

## West Virginia Wesleyan College Policy on Pregnancy and Related Conditions for Students and Employees

### I. Purpose and Summary

West Virginia Wesleyan College is committed to fostering a diverse and inclusive culture by creating and maintaining living, learning, and working environments that are free from discrimination and harassment, which is consistent with the stated mission of challenging its students to a life-long commitment to develop their intellectual, ethical, spiritual, and leadership potential and to set and uphold standards of excellence

West Virginia Wesleyan College does not discriminate on the basis of race, sex, color, national or ethnic origin, creed, ancestry, marital/family status, veteran status, sexual orientation, gender, gender identity, gender expression, pregnancy, religion, age, disability or blindness, or any other characteristic protected by local, state or federal law, to include Title VI, Title IX, Section 504, and the Age Discrimination Act, in the administration of its admission policies, scholarship and loan programs, educational programs, employment, athletic programs, co-curricular activities, or other College administered programs.

West Virginia Wesleyan College is committed to creating and maintaining a community where all individuals enjoy freedom from discrimination, including discrimination on the basis of sex, as mandated by Title IX of the Education Amendments of 1972. Sex discrimination, which can include discrimination based on pregnancy, marital status, or parental status, is prohibited and illegal in admissions, educational programs and activities, hiring, leave policies, employment policies, and health insurance coverage. West Virginia Wesleyan College hereby establishes a policy and procedures for ensuring the protection and equal treatment of pregnant persons, individuals with pregnancy-related conditions, and new parents.

The Director of Disability Services for students and/or the Director of Human Resources for employees, with oversight of the Title IX Coordinator, have the authority to determine that such modifications or accommodations are necessary and appropriate, and to inform faculty members and supervisors of the need to adjust academic and work parameters accordingly. As with disability accommodations, information about requests for accommodations will be shared with faculty and staff only to the extent necessary to provide the reasonable accommodation. Faculty and staff will regard all information associated with such requests as private and will not disclose this information unless necessary.

### II. Scope and Enforcement

This policy applies to all aspects of West Virginia Wesleyan College's programs, including admissions, educational programs and activities, hiring, leave policies, employment policies, and health insurance coverage.

Any member of the West Virginia Wesleyan College community may report a violation of this policy to any Responsible Employee, Deputy Title IX Coordinators, or to the Title IX Coordinator. The Title IX Coordinator is responsible for overseeing the resolution of discrimination complaints, which includes failure to accommodate, involving pregnant and parenting students. Reports may be made to the Title IX Coordinator in person, by mail, electronic mail, by phone, or online at:

<https://www.guardianconduct.com/incident-reporting>.

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Responsible Employees and Deputy Title IX Coordinators must promptly forward such reports to the Title IX Coordinator.

**Amy Kittle**

Title IX Coordinator

Student Development Office: Benedum Center for Campus Life

304-621-1316

[titleix@wwvc.edu](mailto:titleix@wwvc.edu)

<https://wwvc.guardianconduct.com/incident-reporting>

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In addition to West Virginia Wesleyan College's internal remedies, members of the campus community should also be aware that the Office of Civil Rights investigates and prosecutes complaints of prohibited discrimination. This agency may be contacted as follows:

**Office for Civil Rights (OCR), Headquarters**

400 Maryland Avenue, SW Washington, DC 20202-1100

Customer Service Hotline: 800-421-3481 TDD: 877-521-2172 Facsimile: (202) 453-6012

Email: [OCR@ed.gov](mailto:OCR@ed.gov) Web: [www.ed.gov/ocr](http://www.ed.gov/ocr)

**Office for Civil Rights, Philadelphia Office U.S. Department of Education**

The Wanamaker Building 100 Penn Square East, Suite 515

Philadelphia, PA 19107-3323

Telephone: (215) 656-8541 Facsimile: (215) 656-8605

Email: [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)

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Complaints with the Office for Civil Rights must be filed within one hundred eighty (180) days of the last act that the reported victim believes was discriminatory. There is no time limit for making a report to the West Virginia Wesleyan College.

Complaints involving employee concerns may also be reported to the Equal Employment Opportunity Commission. The EEOC has jurisdiction over some Title IX employment claims.

U.S. Equal Employment Opportunity Commission Headquarters  
131 M Street, NE Washington, DC 20527  
Phone: 800-669-4000 TTY 800-669-6820

U.S. Equal Employment Opportunity Commission, Pittsburg Area Office  
William S. Moorhead Federal Building  
1000 Liberty Ave, Suite 1112  
Pittsburg, PA 15222  
Phone: 800-669-4000 TTY: 800-669-6820

### **Anonymous Reporting**

Reports can also be made anonymously by telephone, in writing, or electronically via the Title IX Incident Report Form (<https://wwvc.guardianconduct.com/incident-reporting>). Depending on the level of information available about the incident or the individuals involved, West Virginia Wesleyan College's ability to respond to an anonymous report may be limited. West Virginia Wesleyan College will, however, take whatever steps it deems appropriate and in the best interests of the overall West Virginia Wesleyan College community, consistent with the information available.

### **Information Sharing**

All employees are required to provide to any person making a disclosure of pregnancy or pregnancy related condition the Title IX Coordinator's contact information, the location of this policy, and communicate that the Director of Disability Services/Director of Human Resources can help take provide specific modifications and/or accommodations to ensure equal access to Wesleyan's programs and activities. If the employee has a reasonable belief that the individual is already receiving modifications and/or accommodations or that the Title IX Coordinator is already aware of the pregnancy or related condition, the employee is not required to provide the student with the Title IX Coordinator's contact information.

### III. Definitions

**Birth Parent:** refers to the person who is or was pregnant or had a pregnancy related condition. This policy and its pregnancy related protections apply to all pregnant persons regardless of gender identity or expression.

**Caretaking:** Acts of caring and providing for the needs of a child connected to birth and nursing.

**Essential Functions:** the fundamental responsibilities of a job that must be completed to hold the position

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**Medical Necessity:** A determination made by an appropriate health care provider of a student's or employee's choosing.

**Pregnancy and Pregnancy Related Conditions:** These may include, but are not limited to, pregnancy, childbirth, lactation, false pregnancy, termination of pregnancy, conditions arising in connection with pregnancy, the recovery from any of these conditions in accordance with federal law.

**Pregnancy Discrimination:** Includes treating an individual affected by pregnancy or a pregnancy related condition less favorably than similar individuals not so affected and/or failure to provide legally mandated leave or accommodations.

**Programs or Activities:** All operations of West Virginia Wesleyan College, including those locations, events, and circumstances where West Virginia Wesleyan College exercises substantial control and any building owned or controlled by a student organization recognized by West Virginia Wesleyan College.

**Reasonable Accommodations:** Changes in academic or employment environments that enables pregnant people or people with pregnancy related conditions to continue to fully participate in the College's Programs or Activities. May require documentation

**Reasonable Modifications:** Adjustments to academic and employment environments that allows pregnant people or people with pregnancy related considerations to fully participate in the College's Programs or Activities. May not require documentation and may include, but is not limited to increased desk sizes, water, or more frequent restroom breaks.

**Responsible Employees:** are those employees in a leadership or supervisory position or who have significant responsibility for the welfare of students or employees. Responsible Employees include faculty, staff, coaches, directors, resident assistants, and advisors.

#### IV. Reasonable Modifications and Accommodations

West Virginia Wesleyan College and its faculty, staff, and other employees, will not require students to limit their studies or participation in activities as the result of pregnancy or pregnancy related conditions. Likewise, West Virginia Wesleyan College will not require employees to limit their employment as the result of pregnancy or pregnancy related conditions.

The benefits and services provided to students and employees affected by pregnancy will be no less than those provided to those with temporary medical conditions.

Administrative responsibility for these accommodations lies with the Director of Disability Services for students and/or the Director of Human Resources for employees (or designees), under oversight from the Title IX Coordinator, who will maintain all appropriate documentation related to accommodations. Students and employees with pregnancy related disabilities, like others with a short-term disability, are entitled to reasonable modifications and/or accommodations so that they will not be disadvantaged in their studies, research, or career, and may seek assistance from Disability Services, Human Resources, and/or the Title IX Coordinator.

Students and employees are encouraged to work with the Director of Disability Services and/or Director of Human Resources for support systems to devise a plan for how to best address the conditions as pregnancy progresses, anticipate the need for leaves, minimize the academic and employment impact of

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their absence, and get back on track as efficiently and comfortably as possible. The Title IX Coordinator will assist with plan development and implementation as needed.

No deadlines or time limitations will be imposed on requests for modifications or accommodations, but West Virginia Wesleyan College is limited in its ability to impact or implement modifications or accommodations retroactively.

Reasonable modifications and accommodations are determined by examining the needs of the pregnant person in relationship to the campus environment. Reasonable modifications or accommodations will not include removing essential job functions or academic standards, creating new jobs, waiving required or learning outcomes, providing personal needs items, or anything that might pose an undue hardship by West Virginia Wesleyan College.

Not every modification or accommodation is reasonable for all academic or employment settings. Each situation will be assessed on a case by case basis in consideration of the educational requirements and/or employment responsibilities in conjunction with the documentation provided. Reasonable accommodations may include, but are not limited to:

- Requests to protect the health and safety of the pregnant person and/or the pregnancy (e.g. such as allowing the student or employee to maintain a safe distance from hazardous substances)
- Modifications to the physical environments such as accessible seating
- Mobility support
- Excused absences for pregnancy related absences
- Extending deadlines and/or allowing make up tests and assignments to be submitted due to pregnancy related absence
- Granting leave per the College's medical leave policies
- Issuing Incomplete grades for classes or work that will be resumed at a future date
- Remote learning options
- Allowing breast feeding parents reasonable time and space to pump breast milk in a location that is private, clean, and reasonably accessible. Bathrooms and bathroom stalls do not satisfy this requirement.

If necessary and in situations such as clinical rotations, performances, labs, internships, and group work, the institution will work with the student to devise an alternative path to completion, if possible.

In progressive curricular and/or cohort-model programs, medically necessary leaves are sufficient cause to permit the student to shift course order, substitute similar courses, or join a subsequent cohort when returning from leave.

Nothing in the policy requires modification to the core learning outcomes of any academic course or program, essential functions of a job, or a waiver of requirements third party agencies (e.g. state licensing requirements).

#### **Leave of Absence**

As long as pregnant and parenting students can maintain appropriate academic progress and/or fully participate in the activity, faculty, staff, or other College employees will not require them to take a leave

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of absence or withdraw from or limit their students or participation in activities as the result of pregnancy, childbirth, or related conditions.

West Virginia Wesleyan College Leave of Absence Policy is located in the West Virginia Wesleyan College Undergraduate Catalog. The leave term may be extended in the case of extenuating circumstances or medical necessity.

West Virginia Wesleyan College policies on Family Medical Leave and other employment specific pregnancy polices are located in the West Virginia Wesleyan College Employee Handbook which is provided upon hire and is available through the Human Resources Office.

Students and employees taking leave will provide notice of the intent to take leave thirty (30) calendar days prior to the initiation of leave, or as soon as practicable. Intermittent leave may also be taken with the advance approval of the Director of Disability Services/Director of Human Resources.

To the extent possible, West Virginia Wesleyan College will take reasonable steps to ensure that pregnant students who take a leave of absence or medical leave return to the same position of academic progress that they were in when they took leave, including access to the same course catalog that was in place when the leave began, with no penalty.

Continuation of College funded scholarships, wages, or similar College sponsored funding during the leave term will depend on the pregnant person's status and the policies of the program regarding their registration or employment status. Students and employees will not be negatively impacted by or forfeit their future eligibility by exercising their rights under this policy.

#### **V. Retaliation and Harassment**

Faculty, staff, and other College employees are prohibited from interfering with a pregnant person taking leave, seeking reasonable accommodations, or otherwise exercising their rights under this Policy. Faculty, staff, and other College employees are prohibited from retaliating against a pregnant or parenting person for exercising the rights articulated by this Policy, including imposing or threatening to impose negative educational or employment outcomes because the they request leave or accommodations, files a complaint, or otherwise exercises their rights or seeks assistance from the Title IX Coordinator regarding this policy.

#### **VI. Dissemination of the Policy**

A copy of this policy shall be made available to faculty, staff, and students on an annual basis and shall be posted on the institution's Title IX page of the website. The Title IX Coordinator shall work with all members of the campus community to ensure compliance with this policy and familiarity with the relevant procedures.

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