

## Berkeley College

### Rights of Pregnant and Parenting<sup>1</sup> Students<sup>2</sup>

Title IX's prohibition of discrimination on the basis of sex in educational programs and activities includes pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom and lactation (hereinafter "**pregnancy and/or related conditions**"), and parental status. Berkeley College supports pregnant and parenting students and complies with Title IX<sup>3</sup>.

#### Title IX Basic Rights:

- As a student experiencing pregnancy and/or related conditions, you shall have **equal access** to both classes and activities.
  - For example, even though you are experiencing pregnancy and/or related conditions, you can still participate in advanced placement and honors classes, special programs, school clubs, sports, honor societies, student leadership opportunities, and other school activities. Berkeley College cannot stop you from joining clubs and activities unless the College has the same rules for all students who have a condition needing medical attention.
  - You cannot be forced to take time off or change your major because you are experiencing pregnancy and/or related conditions, or parenting.
  - As another example, you can decide whether to participate in a program or activity designed for pregnant or parenting students; the decision is up to you and you cannot be pressured to join.
  - If a professor doesn't want you in class because you are experiencing pregnancy and/or related conditions, or parenting, contact the Title IX Coordinator immediately.<sup>4</sup>
- Berkeley College **shall not** require you to submit a doctor's note **to continue** participating in classes and activities unless the College requires a doctor's note from *all students* who have a physical or emotional condition requiring treatment by a doctor. Berkeley College shall not require a doctor's note from you **upon your return** from a hospitalization in connection with your pregnancy and/or related conditions unless it

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<sup>1</sup> "**Parenting students**" in this context refers to **parents of a child under one year of age**. However, rights relating to the expression of breast milk shall continue until the parenting student ceases to express breast milk.

<sup>2</sup> Students enrolled in education programs within the **School of Health Studies** may be expected to comply with different policies and procedures required at the medical facilities at which they participate in clinical rotations. Such students should direct their questions to the appropriate department Clinical Coordinator, in consultation with the Title IX Coordinator.

<sup>3</sup> **Source:** US Dept of Education, Office for Civil Rights: <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201306-title-ix.html>

<sup>4</sup> Notwithstanding the above, **students are not permitted to bring their children to class**, according to College policy: <https://berkeleycollege.edu/studenthandbook/children-on-campus/index.html>

requires a doctor's note from *all students* who have been hospitalized for other conditions.

- Berkeley College shall provide you with **reasonable modifications** for your pregnancy and/or related conditions. 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 homebound 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; or other changes to policies, practices, or procedures. The College ***shall not require documentation*** to make these modifications for you unless the documentation is **necessary and reasonable** to determine what reasonable modifications to grant for you.
- 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 College with sufficient supporting documentation; when the reasonable modification because of pregnancy or related conditions at issue is allowing the 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 action is available to students for reasons *other than pregnancy or related conditions* without submitting supporting documentation.
- If you want information relating to the **College Lactation Policy**, please go here: <https://berkeleycollege.edu/studenthandbook/lactation-rooms-for-students/index.html>

#### **Excused Absences and Medical Leave – Berkeley College Shall:**

- Excuse absences due to pregnancy and/or related conditions for as long as your doctor says it is medically necessary.
- Allow you to return to the same academic status and, as practicable, to the same extracurricular status as before your medical leave for pregnancy and/or related conditions began, which should include giving you the opportunity to make up any work missed while you were out.
- Ensure that professors understand the Title IX requirements related to excused absences/medical leave. For example, your professor may not refuse to allow you to submit work after a deadline you missed because of pregnancy and/or related conditions. If your professor's grading is based in part on class participation or attendance and you missed class because of pregnancy and/or related conditions, you should be allowed to make up the participation or attendance credits you didn't have the chance to earn.

**If you are a pregnant or parenting student looking for resources, adjustments, modifications or support, please complete this form <https://berkeleycollege.edu/admissions/accessibility-services/index.html#formsForPregnant> and the Title IX Office will contact you. The College encourages you to seek assistance as soon as the need becomes apparent.**

If you have any questions, please contact the Title IX Coordinator, *Sherrille Shabazz, EdD, Vice President, Student Development and Campus Life*, at 973-278-5400 ext. 4675 or 646-948-1361, [TitleIXCoordinator@BerkeleyCollege.edu](mailto:TitleIXCoordinator@BerkeleyCollege.edu).

If you want to report sex discrimination based on pregnancy and/or related conditions, please review the College Equal Opportunity Policy, located here <https://berkeleycollege.edu/pdf/equal-opportunity-policy.pdf>