

UNIVERSITY OF MARYLAND EASTERN SHORE

POLICY ON PARENTING STUDENTS, PREGNANCY, and RELATED CONDITIONS

I. POLICY STATEMENT/PURPOSE

The University of Maryland Eastern Shore (“UMES” or “University”) community is committed to maintaining and strengthening an educational, employment, and living environment founded on civility. Sex Discrimination is prohibited by state and federal laws, including Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681, et seq.). All University community members are protected by this Policy regardless of sex, including sex stereotypes, sex characteristics, sexual orientation, gender identity, gender expression, pregnancy or related conditions, parental or family status and marital status.

II. NON-DISCRIMINATION STATEMENT

The University does not discriminate in its Education Program or Activity against any applicant for admission, student, applicant for employment, or employment on the basis of current, potential, or past pregnancy or related conditions as mandated by Title IX of the Education Amendments of 1972. The University prohibits members of the University community from adopting or implementing any policy, practice, or procedure which treats an applicant for admission, student, applicant for employment, or employee differently on the basis of current, potential, or past parental, family, or marital status.

III. DEFINITIONS

Familial Status means the configuration of one’s family or one’s role in a family.

Marital Status means the state of being married or unmarried.

Parental Status means 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 Related Conditions means the full spectrum of processes and events connected with pregnancy, including pregnancy, childbirth, termination of pregnancy, or lactation; related medical conditions; and recovery therefrom.

Reasonable Modifications means individualized modifications to the University's policies, practices, or procedures that does not fundamentally alter the University's Education Program or Activity.

Sex Discrimination means exclusion from participation in or being denied the benefits of any Education Program or Activity of an Institution on the basis of sex, including sex stereotypes, sex characteristics, sexual orientation, gender identity, pregnancy or related conditions, parental or family status and marital status.

IV. INFORMATION SHARING REQUIREMENTS

Any University employee who becomes aware of a student's pregnancy or related condition is 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.

Upon notification of a student's pregnancy or related condition the Title IX Coordinator will contact the student and inform the student of the University's obligations to:

- Prohibit Sex Discrimination.
- Provide reasonable modifications.
- Treat pregnancy as comparable to other temporary medical conditions for medical benefit, service, plan, or policy purposes.
- Allow access, on a voluntary basis, to any separate and comparable portion of the institution's Education Program or Activity.
- Allow a voluntary leave of absence.
- Ensure lactation space availability.
- Maintain a Resolution Process for alleged discrimination.

The Title IX Coordinator will also notify the student of the process to file a Complaint for alleged discrimination, harassment, or retaliation, as applicable.

V. REASONABLE MODIFICATIONS

Students and Employees who are pregnant or are experiencing related conditions are entitled to Reasonable Modifications to prevent Sex Discrimination and ensure equal access to the University's Education Program or Activity to include employment. A modification that would fundamentally alter the nature of the University's Education Program or Activity is not reasonable.

A. Requesting a Reasonable Modification

Any student or employee seeking Reasonable Modifications must contact the Title IX Coordinator to discuss appropriate and available Reasonable Modifications based on their individual needs. Contact for the Title IX Coordinator is as follows:

Jason A. Casares

Assistant Vice President for Institutional Equity, Diversity, and Compliance

Title IX Coordinator and Fair Practices Officer

Equal Employment Opportunity Officer & ADA Coordinator

Office of Institutional Equity and Compliance (OIE)

Early Childhood Research Center, Suite 1129

Princess Anne, MD 21853

Phone: (410) 651-6135

Email: jacasares@umes.edu

Email: titleIX@umes.edu

B. Considerations for Students

Students are encouraged to request Reasonable Modifications as promptly as possible, although retroactive modifications may be available in some circumstances. Reasonable Modifications are voluntary, and the student can accept or decline the offered Reasonable Modifications. Not all Reasonable Modifications are appropriate for all contexts.

Reasonable Modifications 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 footrest)
- Elevator access
- A larger uniform or other required clothing or equipment
- Other changes to policies, practices, or procedures determined by the Title IX Coordinator

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 circular 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 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 planned development and implementation as needed.

Supporting documentation for Reasonable Modifications will only be required when it is necessary and reasonable under the circumstances to determine which Reasonable Modifications to offer to determine other specific actions to take to ensure equal access. Information about pregnant students' requests for modifications will be shared with faculty and staff only to the extent necessary to provide the Reasonable Modification.

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.

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 Title IX Coordinator will consult with Student Accessibility Services (SAS) staff to ensure the student receives reasonable accommodations for their disability as required by law.

C. Considerations for Employees

Employees who are pregnant or are experiencing related conditions are entitled to Reasonable Modifications based on their individual needs. The University may request the minimum documentation necessary to establish that the employee is experiencing Pregnancy or Related Conditions, and any modifications that are needed. Reasonable modifications may include temporary relief from essential functions of the employee's job.

VI. LEAVES OF ABSENCE

A. Students

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 and/or the birth, adoption, or a placement of a child.

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 the leave, including access to the same or an equivalent course catalog that was in place when the leave began.

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

B. Employees

Information pertaining to the rights of pregnant employees can be found [here](#).

If an employee, including a student-employee, is not eligible for leave under the aforementioned leave policy because they either:

- Do not have enough leave time available under that policy, or
- 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 or other applicable mandates. 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 impact on any employment privilege or right.

VII. STUDENT PARENTS

Students with child caretaking/parenting responsibilities who wish to remain engaged in their coursework while adjusting their academic responsibilities because of medical necessity or extraordinary caretaking/parenting responsibilities related to the birth or adoption of a child or placement of a foster child may request a reasonable academic modification. The University may request these students to provide documentation to support the need for the request.

Students are encouraged to work with their advisors and faculty members to determine appropriate academic modification requests. If, for any reason, caretaking/parenting students are not able to

work with their advisors/faculty members to obtain appropriate modifications, students should alert the OIE as soon as possible, and the office will help facilitate needed accommodations and modifications.

Students can request modified academic responsibilities under this policy regardless of whether they elect to take a leave of absence. While receiving academic modifications, students will remain registered and retain benefits accordingly

A pregnant student's University housing status will not be altered based on pregnancy status unless requested by the student. Parenting students' access to housing is governed by the Office of Residence Life Housing Contract.

VIII. 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. For privacy considerations, users are expected to knock before entering the lactation room(s). A lactation space is located in:

- **School of Pharmacy and Health Professions (SPHP), Room 1227.**
 - The room is unlocked but can be secured from the inside; neither key nor key card access is required to access the building during standard business hours (Monday-Friday from 8:00am-5:00pm). Outside of standard business hours, access to the building requires student/employee ID card authorization which can be requested from the OIE via email at titleix@umes.edu. Please allow a minimum of three (3) business days to process the request.
 - The room offers a clean, secure and private space for caregivers to tend to their infants or for individuals who need to express breast milk during their time on campus. The room is equipped with comfortable seating, a sink with running water, counter space, and ample electrical outlets near the chair. The room contains a refrigerator.

Nursing individuals are responsible for bringing their own equipment and cleaning up after each use. This is intended to prevent contamination and illness transmission. Breast milk spills should be cleaned after each use and trash should be disposed of properly. Cleaning wipes and paper towels will be provided in the room. Please note that these products should never be used to sanitize personal equipment. Each user should allow enough time within a visit to clean spills and dispose of trash properly.

The lactation room is equipped with a refrigerator however bringing a personal small cooler to store the breast milk is recommended. The University is not responsible for the security or integrity of breast milk stored in or outside of the lactation room refrigerator.

IX. RESOLUTION OF COMPLAINTS

If a student or employee believes they have experienced Sex Discrimination based on pregnancy or related conditions, parental or family status, and marital status, they should contact the University's Title IX Coordinator. The UMES Title IX Coordinator is responsible for coordinating the effective implementation of remedies, including Reasonable Modifications:

Title IX Coordinator

Jason A. Casares

Assistant Vice President for Institutional Equity, Diversity, and Compliance

Title IX Coordinator and Fair Practices Officer

Equal Employment Opportunity Officer & ADA Coordinator

Office of Institutional Equity and Compliance

Early Childhood Research Center, Suite 1129

Princess Anne, MD 21853

Phone: (410) 651-6135

Email: jacasares@umes.edu

Email: titleIX@umes.edu

The Title IX Coordinator will be informed of all reports of Sex Discrimination and will oversee the University's prompt response, review, investigation, and resolution of those reports to ensure the University's compliance with Title IX and related laws, and the effective implementation of this Policy. Upon receipt of a report of Sex Discrimination based on pregnancy or related conditions, parental or family status, and marital status, the University will respond promptly to reach out to the individual who allegedly experienced the discrimination to initiate the investigation steps listed in the Procedures of the [UMES Policy on Sex Discrimination and Sexual Misconduct](#).

X. POLICY DISSEMINATION AND TRAINING

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