



Title IX Rights of Pregnant and Parenting Students

Any member of the Northeast Iowa Community College community may report a violation of this Policy to any supervisor, manager, or to the Title IX Coordinator. All mandated reporters are responsible for promptly forwarding such reports to the Title IX Coordinator. The Title IX Coordinator is responsible for overseeing complaints of discrimination involving pregnant and parenting students.

The Title IX Coordinator for Northeast Iowa Community College is:
Kelly McMahon, Executive Director for Risk Management
8342 NICC Drive
Peosta, Iowa 52068
563-556-5110 Ext. 477
mcmahonke@nicc.edu

Complaints may also be filed with the Iowa or U.S. Department of Education, Office for Civil Rights at:

Iowa Civil Rights Commission

Grimes State Office Building
400 E. 14th Street
Des Moines, IA 50319-1004
515-281-4121, 1-800-457-4416
Fax 515-242-5840
www.state.ia.us/government/crc/

Office of Civil Rights, U.S. Department of Education

Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-1100
202-245-6800 or 800-421-3481
202-245-6840—Fax
877-521-2172—TTY
OCR@ed.gov
www.ed.gov/ocr

Office for Civil Rights/Chicago
U.S. Department of Education Citigroup
Center
500 W. Madison Street Suite
1475
Chicago, IL 60661
312-730-1560
312-730-1576—Fax
312-730-1609—TTY
877-521-2172—TTY

Policy Statement

Northeast Iowa Community College 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 (Title IX). Sex discrimination, which can include discrimination based on pregnancy, marital status, or parental status, is prohibited and illegal in admissions, educational programs and activities, hiring, leave policies, employment policies, and health insurance coverage. Northeast Iowa Community College hereby establishes a Policy and associated procedures for ensuring the protection and equal treatment of pregnant individuals, persons with pregnancy-related conditions, and new parents.

Under the Department of Education's (DOE) Title IX regulations, an institution that receives federal funding "shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom." According to DOE, appropriate treatment of a pregnant student includes granting the student leave "for so long a period of time as is deemed medically necessary by the student's physician," and then effectively reinstating the student to the same status as was held when the leave began.

This generally means that pregnant students should be treated by the College the same way as someone who has a temporary disability, and will be given an opportunity to make up missed work wherever possible. Extended deadlines, make-up assignments (papers, quizzes, tests, and presentations), tutoring, independent study, online course completion options, and incomplete grades that can be completed at a later date, should all be employed, in addition to any other ergonomic and assistive supports typically provided by Disability Services. The Title IX Coordinator has the authority to determine that such accommodations are necessary and appropriate, and to inform faculty members of the need to adjust academic parameters accordingly.

As with disability accommodations, information about pregnant students' requests for accommodations will be shared with faculty and staff only to the extent necessary in order to provide the reasonable accommodation. Faculty and staff will regard all information associated with such requests as private and will not disclose this information unless necessary. Administrative responsibility for these accommodations lies with the Title IX Coordinator, who will maintain all appropriate documentation related to accommodations.

In situations such as clinical rotations, performances, labs, and group work, the institution will work with the student to continue in the program, if possible. In progressive curricular and/or cohort-model programs, medically necessary leaves are sufficient cause to permit the student to join a subsequent cohort when returning from leave.

Students are encouraged to work with their faculty members and Northeast Iowa Community College's support systems to devise a plan for how to best to address the conditions as pregnancy progresses, anticipate the need for leaves, minimize the academic impact of their

absence and get back on track as efficiently and comfortably as possible. The Title IX Coordinator will assist with plan development and implementation as needed.

Scope of Policy

This Policy applies to all aspects of Northeast Iowa Community College's program, including, but not limited to, admissions, educational programs and activities.

Definitions

- a. *Caretaking*: caring for and providing for the needs of a child.
- b. *Medical Necessity*: a determination made by a health care provider (of the student's choosing) that a certain course of action is in the patient's best health interests.
- c. *Parenting*: the raising of a child by its parents in the reasonably immediate post-partum period.
- d. *Pregnancy and pregnancy-related conditions*: include (but are not limited to) pregnancy, childbirth, false pregnancy, termination of pregnancy, conditions arising in connection with pregnancy, and recovery from any of these conditions.
- e. *Pregnancy discrimination*: includes 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.
- f. *Pregnant student/Birth-parent*: refers to the student who is or was pregnant. This Policy and its pregnancy-related protections apply to all pregnant persons regardless of gender identity or expression.
- g. *Reasonable accommodations*: (for the purposes of this Policy) changes in the academic environment or typical operations that enable a pregnant student or student with a pregnancy-related condition to continue to pursue their studies and enjoy the equal benefits of the Northeast Iowa Community College.

Reasonable Accommodation of Students Affected by Pregnancy, Childbirth, or Related Conditions

- a. Northeast Iowa Community College and its faculty, staff, and other employees will not require a student to limit their studies as the result of pregnancy or pregnancy-related conditions.
- b. The benefits and services provided to students affected by pregnancy will be no less than those provided to students with temporary medical conditions.
- c. Students with pregnancy-related disabilities, like any student with a short-term or temporary disability, are entitled to reasonable accommodations so that they will not be disadvantaged in their courses of study or research, and may seek assistance from the Title IX office.
- d. No artificial deadlines or time limitations will be imposed on requests for accommodations, but the Northeast Iowa Community College is limited in its ability to impact or implement accommodations retroactively.
- e. Reasonable accommodations may include, but are not limited to:

1. 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);
2. Modifications to the physical environment (such as accessible seating);
3. Mobility support;
4. Extending deadlines and/or allowing the student to make up tests or assignments missed for pregnancy-related absences;
5. Providing remote learning options;
6. Excusing medically-necessary absences (this must be granted, irrespective of classroom attendance requirements set by a faculty member, department or division)
7. Granting leave per the Northeast Iowa Community College's medical leave policy or implementing incomplete grades for classes that will be resumed at a future date;
8. Students 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.

Nothing in this policy requires modification to the essential elements of any academic program. Pregnant students cannot be channeled into an alternative program or Northeast Iowa Community College against their wishes.

Modified Academic Responsibilities Policy for Parenting Students

- a. 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 6 months from the time the child has entered the home. Extensions may be granted where additional time is required by medical necessity or extraordinary caretaking/parenting responsibilities.
- b. During the modification period, the student's academic requirements will be adjusted and deadlines postponed as appropriate, in collaboration among the Title IX office, the office of disability services and the appropriate academic department(s).
- c. Students seeking a period of modified academic responsibilities may consult with disability services or with the Title IX office to determine appropriate academic accommodations requests. The Title IX office or disability services will communicate all requests under this policy to the student's faculty and coordinate accommodation-related efforts with the. The student is encouraged to work with their faculty members to reschedule course assignments, lab hours, examinations, or other requirements and/or to reduce the student's overall course load, as appropriate, once authorization is received from the Title IX or disability services office. If, for any reason, caretaking/parenting students are not able to work with their faculty to obtain appropriate modifications, students should alert the Title IX or disability services office as soon as possible, who will help facilitate needed accommodations and modifications.
- d. A student can request modified academic responsibilities under this Policy regardless of whether the student elects to take a leave of absence.

- e. While receiving academic modifications, the student will remain registered and retain benefits accordingly.

Leave of Absence

- a. As long as a student can maintain appropriate academic progress, faculty, staff, or other Northeast Iowa Community College employees will not require a student to take a leave of absence, or withdraw from or limit their studies as the result of pregnancy, childbirth, or related conditions, but nothing in this policy requires modification of the essential elements of any academic program.
- b. An enrolled student may elect to take a leave of absence for up to 6 weeks 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.
- c. A student taking a leave of absence under this Policy will provide notice of the intent to take leave thirty calendar days prior to the initiation of leave, or as soon as practicable.
- d. Intermittent leave may be taken with the advance approval of the Title IX or disability services office and the student's academic department(s), when medically necessary.
- e. To the extent possible, the Northeast Iowa Community 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, with no tuition penalty.
- f. Continuation of a student's scholarship or similar Northeast Iowa Community College-sponsored funding during the leave term will depend on the student's 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 or similar Northeast Iowa Community College-supported funding by exercising their rights under this Policy.
- g. The Title IX and disability services office can and will advocate for students with respect to financial aid agencies and external scholarship providers in the event that a leave of absence places eligibility into question.

Retaliation and Harassment

- a. Harassment of any member of Northeast Iowa Community College community based on sex, gender identity, gender expression, pregnancy, or parental status is prohibited.
- b. Faculty, staff, and other Northeast Iowa Community College employees are prohibited from interfering with a student's right to take leave, seek reasonable accommodation, or otherwise exercise their rights under this Policy.
- c. Faculty, staff, and other Northeast Iowa Community College employees are prohibited from retaliating against 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 this Policy.