

## TITLE IX RESPONSE PROCEDURES

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## **RESPONSE PROCEDURES**

### **I. Purpose**

The purpose of these Title IX Response Procedures (“Response Procedures”) is to describe how Governors State University (the “University”) will:

- A. Respond promptly and effectively upon gaining knowledge of conduct that reasonably may constitute sex discrimination in its education program or activity;
- B. Respond promptly and effectively upon acquiring information about conduct that reasonably may constitute retaliation;
- C. Address sex discrimination in the University’s education program or activity or on property owned by the University; and
- D. Take the necessary actions to promptly and effectively prevent sex discrimination and ensure equal access to the University’s education program or activity for students experiencing pregnancy or related conditions;

as contemplated by Title IX and the University’s Anti-Sex Discrimination (Title IX) Policy.

### **II. Scope and Application**

These Response Procedures apply for all Reports of conduct that may constitute sex discrimination or retaliation and for all Notifications from students experiencing pregnancy or related conditions received by the Title IX Coordinator in accordance with the University’s Reporting Procedures under the Anti-Sex Discrimination (Title IX) Policy.

### **III. Authority**

These Grievance Procedures are promulgated pursuant under section XIII.A of the University’s Anti-Sex Discrimination (Title IX) Policy.

The President hereby designates the University’s Title IX Coordinator to oversee the process for responding to Reports of possible sex discrimination and Notifications of student pregnancy or related conditions and to ensure compliance with these Response Procedures.

### **IV. Definitions**

The definitions provided below apply for purposes of these Response Procedures. To the extent a definition in this Section, or elsewhere in these Response Procedures, differs from the definition provided for the same term in the Anti-Sex Discrimination (Title IX)

Policy, the definition provided in these Response Procedures shall control for purposes of interpreting and implementing these Response Procedures.

- A. “Bystander” means an individual (other than a confidential employee, complainant, or respondent) who has or comes to have information about or related to conduct that reasonably may constitute sex discrimination under Title IX or the Anti-Sex Discrimination (Title IX) Policy, either through directly witnessing such conduct, learning of such conduct second-hand, or by virtue of their job duties for the University.
  
- B. “Complainant” means:
  - (1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination or retaliation under Title IX or the Anti-Sex Discrimination (Title IX) Policy; or
  - (2) An individual other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination or retaliation under Title IX or the Anti-Sex Discrimination (Title IX) Policy and who was participating or attempting to participate in the University’s education program or activity at the time of the alleged sex discrimination.
  
- C. “Complaint” means an oral or written request to the University that objectively can be understood as a request for the University to investigate and make a determination about alleged sex discrimination under Title IX or the Anti-Sex Discrimination (Title IX) Policy.
  
- D. “Confidential employee” means:
  - (i) The counselors and healthcare providers in the University’s Counseling and Wellness Center, with respect to information they receive while providing medical, mental health, and case management services;
  - (ii) Any other University employee whose communications are privileged or confidential under federal or state law, but only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or
  - (iii) A University employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination—but the employee’s

confidential status is only with respect to information received while conducting the study.

- E. “Consent” means a freely, voluntarily, and knowingly given agreement to engage in sexual activity; and:
- (1) Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity.
  - (2) Lack of verbal or physical resistance or submission resulting from the use of force or threat of force does not constitute consent.
  - (3) An individual’s manner of dress does not constitute consent.
  - (4) An individual’s consent to past sexual activity does not constitute consent to future sexual activity. An individual’s consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another.
  - (5) An individual can and may withdraw consent at any time.
  - (6) An individual cannot consent to sexual activity if that individual is unable to understand the nature of the activity or give knowing agreement due to circumstances such as, but not limited to: (a) the individual is incapacitated due to the use or influence of alcohol or drugs, (b) the individual is asleep or unconscious, (c) the individual is underage, or (d) the individual is incapacitated due to a mental disability.
  - (7) When consent is withdrawn or can no longer be given, sexual activity must stop.
  - (8) The definition of consent does not vary based upon an individual’s sex, sexual orientation, or gender identity or expression.
- F. “Corrective action” means any appropriate prompt and effective step(s), other than supportive measures, remedies, or disciplinary sanctions, to ensure that sex discrimination does not continue or recur within the University’s education program or activity.
- G. “Employee” means (1) all members of the University Board of Trustees appointed by the State Governor; and (2) anyone who is hired and retained to perform duties in exchange for compensation in the form of an hourly wage, annualized salary, or stipend and receives this compensation as

income which is processed through the University's semi-monthly payroll processing.

- H. "Grievance Procedures" (a capitalized term) means either or both of the University's Title IX Grievance Procedures (Part 1) – Sex-Based Harassment and/or Title IX Grievance Procedures (Part 2) – Other Sex Discrimination, as applicable given the context of the term's usage herein.
- I. "Notification" (a capitalized term) means a written or oral disclosure or notice to the Title IX Coordinator of a student's pregnancy or related conditions.
- J. "Party" means a complainant or a respondent.
- K. "Peer retaliation" means retaliation by a student against another student.
- L. "Pregnancy or related conditions" means:
  - (1) Pregnancy, childbirth, termination of pregnancy, or lactation;
  - (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
  - (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.
- M. "Preventing Sexual Violence in Higher Education Act" means the Illinois statute codified at 110 ILCS 155/1 *et seq.*, as it may be amended from time to time.
- N. "Report" (a capitalized term) means a written or oral disclosure or notice to the Title IX Coordinator of conduct that reasonably may constitute sex discrimination.
- O. "Reporting Procedures" (a capitalized term) means the University's Title IX Reporting Procedures promulgated in accordance with section XIII of the Anti-Sex Discrimination (Title IX) Policy.
- P. "Respondent" means a person who is alleged to have violated the University's prohibition on sex discrimination or retaliation under the Anti-Sex Discrimination (Title IX) Policy.
- Q. "Retaliation" means:
  - (1) Intimidation, threats, coercion, or discrimination against any individual by the University; a student; or an employee or other

person authorized by the University to provide aid, benefit, or service under the University's education program or activity;

- (2) For the purpose of interfering with any right or privilege secured by Title IX, the Preventing Sexual Violence in Higher Education Act, or the Anti-Sex Discrimination (Title IX) Policy; or because the individual has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, informal resolution process, or hearing under these Grievance Procedures.

For purposes of these Response Procedures, the term "retaliation" shall be construed to include peer retaliation.

- R. "Sex characteristics" means, generally, an individual's physiological sex characteristics and other inherently sex-based traits, including intersex traits. For purposes of this definition, the term "intersex" means, generally, individuals with variations in physical sex characteristics, which variations may involve anatomy, hormones, chromosomes, and other traits that differ from expectations generally associated with male and female bodies.
- S. "Sex discrimination" means discrimination against an individual because of that individual's actual or perceived sex, gender identity or expression, and/or sexual orientation, and includes:
- (1) Discrimination on the basis of sex stereotypes and sex characteristics;
  - (2) Discrimination on the basis of pregnancy or related conditions; and
  - (3) Sex-based harassment.
- T. "Sex stereotypes" means fixed or generalized expectations regarding an individual's aptitudes, behavior, self-presentation, or other attributes based on sex.
- U. "Sex-based harassment" is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex (including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, or gender identity or expression), that is one or more of the following:
- (1) "Quid pro quo harassment," which is when an employee, agent, or other person authorized by the University to provide an aid, benefit, or service under the University's education program or activity explicitly or impliedly conditions the provision of such an aid, benefit,

or service on an individual's participation in unwelcome sexual conduct.

- (2) "Hostile environment harassment," which is unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies an individual's ability to participate in or benefit from the University's education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
  - (i) The degree to which the conduct affected the complainant's ability to access the University's education program or activity;
  - (ii) The type, frequency, and duration of the conduct;
  - (iii) The parties' ages, roles within the University's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
  - (iv) The location of the conduct and the context in which the conduct occurred; and
  - (v) Other sex-based harassment in the University's education program or activity.
- (3) One or more of the following specific offenses:
  - (i) "Sexual violence" meaning physical sexual acts attempted or perpetrated against an individual without that individual's consent or when that individual is incapable of giving consent, including without limitation rape, sexual assault, sexual battery, sexual abuse, sexual coercion, and all other offenses classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
  - (ii) "Dating violence" meaning violence committed by an individual:
    - (a) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and



- (b) Where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the individuals involved in the relationship.
  - (iii) “Domestic violence” meaning felony or misdemeanor crimes committed by an individual who:
    - (a) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the State of Illinois, or a person similarly situated to a spouse of the victim;
    - (b) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
    - (c) Shares a child in common with the victim; or
    - (d) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the State of Illinois.
  - (iv) “Stalking” meaning engaging in a course of conduct directed at a specific individual that would cause a reasonable person to:
    - (a) Fear for the individual’s safety or the safety of others; or
    - (b) Suffer substantial emotional distress.
- V. “Sexual orientation” and “gender identity or expression” mean the actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity or expression of an individual, whether or not traditionally associated with the individual’s designated sex at birth.
- W. “Student” means an individual who has gained admission to the University and has a current right to enroll or matriculate in or at an education program or activity operated by the University.
- X. “Student with a disability” means a student who is an individual with a disability as defined in the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 705(9)(B), (20)(B).

- Y. “Supportive measures” means individualized measures offered as appropriate; as reasonably available; without unreasonably burdening a complainant or respondent; not for punitive or disciplinary reasons; and without fee or charge to a complainant or respondent to:
- (1) Restore or preserve that individual’s access to the University’s education program or activity, including measures that are designed to protect the safety of the individual(s) or the University’s educational environment; or
  - (2) Provide support during the Grievance Procedures for resolving complaints or an informal resolution process.
- Z. “Title IX” means, collectively, Title IX of the Education Amendments of 1972 (Pub. L. 92-318; 20 U.S.C. §§ 1681, 1682, 1683, 1685, 1686, 1687, 1688, 1689), and all regulations promulgated thereunder, including 34 C.F.R. Part 106, as such statutes and regulations may be amended from time to time.
- AA. “Title IX Coordinator” means, for purposes of responding to Reports and Notifications as set forth below, an employee designated and authorized to serve as the/a University Title IX Coordinator pursuant to the Anti-Sex Discrimination (Title IX) Policy; or the one or more individuals to whom the University Title IX Coordinator may delegate duties from time to time pursuant to the Anti-Sex Discrimination (Title IX) Policy.

## **V. Response to Reports of Sex Discrimination**

Upon receiving a Report, the Title IX Coordinator will coordinate the University’s response thereto, including taking the actions described in this Section V to promptly and effectively end any sex discrimination in the University’s education program or activity, prevent its recurrence, and remedy its effects. However, the Title IX Coordinator is not required to take the actions described in this Section if the Title IX Coordinator reasonably determines that the conduct alleged in the Report could not constitute sex discrimination under Title IX or the Anti-Sex Discrimination (Title IX) Policy.

### **A. Equitable Treatment**

Complainants and respondents will be treated equitably by the University when responding to Reports.

### **B. Notices**

1. As soon as reasonably practicable after receiving a Report, the Title IX Coordinator will notify the complainant or, if the complainant is unknown, the bystander who made the Report, of the University’s applicable

Grievance Procedures and the informal resolution process under paragraph E (if available and appropriate).

2. If a Report describes conduct that could fit the definition of sexual violence, dating violence, domestic violence, and/or stalking, then as soon as reasonably practicable after receipt of the Report and identification of the complainant, the Title IX Coordinator will provide the complainant with a concise notice of the complainant's rights and options that satisfies the applicable requirements of the Preventing Sexual Violence in Higher Education Act. If such a Report is received through electronic means, the Title IX Coordinator will provide the concise notice to the electronic reporter within twelve (12) hours of receiving the electronic Report.

### **C. Supportive Measures**

The University will offer and coordinate supportive measures, as appropriate, as described in this paragraph C.

#### **1. Supportive Measures in General**

(i) As defined above, supportive measures are individualized measures offered as appropriate, as reasonably available, and without fee or charge to a complainant or respondent, for the purpose(s) of:

- (a) Restoring or preserving that individual's access to the University's education program or activity, including measures that are designed to protect the safety of the individual(s) or the University's educational environment; and/or
- (b) Providing support during the Grievance Procedures for resolving complaints or an informal resolution process.

(ii) The specifics as to what one or more supportive measures the University may offer a given individual at a given time will vary depending on what the University deems to be reasonably available under the given circumstances.

- (a) Not all potential supportive measures may be reasonably available at any given time, under any given circumstance.

- (b) A potential supportive measure that would require the University to fundamentally alter the nature of a program or activity is not reasonably available.
- (c) The University is not obligated to offer supportive measures that are not reasonably available.
- (d) The University will not offer a supportive measure that unreasonably burdens either party or is not designed to meet either or both of the intended goals of supportive measures.
- (e) The University will not impose any supportive measure for punitive or disciplinary reasons.
- (f) For allegations of sex discrimination other than sex-based harassment or retaliation, the University's provision of supportive measures does not require the University, its employee, or any other person authorized to provide aid, benefit, or service on the University's behalf to alter the alleged discriminatory conduct for the purpose of providing a supportive measure.

(iii) Examples of supportive measures that may be (but are not guaranteed to be) offered by the University, as appropriate and reasonably available, include, but are not necessarily limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more individuals; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex-based harassment.

(iv) The University will not disclose information about any supportive measure to persons other than the individual to whom they apply, including informing one party of supportive measures provided to another party, unless the disclosure is necessary to provide the supportive measure or restore or preserve a party's access to the education program or activity, or when an exception in Section VII applies.

(v) If a party is a student with a disability, the employee assigned to offer and coordinate supportive measures for that party (see below) may consult, as appropriate, with the individual or office that

the University has designated to provide support to students with disabilities to determine how to comply with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, in the implementation of supportive measures for that party.

## **2. Supportive Measures Process**

(i) As soon as reasonably practicable after a Report is received, the Title IX Coordinator will assign an appropriate employee (which employee may be the Title IX Coordinator) to offer and coordinate supportive measures for the complainant as appropriate.

(ii) As soon as reasonably practicable after a respondent is notified about the allegations against them in a Report (because the Grievance Procedures or an informal resolution process was initiated or otherwise), the Title IX Coordinator will assign an appropriate employee (which employee may be the Title IX Coordinator and/or may be the same employee assigned for the complainant) to offer and coordinate supportive measures for the respondent as appropriate.

(iii) Each supportive measure offered to a party will be based on that party's individualized needs.

(iv) In determining what supportive measures to offer a party, the party will be consulted and may request one or more specific supportive measures if they wish. Such requests will be taken into account, but the University does not guarantee they will be fulfilled.

(v) A party has discretion to accept or decline each supportive measure offered to them by the University.

(vi) If a party accepts an offered supportive measure, the University will provide it.

(vii) The University may, as appropriate, but need not, modify or terminate any supportive measure it has previously provided if circumstances change such that the supportive measure can no longer be considered reasonably available, starts to unreasonably burden either party, or no longer meets either or both of the intended goals of supportive measures.

(viii) The University may, as appropriate, at any time, offer additional or alternative supportive measures to a party for their consideration.

(ix) A party may request that the University modify or terminate any provided supportive measure applicable to them, if the party's circumstances change, by contacting the Title IX Coordinator.

(x) A party may request additional or different supportive measures applicable to them, if the party's circumstances change materially, by contacting the Title IX Coordinator.

(xi) All offers of supportive measures (whether in the original instance, as a modification, addition, or otherwise) shall be made by the University in writing(s) to the party for whose benefit they are being made (a "Supportive Measures Offer").

(xii) The University will provide a party with a timely opportunity to seek a modification or reversal of the University's decision to provide, deny, modify, or terminate any supportive measures applicable to that party (a "Supportive Measure Challenge").

(a) A party may initiate a Supportive Measure Challenge by contacting the Title IX Coordinator.

(b) The Title IX Coordinator will appoint an appropriate and impartial employee to hear and decide the Supportive Measure Challenge. Such impartial employee will be someone other than the employee who made the challenged decision and will have authority to modify or reverse the decision, if the impartial employee determines that the decision was inconsistent with the definition of supportive measures in Title IX and/or the provisions of subparagraph C.1 of this Section.

(xiii) The University may prescribe further reasonable processes for administering the offering, coordination, and implementation of supportive measures under this paragraph.

#### **D. Emergency Removal and Administrative Leave**

1. The University reserves the right to remove a respondent from the University's education programs or activities on an emergency basis, if the University determines, on the basis of an individualized safety and risk analysis, that an immediate and serious threat to the health or safety of a complainant or any students, employees, or other individuals arising from the allegations of sex discrimination justifies such removal.

(i) Any such individualized safety and risk analysis will be conducted by the University's Campus Threat Assessment Team (CTAT).

(ii) Determinations regarding removal will be made by the Title IX Coordinator based on CTAT's analysis. In making such a determination, the Title IX Coordinator may consult with other appropriate employees or University departments, such as the Department of Public Safety.

2. If the University determines that emergency removal of a respondent is justified in accordance with subparagraph D.1., the Title IX Coordinator will provide notice to the respondent of such determination (a "Notice of Emergency Removal") as soon as possible.

3. The University will provide the respondent with an opportunity to challenge the determination immediately following the emergency removal.

(i) The Notice of Emergency Removal will describe the process by which the respondent may make such a challenge.

(ii) The Title IX Coordinator will assign an appropriately trained, impartial employee to hear and decide the challenge. Such employee will be identified in the Notice of Emergency Removal.

4. Any emergency removal of a respondent will last only as long as justified by the individualized safety and risk analysis.

5. The University also reserves the right to place an employee respondent on administrative leave from employment responsibilities during the pendency of the resolution of a complaint of sex discrimination against the respondent under the Grievance Procedures. The University's general procedures for employee administrative leave shall apply for purposes of any administrative leave under this subparagraph.

6. The provisions of this paragraph must not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, or the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 *et seq.*

## **E. Informal Resolution**

If the University elects to establish a program of “informal” or “voluntary” resolution of reports and complaints of sex discrimination (an “Informal Resolution Program”) that meets the requirements of Title IX, it may offer informal resolution to complainants and respondents, and complainants and respondents may voluntarily agree to participate in an informal resolution process, in accordance with the procedures and parameters of such Informal Resolution Program.

## **F. Corrective Action**

The Title IX Coordinator will take, initiate, and/or coordinate corrective action, as appropriate, in response to the Report.

## **VI. Response to Notifications of Student Pregnancy or Related Conditions**

Upon receiving a Notification, the Title IX Coordinator will coordinate the actions described in this Section VI to prevent sex discrimination and to ensure equal access to the University’s education program or activity for the student experiencing pregnancy or related conditions.

### **A. Notices**

As soon as reasonably practicable after receipt of a Notification, the student experiencing pregnancy or related conditions (and, if applicable, the person who made the Notification and has a legal right to act on behalf of the student) will be provided with:

- (1) Notice and information of the student’s applicable rights and the University’s applicable obligations under Title IX, the Anti-Sex Discrimination (Title IX) Policy, and this Section; and
- (2) A copy of the University’s notice of nondiscrimination under section VII of the Anti-Sex Discrimination (Title IX) Policy.

### **B. Reasonable Modifications to University Policies, Practices, or Procedures**

The University will make reasonable modifications (sometimes called “reasonable accommodations”), at no charge to the student, to its policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to education programs or activities, in accordance with the following:



- (1) Each reasonable modification made for a student experiencing pregnancy or related conditions will be based on the student's individualized needs.
- (2) In determining what reasonable modifications are necessary, the student experiencing pregnancy or related conditions will be consulted.
- (3) The student has discretion to accept or decline each reasonable modification offered by the University.
- (4) If a student accepts an offered reasonable modification, the University will implement it.
- (5) The availability of a specific modification for a specific student will be dependent on that student's particular circumstances.
  - (i) Not all potential modifications may be reasonable.
  - (ii) A modification that would fundamentally alter the nature of a University education program or activity is not a reasonable modification.
  - (iii) The University is not obligated to make modifications that are not reasonable modifications.
  - (iv) To the extent consistent with that restriction, reasonable modifications possibly available to a student experiencing pregnancy or related conditions may include, but are not necessarily 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; access to online or homebound education; changes in schedule or course sequence; 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); or elevator access.
- (6) The University may prescribe further reasonable processes for administering reasonable modifications under this paragraph.

**C. Voluntary Access to Separate and Comparable Portion(s) of Programs or Activities**

1. The University will allow a student experiencing pregnancy or related conditions to voluntarily access any separate and comparable portion of an education program or activity, if any such separate and comparable portion exists.

2. The University may prescribe further reasonable processes for administering access to any existing separate and comparable portion of an education program or activity under this paragraph.

3. The University has no obligation to create a separate and comparable portion of any education program or activity where one does not otherwise exist to accommodate any student experiencing pregnancy or related conditions.

**D. Voluntary Leaves of Absence**

1. The University will allow a student experiencing pregnancy or related condition(s) to voluntarily take a leave of absence from the University's education programs or activities, as follows:

(i) Leaves of absence voluntarily taken by a student experiencing pregnancy or related conditions will cover at least the period of time deemed medically necessary by the student's licensed healthcare provider.

(ii) When the student returns to the University's education program or activity, the student will be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began.

(iii) The University may prescribe further reasonable processes for administering such leaves of absence under this paragraph.

2. To the extent that a student experiencing pregnancy or related conditions qualifies for leave under a different leave policy maintained by the University that allows a greater period of time than the medically necessary period, the University will permit the student to take voluntary leave under that policy instead if the student so chooses.

#### **E. Access to Lactation Space**

1. The University will provide students with access to a lactation space that may be used for expressing breast milk or breastfeeding as needed.
2. Such lactation space will be a space other than a bathroom, that is clean, shielded from view, and free from intrusion from others.

#### **F. Limitation on Required Supporting Documentation**

The University will not require supporting documentation under paragraphs B through E of this Section unless such documentation is necessary and reasonable for the University to determine what reasonable modifications to make or whether to take additional specific actions under those paragraphs.

#### **G. Comparable Treatment to Other Temporary Medical Conditions**

To the extent consistent with paragraphs B through F of this Section, the University will treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any benefit, service, plan, or policy the University administers, operates, offers, or participates in with respect to its students.

#### **H. Certification to Participate**

The University will not require a student experiencing pregnancy or related conditions to provide certification from a healthcare provider (or any other person) that the student is physically able to participate in a University class, program or extracurricular activity unless:

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

## **VII. Prohibition on Disclosures of Personally Identifiable Information**

The University will not disclose personally identifiable information obtained in the course of responding to Reports and Notifications under these Response Procedures, except in the following circumstances:

- (1) When the University has obtained prior written consent from a person with the legal right to consent to the disclosure;
- (2) When the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the individual whose personally identifiable information is at issue;
- (3) To carry out the purposes of these Response Procedures, including action taken to address conduct that reasonably may constitute sex discrimination in the University's education program or activity;
- (4) As required by federal law, federal regulations, or the terms and conditions of a federal award, including a grant award or other funding agreement; or
- (5) To the extent such disclosures are not otherwise in conflict with Title IX, when required by state or local law, or when permitted under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g and 34 CFR Part 99.

## **VIII. Recordkeeping**

A. Records related to the University's responses to Reports under these Response Procedures shall be maintained in accordance with the University's Recordkeeping Procedures.

B. Records related to the University's responses to Notifications under these Response Procedures shall be maintained in accordance with the University's standard recordkeeping practices for comparable other temporary student medical conditions, student leaves of absence, and academic affairs as relevant and applicable.

=====END OF PROCEDURE TEXT=====

*[remainder of page intentionally left blank]*

*The foregoing Administrative Procedure has been recommended and approved for adoption as follows:*

RECOMMENDED: /s/ Kaitlyn Anne Wild  
Kaitlyn Anne Wild, Director of  
Compliance & Title IX Coordinator

DATE: \_\_\_\_\_

APPROVED: /s/ Cheryl Green  
Cheryl Green, Ph.D., President

DATE: \_\_\_\_\_

*(Copy of Policy with original signatures is available upon request.)*