



Pregnancy Accommodation Policy

Pregnancy Adjustments and Accommodations for Students and Employees

Title IX and Pregnancy. On Oct. 4, 2022, the Department of Education’s Office for Civil Rights issued a release reinforcing that Title IX protects students and employees from discrimination on the basis of pregnancy and related conditions. The full resource is [available at this link](#).

MVNU, through the Office of Civil Rights, supports pregnant students, faculty, and staff so they can achieve academic and work success while pregnant, recovering from birth of a child, caring for a newborn, and nursing an infant. The applicable federal laws pertaining to pregnancy at MNVU are stated below:

- *Title IX* prohibits discrimination based on sex in education programs or activities that receive federal financial assistance,
- *Title VII* prohibits discrimination based on sex against employees,
- *American Disabilities Act (ADA) and the Rehabilitation Act of 1973 (Section 504)* prohibits discrimination against people with disabilities, and
- *Pregnancy Discrimination Act* prohibits discrimination on the basis of pregnancy, childbirth, or related medical conditions.

Students

Pregnant students may be eligible for reasonable adjustments per Title IX. A pregnant student may also be entitled to medically necessary accommodations in a given case per ADA/504.

Employees

An employee may also be entitled to medically necessary accommodations in a given case per ADA/504. These reasonable accommodations are specified within the Pregnant Workers Fairness Act at <https://www.congress.gov/117/bills/hr2617/BILLS-117hr2617enr.pdf#page=1626>. Finally, the University’s Faculty and Staff Parental Leave and FMLA policy can be found in its entirety in the Family and Medical Leave Protocol at <https://portal.mvnu.edu/er/hr/Policies/Common%20Handbook.pdf>.

(A) Policy Statement and Purpose

MVNU prohibits discrimination on the basis of sex, including pregnancy. The purpose of this policy is to provide guidance on accommodating pregnant students and employees (student, faculty, and staff).

(B) Policy Scope

MVNU must not discriminate against any student or exclude any student from their education program or activity, including any class or extracurricular activity, based on a student's pregnancy, childbirth, false pregnancy, or recovery therefrom. 34 C.F.R. § 106.40(b)(1). MVNU also must not discriminate against or exclude from employment any employee or employment applicant on these bases. 34 C.F.R. § 106.57(b). Thus, this policy applies to all aspects of MVNU programs including, but not limited to, admissions, educational programs and activities, co-curricular activities, graduate assistantships, and employment. However, 20 U.S.C. §1681(a)(3) provides an exemption for educational institutions controlled by a religious organization if the application of Title IX's nondiscrimination requirement would not be consistent with the doctrinal and moral convictions of the Church of the Nazarene as articulated within the Manual of the Church of the Nazarene.

(C) Policy

(1) Reasonable adjustment or accommodation

MVNU will take reasonable steps to provide pregnant students and employees the opportunity to continue their education and/or work with support from the University, e.g., faculty, staff, and administration.

“Reasonable adjustment or accommodation” is a change in the academic environment, workplace or way things are customarily done that enables an individual who is or was pregnant or is caring for a newborn to apply for a job, perform a job's essential functions, attend or be successful in class, or enjoy equal benefits and privileges of employment or education. Reasonable adjustments or accommodations will be made to the extent practicable without lowering academic standards or requiring substantial program alteration or unreasonable expense. As feasible, MVNU will work to make reasonable accommodations available in a timely manner after notified of the need.

TITLE IX ADJUSTMENTS

Adjustments are time-limited for the period of the documented “medical necessity” per Title IX. These support measures have no medical requirements; they require only a request as related to a Title IX matter.

“Adjustments” refer to options during and after pregnancy that provide for equitable access and ability to fully participate in academic programs, activities, practicums/field placements, and athletics.

Adjustments extend to parenting and primary caretaker of infant, and may include conditions arising from pregnancy, complicating pregnancy or resultant from pregnancy that might not otherwise be considered a disability/condition.

ADA/504 ACCOMMODATIONS

Accommodations require the presence of a “qualified” disability and/or condition per ADA/504. Pregnancy, alone, is not a disability. Pregnancy may be considered a temporary disability in certain circumstances under Section 504, or it may be considered a disability when one or more impairments related to pregnancy are present OR when a condition arising from pregnancy becomes long-lasting (i.e.: postpartum depression or gestational diabetes that becomes Type II) under ADA.

Depending upon each person’s situation, available adjustments and/or accommodations may include but are not limited to:

- Academic support
 - Extended deadlines
 - Flexible exam scheduling
 - Excused absences
 - Grades of incomplete
 - Remote learning if available
 - Temporary parking in a closer location
 - Breaks for nursing/pumping

- Employment support
 - Job modifications, including reassignment to others of non-essential duties
 - Temporary parking in a closer location
 - Modification of workplace policies, including attendance policies
 - Modified work schedule
 - Leave of absence (which may be unpaid)
 - Temporary assignment to a light duty position
 - Breaks for nursing/pumping

Other support may include ensuring that private nursing or pumping spaces are known and available.

(2) Procedure

If a student or employee requires an adjustment or accommodation due to pregnancy, please submit this request by completing this form through the Civil Rights Office:

[Pregnancy Accommodation Request Form](#)

Form may be found @ <http://mvnu.edu/content/uploads/2023/08/Pregnancy-Accommodation-Request-4.25.23.docx>.

This form will require medical documentation affirming pregnancy status and /or childcare status and detailed information supporting the requested adjustment or accommodation.

The Civil Rights Director or designee will determine the appropriate personnel to provide the necessary adjustments or accommodations, i.e., faculty, coaches, accessibility services, supervisor, HR, etc. The Civil Rights Director will assist with the plan development and implementation as needed.

If an agreement cannot be reached between the student or employee and the other responsible official(s), the matter shall be referred to the Civil Rights Director. The Director or designee, in consultation with the appropriate professionals, will determine what adjustments or accommodations are necessary and appropriate, and will inform faculty and/or staff members of those adjustments or accommodations and communicate all information with the student or employee seeking assistance.

(3) Privacy

Information about the pregnant student or employee requests for and/or approval of adjustments or accommodations will be shared with faculty and staff only to the extent necessary to provide the reasonable accommodation. Faculty and staff will regard all information associated with such requests as private and will not disclose the information unless necessary.

(4) Recordkeeping

Administrative responsibility for all adjustments or accommodations lies with the Civil Rights Director or designee, who will maintain the appropriate documentation related to the request for Title IX or Title VII, or ADA adjustments or accommodations.

(5) Further Information

For a full understanding of reasonable accommodations for pregnancy or childbirth, limitations to the policy, and necessary information, please contact the Office of Civil Rights.

Office of Civil Rights

Christina Jones, Civil Rights Director

Lakeholm 109

Off Campus: 740-399-8250

On Campus: 740-399-9000, ext. 3250

titleix@mvnu.edu

The following outlines the approval and review history of the Pregnancy Accommodation Policy.

Version	Approval Date of Version
1.0	5.2.23