Information

Student Pregnancy Accommodation Policy

Effective

August 13, 2019

Applicability

This policy covers student pregnancy in all aspects of UofL's programs and activities. UofL employees and students are responsible for complying with this policy.

Administrative Authority

Executive Vice President and University Provost

Responsible Unit

Dean of Student's Office
SAC W301
2100 S. Floyd Street
Louisville, KY 40208
502-852-5787
dos@louisville.edu

History

This policy was approved by the President's Cabinet on August 13, 2019.

Revision Date(s): June 1, 2022; September 12, 2023

Reviewed Date(s):

Categories

Reason for Policy:

The University of Louisville (UofL) is 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. Sex discrimination, which includes discrimination based on pregnancy, is prohibited and illegal in all programs and activities offered by UofL. UofL hereby establishes a policy and related procedures for ensuring the protection and equal treatment of pregnant students and students with pregnancy-related health conditions.

Statement:

(1) Non-discrimination and reasonable accommodation of students affected by pregnancy, childbirth, or related conditions

a. The benefits and services provided to students affected by pregnancy shall be no less than those provided to UofL students with temporary medical conditions.

b. Pregnancy in and of itself is not considered a disability; however, some conditions arising from pregnancy (e.g., hypertensive preeclampsia, gestational diabetes) may constitute disabilities that necessitate reasonable academic, and/or extracurricular accommodations. Students with pregnancy-related disabilities, like any other student with a disability, are entitled to academic adjustments or auxiliary aids and services in accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (Section 504) and may seek assistance from the Disability Resource Center (DRC) in that regard.

c. While accommodations should be provided in as timely a manner as possible, UofL recognizes that pregnancy and its attendant consequences, including pregnancy-related disabilities, are not fully predictable. Thus, UofL will work diligently to accommodate pregnancy-related accommodations requests as they arise.

d. Reasonable accommodations can include, but are not necessarily limited to:

- Accommodations requested by the 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).
- Modifications to the physical environment (such as accessible seating).
- Extending deadlines and/or allowing the student to make up tests or assignments missed for pregnancy-related absences.
- Providing remote learning options, where such options do not fundamentally alter the course or academic program in question and can be provided without undue financial or administrative burden to the university.
- Modified academic responsibilities in light of pregnancy and related health concerns.

a. Students with new parenting responsibilities who wish to remain engaged in their coursework while adjusting their academic responsibilities because of the birth of their child may request reasonable academic modifications appropriate to their circumstances through an interactive process involving their academic advisors and/or faculty, as appropriate, to determine which academic responsibilities on the students' will be modified or ongoing. **Students should initiate this process through the Dean of Students (DOS) office (SAC-W301, 502-852-5787, advocate@louisville.edu)**. Students will work with their advisors and/or professors and/or DOS staff to reschedule course assignments, lab hours, examinations, or other requirements and/or to reduce the student's overall course load, as appropriate.

b. During a modification period, the student's academic obligations may be adjusted or other accommodations afforded as necessary to avoid discrimination based on the student's sex.

c. A student can request modified academic responsibilities under this section regardless of whether the student elects to take leave, to the extent needed to reasonably accommodate the pregnancy, complications arising from the pregnancy, and/or recent birth of a child.

d. While receiving academic modifications, the student will remain registered and retain benefits accordingly. Students are nonetheless responsible for fulfilling all applicable academic requirements consistent with the modifications provided. Academic modifications, including but not necessarily limited to excusing medically necessary absences, modifying due dates for coursework, and/or provision of

coursework in an alternate format (e.g., online, webinar).

(2) Academic Leave of Absence

a. Faculty, staff, or other employees shall not *require* a student to take a leave of absence, or withdraw from or limit their studies due to pregnancy, childbirth, or related conditions, though such leave may under appropriate circumstances be *offered* as an accommodation as described herein.

b. Duration of leave

Pursuant to Title IX, UofL shall treat pregnancy and related conditions as a justification for a leave of absence for as long a period of time as is deemed medically necessary by a student's physician. The leave term may be extended in the case of extenuating circumstances or if medically necessary due to the health of the student or recently birthed child.

c. An **undergraduate student** taking a leave of absence under this policy shall provide notice to the Dean of Students (DOS) Office of the student's intent to take leave as soon as practicable after learning of the need for such leave. DOS will assist the student as appropriate in requesting a leave of absence, including but not limited to communicating with the appropriate unit(s) regarding the student's rights and obligations related to the student's taking leave from a program of study. Students should first communicate a request for a leave of absence to the Student Advocate in DOS/Student Affairs at 502-852-5787, or advocate@louisville.edu.

Graduate or professional students taking a leave of absence under this policy shall communicate their wishes in that regard to their director of graduate studies or the student affairs department of their respective graduate or professional schools. Such students may, if desired, communicate with DOS for assistance in connecting with the appropriate student affairs personnel in their schools.

d. Intermittent leave may be taken with the advance approval of the student's academic unit, or when medically necessary due to the student's or recently birthed child's health condition, to account for unforeseen changes in the student's health status.

e. Upon returning from leave, students taking leave under this policy will be reinstated to their academic program(s) in the same academic status as when the

leave began. It should be emphasized that, depending on the nature of the program in which the student returning from leave is enrolled, particularly for programs that require a specific slate of courses to be taken in a sequence, the student may be required to resume their studies at the next offering of any course(s) that comes next in the curricular sequence relative to the student's current academic standing, unless other reasonable accommodations may exist; whether they exist in a given case will be determined on a case-by-case basis in light of the specific circumstances of that case through the interactive process referenced at subsection (c).

f. Continuation of the student's scholarship, fellowship, or similar university-sponsored funding during the leave term may depend on the student's registration status and the policies of the funding program regarding registration status.

(3) Retaliation and Harassment

a. Harassment by any member of the UofL community based on sex, including pregnancy or parental status, is prohibited; violations of this prohibition will subject offenders to discipline consistent with UofL's policies applicable to the conduct of students, faculty and staff and UofL's non-discrimination policies.

b. Faculty, staff, and other UofL employees are prohibited from interfering with students' taking leave, seeking reasonable accommodation, or otherwise exercising their rights under this Policy. Faculty, staff, and other UofL employees are prohibited from retaliating against or harassing a student for exercising the rights articulated by this Policy, including imposing or threatening to impose negative educational outcomes because a student requests leave or accommodation, files a complaint, or otherwise exercises their rights under the Policy.

(4) Dissemination of the Policy

A copy of this Policy shall be provided to faculty, staff, and employees through, at a minimum, an annual university-wide notification, and shall be posted on the UofL Title IX Coordinator's website, as well as the HR and Faculty Affairs websites, in the Student Handbook, and on the UofL online policy library.

(5) Compliance

a. Reporting: Any member of the UofL community may report a violation of this Policy to any person defined as a "responsible employee" pursuant to UofL's Title IX policies. Responsible employees must promptly forward such reports to UofL's Title IX Coordinator or a deputy Title IX Coordinator. See https://louisville.edu/titleix for further details.

b. Students who believe their rights under this Policy have been violated by a UofL employee may initiate a complaint of discrimination through UofL's Department of Human Resources. Students wishing to avail themselves of this process should contact:

Donna Ernst, Deputy Title IX Coordinator (for complaints against employees)

Assistant Director, Employee Relations
215 Central Avenue, Suite 205
Louisville, KY 40208
Phone: 502-852-6538
Email: donna.ernst@louisville.edu

c. Students who believe their rights under this Policy have been violated by the conduct of a student or students (for instance, in the case of harassment of a pregnant student by other students, on the basis of the pregnancy) should contact:

Dr. Angela Taylor, Deputy Title IX Coordinator (for complaints against students)

Associate Vice President for Student Affairs and Assistant Dean of Students
SAC-W301
2100 S. Floyd Street
Louisville, KY 40208
Phone: 502-852-5787
Email: dos@louisville.edu

Definitions:

a. "Medical necessity" is a determination made by a health care provider of a student's choosing.

b. "Pregnancy and pregnancy-related conditions" includes (but is not limited to) pregnancy, false pregnancy, childbirth, termination of pregnancy, conditions arising in connection with pregnancy, and recovery from any of these conditions, in accordance with federal law.

c. "Pregnancy discrimination" includes treating a student affected by pregnancy or a pregnancy-related condition less favorably than similarly situated individuals not so affected, in addition to any failure to provide required pregnancy-related leave or accommodations.

d. "Pregnant student/Birth-parent" refers to the student who is or was pregnant, as well as any parent, regardless of sex, who is a full-time caregiver for the expected or recently-birthed child(ren) in question.

e. "Reasonable accommodations" for the purposes of this policy are changes in the academic environment or typical operations that enable pregnant students, students with pregnancy-related conditions, and students who have recently become parents to continue to pursue their studies and enjoy equal benefits of the university. Accommodations that fundamentally alter the nature of a university program, or activity (including but not limited to a student's program of study), or that impose an undue financial or administrative burden on the university are not considered reasonable.