

PREGNANCY, CHILDBIRTH AND PREGNANCY-RELATED CONDITIONS POLICY

SLT 9.3

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Approved By:

- Senior Leadership Team

Responsible Office:

Civil Rights and Title IX

POLICY STATEMENT

I. POLICY STATEMENT

Grand Valley State University (“the University”) is committed to the fundamental academic principles of equity and accessibility by providing all faculty, staff, and students with access to the University’s programs, services, events, and activities. This Policy addresses the University’s obligations under federal law as to employees and students affected by pregnancy, childbirth or pregnancy-related conditions, including Title IX of the Education Amendment of 1972 (Title IX), the Pregnancy Discrimination Act of 1978 (which amended Title VII of the Civil Rights Act of 1964), the Pregnant Workers Fairness Act, the Fair Labor Standards Act and the Providing Urgent Maternal Protection (PUMP) for Nursing Mothers Act.

The University prohibits [discrimination on the basis of sex](#). The University prohibits any action that discriminates against or excludes a student, employee, prospective student or job applicant from any of its programs or activities on the basis of pregnancy, childbirth and pregnancy-related conditions. The prohibition extends to any policy, practice, or procedure concerning current, potential, or past parental, family, or marital status that treats the student, employee, or applicant differently on the basis of sex.

For procedures pertaining to this policy please see [GVSU’s Pregnancy Accommodation Procedure](#).

II. DEFINITIONS

A. Definitions for Student Accommodations

- **Interactive Process:** procedure by which information will be gathered from relevant parties including the student, faculty or other employees involved in implementing the accommodation as necessary that will review:
 - Possible accommodations;
 - The essential requirements of the course or educational program;
 - Possible reasonable accommodation, if any, that may be needed.
- **Medical Necessity:** a health care provider’s determination of an individual’s needs for reasonable accommodations related to pregnancy, childbirth or pregnancy-related conditions.
- **Pregnancy, childbirth and pregnancy-related conditions:** include (but are not limited to) pregnancy, childbirth, false pregnancy, miscarriage, termination of pregnancy, abortion services, lactation, conditions arising in connection with pregnancy, and recovery from any of these conditions, in accordance with federal law. Throughout this policy, the use of the phrase “pregnancy, childbirth and pregnancy-related conditions” encompasses all conditions within the non-exhaustive list above.

B. Definitions for Employee Accommodations

- **Interactive Process:** discussion of the following with the employee and, as necessary, their supervisor and/or appointing officer:
 - Possible accommodations;
 - The essential job functions of the position;
 - The employee’s ability to perform essential job functions and the application of the definition of qualified employee;
 - Possible reasonable accommodations, if any, that may be needed.
- **Known Limitation:** Physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that an employee or employee’s representative has communicated to the University.
- **Pregnancy, childbirth and pregnancy-related conditions:** include (but are not limited to) pregnancy, childbirth, false pregnancy, miscarriage, termination of pregnancy, abortion services, lactation, conditions arising in connection with pregnancy, post-partum conditions, reproductive health conditions, and recovery from any of these conditions, in accordance with federal law. Throughout this policy, the use of the phrase “pregnancy, childbirth and pregnancy-related conditions” encompasses all conditions within the non-exhaustive list above.
- **Qualified Employee:** An applicant, current employee, or when appropriate, a past employee who, with or without reasonable accommodation, can perform the essential functions of the employment position, except that an individual shall be considered

qualified if:

1. Any inability to perform an essential function is for a temporary period;
2. The essential function could be performed in the near future; and,
3. The inability to perform the essential function can be reasonably accommodated.

- **Reasonable Accommodation:** Changes to the work environment or the way things are usually done at work.
- **Statement of Pregnancy Employee Accommodation Determination (SPEAD):** A document that conveys to supervisors the pregnancy-related accommodation.
- **Undue Hardship:** With respect to the provision of an accommodation, significant difficulty or expense incurred by the University.

III. POLICY

A. Accommodations for Students Affected by Pregnancy, Childbirth and Other Pregnancy-Related Conditions

The University provides reasonable accommodations for students affected by pregnancy, childbirth or other pregnancy-related conditions on an individualized and voluntary basis depending on the student's needs when necessary to prevent discrimination and ensure equal access to the recipient's education program or activity.

1. Reasonable Accommodations

Any student seeking Reasonable Accommodations must contact the Office of Civil Rights and Title IX (OCRTIX) to discuss appropriate and available accommodations based on their individual needs. Students are encouraged to request accommodations as promptly as possible, although retroactive accommodations may be available in some circumstances. Accommodations are voluntary, and a student can accept or decline the offered accommodations. Not all requests are appropriate for all contexts. Accommodations may include:

- 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;
- Time extensions 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;
- A larger uniform or other required clothing or equipment;
- Other reasonable changes to policies, practices, or procedures will be determined by the OCRTIX.

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 University'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 OCRTIX will assist with plan development and implementation as needed.

Supporting documentation for accommodations will only be required when it is necessary and reasonable under the circumstances to determine which accommodations to offer to determine other specific actions to take to ensure equal access.

Information about pregnant students' requests for accommodations will be shared with faculty and staff only to the extent necessary to provide the reasonable accommodation.

Students 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 with a temporary disability. The Student Accessibility Resources will consult with OCRTIX staff to ensure the student receives reasonable accommodations for their disability as required by law.

2. Leaves of Absence

Students are permitted to take a voluntary leave of absence for a reasonable time as deemed medically necessary by their healthcare provider because of pregnancy, pregnancy-related conditions, 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. While registered under that status, students who choose to take a leave of absence under this policy can elect to keep their University's housing, subject to the payment of applicable fees.

To the extent possible, the University will take reasonable steps to ensure that 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 or an equivalent course catalog that was in place when the leave began.

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

The OCRTIX 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.

In order to initiate a leave of absence, the student must contact the OCRTIX at least 30 calendar days prior to the initiation of leave, or as soon as practicable. The OCRTIX will assist the student in completing any necessary paperwork.

Nothing in this policy will be interpreted to impede or supersede another policy or contractual agreement related to leaves of absence for students.

3. Certification to Participate

All students should be informed of health and safety risks related to participation in academic and co-curricular activities, regardless of pregnancy status. A student may not be required to provide health care provider or other certification that the student is physically able to participate in the program or activity, unless:

The certified level of physical ability or health is necessary for participation;

- The institution requires such certification of all students participating; and

The information obtained is not used as a basis for pregnancy-related discrimination

4. Student Athletes

In accordance with Title IX, the University's Athletic Department will not exclude a

student who is affected by pregnancy, childbirth or pregnancy-related conditions and allow them to fully participate on an athletic team, including all team-related activities. No coach or other athletics department personnel shall suggest to a student-athlete that their continued participation in a team will be affected in any way by pregnancy, childbirth or pregnancy-related conditions, parental status or marital status. The University will allow a pregnant or parenting student-athlete to fully participate on the team, including all team-related activities, unless the student-athlete's physician or other medical provider supplies documentation that participation is not medically safe.

5. Lactation Spaces

The University provides students 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. [Lactation Spaces](#)

B. Accommodations for Employees Affected by Pregnancy, Childbirth and Pregnancy-Related Conditions

1. Reasonable Accommodations. The University provides reasonable accommodations to qualified employees who have known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation would cause an undue hardship. Accommodation requests will be considered on a case-by-case basis considering the individual employee's needs and the needs of the department through an Interactive Process.

Some examples of accommodations are listed below; this is not intended to be an exhaustive list of all possible accommodations:

- Sip or drink water;
- Receive closer parking;
- Be allowed flexible hours;
- Receive appropriately sized uniforms and safety apparel;
- Receive additional break time to use the bathroom, eat, and rest;
- Take leave or time off to recover from childbirth;
- Be excused from strenuous activities and/or activities that involve exposure to compounds not safe for pregnancy.

2. Leaves of Absence- Employees may take a voluntary leave of absence related to pregnancy, childbirth, or related conditions in accordance with the leave policy applicable to their employment status. Pregnancy, childbirth, or a related condition will

be regarded as a justification for leave without pay for a reasonable period of time. Employees who take leave under Title IX or other applicable law must be reinstated to the status held when leave began or a comparable position without a negative effect on any employment privilege or right.

3. Lactation/Breastfeed/Chest feeding Procedures for Employees- For up to one year after the child's birth, any University employee who is breastfeeding/chest feeding will be provided reasonable times and locations to express breast milk. The University provides 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. [Lactation Spaces](#)

C. Referral to Title IX Coordinator

When an employee learns a student is affected by pregnancy, childbirth or pregnancy-related conditions, they should inform the student how to seek assistance from the Office of Civil Rights and Title IX and provide the following contact information:

Title IX Coordinator
Office of Civil Rights and Title IX Education and Compliance
4015 James H. Zumberge Hall
1 Campus Dr.
Allendale, Mi 49401
(616) 331-9530
titeix@gvsu.edu

IV. DISABILITY RELATED ACCOMMODATIONS

While pregnancy is not a disability, pregnancy-related medical impairments that are substantially limiting may be a disability as defined by the ADA. Students and employees who develop a substantially limiting medical impairment due to pregnancy, childbirth or related medical conditions should refer to the [ADA Accommodation Policy for Faculty, Staff and Students with Disabilities](#). The OCRTIX ADA Coordinator, EAR, and SAR may simultaneously engage with students and employees needing reasonable accommodations for a disability-related reason.

V. VIOLATIONS

Employees who violate this policy may be subject to discipline. Failure to provide reasonable accommodation for a student or employee who has demonstrated that they are affected by pregnancy, childbirth or pregnancy-related conditions could be considered discrimination on the basis of sex and any such allegations would be evaluated under the University's Policy

Prohibiting Discrimination, Harassment and Misconduct for All Faculty, Students, Employees, and Third Parties. Additionally, students or employees who report experiencing harassment, discrimination or misconduct on the basis of sex can report the conduct to OCRTIX by making a report, filing a complaint or submitting an anonymous notice as outlined in [Policy Prohibiting Discrimination, Harassment and Misconduct for All Faculty, Students, Employees, and Third Parties.](#)
