

Sussex County Community College
Policy No.: 200.XX
Area: Human Resources
Adopted: August 1, 2024

200.XX Procedure for Title IX Pregnancy or Related Conditions Response and Support

Notice of Non Discrimination.

Sussex County Community College does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment. Inquiries about Title IX may be referred to the College's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both.

The College's Title IX Coordinator is:

Stacie Caputo
Director of Human Resources and Title IX Coordinator
Student Center, Building D Room D313
Phone: 973-300-2772
Email: scaputo@sussex.edu

The College's nondiscrimination policy and grievance procedures can be located at <https://www.sussex.edu/about-sussex/student-and-campus-safety/title-ix/>

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to <https://www.sussex.edu/about-sussex/student-and-campus-safety/title-ix/>

Applicable Definitions

Pregnancy and Related Conditions: Pregnancy, childbirth, termination of pregnancy, or lactation, as well as medical conditions related to any of the above, as well as recovery from any of the above.

Lactation Space: 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.

Education Program or Activity: Any academic, extracurricular, research, occupational training, or other education program or activity operated by an educational entity that receives Federal financial assistance.

Reasonable Modifications: Adjustments to the College’s policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to the recipient’s education program or activity. Each reasonable modification must be based on the student’s individualized needs and determined after consulting with the student.

Reasonable modifications may include, but are not limited to:

- (1) 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;
- (2) Intermittent absences to attend medical appointments;
- (3) Access to online or homebound education;
- (4) Changes in schedule or course sequence;
- (5) Extensions of time for coursework and rescheduling of tests and examinations;
- (6) Allowing a student to sit or stand, or carry or keep water nearby;
- (7) Counseling;
- (8) Changes in physical space or supplies (for example, access to a larger desk or a footrest); or
- (9) Elevator access.

Non-reasonable modification: A modification that an institution can demonstrate would fundamentally alter the nature of its education program or activity.

Lactation space access: The College must ensure that the student can access a lactation space, which must 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.

Responsibilities for Employees – Student Disclosures

1. Referral to Title IX Coordinator or their designee.

When a student, or a person who has a legal right to act on behalf of the student, informs any employee of a student’s pregnancy or related conditions, the employee must:

- (a) Promptly provide that person(s) with the Title IX Coordinator’s contact information and
- (b) Inform that person(s) that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student’s equal access to the College’s education program or activity.

2. Employees do not have further responsibilities to act (unless set forth in their job description) and should inform the Title IX Coordinator of any such action they have already taken on behalf of the student or party making disclosure on their behalf.

3. Specific expectations.

As soon as possible, employee must:

- (a) Inform the person(s) about whom the disclosure relates that they must disclose this information to the Title IX Coordinator, and then
- (b) Inform the Title IX Coordinator of the name of the student and what pregnancy or related condition has been disclosed. For ease of reporting, employees may use language set forth in section F below.
- (c) Employees also may meet this expectation by copying the Title IX Coordinator on their written outreach to the student in (a), above, but should have already informed the student that they will be doing so.
- (d) See section F for sample language to assist in writing this outreach and disclosure.

4. Narrow instances when reporting is not mandated.

When the employee reasonably believes that the Title IX Coordinator already has been notified.

Responsibilities toward Employees and applicants for employment experiencing these conditions.

1. The College shall not discriminate against or exclude from employment any employee or applicant for employment on the basis of current, potential, or past pregnancy or related conditions.
2. Voluntary leaves of absence. If the College does not offer a relevant leave policy for its employees, or in the case of an employee with insufficient leave or accrued employment time to qualify for leave under such a policy, the College shall 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.
3. Comparable treatment to other temporary medical conditions. The College must 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.
4. Lactation time and space. The College must provide reasonable break time for an employee to express breast milk or breastfeed as needed, and must ensure the availability of a lactation space, which must be a space other than a bathroom that is clean, shielded from view, free

from intrusion from others, and may be used by an employee for expressing breast milk or breastfeeding as needed.

Responsibilities for Title IX Coordinator or designee(s) – student disclosures

1. Provide notice of the College’s non-discrimination policy. This is the TIX office’s responsibility, not that of employees who learn of pregnancy or related conditions.
2. Offer to meet to discuss reasonable modifications and support. Reasonable modifications must be based on the student’s individualized needs and based upon consultation with the student. Modifications that would fundamentally alter the nature of education programs or activities, if demonstrated, are not deemed reasonable modifications and thus not required under the federal regulations.
3. Where applicable, provide lactation time and space:

The College must ensure that the student can access a lactation space, which must 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.

Sample Notice and Reporting Language for Employee Use.

1. Informing the student (and if applicable, person with legal right to act on their behalf) in advance of making the report:

“Thank you for making me aware of your [pregnancy, medical condition related to pregnancy, lactation needs, etc.] In the interest of making certain that your needs are met by Sussex County Community College, I am required to share this information with our Title IX Coordinator *Stacie Caputo, Director of Human Resources and Title IX Coordinator, Student Center, Room 313, Phone: 973-300-2772, Email: scaputo@sussex.edu.*

Stacie can coordinate specific actions to prevent sex discrimination and ensure your equal access to the College’s education program or activity, so I wanted to be sure you had their contact information readily available. You can expect that they will be reaching out to you as well.

2. Informing Title IX Coordinator/designee if doing so separate from email to student:

“Student [first name, last name] or if applicable, person with legal right to act on student’s behalf [insert first name, last name] informed me on [date] of their [insert specific condition disclosed including pregnancy, end of pregnancy, lactation needs, etc. Their contact information is [insert if known]. I provided them your contact information and role in assisting them on [date.]”

Policy and Grievance Procedures.