



Student Pregnancy and Parenting Nondiscrimination *Provisional*

Purpose

The purpose of this policy is to comply with federal and state law in prohibiting discrimination against pregnant or parenting students as described herein.

Persons Affected

This Policy applies to all University administrators, faculty, staff, students, third parties within the University's control, and applicants for admission.

Definitions

Leave of Absence: A period of time when a student is not enrolled in classes but is eligible to reenroll in the future. A leave of absence, for the purpose of this Policy, is also known as an *academic withdrawal*.

Parenting Discrimination: Occurs when an individual is treated less favorably on the basis of that person's parental status.

Parenting Student: A student who is the parent or legal guardian of a child under 18 years of age.¹

Pregnancy Discrimination: Occurs when an individual is treated less favorably on the basis of that person's pregnancy or pregnancy-related condition. Pregnancy discrimination is a form of sex discrimination.

Pregnancy or Related Condition:

1. Pregnancy, childbirth, miscarriage, or lactation;
2. Medical conditions related to pregnancy, childbirth, pregnancy complications, miscarriage, lactation, or any other conditions directly related to being pregnant;
3. Recovery from pregnancy, childbirth, lactation, or their related medical conditions directly related to pregnancy or the effects thereof.

Pregnant Student: A student who has a pregnancy or related condition status.

Student: A person currently enrolled at Stephen F. Austin State University or has been accepted for admission or readmission to the institution. This includes those whom have been enrolled at the institution in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows.

Policy

¹ As defined in Tex. Edu. Code. 51.982.



Stephen F. Austin State University (University) is committed to maintaining a learning environment that is free from discrimination of pregnant or parenting students in accordance with the Texas Education Code, Section 51.982 and other applicable laws, such as Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex (including pregnancy discrimination) in education programs or activities; Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of a disability (including disabilities based on temporary medical conditions from pregnancy); and Title II of the Americans with Disabilities Act of 1990 (ADA), which prohibits discrimination against individuals with disabilities in public schools such as institutions of higher education.

Procedures

A. Prohibited Conduct

Discriminating against pregnant and parenting students is prohibited under this Policy, as outlined below.

Furthermore, the University may not require a pregnant or parenting student, solely because of the student's status as a pregnant or parenting student or due to issues related to the student's pregnancy or parenting, to:

1. Take a leave of absence or withdraw from the student's degree or certificate program;
2. Limit the student's studies;
3. Participate in an alternative program;
4. Change the student's major, degree, or certification program; or
5. Refrain from joining or cease participating in any course, activity, or program at the institution.

B. Violations of Policy

1. Potential violations of this Policy will be processed in accordance with SFA HOP 01-307 Title IX and are subject to potential disciplinary action. Reasonable accommodations will be provided as may be deemed appropriate.
2. Retaliation against pregnant or parenting students for engaging in protected activity is also prohibited and subject to disciplinary action, in accordance with SFA HOP 01-307 Title IX.
3. For more information and reporting options, including filing a discrimination or retaliation complaint, visit the Office of Title IX's or the Office of Disability Services.

C. Reasonable Accommodations for Pregnant Students

1. Reasonable Accommodations. The University will offer reasonable accommodations to pregnant students, in accordance with state and federal laws and regulations. Accommodation requests are voluntary and involve an individualized, interactive process where both the institution and the student engage in a good faith discussion based on the student's specific needs with the goal of identifying reasonable options for accommodations. Accommodations that constitute undue hardship are not reasonable.

Reasonable accommodations for pregnant students may include but are not limited to:

- a. Excused absences with the availability to make up missed assignments or



- coursework;
 - b. Additional time to complete assignments (applied in the same manner as ADA/504 accommodations for additional time on assignments or tests, with required documentation);
 - c. Allowing the student to maintain a safe distance from substances, areas, and activities known to be hazardous to pregnant students or unborn children;
 - d. Access to instructional materials and video recordings of lectures (if available) for classes due to excused absences due to pregnancy or related conditions (applied in the same manner as any other student with excused absences); and
 - e. Any other accommodations deemed reasonable, based on the student's individual needs.
2. Documentation Required. Documentation may be required for excused absences under this Policy, as deemed "medically necessary" based on a pregnancy or pregnancy-related condition.
3. Contact Information. To request an accommodation, contact the university's Pregnancy and Parenting Liaison with the Student Development and Access Services.
- D. Leave of Absence for Pregnant and Parenting Students
- 1. Leave of Absence. The University will allow pregnant and parenting students to take a leave of absence, as defined in this Policy, for a reasonable duration depending on the circumstances. In addition, if the pregnant or parenting student is in good academic standing at the time of the leave of absence, the student may return to the same degree or certificate program in good academic standing without being required to reapply for admission.
 - 2. Documentation Required. Documentation may be required for a leave of absence request under this Policy, which verifies the pregnant or parenting student status.
 - 3. Contact Information. To apply for a leave of absence, contact the Dean of Students Office.
- E. Confidentiality. The University will maintain the confidentiality of student records and documentation to the extent possible under state and federal law.
- F. Additional Parenting Student Services
- 1. Early Registration. Parenting students are eligible for early registration for courses to the extent others have access to early registration of those same courses. For more information, contact the Office of the Registrar.
 - 2. Parenting Student Liaison. Current and incoming parenting students have access to a University Parenting Student Liaison, who provides parenting students information regarding support services and other available resources. For more information, contact the Student Development and Access Services office.

Related Statutes or Regulations, Rules, Policies, or Standards

Title IX of the Education Amendment of 1972, 20 U.S.C. §§ 1681-1688 and its implementing regulations, 34 C.F.R. Part 106

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794

Americans with Disabilities Act (ADA) of 1990 and 2008 amendments, 42 U.S.C. § 12101 et seq.



Americans with Disabilities Act Title II Regulations
FERPA Regulations, 34 C.F.R. Part 99

Tex. Educ. Code §§ 51.982-.983
Tex. Educ. Code § 51.9357

SFA HOP 01-305 Nondiscrimination
SFA HOP 01-307 Title IX
SFA HOP 02-308 Faculty Code of Conduct
SFA HOP 03-304 Discipline and Discharge
SFA HOP 04-101 Academic Accommodations for Students with Disabilities
SFA HOP 04-106 Code of Student Conduct and Academic Integrity
SFA HOP 04-110 Institutional Absences

Responsible Executive

Executive Director of Student Development and Access Services

Forms

None

Revision History

January 12, 2024 (Provisional)