

Institutional Handbook of Operating Procedures Policy 07.01.09	
Section: 7: Student	Responsible Vice President: VP and Chief Admin Office AE
Subject: Pregnancy and Parenting	Responsible Entity: Institutional ADA Office

I. Title

Student Pregnancy and Parenting Nondiscrimination Policy

II. Purpose

This policy implements Senate Bill 412, Texas Education Code § 51.982, passed by the Texas Legislature during the 2023 term. Pursuant to this law, The University of Texas Medical Branch at Galveston (UTMB) shall maintain an environment that protects pregnant and parenting students from discrimination due to their pregnancy or parental status.

III. Policy

Sec. 1 General Policy Statement

UTMB is committed to maintaining a learning environment that is free from discrimination of pregnant or parenting students in accordance with the Texas Education Code, Section 51.982 and other applicable laws, such as Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex (including pregnancy discrimination) in education programs or activities; Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of a disability (including disabilities based on temporary medical conditions from pregnancy); and Title II of the Americans with Disabilities Act of 1990 (ADA), which prohibits discrimination against individuals with disabilities in public schools such as institutions of higher education.

Sec. 2 Applicability and Scope

2.1 Applicability- This Policy applies to all UTMB administrators, faculty, staff, students, third parties within UTMB’s control, and applicants for admission.

2.2 Prohibited Conduct - UTMB may not require a pregnant or parenting student, solely because of the student’s status as a pregnant or parenting student or due to issues related to the student’s pregnancy or parenting, to:

- Take a leave of absence or withdraw from the student’s degree or certificate program;
- Limit the student’s studies;
- Participate in an alternative program;
- Change the student’s major, degree, or certification program; or
- Refrain from joining or cease participating in any course, activity, or program at the institution.

- 2.3 Potential violations of this Policy will be processed in accordance with IHOP Policy 03.02.01: Nondiscrimination, Equal Employment Opportunity, and Affirmative Action Policy and the University's Students with Disabilities Policy, I.H.O.P. 7.1.1 http://www.utmb.edu/policies_and_procedures/19942495 and are subject to potential disciplinary action.
- 2.4 Retaliation against pregnant or parenting students for engaging in protected activity is also prohibited and subject to disciplinary action, in accordance with IHOP 03.02.09: Non-Retaliation Policy http://www.utmb.edu/policies_and_procedures/40791492

For more information and reporting options, including filing a discrimination or retaliation complaint, visit IHOP Policy 03.02.01: Nondiscrimination, Equal Employment Opportunity, and Affirmative Action Policy and IHOP 03.02.09: Non-Retaliation Policy http://www.utmb.edu/policies_and_procedures/40791492

Sec. 3 Reasonable Accommodations for Pregnant Students

- 3.1 Reasonable Accommodations- UTMB will offer reasonable accommodations to pregnant students, in accordance with state and federal laws and regulations. Accommodation requests are voluntary and involve an individualized, interactive process where both the institution and the student engage in a good faith discussion based on the student's specific needs with the goal of identifying reasonable options for accommodations. Accommodations that constitute undue hardship are not reasonable.

Reasonable accommodations for pregnant students may include, but are not limited to:

- Excused absences with the availability to make up missed assignments, assessments, or coursework;
- Additional time to complete assignments (applied in the same manner as ADA/504 accommodations for additional time on assignments or tests, with required documentation);
- Allowing the student to maintain a safe distance from substances, areas, and activities known to be hazardous to pregnant students or unborn children;
- Access to instructional materials and video recordings of lectures (if available) for classes due to excused absences due to pregnancy or related conditions (applied in the same manner as any other student with excused absences); and
- Any other accommodations deemed reasonable, based on the student's individual needs.

- 3.2 Documentation Required - Documentation is required for excused absences under this Policy, as deemed "medically necessary" based on a pregnancy-related condition.

- 3.3 Contact Information - To request an accommodation, please contact UTMB's Institutional ADA Office, (409) 747-4818 or (409) 266-1675, adastdnt@utmb.edu or review the Student Disability Fact Sheet at <https://www.utmb.edu/student-services/students-with-disabilities-faq>.

Sec. 4 Leave of Absence for Pregnant and Parenting Students

- 4.1 Leave of Absence - UTMB will allow pregnant and parenting students to take a leave of absence, as defined in this Policy, for a reasonable duration depending on the circumstances. In addition, if the pregnant or parenting student is in good academic standing at the time of the leave of absence, the student may return to the same degree or certificate program in good academic standing without being required to reapply for admission.
- 4.2 Documentation Required - Documentation is required for a leave of absence request under this Policy, which verifies the pregnant or parenting student status.
- 4.3 All requests related to pregnancy and parenting related leave of absences should be directed to UTMB's Institutional ADA Office.

Sec. 5 Confidentiality

The University will maintain the confidentiality of student records and documentation to the extent possible under state and federal law.

Sec. 6 Additional Pregnant and Parenting Student Services

- 6.1 Early Registration -Parenting students are eligible for early registration for courses to the extent others have access to early registration of those same courses. For more information, contact <https://www.utmb.edu/enrollmentservices/>
- 6.2 Student Success Center -Current and incoming parenting students have access to utilize the Student Success Center which is instrumental in providing pregnant and parenting students information regarding support services and other available resources. For more information, contact <https://www.utmb.edu/student-success-center/home>
- 6.3. UTMB's Worksite Lactation Policy, I.H.O.P. 3.7.8, is designed to identify all approved and designated lactation room locations within UTMB and other campus locations.

IV. Definitions

- A. **Leave of Absence** - A period of time when a student is not enrolled in classes but is eligible to reenroll in the future. A leave of absence, for the purpose of this Policy, is also known as an *academic withdrawal*.
- B. **Parenting Discrimination** - Occurs when an individual is treated less favorably on the basis of that person's parental status.
- C. **Parenting Student** - A student who is the parent or legal guardian of a child under 18 years of age.¹

¹ As defined in Tex. Edu. Code. 51.982.

- D. **Pregnancy Discrimination** -Occurs when an individual is treated less favorably on the basis of that person's pregnancy or pregnancy-related condition. Pregnancy discrimination is a form of sex discrimination.
- E. **Pregnancy or Related Condition.**
1. Pregnancy, childbirth, miscarriage, or lactation;
 2. Medical conditions related to pregnancy, childbirth, pregnancy complications, miscarriage, lactation, or any other conditions directly related to being pregnant;
 3. Recovery from pregnancy, childbirth, lactation, or their related medical conditions directly related to pregnancy or the effects thereof.
- F. **Pregnant Student** - A student who has a pregnancy or related condition status.

V. **Relevant Federal and State Statutes**

[Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681–1688 and its implementing regulations, 34 C.F.R. Part 106](#)

[Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794](#)

[Americans with Disabilities Act \(ADA\) of 1990 and 2008 amendments, 42 U.S.C. § 12101 et seq.](#)

[Americans with Disabilities Act Title II Regulations](#)

[FERPA Regulations, 34 C.F.R. Part 99](#)

[Texas Education Code, Chapter 51, Subchapter Z: Protections for Pregnant and Parenting Students §51.982](#)

[Texas Education Code, Chapter 51, Subchapter Z: Early Registration for Parenting Students §51.983](#)

[Texas Education Code, Chapter 51, Subchapter Z: Designation for Liaison Officer to Assist Students Who are Parents; Report §51.9357](#)

VI. **Related UTMB Policies and Procedures** [IHOP Policy 07.01.01: Students with Disabilities](#)

[IHOP Policy 03.02.01: Nondiscrimination, Equal Employment Opportunity and Affirmative Action](#)

[IHOP Policy 03.01.09: Discipline, Dismissal and Appeal for Classified Employees](#)

[IHOP Policy 05.03.10: Termination](#) of a Faculty Member

[IHOP Policy 07.01.03: Student Conduct and Discipline](#)

[IHOP Policy 03.02.09: Non-Retaliation](#)

VII. Dates Approved or Amended

<i>Originated: 01/10/2024</i>	
<i>Reviewed with Changes</i>	<i>Reviewed without Changes</i>

VIII. Contact Information

Institutional ADA Office
 (409) 747-4818, (409) 266-1675, or adastdnt@utmb.edu

Complaints of discrimination should be directed to:
 Department of Internal Investigations/Title IX Office:
titleix@utmb.edu or 409-772-2112