

**UNIVERSITY OF HOUSTON SYSTEM
ADMINISTRATIVE MEMORANDUM**

SECTION: General Administration

NUMBER: 01.D.16

AREA: Legal Affairs

SUBJECT: Pregnant and Parenting Student and Employee Accommodations

1. PURPOSE

1.1. This Policy provides rules and procedures for the University of Houston System and its universities (“University”) to comply with state and federal laws prohibiting discrimination against pregnant and parenting persons. The University complies with the mandates of Title IX of the Education Amendments of 1972 (“Title IX”), the Family and Medical Leave Act of 1993, the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act (Section 504), and the Texas Commission on Human Rights Act, as applicable.

2. POLICY

2.1. The University is committed to maintaining and strengthening a community where all individuals enjoy freedom from discrimination, including discrimination on the basis of sex, as mandated by Title IX of the Education Amendments of 1972 (Title IX). Sex discrimination, which can include discrimination based on pregnancy or parental status, is prohibited.

2.2. This Policy provides for the protection and equal treatment of applicants, students and employees who are pregnant, have pregnancy-related conditions, and/or are new parents. This Policy applies to all aspects of the University’s programs, including but not limited to, admissions, educational programs and activities, extracurricular activities, hiring, leave and employment policies.

3. GENERAL DEFINITIONS

3.1. Fundamental Alteration – Any academic accommodation, adjustment/auxiliary aid, or service that would fundamentally affect or change the nature of a program or course being taught or that fundamentally alters the essential requirements of instruction or course requirements is not considered a reasonable academic accommodation. The university is not required to alter or modify a course or program to the extent that it changes the fundamental nature of that course or program.

- 3.2. Instructor – University employee responsible for teaching classes or supervising academic work including, but not limited to, faculty, adjunct faculty and graduate teaching assistants.
- 3.3. Medical Necessity – Determination made by a health care provider of a student’s or employee’s choosing.
- 3.4. Parenting Person – Person with the legal or voluntary responsibility to ensure the safety and well-being of a child and includes birth and non-birth parents, adopting parents, fostering parents, legal guardians, spouses and domestic partners of a parent or legal guardian, stepparents, siblings with significant caregiving responsibility (such as during absence or incapacitation of primary caregiver), kinship placement and acting in place of a parent.
- 3.5. Pregnancy and Pregnancy-Related Conditions – Health conditions including but not limited to childbirth, false pregnancy, miscarriage, termination of pregnancy, conditions arising in connection with pregnancy, recovery from any of these conditions, and medically-necessary child healthcare within a reasonable time postpartum in accordance with federal law.
- 3.6. Pregnancy Discrimination – Treating an individual affected by Pregnancy or a Pregnancy-Related Condition less favorably than similar individuals not so affected, and includes a failure to provide legally mandated leave or accommodations.
- 3.7. Pregnant Person or Birth-Parent – An individual who is or was pregnant. This Policy and its pregnancy-related protections apply to all pregnant persons regardless of gender identity or expression.
- 3.8. Reasonable Accommodations – Changes in the education or workplace activities that enable a person with a Pregnancy or Pregnancy-Related Condition to continue to pursue their studies and/or occupation and enjoy equal benefits of the University.
- 3.9. Undue Burden/Hardship – Any academic accommodation, adjustment/auxiliary aid, or service that would result in a significant financial or administrative burden or expense constitutes an undue burden/hardship and is not considered a Reasonable Accommodation. Factors to consider in determining whether there is an undue burden/hardship include: 1) the overall size of the program or activity with respect to the number of employees, number and type of facilities, and size of budget; 2) the type of operation, including the composition and structure of the workforce; and 3) the nature and cost of the accommodation needed.

4. REPORTING VIOLATIONS

- 4.1. Any member of the University community may report a violation of this Policy to any supervisor, manager, or to the Title IX Office. Supervisors and managers are responsible for promptly forwarding such reports to the Title IX Coordinator.

- 4.2. A Pregnant or Parenting Person alleging Pregnancy Discrimination or other form of Sexual Harassment may file a formal complaint with the Title IX Office per the provisions of [SAM 01.D.08 \(Sexual Misconduct\)](#) and/or [SAM 01.D.07 \(Anti-Discrimination\)](#).

5. **PRIVACY**

- 5.1. In addition to requirements under The Family Educational Rights and Privacy Act of 1974 (FERPA), employees will regard all information associated with pregnant and parenting accommodation requests as private and will not disclose this information to anyone, unless there is a business or academic need to know.

6. **STUDENT SUPPORT SERVICES AND ADVISING**

- 6.1. Students who are pregnant or expect to become new parents are encouraged to notify their instructors and/or supervisors so they can collaborate on a plan to continue educational progress. However, the choice to declare a pregnancy or parental status is voluntary, and a student is not required to disclose this information to the University.
- 6.2. Students are encouraged to consult with academic and financial advisors as soon as practicable and before finalizing requests for academic modifications or a leave of absence.
- 6.3. International students attending the University with an F-1 Student Visa or J-1 Exchange Visitor visa are strongly encouraged to consult in advance with the University's international programs office about their plans if they are considering modified academic responsibilities or a leave of absence to avoid unintended consequences related to their visa status.
- 6.4. Continuation of students' scholarship, fellowship, or similar University-sponsored funding during a leave term will depend on the policies of the funding program regarding registration status. Students will not be negatively impacted by or forfeit their future eligibility for institutional scholarship, fellowship, or similar University-sponsored funding by exercising their rights under this Policy. Federal and state awards are subject to refund calculations, satisfactory academic progress, repayment, and related regulations in place at the time of leave of absence or withdrawal from class. The University's tuition refund policy and schedule will be used to determine if a tuition refund will be applied for students who withdraw from classes.

7. **STUDENT RIGHTS AND ACCOMMODATIONS**

- 7.1. The University and its instructors, staff and other employees shall not require a student to take a leave of absence, withdraw from or limit their studies or activities due solely to pregnancy, childbirth or related conditions.

- 7.2. Pursuant to Title IX, the University treats Pregnancy and Pregnancy-Related Conditions as justification for a student to request a leave of absence for as long as deemed medically necessary by a student's physician.
- 7.3. The benefits and services provided to students affected by pregnancy shall be no less than those provided to students with temporary medical conditions.
- 7.4. A pregnant student's on-campus housing will not be altered based on pregnancy status unless requested by the pregnant student.
- 7.5. Pregnant students cannot be channeled into an alternative program or school against their wishes based on their pregnancy status.
- 7.6. To the extent possible, the University will take reasonable steps to ensure that upon return from leave, the student will be reinstated to their program in the same status as when the leave began.
- 7.7. Students are encouraged to request Pregnancy and Parenting-Related Reasonable Accommodations in advance whenever possible, which may include, but are not limited to:
 - Changes to protect the health and safety of the Pregnant Person and/or their pregnancy (such as allowing the person to maintain a safe distance from hazardous substances);
 - Changes to the physical environment (such as accessible seating);
 - Allowing the person to eat or drink during University classes and/or activities;
 - Parking access and/or mobility support;
 - Larger uniforms for athletes;
 - Academic modifications such as extensions of academic deadlines and/or allowing a student to make up tests or assignments missed for pregnancy-related absences, alternate assignments, remote learning, note-taker and/or Incomplete grade for extensions beyond the normal academic term;
 - Extra breaks during class, work or other activities to use the restroom;
 - Excusal of medically-necessary absences (including exceptions to class attendance requirements set by the faculty, department or division);
 - Independent Study or other department-level change such as approval of substitute course enrollment or to join a subsequent course for time-sensitive degree completion;

- Exceptions to local withdrawal limits;
 - Extension of time limit to complete a timed degree, graduate degree, candidacy, certification or credentialing program in the amount of one year per childbirth; and
 - Leave of absence.
- 7.8. The above accommodations may be applied retroactively if warranted based on an individualized assessment of the circumstances.
- 7.9. Pregnant students who wish to remain engaged in their coursework while adjusting their academic responsibilities may request a standard academic modification period of six (6) weeks immediately following childbirth, which can include temporary full relief from all academic responsibilities. Students can request additional time with documentation of medical necessity.
- 7.10. Upon approval of academic modifications, students remain responsible for communicating with instructors on the progress of coursework and fulfilling all applicable academic requirements consistent with the modifications.
- 7.11. Coursework with a grade of Incomplete must be completed within the normal time allowed per University policy. Students with medical basis for an extension should promptly contact the University's disability services office to request additional time.
8. **PROCEDURE FOR STUDENTS TO REQUEST AND CONFIRM AN ACCOMMODATION**
- 8.1. Nothing in this Policy requires modification to the essential elements of any academic program.
- 8.2. The Pregnant or Parenting student may start an interactive process with the Title IX Office (see Section 8.3 for more information) or request Reasonable Accommodation(s) directly from their instructor or activity supervisor.
- 8.3. Instructor and activity supervisors may refer pregnancy and parenting accommodation requests for assistance from the Title IX Office which will follow an interactive process as outlined below:
- A. The Title IX Office will process medical documentation of the diagnosis and any dates of absence based on medical necessity.
 - B. The Title IX Office will ask the student to confirm accommodation requests in writing and to specify which instructor(s) and/or department(s) should receive the request.

- C. Upon confirming appropriate documentation, the Title IX Office will send an accommodation notice including the requests for accommodations to the instructor or other supervising employee along with guidance on pregnancy and parenting accommodations. The Title IX Office will coordinate with the instructor or other supervising employee to explore options for Reasonable Accommodation(s).
 - D. Instructors who have questions or concerns about an accommodation notice and/or believe that the accommodation(s) would result in a Fundamental Alteration or Undue Burden/Hardship must request a consultation with the Title IX Office. The consultation can be requested to discuss their concerns, engage in an interactive process to further understanding and collaboration with the student in providing accommodation(s) and/or to discuss whether alternative accommodations are appropriate.
 - E. Instructors who continue to have concerns with an accommodation notice and/or believe that the accommodation(s) would result in a Fundamental Alteration or Undue Burden/Hardship after consulting with the Title IX Office may submit a formal request for reconsideration to the Title IX Office. The Title IX Office will forward the request to the appropriate administrator.
 - F. The Title IX Office may consult with other administrators such as department leaders or a Dean to determine if other University resources may be available to address the accommodation request.
 - G. Instructors are encouraged to provide the student with written confirmation of approved modifications to avoid future confusion and ensure continuity of services.
 - H. Note that a change in accommodations may occur due to the progression of the pregnancy. Any request for different accommodation must be submitted with appropriate documentation for the adjustment.
 - I. A pregnant or parenting person with a concern that they have been denied a reasonable accommodation (either by not receiving an accommodation that was already approved or by denial of a request for a reasonable accommodation) may share their concern or file a formal complaint with the Title IX Office. Complaints will be processed per the provisions of SAM 01.D.08 (Sexual Misconduct) and/or SAM 01.D.07 (Anti-Discrimination).
- 8.4. Should a Pregnancy or Pregnancy-Related Condition cause a temporary or permanent disability (such as anemia, gestational diabetes, preeclampsia, postpartum depression, etc.), persons are encouraged to seek additional disability-related accommodations through their respective ADA Coordinator.

9. EMPLOYEE ACCOMMODATIONS

- 9.1. Eligible employees should contact their human or employee relations office to process leave requests per the Family and Medical Leave Act. All student-employees are entitled to protections of the Family and Medical Leave Act, provided they meet eligibility requirements. More information can be found in [SAM 02.D.06 \(Family and Medical Leave\)](#) and [SAM 02.D.10 \(Family Leave Pool\)](#).
- 9.2. Employees are encouraged to request Pregnancy and Parenting-Related Reasonable Accommodations with their supervisor in advance whenever possible, which may include, but are not limited to:
- Changes to protect the health and safety of the Pregnant Person and/or their pregnancy (such as allowing the person to maintain a safe distance from hazardous substances);
 - Changes to the physical environment (such as accessible seating);
 - Allowing the person to eat or drink during University activities;
 - Parking access and/or mobility support;
 - Larger uniforms;
 - Extra breaks during work activities to use the restroom; and/or
 - Extension of probationary period for tenure-track faculty per University guidelines.
- 9.3. Employees or supervisors may also contact their Title IX Office to formalize an accommodation request or otherwise consult on accommodation plans.

10. LACTATION ACCESS

- 10.1. Breastfeeding persons must be granted reasonable time and space to express breast milk in a location that is private, clean, and reasonably accessible. Bathroom stalls do not satisfy this requirement. An appropriate lactation facility should be located within reasonable distance of the person's location and be available for up to a year following childbirth. Break time should be adjusted to account for the distance to the nearest lactation facility.

11. FAMILY-FRIENDLY ASSISTANCE AND FLEXIBILITY

- 11.1. Students are encouraged to work in advance with their instructors to request excused time off for routine infant and child health care matters. If students are

unsuccessful in receiving support through informal discussions with their instructors, they may contact the Title IX Office for policy information and possible resources.

- 11.2. Child health emergencies of parenting students should be excused to the same degree as student health emergencies, with an opportunity to make up missed work and participation points as applicable.
- 11.3. Instructors are encouraged to work with Parenting Persons to consider their parenting obligations and needs, which may include, but are not limited to, meeting with the child's school officials, closure of a school or childcare facility, family-related health issues (including physical, behavioral or emotional health concerns), routine healthcare and bereavement.
- 11.4. As a general rule, children are not allowed in the workplace or in class. See [SAM 01.C.07 \(Safety Administration\)](#) for rules related to the presence of children in the workplace.

12. HARASSMENT AND RETALIATION

- 12.1. Harassment based on a student's or employee's Pregnancy or Pregnancy-Related Condition or breastfeeding is unlawful and prohibited. See [SAM 01.D.07 \(Anti-Discrimination\)](#) for the definition and required elements of sex-based "harassment" and [SAM 01.D.08 \(Sexual Misconduct\)](#) for the definition and required elements of "sexual harassment," either of which would constitute prohibited conduct under this Policy. Examples of conduct related to pregnancy or parenting status that may amount to harassment include, but are not limited to:
 - Sexual comments or denigrating jokes about a pregnancy;
 - Negative stereotyping;
 - Comments about an individual's intellectual or physical ability to complete coursework or commitment to their education or future profession based on their pregnancy or parenting status;
 - Spreading rumors about sexual activity;
 - Making sexual propositions or gestures; and/or
 - Withholding or threatening to withhold academic benefits due to pregnancy or parenting status.
- 12.2. Instructors, staff and other University employees are prohibited from retaliating against students or employees for exercising the rights articulated by this Policy, including imposing or threatening to impose negative educational outcomes due to requesting leave or accommodation, filing a complaint, or otherwise exercising their rights under this Policy.

