Policy Number: **300.4**

Policy Title: **Pregnancy Accommodations Policy**

Subject: **300 – Student Affairs**

Responsible Office: **Compliance/Accessibility Services**

Date Adopted:

Date(s) Revised:

Date(s) Reviewed:

Approved by:

Sandra J. Bauman
Dean/CEO
Helena College University of Montana

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PURPOSE:

Helena College aims to create an environment that welcomes all individuals. The College is committed to providing accommodations that allow qualified individuals who experience pregnancy or a related medical condition the opportunity to study, work, and participate in its programs and activities. This policy sets forth Helena College's reasonable accommodations and review process.

POLICY STATEMENT:

Helena College follows all applicable state and federal laws regarding accommodations for qualified individuals with a known limitation related to, due to, or arising out of pregnancy or a related medical condition. The College will make good faith efforts to engage in the interactive process with students to determine reasonable accommodations consistent with its obligations.

This policy sets forth steps students should follow to access pregnancy or related medical condition accommodations, seek review of accommodations provided or declined, and raise concerns regarding the implementation of provided accommodations.

Exclusions:

This policy does not apply when an individual believes they have experienced discrimination, harassment, or retaliation because of a disability. Such individuals should contact the Conduct Officer.

DEFINITIONS:

Accommodation Letter

The written letter issued by the Title IX Coordinator outlining the reasonable accommodations the qualified student may receive, or a decision that a student is not eligible for an accommodation.

Accessibility Services Coordinator

The Accessibility Services Coordinator helps ensure the College is following its processes related to accommodations as well as underlying laws and regulations. The Accessibility Services Coordinator will work with the Title IX Coordinator to identify reasonable accommodations.

Essential Requirements

The core learning outcomes (including skills, knowledge, and licensure requirements) for all students must demonstrate, with or without accommodations, to successfully complete a course, program, or degree. A non-exclusive list of factors that can be considered in determining essential requirements includes:

1. Nature and purpose of the course, program, or degree;
2. The relationship of the requirement to the functional elements of the course, program, or degree;
3. Whether reasonable exceptions, alternatives, or modification are permitted;
4. Whether the requirement exists in similar programs at other institutions;
5. Whether the requirement is fundamental to a given vocation for which the program is preparing students; and/or
6. Whether the requirement is for licensure or certification related to the occupation or profession for which the program prepares students.

Final Review

Next step after reconsideration if concerns are not resolved.

Fundamental Alteration

An accommodation that would alter the essential requirements of a program, or degree.

Pregnancy

Includes a student's current, past, potential or intended pregnancy, as well as childbirth and labor.

Related Medical Condition

A medical condition related to pregnancy or childbirth. Medical conditions include lactation.

Reasonable Accommodations

Any change, adjustment or accommodation in the academic environment, policy or practice that enables a student to enjoy equal opportunities and that does not create an undue hardship on the operation of the College or a fundamental alteration of the course/program.

Routine Accommodations

Requests for accommodations that can be easily made in the college environment such as flexibility with frequency and duration of break times for lactation, use of restrooms, or need to drink/eat; ability to sit instead of stand and vice versa; changes to departmental food or drink policies to allow for a water bottle or food; etc. Documentation is not required for routine accommodations.

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Student
A student who meets the academic and technical standards requisite for admission and participation in Helena College's education program or activity.

Title IX Coordinator

The Title IX Coordinator helps ensure the College is following its processes related to pregnancy accommodations as well as underlying laws and regulations. The Title IX Coordinator will work with students who seek pregnancy-related accommodations to identify reasonable accommodations through the interactive process and will address any changes to established accommodations.

Undue Hardship
Significant difficulty or substantial expense incurred by the College in providing a specific accommodation to a student. Undue hardship refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business or academic program.

PROCEDURE:
The following procedure details the process students should follow in requesting, implementing, and challenging reasonable accommodations. This procedure in no way limits individuals' rights under Helena College policy or applicable law.

Step 1: Requesting Reasonable Accommodations

A student should initiate the process by informing the Title IX Coordinator they require reasonable accommodation for pregnancy or a related medical condition.

Interactive Process by Role
The following sections detail the obligations of different individuals and entities throughout the interactive process:

Title IX Coordinator

1. After the accommodation process has been initiated, the Title IX Coordinator will send outreach to the student, and provide information about:
    1. Scheduling a meeting to discuss needed adjustments
    2. what documentation, if any, is necessary for the student to provide
    3. if appropriate, information about break time and locations for expression of breast milk
2. After the meeting between the Title IX Coordinator and the student, the Title IX Coordinator will work with the student's faculty, academic departments and if appropriate advisor to assess any barriers to access, course requirements, technical standards, etc. and determine what reasonable accommodations will be provided
3. Issue an accommodation letter.

Students

1. Initiate the process by contacting the Title IX Coordinator to schedule an initial meeting;

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2. Engage in the interactive process with the Title IX Coordinator by providing necessary information, including information about academic barriers related to pregnancy or related medical condition, and can sometimes include medical documentation;
3. Access the accommodation letter provided by Title IX Coordinator,
4. Contact faculty, provide them with the accommodation letter, and request accommodations promptly.
5. Remain connected with Title IX Coordinator as needed. Promptly communicate with Title IX Coordinator if new or additional accommodations are needed or if there is a concern about implementing an accommodation.

Faculty

1. Collaborate and communicate with the Title IX Coordinator, as needed, to implement reasonable accommodations listed on the accommodation letter,
2. Implement reasonable accommodations provided in the accommodation letter consistently and promptly,
3. Immediately consult with the Title IX Coordinator if questions or concerns about accommodation requests or the implementation of accommodations arise,
4. Immediately communicate to the Title IX Coordinator any questions or concerns regarding accommodation requests or the implementation of accommodations that may fundamentally alter a course and
5. Respond promptly to the Title IX Coordinator's requests for information and collaboration.

Step 2: Accommodation Follow-Up

The Title IX Coordinator carefully evaluates all available information when determining reasonable accommodations. If the student disagrees with the accommodation(s) provided in the accommodation letter or believes an accommodation has not been properly implemented, they must notify the Title IX Coordinator. If the concern is not resolved, at that point students may proceed with reconsideration by following the process outlined in the reconsideration section below.

Step 3: Reconsideration

If concerns remain after completion of Step 2, the student may begin the reconsideration process. The student must initiate reconsideration within 14 calendar days of the issuance of the accommodation letter. Outlines of the reconsideration processes are provided below.

Student Reconsideration:

The student shall email the Title IX Coordinator for a request to meet and a description of their concern(s) and/or reason(s) for requesting reconsideration.

The student shall meet in person, by video call or phone call with the Title IX Coordinator, or their designee, when concerns may be discussed, and additional information and/or documentation may be presented.

The Title IX Coordinator or their designee may also seek information from faculty and/or appropriate College administrators as well as seek external expertise as necessary.

The Title IX Coordinator, or their designee, will issue a written decision on the reconsideration and email it to the student. The time required for a decision on reconsideration will depend on various factors, including the nature and scope of the matter. A reasonable effort will be made to resolve the matter as promptly as possible.

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Upon issuance of a written decision to the student, faculty are required to implement any accommodation(s) determined by this process to be reasonable.

Step 4: Final Review

If the issue is not resolved through the reconsideration process, within 5 calendar days of the issuance of the reconsideration decision, the student may notify the Title IX Coordinator to request a committee review of the reconsideration decision. The student shall submit a written request for review which identifies:

1. the issue of disagreement;
2. the substantive reason(s) the individual disagrees with the decision; and
3. the desired outcome.

Review Committee

The Title IX Coordinator will convene a Review Committee to address the matter.

Student Review Committee

Student matters will be considered by a review committee consisting of the Accessibility Services Coordinator, Executive Director of the Academic area, and a relevant official. The Title IX Coordinator will serve as ex officio. If one of these members is unavailable or otherwise cannot serve on the review committee, the Title IX Coordinator will appoint a replacement member. The review committee may appoint an additional ex officio member, such as a representative from the relevant academic unit if deemed appropriate by a majority vote of the committee.

The student review committee will review all submitted information. It may meet with the student to discuss the concern(s) and obtain clarifying information if necessary. The review committee also has the discretion to request additional documents and information and to consult with other College officials as appropriate.

The time required for a decision on a review will depend on various factors, including the nature and scope of the matter. The Title IX Coordinator will issue the review committee's written decision on the reconsideration. The written decision is final and not appealable.

Discrimination & Harassment Complaints

Students who have complaints related to discrimination, harassment, or retaliation because of pregnancy, childbirth or related medical conditions should report to the 504 Officer and follow the procedures in the College's Discrimination, Harassment, and Retaliation policy.

Confidentiality

That a student is pregnant, has recently been pregnant, or has a related medical condition is medical information. Such medical information will be kept confidential pursuant to state and federal law. Moreover, personally identifiable information will not be disclosed except to carry out the purposes of this policy and procedure and/or as required by applicable law. Pursuant to applicable law, faculty will be informed only to the extent necessary to implement reasonable accommodations.

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