responsibilities under this policy regardless of whether they elect to take a leave of absence. While receiving academic modifications, students will remain registered and retain benefits accordingly.

9. Regulation Dissemination and Training

A copy of this Regulation will be made available to employees in annually required training and posted on the MCCCDC website. MCCCDC will alert all new students about this regulation and the location of this regulation as part of orientation. The TIXC will make educational materials available to all members of the MCCCDC community to promote compliance with this regulation and familiarity with its procedures.

10. Revision of this Regulation

The Regulation will be reviewed and updated as needed by the TIXC, in consultation with any other stakeholders deemed necessary and upon approval by the chancellor. MCCCDC reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

If government laws or regulations change, or court decisions alter, the requirements in a way that impacts this Regulation, this Regulation will be construed to comply with the most recent government regulations or holdings.

This Regulation is effective August 1, 2024.

BASED ON THE 2024 ATIXA TITLE IX MODEL POLICY AND PROCEDURES (AMPP).
©2024 ATIXA. USED WITH PERMISSION.

ADOPTED by Direct Approval from the Chancellor, July 31, 2024