

Nicholls State University

Policy for Pregnant and Parenting Students

I. POLICY SUMMARY

Nicholls State University 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 1973. 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. Nicholls State University hereby establishes a policy and procedures for ensuring the protection and equal treatment of pregnant persons, individuals with pregnancy-related conditions, and new parents.

II. POLICY

(1) Scope

This policy applies to all aspects of Nicholls' program, including admissions, educational programs and activities, hiring, leave policies, employment policies, and health insurance coverage.

(2) Definitions

- a. *"Medical necessity" is a determination made by a health care provider of a student's or employee's choosing.*
- b. *"Pregnancy or 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, in accordance with federal law.*
- c. *"Pregnancy discrimination" includes treating a woman affected by pregnancy or a pregnancy related condition less favorable than similar individuals not so affected, and includes a failure to provide legally mandated leave or accommodations.*
- d. *"Pregnant student/Birth-parent" refers to the student who is or was pregnant. Although the pronoun "she" and "her" are used herein, this policy and its pregnancy-related protections apply to all pregnant persons regardless of gender identity or expression.*
- e. *"Reasonable accommodations" for the purpose of this policy are changes in the academic environment or typical operations that enable a pregnant student or student with a pregnancy related condition to continue to pursue her studies and enjoy equal benefits of the University.*

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

- a. Nicholls State University and its faculty, staff, and other employees shall not require a student to limit her studies due to pregnancy or pregnancy-related conditions.
- b. The benefits and services provided to students affected by pregnancy shall be no less than those provided to students with temporary medical conditions.
- c. Students with pregnancy-related disabilities, like any other student with a disability, are entitled to reasonable accommodation so they will not be disadvantaged in their courses of study or research, and may seek assistance from the Student Access Center.
- d. Where the Student Access Center requires students to identify their disabilities and request accommodations by a fixed date in the term, deadline exceptions may be granted in the case of disabilities arising as a result of pregnancy or related conditions.
- e. Reasonable accommodations may include, but are not limited to:
 - i. accommodation requested by the pregnant student to protect the health and safety of the student and/or her pregnancy (such as allowing the student to maintain a safe distance from hazardous substances)
 - ii. modifications to the physical environment, such as
 - 1. accessible seating
 - 2. -virtual/remote access to class
 - 3. alternate equivalent online coursework
 - iii. mobility assistance
 - 1. temporary parking in employee spots
 - iv. extending deadlines and/or allowing the student to make up tests or assignments missed for pregnancy-related absences
 - v. providing remote learning options
 - vi. excusing medically-necessary absences
 - vii. granting leave
 - 1. If student must leave due to pregnancy or pregnancy related factors for more than one year, no application fee will be assessed upon reapplication to the university
- f. Breastfeeding students must be granted reasonable time and space to pump breast milk in a location that is private, clean, and reasonably accessible. Bathroom stalls do not satisfy this requirement.
 - i. The current location is in University Health Services
 - ii. If this location is not accessible to you, please contact the director of Student Wellness and Support Services for assistance with personal accommodations.

(4) Modified Academic Responsibilities Policy for Students with Newborn/ Recently Adopted Child

- a. Students with parenting responsibilities who wish to remain engaged in their coursework while adjusting their academic responsibilities because of the birth or adoption of their child or placement of a foster child may request an academic modification period of up to [one semester] beginning within the first six months of the child entering the home. Extensions may be granted where additional time is required due to medical necessity or extraordinary parenting responsibilities.

- b. During a modification period, the students' academic requirements will be adjusted and deadlines postponed as appropriate.
- c. Students seeking a period of modified academic responsibilities must consult with their adviser to determine which academic responsibilities will be suspended or ongoing. The student will work with their adviser and professors to reschedule course assignments, lab hours, examinations, or other requirements and/or to reduce the student's overall course load, as appropriate. Students are entitled to full relief from academic responsibilities for at least six weeks.
- d. A student who seeks modifications upon the birth or placement of their child shall be allowed an extension of 12 months to prepare for and take preliminary and qualifying examinations, and an extension of 12 months toward normative time to degree while in candidacy. Longer extensions may be granted in extenuating circumstances.
- e. A student can request modified academic responsibilities under this section regardless of whether the student elects to take leave.
- f. While receiving academic modifications, the student will remain registered and retain benefits accordingly.

(5) *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.
 - i. Pursuant to Title IX, Nicholls State University 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.
 - ii. An enrolled student may elect to take a leave of absence for up to one academic year because of pregnancy and/or disability; the birth, adoption, or placement of a child. As per the prior section and minimum requirements of Title IX, the leave term may be extended in the case of extenuating circumstances or if medically necessary due to the health of the student.
- b. A student taking a leave of absence under this policy should provide notice of the intent to take leave thirty days prior to the initiation of leave, or as soon as practicable.
- c. Intermittent leave may be taken with the advance approval of the student's department head and dean, or when medically necessary due to the student's health condition.
- d. Students who take a leave of absence for childbirth who receive financial assistance or scholarships should consult with a Financial Aid officer prior to the absence.
 - i. Federal loan deferment is not allowed during the leave of absence
 - ii. Students on academic scholarships may take a leave of absence for up to one year for pregnancy and childbirth with a statement from a physician detailing recommended dates of leave. If the student resigns after enrolling, the scholarship will be revoked and an appeal will need to be filed to regain eligibility detailing the reason for resignation and preferably supported by a letter from a physician. Eligibility for continuing private scholarships after the leave of absence is based on the criteria for that scholarship.
 - iii. For TOPS purposes, a student is allowed to take a leave of absence for maternity leave for up to the equivalent of one full academic year per child.

The student must complete the [TOPS Request for Exemption Form](#) to have this leave approved.

- e. Students who choose to take a leave of absence under this policy can elect to continue residing in university housing, subject to the payment of applicable fees.
- f. Upon return from leave, the student will be reinstated to his or her program in the same status as when the leave began. No application fees will be assessed.
- g. Continuation of the student's scholarship, fellowship, or similar university-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 negatively impact or forfeit their future eligibility for their scholarship, fellowship, or similar university-supported funding by taking leave under this policy.

(6) *Student Employee Leave*

- a. Every effort will be made to maintain employment or reemploy student employees returning from leaves of absence.

(7) *Retaliation and Harassment*

- a. Harassment by any member of Nicholls community based on sex, gender, gender identity, gender expression, pregnancy, or parent status is prohibited.
- b. Faculty, staff, and other Nicholls employees are prohibited from interfering with a student's taking leave, seeking reasonable accommodation, or otherwise exercising her rights under this Policy. Faculty, staff, and other Nicholls 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 the Policy.

(8) *Dissemination of the Policy and Training*

- a. A copy of this Policy shall be made available to faculty, staff, and employees in their required training and posted on the Nicholls website. The University shall alert all new students to this Policy and the location of this Policy as part of orientation. The Office of Title IX & Civil Rights Compliance shall make preventive educational materials available to all members of the Nicholls community to promote compliance with this Policy and familiarity with its procedures.

(9) *Compliance*

- a. *Reporting:* Any member of the Nicholls Community may report a violation of this Policy to any supervisor, manager, or Title IX Coordinator or Deputy Coordinator. Supervisors and managers are responsible for promptly forwarding such reports to the Title IX Office.
 - i. [Title IX Reporting Form](#)
- b. [Grievance process](#) information