

The Title IX Rights of Pregnant, Parenting, and Lactating Students

Policy Summary

Loyola University Maryland 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 or parental status, is prohibited and illegal in educational programs and activities. Loyola University Maryland hereby establishes a policy and associated procedures for ensuring the protection and equal treatment of pregnant students, students with pregnancy-related conditions, and students who are parenting.

Under the Department of Education’s (DOE) 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 DOE, 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 Loyola University Maryland the same way as someone who has a temporary disability and will be given reasonable adjustments when necessary due to pregnancy. Adjustments such as extended deadlines, make-up assignments (e.g., papers, quizzes, tests, and presentations), connection to campus resources, and incomplete grades that can be completed at a later date may be employed, in addition to other ergonomic and assistive supports. To the extent possible, Loyola University Maryland will take reasonable steps to ensure that pregnant students who take a leave of absence or medical leave return under the same academic requirements in effect at the time of departure without completing the regular admissions process. The Title IX Coordinator has the authority to determine that such adjustments are necessary and appropriate and will collaborate with faculty members to adjust academic parameters accordingly.

As with disability accommodations, information about pregnant students’ requests for adjustments will be shared with faculty and staff only to the extent necessary to provide the reasonable adjustment. Faculty and staff will regard all information associated with such requests as private and will not disclose this information unless necessary. Administrative responsibility for these adjustments lies with the Title IX Coordinator, who will maintain all appropriate documentation related to adjustments.

In situations such as clinical placements, 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 may be 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 the Office of Title IX, Compliance, and Assessment and Loyola University Maryland'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 Office of Title IX, Compliance, and Assessment will assist with plan development and implementation as needed.

Policy Text

Scope

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

Definitions

- *Caretaking*: caring for and providing for the needs of a child.
- *Medical Necessity*: a determination made by a health care provider (of the student's choosing) that a certain course of action is in the patient's best health interests.
- *Parenting*: the raising of a child by the child's parents in the reasonably immediate post-partum period.
- *Placement*: the coordination, arrangement, and approval of a child entering an unrelated home or facility to be cared for on a temporary, long-term, or adoptive basis.
- *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.
- *Pregnancy Discrimination*: includes treating a pregnant individual or an individual affected by pregnancy-related condition less favorably than similar individuals not so affected and includes a failure to provide legally mandated leave or adjustments.
- *Pregnant Student/Birth-Parent*: refers to the student who is or was pregnant. This policy and its pregnancy-related protections apply to all pregnant persons, regardless of gender identity or expression.
- *Reasonable Adjustments*: (for the purposes of this policy) changes in the academic environment or typical operations that enables pregnant students or students with pregnancy-related conditions to continue to pursue their studies and enjoy the equal benefits of Loyola University Maryland.
- *Lactating Students*: include any student who expresses milk for the nourishment of a child.

Reasonable adjustments for students affected by pregnancy, childbirth, or related conditions

- Loyola University Maryland and its faculty, staff, and other employees shall not require a student to limit their studies or activities due to pregnancy or pregnancy-related conditions.
- The benefits and services provided to pregnant students will be no less than those provided to students with temporary medical conditions.
- 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 or research and may seek assistance from the Disability and Accessibility Services (DAS).
- Other than deadlines outlined in corresponding policies, no artificial deadlines or time limitations will be imposed on requests for accommodations or adjustments, but Loyola University Maryland is limited in its ability to implement accommodations and adjustments retroactively.
- While receiving academic adjustments, students will remain registered and retain benefits accordingly.
- Requesting reasonable adjustments:
 - Pregnant students or students with related conditions who would like to request reasonable adjustments should contact the Title IX Coordinator or designee. Students may disclose their pregnancy or related conditions via the [Student Pregnancy or Related Conditions Self-Disclosure Form](#) on the Title IX Website.
 - Upon notification of pregnancy or related conditions, the Title IX coordinator will notify the student of Loyola University Maryland's obligations related to students who are pregnant or affected by pregnancy-related conditions including the option for the Title IX coordinator to engage in an interactive process with the student to determine what reasonable adjustments will be necessary to ensure equal access to the educational program or activity.
 - Reasonable adjustments may include, but are not limited to:
 - Providing adjustments requested by a pregnant student to protect the health and safety of the student and/or the pregnancy (such as allowing the student to maintain a safe distance from hazardous substances)
 - Making adjustments to the physical environment such as accessible seating, larger desk, etc.
 - Providing mobility support
 - Extending deadlines and/or allowing the student to make up tests or assignments missed for pregnancy-related absences
 - Offering remote learning options when possible
 - Excusing medically-necessary absences (this must be granted, irrespective of classroom attendance requirements set by a faculty member, department, or division)

- Granting leave per Loyola University Maryland’s leave policies (as listed in the [Loyola University Maryland catalogue](#)) or implementing incomplete grades for classes that will be resumed at a future date.
- In situations such as clinical placements, 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 may be sufficient cause to permit the student to shift course order, substitute similar courses, or join a subsequent cohort when returning from leave.
- Allowing lactating students reasonable time and space to pump milk in a location that is private, clean, and reasonably accessible. Restrooms do not satisfy this requirement. Further information for lactating students can be found in the following section of this policy.
 - The interactive process is ongoing, and the student may request additional reasonable adjustments as the pregnancy, or conditions from pregnancy, progresses or changes.
 - The Title IX coordinator will communicate the reasonable adjustments to campus constituents to ensure the adjustments are effectively implemented.
 - The Title IX coordinator will maintain appropriate documentation related to interactive process for 7 years consistent with the Title IX records retention policy.
 - Partners of pregnant individuals may also access certain reasonable adjustments and may contact the Office of Title IX, Compliance, and Assessment for support.

Lactation

This portion of the policy establishes guidelines for supporting lactating students at the University for as long as they desire to express milk. This policy applies to all Loyola University Maryland students at all campus locations who need to express milk during the course of their studies. This policy is intended only to apply to students while they are not performing paid work for the university. Student employees are entitled to protections under Section 7.39 of the current [Staff and Administrator Policy Manual](#) during their work hours.

Lactation Space Requirements

Loyola University Maryland’s designated lactation spaces are clean, private spaces, shielded from view, and free from intrusion of others. The spaces are available across campus and are easily accessible to students for the purpose of expressing milk. Restrooms are not classified as designated lactation spaces.

- These spaces are equipped with, at minimum:
 - a table or other flat surface suitable to hold a pump

- a chair
- an electric outlet
- access to running water in the room or nearby
- To ensure privacy within the lactation space, designated spaces are equipped with a door lock.
- Loyola University Maryland is not responsible for ensuring the safekeeping of expressed milk store in any refrigerator on its premises. The student is required to store all expressed milk in closed containers, regardless of the method of storage, and to bring such milk home each evening.
- The current list of private lactation rooms available include:
 - Evergreen Campus – Room 016, located on the lower level of Jenkins Hall. Visit Jenkins Hall Suite 220 or call 410-617-2345 to check out a key.
 - Evergreen Campus – Fernandez Center, located on the ground level. Visit Jenkins Hall Suite 220 or call 410-617-2345 to check out a key.
 - Loyola Notre Dame Library – Visit their Help Desk or call 410-617-6801 to reserve the room.
 - Graduate Center Timonium Campus – Room 43. Visit the front desk for room access.
 - Graduate Center Columbia Campus – Room 367. Visit the front office, Suite 130, to check out a key.

Lactation Breaks

- Students will make reasonable efforts to pump between classes or outside of instruction time.
- Lactating students who must pump during their class period shall inform the instructor of the need and estimated time away from class as soon as possible, working with the Office of Title IX, Compliance, and Assessment.
- The length of time necessary to express milk typically takes 15-20 minutes, but there are many factors that will determine a reasonable break time including travel time to and from the lactation space, location of refrigerator or personal store for the milk, etc.
- Faculty are prohibited from penalizing lactating students for their absence needed to express milk on campus.
- Faculty and students shall work with the Office of Title IX, Compliance, and Assessment to identify solutions for making up in-class work or participation credits, as well as instruction missed.

Reasonable Adjustments for Lactation

- Students who need program adjustments due to lactation, other than reasonable time and a clean and private place to express or store milk, may request other reasonable adjustments by contacting the Office of Title IX, Compliance, and Assessment.
- Reasonable adjustments may include avoiding certain chemicals or exposures, permission to eat or drink, postponement or adjustments to fieldwork or travel, or time off as medically necessary.

- Adjustments related to exam location, scheduling and timing shall be provided as necessary to minimize disruption.
- Loyola University of Maryland shall accommodate any lactation-related impairments or disabilities, such as serious infections, as it would other temporary medical conditions as outlined on the [Disability and Accessibility Services website](#).
- The Office of Title IX, Compliance, and Assessment will engage in an interactive process with the student and any involved faculty to ensure the student’s educational opportunities are not diminished as a result of their lactation.

Housing-Related Adjustments

- A pregnant student’s on-campus housing status will not be altered based on pregnancy status unless requested by the pregnant student.
 - While pregnancy itself is not a disability under the Americans with Disabilities Act (ADA), some students may have one or more impairments related to pregnancy and pregnancy-related conditions that qualify as a “disability” under the ADA. Residence Life and Housing works closely with Disability and Accessibility Services to provide reasonable support and accommodations for students with documented disabilities. Students experiencing a pregnancy or pregnancy-related disability wanting housing accommodations must apply through the Disability and Accessibility Services registration page. Information regarding this process can be found on the [Disability and Accessibility Services website](#).
 - To request housing-related adjustments for reasons related to pregnancy or pregnancy-related conditions that do not qualify as a disability under the ADA, students should follow the process outlined in the *Non-discrimination and reasonable adjustments for students affected by pregnancy, childbirth, or related conditions* section above.
- Loyola University Maryland does not offer family housing. Access by individuals, such as partners or children, who are not assigned to the pregnant or parenting student’s housing is governed by 28. Visitation/Guest Policy of the [Community Standards](#), concerning visitation and guests.
- As stated on the Office of Undergraduate Studies [Medical Leave of Absence FAQs website](#), “ordinarily, students will vacate the University premises on the same day that the Medical Leave of Absence (MLOA) is requested and their residence hall room will be cleared out within 48 hours of the MLOA request.” Further information is available by contacting [Residence Life and Housing](#).
- Loyola does not offer housing for graduate students. However, for graduate students who are living on campus due to their role as a graduate residence coordinator, contact Residence Life and Housing to discuss housing adjustments.

Academic Leave of Absence

- Faculty, staff, or other employees shall not require a student to take a leave of absence or withdraw from or limit their studies due to pregnancy, childbirth, or related conditions.
- Pursuant to Title IX, Loyola University of Maryland shall treat pregnancy and related conditions as a justification for a leave of absence for as long a period of time as is deemed medically necessary by a student's physician.
- To the extent possible, Loyola University Maryland will take reasonable steps to ensure that pregnant students who take a leave of absence or medical leave return under the same academic requirements in effect at the time of departure without completing the regular admissions process.
- Students can request adjustments to their academic responsibilities under this policy regardless of whether they elect to take a leave of absence.
- Students in timed degree, certification, or credentialing programs who would like to seek adjustments regarding extensions of timing upon the birth or placement of their child should contact the Office of Title IX, Compliance, and Assessment.
- Further information regarding undergraduate student medical leaves of absence can be found on the [Office of Undergraduate Studies website](#) or by contacting the Dean of Undergraduate Studies.
- Further information regarding leave policy for graduate students can be found on the [Academic Regulations and Policies website](#). Program-specific information can be found by contacting the Director or Department Chair for your program.
- Continuation of students' scholarship, loans, grants, or similar university-sponsored funding during the leave term will depend on the student's registration status and the policies of the funding program regarding registration status.
- The Office of Title IX, Compliance, and Assessment 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.

Student Employee Leave

- All student-employees will be entitled to the protections of the Family and Medical Leave Act (FMLA), regardless of whether they are also students or hold post-doctoral status. Information regarding Loyola University Maryland's Family and Medical Leave and Parental Leave policies can be found under Sections 6.8 and 6.9, respectively of the current [Staff and Administrator Policy Manual](#).
- Pregnancy and related conditions will be treated as any other temporary disability for job purposes, including leave and benefits.
- Pregnancy and related conditions will be regarded as a justification for a leave of absence without pay for a reasonable period of time, at the conclusion of which Loyola University Maryland will take reasonable steps to ensure 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.

Retaliation and Harassment

- Harassment and discrimination of any member of Loyola University Maryland community based on sex, gender identity, gender expression, pregnancy, or parental status is prohibited as is outlined in Section 8.6 of the Loyola University Maryland [Harassment and Discrimination Policy](#) and Procedures and 32. Bias Related Behaviors Policy of the [Community Standards](#).
- Faculty, staff, and other Loyola University of Maryland employees are prohibited from interfering with a student's right to take leave, seek reasonable adjustment, or otherwise exercise their rights under this policy.
- Faculty, staff, and other Loyola University Maryland employees are prohibited from retaliating against students for exercising the rights articulated by this policy, including imposing or threatening to impose negative educational outcomes because students request leave or adjustment, file a complaint, or otherwise exercise their rights under this policy. A complaint of retaliation may be pursued using the steps set forth in the Loyola University of Maryland [Harassment and Discrimination Policy and Procedures](#).

Dissemination of the Policy and Training

A copy of this policy will be made available to students, faculty, staff, and employees on the Loyola University Maryland website. The Office of Title IX, Compliance, and Assessment will make educational materials available to all members of the Loyola University of Maryland community to promote compliance with this policy and familiarity with its procedures. The Office of Title IX, Compliance, and Assessment regularly meets with members of the campus community to promote awareness around issues related to Title IX including resources for pregnant, parenting, and lactating individuals.

Grievance Procedures

Any member of Loyola University Maryland community may report a violation of this policy directly to the Office of Title IX, Compliance, and Assessment or to any University administrator, staff with supervisory responsibilities, faculty member, campus police, athletic coach, athletic trainer, graduate resident coordinator, or resident assistant, who are responsible for forwarding such reports to the Office of Title IX, Compliance, and Assessment as is indicated in Section 8.8.8 of the Loyola University Maryland [Harassment and Discrimination Policy and Procedures](#).

Title IX Office
Jenkins Hall 105
4501 North Charles Street, Baltimore, MD 21210
410-617-5646

The Title IX Coordinator for the University:
David Tiscione, Director of Title IX, Compliance, and Assessment
Jenkins Hall 105B
4501 North Charles Street, Baltimore, MD 21210
410-617-5171
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Title IX Deputy Coordinator for Students:
Sydney Quantock, J.D., Assistant Director of Title IX, Compliance, and Assessment
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410-617-2842
squantock@loyola.edu

Appeal Process

Loyola University Maryland complies with the Title IX of the Education Amendments of 1972, as amended, Americans with Disabilities Act (“ADA”) and Section 504 of the Rehabilitation Act, as amended, and other laws related to sex discrimination, disability discrimination, and support of pregnant, parenting, or lactating students. Loyola responds to student requests for accommodation or adjustments and provides reasonable accommodations or adjustments for individuals who are pregnant, parenting, or lactating or qualified individuals with a pregnancy-related disability through a deliberative, interactive process.

At times, however, an individual may disagree with the accommodation or adjustment provided or believe it is not being implemented effectively. These procedures were designed to provide avenues for students to raise those points of disagreement.

If a student has been denied an accommodation that they requested through DAS and would like to appeal the denial or if an accommodation has been approved through DAS but the student believes it is not being implemented effectively, the individual may address the concern through the [Loyola University Maryland Procedures for Appealing Accommodation Determinations and Implementation](#).

If a student has been denied an adjustment for pregnancy or pregnancy-related conditions requested through the Office of Title IX, Compliance, and Assessment or if an adjustment has been approved by the Office of Title IX, Compliance, and Assessment but the student believes it is not being implemented effectively, the individual may address the concern through the procedures outlined below.

Participation in this process does not release a student from their obligation to fulfill all academic and/or university requirements.

Informal Resolution Concerning Pregnancy-Related Adjustment Implementation

Students are encouraged to speak with faculty members and other employees who they believe have not implemented their pregnancy-related adjustments effectively. Informal and open conversation is often effective at addressing concerns over pregnancy-related adjustments

implementation. During these conversations, students should focus on the approved adjustment and should not share medical or mental health information.

When such conversations fail to address a student's concerns, or if they feel uncomfortable addressing their concerns informally, a student wishing to address a concern regarding the implementation of an accommodation must submit a written request to the Assistant Director of Title IX, Compliance, and Assessment or designee. The written request should include:

- Student's name and University ID number
- Description of the pregnancy-related adjustment not being implemented effectively
- Explanation of why they believe the pregnancy-related adjustment is not being implemented effectively
- Desired outcome

The Assistant Director of Title IX, Compliance, and Assessment or designee may ask for additional information from the student or employees related to the pregnancy-related adjustment implementation. The Assistant Director of Title IX, Compliance, and Assessment or designee will utilize this information to determine if the pregnancy-related adjustment is being implemented effectively, and if not, the course of action to correct the implementation. Additionally, the Assistant Director of Title IX, Compliance, and Assessment or designee may engage in an interactive process to determine if additional or other pregnancy-related adjustments may be necessary. Students will receive written responses from the Assistant Director of Title IX, Compliance, and Assessment or designee regarding whether the Assistant Director of Title IX, Compliance, and Assessment or designee determines the pregnancy-related adjustments are being implemented effectively or if further actions will be taken generally within ten (10) business days of the request for informal resolution.

Informal Resolution Concerning Pregnancy-Related Adjustment Determination

In addition to implementation concerns, students may have concerns that a pregnancy-related adjustment request is denied, in whole or part, or they may be dissatisfied with an alternative adjustment provided by the University. A student wishing to appeal a pregnancy-related adjustment determination informally must submit a written request to the Assistant Director of Title IX, Compliance, and Assessment or designee. The request should include:

- Student's name, address, and University ID number
- Description of the concern regarding the pregnancy-related adjustment determination
- Explanation of why they believe an alternative or requested adjustment(s) should be considered reasonable
- Additional supporting information
- Desired outcome

The Assistant Director of Title IX, Compliance, and Assessment or designee may request to meet with the student to discuss their concerns about the accommodation determination. The Assistant

Director of Title IX, Compliance, and Assessment or designee may also request additional documentation from the student. Review processes are conducted as quickly as possible. Students will receive written responses from the Assistant Director of Title IX, Compliance, and Assessment or designee upholding or amending adjustments decisions generally within ten (10) business days of the request for informal resolution.

Formal Adjustment Appeal Resolution

If the informal resolution processes above do not resolve the student's concerns, the student may submit a written complaint to the Director of Title IX, Compliance, and Assessment or their designee by no later than ten (10) business days from the conclusion of the informal process.

The complaint shall include:

- Student's name, address, and University ID number
- Description of the pregnancy-related adjustment denial, determination, or implementation concerns
- A copy of the pregnancy-related decision or notification letter
- Explanation of why they believe an alternative adjustment(s) should be considered reasonable or their implementation concerns have not been addressed appropriately
- Additional supporting information
- Desired outcome

Complaint Review

The Director of Title IX, Compliance, and Assessment or their designee will review the complaint. The review will include a meeting with the student within five (5) business days of receipt of the complaint.

If the appeal relates to a pregnancy-related adjustment, during the meeting with the Director of Title IX, Compliance, and Assessment or their designee, the student should be prepared to explain why the denied adjustment is needed to address the current impacts of their pregnancy or related conditions at Loyola University Maryland.

Additionally, the Director of Title IX, Compliance, and Assessment or their designee may consult with appropriate individuals, including but not limited to the employee who made the decision or who has allegedly failed to implement the pregnancy-related adjustment appropriately. The Director of Title IX, Compliance, and Assessment or their designee will communicate the decision upholding or amending the original decision or taking other additional action in writing to the individual who appealed within ten (10) business days. The Director of Title IX, Compliance, and Assessment or their designee decision is final.

If through the appeal process an additional or alternative pregnancy-related adjustment is granted, then the adjustment will be granted moving forward as outline in the decision letter. Pregnancy-related adjustments are not retroactive.

Discrimination Complaint

Individuals who believe they were discriminated against during this process or otherwise at Loyola University Maryland should file a complaint through the Loyola University Maryland [Harassment and Discrimination Policy and Procedures](#). Filing an informal or formal appeal through this procedure does not prevent the individual from filing a complaint through the Loyola University Maryland [Harassment and Discrimination Policy and Procedures](#) or with the:

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