

Student Affairs & Enrollment Management Rule Student Pregnancy Accommodations

I. Department Rule

Salt Lake Community College prohibits discrimination based on sex, as mandated by Title IX of the Education Amendments of 1972. Consistent with college policy and applicable law, the college will not exclude a student from participating in any part of an educational program based on the student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom. In meeting these obligations, the college will provide reasonable accommodations to SLCC students for pregnancy, childbirth, breastfeeding, or a related condition. These protections extend to SLCC students in college admissions, educational programs or activities, and extracurricular activities operated by SLCC.

II. Accommodation Procedures

A. Accommodation Request

1. General

- a. This procedure may be used by any student requesting an accommodation or academic/financial aid adjustment based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.
- b. Students requesting an accommodation or academic adjustment based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom should contact Disability Resource Center ("DRC") or submit a [Pregnancy Accommodation Request Form](#). This request should be made as soon as possible after the student learns of their condition.
- c. Based on the DRC's staff's professional judgment, it may be required that an accommodation request be supplemented by a physician's statement.
- d. The Disability Resource Center will engage in an interactive process with the student and faculty member to informally address the accommodation request.
- e. If the accommodation request can not be satisfactorily resolved by DRC staff, the student may contact the Disability Resource Center Director to attempt to informally resolve the request prior to filing a complaint.

III. Grievance Procedures

- A. If the accommodation or academic adjustment request is not satisfactorily resolved or the student believes they have been subjected to discrimination, a formal complaint may be submitted by the student. This formal complaint must be filed with:

David Jensen
Director
EEO & Title IX Office
Redwood Campus Technology Building
(801)-957-4561
David.Jensen@slcc.edu

B. Filing of Formal Complaint

1. The formal complaint must state sufficient facts alleging that:
 - a. the student has been discriminated against or denied an accommodation request due to pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom; and
 - b. that such discrimination has excluded a student from participating in any part of an educational program.
2. The complaint must be made in within sixty days after the alleged discriminatory act.
3. Upon receipt of the complaint, the EEO & Title IX Director must meet with the complainant and disability resource center representative within seven calendar days and discuss the complaint, possible resolutions of the complaint, and availability of supportive measures.
4. After completion of this interview, the EEO & Title IX Director or designee will consult with the ADA Coordinator and legal counsel to determine if the formal complaint warrants an investigation. If the director determines that the complaint does not warrant a formal investigation, the EEO & Title IX Director may suggest mediation to the parties.

C. Investigation

1. If the complaint sets forth a legally sufficient claim of discrimination, the EEO & Title IX director will direct that an investigation of the complaint be conducted and will assign an investigator.
2. A complaint sets forth a legally sufficient claim of discrimination when it provides sufficient factual allegations establishing that:

- a. the student is a member of a protected class (pregnant, childbirth, false pregnancy, termination of pregnancy or recovery therefrom).
- b. the student has been treated adversely on the basis of their membership in a protected class; and
- c. the student has been discriminated against or excluded from the college's education program or activity.

2. The investigator must:

- a. maintain confidentiality to the extent possible;
 - b. notify the appropriate level supervisor not involved in the case;
 - c. notify the responding party and witnesses of the college's prohibition of retaliation and interference with the investigation;
 - d. conduct interviews and collect relevant documents;
 - e. complete an investigation within 30 calendar days unless the investigators can show good cause for extending the investigation and advise all parties; and
 - f. prepare a written investigative report detailing the findings and a determination whether workplace bullying has occurred.
4. During the investigative process, EEO & Title IX Director or designee must provide all parties with a list of appropriate supportive measures available to them.
5. Upon completion of the investigative report, the investigator will deliver the written report to the Dean of Students, the complainant, involved staff, and DRC Director.
6. If the investigator determines that the denial of the requested accommodation constituted a denial of the students' Title IX or ADA rights, the Dean of Students will provide a written determination addressing
- a. the appropriate accommodation;
 - b. any appropriate supportive measures to be provided to the complainant; and
 - c. any other matters deemed appropriate
7. If, through the investigative process, violations of the Employee Conduct policy or other policies are found, such violations will be documented and managed in accordance with the Employee Conduct policy by the appropriate level supervisor with the assistance of the Employee Relations director.

8. The investigative process set forth herein shall be the required process for this type of complaint.

D. Appeal of the Formal Complaint Determination

1. The complainant has five business days from the date of the Dean of Student's written determination to file a written appeal of the determination.

2. The appeal must be submitted to:

Vice President for Student Affairs and Enrollment Management
Redwood Campus Student Center
(801)957-4284
Natalie.Spendlove@slcc.edu

3. The written appeal must state one of the following grounds for the appeal:
 - a. the investigation failed to comply with required policies and procedures;
 - b. the written determination is not supported by the investigative findings and college policy;
 - c. the accommodations or supportive measure provided to the complainant are not appropriate under the circumstances; and
 - d. there is new evidence that was not reasonably available at the time of the determination
4. Upon receiving an appeal, the Vice President shall forward the appeal to any other party, the DRC director, and the EEO, and Title IX director and invite these parties to submit a written response within 7 business days.
5. On appeal, the Vice President may review the Dean of Students written determination, the parties' written statements, the final investigative report, and all evidence collected during the investigation.
6. Within 20 business days of receipt of the appeal, the Vice President will issue a written determination on the appeal.
7. The Vice President's written decision may:
 - a. affirm or modify the Dean of Student's determination;
 - b. remand the matter back to the investigators for further review; or
 - c. overturn the Dean of Student's determination in part or whole.
8. The Vice President's written decision is final.

9. The failure to file a timely written request for an appeal is a waiver of the right to an appeal.

E. Other Legal Options

1. Students are encouraged to resolve grievance within SLCC's internal framework set forth herein.
2. Students have the right to file a complaint with the U.S Department of Education Office of Civil Rights to address their concerns.