

Parental, family, marital status, pregnancy or related conditions – Students and Employees

Policy Statement

Title IX of the Education Amendments of 1972 provides:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

It is the policy of Gratz College (“Gratz”) to maintain an environment that is free of all forms of discrimination on the basis of sex and sex-based harassment in any education program or activity whether or not such program or activity is offered or sponsored by Gratz including admission and employment.

This Policy prohibits all forms of discrimination on the basis of sex and sex-based harassment, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. This Policy also prohibits retaliation against a person who reports, complains about, or who otherwise participates in good faith in any matter related to this Policy. All the foregoing conduct shall be referred to as “Prohibited Conduct.”

Gratz takes prompt and equitable action to eliminate the Prohibited Conduct (if any), prevent its recurrence, and remedy its effects. In addition, Gratz fulfills its obligations under the Violence Against Women Reauthorization Act of 2013 (“VAWA”) amendments to the Jeanne Clery Disclosure of Campus Security Policy. Students, employees, or third parties who are found to have violated this Policy may face disciplinary action Gratz to and including expulsion (students) or termination of employment or contractual relationship (employees or third-party contractors).

Issues about Title IX as it pertains to parental, family, marital status, pregnancy or related conditions may be referred to Gratz’s Title IX Deputy Coordinator: Naomi Housman, Gratz College, 7605 Old York Road, Melrose, PA 19027; 215-635-7300, ext. 126. The Title IX Coordinator is Dr. Ruth Sandberg, Gratz College, 7605 Old York Road, Melrose, PA 19027; 215-635-7300, ex. 168.

As part of and in compliance with Title IX, Gratz has adopted a Pregnancy or Pregnancy Related Conditions Policy, which can also be found at the following link on the Gratz website: <https://www.gratz.edu/students/policies/title-ix>

Scope

Gratz does not adopt or implement any policy, practice, or procedure concerning a student's current, potential, or past parental, family, or marital status that treats students differently on the basis of sex.

Gratz does not discriminate in its education program or activity against any student based on the student's current, potential, or past pregnancy or related conditions. Gratz does not engage in prohibited discrimination when it allows a student, based on pregnancy or related conditions, to voluntarily participate in a separate portion of its education program or activity provided Gratz ensures that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions.

Gratz ensures that when a student, or a person who has a legal right to act on behalf of the student, informs any employee of the student's pregnancy or related conditions, unless the employee reasonably believes that the Title IX Coordinator has been notified, the employee promptly provides that person with the Title IX Coordinator's contact information and informs that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to Gratz's education program or activity.

Gratz takes specific actions to promptly and effectively prevent sex discrimination and ensure equal access to Gratz's education program or activity once the student, or a person who has a legal right to act on behalf of the student, notifies the Title IX Coordinator of the student's pregnancy or related conditions. So I should have been clearer on this issue. The T9 Coordinator still has overall responsibility for this policy. The day to day administration of this policy can be the Deputy Coordinator who also happens to be your ADA Coordinator. So, I would leave this sentence in and add clarification to it.

Gratz informs the student, and if applicable, the person who notified the Title IX Coordinator of the student's pregnancy or related conditions and has a legal right to act on behalf of the student, of Gratz's obligations under this section and provide Gratz's notice of nondiscrimination.

Reasonable Modification

Gratz makes reasonable modifications to Gratz's policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to Gratz's education program or activity. Each reasonable modification must be based on the student's individualized needs. In determining what modifications are required under this paragraph, Gratz consults with the student. A modification that Gratz can demonstrate would fundamentally alter the nature of its education program or activity is not a reasonable modification.

The student has discretion to accept or decline each reasonable modification offered by Gratz. If a student accepts Gratz's offered reasonable modification, Gratz implements it.

Reasonable modifications may include, but are not limited to, 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; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; changes in physical space (for example, access to a larger desk or a footrest); elevator access; or other changes to policies, practices, or procedures.

Voluntary access to separate and comparable portion of program or activity

Gratz allows the student to voluntarily access any separate and comparable portion of Gratz's education program or activity.

Voluntary leaves of absence

Gratz allows the student to voluntarily take a leave of absence from Gratz's education program or activity to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. To the extent that a student qualifies for leave under a leave policy maintained by Gratz that allows a greater period of time than the medically necessary period, Gratz must permit the student to take voluntary leave under that policy instead if the student so chooses. When the student returns to Gratz's education program or activity, the student must be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began.

Lactation space

Gratz ensures that the student can access a lactation space, which must be a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed.

Limitation on documentation

Gratz does not require supporting documentation unless the documentation is necessary and reasonable for Gratz to determine the reasonable modifications to make or whether to take additional specific actions. Examples of situations when requiring supporting documentation is not necessary and reasonable include, but are not limited to, when the student's need for a specific action is obvious when the student has previously provided Gratz with sufficient supporting documentation; when the reasonable modification because of pregnancy or related conditions at issue is allowing a 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; when the student has lactation needs; etc.

Comparable treatment to other temporary medical conditions.

Gratz treats pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy Gratz administers, operates, offers, or participates in with respect to students admitted to Gratz's education program or activity.

Certification to participate.

Gratz does not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in Gratz's class, program, or extracurricular activity unless:

- (i) The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
- (ii) Gratz requires such certification of all students participating in the class, program, or extracurricular activity; and
- (iii) The information obtained is not used as a basis for discrimination prohibited by this Policy.

Record keeping

Gratz College is not required to keep records of reasonable modifications concerning parental, family, marital status, and pregnancy or related conditions offered to students.

Parental, family, marital status, pregnancy or related conditions – Employees

Scope

Gratz does not adopt or implement any policy, practice, or procedure, or take any employment action, on the basis of sex:

- (1) Concerning the current, potential, or past parental, family, or marital status of an employee or applicant for employment, which treats persons differently; or
- (2) That is based on whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit.

Pregnancy or related conditions.

Gratz must not discriminate against any employee or applicant for employment on the basis of current, potential, or past pregnancy or related conditions.

Comparable treatment to other temporary medical conditions.

Gratz must treat pregnancy or related conditions as any other temporary medical conditions for all job-related purposes, including commencement, duration and extensions of leave; payment of disability income; accrual of seniority and any other benefit or service; and reinstatement; and under any fringe benefit offered to employees by virtue of employment.

Voluntary leaves of absence.

In the case of Gratz that does not maintain a leave policy for its employees, or in the case of an employee with insufficient leave or accrued employment time to qualify for leave under such a policy, Gratz treats pregnancy or related conditions as a justification for a voluntary leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

Lactation time and space.

(1) Gratz provides reasonable break time for an employee to express breast milk or breastfeed as needed.

(2) Gratz ensures that an employee can access a lactation space, which must be a space other than a bathroom that is clean, shielded from view, free from intrusion from others, and may be used by an employee for expressing breast milk or breastfeeding as needed.

Record keeping

Gratz College is not required to keep records of reasonable modifications concerning parental, family, marital status, and pregnancy or related conditions offered to employees.

Examination and Revision

The policies of Gratz College are reviewed regularly. Gratz College Parental, family, marital status, pregnancy or related conditions – Students and Employees may be revised at any time in order to comply with current applicable guidance, regulations, and laws.