

# TITLE IX POLICY FOR PREGNANT AND PARENTING STUDENTS AND EMPLOYEES

*Effective 10/1/2024*

## I. NOTICE OF NONDISCRIMINATION

Webster University (the “University”) is committed to creating and maintaining a non-discriminatory learning environment for all students, including students and employees who are pregnant.

Under Title IX of the Educational Amendments Act of 1972 (“Title IX”), it is unlawful to discriminate against a student in an education program or activity based on the student’s current, potential, or past pregnancy or related conditions or current, potential, or past parental, family, or marital status. Title IX also prohibits discrimination against employees or applicants for employment based on the individual’s current, potential, or past pregnancy or related conditions or current, potential, or past parental, family, or marital status.

Inquiries about the Title IX Policy for Pregnant and Parenting Students and Employees (the “Policy”) or Title IX in general may be referred to the University’s Title IX Coordinator.

Webster University’s Title IX Coordinator is:

Kimberley Bynum-Smith  
Director, Office for Civil Rights Compliance and Title IX Coordinator  
200 Hazel, 2nd Floor  
St. Louis, MO 63119  
[kimberleybynumsmith@webster.edu](mailto:kimberleybynumsmith@webster.edu)  
314-246-7780

## II. PURPOSE AND SCOPE

This Policy and associated procedures have been created in accordance with federal laws to ensure the protection and non-discriminatory treatment of pregnant students and employees, students and employees with pregnancy-related conditions, and students and employees who are parents.

This Policy applies to all Webster University students and employees in connection with all aspects of University programs, including, but not limited to, admissions, education programs and activities, extracurricular activities, hiring, employment, and leave policies.

This Policy is distinct from University policies applicable to individuals with disabilities. For more information regarding reasonable accommodations for students granted by the University’s Academic ADA Office, please see the [Academic ADA Office webpage](#). For more information regarding reasonable accommodations for employees granted by Human Resources, please see the [Policies & Procedures \(sharepoint.com\)](#)

### **III. DEFINITIONS**

For purposes of this Policy, the following terms have the following meaning:

“*Parental status*” means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is:

- (1) A biological parent;
- (2) An adoptive parent;
- (3) A foster parent;
- (4) A stepparent;
- (5) A legal custodian or guardian;
- (6) *In loco parentis* with respect to such a person; or
- (7) Actively seeking legal custody, guardianship, visitation, or adoption of such a person.

“Pregnancy or related conditions” means:

- (1) Pregnancy, childbirth, termination of pregnancy, or lactation;
- (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation;  
or
- (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

### **IV. VOLUNTARY DISCLOSURE OF PREGNANCY OR RELATED CONDITION**

Disclosure by the student or employee of a pregnancy, childbirth, or a related condition is voluntary, but disclosure is necessary to seek accommodations under this Policy. Students or employees who are seeking an accommodation or other assistance and wish to voluntarily disclose a pregnancy or related condition are encouraged to contact the Title IX Coordinator, who will collaborate with such individual to develop an appropriate plan to ensure the student’s equal access to the University’s education program or activity or employment.

A request for accommodations may be made at any time during an individual’s pregnancy or pregnancy-related condition. However, the University may be limited in its ability to implement accommodations retroactively.

Information about a pregnant student’s or employee’s requests for accommodations will be shared with University faculty and staff only to the extent necessary to provide an approved accommodation.

### **V. MANDATORY NOTIFICATION REQUIREMENTS FOR UNIVERSITY EMPLOYEES**

When a student informs any University employee of the student’s pregnancy or related conditions and indicates that such student is in need of a related accommodation, that employee must promptly provide the student with the Title IX Coordinator’s contact information and must inform that person that the Title IX Coordinator can coordinate specific actions to ensure the student’s equal access to the University’s education program or activity.

## **VI. REASONABLE MODIFICATIONS FOR STUDENTS**

The University will make reasonable modifications to its policies, practices, or procedures as necessary to ensure equal access to the University's education program or activity. Each reasonable modification shall be based on the student's individualized needs. In determining what modifications are required, the Title IX Coordinator will consult with the student. A modification that the University can demonstrate would fundamentally alter the nature of its education program or activity is not a reasonable modification.

The student has discretion to accept or decline each reasonable modification offered by the University.

Reasonable modifications may include, but are not limited to:

- 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 remote education;
- changes in schedule or course sequence;
- extensions of time 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 (where applicable); or
- other changes to policies, practices, or procedures.

## **VII. VOLUNTARY LEAVES OF ABSENCE**

The University will allow the student to voluntarily take a leave of absence from the University's program or activity to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. When the student returns to the University's education program or activity, the student must be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began.

In the case that an employee has insufficient leave under the University's Leave Policy or has not accrued employment time to qualify for leave under such policy, the University will treat pregnancy or related conditions as a justification for a voluntary leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

## **VIII. LACTATION SPACE**

The University will ensure that students and employees can access a lactation space, which will be a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed.

For employees, the University will provide a reasonable break time to express breast milk or breastfeed as needed.

## **IX. LIMITATION ON SUPPORTING DOCUMENTATION FOR STUDENTS**

The University will not require supporting documentation for the above accommodations related to a student's pregnancy or related condition unless the documentation is necessary and reasonable for the University to determine the reasonable modifications to make or whether to take additional specific actions regarding such accommodations.

Examples of situations when requiring supporting documentation is not necessary and reasonable include, but are not limited to:

- when the student's need for a specific action is obvious, such as when a student who is pregnant needs a bigger uniform;
- when the student has previously provided the University with sufficient supporting documentation;
- when the reasonable modification because of pregnancy or related conditions at issue is allowing a student to carry or keep water nearby and drink, use a bigger desk, sit or stand, or take breaks to eat, drink, or use the restroom;
- when the student has lactation needs; or
- when the specific accommodation is available to students for reasons other than pregnancy or related conditions without submitting supporting documentation.

## **X. COMPARABLE TREATMENT TO OTHER TEMPORARY MEDICAL CONDITIONS**

The University will treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy the University administers, operates, offers, or participates in with respect to students admitted to the University's education program or activity.

Similarly, for employees the University will treat pregnancy or related conditions as any other temporary medical conditions for all job-related purposes, including commencement, duration and extensions of leave; payment of disability income; accrual of seniority and any other benefit or service; and reinstatement; and under any fringe benefit offered to employees by virtue of employment.

## **XI. CERTIFICATION TO PARTICIPATE IN AN EDUCATION PROGRAM OR ACTIVITY**

The University will not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in the University's class, program, or extracurricular activity unless:

- i. The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
- ii. The University requires such certification of all students participating in the class, program, or extracurricular activity; and
- iii. The information obtained is not used as a basis for discrimination prohibited.

## **XII. COMPLAINT PROCESS**

Complaints made under this Policy should be directed to the University's Title IX Coordinator. The Title IX Coordinator will promptly review the complaint, and where applicable, conduct a prompt, thorough and impartial investigation of the complaint. Where appropriate, any University employee who violates this Policy will be subjected to corrective action, up to and including termination of employment. The University prohibits any form of retaliation against students for reporting a complaint or providing information about conduct that may violate this Policy.

## **XIII. INVESTIGATIONS**

Complaints of conduct that, if true, would constitute a violation of this Policy will be investigated thoroughly, promptly and in a confidential manner to the extent possible. However, given the nature of such an investigation, which may require interviews with witnesses, the University cannot guarantee absolute confidentiality with respect to matters handled under this Policy. While investigations of complaints of sex discrimination (other than sexual harassment) in violation of this Policy will be thorough, unlike the procedures that apply to complaints of sexual harassment, investigations of complaints of sex discrimination (other than sexual harassment) in violation of this Policy will be conducted and completed without a hearing process.

Upon completion of an investigation of discrimination, retaliation or harassment under this Policy, the University will communicate its findings and intended actions to the complainant and the person(s) accused of having violated this Policy as expeditiously as possible. If the investigator finds that discrimination, retaliation or harassment in violation of this Policy occurred, the person who has violated this Policy will be subject to appropriate instructive and/or disciplinary procedures. If an investigation establishes that a University employee engaged in discrimination, retaliation or harassment in violation of this Policy, disciplinary action for a violation of this Policy may range from verbal or written warnings up to and including immediate termination of employment, depending upon the circumstances. With regard to Policy violations by non-employees, corrective action will be taken after consultation with appropriate University personnel.

The University takes all complaints pursuant to this Policy seriously. Accordingly, any individual found to have knowingly made a false report or complaint in bad faith will be subject to corrective action up to and including suspension or expulsion from the University.

## **XIV. RETALIATION**

Retaliation against anyone who has, in good faith, reported a violation of this Policy or has participated in any investigation or proceeding undertaken pursuant to this Policy is prohibited and will not be tolerated. Even if an underlying complaint of discrimination or harassment in violation of this Policy is found to be unsubstantiated, if the underlying complaint has been made in good faith, the complaining party is protected by this Policy against retaliation. Retaliation, standing alone, is a serious violation of this Policy, and it should be reported immediately when experienced or witnessed. Any person who engages in retaliatory conduct prohibited by this Policy towards any student or other person who cooperated in an investigation or made a complaint of a Policy violation will be subject to disciplinary action up to and including termination of employment.

## **XV. CONFIDENTIALITY**

The University attempts to maintain confidentiality in investigations where possible. However, given the nature of an investigation, which typically requires interviews with witnesses, the University cannot guarantee absolute confidentiality. The University will only reveal information relating to an investigation to those individuals with a need to know or to the extent otherwise required by law.

Additionally, medical information is confidential. Disclosure of medical information is restricted to limited situations where a University employee has an academic-related or employment-related reason to know it. Individuals who disclose a student's or employee's medical information without proper authorization will be subject to disciplinary action, up to and including separation of employment.