

## **Toccoa Falls College Policy for Pregnancy and Related Conditions**

### **Parental, family, marital status, pregnancy or related conditions – Students**

#### *Scope*

Toccoa Falls College (TFC) does not adopt or implement any policy, practice, or procedure concerning a student's current, potential, or past parental, family, or marital status that treats students differently on the basis of sex.

TFC does not discriminate in its education program or activity against any student based on the student's current, potential, or past pregnancy or related conditions. TFC does not engage in prohibited discrimination when it allows a student, based on pregnancy or related conditions, to voluntarily participate in a separate portion of its education program or activity provided TFC ensures that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions.

TFC ensures that when a student, or a person who has a legal right to act on behalf of the student, informs any employee of the student's pregnancy or related conditions, unless the employee reasonably believes that the Title IX Coordinator has been notified, the employee promptly provides that person with the Title IX Coordinator's contact information and informs that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to TFC's education program or activity.

TFC takes specific actions to promptly and effectively prevent sex discrimination and ensure equal access to TFC's education program or activity once the student, or a person who has a legal right to act on behalf of the student, notifies the Title IX Coordinator of the student's pregnancy or related conditions. The Title IX Coordinator must coordinate these actions.

TFC informs the student, and if applicable, the person who notified the Title IX Coordinator of the student's pregnancy or related conditions and has a legal right to act on behalf of the student, of TFC's obligations under this section and provide TFC's notice of nondiscrimination.

### *Reasonable Modification*

TFC makes reasonable modifications to TFC's policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to TFC's education program or activity. Each reasonable modification must be based on the student's individualized needs. In determining what modifications are required under this paragraph, TFC must consult with the student. A modification that TFC can demonstrate would fundamentally alter the nature of its education program or activity is not a reasonable modification.

The student has discretion to accept or decline each reasonable modification offered by TFC. If a student accepts TFC's offered reasonable modification, TFC will implement it.

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.

### *Voluntary access to separate and comparable portion of program or activity.*

TFC allows the student to voluntarily access any separate and comparable portion of TFC's education program or activity.

### *Voluntary leaves of absence.*

TFC must allow the student to voluntarily take a leave of absence from TFC's education program or activity to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. To the extent that a student qualifies for leave under a leave policy maintained by TFC that allows a greater period of time than the medically necessary period, TFC must permit the student to take voluntary leave under that policy instead if the student so chooses. When the student returns to TFC's education program or activity, the student must be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the

voluntary leave began.

*Lactation space.*

TFC ensures that the student can access a lactation space, which must be a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed.

*Limitation on documentation.*

TFC does not require supporting documentation unless the documentation is necessary and reasonable for TFC to determine the reasonable modifications to make or whether to take additional specific actions. Examples of situations when requiring supporting documentation is not necessary and reasonable include, but are not limited to, when the student's need for a specific action is obvious, such as when a student who is pregnant needs a bigger uniform; when the student has previously provided TFC 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.

*Comparable treatment to other temporary medical conditions.*

TFC treats pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy TFC administers, operates, offers, or participates in with respect to students admitted to TFC's education program or activity.

*Certification to participate.*

TFC does not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that

the student is physically able to participate in TFC'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) TFC 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 prohibited by this Policy.

**Expectations TFC has for students who are pregnant or on maternity leave:**

- The student will maintain communication with the professor, notifying the professor **in advance** of absences and requests to participate in class from home.

**Expectations TFC has for professors with students who are pregnant or are on maternity leave:**

- At the request of the student, the professors will make lectures available either live or recorded.
- At the request of the student, the professors will provide ways for the student to connect with class discussions or participate in small group activities. (Face Time, Zoom, etc.)

\*For a pregnant student in the Nursing program or in the Teacher Education program who has clinical hours to complete, she will need to work with her professors to either make up the clinical hours missed due to pregnancy or childbirth or be given alternative ways to demonstrate competencies and skills. Depending on the time of the semester where the pregnancy-related absences or childbirth occurred, a student may receive an incomplete and be given an extended timeframe for completing the clinical hours. The student will need to make these arrangements with the chair of their respective department.

**Parental, family, marital status, pregnancy or related conditions – Employees**

*Scope*

TFC must not adopt or implement any policy, practice, or procedure, or take any employment action, on the basis of sex:

- (1) Concerning the current, potential, or past parental, family, or marital

status of an employee or applicant for employment, which treats persons differently; or

(2) That is based on whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit.

*Pregnancy or related conditions.*

TFC must not discriminate against any employee or applicant for employment on the basis of current, potential, or past pregnancy or related conditions.

*Comparable treatment to other temporary medical conditions.*

TFC must treat pregnancy or related conditions as any other temporary medical conditions 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; and reinstatement; and under any fringe benefit offered to employees by virtue of employment.

*Voluntary leaves of absence.*

In the case that an employee with insufficient leave or accrued employment time to qualify for leave under such a policy, TFC 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 of which the employee shall 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. TFC's FMLA policy can be found here: [\(LINK\)](#)

*Lactation time and space.*

(1) TFC provides reasonable break time for an employee to express breast milk or breastfeed as needed.

(2) TFC ensures that an employee can access a lactation space, which must be a space other than a bathroom that is clean, shielded from view, free from intrusion from others, and may be used by an employee for expressing breast milk or breastfeeding as needed.

**Record Keeping**

Title IX Records are maintained for 7 (seven) years in accordance with the Title IX regulations and TFC's Records Retention Policy. Title IX records include:

1. Investigations
2. Determinations
3. Recordings
4. Transcripts
5. Sanctions
6. Remedies
7. Appeals
8. Informal Resolutions
9. Training Materials

**Examination and Revision**

The policies of TFC are reviewed regularly. This policy may be revised at any time in order to comply with current applicable guidance, regulations, and laws.