

July 13, 2021

GUIDELINES CONCERNING PREGNANT STUDENTS

These procedures are intended to guide institutional action related to students who are pregnant and their post-partum needs. Note that other procedures exist for employment-related considerations, inclusive of student employees. If a student also is an employee, HR processes and procedures should be used for employment related matters and this document should inform other student factors (i.e. class attendance and otherwise).

Metropolitan State University of Denver (MSU Denver) strives to provide an environment where students are able to work successfully towards graduation, including students who experience pregnancy, childbirth, health conditions related to pregnancy, termination of pregnancy, and/or recovery. MSU Denver will provide equal access to services, school programs, and extracurricular activities to all students, including pregnant students. This document, *Guidelines Concerning Pregnant Students* (the Guidelines), is intended to ensure that these institutional goals are met by providing valuable information and guidance to students, faculty, and administrators.

Discrimination and Harassment

MSU Denver's Discrimination, Sexual Harassment and Retaliation Policy (the Anti-Discrimination Policy) prohibits discrimination and harassment on the basis of sex, gender, and pregnancy, among other statuses. MSU Denver will conduct prompt and effective investigations of alleged violations of the Anti-Discrimination Policy, as warranted. If a violation is found, measures will be taken to end the discrimination or harassment, prevent its recurrence, and eliminate any related hostile environment.

Consistent with the Anti-Discrimination Policy, Title IX, a federal statute, also specifically prohibits discrimination on the basis of sex. This includes sexual harassment, and other pregnancy-related harassment by employees, students, or third parties that interfere with a student's ability to benefit from, or participate in the University's programs. Such conduct is prohibited by Title IX and the Policy.

Anyone seeking information about or wishing to report a violation of Title IX or the Anti-Discrimination Policy should contact Raúl M. Sánchez, Executive Director, Office of Equal Opportunity & Title IX Coordinator, at 303-615-0036, or rsanch64@msudenver.edu, in all instances, including employees.

Pregnancy and Postpartum Accommodations

Students who are pregnant may be eligible for pregnancy-related accommodations at the University under the Americans with Disabilities Act (ADA). A student who experiences medically related complications arising from pregnancy, childbirth, miscarriage, termination of pregnancy, or postpartum circumstance can request

accommodations, such as flexibility with attendance and deadlines, breaks during class, and ergonomic seating. Students seeking a pregnancy-related accommodation should promptly contact the Access Center to initiate the process to request accommodations. The Access Center can be reached at 303-615-0200 or accesscenter@msudenver.edu. Medical documentation must be provided to support the request for accommodations.

In addition to offering applicable reasonable accommodations for pregnant students to participate in regular academic endeavors, MSU Denver shall make reasonable accommodations for students participating in co-curricular activities. Pregnant and post-natal students may participate in school clubs, class activities, interscholastic sports, and other school-sponsored organizations if they meet the criteria for participation. The Access Center also will serve as the resource and authority on accommodations for co-curricular accommodations.

If faculty or University employees are concerned about the health or safety of a student, they may inquire about potential limitations but only as they pertain to classroom/program access and the student's successful completion of the course or program. MSU Denver shall not require a pregnant student to produce a doctor's note to participate in academic or co-curricular activities unless such a requirement applies to other students under medical treatment.

Absences for Pregnant Students

MSU Denver may excuse a student's absences because of pregnancy or related conditions, including recovery from childbirth, with appropriate medical documentation. MSU Denver may offer the student alternatives to make up missed work, such as retaking a semester, completing requirements online, or allowing the student additional time in a program and finish at a later date, especially after longer periods of leave. The Access Center, working in close collaboration with the student, faculty member(s) and/or relevant administrators, and informed by the required documentation from an applicable medical provider, will determine what accommodations are reasonable, given the student's specific situation. Instructor policies on class attendance and make-up work shall not conflict with Title IX or University policies.

An instructor's policy may be less restrictive than Title IX or University policies, but it shall not be more restrictive. MSU Denver shall ensure that the policies and practices of individual faculty do not discriminate against pregnant students. For example, faculty may not refuse to allow a student to submit work after a missed deadline because of absences caused by pregnancy or childbirth, if such absences are deemed excusable by the Access Center. If a professor's grading is based in part on class attendance or participation, the student shall be allowed to earn the credits they missed so that the student can be reinstated to the status they had before an approved leave. MSU Denver provides training on Title IX to all faculty and staff. Relevant policy questions should be directed to Human Resources, Dean of Students, Access Center, and Office of Equal Opportunity.

Duties and Responsibilities of the Student and Instructor

Student

1. Review *Guidelines Concerning Pregnant Students*.
2. If needed, Request pregnancy-related accommodations (i.e. short-term medical accommodations) through the Access Center, Plaza Building, Suite 122, 303-615-0200.
3. Meet with Access Center to discuss need for accommodations, based on medical needs pertaining to the pregnancy and/or delivery of a child.
4. If requesting pregnancy-related accommodations from the Access Center, provide Access Center with medical documentation that supports the need for accommodations.
5. Upon approval for accommodations from the Access Center, provide the accommodation letters to instructors.
6. If changes occur in pregnancy or circumstance that warrant consideration for additional accommodations, contact Access Center immediately. Additional documentation may be requested.
7. Initiate conversations with your instructors and/or relevant co-curricular administrators to create an action plan for the semester, which includes deadlines and expectations.
8. Work diligently to meet expectations for all courses, communicating with instructors and/or the Access Center if problems arise and/or you are unable to fulfill the agreed upon action plan.

Instructor

1. If a student requests accommodations or related modifications related to a pregnancy, refer the student to the Access Center.
2. When an accommodation letter is received from the student, talk to the student about the accommodations to ensure a common understanding.
3. Create an action plan for the semester with the student, including deadlines and expectations.
4. Contact the Access Center if clarification is needed.
5. If changes are needed to the agreed upon accommodations, contact the Access Center for consultation and guidance.
6. Consult with the Access Center before any accommodations not listed are provided.
7. Refer the student to the Student Care Center if additional support and/or referrals are needed (303-615-0006, email studentcarecenter@msudenver.edu or file a CARE referral).

Title IX and NCAA Policies

A pregnant student athlete can continue to participate in their sport for as long as the student athlete and their doctor determine that it is safe to do so, and the student is comfortable doing so. The NCAA also allows a special red shirt season for pregnant athletes. A “red shirt season” is a season when the athlete is still on the team and the roster, but they do not compete for medical reasons. The athlete would have to talk to her coach to request this status.

The following is a reminder from the NCAA regarding Title IX Rights and pregnant student athletes:

Title IX guarantees equal educational opportunity to pregnant and parenting students. **This means that student-athletes cannot be discriminated against in the event of their pregnancy, childbirth, conditions related to pregnancy, false pregnancy, termination of pregnancy or recovery there from, or parental or marital status; and they must be offered reinstatement to the same position after pregnancy as they held before the onset of pregnancy.** Some actions that may be permissible under NCAA rules are impermissible under Title IX. Institutions should carefully monitor precedent regarding athletics financial aid renewal, access to athletics benefits and treatment issues. Student-athletes who are pregnant should be treated like any other student-athlete with a temporary disability. For example, if the institution regularly provides athletics aid, tutoring, athletics trainer and team physician support, insurance or access to assistance or opportunity funds to a student-athlete while they rehabilitate from an injury, the pregnant student-athlete should not be excluded from such benefits. Institutions should make sure student-athletes understand the law and institutional policy as part of the normal orientation or team meeting agenda.

Regarding athlete’s scholarships, the NCAA has stated:

*What happens to your scholarship: **As long as you are in good academic standing with the university and you do not voluntarily withdraw from your team, it is against federal law for us withdraw or reduce your financial aid in the event of your pregnancy, childbirth, conditions related to pregnancy, false pregnancy, termination of pregnancy, recovery from pregnancy, or parental or marital status during the term of the award.** Federal law also requires us to grant you as much leave as is medically necessary and to renew your scholarship under certain circumstances. Finally, you should also know that NCAA bylaws allow a female student-athlete to apply for an additional year of eligibility if her athletic career is interrupted by pregnancy.*

For more information, go to NCAA Pregnant and Parenting Student-Athletes at <https://www.ncaa.org/about/resources/inclusion/pregnant-parenting-student-athletes>

ADDITIONAL RESOURCES FOR STUDENT PARENTS

The University recognizes that the birth, adoption, or foster placement of a child is a significant event in the life of many students, including non-birth parent and other relatives. While the above-listed procedures and the Anti-Discrimination Policy provides specific protections for pregnant students, as well as under Title IX and the ADA, other students may need support related to new parenting roles/responsibilities. All students may contact the Student Care Center for assistance and support related to new parenting duties. Support through the Student Care Center is not exclusive to pregnant/post-partum parents.

The Student Care Center is a resource for students navigating life circumstances that may impact their education. Non-clinical case managers can offer relevant University and community referrals, support with self-advocacy (for example, in talking with faculty about specific requests), and additional applicable resources. Contact the Student Care Center at 303-615-0006, email studentcarecenter@msudenver.edu or file a CARE referral to get connected to a case manager.

Background materials for these guidelines can be found in the pamphlet *Supporting the Academic Success of Pregnant and Parenting Students* by the Department of Education, Office for Civil Rights, June 2013
<http://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf>