

## **Documentation Guidelines for Pregnancy-Related Accommodations under Title IX**

Title IX of the Education Amendments of 1972 (“Title IX”), 20 U.S.C. §1681 *et seq.*, is a Federal civil rights law that prohibits discrimination on the basis of sex—including pregnancy and parental status—in educational programs and activities. Pregnancy and pregnancy related conditions protected by Title IX consist of the student’s pregnancy, childbirth, termination of pregnancy, lactation, and medical conditions related to these or recovery from these.

NSU treats these conditions in the same manner as any temporary disability. Generally speaking, this means that:

1. Reasonable modifications may be offered to allow a pregnant student to participate in educational activities, so long as these accommodations do not result in a fundamental alteration of an educational program/activity or impose an undue burden on NSU.
2. A student’s absences that are medically necessary due to pregnancy will be excused like any other excused absence so long as the required documentation is provided. Students are still expected to make up any academic requirements in accordance with their academic program’s policies.
3. A student may take a voluntary leave of absence due to pregnancy or pregnancy-related condition under NSU’s Leave of Absence Policy for a minimum of the period which a licensed healthcare provider deems medically necessary, and longer if permitted under university policy. The student will be reinstated to the same academic status (and extracurricular status, to the extent practical) when the leave began. For certain professional schools, due to the nature of the curriculum and clinical experiences, a student may not be able to start back in the same semester where they left off, but may need to take the course at the next course offering. This may result in a delay of program completion.
4. There may be certain circumstances where a student does not qualify for a voluntary leave of absence under NSU’s Leave of Absence Policy. In such event, the student should work with their college to determine whether they qualify for an administrative break in enrollment under their specific college policy.
5. Students who are lactating will be provided with access to a clean, private space that is not a restroom.

Options for making up academic requirements and for temporary modifications vary depending on the student’s academic program requirements, the timing and duration of the student’s documented pregnancy-related need, and the nature of the academic requirement(s) missed.

Caretaking of a partner/spouse, childcare, or baby-bonding are not justification for modifications under Title IX.

### **Documentation Requirements**

Documentation must be provided by a licensed health care provider who is not a family member of the student. Given the nature of pregnancy and related conditions, the medical documentation may reflect anticipated needs (e.g., anticipated date of delivery/termination, or anticipated routine appointments), on-going functional needs (e.g., bedrest requirements, lactation needs, mobility or geographic limitations), and/or recent past medical emergencies (e.g., early delivery, unanticipated hospitalization

due to complications, etc.). While there is not a deadline to submit documentation or request modifications, documentation should be submitted as soon as reasonably possible to maximize the options available to the student as the academic opportunities may be limited in some circumstances. Pregnancy-related documentation may be submitted by a student who is a birthparent or a non-birthparent, but the pregnancy-related medical necessity for absences and/or limitations must be documented for the student seeking reasonable modification(s). Sufficient medical information must be provided by a licensed healthcare provider to enable the Title IX Coordinator to reasonably determine the nature, date, time, and duration of any medically necessary functional pregnancy-related absence, need, or limitation. The student may need to sign a medical release with their healthcare provider in order for the Title IX Coordinator to obtain this information. Documentation must be on the letterhead or the prescription pad of the licensed care provider and must reflect the following:

- Name and signature of licensed care provider
- Name of student being seen by the care provider/requesting modification
- Verification of pregnancy/parental status
- Anticipated date of delivery (or date of procedure/termination)
- Date of issuance of documentation
- Medical necessity/relation to pregnancy: sufficient information to indicate why the absence, need, or limitation is both medically necessary for the student and relates to the pregnancy.
- Nature of absence, medical need, or functional limitation(s): sufficient information to verify how the pregnancy or related condition prevents the student from fully participating in their education.
- Date, time, and duration of absence or functional limitation due to the medically necessary pregnancy-related condition.
- Modifications requested: the nature of the modifications or accommodations being requested by the student to be able to participate in their education.

**Examples of Academic Modifications/Accommodations:**

Accessible Parking

Access to Lactation Room

Breaks for Restroom Use or Lactation

Change in Schedule, Course Section, or Course Sequence

Excused Tardiness

Excused Absences

Extended Deadlines/Time

Leave of Absence

Limited Exposure to Potentially Dangerous Substances (e.g., Lab or Clinical)

Limited Lifting

Limited Standing

Make-Up Assignments/Alternatives

Physical Space Modifications (e.g., table in lieu of desk)

Relocation/Limited Location of Clinical Rotation Site

Rescheduling of Exams

Virtual Participation in Courses

### **Examples of Documentation to Verify Pregnancy-Related Conditions**

- **General Verification of Pregnancy and Anticipated Date of Delivery**  
*This must include the name of the pregnant student and the anticipated date of delivery. If the student seeking modification(s) is not pregnant, the documentation must verify that the student is the parent of the expected child. This allows the student to plan ahead with their academic program.*
- **Documentation of Functional Limitations Affecting Academic Participation**  
*This must include 1) enough information to explain the nature and impact(s) that the medical need or condition has for the student's functioning within their academic program requirements, 2) the date, time, and duration of the medical need, and 3) the modification(s) requested.*
- **Documented Absences Due to Pregnancy-Related Medical Needs**  
*Appointments within the student's control should be scheduled around classes and mandatory academic activities whenever possible. For those pregnancy-related absences that affect academic participation, the documentation must include: 1) the date/time/duration of medically necessary absence and 2) enough information to confirm the medical necessity for student's absence at that time (e.g., hospitalization related to pregnancy, labor/delivery, medical complication requiring immediate treatment, specific date/time was necessary for health of the student/child, medical procedure needed to be performed at a specific time, etc.).*
- **Requests for Lactation Accommodations**  
*Students who are lactating will be provided with access to a clean, private space that is not a restroom. Documentation must include 1) a description of the length, frequency, and duration of breaks or access to a lactation space and 2) the start and anticipated end date for this accommodation (absent an end date, this will generally be granted on a semesterly basis).*

If the documentation provided does not contain sufficient information, the Title IX Coordinator may seek additional information from the licensed healthcare provider directly or request it from the student.

### **Current Pregnancy or Pregnancy-Related Condition Verification Procedures**

1. The pregnancy verification process through the Title IX office is not mandatory but provides a way for students to anticipate for any conflicts that may arise between their academic requirements and the pregnancy and/or anticipated delivery, and to request modifications in order to participate in their academic program. Pregnant students may also contact the Student Disability Services Office to seek verification of absences/medical conditions or accommodations for a disability, if applicable. In addition, academic programs and individual faculty retain the discretion to offer modifications to a pregnant student absent documentation verified by the Title IX Coordinator. However, such modifications must be voluntary for the student and may not discriminate on the basis of sex, pregnancy, or a pregnancy-related condition.
2. Any student seeking modifications due to pregnancy or a related condition may contact the Title IX Coordinator to discuss the pregnancy verification procedures.
3. The student seeking modifications due to pregnancy or any related condition(s) is encouraged to provide initial verification of pregnancy/anticipated delivery date and request(s) for any pregnancy-related modifications to the Title IX Coordinator as soon as reasonably possible to begin planning for anticipated academic needs. Requests can be submitted through the [online verification form](#). Initial verification of pregnancy and anticipated delivery date must be on the letterhead or the prescription pad of the licensed care provider and must reflect the following:
  - Name and signature of licensed care provider
  - Name of student being seen by the care provider/requesting modification
  - Verification of pregnancy/parental status
  - Anticipated date of delivery (or date of procedure/termination)
  - Date of issuance of documentation
4. If the student has any requested modifications or medical needs that warrant modification, sufficient medical information (as described in the documentation guidelines) must be provided by a licensed healthcare provider to enable the Title IX Coordinator to reasonably determine the nature, date, time, and duration of any medically necessary functional pregnancy-related absence, need, or limitation. The student may need to sign a medical release with their healthcare provider in order for the Title IX Coordinator to obtain this information.
5. Upon receipt of documentation, the Title IX Coordinator will consult with the appropriate parties which may include the student, the Office of Disability Services, the student's academic program director or other appropriate academic officials, university personnel, and the healthcare provider(s) to review any documentation provided and identify reasonable modifications for the student.
6. In the event the Title IX Coordinator receives a request for a reasonable accommodation that may qualify under Section 504 of the Rehabilitation Act or the Americans with Disabilities Act, the Title IX Coordinator may notify the Office of Disability Services.
7. Upon verification of pregnancy and/or pregnancy-related condition(s), the Title IX Coordinator will provide the student, their academic program director or designated academic program contact person, and the Office for Student Disability Services, with a letter documenting the actual or anticipated date of delivery or medical procedure and any modifications warranted under Title IX.
8. The student and their program director or designee should meet to discuss the pregnancy/anticipated delivery and any anticipated impacts to the academic requirements. In

many cases, the student and the program director can determine an agreed upon plan of action for any modifications or anticipated absences so the student can fulfill their academic requirements given the anticipated timing of the delivery. Such modifications vary depending upon the nature and timing of the student's pregnancy circumstances as well as the academic program requirements.

9. If the academic program official(s) and/or the student do not agree on the academic option(s) available, the Title IX Coordinator may assist in reviewing the options determined to ensure they are reasonable and do not constitute discrimination under Title IX. If the academic program finds that a student's requested modification would fundamentally alter the educational program, that needs to be documented for the Title IX Coordinator.
10. Findings and determinations made by the Title IX Coordinator are final and not subject to appeal.
11. If there is an emergency situation (such as a hospitalization or unanticipated medical emergency), the student or someone designated on their behalf are encouraged to contact the faculty and the Title IX Coordinator directly as soon as reasonably possible. All reasonable efforts will be made to preserve the student's access to educational programs in these situations until documentation can be provided.
12. The Title IX Coordinator will retain all relevant documentation as private in accordance with applicable laws and university policies.