



Pima County Community College District Administrative Procedure

Interim – Effective August 1, 2024

<i>AP Title:</i>	Pregnancy and Related Conditions
<i>AP Number:</i>	AP 3.46.07
<i>Adoption Date:</i>	8/1/24
<i>Schedule for Review & Update:</i>	Every three years
<i>Review Date(s):</i>	New
<i>Revision Date(s):</i>	New
<i>Sponsoring Unit/Department:</i>	Title IX Coordinator
<i>Policy Title(s) & No(s):</i>	Equal Employment Opportunity, ADA, Non-Discrimination and Anti-Harassment (including Sexual Harassment), BP 5.10
<i>Legal Reference:</i>	Title IX of the Education Amendments of 1972
<i>Cross Reference:</i>	Equal Educational Opportunity, BP 3.05

Section 1: Purpose and Non-Discrimination Statement

The College 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 as mandated by Title IX of the Education Amendments of 1972 (Title IX). The College prohibits members of the College 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 Administrative Procedure (AP) and its pregnancy-related protections apply to all pregnant persons, regardless of gender identity or expression.

Section 2: Information Sharing Requirements

- 2.1 The Title IX Coordinator designates the Access and Disability Resources (ADR) Director & Student ADA/504 Coordinator as a Deputy Title IX Coordinator for Student Pregnancy or Related Conditions. The Deputy Title IX Coordinator may designate additional staff members, including Student Affairs, to coordinate compliance with this AP.

ADR Director & Student ADA/504 Coordinator
Ken Hosto
2202 W. Anklam Rd, C-132
Tucson, AZ. 85709
Phone 520-206-3132
Email: khosto@pima.edu

The Title IX Coordinator designates the Executive Director of the Employee Service Center as the coordinator for Employee Pregnancy or Related Conditions leave provisions described in Section 6.1 of this AP.

Employee Service Center
Andrew Plucker, Executive Director
4905 E Broadway, D-113
Tucson, AZ 85709
Phone: 520-206-4585
Email: aplucker@pima.edu

- 2.2 When a College employee is informed by a student, or a person who has a legal right to act on behalf of a student, of the student's pregnancy or related condition, the employee shall provide the student with the Deputy Title IX Coordinator's contact information and communicate that the Deputy Title IX Coordinator can help take specific actions to prevent discrimination and ensure equal access to the College's education program and activity. If the employee has a reasonable belief that the Deputy Title IX Coordinator is already aware of the pregnancy or related condition, the employee is not required to provide the student with the Deputy Title IX Coordinator's contact information.
- 2.3 Upon notification of a student's pregnancy or related condition, the Deputy Title IX Coordinator will contact the student and inform the student of the College'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 (see AP 5.10.01 and Pregnancy FAQ).
- Maintain a Resolution Process for alleged discrimination (AP 2.03.01).
- Treat pregnancy as comparable to other temporary medical conditions for medical benefit, service, plan, or policy purposes.

2.3 The Deputy Title IX Coordinator will also notify the student of the process to file a complaint for alleged discrimination, harassment, or retaliation in AP 2.03.01, as applicable.

Section 3: Reasonable Modifications for Students

3.1 Students who are pregnant or are experiencing related conditions are entitled to Reasonable Modifications to prevent sex discrimination and ensure equal access to the College's education program and activity. Any student seeking Reasonable Modifications must contact the Deputy 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.

3.2 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 or homebound 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 referrals
- 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 Deputy Title IX Coordinator
- 3.3 In situations such as clinical rotations, performances, labs, and group work, the institution 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 College'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 Title IX Coordinator will assist with plan development and implementation as needed.
- 3.4 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.
- 3.5 Information about pregnant students' requests for modifications will be shared with faculty and staff only to the extent necessary to provide the Reasonable Modification.
- 3.6 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. The Deputy Title IX Coordinator will ensure the student receives reasonable accommodations for their disability as required by law.

Section 4: 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:

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

Section 5: Lactation Space Access

The College provides students and employees 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. See AP 5.10.01 for locations and access processes.

Section 6: Leaves of Absence

6.1 Students

- 6.1.1 Students are permitted to take a voluntary leave of absence for a reasonable time as deemed medically necessary by their healthcare provider because of pregnancy and related conditions, 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.
- 6.1.2 To the extent possible, the College 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, including access to the same or an equivalent course catalog that was in place when the leave began.
- 6.1.3 Continuation of students' scholarships, fellowships, or similar College-sponsored funding during the leave term will depend on student registration status and the policies of the funding program regarding registration status. Students will not be negatively impacted by or forfeit their future eligibility for their scholarship, fellowship, or similar The College-supported funding by exercising their rights under this AP.
- 6.1.4 The Financial Aid Office can and will advocate for students with respect to financial aid agencies and external scholarship providers in the event that a leave of absence places eligibility into question.
- 6.1.5 In order to initiate a leave of absence, the student must contact the Deputy Title IX Coordinator at least 30 calendar days prior to the initiation of leave, or as soon as practicable. The Deputy Title IX Coordinator (or designee) will assist the student in completing any necessary paperwork.

6.2 Employees

- 6.2.1 Information on employment leave can be found in the Medical, Military, Parental, and Personal Leave section of the Employee Handbook.
- 6.2.2 If an employee, including a student-employee, is not eligible for leave under the aforementioned leave policy 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.
- 6.2.3 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.

Section 7: Information Dissemination and Training

This AP will be made available to faculty and employees in College Directed training, posted on the College website, and referenced in the College's annual consumer notifications. The College will alert all new students about this AP and the location of this AP as part of orientation. Student Affairs and ADR will make educational materials available to all members of the College Community to promote compliance with this AP and familiarity with its procedures.

Section 8: Definitions

“Familial Status” means the configuration of one’s family or one’s role in a family.

“Marital Status” means the state of being married or unmarried.

“Parental Status” means the status of a person who, with respect to another person who is under the age of 18, 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” means the full spectrum of processes and events connected with pregnancy, including pregnancy, childbirth, termination of pregnancy, or lactation; related medical conditions; and recovery therefrom.

“Reasonable Modifications” means individualized modifications to the College’s policies, practices, or procedures that do not fundamentally alter the College’s education program or activity.