

Rule R1-012C: Student Pregnancy or Related Conditions Rule

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I. Purpose and Scope

A. Purpose.

Policy 1-012 prohibits Discrimination based on Pregnancy or Related Conditions. This rule establishes the University's process for providing reasonable modifications for University students with Pregnancy or Related Conditions. This policy does not address parental leave for students (i.e., parental leave for graduate students, parental leave for postdoctoral fellows, leave for Graduate Medical Education trainees, etc.).

B. Scope.

This rule applies to all University Students.

II. Definitions

The definitions provided in Rule R1-012A apply for this rule. In addition, the terms below apply for the limited purpose of this rule.

A. "Pregnancy or Related Condition" means:

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 their related medical conditions.

B. "Reasonable Modification" means a change to a University policy, practice, or procedure necessary to prevent Sex-based Discrimination and ensure equal access to a University Program or Activity. A modification is considered reasonable if it does not fundamentally alter the nature of a University Program or Activity.

C. "Student" is defined in University Policy 6-400: *Student Rights and Responsibilities*. For the limited purpose of this rule, Student also includes at a minimum, any person who has gained admission to the University or is attempting to participate in any University Program or Activity as a student.

III. Rule

A. Student Disclosure of Pregnancy or Related Conditions

1. Students are not required to disclose any Pregnancy or Related Conditions to any employee of the University.
2. Students may voluntarily elect to disclose their Pregnancy or Related Conditions to employees and may request Reasonable Modifications to University policies, practices, or procedures as necessary to prevent Sex-based Discrimination and ensure equal access to University Programs or Activities.
3. The University does not provide Reasonable Modifications to a Student based on assumptions, observation of physical characteristics, rumors, or information from a third party who does not have a legal right to act on the Student's behalf.

B. Employee Responsibilities

1. When a Student, or a person who has a legal right to act on behalf of the Student, informs a University employee, including faculty members, about the Student's Pregnancy or Related Conditions, the employee must promptly provide that person with the contact information for the University's Office of Equal Opportunity, Affirmative Action, and Title IX (OEO/AA) and inform that person that the OEO/AA can coordinate specific actions to prevent Sex-based Discrimination and ensure the Student's equal access to the University's Programs or Activities.

C. Student Requests for a Reasonable Modification

1. To receive a Reasonable Modification for Pregnancy or Related Conditions, a Student (or a person with the legal right to act on behalf of the student) must request a Reasonable Modification through the OEO/AA.
2. When a Student or person who has a legal right to act on behalf of a Student notifies the OEO/AA of a Student's Pregnancy or Related Conditions, the

OEO/AA will provide the Student information about Policy 1-012 and this Rule, offer Reasonable Modifications, and provide information about privacy.

3. Student employees who need reasonable modification due to Pregnancy or Related Conditions in the workplace should contact the University's Division of Human Resources or the University's Hospitals and Clinics Human Resources office. If requested, the OEO/AA will assist any student employee to connect with the applicable Human Resources office.

D. Interactive Process

1. Once a Student requests a Reasonable Modification, the OEO/AA shall promptly consult with the Student through an interactive process.
2. Each Reasonable Modification must be based on the Student's individualized needs.
3. A modification that is determined to fundamentally alter the nature of a University Program or Activity is not a Reasonable Modification, and may not be provided to a Student.
4. When determining whether a request is a Fundamental Alteration, the OEO/AA will consider and review each individualized request and conduct a fact-specific review of whether that request would constitute a Reasonable Modification. In conducting this review, the OEO/AA may consult with subject matter experts.
5. The Student has discretion to accept or decline any Reasonable Modification that is offered by the OEO/AA.
6. If a Student accepts an offered Reasonable Modification, the OEO/AA will implement and coordinate the Reasonable Modification.
7. Reasonable Modifications may be adjusted over time.
8. The OEO/AA may deny a request for a modification if the interactive process fails to result in identification of a Reasonable Modification.

9. With respect to the privacy of information gathered during the interactive process, the University follows relevant local, state, and federal laws.

E. Reasonable Modifications

1. Reasonable Modifications may include, but are not limited to:
 - a. breaks during class to express milk, breastfeed, or attend to health needs associated with Pregnancy or Related Conditions, including eating, drinking, or using the restroom;
 - b. intermittent absences to attend medical appointments;
 - c. access to online or homebound education;
 - d. changes in schedule or course sequence;
 - e. extensions of time for coursework and rescheduling of tests and examinations;
 - f. allowing a Student to sit or stand, or carry or keep water nearby;
 - g. counseling;
 - h. changes in physical space or supplies (for example, access to a larger desk or a footrest);
 - i. elevator access; or
 - j. other changes to University policy, practices, or procedures.
2. Voluntary Student Leave of Absence
 - a. A Student may take a voluntary leave of absence from the University's Programs and Activities to cover, at a minimum, the period of time deemed medically necessary by the student's medical provider.
 - b. If another University policy that provides leave applies to the Student, the student may elect to take leave under that policy. Related policies may include:

- i. An undergraduate Student may take a leave of absence described in Policy 6-404 for Pregnancy or Related Conditions.
 - ii. A graduate Student may take a leave of absence described in Graduate School policies for Pregnancy or Related Conditions.
- c. Since withdrawal from courses may impact a Student's financial aid, scholarships, housing, veteran's benefits, student immigration status, and more, Students are strongly encouraged to consult with their academic advisor(s), and any applicable University office that may be relevant, including the financial aid office, and the Office for the Dean of Students, and, if applicable, International Student Support, to ensure that they are aware of any implications that taking a leave of absence may have on their academic progress, visa status, or loan eligibility.
- d. Upon the Student's return from a leave of absence for a Pregnancy or Related Condition, the Student must be reinstated to the academic and, as practicable, to the extracurricular status that the student held when the leave began.

3. Lactation Space for Students.

The University must ensure that a Student can access a lactation space, which must be a space other than a bathroom, that is clean, shielded from view, and free from intrusion from others, and may be used by a Student for the purpose of expressing breast milk or breastfeeding as needed. The University Campus Map (www.map.utah.edu) includes the locations of lactation spaces across campus.

4. The University must allow a Student to voluntarily access any separate and comparable portion of the University's Programs and Activities if such comparable portions of Programs and Activities exist.

F. Supporting Documentation

1. The OEO/AA may request supporting documentation only if it is necessary and reasonable for the University to determine the appropriate Reasonable Modification.
2. Examples of situations when requiring supporting documentation is not necessary and reasonable include, but are not limited to:
 - a. when the Student's need for a specific Reasonable Modification is obvious;
 - b. when the Student has previously provided sufficient supporting documentation;
 - c. when the Reasonable Modification is allowing the 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;
 - d. when the Student has lactation needs; or
 - e. when the requested Reasonable Modification is available to Students for reasons other than Pregnancy or Related Conditions without submitting supporting documentation.

G. Compliance and Grievance Processes

1. An individual may report a violation of this rule to the OEO/AA.
2. Any Student who believes they have been denied equal access to a University Program or Activity, or been denied a Reasonable Modification for Pregnancy or Related Conditions, experienced Discrimination or Harassment, or has been subjected to Retaliation due to requesting a Reasonable Modification, may submit a Complaint with the OEO/AA (see Rules R1-012A and R1-012B).

Sections IV- VII are for user information and are not subject to the approval of the Academic Senate or the Board of Trustees. The Institutional Policy Committee, the Policy Owner, or the Policy Officer may update these sections at any time.

IV. Policies/ Rules, Procedures, Guidelines, Forms and other Related Resources

A. Policies/ Rules.

1. Policy 1-012: University Non-Discrimination Policy
2. Rule R1-012A: Non-Discrimination Rule
3. Rule R1-012B: Complaint Process Rule

B. Procedures, Guidelines, and Forms. [*reserved*]

C. Other Related Resources. [*reserved*]

V. References

- A. 20 U.S.C. Section 1681
- B. 34 C.F.R. Section 106
- C. Policy 6-400: Student Rights and Responsibilities
- D. Policy 6-404: Undergraduate Admissions

VI. Contacts

The designated contact officials for this Regulation are

- A. Policy Owner(s) (primary contact person for questions and advice): The Director of the Office of Equal Opportunity and General Counsel
- B. Policy Officer(s): Vice President and General Counsel

See Rule 1-001 for information about the roles and authority of policy owners and policy officers.

VII. History

Revision History.

A. Current version. Revision 0.

1. Approved as an interim policy of President Taylor R. Randall July 17, 2024 with effective date of August 1, 2024.

2. Legislative History

3. Editorial Revisions

B. Previous versions.

C. Renumbering

1. Not applicable