



NORTH CAROLINA A&T STATE UNIVERSITY

CHAPTER 200 - EQUAL OPPORTUNITY AND NONDISCRIMINATION

UNIVERSITY POLICY 206, PREGNANCY AND RELATED MEDICAL CONDITIONS

SECTION 206.1 POLICY STATEMENT

North Carolina Agricultural and Technical State University (“NC A&T” or “University”) is committed to creating and maintaining a community where all individuals enjoy freedom from discrimination, including discrimination on the basis of sex. Discrimination on the basis of sex, which can include discrimination based on pregnancy and related medical conditions, is prohibited and illegal in admissions, educational programs and activities, extracurricular activities, recruitment, retention, promotion, and in the employment process.

SECTION 206.2 PURPOSE

The University established this Policy and related Procedures to ensure the protection and equal treatment of pregnant persons, individuals with pregnancy-related medical conditions, and new parents.

SECTION 206.3 SCOPE

This Policy applies to all students enrolled at the University, employees of the University, and to applicants for admission to an educational program or applicants for employment who are pregnant, experiencing a related medical condition including the application of any rule related to parental, family, or marital status that treats individuals differently based on sex, or who have parenting responsibilities for a child. This Policy applies to all aspects of the University’s programs, including, but not limited to, admissions, educational programs and activities, extra-curricular activities, employment, and athletics.

SECTION 206.4 DEFINITIONS

- (1) “Applicant” means an individual who has submitted an application to be admitted to a full- or part-time course for academic credit at the University.
- (2) “Child” means a student’s biological, adopted, or foster child; legal ward; or relative for whom the student has parenting responsibilities.
- (3) “Complicity” means any act that knowingly aids, facilitates, promotes, or encourages the commission of prohibited conduct by another person.
- (4) “Discrimination” means the unlawful distinction, preference, or detriment of a person on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity,

age, disability, genetic information, pregnancy, veteran status, or political affiliation that may result in adverse consequences such as failure to hire or denial of admission to a program. Discrimination is not unlawful where gender, age, or physical requirements are bona fide job-related employment requirements. Discrimination also includes any unlawful distinction, preference, or detriment to a parenting student, employee, or applicant as compared to other parenting students or employees that is based on sex or gender.

- (5) “Fundamental Alteration” means a significant change that alters the essential nature of the course or program.
- (6) “Harassment” means verbal or physical conduct that unreasonably interferes with an individual’s work or academic performance or creates an intimidating or hostile work or educational environment. Harassment is a type of discrimination that occurs when verbal, physical, electronic, or other conduct based on a Student or Applicant’s Pregnancy or Related Medical Condition or based on sex or gender related to Parenting interferes with that Student’s educational environment (e.g., admission, academic standing, grades, assignments) or participation in a University program or activity (e.g., campus housing).
- (7) “Parenting” means fulfilling the role of parent for a biological, adopted, or foster Child; a legal ward; or a relative for whom the Student has primary caretaking responsibilities.
- (8) “Pregnancy” and/or “Related Medical Conditions” mean pregnancy, birth, false pregnancy, termination of pregnancy, infant loss, breastfeeding, expelling breastmilk, conditions arising in connection with any of these conditions, and recovery from any of these conditions.
- (9) “Retaliation means” any adverse action taken against a person for making a good faith report of harassment or discrimination or participating in any investigation or proceeding related to a claim of harassment or discrimination. Retaliation includes threatening, intimidating, harassing, coercing, discriminating, or any other conduct that would discourage a reasonable person from testifying, or participating in any way in an investigation, proceeding, or lawsuit related to allegations of discrimination or harassment based on race, color, national origin, religion, sex, sexual orientation, gender identity, age, disability, pregnancy, genetic information, or veteran status, or because of opposition to unlawful employment or educational practices.
- (10) “Student” means any person enrolled in courses delivered in any manner by the university, either full or part-time, for credit or non-credit, undergraduate or graduate. Student(s) also include those who have been notified of their acceptance for admission, persons who withdraw after allegedly violating the Student Conduct Regulations, persons who are not enrolled for a particular term (but who have not officially withdrawn from the university), but who enroll in courses from time to time, and those who have a continuing relationship with the university (e.g., on academic suspension or academic dismissal, disciplinary suspension or studying abroad).

- (11) “Title IX Coordinator” means the University official who is primarily responsible for coordinating the University’s responses to requests for accommodations due to pregnancy or related conditions and complaints involving sexual harassment or sex discrimination. The Title IX Coordinator will be informed of all reports of sexual or gender-based harassment and violence, stalking, and intimate partner violence, and will oversee the University’s review, investigation, and resolution of those reports.
- (12) “Undue Burden” means an action requiring significant difficulty or expense.

SECTION 206.5 PROHIBITED CONDUCT

Discrimination and harassment based on pregnancy and related medical conditions and discrimination and harassment based on sex or gender related to parenting are forms of sex-based discrimination that are prohibited by Title IX of the Education Amendments of 1972 and resulting Title IX Regulations, as amended, Title VII of the Civil Rights Act of 1964, University Policy 207, Title IX Sex-Based Misconduct, University Policy 209, Unlawful Harassment and Discrimination, and by this Policy. Complicity and retaliation are also prohibited under this Policy.

SECTION 206.6 CONFIDENTIALITY

The University will maintain the confidentiality of any complaint alleging violation of this policy and the privacy of the persons involved to the greatest extent possible, consistent with its goal of conducting a thorough and complete investigation, ensuring fairness and equity, and to the extent permitted by law. Any person who reveals confidential information under this Policy may be subject to disciplinary action. Disclosure of the content of complaints will be made on a “need to know” basis, depending on the type of investigation and remedial action required, if any.

SECTION 206.7 STUDENTS

Section 206.7.1 Classes and Instructional Programs

- (a) Students shall not be prohibited from participating in classes or instructional programs, such as study abroad programs, on the basis of pregnancy, parenting or pregnancy-related medical conditions, or on the basis of sex or gender related to the student’s parenting status.
- (b) Generally, pregnant students, parenting students, and students with pregnancy-related medical conditions shall not be required to submit notes from a medical professional related to pregnancy or a related medical condition in order to participate in classes or instructional programs.
- (c) Notes may be required if participation requires note submissions by all students with a physical or emotional condition which requires treatment by a medical professional.

Section 206.7.2 Student Participation in Educational Programs and Activities

- (a) Pregnant students, parenting students, and students with pregnancy-related medical conditions shall not be required to participate in separate educational programs or activities

because of pregnancy or pregnancy-related medical conditions or on the basis of sex or gender related to parenting.

- (b) Pregnant students, parenting students, and students with pregnancy-related medical conditions shall not be required to limit or end their academic studies at the University because of pregnancy or pregnancy-related medical conditions or based on sex or gender related to parenting.

Section 206.7.3 Student Athletes

- (a) Pregnant students, parenting students, and students with pregnancy-related medical conditions who are student-athletes must be treated in the same way as ill or injured student-athletes.
- (b) Students affected by pregnancy or a pregnancy-related medical condition shall not be prohibited from participating in the University's educational programs or activities because of pregnancy or pregnancy-related medical conditions, or on the basis of sex or gender related to parenting.
- (c) Financial awards to student-athletes who are pregnant or have a related medical condition, and who remain engaged in University athletics, must be renewed if financial awards are renewed for other ill or injured student-athletes who remain engaged in University athletics.
- (d) Formerly pregnant student-athletes who take a leave of absence must be returned to the status that they held before the leave began.

Section 206.7.4 Extracurricular Activities

- (a) Students shall not be prohibited from participating in University extracurricular activities (including, but not limited to, school clubs, sports, honor societies, and student leadership opportunities) on the basis of pregnancy or related medical conditions or on the basis of sex or gender related to parenting.
- (b) Pregnant students, parenting students, and students with pregnancy-related medical conditions who are participating in extracurricular activities must be treated in the same way as ill or injured students.

SECTION 206.8 EMPLOYEES

Section 206.8.1 Work or Work Activities

- (a) Employees shall not be prohibited from participating in work or work-related activities based on pregnancy, parenting or pregnancy-related medical conditions, or based on sex or gender related to the employee's parenting status.

- (b) Generally, pregnant employees, parenting employees, and employees with pregnancy-related medical conditions shall not be required to submit notes from a medical professional related to pregnancy or a related medical condition to work or participate in work-related activities.
- (c) Notes may be required if participation requires note submissions by all employees with a physical or emotional condition which requires treatment by a medical professional.

Section 206.8.2 Employee Participation in Educational Programs or Activities

- (a) Pregnant or parenting employees, and employees with pregnancy-related medical conditions shall not be required to participate in separate educational programs or activities because of pregnancy or pregnancy-related medical conditions or on the basis of sex or gender related to parenting.
- (b) Pregnant or parenting employees and employees with pregnancy-related medical conditions who are participating in University educational programs or activities shall not be required to limit or end their academic studies because of pregnancy or pregnancy-related medical conditions or sex or gender related to parenting.

SECTION 206.9 ACCOMMODATIONS

- (a) The University shall not discriminate by failing to provide reasonable accommodations for pregnancy or pregnancy-related medical conditions.
- (b) In accordance with state and federal law, and University policies, the University shall provide reasonable accommodations to the extent that such accommodations would not result in a fundamental alteration of the academic program, activity, work or impose an undue burden on the University.
- (c) Requests must be addressed without regard to a student's or employee's sex or gender.
- (d) Procedures for requesting an accommodation under this Policy are detailed in *Appendix A to University 206, Pregnancy and Related Medical Conditions*. Nothing in this Policy requires modification of the essential elements of any University program or primary job duties of any position.

Section 206.9.1 Student Accommodations

- (a) Students affected by pregnancy or related medical condition must be offered benefits and services equivalent to those provided to other students with a temporary medical condition.
- (b) The University must provide students who are pregnant or have a related medical condition with reasonable accommodations that are necessary to afford such students an equal opportunity to participate in the University's educational programs or activities, to the extent that such accommodations would not result in a fundamental alteration of an academic program or impose an undue burden on the University.

- (c) Title IX requires that pregnant or parenting students, and students with pregnancy-related medical conditions receive reasonable adjustments to coursework, schedules, or other requirements as necessary due to pregnancy. Students remain responsible for completing assignments and meeting course requirements.
- (d) Faculty should allow students to take short-term absences for responsibilities pertaining to parenting, including caring for ill or injured children, attending to children's medical, mental health, or dental appointments, and meeting with teachers or school administrators.

Section 206.9.2 Employee Accommodations

- (a) In accordance with University Policy 141, Paid Parental Leave, the University provides a paid parental leave (PPL) benefit for eligible employees. PPL is dedicated leave time to care for and bond with a newborn or a newly-placed child under the age of 18, by adoption, foster care placement, or other legal placement.
- (b) Employees may be entitled to other leave benefits, including leave under the Family and Medical Leave Act of 1993.
- (c) Employees and managers shall timely engage in the interactive process in good faith to determine necessary workplace adjustments.

SECTION 206.10 ROLES AND RESPONSIBILITIES

Section 206.10.1 Title IX Coordinator

The Title IX Coordinator shall maintain administrative responsibility and all documentation related to discrimination complaints and accommodations for pregnant and parenting students and employees, and students and employees with pregnancy-related medical conditions. The Title IX Coordinator, in collaboration with Human Resources and/or the Office of Accessibility Resources as applicable, shall determine necessary accommodations based on an assessment of medical recommendations, and inform University faculty and staff of adjustments to academic and/or work parameters.

Section 206.10.2 University Faculty and Staff

Requests for accommodations by pregnant students and employees, parenting students and employees, and students and employees with pregnancy-related medical conditions shall be shared with faculty and staff only to the extent necessary to provide reasonable accommodations.

SECTION 206.11 REPORT AND INVESTIGATION

Section 206.11.1 Reporting

- (a) The University encourages prompt reporting of complaints so that it may respond appropriately. Any student, employee, or third party who believes that they have been subjected to discrimination, harassment, or retaliation prohibited under this policy, or any student, employee, or third party who has witnessed such discrimination, harassment, or retaliation should immediately report the circumstances. The University may investigate any reported conduct that violates this policy, even in the absence of a formal complaint, and take remedial action where appropriate.
- (b) The University offers resources and reporting options for students and employees to provide support and guidance in response to sex-based misconduct. Complainants who choose not to report incidents of Prohibited Conduct to the University may speak confidentially with the Employee Assistance Program, Student Health Center, and/or Counseling Center.
- (c) Reports may be made at any time, including during non-business hours. Certain University officials have been trained to offer support in understanding, assessing, and pursuing options for support and resolution. Consistent with University Policy 207, Title IX Sex-Based Misconduct, reports of harassment, discrimination, and/or retaliation in violation of this policy should be submitted to the Title IX Coordinator:
- Submit a report on the Title IX website: <https://www.ncat.edu/legal/title-ix/>;
 - Telephone: 336-285-3770 or 336-500-1803;
 - Email: TitleIX@ncat.edu or bmhayes1@ncat.edu; or
 - In-person (during regular business hours) or by mail:
Dowdy Administration Building
Suite 422
1601 East Market Street
Greensboro, NC 27411

Section 206.11.2 Investigation

The Title IX Coordinator will oversee the review and investigation of reports of violations of this policy in accordance with the Title IX complaint intake, investigation, and grievance resolution procedures contained in *Title IX Reporting, Intake, and Investigation Process - Appendix A* to University Policy 207, Title IX Sex-Based Misconduct.

SECTION 206.12 COMPLIANCE

It is a violation of this policy to unlawfully harass or discriminate against any student, employee, or applicant for admission or employment because of pregnancy and/or parental status in the University's educational programs and activities. Students, staff, or faculty members who violate

this policy may be subject to disciplinary action in accordance with the applicable disciplinary policy.

SECTION 206.13 RELATIONSHIP TO OTHER POLICIES

Allegations of misconduct that do not meet the definition of unlawful harassment, discrimination, or retaliation under this policy may be subject to other University policies, including but not limited to the Student Conduct Regulations, University Policy 204, Equal Employment and Nondiscrimination, University Policy 207, Title IX Sex-Based Misconduct, or University Policy 209, Unlawful Harassment and Discrimination. Questions about whether alleged misconduct falls under this or another policy should be directed to the Title IX Coordinator by phone at 336-500-1803, 336-285-3770, or email at TitleIX@ncat.edu.

POLICY HISTORY:

Eff. January 30, 2012

Revised Eff. March 13, 2023

AUTHORITY: Chancellor

POLICY OWNER: Vice Chancellor for Legal Affairs, Risk, and Compliance

RESPONSIBLE OFFICE: Title IX Office

RESOURCES:

University Policy 141, Paid Parental Leave

University Policy 204, Equal Opportunity and Nondiscrimination

University Policy 207, Title IX Sex-Based Misconduct

Title IX Reporting, Intake, and Investigation Process - Appendix A to University Policy 207,

Title IX Sex-Based Misconduct

University Policy 209, Unlawful Harassment and Discrimination

Family and Medical Leave Act of 1993

Title VII of the Civil Rights Act of 1964

Title IX Regulations

UNC Policy Manual, Section 1300.11[R]