

Title IX Policy Regarding Parental, Family, or Marital Status; Pregnancy or Related Conditions

For purposes of this Policy, “*Pregnancy or related conditions*” means: (1) Pregnancy, childbirth, termination of pregnancy, or lactation; (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Students

The School shall not adopt or implement any policy, practice, or procedure concerning a student’s current, potential, or past parental, family, or marital status that treats students differently on the basis of sex.

The School shall not discriminate in its education program or activity against any student based on the student’s current, potential, or past pregnancy or related conditions. The School does not engage in prohibited discrimination when it allows a student, based on pregnancy or related conditions, to voluntarily participate in a separate portion of its education program or activity provided the School ensures that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions. To the extent consistent this paragraph, the School must 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 School administers, operates, offers, or participates in with respect to students admitted to the School’s education program or activity.

In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, the School:

- (1) Must treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions; and
- (2) Must not:
 - (i) Adopt or implement any policy, practice, or procedure concerning the current, potential, or past parental, family, or marital status of a student or applicant that treats persons differently on the basis of sex;
 - (ii) Discriminate against any person on the basis of current, potential, or past pregnancy or related conditions, or adopt or implement any policy, practice, or procedure that so discriminates; and
 - (iii) Make a pre-admission inquiry as to the marital status of an applicant for admission, including whether such applicant is “Miss or Mrs.” The School may ask an applicant to self-identify their sex, but only if this question is asked of all applicants and if the response is not used as a basis for discrimination prohibited by 34 Code of Federal Regulations Part 106 (the “Title IX Regulations”).

The School must ensure that when a student, or a person who has a legal right to act on behalf of the student, informs any employee of the student’s pregnancy or related conditions, unless the

employee reasonably believes that the Title IX Coordinator has been notified, the employee promptly provides that person with the Title IX Coordinator's contact information and informs that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the School's education program or activity.

The School must take specific actions to promptly and effectively prevent sex discrimination and ensure equal access to the School's education program or activity once the student, or a person who has a legal right to act on behalf of the student, notifies the Title IX Coordinator of the student's pregnancy or related conditions. The Title IX Coordinator must coordinate these actions.

The School must inform the student, and if applicable, the person who notified the Title IX Coordinator of the student's pregnancy or related conditions and has a legal right to act on behalf of the student, of the School's obligations hereunder and under the Prohibited disclosures of personally identifiable information section of the School's Title IX policy, and provide the School's notice of nondiscrimination.

The School must make reasonable modifications to the School's policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to the School's education program or activity. Each reasonable modification must be based on the student's individualized needs. In determining what modifications are required under this paragraph, the School must consult with the student. A modification that The School can demonstrate would fundamentally alter the nature of its education program or activity is not a reasonable modification. The student has discretion to accept or decline each reasonable modification offered by the School. If a student accepts The School's offered reasonable modification, the School must implement it.

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 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; counseling; 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.

The School must allow the student to voluntarily access any separate and comparable portion of the School's education program or activity. The School must allow the student to voluntarily take a leave of absence from the School'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 School that allows a greater period of time than the medically necessary period, the School must permit the student to take voluntary leave under that policy instead if the student so chooses. When the student returns to the School's education program or activity, the student must be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began.

The School must ensure that the student can access a lactation space, which must be a 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.

The School shall not require supporting documentation unless the documentation is necessary and reasonable for the School to determine the reasonable modifications to make or whether to take additional specific actions hereunder. 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 hereunder is obvious, such as when a student who is pregnant needs a bigger uniform; when the student has previously provided the School 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 hereunder is available to students for reasons other than pregnancy or related conditions without submitting supporting documentation.

The School shall 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 School'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 School 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 the Title IX Regulations.

Employees

The School must not adopt or implement any policy, practice, or procedure, or take any employment action, on the basis of sex: (1) Concerning the current, potential, or past parental, family, or marital status of an employee or applicant for employment, which treats persons differently; or (2) That is based upon whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit

The School must not discriminate against any employee or applicant for employment on the basis of current, potential, or past pregnancy or related conditions.

The School must treat pregnancy or related conditions as any other temporary medical conditions for all job-related purposes, including commencement, duration and extensions of leave; payment of disability income; accrual of seniority and any other benefit or service; and reinstatement; and under any fringe benefit offered to employees by virtue of employment.

If an employee has insufficient leave or accrued employment time to qualify for leave, the School must treat pregnancy or related conditions as a justification for a voluntary leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status held when the leave began or to a comparable position, without decrease in

rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

The School must provide reasonable break time for an employee to express breast milk or breastfeed as needed.

The School must ensure that an employee can access a lactation space, which must be a space other than a bathroom that is clean, shielded from view, free from intrusion from others, and may be used by an employee for expressing breast milk or breastfeeding as needed.

The School must not make a pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is “Miss or Mrs.”

The School may ask an applicant for employment to self-identify their sex, but only if this question is asked of all applicants and if the response is not used as a basis for discrimination prohibited by Title IX or this part.