



## INTERIM POLICY ON PREGNANCY AND RELATED CONDITIONS AND PARENTAL STATUS

### I. Non-Discrimination Statement

The University of Maryland, Baltimore County (“UMBC” or “the 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 in accordance with Title IX of the Education Amendments of 1972 (Title IX), Title VII of the Civil Rights Act of 1965 (Title VII), the Pregnant Workers Fairness Act (PWFA), the Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act, and state law.

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.

### II. Definitions

For purposes of this Policy and the applicable Procedures, the following definitions apply.

- A. Familial Status:** The status of being a parent or legal custodian with children or being pregnant.
- B. Fundamental Alteration:** A change to a college program, service, or activity that significantly changes the essential nature of the program, service, or activity.
- C. Marital Status:** Whether a person is single, married, remarried, divorced, separated, or a surviving spouse. It also includes protection from discrimination based on the identity, situation, actions, or beliefs of a spouse or former spouse.
- D. Parental Status:** The current, potential, or past status of an individual who is, with respect to any person under the age of 18 or over the age of 18 but incapable of self-care because of a disability: (1) a biological, step, adoptive, or foster parent; (2) a legal custodian or guardian; (3) in loco parentis; or (4) actively seeking legal custody,

guardianship, visitation, or adoption.

**E. Pregnancy or Related Conditions:** The current, past, or potential presence of any of the following conditions: (1) Pregnancy, childbirth, termination of pregnancy,<sup>1</sup> or lactation; (2) Recovery from pregnancy, childbirth, termination of pregnancy, or lactation; or (3) Medical conditions related to pregnancy, childbirth, termination of pregnancy or lactation.

**F. Reasonable Modifications or Accommodations:** Individualized modifications to the University's policies, practices, or procedures that do not fundamentally alter the University's education program or activity or create an undue hardship.

**G. Undue Hardship:** Significant difficulty or expense incurred by the University.

### III. Information Sharing Requirements

Any University employee who becomes aware of a student's pregnancy or related condition is required to:

- A. Provide the student with the Title IX Coordinator's contact information and
- B. 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/accommodations;
- 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;

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<sup>1</sup> Termination of pregnancy refers to the end of pregnancy in any manner, including, miscarriage, stillbirth, or abortion.

- Maintain a Resolution Process for alleged discrimination; and
- 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.

#### **IV. Reasonable Modifications (Students) and Reasonable Accommodations (Employees)**

Students and Employees who are pregnant or are experiencing related conditions are entitled to Reasonable Modifications or Accommodations to prevent sex discrimination and ensure equal access to the University's education program and activity to include employment.

A Reasonable Modification or Accommodation will be provided unless it poses a fundamental alteration or creates an undue hardship. The Reasonable Modification or Accommodation may not be the modification or accommodation requested.

##### **A. Requesting a Reasonable Modification or Accommodation**

Any student or employee seeking a Reasonable Modification or Accommodation must contact the Title IX Coordinator to discuss appropriate and available Reasonable Modifications or Accommodations based on their individual needs.

Contact for the Title IX Coordinator is as follows:

Office of Equity and Civil Rights  
University of Maryland, Baltimore County  
9th Floor, Administration Building  
Baltimore, MD 21250  
Email: [titleixcoordinator@umbc.edu](mailto:titleixcoordinator@umbc.edu); [ECR@umbc.edu](mailto:ECR@umbc.edu)  
Phone: 410.455.1717  
Website: [www.ecr.umbc.edu](http://www.ecr.umbc.edu)

Individuals are encouraged to request Reasonable Modifications or Accommodations as promptly as possible, although retroactive modifications or accommodations may be available in limited circumstances.

##### **B. Coordination with Disability Services**

Students and employees 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 individual with a temporary disability.

Pregnancy and Related Conditions will be treated in the same manner and under the same policies as any other temporary medical conditions for all job-related purposes, including commencement, duration, and extension of leave, payment of disability income, accrual of seniority and any other benefit or service, reinstatement, and any other fringe benefit offered to employees by virtue of employment.

Pregnancy and Related Conditions will be treated in the same manner and under the same policies as any other temporary medical conditions with respect to medical or hospital benefits, services, or any other policies the University operates or participates in with respect to students in the University's education program or activity.

The Title IX Coordinator will consult with the Office of Student Disability Services (students) and/or the Office of Accessibility and Disability Services (employees) to ensure the individual receives reasonable accommodations for their disability as required by law.

### **C. Types of Reasonable Modifications and Accommodations**

Not all Reasonable Modifications or Accommodations are appropriate for all contexts. The provision of Reasonable Modifications or Accommodations will be based on the individualized needs

Additionally, the University does not have to provide the specific modification or accommodation that is requested as long as that the University provides an alternative modification or accommodation that is just as effective.

Reasonable Modifications and Accommodations are voluntary, and the individual can accept or decline the offered Reasonable Modifications or Accommodations.

Examples of Reasonable Modifications or Accommodations may include:

- Breaks during class/work 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 education/remote work
- Changes in schedule or course sequence

- Time extensions for coursework and rescheduling of tests and examinations
- Allowing an individual to sit or stand as needed
- 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
- Temporary relief from essential functions of an employee's job
- Voluntary leave of absence (for employees, this may be with or without pay)
- Counseling
- Other changes to policies, practices, or procedures determined by the Title IX Coordinator

#### **D. Considerations for Students**

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 Title IX Coordinator to devise a plan for how to best address the conditions as pregnancy progresses, in order to minimize any academic impact. The Title IX Coordinator, or their designee, 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 for a student.

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

#### **E. Considerations for Employees**

The University will provide Reasonable Accommodations for employees with known limitations related to Pregnancy or Related Conditions.

Each Reasonable Accommodation shall be based on the employee's individualized needs, in consultation with the employee, their supervisor, and/or the Title IX Coordinator and in consideration of any medical documentation.

The University may request from the employee only the minimum documentation necessary to establish that the employee is experiencing Pregnancy or Related Conditions, and what adjustments are needed. It is not reasonable to request documentation when the need for the accommodation is obvious and/or already known or when documentation would not be requested from others under similar circumstances.

Any documentation that is requested will be limited to information that confirms the physical or mental condition; confirms that the physical or mental condition is related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions; and describes the adjustment or change at work that is needed due to the limitation.

At the conclusion of any accommodation, the employee shall be reinstated to the same status as before the accommodation without decrease in compensation or loss of promotional opportunities or any other right or privilege of employment.

## **V. 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 discrimination.

## **VI. Lactation Space Access**

The University provides students, employees, and visitors with access to lactation spaces that are functional, appropriate, and safe. Such spaces are regularly cleaned, shielded from view, and free from the intrusion of others. At a minimum, each space is equipped with seating, a table or other flat surface, an electrical outlet, and nearby access to a sink. The process to reserve each space varies based on the location.

Lactation spaces are located in the following locations:

- [Women's Center](#), Commons, Suite 004
- [The RAC](#), Room 073
- [AOK Library](#), Room 755
- [Universities at Shady Grove](#), Rooms III-3236 and IV-1302

## **VII. Leaves of Absence**

### **A. Students**

Students are permitted to take a voluntary leave of absence because of pregnancy and/or the birth, adoption, or placement of a child for a period of time as deemed medically necessary by their healthcare provider, or for the period of time permitted under any other applicable policy, whichever is greater.

To the extent possible, the 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.

### **B. Employees**

If an employee, including a student-employee, is not eligible for leave under other applicable University employment policies (e.g. FMLA) because they either (1) do not have enough leave time available under that policy, or (2) have not been employed long enough to qualify for leave under another University policy, they are eligible to qualify for pregnancy or related condition leave under Title IX. Pregnancy and related conditions will be regarded as a justification for a leave of absence without pay for a reasonable period of time.

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.

## **VIII. Student Parents**

Students with child caretaking/parenting responsibilities who wish to remain engaged in their coursework while adjusting their academic responsibilities because of medical necessity or extraordinary caretaking/parenting responsibilities related to the birth or adoption of a child or placement of a foster child may request a reasonable academic modification. The University may request these students to provide documentation to support the need for the request.

Students are encouraged to work with their advisors and faculty members to determine appropriate academic modification requests. If, for any reason, caretaking/parenting students are not able to work with their advisors/faculty members to obtain appropriate modifications, students may contact the University's Title IX Coordinator.

## **IX. 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 Office of Equity and Civil Rights website.

The University will alert all new students and employees about this Policy and the location of this Policy as part of orientation or onboarding.

The Office of Equity and Civil Rights will make educational materials available to all members of the University community to promote compliance with this Policy and its procedures.

## **X. Related Policies and Procedures**

[USM Policy on Family and Medical Leave for Faculty](#)

[USM Policy on Parental Leave and Other Family Supports for Faculty](#)

[USM Policy on Leave Without Pay for Faculty](#)

[USM Policy on Family and Medical Leave for Nonexempt and Exempt Staff Employees](#)

[USM Policy on Parental Leave and Other Family Supports for Staff](#)

[USM Policy on Leave of Absence Without Pay for Nonexempt and Exempt Staff Employees](#)

[UMBC Interim Policy on Sex Discrimination, Sex-Based Harassment, and Sexual Misconduct](#)

[UMBC Discrimination and Equal Opportunity Policy](#)