



## **PREGNANCY AND RELATED CONDITIONS AND PARENTING STUDENT POLICY**

### **1. Non-Discrimination Statement**

Kean University does not discriminate in its education program or activity against any applicant for admission, student, applicant for employment, or employee on the basis of current, potential, or past pregnancy or related conditions as mandated by Title IX of the Education Amendments of 1972 (Title IX). The University prohibits members of the University community from adopting or implementing any policy, practice, or procedure which treats an applicant for admission, student, applicant for employment, or employee differently on the basis of current, potential, or past parental, family, or marital status. This policy and its pregnancy-related protections apply to all pregnant persons, regardless of gender identity or expression.

This policy is intended to comply with federal law (Title IX), as well as New Jersey State law (N.J.S.A. 18A:3B-74 et seq.).

### **2. Definitions**

- ***Familial Status.*** The configuration of one's family or one's role in a family.
- ***Marital Status.*** The state of being married or unmarried.
- ***Parental Status.*** The status of a person who, with respect to another person who is under the age of 18,<sup>1</sup> is a biological, adoptive, foster, or 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.
- ***Pregnancy and Related Conditions.*** The full spectrum of processes and events connected with pregnancy, including pregnancy, childbirth, termination of pregnancy, or

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<sup>1</sup> Or a person who is 18 or older but who is incapable of self-care because of a mental or physical disability.

lactation; related medical conditions; and recovery therefrom.<sup>2</sup>

- **Reasonable Modifications.** Individualized modifications to the University's policies, practices, or procedures that do not fundamentally alter the University's education program or activity.

### **3. Information Sharing Requirements**

Any University employee who becomes aware of a student's pregnancy or related condition is required to provide the student with the Title IX Coordinator's contact information and communicate that the Title IX Coordinator can help take specific actions to prevent discrimination and ensure equal access to the University's education program and activity. If the employee has a reasonable belief that the Title IX Coordinator is already aware of the pregnancy or related condition, the employee is not required to provide the student with the Title IX Coordinator's contact information.

Upon notification of a student's pregnancy or related condition, the Title IX Coordinator will contact the student and inform the student of the University's obligations to:

- Prohibit sex discrimination.
- Provide reasonable modifications.
- Allow access, on a voluntary basis, to any separate and comparable portion of the institution's education program or activity.
- Allow a voluntary leave of absence.
- Ensure lactation space availability.
- Maintain a Resolution Process for alleged discrimination.
- Treat pregnancy as comparable to other temporary medical conditions for medical benefit, service, plan, or policy purposes.

The Title IX Coordinator will also notify the student of the process to file a complaint for alleged discrimination, harassment, or retaliation, as applicable.

### **4. Reasonable Modifications for Students**

Students who are pregnant or are experiencing related conditions are entitled to Reasonable Modifications to prevent sex discrimination and ensure equal access to the University's education program and activity. Any student seeking Reasonable Modifications must contact the Title IX Coordinator to discuss appropriate and available Reasonable Modifications based on their individual needs. Students are encouraged to request Reasonable Modifications as

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<sup>2</sup> "The U.S. Department of Education interprets 'termination of pregnancy' to mean the end of pregnancy in any manner, including, miscarriage, stillbirth, or abortion." Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 89 F.R. 33474, April 29, 2024, codified at 34 C.F.R. 106.

promptly as possible, although retroactive modifications may be available in some circumstances. Reasonable Modifications are voluntary, and a student can accept or decline the offered Reasonable Modifications. Not all Reasonable Modifications are appropriate for all contexts.

Reasonable Modifications may include:

- 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
- Time extensions 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
- A larger uniform or other required clothing or equipment
- Other changes to policies, practices, or procedures determined by the Title IX Coordinator

In situations such as clinical rotations, performances, labs, and group work, the University will work with the student to devise an alternative path to completion, if possible. In progressive curricular and/or cohort-model programs, medically necessary leaves are sufficient cause to permit the student to shift course order, substitute similar courses, or join a subsequent cohort when returning from leave. Students are encouraged to work with their faculty members and the University's support systems to devise a plan for how to best address the conditions as pregnancy progresses, anticipate the need for leaves, minimize the academic impact of their absence, and get back on track as efficiently and comfortably as possible. The Title IX Coordinator will assist with plan development and implementation as needed.

Supporting documentation for Reasonable Modifications will only be required when it is necessary and reasonable under the circumstances to determine which Reasonable Modifications to offer to determine other specific actions to take to ensure equal access.

Information about pregnant students' requests for modifications will be shared with faculty and staff only to the extent necessary to provide the Reasonable Modification.

Students experiencing pregnancy-related conditions that manifest as a temporary disability under the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act are eligible for reasonable accommodations just like any other student with a temporary disability. The Title IX Coordinator will consult with the Office of Accessibility Services to ensure the student receives reasonable accommodations for their disability as required by law.

## **5. Certification to Participate**

All students should be informed of health and safety risks related to participation in academic and co-curricular activities, regardless of pregnancy status. A student may not be required to provide health care provider or other certification that the student is physically able to participate in the program or activity, unless:

- a. The certified level of physical ability or health is necessary for participation;**
- b. The University requires such certification of all students participating; and**
- c. The information obtained is not used as a basis for pregnancy-related discrimination.**

## **6. Lactation Space Access**

Kean University recognizes the importance of breastfeeding and the health benefits to both mother and child. As such, Kean University has dedicated clean, private, and comfortable [locations](#) for women who wish to express breast milk. These lactation rooms are located in close proximity to restrooms and provide a comfortable chair with a table arm. The lactation rooms are secure and require a key for entry and are accessible to all Kean University students and employees. Please note that the University does not provide refrigeration for expressed milk or a place to keep storage equipment. Students and employees are encouraged to bring a cooler bag for proper storage of expressed milk.

Student employees should review the [University's Break Time for Nursing Mothers Policy](#) for reasonable accommodations available for nursing mothers.

## **7. Leaves of Absence**

### **A. Students**

Students are permitted to take a voluntary leave of absence for a reasonable time as deemed medically necessary by their healthcare provider because of pregnancy and/or the birth, adoption, or placement of a child. The leave term may be extended in the case of extenuating circumstances or medical necessity.

To the extent possible, University will take reasonable steps to ensure that students who take a leave of absence or medical leave return to the same position of academic progress that they were in when they took leave, including access to the same or an equivalent course catalog that was in place when the leave began.

Continuation of students' scholarships, fellowships, or similar University-sponsored funding during the leave term will depend on student registration status and the policies of the funding program regarding registration status. Students will not be negatively impacted by or forfeit

their future eligibility for their scholarship, fellowship, or similar University-supported funding by exercising their rights under this policy.

The Title IX Office can and will advocate for students with respect to financial aid agencies and external scholarship providers in the event that a leave of absence places eligibility into question.

In order to initiate a leave of absence, the student must contact the Title IX Coordinator at least 30 calendar days prior to the initiation of leave, or as soon as practicable. The Title IX Coordinator will assist the student in completing any necessary paperwork with [Student Health Services](#) to initiate a leave request.

## **B. Student Employees**

Pregnancy and related conditions will be regarded as a justification for a leave of absence without pay for a reasonable period of time.

Student Employees who take leave under Title IX must be reinstated to the status held when leave began or a comparable position without a negative effect on any employment privilege or right.

## **8. Additional New Jersey Law Protections for Students**

Kean University shall not require a student to take a leave of absence, withdraw from an associate, baccalaureate, or graduate program, or limit the student's studies solely due to pregnancy or pregnancy-related issues.

The University shall provide reasonable accommodations to a pregnant student to enable the student to complete coursework and research. Reasonable accommodations to a pregnant student shall include, but need not be limited to, allowances for the student's health and safety, such as allowing the student to maintain a safe distance from hazardous substances, allowing the student to make up tests and assignments that are missed for pregnancy-related reasons, allowing a student to take a leave of absence, and excusing medically-necessary absences.

The University shall return an enrolled student in good academic standing who chooses to take a leave of absence because she is pregnant or has recently given birth to the associate, baccalaureate, or graduate program in good academic standing following a leave period consistent with University policies or of up to one academic year, whichever period is longer, subject to the reasonable administrative requirements, unless there is a medical reason for a longer absence, in which case her standing in the associate, baccalaureate, or graduate program shall be maintained during that period of absence.

The University shall return an enrolled student in good academic standing who is not the birth parent and who chooses to take a leave of absence because of the birth of the student's child to

the associate, baccalaureate, or graduate program in good academic standing following a leave period consistent with University policies, or of up to one month, whichever period is longer, subject to the reasonable administrative requirements.

The University shall allow a graduate student who chooses to take a leave of absence because she is pregnant or has recently given birth a period consistent with University policies, or a period of 12 months, whichever period is longer, to prepare for and take preliminary and qualifying examinations. The normative time to degree while in candidacy for a graduate degree for a pregnant graduate student shall be increased in an amount equal to the length of the leave of absence, unless a longer extension is medically necessary.

The University shall allow a graduate student who is not the birth parent and who chooses to take a leave of absence because of the birth of the student's child a period consistent with University policies, or a period of one month, whichever period is longer, to prepare for and take preliminary and qualifying examinations, and an extension of at least one month toward normative time to degree while in candidacy for a graduate degree, unless a longer period or extension is medically necessary to care for the student's partner or their child.

#### **9. Policy Dissemination and Training**

A copy of this policy will be made available to faculty and employees in annually required training and posted on the University website. The University will alert all new students about this policy and the location of this policy as part of orientation. The Office of Affirmative Action Programs/Title IX Office will make educational materials available to all members of the University community to promote compliance with this policy and familiarity with its procedures.