

PREGNANCY POLICY FOR STUDENTS

Office of Equal Opportunity (OEO)

Purpose: *To prevent discrimination and/or harassment against students based on pregnancy or pregnancy-related conditions.*

Applicability: *This policy applies to pregnant students or students experiencing pregnancy-related conditions.*

Revised: August 2024

Policy Owner: Katherine Vosker, Accommodation Manager, OEO

POLICY STATEMENT

Unlawful discrimination has no place at Tufts University. It violates the University's core values, including its commitment to equal opportunity and will not be tolerated. Discrimination and harassment based on current, potential, past pregnancy or related conditions¹, including but not limited to childbirth, termination of pregnancy, lactation, related medical conditions or recovery from any such conditions, are prohibited by Tufts policy and prohibited by Title IX.

Tufts will not discriminate against, establish or follow any policy, practice or procedure which discriminates against any student based on current, potential or past pregnancy or related conditions. In determining whether a person satisfies any Tufts admissions policy or criterion, Tufts will treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical condition.

All employees whom Tufts designates to be **Responsible Employees** (as defined in the [Non-Discrimination Policy](#) as those who do not have statutory confidentiality, such as chaplains, medical health and mental health staff), are mandated to report to the Office of Equal Opportunity (OEO) when they find out about a student who is pregnant or may have a related condition. The goal and purpose for this reporting is compliance with Title IX but more importantly, to be sure pregnant students and those with related conditions know their rights, resources, supports and where they can request a modification, if needed.

If a student or a person who has a legal right to act on behalf of the student informs any employee of the student's pregnancy or a related condition, the employee must: (i) notify the OEO Title IX Coordinator/Executive Director, Jill Zellmer, or her designee and direct report, Katherine Vosker, Accommodations Manager, unless the employee reasonably believes the Title IX Coordinator or her designee have already been notified; (ii) provide the Title IX Coordinator or her designee the student's contact information; and (iii) notify the student or their representative that the Title IX Coordinator or her designee can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the Tufts education program or activity.

Even when pregnancy or related conditions are not considered to be a disability under the Americans with Disabilities Act ("ADA") or Section 504 of the Rehabilitation Act of 1973, students may be eligible for reasonable modifications to the University's policies, practices or procedures, as necessary, to prevent sex discrimination and ensure equal access to the Tufts education program or activity.

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;

¹ A condition related to pregnancy can occur before or after childbirth, examples include but are not limited to morning sickness and lactation.

- access to online education if reasonable and available;
- changes in schedule or course sequence if reasonable and available;
- 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 if available;
- other changes to policies, practices or procedures if reasonable and available.

Students seeking modifications due to pregnancy or related conditions should work with their appropriate School's student services personnel for accommodations, the list of which can be found within the OEO Accommodation Policy (<https://oio.tufts.edu/accommodations/request-accommodations/>). These student services personnel must inform OEO of their support of the student who is pregnant and/or has a related condition and has sought such modifications. OEO must be involved in the interactive process to offer resources and support and to comply with Title IX and other federal, state and local laws. The OEO will assess each request for a modification in an individualized manner, working with the student and their program to determine what is reasonable based on the program requirements and other relevant information applicable to the student, School, program and situation. Students will not be required to accept a particular modification, including a leave of absence. However, if a student accepts an offered modification, Tufts must implement it. A modification that would fundamentally alter the nature of a Tufts education program or activity is not a reasonable modification.

OEO does not need to request documentation of a pregnancy or related conditions unless the documentation is necessary and reasonable for Tufts to determine the reasonable modifications or necessary and reasonable for Tufts to take additional specific actions. Requesting documentation is prohibited if (i) the reasonable modification is obvious, such as when a student who is pregnant needs a bigger uniform or clinical scrubs; (ii) when the student has previously provided sufficient supporting documentation; (iii) when the reasonable modification because of pregnancy or related conditions at issue is allowing a student to drink, carry or keep water nearby; use a bigger desk; sit or stand; or take breaks to eat, drink, or use the restroom; (iv) when the student has lactation needs; or (v) when the specific reasonable modification is available to students for reasons other than pregnancy or related conditions without submitting supporting documentation.

Tufts will provide students experiencing pregnancy or related conditions with a leave of absence for as long a period of time as is deemed medically necessary by the student's physician. To the extent a student qualifies for leave under a leave policy maintained by Tufts which may allow a greater period of time than the medically necessary period, the University must permit the student to take voluntary leave under that policy, instead, if the student so chooses. When the student returns to the Tufts 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. Tufts must allow the student to voluntarily access any separate and comparable portion of the University's education program or activity.

Tufts will not require a student who is pregnant or with related conditions to provide certification from a (healthcare) provider if the student is physically able to participate in a Tufts 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) Tufts requires such certification of all students participating in the class, program or extracurricular activity; and (iii) the information obtained is not used as the basis for discrimination.

Tufts will provide reasonable break time for a student to express breast milk or breastfeed as needed and will make available a lactation space. This lactation space will not be a bathroom and will be clean, shielded from view, free from intrusion from others and may be used by a student for expressing breast milk or breastfeeding as needed. Tufts Lactation Policy and information about the location and accessing the designated lactation rooms on each campus can be found at <https://oeo.tufts.edu/policies-procedures/pregnancy-and-lactation-policies/lactation/>.

Tufts prohibits all forms of discrimination and retaliation against any individual for requesting or receiving a modification pursuant to this policy. Anyone who believes they have been discriminated or retaliated against in violation of this policy should report the matter immediately to the OEO Executive Director and Title IX Coordinator, Jill Zellmer (Jill.Zellmer@tufts.edu) or file a complaint at [Tufts-OEO.ethicspoint.com](https://tufts-oeo.ethicspoint.com).

DEFINITIONS

Reasonable Modification: Title IX requires Tufts to provide appropriate and reasonable modifications to students experiencing pregnancy and/or related conditions. Each reasonable modification must be based on the student's individualized needs and assessed using the requirements of the relevant School's program. In determining what modifications are required, OEO will engage with the student and relevant administrators in their program via the interactive process. If, after assessing the modification, OEO finds that the modification fundamentally alters the nature of the School's education program or activity, it is not a reasonable modification and can be denied.

Interactive Process: The interactive process is the procedure through which the designated School administrator or OEO works with the student to identify existing barriers preventing the pregnant student from the equal access of their basic activities and responsibilities in their academic and/or clinical program with the intention of finding a modification that is reasonable.

Accommodations Team: If the pregnancy or related conditions rise to the level of a pregnancy-related disability, the Tufts OEO Accommodations team is responsible for this interactive process for faculty and staff and is also responsible for assisting various student services offices with student issues involving accommodations based on religion, accessibility and other ADA process issues for Tufts, as well as pregnancy and related conditions. The Accommodations Team (Accommodations.OEO@tufts.edu) includes Katherine Vosker (Katherine.Vosker@tufts.edu), Accommodations Manager and 504 Officer, Johny Lainé, Senior Accommodations and Leaves Specialist and Amin Fahimi Moghadam (Amin.Fahimi-Moghadam@tufts.edu), Accommodations Specialist.

The Tufts OEO Executive Director and Title IX Coordinator, Jill Zellmer (Jill.Zellmer@tufts.edu), oversees the Accommodations Team. For more information about OEO staff, please see <https://oio.tufts.edu/about/who-we-are/>.

ADMINISTRATIVE AGENCY RESOURCES – EXTERNAL REPORTING OPTIONS

U.S. Department of Education, Office for Civil Rights (OCR)
5 Post Office Square, 8th floor Boston,
MA 02109-3921
617.289.0111

OCR prohibits discrimination on the basis of sex, including current, potential or past pregnancy and related conditions. While OCR complaints should generally be filed within 180 days of the last date of the alleged discrimination, OCR may extend this filing deadline in a variety of circumstances.