Policy Number: ADM 03-101
Responsible Executive: President
Originated: 01/15/2024

PREGNANCY AND PARENTING NON-DISCRIMINATION

A. Purpose

The University of Texas Rio Grande Valley (UTRGV) is committed to maintaining a learning environment that is free from discrimination of pregnant or parenting students in accordance with Section 51.982, *Texas Education Code*, and other applicable laws such as Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex (including pregnancy discrimination) in education programs or activities; Section 504 of the Rehabilitation Act of 1973 (Section 504), which prohibits discrimination on the basis of a disability (including disabilities based on temporary medical conditions from pregnancy); and Title II of the Americans with Disabilities Act of 1990 (ADA), which prohibits discrimination against individuals with disabilities in public schools such as institutions of higher education.

B. Persons Affected

This policy applies to all UTRGV administrators, faculty, staff, students, third parties within UTRGV's control, and applicants for admission.

C. Policy

1. Pregnancy discrimination and parenting discrimination are prohibited, as is retaliation for making a good-faith complaint brought under this policy or participation in an investigation of a good-faith complaint of pregnancy discrimination or parenting discrimination.
2. A pregnant or parenting student may not be required to do any of the following based solely on being a pregnant or parenting student or due to issues related to pregnancy or parenting:
    a. Take a leave of absence or withdraw from the student's degree or certificate program;
    b. Limit the student's studies;
    c. Participate in an alternative program;
    d. Change the student's major, degree, or certification program; or
    e. Refrain from joining or cease participating in any course, activity, or program at the institution.
2. It is the policy of UTRGV to offer reasonable accommodation to pregnant or parenting students in accordance with applicable state and federal laws and regulations.

D. Procedures

1. Reasonable Accommodations for Pregnant Students

a. Accommodation requests are voluntary and will involve an individualized, interactive process where both UTRGV and the requesting student engage in a good faith discussion based on the student's specific needs, with the goal of identifying reasonable options for accommodations. Accommodations that constitute undue hardship are not reasonable.

b. Reasonable accommodations for pregnant students may include (without limitation):

i. Excused absences with the availability to make up missed assignments or coursework;

ii. Additional time to complete assignments (applied in the same manner as ADA/Section 504 accommodations for additional time on assignments or tests, with required documentation);

iii. Allowing the student to maintain a safe distance from substances, areas, and activities known to be hazardous to pregnant students or unborn children;

iv. Access to instructional materials and video recordings of lectures (if available) for classes due to excused absences due to pregnancy or related conditions (applied in the same manner as any other student with excused absences); and

v. Any other accommodations deemed reasonable, based on the student's individual needs.

c. Official documentation from a medical professional or other official may be required for excused absences under this policy, as deemed "medically necessary" based on a pregnancy or pregnancy-related condition.

d. Students can make a request for a pregnancy accommodation by contacting Student Accessibility Services (SAS).

2. *Parental Status Accommodation Requests*

a. Students can make a request related to parental status by completing the Pregnancy and Parenting Accommodations Request Form. Absent exigent circumstances, reasonable advance notice is required.

3. *Leave of Absences for Pregnant and Parenting Students*

a. UTRGV will allow pregnant and parenting students to take a leave of absence, as defined in this policy, for a reasonable duration depending on the circumstances. In addition, if the pregnant or parenting student is in good academic standing at the time of the leave of absence, the student may return to the same degree or certificate program in good academic standing without being required to reapply for admission. In such an instance where a student takes a leave of absence, the student may re-enroll within the Texas Higher Education Coordination Board's approved period.

b. To apply for a leave of absence, complete the Pregnancy and Parenting Accommodations Request Form. Reasonable advance notice is required, absent exigent circumstances.

c. Official documentation may be required from an appropriate official, or from the requestor, to assess, for example, eligibility related to the request.

4. *Confidentiality*

UTRGV will maintain the confidentiality of student records and documentation to the extent possible under state and federal law.

5. *Additional Parenting Student Services*

a. Early Registration. Parenting students are eligible for early registration for courses to the extent others have access to early registration of those same courses. If a student has a

question related to pregnancy and parenting services, please contact the Pregnancy and Parenting Coordinator with the Office of the Dean of Students.

b. Parenting Student Liaison. Current and incoming parenting students have access to a UTRGV Parenting Student Liaison, who provides parenting students information regarding support services and other available resources.

6. *Complaint Procedures*

a. Complaints of discrimination related to this policy will be processed in accordance with ADM 03-100 Non-Discrimination and Complaint Procedure and individuals found to have engaged in a violation may be subject to disciplinary action. To raise a discrimination complaint, contact the Office of Title IX and Equal Opportunity.

b. Complaints concerning reasonable accommodations must be brought to the attention of the Office of Title IX and Equal Opportunity and be filed as soon as possible after the conduct giving rise to the complaint, but no later than 60 calendar days after the alleged violation of this policy occurred.

c. Retaliation against pregnant or parenting students is also prohibited and subject to disciplinary action, in accordance with ADM 03-100 Non-Discrimination and Complaint Procedure. Individuals can also raise a retaliation complaint by contacting the Office of Title IX and Equal Opportunity.

E. Definitions

1. *Leave of Absence* — A period of time when a student is not enrolled in classes but is eligible to re-enroll in the future. A leave of absence, for the purpose of this policy, is also known as an academic withdrawal.

2. *Parenting Discrimination* — When an individual is treated less favorably based on that person's parental status.

3. *Parenting Student* — A student who is the parent or legal guardian of a child under 18 years of age.[1]

4. *Pregnancy Discrimination* — When an individual is treated less favorably based on that person's pregnancy or pregnancy-related condition. Pregnancy discrimination is a form of sex discrimination.

5. *Pregnancy or Related Condition* — Means any of the following:
   a. Pregnancy, childbirth, miscarriage, or lactation;
   b. Medical conditions related to pregnancy, childbirth, pregnancy complications, miscarriage, lactation, or any other conditions directly related to being pregnant; or
   c. Recovery from pregnancy, childbirth, lactation, or their related medical conditions directly related to pregnancy or the effects thereof.

[1] As defined in Tex. Edu. Code. 51.982.

6. *Pregnant Student* — A student who has a pregnancy or related condition status.

7. *Student* — The following shall be considered a student for purposes of this policy:
   a. A person currently enrolled at UTRGV;
   b. A person accepted for admission or readmission to UTRGV; or
   c. A person who has been enrolled at the institution in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows.

F. Related Statutes or Regulations, Rules, Policies, or Standards

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681–1688 and its implementing regulations, 34 C.F.R. Part 106

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794

Americans with Disabilities Act (ADA) of 1990 and 2008 amendments, 42 U.S.C. § 12101 et seq.

Americans with Disabilities Act Title II Regulations

FERPA Regulations, 34 C.F.R. Part 99

Texas Education Code, Chapter 51, Subchapter Z: Protections for Pregnant and Parenting Students §51.982

Texas Education Code, Chapter 51, Subchapter Z: Early Registration for Parenting Students §51.983

Texas Education Code, Chapter 51, Subchapter Z: Designation for Liaison Officer to Assist Students Who are Parents; Report §51.9357

UTRGV HOP Policy ADM 03-100, Non-Discrimination and Complaint Procedure

UTRGV HOP Policy ADM 03-200, Accommodations for Individuals with Disabilities

UTRGV HOP Policy ADM 03-300, Sexual Misconduct

UTRGV HOP Policy ADM 04-103, Lactation Support

UTRGV HOP Policy ADM 04-303, Discipline and Dismissal of Classified Employees

UTRGV HOP Policy ADM 04-305, Probationary Period for Classified Employees

UTRGV HOP Policy ADM 04-608, Family and Medical Leave (FMLA)

UTRGV HOP Policy ADM 06-507, Termination of a Faculty Member During Term of Appointment

UTRGV HOP Policy STU 02-100, Student Conduct and Discipline

SOM UME EAA010 Medical Student Leave of Absence

SOM UME EAA017 Parental Leave and Accommodation

SOM UME EAA025 Medical Students to be Excused from Classes in Order to Access Health Services

SOM GME 000 Vacation & Leave of Absence Policy for Graduate Medical Education

G. Dates Reviewed or Amended

Not applicable.