

Protection for Individuals Impacted by Pregnancy or Related Conditions

Fitchburg State University

(Housed: Office of Human Resources and Payroll Services)

Est. December 2021

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Policy Statement

The University prohibits discrimination against students, employees, and applicants based on pregnancy, childbirth, termination of pregnancy, lactation, related medical conditions, or recovery. Furthermore, the University provides reasonable accommodations for pregnancy and pregnancy-related conditions, including modifications for students, reasonable break time for employees for lactation, and one or more clean, private lactation spaces, that is not a bathroom, for both students and employees.

Purpose and Scope

Fitchburg 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 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.

Fitchburg State University in conjunction with the Massachusetts State University has established associated procedures for ensuring the protection and equal treatment of pregnant individuals and persons with pregnancy related conditions. The full Equal Opportunity, Non-discrimination, and Title IX Plan (EO Plan) can be found [here](#).

This policy applies to all aspects of University, including, but not limited to, admissions, educational programs and activities, extracurricular activities, hiring, leave policies, employment policies, and health insurance coverage.

The policy establishes:

- Information on receiving modifications and/or accommodations
- Guidelines for the protection of members of the University who are pregnant or experiencing pregnancy-related conditions
- Procedures for reporting related grievances
- Minimum training requirements and obligations for employees

EMPLOYEE OBLIGATIONS

All University employees who become aware of a student's pregnancy or related condition are required to provide the student with the Title IX Coordinator's contact information and communicate that the Coordinator can help take specific actions to prevent discrimination and ensure equal access to the University's education program and activity. This information will be included in annual related training as required by Title IX Regulations.

ENFORCEMENT

This policy is written and enforced in accordance with the requirements of state and federal law, including Title IX, the Pregnant Workers Fairness Act (PWFA), and the Family Medical Leave Act. Human Resources and Student Affairs work to ensure equal access for students under Title IX. General questions about this Policy and available supportive measures should be directed to the Title IX Coordinator at titleix@fitchburgstate.edu.

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.

Medical Necessity: A determination made by a health care provider that a certain course of action is in the patient's best health interests.

Parental Status: The status of a person who, with respect to another person who is under the age of 18, 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 Pregnancy-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.

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.

Pregnant Person/Birth-Parent: refers to the student or employee who is or was pregnant. This policy and its pregnancy-related protections apply to all pregnant persons, regardless of gender identity or expression.

Reasonable Accommodations: Changes in the academic environment or typical operations that enable pregnant individuals or individuals with pregnancy-related conditions to continue to pursue their studies or employment and enjoy the equal benefits of the University.

Reasonable Modifications: Individualized modifications to the University's policies, practices, or procedures that do not fundamentally alter the University's education program or activity.

REASONABLE MODIFICATIONS/ACCOMMODATIONS FOR PREGNANCY AND PREGNANCY-RELATED CONDITIONS

In accordance with the requirements of state and federal law, including Title IX, the University prohibits discrimination against students, employees, and applicants based on pregnancy, childbirth, termination of pregnancy, lactation, related medical conditions, or recovery. Furthermore, the University provides reasonable accommodations for pregnancy and pregnancy-related conditions, including modifications for students, reasonable break time for employees for lactation, and one or more clean, private lactation spaces, that is not a bathroom, for both students and employees. The Title IX Coordinator coordinates specific actions to prevent sex discrimination and to ensure equal access to employment, education programs, and activities.

To request modifications or accommodations, contact titleix@fitchburgstate.edu or one of the following offices as soon as practical and/or as conditions evolve. *Modifications and accommodations are not typically provided retroactively.*

Students Contact the Director of Disability Support Office, Emily Stark at estark2@fitchburgstate.edu
Employees Contact the Director of Human Resources, Kimberly Page at kpage3@fitchburgstate.edu.
There is also an electronic form to [Request a Reasonable Accommodation](#) for employees to start the interactive process.

Students and employees 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 or employee with a temporary disability. The Title IX Coordinator will consult with the appropriate staff to ensure the student receives reasonable accommodations for their disability as required by law. The Title IX Coordinator is responsible for ensuring that any approved accommodations are implemented, including notifying any University officials responsible for implementing specific elements of the accommodation. Not all Reasonable Modifications are appropriate for all contexts.

The University does not require supporting documentation unless doing so is necessary and reasonable. For example, documentation may be required regarding the need for a specific reasonable accommodation per a healthcare professional. However, the University does not require documentation when it has already been provided or relates to lactation needs; the need is obvious or one of various routine and simple modifications; or when reasonable modifications, leave, or other steps are available to students for non-pregnancy related reasons without submitting supporting documentation. Examples may include (1) more frequent restroom, food, or water breaks; (2) seating; (3) limits on lifting more than 20 pounds; and (4) clean, private space for lactation.

Student Modifications and Accommodations

Once a student or the student's representative notifies the Title IX Coordinator of the student's pregnancy or pregnancy-related condition, the University will:

- Inform the student of the University's obligations to students who are pregnant or experiencing pregnancy-related conditions and restrictions on University disclosure of personal information, as well as provide the recipient's notice of nondiscrimination.
- Provide the student with the option of individualized, reasonable modifications as needed to prevent discrimination and ensure equal access to the University's education program or activity.
- Allow the student a voluntary leave of absence for, at minimum, the medically necessary time period and reinstatement upon return, including reinstatement to the status held by the student when the leave began.
- Ensure the student's access to a clean, private space for lactation that is not a bathroom.

Reasonable modification may include, but are not limited to, the following:

- 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 University does not require supporting documentation from a student unless doing so is necessary and reasonable. For example, the University does not require documentation when it has already been provided or relates to lactation needs; the need is obvious or one of various routine and simple modifications; or when modifications, leave, or other steps are available to students for non-pregnancy related reasons without submitting supporting documentation.

Students opting to take a leave of absence should make every effort to complete the necessary institutional paperwork prior to leave with assistance from the Title IX Coordinator or designee. To the extent possible, the University will take reasonable steps to ensure that pregnant 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 course catalog that was in place when the leave began. 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.

In situations such as clinical rotations, performances, labs, and group work, the institution will work with the student to devise an alternative path to completion, if possible. In progressive curricular and/or cohort-model programs, medically necessary leaves are sufficient cause to permit the student to shift course order, substitute similar courses, or join a subsequent cohort when returning from leave. Students are encouraged to work with their faculty members and the Recipient's support systems to devise a plan for how to best 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.

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

Employee Modifications and Accommodations

Upon the request from the employee or prospective employee, the University will engage in a timely, good faith, and interactive process to determine an effective, reasonable accommodation to enable the employee to perform the essential functions of the position.

Through the interactive process, the University will provide necessary, reasonable accommodations that will allow an employee to perform the essential functions of the job while pregnant or experiencing pregnancy-related conditions unless doing so would impose an undue hardship on the University. The University recognizes that it cannot make an employee accept a particular accommodation if another reasonable accommodation would allow the employee to perform the essential functions of the job or require an employee to take a leave if another reasonable accommodation may be provided without undue hardship.

Reasonable accommodations may include, but are not limited to, the following:

- reasonable break time for lactation;
- access a clean and private lactation space;
- more frequent or longer paid or unpaid breaks;
- time off to attend to a pregnancy-related condition or recover from childbirth with or without pay;
- acquisition or modification of equipment or seating;
- temporary transfer to a less strenuous or hazardous position;
- job restructuring;
- assistance with manual labor; and/or
- modified work schedule.

The University may require documentation regarding the need for an accommodation from a healthcare professional that explains what accommodation(s) the employee needs, but it cannot require documentation for the following accommodations: (1) more frequent restroom, food, or water breaks; (2) seating; (3) limits on lifting more than 20 pounds; and (4) clean, private space for lactation that is not a bathroom.

Pregnancy and related conditions may be regarded as a justification for a leave of absence without pay for a reasonable period of time, at the conclusion of which employees will be reinstated to the status that they 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.

Information on employment leave can be found within the Collective Bargaining Agreements and Non-Unit Professional Handbook located [here](#). If an employee is not eligible for leave under the aforementioned leave policy because they either (1) do not have enough leave time available under

Based in part on the ATIXA Pregnancy and Related Conditions Model Policy and related Fitchburg State University Policies, including the EO Plan as Amended for August 1, 2024.

that policy, or (2) have not been employed long enough to qualify for leave under that policy, they are eligible to qualify for pregnancy or related condition leave under Title IX. Pregnancy and related conditions will be regarded as a justification for a leave of absence without pay for a reasonable period of time. Employees who take leave under Title IX must be reinstated to the status held when leave began or a comparable position without a negative effect on any employment privilege or right.

HOUSING-RELATED ACCOMMODATIONS

Pregnant employee's or student's on-campus housing status will not be altered based on pregnancy status unless requested by the pregnant individual. Parenting access to housing is governed by the University's Policies about Occupancy, Housing and Residential Services.

LACTATION SPACE ACCESS

The University 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. A lockable room is located in Thompson Hall, room 203. This space can be reserved as needed during building hours (Monday-Thursday, 6am-10:30pm). During non-building hours alternative space will be made available. Details on how to reserve will be provided upon request for modifications/accommodations.

PRIVACY

As with disability accommodations, information about pregnant student or employee's requests for accommodations will be shared with others only to the extent necessary to provide the reasonable accommodation. Employees will regard all information associated with such student 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.

COMPLAINT INVESTIGATION AND RESOLUTION

Employees, job applicants, and students who believe that they have been subjected to discrimination as a result of pregnancy or a pregnancy-related condition or who allege that the University has failed to provide reasonable accommodations may initiate a claim as outlined in the Complaint Investigation and Resolution Procedures in Section 5 of the [EO Plan](#).

POLICY APPLICATION

This Policy has been updated to reflect changes in laws and regulations and is effective on 8/1/2024. The University reserves the right to make changes to this Policy as necessary, and once those changes are posted online, they are in effect. The Policy will be reviewed and updated biennially by the Title IX Coordinator.

Inquiries about the application of Title IX at Fitchburg State may be referred to Fitchburg State's Title IX Coordinator and/or the Assistant Secretary for Civil Rights at the U.S. Department of Education. Questions about this Policy or reports of potential violations of this Policy may be made at any time, including outside of business hours, to titleix@fitchburgstate.edu.

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RETALIATION AND HARASSMENT

Harassment of any member of Fitchburg State community based on sex, gender identity, gender expression, pregnancy, or parental status is prohibited.

University students and employees are prohibited from interfering with an individual's right to take leave, seek reasonable accommodation, or otherwise exercise their rights under this policy.

University students and employees are prohibited from retaliating against individuals for exercising the rights articulated by this policy, including imposing or threatening to impose negative educational or employment outcomes because an individual requests leave or accommodation, files a complaint, or otherwise exercises their rights under this policy.

DISSEMINATION OF THE POLICY AND TRAINING

A copy of this policy will be made available to faculty, staff, and employees in annually required training and posted on the University website. The University will alert all new students about this policy and the location of this policy as part of orientation. The Title IX office will make educational materials available to all members of the University community to promote compliance with this policy and familiarity with its procedures.