



## **Kutztown University Policy DIV-012**

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### **Policy on Pregnancy and Parenting Status**

#### **A. Purpose**

The University is committed to creating and maintaining a community where all individuals enjoy freedom from discrimination, including Sex Discrimination, as mandated by Title IX of the Education Amendments of 1972 (“Title IX”). Title IX prohibits Sex Discrimination against students, employees, or applicants based on pregnancy and parenting status, in addition to pregnancy related conditions. Additionally, the Pregnant Workers Fairness Act (“PWFA”) requires the University to provide a reasonable accommodation to a qualified employee’s or applicant’s known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the University undue hardship.

The University hereby establishes a policy and procedures for ensuring the protection and equal treatment of all individuals including parents, pregnant persons, and individuals with related conditions.

#### **B. Scope**

This policy applies to all aspects of the University’s operations, including, but not limited to, admissions, educational programs and activities, hiring, leave policies, and employment policies.

#### **C. Definition(s)**

1. **Parental Status** means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is a biological parent; an adoptive parent; a foster parent; a 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.
2. **Pregnancy or related conditions** include, but are not limited to:
  - (1) Pregnancy, childbirth, termination of pregnancy, or lactation;
  - (2) Medical conditions related to pregnancy, childbirth, termination of

pregnancy, or lactation; or

(3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

## **Policy for Students**

### **1. Admissions**

In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, the University does not discriminate based on parental or family status, pregnancy, or related conditions. Individuals will be treated the same as any other individuals with temporary medical conditions.

The University will not make a pre-admission inquiry as to the pregnancy of an applicant for admission.

### **2. Participation in Education Programs or Activities**

The University does not discriminate in its education program or activity against any student based on the student's parental or family status, or current, potential, or past pregnancy, or related conditions. Potential pregnancy includes pregnancy or related conditions that are expected, likely, or have the capacity to occur.

#### *a. Title IX Coordinator Information*

The University Title IX Coordinator is responsible for coordinating resources for students who are pregnant or have related conditions.

Contact Information for the Title IX Coordinator:

Mr. Bradley A. Davis, Esq.  
Director of Equity and Compliance  
Title IX Coordinator  
Office of Social Equity, Old Main A Wing  
TitleIX@kutztown.edu  
(610) 683-4700

If a student, or a person who has a legal right to act on behalf of the student, informs any employee of their pregnancy or a related condition, the employee will provide the student with the Title IX Coordinator's contact information and information about how the Title IX Coordinator can coordinate specific actions to prevent Sex Discrimination and ensure the student's equal access to the University's education program or activity.

b. *Reasonable Modifications*

The University must make reasonable modifications to its policies, practices, or procedures, as necessary, to prevent Sex Discrimination and ensure equal access to the University's education program or activity. Each reasonable modification must be based on the student's individualized needs.

A student may request reasonable modifications by contacting the Title IX Coordinator. The Title IX Coordinator will consult with the student in determining what modifications are required to ensure equal access to the education program or activity. The University will not approve modifications that would fundamentally alter the nature of the education program or activity.

After consultation with the student, the University will offer reasonable modifications that will be implemented, if the student accepts the modifications. Reasonable modifications may include, but are not limited to, 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; extensions of time 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; or other changes to policies, practices, or procedures.

c. *Supporting Documentation*

The University does not require students to provide supporting documentation in situations such as when the student's need for a specific modification is obvious; when the student has previously provided the University with sufficient supporting documentation; when the reasonable modification because of pregnancy or related conditions at issue is allowing a student to carry or keep water nearby and drink, use a bigger desk, sit or stand, or take breaks to eat, drink, or use the restroom; when the student has lactation needs; or when the specific action is available to students for reasons other than pregnancy or related conditions without submitting supporting documentation.

However, the University may require supporting documentation when it is necessary and reasonable to determine reasonable modifications or take other actions.

d. *Certification to Participate*

A student who is pregnant or has related conditions is not required to provide certification from a healthcare provider, or any other person, that the student is physically able to participate in the University's class, program, or extracurricular activity unless:

- i. The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
- ii. The University requires such certification of all students participating in the class, program, or extracurricular activity; and
- iii. The information obtained is not used as a basis for discrimination.

e. *Leave Policies*

For pregnancy and related conditions, the University allows students to voluntarily take a leave of absence from the University for the period deemed medically necessary by the student's licensed healthcare provider. If a student requires a leave of absence for pregnancy or a related condition, the student should contact the Title IX Coordinator. The student must provide documentation from their healthcare provider indicating the time period needed for leave. The Title IX Coordinator will work with the student to coordinate leave, which may involve consultation with other relevant on-campus offices.

When the student returns to the University following leave, the student will be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began. The student will notify the Title IX Coordinator when the student is prepared to return from leave, and the Title IX Coordinator will coordinate the student's reenrollment.

f. *Lactation Spaces*

The University provides access to lactation spaces which may be used by students for expressing milk or breastfeeding, as needed. Information on lactation spaces on the University's campus can be found here: <https://www.kutztown.edu/about-ku/administrative-offices/human-resources/lactation-room.html>

## **E. Policy for Employees**

The University is committed to providing an employment environment free from Sex Discrimination related to the current, potential, or past parental or family status of an employee or applicant for employment; or that is based upon whether an employee or applicant for employment is the head of household or principal wage earner in their family unit.

Additionally, the University does not discriminate against any employee or applicant for employment on the basis of current, potential, or past pregnancy, or related conditions. Potential pregnancy includes pregnancy or related conditions that are expected, likely, or have the capacity to occur. The University treats pregnancy or related conditions the same as any other temporary medical condition for all job-related purposes, including commencement, duration and extensions of leave; payment of disability income; accrual of

seniority and any other benefit or service; reinstatement; and any fringe benefit offered to employees by virtue of employment.

a. *Hiring*

The University will not make a pre-employment inquiry as to the pregnancy status of an applicant for employment.

b. *Reasonable Accommodations*

The University will provide reasonable accommodations for qualified applicants or employees who have known limitations. "Limitations" are physical or mental conditions related to, affected by, or arising out of pregnancy, childbirth, or related conditions. The University cannot require an employee to accept an accommodation other than a reasonable accommodation arrived at through the interactive process.

If an applicant or employee needs an accommodation due to pregnancy or a related condition, the applicant, employee, or the applicant or employee's representative, must contact the Disability Services Office ("DSO"). The University will engage in an interactive process with the applicant or employee to determine what accommodations are reasonable.

If the employee disagrees with the accommodations offered or has been denied an accommodation to which the employee believes they are entitled under federal or state law, the employee may appeal the decision to the Office of Social Equity.

c. *Leave Policies*

An employee may take leave for pregnancy or a related condition. The employee should contact Human Resources to coordinate leave. The University cannot require an employee to take leave if another reasonable accommodation can be provided for the known limitations related to the pregnancy, childbirth, or related medical conditions of the employee.

If an employee has insufficient leave or accrued employment time to qualify for leave under such Human Resources policies, the University treats pregnancy or related conditions as a justification for a voluntary leave of absence without pay for a reasonable period of time. At the conclusion such voluntary leave of absence, the employee will be reinstated to the status 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. When the employee is ready to return from leave, the employee should contact Human Resources, who will coordinate the employee's return to work.

d. *Lactation Time and Space*

The University provides reasonable break time for an employee to express breast

milk or breastfeed as needed. The University provides access to lactation spaces which may be used by employees for expressing milk or breastfeeding, as needed.

Information on lactation spaces on the University's campus can be found here: <https://www.kutztown.edu/about-ku/administrative-offices/human-resources/lactation-room.html>.

## **F. Reporting a Violation**

Any student, employee, or applicant may report Sex Discrimination, based on parental or family status, in addition to pregnancy or related conditions, in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, above, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

For specific information regarding the Informal Resolution Process, the Sexual Misconduct Resolution Process, and the Anti-Discrimination Resolution Process, see the University's Sexual Misconduct, Anti-Discrimination, and Anti-Harassment Policies, available on the Kutztown University Policy Register: <https://www.kutztown.edu/about-ku/administration/governance/policy-register.html>.

## **G. Retaliation**

The University shall not retaliate or take an adverse action against a student or employee in the terms, conditions, or privileges of their education or employment because the student or employee has requested a reasonable modification or accommodation for known limitations related to pregnancy, childbirth, or related medical conditions or for reporting a violation of this policy.

## **H. Effective Date**

March 1, 2025

## **I. Endorsed By**

Administrative Council – 2/20/25

President – 3/11/25

## **J. Last Review**

January, 2025