



THE UNIVERSITY OF
TENNESSEE
HEALTH SCIENCE CENTER.

COMPLIANCE

COMPLIANCE NOTES:

PREGNANCY AND
LACTATION RESOURCES

FOR EMPLOYEES AND STUDENTS

PREGNANCY RESOURCES FOR STUDENTS

FEDERAL LAW- TITLE IX

"No person in the United States, shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Title IX of the Education Amendments of 1972, and its implementing regulation at 34 C.F.R. Part 106 (Title IX).

The University of Tennessee Health Science Center is a recipient of federal financial assistance for education activities, and in accordance with the provisions of the Education Amendments Act of 1972, all of its education programs and activities are subject to the prohibition of Title IX.

TITLE IX EDUCATIONAL ADJUSTMENTS POLICY

In accordance with Title IX of the Education Amendments of 1972 (Title IX"), 20 U.S.C. § 1681, the UT Health Science Center (the University) prohibits discrimination against students on the basis of pregnancy or related conditions. This policy clarifies the legal rights and obligations of individuals covered by this policy under Title IX requirements.

This Policy applies to all aspects of the University's education programs and activities. This policy provides protections for students who are experiencing pregnancy or related conditions such as pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of those situations.

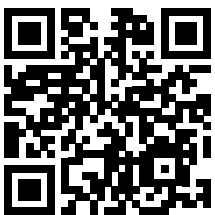
Discrimination against any student, or exclusion of any student from participation in any part of a University educational program or activity on the basis of a student's pregnancy or related conditions is prohibited, except as otherwise provided under this policy. The University educational programs and activities include, but are not limited to, classes, extracurricular activities, internships, fellowships, clinics, and labs.

The University may elect to provide students experiencing pregnancy or related conditions with a written description of the health risks of participating in an educational program or activity, but a description of those risks should also be provided to students who are not experiencing pregnancy or related conditions.

uthsc.edu/compliance/documents/title-ix-educational-adjustments-policy.pdf

PREGNANCY-RELATED EDUCATIONAL ADJUSTMENTS AND ACCOMMODATIONS

Educational adjustment requests and accommodations due to pregnancy or related conditions should be directed to the Title IX Coordinator by completing and submitting the Educational Adjustments Request Form. If you have questions about completing the form, contact the Office of Compliance at 901.448.2112 or email oc-hsc@uthsc.edu.



Form: Educational Adjustments Request Form

Link: forms.cloud.microsoft/r/fKWmNqh6hT

PREGNANCY RESOURCES FOR STUDENTS CONTINUED

EXCUSED ABSENCES AND MEDICAL LEAVE AS EDUCATIONAL ADJUSTMENTS

To ensure a pregnant student's access to their educational program, when necessary, educational institutions must make adjustments to the regular program that are reasonable and responsive to the student's temporary status.

1. A student's absences due to pregnancy or related conditions must be excused regardless of a program or faculty member's absence policies, as long as the student's physician deems the absences medically necessary.
2. A student experiencing pregnancy or related conditions will be allowed to return to the same academic and extracurricular status as the student had prior to any medically necessary absence(s) for the pregnancy or related conditions.
3. A student experiencing pregnancy or related conditions will be allowed to make up any work missed due to any medically necessary absence(s) for the pregnancy or related conditions. A student will be offered acceptable alternative arrangements to make up missed work as determined in consultation with the instructor. Examples of acceptable alternative arrangements include, but are not limited to, retaking a semester or allowing the student additional time to complete work; however, the student will be allowed to choose the option. The student will not be required to complete makeup work until the student's medically necessary absences for pregnancy or related conditions are completed.
4. If any part of a student's grade is based on in-class participation, a student experiencing pregnancy or related conditions will be allowed to make up the participation points for any time missed due to any medically necessary absence(s) for the pregnancy or related conditions.

Leave of Absence and/or Deferment policies vary among the different colleges. They may also be utilized by students as an option for their medical leave.

Contact the Office of Compliance (OC) for Leave Requests at least 3 months prior to the beginning of your leave.

ACCOMMODATIONS

Title IX requires educational institutions to provide the same special services to a pregnant student that it provides to students with temporary medical conditions. For instance, if tutoring or at-home instruction is provided to students who miss school because of temporary medical conditions, it must do the same for a student who misses school because of pregnancy or childbirth.

To ensure a pregnant student's access to their educational program, when necessary, educational institutions must make adjustments to the regular program that are reasonable and responsive to the student's temporary status.

Pregnant students and those with related medical conditions may also be eligible for disability protections and services under the ADA, depending on their condition.

Examples of pregnancy-related conditions that you can request educational adjustments for include pregnancy, childbirth, lactation, fatigue, dehydration (or the need for increased water intake), morning sickness, mastitis, anemia, back pain, frequent urination, gestational diabetes, preeclampsia, pregnancy-induced high blood pressure, infertility, ectopic pregnancy, and etc.

Common reasonable educational adjustments and accommodations include but are not limited to:

- A different chair/desk
- Avoiding hazardous chemicals or activities
- Delayed deadlines
- Additional Bathroom breaks
- Permission to eat or drink in class
- Notetakers or permission to record a class
- Remote/virtual learning
- Time off to attend doctor's appointments or attend to health needs

PREGNANCY RESOURCES FOR EMPLOYEES

FEDERAL LAWS

The Pregnancy Discrimination Act of 1978, which amended Title VII of the Civil Rights Act of 1964, prohibits discrimination on the basis of pregnancy, childbirth, or related medical conditions.

- An employer may not terminate, deny assignments to, or deny promotions to an employee because of her pregnancy, childbirth, or related medical conditions.
- A pregnant employee must be permitted to do her job for as long as she is capable of performing the job.
- While an employer has a duty to protect employees "health and safety," it has no extra duty to protect pregnant or potentially pregnant employees from dangerous work conditions. Therefore, policies that exclude members of one sex from a workplace for the purpose of protecting fetuses cannot be justified under Title VII.

Title IX of the Education Amendments of 1972, or "Title IX," is a federal law that prohibits discrimination based on sex in educational programs.

Title IX makes it illegal to discriminate because of sex, which includes discrimination on the basis of pregnancy, childbirth, lactation, miscarriage, abortion, or related conditions, including recovery.

PREGNANCY RELATED LEAVE

- When an employee goes on leave due to pregnancy, childbirth, or a related medical condition, the employer must keep her job open for the same period of time that it keeps jobs open for employees who go on disability or sick leave.
- An employer may not have a rule that prohibits an employee from returning to work for a predetermined length of time after childbirth.

TENNESSEE PARENTAL LEAVE ACT (TPLA)

The TPLA provides eligible employees up to 16 workweeks (to be run concurrently with any FMLA leave) of unpaid job-protected leave for qualifying events such as pregnancy, adoption, childbirth, and nursing an infant.

Eligibility: The employee must be full-time, and the employee must have been employed for at least twelve (12) consecutive months prior to taking leave.

Employees must fill out FMLA paperwork to request TPLA.

LEAVE UNDER THE ADA

Employees not eligible for FMLA and TPLA may request Medical Leave for pregnancy-related conditions as an Accommodation under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973. Employers may approve medical leave accommodation unless the accommodation causes undue hardship. An undue hardship is defined as causing significant difficulty or expense.

FAMILY MEDICAL LEAVE ACT (FMLA)

- The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. The FMLA also seeks to accommodate the legitimate interests of the employer.
- Eligibility: To be eligible for FMLA, the employee must have been employed for one year in the past seven years and have worked at least 1,250 hours in the 12-month period prior to the first day of leave.
- Qualifying Events Related to Pregnancy:
 - To care for and bond with a child after birth, adoption, or foster care placement;
 - To care for their own serious health condition which makes the employee unable to perform their job, including pregnancy, prenatal medical care, and childbirth;
 - To care for an employee's immediate family member (spouse, son, daughter, parent as defined by the FMLA which includes someone who stood in loco parentis to the employee when the employee was a child) who has a serious health condition.
- Basic Leave Entitlement: Eligible employees are granted up to a total of 12 workweeks of unpaid leave during any 12-month period.
- Requests for FMLA must be made at least 3 months prior to the beginning of your leave. Contact EmployeeRelations@uthsc.edu or visit www.uthsc.edu/hr/employee-relations/fmla.php

PREGNANCY RESOURCES FOR EMPLOYEES CONTINUED

COMPENSATION WHILE ON LEAVE

Paid Parental Leave

Eligible employees, assigned to work at least 75% and on payroll for at least 12 consecutive months prior to the start of the requested leave, are entitled to receive 6 weeks of paid leave.

Parents may use their paid parental leave concurrently or during separate periods.

HR Employee Relations team handles all paid parental leave requests. EmployeeRelations@uthsc.edu | www.uthsc.edu/hr/employee-relations/documents/paid-parental-leave-request-form.pdf

Accrued Leave

While on leave, employees can use their accrued leave (annual, sick, and personal) to offset costs from being on unpaid leave. Employees will be considered Leave Without Pay (LWOP) once they have exhausted all their accrued leave.

Short-Term Disability Insurance

Employees who enrolled in Short-Term Disability Insurance during the enrollment period may use this benefit while on leave. Accrued Leave must be exhausted before Short Term Disability is applied.

In some cases, Long-Term Disability Insurance may also be used. Please call the MetLife State of Tennessee Dedicated Customer Service Line with questions: **855.700.8001** | Monday – Friday | 7:00 am – 10:00 pm Central time For more info: www.uthsc.edu/hr/benefits/insurance/disability.php

Insurance Premiums

The HR Benefits Team www.uthsc.edu/hr/benefits/ can answer any questions regarding Health Insurance Premiums while on unpaid leave.

PREGNANCY AND POST-PARTUM ACCOMMODATIONS

Under the Rehabilitation Act, pregnancy itself is not considered a disability. However, a physical or mental impairment that occurs as a result of or during the course of pregnancy or childbirth may be a disability under the law if it substantially limits a major life activity.

Pregnant Workers Fairness Act (PWFA) requires a covered employer to provide a reasonable accommodation to a worker's known limitation related to pregnancy, childbirth, or related medical conditions unless the accommodation will cause the employer an undue hardship. An undue hardship is defined as causing significant difficulty or expense.

If an employee has been absent from work as a result of a pregnancy-related condition and recovers, the employer may not require the employee to remain on leave until she has given birth.

The Office of Compliance is responsible for the campus' compliance with the ADA and Section 504 of the Rehabilitation Act.

We also have an ADA Advisory Committee committed to providing equal access on our campus. Requesting Reasonable Accommodation Process: oc-hsc@uthsc.edu www.uthsc.edu/compliance/documents/reasonable-accommodation-request-form.pdf

"Reasonable accommodations" are changes in the work environment or the way things are usually done at work.

Some examples of possible reasonable accommodations under the PWFA include:

- Additional, longer, or more flexible breaks to drink water, eat, rest, or use the restroom;
- Changing food or drink policies to allow for a water bottle or food;
- Changing equipment, devices, or workstations, such as providing a stool to sit on, or a way to do work while standing;
- Changing a uniform or dress code or providing safety equipment that fits;
- Changing a work schedule, such as having shorter hours, part-time work, or a later start time;
- Telework;
- Temporary reassignment;
- Temporary suspension of one or more essential functions of a job;
- Leave for health care appointments;
- Light duty or help with lifting or other manual labor; or
- Leave to recover from childbirth or other medical conditions related to pregnancy or childbirth.

This list just provides some examples; many other reasonable accommodations may exist. Also, a worker may need different accommodations at different times during the pregnancy or after childbirth.

ON- CAMPUS RESOURCES FOR STUDENTS AND EMPLOYEES

ACCESSIBLE PARKING

Accessible Parking Spaces (closer parking spaces) are available for the UT Health Science Center community who have a genuine need. Those in their 3rd trimester or recovering from a pregnancy-related condition can request a temporary permit.

uthsc.edu/campus-police/parking-and-access/accessible-parking.php

SAFETY ESCORT BY CAMPUS POLICE

Safety escorts are also provided for anyone in their 3rd trimester. These cases are handled on an individual basis by the Campus Police administration.

901.448.4444 | utpolice@uthsc.edu

UNIVERSITY HEALTH SERVICES

UHS welcomes UT Health Science Center UT Health Science Center faculty, staff, students, and their family members over the age of 18. We offer primary care as well as specialized care including behavioral health and occupational health.

910 Madison Avenue, 9th floor Memphis, TN 38163

901.448.5630 | uhs@uthsc.edu

ACADEMIC COACHING (STUDENTS)

Academic coaching is a personalized, one-on-one meeting with a trained Learning Specialist who can help you improve your skills and performance. Working with a Learning Specialist can help you study smarter by developing skills in time management, goal setting, and test preparation. Academic Success Learning Specialists are skilled at asking quality questions to help you evaluate how you best learn, explore perceived barriers to your learning, and assist you in developing a customized academic plan for success.

910 Madison Ave., Suite 105, Memphis, TN 38163

901.448.7703 | academicsuccess@uthsc.edu

EMOTIONAL WELLBEING SOLUTIONS (EMPLOYEES)

Administered by Optum, Emotional Wellbeing Solutions are designed to provide up to five free, confidential counseling services to all benefits-eligible employees and their eligible dependents.

855.437.3486 — available 24 hours a day, 365 days a year.

STUDENT COUNSELING SERVICES

Student Counseling Services offers counselors that provide individual, group and crisis counseling for students, residents, and fellows.

SAC 300 | 901.448.5056 | coun@uthsc.edu

UNIVERSITY COUNSELING AND BEHAVIORAL HEALTH SERVICES

Licensed mental health providers are available for individual, group, couples, career, behavioral health, and crisis counseling for students, residents, fellows, and UT Health Science Center employees. Appointments may be scheduled directly with your provider by email or phone.

UT Health Science Center Students and Employees:

Dr. Kimberly Williams Collins

kwill176@uthsc.edu or 901.448.3168

Ut Health Science Center Residents And Fellows:

Dr. Clay Woemmel

cwoemmel@uthsc.edu or 901.448.2775

LACTATION RESOURCES

NURSING MOTHER'S EMPLOYMENT PROTECTIONS

Under FLSA and the PUMP Act, employers must provide nursing mothers with:

- a reasonable break time and a private space to pump at work for up to one year after their child's birth.
- a space that is functional for pumping milk, shielded from view, free from intrusion, available as needed, and not a bathroom.

Employees can request Lactation Breaks as a Reasonable Accommodation.

LACTATION BREAKS FOR STUDENTS

Under Title IX, lactation breaks are considered educational adjustments/accommodations.

Students must be given the ability to make up any missed work, receive information missed, and other reasonable accommodations. The Office of Compliance can assist in requesting Lactation Breaks.

Form: Educational Adjustments Request Form

Link: forms.cloud.microsoft/r/fKWmNqh6hT

Lactation Rooms at UT Health Science Center

Lactation rooms provide the privacy and space breastfeeding moms need when they pump. These spaces are available during regular work hours. Contact these offices for more information. Locations may have specific hours of operation, please call beforehand to verify vacancies.

- **Human Resources** | 910 Madison Ave. Suite 753
Available Monday – Friday | 8:00 am – 5:00 pm
Call HR at **901.448.5601**
- **Office of Compliance**
920 Madison Ave. Suite 825
Available Monday – Friday | 8:15 am – 4:00 pm
Call OC at **901.448.2112**
- **Academic Success** | 8 S. Dunlap, GEB, Room BB9
Available Monday – Friday | 8:30 am – 1:00 pm and 2:30 – 4:30 pm
Call Academic Success at **901.448.5056**
- **College of Dentistry** | 875 Union Ave. Suite C101E
Available Monday – Friday | 8:00 am – 5:00 pm
After hours access must be approved
Call the COD at **901.448.6268**
- **Student Alumni Center (SAC)**
800 Madison Ave. SAC 312-A
Available Monday – Friday | 8:00 am – 5:00 pm
Call Eliane Pater at **901.448.5610**
- **College of Pharmacy**
881 Madison Ave., 2nd Floor, Room 205
Available Monday – Friday | 8:00 am – 5:00 pm
Call Selena Strong at **901.448.5296**
- **Health Sciences Library** | Alexander Building
877 Madison Avenue, 2nd Floor, Room 412
Available 24/7
Call at **901.448.5634** | library@uthsc.edu

FREE BREAST PUMPS AND SUPPLIES

Your health insurance provider may provide you with additional maternity resources such as a free breast pump. Check with your provider for more details.

BlueCross BlueShield of Tennessee **800.558.6213** Monday - Friday | 7:00 am – 5:00 pm CT

Cigna **800.997.1617** 24/7

COMMUNITY RESOURCES

Tennessee Breastfeeding Hotline

The Tennessee Breastfeeding Hotline, staffed by International Board Certified Lactation Consultants (IBCLC), is available to nursing mothers and partners, their families, expectant mothers, and health care providers seeking breastfeeding support and information.



TN Women, Infants, and Children (WIC) Program

WIC is a federally-funded program designed to provide supplemental food assistance and nutrition education to low-income pregnant, postpartum, and breastfeeding women, infants, and children until age five. In addition to providing healthy supplemental foods, nutrition education, and breastfeeding support, the program also provides referrals to other health, welfare, and community-based services. WIC has proven to be effective in preventing and improving nutrition-related health problems. www.tn.gov/health/health-program-areas/fhw/wic.html

WIC (Women, Infants, and Children) Program

Provides breast feeding support as well as other resources for women and children who are at nutritional risk
Phone: **901.222.9980** or **901.222.9601** | Email: sherry.cohen@shelbycountyttn.gov

TN Department of Health- Maternal Health Innovation, Resources for Women

Access the link for more resources: www.tn.gov/health/health-program-areas/fhw/mhi.html

Health Insurance Provider

Your health insurance provider can provide you with maternity resources and non-maternity resources. Check your insurance provider's website for more information.

Office on Women's Health

OWH coordinates women's health efforts across HHS and addresses critical women's health issues by informing and advancing policies, educating health care professionals and consumers, and supporting innovative programs. womenshealth.gov

ENFORCING YOUR RIGHTS

Office of Compliance

Staff, faculty, students, medical residents, post-docs, applicants for employment, or patients may raise complaints of discrimination, harassment, and violations of policy with the Office of Compliance (OC). Information regarding the UT Health Science Center complaint process can be found here uthsc.edu/compliance/file-complaint.php

APPLICABLE UT POLICIES

HR Policy 0280 Sexual Harassment Policy

HR Policy 0220 Equal Employment Opportunity

HR Policy 0338 Family Medical Leave Policy

HR Policy 0339 Parental Leave Policy



Periodically, you will receive information from the Office of Compliance regarding various policies, procedures and resources applicable to UT Health Science Center students and employees. The heading of the email will be "COMPLIANCE NOTES."

FOR MORE INFORMATION, PLEASE CONTACT:

Office of Compliance

920 Madison, Suite 825, Memphis, TN 38163

oc-hsc@uthsc.edu

t 901.448.2112 | f 901.448.1120

Telecommunications Device for the Deaf

t: 901.448.7382 | uthsc.edu/oc

www.uthsc.edu/compliance/civil-rights-compliance.php



THE UNIVERSITY OF
TENNESSEE
HEALTH SCIENCE CENTER.

The University of Tennessee is an EEO/Title VI/Title IX/ Section 504/ADA/ADEA institution in the provision of its education and employment programs and services.

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