

CCS Administrative Procedure

3.30.01-F Non-discrimination and Anti-harassment Pregnancy Procedure for Students

Implementing Board Policy [3.30.01](#)

Contact: SFCC Title IX Coordinator, 533-3514
SCC Title IX Coordinator, 533-7015

1.0 Purpose

Community Colleges of Spokane (CCS) has a responsibility to prevent sex discrimination and ensure equal access to its education programs and activities. As required by Title IX of the Educational Amendments of 1972, this procedure prohibits discrimination against any student, employee, or anyone who was participating or attempting to participate in CCS' education programs or activities (collectively, CCS Community Members) based on their current, potential, or past pregnancy or related conditions.

For students who are also employees of CCS, please see CCS Administrative Procedure 2.30.01-H Equal Employment, Non-discrimination and Anti-harassment Pregnancy Procedure for Employees.

2.0 Definitions

2.1 **Pregnancy or Related Conditions** means:

2.1.1 Pregnancy, childbirth, termination of pregnancy, or lactation;

2.1.2 Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or

2.1.3 Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

2.2 **Program** and **Program or Activity** means all of the operations of CCS.

2.3 **Student** means a person who has gained admission to Spokane Community College or Spokane Falls Community College

2.4 **Reasonable Modifications** means changes to CCS' policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to the CCS' education programs or activities for a student experiencing pregnancy or related conditions. Reasonable modifications are based on a student's individualized needs and are determined in consultation with the student. A modification that CCS can demonstrate would fundamentally alter the nature of its education programs or activities is not a reasonable modification. Reasonable modifications may include, but are not limited to:

2.4.1 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;

2.4.2 intermittent absences to attend medical appointments;

2.4.3 access to online or homebound education;

2.4.4 changes in schedule or course sequence;

2.4.5 extensions of time for coursework and rescheduling of tests and examinations;

2.4.6 allowing a student to sit or stand, or carry or keep water nearby;

2.4.7 counseling;

- 2.4.8 changes in physical space or supplies (for example, access to a larger desk or a footrest);
- 2.4.9 elevator access;
- 2.4.10 voluntary leave of absence, or
- 2.4.11 other changes to policies, practices, or procedures.

3.0 Responsibility to Inform Students

- 3.1 CCS has delegated to the Colleges' Title IX Coordinators at SCC and SFCC the responsibility and duties associated with assisting students who are pregnant or who have pregnancy related conditions. The Title IX Coordinators may further delegate specific duties to one or more designees as appropriate. CCS' Title IX Coordinator retains ultimate oversight over these responsibilities.

SCC Title IX Coordinator

Main Building (Bldg. 1), Room R228
1810 N. Greene St., MS 2150
Spokane, WA 99217-5399
Phone: 509.533.7015
Email: vpss@scc.spokane.edu

SFCC Title IX Coordinator

Falls Gateway Building (Bldg. 30), Room 225
3410 W. Whistalks Way, MS 3010
Spokane WA 99224-5288
Phone: 509.533.3514
Email: ypsa@sfcc.spokane.edu

- 3.2 CCS has the responsibility to promptly and effectively prevent and respond to sex discrimination, including discrimination on the basis of pregnancy or related conditions. When a student informs any CCS employee, including confidential employees, of the student's pregnancy or related conditions, the employee must:
- 3.2.1 Promptly provide the student, verbally or in writing, the appropriate Title IX Coordinator contact information, and
 - 3.2.2 Inform that student that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to CCS' education programs or activities.
- 3.3 If the employee reasonably believes that the Title IX Coordinator has already been notified of a student's pregnancy or related condition, they are relieved of their responsibility to inform in this instance.
- 3.4 Absent information about conduct that reasonably may constitute sex discrimination, employees should not directly inform the Title IX Coordinator of a student's pregnancy or related conditions.
- 3.5 No CCS employee shall approach a student unprompted and ask about their pregnancy or related condition or make assumptions about a student's needs or medical status.
- 3.6 Nothing under this procedure or Title IX obligates a student to seek reasonable modifications for their pregnancy or related conditions after receiving the Title IX Coordinator's contact information, nor does it obligate the student to accept offered reasonable modifications.

4.0 Title IX Coordinator's Responsibility to Act

- 4.1 When a student informs the Title IX Coordinator of their pregnancy or related condition, the Title IX Coordinator or their designee will provide the student with information about CCS' Title IX policies and procedures, including information about requesting and receiving reasonable modifications.

5.0 Reasonable Modifications

- 5.1 At the student's request, the Title IX Coordinator or their designee will work with the student to identify reasonable modifications to any policy, practice, or procedure necessary to prevent sex discrimination and to ensure equal access to CCS' education programs or activities based on the student's individualized needs.
- 5.2 A modification that fundamentally alters the nature of an education program or activity is not a reasonable modification. It shall be the responsibility of CCS to demonstrate if a particular modification would be a fundamental alteration, and to consult with the student to identify alternative reasonable modifications.
- 5.3 During this process, the Title IX Coordinator or their designee shall not inquire about the specific circumstances surrounding a student's pregnancy or related conditions and will maintain the student's privacy at all times unless reasonably necessary to ensure reasonable modifications are implemented promptly and effectively.
- 5.4 Nothing in this procedure precludes a student from participating in any part of an education program or activity due to pregnancy or related conditions, including athletics and other extracurricular activities. CCS does not engage in prohibited discrimination when it allows a student, based on pregnancy or related conditions, to voluntarily participate in a separate portion of its education program or activity, (e.g., allowing a pregnant student who is confined to bed rest to access an in-person course online) provided that CCS ensures that the separate portion is comparable to that offered to students who are not pregnant or have related conditions.
- 5.5 A student can voluntarily take a leave of absence from CCS' education programs or activities to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. Students who elect to take a voluntary leave of absence in relation to pregnancy or a related condition will, upon returning from leave, be reinstated to the academic status and, as practicable under the circumstances, to the extracurricular status that the student held when the voluntary leave began.

6.0 **Appeal of Reasonable Modifications**

- 6.1 A student has the right to appeal any reasonable modification to an impartial reviewer by following the steps below.
 - 6.1.1 If a student becomes dissatisfied with their reasonable modifications or undergoes a change of circumstances that warrants revisions to their reasonable modifications, the student may submit a request to revise their reasonable modifications to the Title IX Coordinator or their designee.
 - 6.1.2 The Title IX Coordinator or their designee will respond to such a request within five (5) business days. If the student disagrees with the Title IX Coordinator's designee's decision, they may submit a written appeal to the appropriate Vice President of Student Services/Affairs within five (5) business days of receiving the designee's decision.
 - 6.1.3 If the student disagrees with the Title IX Coordinator's decision, they may submit a written appeal to the appropriate President.

SCC President
Spokane Community College
1810 N. Greene St., MS 2150
Spokane, WA 99217-5399
Phone: 509.533.7042

SFCC President
Spokane Falls Community College
3410 W. Whistalks Way, MS 3010
Spokane WA 99224-5288
Phone: 509.533.3535

- 6.1.4 Review of the appeal shall be performed by an impartial employee with authority to modify or reverse the Title IX Coordinator or their designee's decision to provide, deny, modify, or terminate reasonable modifications applicable to the student seeking review.
- 6.1.5 Challenged reasonable modifications will be reviewed to determine whether they are meeting the purposes of preventing sex discrimination and ensuring equal access to CCS' education programs and activities.

7.0 Documents

- 7.1 CCS may in certain instances ask a student seeking reasonable modifications to produce supporting documentation to validate their pregnancy or pregnancy related condition. CCS will **not** require supporting documentation to validate a student's pregnancy or related condition if:
 - 7.1.1 a student's need for a specific modification is obvious;
 - 7.1.2 if the student has previously provided sufficient supporting documentation;
 - 7.1.3 when the reasonable modification because of pregnancy or related conditions at issue is allowing a student to carry or keep water nearby and drink, use a bigger desk, sit or stand, or take breaks to eat, drink, or use the restroom;
 - 7.1.4 when the student has lactation needs; or
 - 7.1.5 when the specific modification is available to students for reasons other than pregnancy or related conditions without submitting supporting documentation.
- 7.2 In addition, CCS will **not** require certification from a healthcare provider or any other person to determine if a student who is pregnant or has related conditions is physically able to participate in a class, program, or extracurricular activity unless:
 - 7.2.1 The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
 - 7.2.2 CCS requires such certification of all students participating in the class, program, or extracurricular activity; and
 - 7.2.3 The information obtained is not used as a basis for discrimination prohibited by this procedure.

8.0 Lactation Space

- 8.1 CCS has designated lactation spaces on campus and in district facilities that are not a bathroom, which may be used by any person on campus for pumping or breastfeeding as needed, regardless of a person's gender identity or gender expression.
- 8.2 Any designated lactation spaces will be kept clean, will be private and accessible, and available for use whenever the building the space is open for use.
- 8.3 While there is lactation space available for use, CCS recognizes that in Washington State, breastfeeding is permitted in any public place.
- 8.4 Breastfeeding is not considered "indecent exposure," and no one may stop another person from breastfeeding, require they cover themselves, move, or leave a public premises because they are breastfeeding.
- 8.5 The decision of where to pump or breastfeed is at the person's discretion, if consistent with Washington State law.

9.0 Reporting Violations

- 9.1 If a CCS Community Member notifies CCS of a failure to implement a reasonable modification or make a lactation space available, CCS will promptly and effectively take additional steps to comply with their Title IX obligation to ensure that its education programs or activities are free from discrimination on the basis of sex, including on the basis of pregnancy or related conditions.
- 9.2 If a CCS Community Member files a complaint regarding the failure to implement a reasonable modification for pregnancy or a related condition or to make a lactation space available, this will constitute a report of sex discrimination, and the investigation procedure outlined in CCS Administrative Procedure [3.30.01 -G](#) will be initiated.
- 9.3 To report violations of this procedure, contact CCS' Title IX Coordinator or their designee:

Chief Human Resources Officer/Title IX Coordinator
501 N Riverpoint Blvd, Suite 126
PO Box 6000, MS 1004
Spokane, WA 99217
(509) 434-5037

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