



New Jersey Institute of Technology

Effective Date: 8/1/2024

University Policies

Sponsoring Functional Areas: Vice President for Student Affairs and Dean of Students and Vice President for Human Resources

Title: Pregnancy or Related Conditions Policy

NJIT does not discriminate in its education program or activity against any applicant for admission, student, applicant for employment, or employee on the basis of current, potential, or past pregnancy or related conditions as mandated by Title IX of the Education Amendments of 1972 (Title IX). NJIT prohibits members of the NJIT community from adopting or implementing any policy, practice, or procedure which treats an applicant for admission, student, applicant for employment, or employee differently on the basis of current, potential, or past parental, family, or marital status.¹ This policy and its pregnancy-related protections apply to all pregnant persons, regardless of gender identity or expression.

I. DEFINITIONS

A. Familial Status: The configuration of one’s family or one’s role in a family.

B. Marital Status: The state of being married or unmarried.

C. Parental Status: The status of a person who, with respect to another person who is under the age of 18² is a biological, adoptive, foster, or stepparent; a legal custodian or guardian; in loco parentis with respect to such a person; or actively seeking legal custody, guardianship, visitation, or adoption of such a person.

D. Pregnancy and Related Conditions: The full spectrum of processes and events connected with pregnancy, including pregnancy, childbirth, termination of pregnancy, or lactation; related medical conditions; and recovery therefrom.³

E. Reasonable Modifications: Individualized modifications to NJIT’s policies, practices, or procedures that do not fundamentally alter NJIT’s education program or activity.

II. INFORMATION SHARING REQUIREMENTS

¹ “Title IX does not prohibit discrimination based on marital status *per se*, as discrimination based on marital status does not necessarily require consideration of a person’s sex. Title IX does, however, prohibit NJIT from applying rules concerning marital status that treat individuals differently on the basis of sex (e.g., treating married women more or less favorably than married men, treating an unmarried mother worse than a married mother based on sex stereotypes, treating a man who is married to a man worse than a woman who is married to a man).”

² Or a person who is 18 or older but who is incapable of self-care because of a mental or physical disability.

³ “[T]he Department interprets ‘termination of pregnancy’ to mean the end of pregnancy in any manner, including, miscarriage, stillbirth, or abortion.” Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 89 F.R. 33474, April 29, 2024, codified at 34 C.F.R. 106.



Any NJIT employee who becomes aware of a student's pregnancy or related condition is required to provide the student with the Title IX Coordinator's contact information and communicate that the Coordinator can help take specific actions to prevent discrimination and ensure equal access to NJIT's education program and activity. If the employee has a reasonable belief 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.

Upon notification of a student's pregnancy or related condition, the Title IX Coordinator will contact the student and inform the student of NJIT's obligations to:

- Prohibit sex discrimination.
- Provide reasonable modifications.
- Allow access, on a voluntary basis, to any separate and comparable portion of the institution's education program or activity.
- Allow a voluntary leave of absence.
- Ensure lactation space availability.
- Maintain a Resolution Process for alleged discrimination.
- Treat pregnancy as comparable to other temporary medical conditions for medical benefit, service, plan, or policy purposes.

The Title IX Coordinator will also notify the student of the process to file a complaint for alleged discrimination, harassment, or retaliation, as applicable, under this Policy.

III. REASONABLE MODIFICATIONS FOR STUDENTS

Students who are pregnant or are experiencing related conditions are entitled to Reasonable Modifications to prevent sex discrimination and ensure equal access to NJIT's education program and activity. Any student seeking Reasonable Modifications must contact the Title IX Coordinator to discuss appropriate and available Reasonable Modifications based on their individual needs. Students are encouraged to request Reasonable Modifications as promptly as possible, although retroactive modifications may be available in some circumstances. Reasonable Modifications are voluntary, and a student can accept or decline the offered Reasonable Modifications. Not all Reasonable Modifications are appropriate for all contexts.

Reasonable Modifications may include:

- 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.
- Time extensions 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).
- Elevator access.
- A larger uniform or other required clothing or equipment.
- Other changes to policies, practices, or procedures determined by the Title IX Coordinator.

In situations such as clinical rotations, performances, labs, and group work, the institution will work with the student and faculty members 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. Students are encouraged to work with their faculty members and NJIT's support systems to devise a plan for how to best address the conditions as pregnancy progresses, anticipate the need for leaves, minimize the academic impact of 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.

Supporting documentation for Reasonable Modifications will only be required when it is necessary and reasonable under the circumstances to determine which Reasonable Modifications to offer to determine other specific actions to take to ensure equal access. Information about pregnant students' requests for modifications will be shared with faculty and staff only to the extent necessary to provide the Reasonable Modification.

Students experiencing pregnancy-related conditions that manifest as a temporary disability under the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act are eligible for reasonable accommodations just like any other student with a temporary disability. The Title IX Coordinator will consult with the Office of Accessibility Resources and Services to ensure the student receives reasonable accommodations for their disability as required by law.

IV. CERTIFICATION TO PARTICIPATE

All students should be informed of health and safety risks related to participation in academic and co-curricular activities, regardless of pregnancy status. A student may not be required to provide health care provider or other certification that the student is physically able to participate in the program or activity, unless:

1. The certified level of physical ability or health is necessary for participation;
2. The institution requires such certification of all students participating; and
3. The information obtained is not used as a basis for pregnancy-related discrimination.

V. LACTATION SPACE ACCESS

NJIT provides students and employees with access to lactation spaces that are functional, appropriate, and safe. Such spaces are regularly cleaned, shielded from view, and free from the intrusion of others.



Lactation spaces are located in the following locations:

1. Fenster Hall, Room 427
2. Mamava Pods:
 - a. Campus Center, 2nd Floor
 - b. Center for Peer Wellness and Coaching, located on the corner of Warren and Colden Street.

For additional information on NJIT's location guidelines, visit the [Lactation Support Guidelines website](#).

VI. LEAVE OF ABSENCE

A. Students

Students are permitted to take a voluntary leave of absence for a reasonable time as deemed medically necessary by their health care provider because of pregnancy and/or the birth, adoption, or placement of a child. The leave term may be extended in the case of extenuating circumstances or medical necessity. While registered under that status, students who choose to take a leave of absence under this policy can elect to keep their health insurance coverage.

To the extent possible, NJIT will take reasonable steps to ensure that 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 or an equivalent course catalog that was in place when the leave began.

Continuation of students' scholarship, fellowship, or similar NJIT-sponsored funding during the leave term will depend on the students' registration status and the policies of the funding program regarding registration status. Students will not be negatively impacted by or forfeit their future eligibility for their scholarship, fellowship, or similar NJIT-supported funding by exercising their rights under this policy.

The Office of Financial Aid can advocate for students with respect to financial aid agencies and external scholarship providers in the event that a leave of absence places eligibility into question.

In order to initiate a leave of absence, the student must contact the Title IX Coordinator at least 30 calendar days prior to the initiation of leave, or as soon as practicable. The Coordinator will assist the student in completing any necessary paperwork.

B. Employees

Information on Employee Leave of Absence (LOA) can be [found online](#).

If an employee, including a student-employee, is not eligible for any leave under the aforementioned leave policy because they either (1) do not have enough leave time available under that policy, (2) have not been employed long enough to qualify for leave under that policy,



they are eligible to qualify for pregnancy or related condition leave under Title IX. Pregnancy and related conditions will be regarded as a justification for a leave of absence without pay for a duration as determined by the certifying health care provider and recertified after six months (if needed).

Employees who take leave under Title IX must be reinstated to the status held when leave began or a comparable position without a negative effect on any employment privilege or right.