

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION  
SEX AND SEXUAL VIOLENCE

FFDA3  
(REGULATION)

<b>Policy Statement</b>	HCC is committed to providing educational programs, activities, and services in which all students enjoy freedom from discrimination on the basis of sex, including discrimination based on pregnancy, marital status, or parental status, as required by Title IX of the Education Amendments of 1972 and Texas law. This regulation and its pregnancy-related protections apply to all pregnant and parenting persons, regardless of gender identity or expression.
<b>Definitions</b>	The following definitions are applicable to this regulation:
Fundamental Alteration	A change in an education program or activity that is so significant that it alters the essential nature of the education program or activity.
Medical Necessity	A determination made by the student's physician or other licensed healthcare provider that a certain course of action is medically necessary.
Parental Status	An individual with legal responsibility to care for a person under the age of 18 (or over the age of 18 but incapable of self-care due to a disability). The term includes a biological, fostering, or adoptive parent, a stepparent, or a legal custodian or guardian.
Postpartum	The period of time following delivery when maternal physiological and anatomical changes typically return to the prepregnant state (usually about six weeks in duration).
Pregnancy and Pregnancy-Related Conditions	Include pregnancy, childbirth, false pregnancy, termination of pregnancy, conditions arising in connection with pregnancy, and recovery from any of these conditions.
Pregnancy Discrimination	Includes (i) treating an individual who is pregnant or has a pregnancy-related condition less favorably than a similarly situated individual not so affected and/or (ii) failing to provide legally mandated leave or accommodations. Pregnancy discrimination includes excluding a pregnant student from an education program, activity, or leadership position on the basis of their pregnancy.
Pregnant Student	Refers to a student who is or was pregnant or intends to become pregnant.
Reasonable Accommodation/ Reasonable Modifications	A change in a class, academic program or academic environment, or other campus activity that enables a pregnant student or student with a pregnancy-related condition to continue to participate in the education program or activity and/or to receive equal educational benefits provided by HCC.

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**Prohibition of  
Discrimination  
Based on Pregnancy  
and Pregnancy-  
Related Conditions**

HCC prohibits any faculty member, employee, staff member, trustee, or third party from discriminating in any education program or activity against any student based on the student's current, potential, or past pregnancy or related condition.

The definition of third party in this regulation encompasses vendors and other organizations who contractually are involved in providing services to HCC in support of HCC's education programs and activities.

A student who is pregnant or has a related condition may voluntarily choose to participate in a separate education program or activity so long as HCC ensures that the separate program or activity is comparable to those offered to students who are not pregnant and do not have a related condition.

HCC and its faculty, staff, employees, and trustees will not require or compel a student to take a leave of absence, withdraw from their program, change their degree, or certificate program, or limit their studies due to the student's pregnancy or pregnancy-related conditions.

The benefits and services provided to students affected by pregnancy (or a related condition or any temporary disability resulting from pregnancy) will be comparable to those provided to students with a temporary disability or physical condition.

HCC will not require a student who is pregnant or has a related condition to provide a certification from a physician or other licensed healthcare provider that the student is physically able to participate in an education program or activity unless: (i) the certified level of physical ability or health is necessary for participation in the class, program, or activity; (ii) all students in the class, program, or activity are required to provide a certification;

and (iii) the information obtained is not used to discriminate against the student on the basis of pregnancy or related condition.

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**Prohibition on  
Discrimination Based  
on Marital Status**

HCC prohibits any policy, practice, procedure, or decision concerning the marital status of a student or applicant that treats persons differently on the basis of sex. HCC employees may not deny an educational opportunity to a married student of a particular gender while allowing participation by a married student of a different gender. HCC employees shall refrain from engaging in sex stereotypes with respect to a student or applicant's marital status.

**Reasonable  
Accommodations for  
Students Affected by  
Pregnancy,  
Childbirth, or  
Pregnancy-Related  
Conditions**

modification of an HCC policy, practice, or procedure (including a rule maintained by a department or individual faculty member) because of the student's pregnancy or related condition or because of a student's pregnancy-related disability. HCC will conduct an individualized analysis of the request. HCC will provide a reasonable accommodation or modification comparable to those provided to students with a temporary disability or physical condition. An accommodation is not reasonable if it fundamentally alters the essential nature of the education program or activity, including academic requirements that are essential to the instruction being pursued or to any directly related licensing requirement.

Potential modifications and accommodations could include, but are not limited to the following; however, whether a particular accommodation is granted in a specific situation will depend on the student's individual circumstances, the nature of the request, and the nature of the education program or activity.

1. Modifying a course or program rule to protect the health and safety of the student and/or the pregnancy (such as allowing the student to maintain a safe distance from hazardous substances);
2. Modifying the physical environment (such as access to a stool or chair), providing mobility support (such as closer parking), or changing equipment (such as a different uniform when a uniform is required);
3. Allowing the person to eat or drink during an education program or activity when it otherwise would not be allowed;
4. Providing extra breaks to use the restroom;
5. Rescheduling a test or extending a deadline by a reasonable amount of time.
6. Providing the student a reasonable amount of time to make up an assignment or test that the student missed for a pregnancy-related, postpartum, or related reason regardless of the instructor's

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standard make-up policy (when it is not possible to make up the exact same assignment, test, or experience, the makeup work should be reasonably equivalent);

7. Providing a remote learning option when deemed medically necessary by the student's physician or other licensed health care provider unless doing so would fundamentally alter the essential nature of the education program or activity;

8. Excusing medically necessary absences due to the student's pregnancy or a pregnancy-related condition;

9. Granting a leave of absence to cover the period of time deemed medically necessary by the student's physician or other licensed health care provider (however, if the program allows a greater period of leave time than what is medically necessary, the student may elect to take the longer leave);

10. Following a period of leave approved under this regulation, reinstating the student to the academic status that the student held when the leave began;

11. Assigning an incomplete grade for a class and allowing the student a reasonable amount of time to complete the class; or

12. Allowing breastfeeding students reasonable time and a lactation space to pump breast milk in a location that is clean, shielded from view, free from intrusion by others. Bathrooms do not satisfy this requirement.

A request for leave during the postpartum period (approximately six weeks) is presumptively reasonable. However, a student may request additional time when deemed medically necessary by the student's physician or other licensed healthcare provider.

**Procedure for  
Requesting  
Accommodations or  
Modifications**

Students and applicants are not required to inform faculty, staff, or other employees of their pregnancy or pregnancy-related condition. However, in order to receive approval of an accommodation, the student or applicant will need to disclose their condition as stated below and may be required to provide supporting medical documentation. To ensure timely processing of requests, students and applicants are encouraged to seek assistance as soon as they realize that they will need an accommodation.

Facilitating student requests for accommodation is a shared responsibility of the Ability Services Office and the Title IX Coordinator and Office of Institutional Equity (OIE). Ability Services will serve as the

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primary point of contact with oversight by the Title IX Coordinator to ensure compliance with this regulation.

Student requests must be submitted to an Ability Services Counselor at <https://www.hccs.edu/support-services/ability-services/ada-counselors/>. The request should identify the affected course, activity, or program and the specific accommodation/modification that is sought. Ability Services will contact the student to discuss the request and any medical documentation that may be needed. Medical documentation submitted by the student will be maintained confidentially and will not be shared with the student's instructor without the student's consent.

Ability Services will notify the Title IX Coordinator (or designated deputy) of receipt of a request for accommodation. Ability Services may consult with the instructor, program administrators, dean, or other relevant HCC officials to obtain information about the academic requirements associated with the course, program, or activity for which the student is seeking an accommodation.

If Ability Services approves an accommodation, it will provide a letter to the student that identifies the approved accommodation and the duration of the accommodation. It is the student's responsibility to provide a copy of the letter to instructors from whom the student is seeking an accommodation. Ability Services will transmit a copy of the approval letter to OIE.

If Ability Services denies an accommodation request, Ability Services will inform the student in writing of the reason for the denial. Ability Services will transmit a copy of the denial letter to OIE.

A student may seek review of denial of an accommodation by submitting a written request to the Director of Counseling and Ability Services within five school days of receiving notice of the denial. The Director (or designee) will review compliance with this regulation, evaluating the facts and circumstances of the student's needs and the academic or other requirements of the program or activity at issue. The Director will render a written determination within five school days. The deadlines stated in this paragraph may be extended for good cause. The Director will transmit a copy of the determination to the student and the Title IX Coordinator (or designated deputy). If the student disagrees with the determination, the student may file a complaint with the Title IX Coordinator in the

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Office of Institutional Equity within five school days of receiving the determination at <mailto:institutional.equity@hccs.edu>.

Provisional  
Accommodation

There may be time-sensitive occasions when a student directly notifies an instructor about the need for an accommodation due to an unexpected pregnancy-related condition. The instructor may provisionally grant the request; however, the instructor must promptly notify Ability Services about the student's request.

**Modified Academic  
Responsibilities for  
Parenting Students**

A student may request a voluntary leave of absence due to the birth or adoption of a child or placement of a foster child in the student's home. During the leave of absence, the student's academic requirements, course load, and deadlines may be temporarily modified or suspended. Ability Services will consult with the academic program regarding the terms and conditions of the leave of absence, including any reasonable extensions for completion of timed degree and credentialing programs. Unless a longer period is required by law, a leave of absence under this paragraph will not exceed 120 days.

Upon the student's return from leave, the student will be reinstated to the academic status that the student held when the leave began. The student is not required to reapply for admission.

Upon approval of academic modifications, students remain responsible for communicating with instructors on the progress of coursework and fulfilling all applicable academic requirements consistent with their approved modifications. In addition, students are encouraged to consult with their financial aid advisor when evaluating a leave of absence or related accommodations.

**Student Privacy**

HCC recognizes that students may desire privacy regarding their pregnancy or related conditions. Communications with a licensed professional counselor within Ability Services are privileged and confidential to the extent required by law. In addition, documentation relating to accommodations and pregnancy, or related conditions is confidential under the Family Educational Rights & Privacy Act and may be protected under other law. Employees with knowledge of a student's request for accommodations and pregnancy or related conditions are required to treat such information with the utmost privacy.

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**Harassment**

Harassment of a student or applicant based on pregnancy, related condition, or parental status is prohibited. Harassment is conduct that is severe, pervasive, or objectively offensive and is sufficiently serious that it interferes with a student's ability to benefit from or participate in the school's educational program or activity. Harassing conduct includes behaviors that are verbal, physical, and visual. Examples of conduct that could constitute harassment under this regulation include, but are not limited to:

- 1) Slurs or sexually suggestive comments about sexual activity leading to pregnancy;
- 2) Negative stereotyping about the student's commitment to the student's education and future;
- 3) Comments about the student's weight during pregnancy or the student's physical limitations;
- 4) Offensive nicknames for being pregnant; and
- 5) Withholding or threatening to withhold academic benefits or educational opportunities due to pregnancy.

HCC must take prompt and effective steps reasonably calculated to end pregnancy-related harassment, prevent its recurrence, and eliminate any hostile environment created by the harassment.

**Retaliation**

Faculty, staff, and other HCC employees are prohibited from retaliating against students who exercise their rights under this regulation. Retaliation includes intimidation, threats, coercion, or discrimination against a student for the purpose of interfering with any right secured by Title IX or this regulation. The prohibition on retaliation protects students who seek accommodations under this regulation, who report conduct that violates this regulation, who oppose discrimination, or who testify, assist, or participate in an investigation, proceeding, or hearing under Title IX or this regulation. Retaliation is a decision or action that is materially adverse to the reporting party and is of the type that would dissuade a reasonable person from exercising their rights

**Complaint  
Procedures**

A student who has been subjected to harassment, discrimination, or retaliation in violation of this regulation may file a complaint with the Office of Institutional Equity.

A copy of this regulation will be made available to faculty, staff, and employees on the HCC website.

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	HCC will inform new students about this regulation and the location of this regulation as part of new student orientation.
<b>Dissemination of the Regulation and Training</b>	<p>The Title IX office will provide training regarding this regulation and make educational materials available to all faculty, staff, and other members of the HCC community to promote compliance with this regulation.</p> <p>Each class syllabus will inform students in the class that they may request information regarding academic accommodations for pregnancy, pregnancy-related conditions, and parenting responsibilities by contacting the Ability Services Office or the Title IX Coordinator/Office of Institutional Equity.</p>
<b>Office of Responsibility</b>	Director, Office of Institutional Equity and EEO Compliance
<b>Effective Date</b>	This regulation shall be effective as of June 26, 2023.