



OFFICE OF DIVERSITY, EQUITY AND INCLUSION

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PREGNANCY AND PARENTING POLICY - STUDENTS

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

Under the Department of Education's (ED) Title IX regulations, an institution that receives federal funding "shall not discriminate against any student or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom." According to the ED, appropriate treatment of a pregnant student includes granting the student leave "for so long a period of time as is deemed medically necessary by the student's physician," and then effectively reinstating the student to the same status as was held when the leave began.

This generally means that pregnant students should be treated by National University the same way as someone who has a temporary disability and will be given an opportunity to make up missed work wherever possible. Extended deadlines, make-up assignments (e.g., papers, quizzes, tests, and presentations), tutoring, independent study, online course completion options, and incomplete grades that can be completed at a later date, should all be employed, in addition to any other ergonomic and assistive supports typically provided by Student Accessibility Services. To the extent possible, National University will take reasonable steps to ensure that pregnant students who take a leave of absence 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 or designee 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.

As with disability accommodations, information about pregnant students' requests for 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 this information to anyone, unless there is a legitimate need to know. Administrative responsibility for these accommodations lies with the Title IX Coordinator or designee, who will maintain all appropriate documentation related to accommodations.

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 National 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 Title IX Coordinator or designee, will assist with plan development and implementation as needed.

SCOPE OF POLICY

This policy applies to all aspects of National University's program, including, but not limited to, admissions, educational programs and activities, extracurricular activities, and student leave policies.

Reporting

Any member of the National University community may report a violation of this policy via the following link: reportit@nu.edu or they may file a report with any supervisor, manager, or any of the below listed Title IX Coordinators. All employees at National University are considered "Responsible Employees" and are required to promptly forward such reports to the Office of Equity and Inclusion via the above link to the online reporting form. The Title IX Coordinator and Deputy Coordinators are responsible for overseeing reports of discrimination involving pregnant and parenting students.

Title IX Coordinator

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Deputy Title IX Coordinator

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Complaints may also be filed with the U.S. Department of Education's Office for Civil Rights at:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <https://www.ed.gov/ocr>

Complaints may be filed online, using the form available, at www.ed.gov/ocr/complaintintro.html

DEFINITIONS

- a. *Caretaking*: caring for and providing for the needs of a child.
- b. *Medical Necessity*: a determination made by a health care provider (of the NU community member's choosing) that a certain course of action is in the patient's best health interests.
- c. *Parenting*: the raising of a child by the child's parents in the reasonably immediate post-partum period.
- d. *Pregnancy and 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.

- e. *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.
- f. *Pregnant/Birth-Parent*: refers to the NU community member who is or was pregnant. This policy and its pregnancy-related protections apply to all pregnant persons, regardless of gender identity or expression.
- g. *Reasonable Accommodations*: **(for the purposes of this policy)** changes in the academic or typical operations that enables pregnant students of the NU community or those with pregnancy-related conditions to continue to pursue their studies and enjoy the equal benefits of National University.

REASONABLE ACCOMMODATION OF STUDENTS AFFECTED BY PREGNANCY, CHILDBIRTH, OR RELATED CONDITIONS

- a. National University and its faculty, staff, and other employees will not require students to limit their studies as the result of pregnancy or pregnancy-related conditions.
- b. The benefits and services provided to students affected by pregnancy will be no less than those provided to students with temporary medical conditions.
- c. National University students with pregnancy-related disabilities, like any student with a short-term or temporary disability, are entitled to reasonable accommodations so that they will not be disadvantaged in their courses of study, research and may seek assistance from the Office of Equity & Inclusion.
- d. No artificial deadlines or time limitations will be imposed on requests for accommodations, but National University is limited in its ability to impact or implement accommodations retroactively.

Reasonable accommodations may include, but are not limited to:

- 1. Providing accommodations requested by a pregnant student to protect the health and safety of the individual and/or the pregnancy (such as allowing the individual to maintain a safe distance from hazardous substances);
- 2. Making modifications to the physical environment (such as accessible seating);
- 3. Providing mobility support;
- 4. Extending deadlines and/or allowing the student to make up tests or assignments missed for pregnancy-related absences;
- 5. Offering remote learning options;
- 6. Excusing medically-necessary absences (this must be granted, irrespective of classroom attendance requirements set by a faculty member, department, or division);
- 7. Granting leave per National University's Leave of Absence Policy or implementing incomplete grades for classes that will be resumed at a future date.

Breastfeeding individuals must be allowed 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.

Nothing in this policy requires modification to the essential elements of any academic program. Pregnant students cannot be channeled into an alternative program or school against their wishes.

MODIFIED ACADEMIC RESPONSIBILITIES POLICY FOR PARENTING STUDENTS

- a. Students with child caretaking/parenting responsibilities who wish to remain engaged in their coursework while adjusting their academic responsibilities because of the birth or adoption of a child or placement of a foster child may request an academic modification period up to two (2) quarters during the first six (6) months from the time the child entered the home. Extensions may be granted when additional time is required by medical necessity or extraordinary caretaking/parenting responsibilities.
- b. During the modification period, the student's academic requirements will be adjusted and deadlines postponed as appropriate, in collaboration with the Title IX Coordinator or designee, the student's academic advisor, and the appropriate academic department(s).
- c. Students seeking a period of modified academic responsibilities may consult with their academic advisor,

who will in turn contact the Title IX Coordinator or they may contact the Office of Equity & Inclusion directly. The Title IX Coordinator or designee, will coordinate accommodation-related efforts with the advisors unless the students specifically requests that their advisors be excluded. Students are provided with a letter that details out approved accommodations and students are encouraged to work with their advisors and/or faculty members to reschedule course assignments, lab hours, examinations, or other requirements, and/or to reduce their overall course load, as appropriate, once authorization is received from the Title IX Coordinator or designee. 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 Title IX Coordinator or designee, as soon as possible, who will help facilitate needed accommodations and modifications.

- d. In timed degree, certification or credentialing programs, students who seek modifications upon the birth or placement of their child will be allowed an extension of up to twelve (12) months to prepare for and take preliminary and qualifying examinations, and an extension of up to twelve (12) months toward normative time to degree while in candidacy, to the extent those deadlines are controlled by National University. Longer extensions may be granted in extenuating circumstances.
- e. Students can request modified academic responsibilities under this policy regardless of whether they elect to take a leave of absence.
- f. While receiving academic modifications, students will remain registered and retain educational benefits accordingly.

LEAVE OF ABSENCE - ACADEMIC

- a. As long as students can maintain appropriate academic progress, faculty, staff, or other National University employees will not require them to take a leave of absence, or withdraw from or limit their studies as the result of pregnancy, childbirth, or related conditions, but nothing in this policy requires modification of the essential elements of any academic program.
- b. Pursuant to Title IX, the University treats pregnancy and related conditions as justification for a leave of absence for as long a period of time as is deemed medically necessary by a student's physician. Enrolled students may elect to take a leave of absence because of pregnancy 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.
- c. Students taking a leave of absence under this policy will provide notice of the intent to take leave 30 calendar days prior to the initiation of leave, or as soon as practicable. In unforeseen circumstances, in which the situation prevents the student from doing so, the student may request a retroactive leave of absence under this policy.
- d. Intermittent leave may be taken with the advance approval of the Title IX Coordinator or designee, and students' academic department(s), when medically necessary.
- e. Students who elect to take leave under this policy may register under an [inactive/"on leave" etc. status] to continue their eligibility for certain benefits.
- f. To the extent possible, National University will take reasonable steps to ensure that upon return from leave, students will be reinstated to their program of study, in the same status as when the leave began.

LEAVE OF ABSENCE – STUDENTS RECEIVING FINANCIAL AID OR SCHOLARSHIPS

- a. To avoid a disruption of financial aid funding, please review the National University leave of absence policy in the General Catalog.
 - A student will need to apply for a leave of absence through the Office of the Registrar to avoid cancelation of future financial aid disbursements and/or a return of Title IV funds due to a break of over 45 days.
 - If a student is no longer meeting Satisfactory Academic Progress (SAP) due to a break or breaks in attendance, they will be required to submit an appeal and provide supporting documentation to reinstate their eligibility.
- b. Continuation of students' scholarship, fellowship, or similar external sponsored funding during the leave term will depend on the students' registration status and the policies of the specific funding program regarding registration status.
- c. Students will not be negatively impacted by or forfeit their future eligibility for their scholarship, fellowship, or similar National University-supported funding by exercising their rights under this policy.
- d. The Title IX Coordinator or designee 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.

EMPLOYEE - LEAVE OF ABSENCE

- a. If an employee is requesting a Leave of Absence, they must contact National University's Benefits Department at benefits@nu.edu or (858) 642-8199

STUDENT- EMPLOYEE LEAVE OF ABSENCE

- b. If a student, who is also an employee is requesting a Leave of Absence, they must first contact National University's Benefits Department at benefits@nu.edu or (858) 642-8199, who will in turn collaborate with the Title IX Coordinator regarding approved accommodations.

RETALIATION AND HARASSMENT

- a. Harassment of any member of National University community based on sex, gender identity, gender expression, pregnancy, or parental status is prohibited.
- b. Faculty, staff, and other National University employees are prohibited from interfering with any member of the National University community's right to take leave, seek reasonable accommodation, or otherwise exercise their rights under this policy.
- c. Faculty, staff, and other National University employees are prohibited from retaliating against any member of National University for exercising the rights articulated by this policy, including imposing or threatening to impose negative educational outcomes because a member of National University requests leave or accommodation, file a complaint, or otherwise exercise their rights under this policy (Please see *National University Equal Opportunity, Harassment and Nondiscrimination Policy* for more details).

DISSEMINATION OF THE POLICY AND TRAINING

A copy of this policy will be published in the General Catalog and posted on the National University, Office of Title IX website. All new members of the National University community will be made aware of this policy and the location of this policy during the enrollment and/or new hire process. All students and employees will be provided with a copy annually. The Office of Diversity, Equity and Inclusion will make additional educational materials available to all members of the National University community to promote compliance with this policy and familiarity with its procedures.

This policy and procedure were implemented in April 2018 and updates were made to this document in April 2020.