

Pregnancy Manual for UNM Students, Staff, and Faculty



OFFICE OF
COMPLIANCE, ETHICS
& EQUAL OPPORTUNITY

Table of Contents

Inclusive Language 3

Introduction 3

Requirements..... 4

Accommodation/Adjustments..... 6

Lactation 8

Common Pitfalls..... 9

FAQ..... 11

Accommodation Types 14

Pregnancy at UNM Visual 16

Pregnancy Pamphlet for Students 17

INCLUSIVE LANGUAGE

It is important to note that the language used regarding pregnancy is not specific to any gender, as UNM acknowledges that people of various genders, including cisgender women, non-binary individuals, and transgender men, can become pregnant. Regardless of a person's gender identity or expression, they are protected under the status of being a pregnant individual.

INTRODUCTION

Title IX is a federal law that prohibits discrimination based on pregnancy or related conditions for students, employees, and applicants. UNM follows Title IX regulations, which require the university to treat healthy pregnancy or related conditions similarly to other temporary disabilities. This includes providing medical benefits, services, plans, and policies to pregnant individuals admitted to UNM's educational programs or activities. If someone is experiencing a high-risk pregnancy or other health concerns related to pregnancy, the ADA Accommodation process is the appropriate avenue to seek accommodations. Students can seek support through the Accessibility Resource Center, and staff and faculty can access support through the ADA Coordinator at the Office of Compliance, Ethics, and Equal Opportunity.

It's important to note that although the manual may refer to students or employees separately, all pregnant individuals at UNM are protected, regardless of their role.

To prevent discrimination based on pregnancy or related conditions, UNM strives to provide reasonable modifications for students and employees. The university is also required to designate lactation spaces for students and employees. These spaces should be clean, private areas that are not bathrooms, equipped with an electrical outlet for lactation, and have access to a refrigerator or freezer for storing breast/chest milk. UNM has established multiple lactation stations across the main and north campuses through the Women's Resource Center's Chest/Breastfeeding Support Program.

REQUIREMENTS

Students

According to the Department of Education's Title IX regulations, institutions receiving federal funding must not discriminate against students or exclude them from education programs or activities based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from these conditions. Pregnant students should be granted leave for as long as deemed medically necessary by their physician and then reinstated to the same status they had before the leave.

Institutions must treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery from these conditions the same as any other temporary disability. This includes providing medical, hospital, and other benefits, services, plans, and policies for students.

Faculty policies and practices must not discriminate against students because of pregnancy or related conditions. For example, faculty cannot refuse to accept work from a student who missed a deadline due to pregnancy or childbirth. If class attendance or participation contributes to grading, the student should be allowed to earn the missed credits and return to their pre-leave status.

If an institution does not have a leave policy for students or if a student does not qualify for leave under such a policy, the institution should grant a leave of absence for as long as medically necessary, based on the student's physician's recommendation. After the leave, the student should be reinstated to the same status they held when the leave began.

In situations such as clinical rotations, performances, labs, and group work, the institution will work with the student to find alternative paths to completion, if possible. Medically necessary leaves are valid reasons for students in progressive curricular or cohort-model programs to shift course order, substitute similar courses, or join a subsequent cohort upon returning from leave. Students are encouraged to collaborate with faculty members to develop a plan that addresses their evolving needs during pregnancy, minimizes the academic impact of their absence, and facilitates a smooth return. The Title IX Coordinator or their designee can assist in plan development and implementation, and the Pregnancy Adjustment Agreement can serve as a useful outline.

Student employees who require workplace accommodations should contact the ADA Coordinator for assistance or submit an online [request form](#).

Employees

The Pregnant Workers Fairness Act (PWFA) is a law that mandates employers to provide reasonable accommodations to workers with limitations related to pregnancy, childbirth, or related medical conditions. The PWFA aims to prevent firing or discrimination against employees based on pregnancy. Employers must not deny employment opportunities or require leave when alternate accommodations are reasonably available.

Known limitations include physical or mental conditions related to, affected by, or arising from pregnancy, childbirth, or related medical conditions.

The Pregnancy Discrimination Act (PDA) considers pregnancy a temporary disability, meaning that the treatment of pregnant employees falls under the same regulations as disabled employees. Treating a pregnant employee in a way that violates disability standards is also a violation of the Pregnancy Discrimination Act.

For employees, schools must treat pregnancy, related conditions, and any temporary disability resulting from them the same as any other temporary disability for all job-related purposes. This includes employment-based medical, hospital, and other benefits. Schools must not discriminate against or exclude employees or applicants based on these conditions.

If an employee is temporarily unable to perform their job due to pregnancy, the employer must treat them the same as any other temporarily disabled employee. This may involve providing light duty, modifying tasks, offering alternative assignments, disability leave, or leave without pay. The employer may need to provide a reasonable accommodation for a pregnancy-related disability unless it causes undue hardship.

ACCOMMODATIONS/ADJUSTMENTS

Reasonable accommodations because of pregnancy or related conditions

- Must be provided on an individualized and voluntary basis depending on the individual's needs when necessary to prevent discrimination and ensure equal access to UNM's education program or activity, unless UNM can demonstrate that modifying would fundamentally alter¹ the recipient's education program or activity; and
- Must be documented with the Title IX Coordinator (see Interactive Process for more information).

Interactive Process

When approached by a pregnant individual seeking accommodation, it is crucial to approach the situation with empathy, respect, and support. Engaging in an interactive process with the requesting individual is encouraged to identify reasonable accommodations that meet their needs.

The interactive process involves informal and collaborative communication between faculty/supervisors and students/employees or applicants. Openly communicate with the pregnant individual to better understand their specific needs. Offer reasonable accommodations aligned with their situation. If an agreement is reached, complete and send the Pregnancy/Lactation Accommodation Agreement to the Title IX Coordinator for documentation purposes. Maintain an open line of communication, regularly assess the effectiveness of the provided accommodations, and adjust the plan as necessary.

If an agreement cannot be reached, contact the Office of Compliance, Ethics and Equal Opportunity for assistance with the interactive process. An accommodation request related to pregnancy or lactation should not be denied without first consulting with the Office of Compliance, Ethics and Equal Opportunity.

Students

The Office of Civil Rights (OCR) 2013 Pregnancy Pamphlet states that schools must adjust their regular programs to ensure a pregnant student's access to education. These adjustments should be reasonable and responsive to the student's temporary pregnancy status. For example, a school may need to provide a larger desk, allow frequent trips to the bathroom, or grant temporary access to elevators.

The Title IX Coordinator or their designee has the authority to determine the necessity and appropriateness of such accommodations and inform faculty members about the need to adjust academic parameters accordingly.

Similar to disability accommodations, information about pregnant students' requests for accommodations should only be shared with faculty and staff to the extent necessary to provide reasonable accommodations. Faculty and staff should treat this information as private and not disclose it unless necessary. The Title IX Coordinator is responsible for maintaining appropriate documentation related to accommodations.

Schools should treat pregnancy, related conditions, and any temporary disability resulting from them in the same manner and under the same policies as any other temporary disability or physical condition concerning medical or hospital benefits, services, plans, or policies for students

Schools may only require pregnant students to submit a doctor's note if the same requirement exists for all students with physical or emotional conditions requiring treatment by a doctor.

Certification to Participate

Schools may not require a pregnant student to provide certification from a physician or licensed healthcare provider stating their physical ability to participate in classes, programs, or extracurricular activities unless:

1. The certified level of physical ability or health is necessary for participation in the specific class, program, or extracurricular activity.
2. The school requires such certification for all students participating in the class, program, or extracurricular activity.
3. The obtained information is not used as a basis for discrimination prohibited by Title IX.

However, schools may require a pregnant student to obtain certification from a physician stating their physical and emotional ability to continue participation if such certification is also required for other physical or emotional conditions needing medical attention.

If documentation is required, the requesting individual should work with the Accessibility Resource Center (for student accommodations) or the ADA Coordinator (for employee accommodations) to ensure proper handling of protected health information.

Employees

Pregnancy and related conditions should be treated comparably to temporary disabilities or conditions for all job-related purposes. This includes leave commencement, duration and extensions, disability income payment, seniority accrual, and other benefits or services. Reinstatement should be provided without a decrease in compensation, loss of promotional opportunities, or any other employment rights or privileges.

In cases where a recipient does not have a leave policy for employees, or an employee lacks sufficient leave or accrued employment time to qualify for leave, a voluntary leave of absence without pay should be granted for a reasonable period. After the leave, the employee should be reinstated to their pre-leave status or a comparable position without a reduction in compensation, loss of promotional opportunities, or other employment rights or privileges.

Pregnancy and related conditions, along with any temporary disabilities resulting from them, should be treated the same as any other temporary disability for leave, disability income, seniority accrual, and other employment-based benefits.

LACTATION

Reasonable modifications for students and break time for employees should be provided to enable the use of lactation spaces as needed. These measures are essential to prevent discrimination and ensure that students and employees can continue their education and employment while taking brief breaks to express breast/chest milk.

Lactation Time and Space

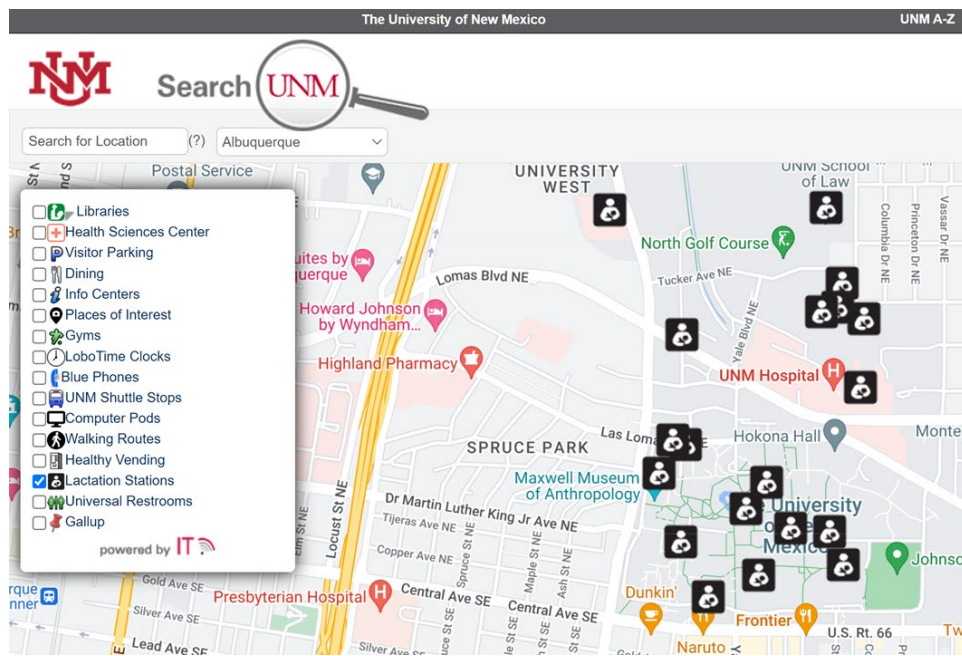
Nursing individuals should be provided with reasonable break time to express breast milk or breastfeed as needed. A lactation space, which should be a clean and private room other than a bathroom, must be made available for employees to use for expressing breast milk or breastfeeding.

The UNM's Women's Resource Center offers the Chest/Breastfeeding Support Program, which is free of charge for all UNM students, staff, faculty, and their partners/spouses. The program includes lactation rooms on campus, some equipped with hospital-grade pumps. It also provides links to lactation resources and facilitates communication between current, past, and future chest/breastfeeding parents on campus.

For more information or to register for the Chest/Breastfeeding Support Program, visit their website at <https://women.unm.edu/services/chest-breastfeeding-support-program.html> or email them at women@unm.edu.

Locations

The University of New Mexico has designated lactation stations on the Main Campus and North Campus, including the UNM School of Law and UNM Hospital. Please refer to the [virtual map](#) for the most updated locations.



<https://map.unm.edu/>

COMMON PITFALLS

Sometimes, unintentional actions may lead to non-compliance with Title IX's requirements regarding support for pregnant and parenting individuals. The following are common pitfalls that should be avoided:

1. Zero absence attendance policies.
2. Targeted medical documentation requirements.
3. Requiring the restart of an academic program from the beginning instead of considering the status at the time the leave began.
4. Deferring to discriminatory clinical site policies.
5. Syllabus/Class Policy prohibiting the issuance of incomplete grades.
6. Requiring an individual to accept an accommodation without engaging in an interactive process to understand the accommodation needs of the pregnant individual.
7. Denying a job or other employment opportunities to an employee or applicant based on their need for a reasonable accommodation.
8. Requiring an individual to take leave when an alternative reasonable accommodation could allow them to continue working or learning.

Frequently Asked Questions

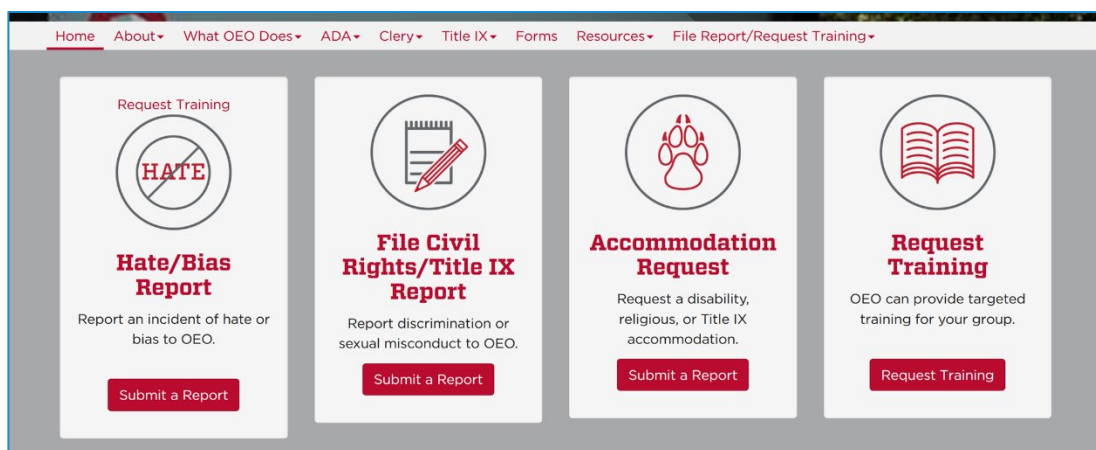
How do I request an accommodation?

We encourage the requestor to begin the conversation with their faculty or supervisor to engage in the interactive process. If you are unable to come to an accommodation agreement, contact the Office of Compliance, Ethics and Equal Opportunity for assistance. Accommodation requests for pregnancy and related conditions shall not be denied without consulting CEEO.

Students – if a student needs an academic accommodation related to pregnancy, the student is encouraged to first speak with the faculty member about their needs. If an agreement is not reached, the student and/or faculty can contact the Title IX Coordinator or the LoboRESPECT Advocacy Center for additional assistance.

A student who has a chronic medical condition as a result of a pregnancy, or is experiencing a high-risk pregnancy should request a medical accommodation from the [Accessibility Resource Center](#) (ARC).

Employees – if an employee, including a student employee, needs a workplace accommodation related to pregnancy, the employee is encouraged to first speak with their supervisor (or chair) to discuss their needs. If an agreement is not reached, the employee and/or supervisor can contact the Title IX Coordinator or the ADA Coordinator by requesting an accommodation through this [form](#).



You can also access the Accommodation Request form on the [CEEEO website](#)

An employee who has a chronic medical condition as a result of a pregnancy, or is experiencing a high-risk pregnancy, should contact the ADA Coordinator to discuss accommodation options specific to their circumstance and need.

What types of accommodation may I request?

Specific accommodation types vary based on the needs of the requesting individual. Please refer to Appendix 2 for a non-exhaustive list of potential accommodations. Below is a short list of common accommodation requests:

- A larger desk;
- Breaks during class, as needed;
- Permitting temporary access to elevators;
- Rescheduling tests or exams;
- Excusing absences due to pregnancy or related conditions;
- Submitting work after a deadline missed due to pregnancy or childbirth;
- Providing alternatives to make up missed work; or
- Allowing excused absences for parenting students (regardless of gender) who need to take their children to medical appointments or to take care of their sick children.

A pregnant student will be allowed to make up any work missed due to medically necessary absences for their pregnancy. A student must be offered acceptable alternative arrangements to make up for missed work. The student will not be required to complete make-up work until the student's medically necessary absences for pregnancy are completed.

Am I required to tell anyone about my pregnancy or parenting status?

Students are not required to inform faculty, staff, or any member of the administration of their pregnancy or parenting status unless they are seeking accommodations. The university wishes to create an environment that encourages voluntary sharing of this information so that the university can provide support for the physical and mental health of the student.

What resources are available to me as a pregnant and/or parenting student?

LoboRESPECT Advocacy Center

Women's Resource Center

Chest/Breastfeeding Program with Lactation Stations across campus
LGBTQ Resource Center

What do I do if a student tells me they're pregnant?

Thank the student for confiding in you.

Ask the student if they need any accommodations.

Provide them with the pregnancy pamphlet

What do I do if a student tells me they need to miss class due to pregnancy?

We excuse all medically necessary absences for pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery. This includes doctor's appointments. Via the Office of Equity & Title IX, faculty members should excuse those absences deemed medically necessary by the appropriate medical professional. Students should be referred to the Office of Equity & Title IX to document medical needs.

What might reasonable accommodations for a pregnant student look like?

Reasonable accommodations for pregnant students may allow for frequent bathroom breaks, a larger desk, or a different chair if needed. The length of time needed for medically required absences can vary depending on the student's situation.

What might reasonable accommodations for a parenting student look like?

Reasonable accommodations for parenting students may include allowing students reasonable time for nursing and access to lactation rooms.

Can I ask a student to prove their pregnancy or provide a doctor's note?

Faculty cannot ask for doctor's notes. Please refer the student to the Title IX Coordinator for documentation-related matters.

Accommodation Types

The appendix includes a list of possible accommodation types for pregnant individuals. This list is not exhaustive, and reasonable accommodations should be tailored to the specific needs and circumstances of each person. Accommodations can include extended deadlines, make-up assignments, tutoring, independent study, ergonomic and assistive supports, breaks during class, intermittent absences, changes in schedule or course sequence, counseling, changes in physical space or supplies, and more.

Note: It's important to periodically review and update the manual to ensure compliance with the latest federal laws and guidelines.

- Extended deadlines
- Make-up assignments (papers, quizzes, tests, and presentations)
- Tutoring
- Independent study
- Online course completion options
- Incomplete grades that can be completed at a later, usually predetermined, date
- Ergonomic and assistive supports
- Support can be offered through the ADA Coordinator and/or the Accessibility Resource Center
- Breaks during class to attend to related health needs, expressing breast milk, or breastfeeding
- Intermittent absences to attend medical appointments
- Access to online or other homebound education
- Changes in schedule or course sequence
- Extension of time for coursework and rescheduling of tests and examinations
- Counseling
- Changes in physical space or supplies (for example, access to a larger desk or a footrest)
- Allow pregnant students to continue participating in classes and extracurricular activities
- Allow pregnant students to choose if they want to participate in special programs or classes for pregnant students. Schools may not pressure students to participate in these types of programs.
- Provide reasonable adjustments such as a larger desk or elevator access
- Allow pregnant students to return to the same academic and extracurricular status as before medical leave, including the opportunity to make up missed work

- Faculty may not prohibit students from submitting work after a deadline missed due to pregnancy or childbirth
- Students should be permitted to make up missed participation and attendance credits
- Excuse absences due to pregnancy or childbirth for as long as medically necessary
- Provide pregnant students with the same special services they provide to individuals with temporary medical conditions, including remote instruction, tutoring, and/or independent study
- Allow the student a voluntary leave of absence from UNM's education program or activity to cover, at minimum, the time deemed medically necessary by the student's physician or other licensed healthcare provider. To the extent that a recipient maintains a leave policy for students that allows a greater time than the medically necessary period, the recipient must permit the student to take leave under that policy instead if the student so chooses. Upon the student's return to the recipient'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 leave began.
- Provide the student with voluntary reasonable modifications to the recipient's policies, practices, or procedures because of pregnancy or related conditions
- Receive closer parking
- Be excused from strenuous activities

PREGNANCY AT UNM

Title IX is a Federal civil rights law that prohibits discrimination on the basis of sex - including pregnancy and parental status



READ OUR POLICIES!
UAP 2720 Section 8.3 Pregnancy Accommodation
UAP 2750 Lactation Support Program (Learn more about Lactation Stations across campus!)

For more information, contact the Title IX Coordinator, Angela Catena, at acatena@unm.edu

* for as long as your health provider says it is necessary

PREGNANCY INFORMATION FOR STUDENTS

For more information, visit ceeo.unm.edu

OVERVIEW

UNM ensures nondiscrimination and equal access to its programs and activities by providing a variety of reasonable and individualized modifications for students during and after pregnancy.

If you are experiencing a high-risk pregnancy or other health related concerns due to the pregnancy, contact the Accessibility Resource Center (ARC) for assistance at arcsrvs@unm.edu.



OPTIONS MAY INCLUDE

- Excused medical appointments
- Breaks during class
- Available, clean lactation space that is not a bathroom, shielded from view & free from intrusion from others
- Extension of time for coursework and rescheduling of tests and examinations
- Allow pregnant students to continue participating in classes & extracurricular activities
- Changes to the physical space or supplies
- Voluntary leave of absence for medical reasons & reinstatement upon return



FOR MORE INFORMATION

Title IX Coordinator
Angela Catena
acatena@unm.edu

Contact:

Accommodation Specialist
Melissa "Mish" Martinez
mdmartin@unm.edu

Submit an online accommodation request form [here!](#)



ⁱ A change that is so significant that it alters the essential nature of the recipient's education program or activity