
NOTRE DAME OF MARYLAND UNIVERSITY

**INTERIM POLICY PREGNANCY AND RELATED
CONDITIONS**

Notre Dame of Maryland University Notice of Non-Discrimination

Notre Dame of Maryland University values safety, diversity, equity, inclusion, and social responsibility. Consistent with these principles, the University does not discriminate in offering equal access to its educational programs and activities or with respect to employment terms and conditions on the basis of age, color, creed, disability, genetic information, marital status, national or ethnic origin or ancestry, race, religion, sex (including pregnancy, sexual orientation, or gender identity or expression), veteran status or any other characteristic protected in accordance with applicable federal, state, and local laws and regulations including but not limited to Title IX of the Education Amendments of 1972 as amended (Title IX), Title VI of the Civil Rights Act of 1964 as amended (Title VI), Title VII of the Civil Rights Act of 1964 as amended (Title VII), Section 504 of the Rehabilitation Act of 1973 (Section 504), Americans with Disabilities Act of 1990 as amended (ADA), and Age Discrimination in Employment Act of 1967 as amended, etc..

Inquiries or concerns regarding the application of this statement and related policies may be referred to:

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(410) 532-5109
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Additional information is available at <https://www.ndm.edu/about-us/consumerinformation/nondiscrimination-policy>

Office for Civil Rights – Regional Office
U.S. Department of Education
The Wanamaker Building
100 Penn Square, East-Suite 515
Philadelphia, PA 19107
Telephone: (215) 656-8541
OCR.Philadelphia@ed.gov

Office for Civil Rights – National Office
U.S. Department of Education LBJ
Dept. of Education Bldg. 400
Maryland Ave, SW Washington,
DC 20202
Telephone: (800) 421-3481
OCR@ed.gov
<http://www.ed.gov/ocr>

PREGNANCY AND RELATED CONDITIONS POLICY

1. Non-Discrimination Statement

Notre Dame of Maryland University (“NDMU” 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.

2. Definitions

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

- **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 18,¹ 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 lactation; related medical conditions; and recovery therefrom.²
- **Reasonable Modifications.** Individualized modifications to the University’s policies, practices, or procedures that does 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 Coordinator can help take specific actions to prevent discrimination and ensure equal access to the University’s education program and activity.

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

² “[T]he Department 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.

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 (or designee) 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.

A Reasonable Modification will be provided unless it poses a fundamental alteration or creates an undue hardship (defined as a significant difficulty or expense incurred by the University).

Any student seeking Reasonable Modifications must contact the Director of Accessibility (with a CC to the Title IX Coordinator) to discuss appropriate and available Reasonable Modifications based on their individual needs. Students are encouraged to request Reasonable Modifications as 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 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 Director of Accessibility and Inclusion, in consultation with 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 Director of Accessibility 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.

Employees – See Reasonable Accommodation Policy in the Employee Handbook.

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:

- 1) The certified level of physical ability or health is necessary for participation;
- 2) The institution requires such certification of all students participating; and
- 3) The information obtained is not used as a basis for pregnancy-related discrimination.

6. Lactation Space Access

Upon request, the University provides students 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.³ 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 Director of Accessibility, in

³ The space shall not be a bathroom.

consultation with the Title IX Coordinator and other relevant University administrators, shall identify and grant access to one or more appropriate lactation spaces throughout the campus to be used as needed.

Employees – See Lactation Accommodation Policy in the Employee Handbook.

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 health care 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, 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.

In order to initiate a leave of absence, the student must contact the Director of Accessibility (with a CC to the Title IX Coordinator) at least 30 calendar days prior to the initiation of leave, or as soon as practicable. The Director will assist the student in completing any necessary paperwork.

B. Employees

Information on employment leave can be found in the Employee Handbook.

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 that 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.

8. 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 associated with 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 contact the Director of Accessibility (with a CC to the Title IX Coordinator).

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's Title IX and Accessibility websites. 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 Accessibility, in collaboration with the 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.⁴

⁴ Based in part on The ATIXA Pregnancy And Related Conditions Model Policy as modified.