

**Wabanung Campus**  
770 N. Main St  
L'Anse, MI 49946  
Phone: (906) 524-8400  
Fax: (906) 524-8420



**Arts & Agriculture Center**  
15211 Pelkie Rd  
Pelkie, MI 49958  
Phone: (906) 524-8903  
Fax: (906) 524-8420

***KBOCC Mission Statement:*** *As a tribal land grant institution, Keweenaw Bay Ojibwa Community College supports and uplifts all learners to achieve their goals through holistic education, while promoting Anishinaabe culture, language, and lifeways.*

---

## **Policy on Parental, Family, or Marital Status and Pregnancy or Related Conditions for Employees and Students**

### **Part 1: Employees**

#### **Section 1: Status Generally**

Keweenaw Bay Ojibwa Community College (KBOCC) will not adopt or implement any policy, practice, or procedure, or take any employment action, on the basis of sex:

- (1) Concerning the current, potential, or past parental, family, or marital status of an employee or applicant for employment, which treats persons differently; or
- (2) That is based upon whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit.

#### **Section 2: Pregnancy or Related Conditions**

**2.1 Nondiscrimination:** KBOCC will not discriminate against any employee or applicant for employment on the basis of current, potential, or past pregnancy or related conditions.

**2.2 Definition:** Pregnancy or related conditions includes:

- (1) Pregnancy, childbirth, termination of pregnancy, or lactation;
- (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
- (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

**2.3 Comparable Treatment to Other Temporary Medical Conditions:** KBOCC will treat pregnancy or related conditions as any other temporary medical conditions for all job-related purposes, including:

- (1) Commencement, duration, and extensions of leave;
- (2) Payment of disability income;

- (3) Accrual of seniority and any other benefit or service;
- (4) Reinstatement; and
- (5) Under any fringe benefit offered to employees by virtue of employment.

**2.4 Voluntary Leaves of Absence:** If KBOCC does not maintain a leave policy for its employees, or in the case of an employee with insufficient leave or accrued employment time to qualify for leave under such a policy, KBOCC will treat pregnancy or related conditions as a justification for a voluntary leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

## **2.5 Lactation Time and Space:**

**2.5.1 Lactation Time:** KBOCC will provide reasonable break time for an employee to express breast milk or breastfeed as needed.

**2.5.2 Lactation Space:** KBOCC will ensure that an employee can access a lactation space, which must be a space other than a bathroom that is clean, shielded from view, free from intrusion from others, and may be used by an employee for expressing breast milk or breastfeeding as needed.

## **Section 3: Pre-Employment Inquiries**

**3.1 Marital Status:** KBOCC will not make a pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is “Miss or Mrs.”

**3.2 Sex:** KBOCC may ask an applicant for employment to self-identify their sex, but only if this question is asked of all applicants and if the response will not be used as a basis for discrimination.

## **Part 2: Students**

### **Section 1: Status Generally**

Keweenaw Bay Ojibwa Community College (KBOCC) will not adopt or implement any policy, practice, or procedure concerning a student’s current, potential, or past parental, family, or marital status that treats students differently on the basis of sex.

### **Section 2: Pregnancy or Related Conditions**

**2.1 Nondiscrimination:** KBOCC does not discriminate in its education program or activity against any student based on the student’s current, potential, or past pregnancy or related conditions. KBOCC 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 provided that KBOCC ensures that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions.

**2.2 Definition:** Pregnancy or related conditions includes:

- (1) Pregnancy, childbirth, termination of pregnancy, or lactation;
- (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
- (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

**2.3 Employee Responsibilities:** When a student, or a person who has a legal right to act on behalf of the student, informs any employee of the student's pregnancy or related conditions, unless the employee reasonably believes that the Title IX Coordinator has been notified, the employee must promptly provide that person with the Title IX Coordinator's contact information and inform that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to KBOCC's education program or activity.

**2.4 Notification to the Title IX Coordinator:** When the Title IX Coordinator is contacted by a student or someone who has the legal right to act on behalf of the student, the Title IX Coordinator will inform the student, and if applicable, the person who notified the Title IX Coordinator of the student's pregnancy or related conditions and has a legal right to act on behalf of the student, of KBOCC's response obligations and provide KBOCC's notice of nondiscrimination.

**2.5 Reasonable Modifications:** KBOCC will make reasonable modifications to its policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access. Each reasonable modification will be based on the student's individualized needs. KBOCC will consult with the student to determine what reasonable modifications are appropriate. A modification that KBOCC determines would fundamentally alter the nature of its education program or activity is not a reasonable modification.

**2.5.1 Student Discretion:** The student has discretion to accept or decline each reasonable modification offered by KBOCC. If a student accepts an offered reasonable modification, KBOCC will implement it.

**2.5.2 Examples of Reasonable Modifications:** Reasonable modifications may include, but are not limited to:

- (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) Intermittent absences to attend medical appointments;
- (3) Access to online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations;
- (4) Allowing a student to sit or stand, or carry or keep water nearby;
- (5) Counseling;

- (6) Changes in physical space or supplies (for example, access to a larger desk or a footrest);
- (7) Elevator access; or
- (8) Other changes to policies, practices, or procedures.

**2.6 Voluntary Access to Separate and Comparable Portion of Program or Activity:** KBOCC will allow the student to voluntarily access any separate and comparable portion of KBOCC's education program or activity.

**2.7 Voluntary Leaves of Absence:** KBOCC will allow the student to voluntarily take a leave of absence to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. To the extent that a student qualifies for leave under a leave policy maintained by KBOCC that allows a greater period of time than the medically necessary period, KBOCC will permit the student to take voluntary leave under that policy instead if the student so chooses. When the student returns to KBOCC, the student will be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began.

**2.8 Lactation Space:** KBOCC will ensure that the student can access a lactation space, which will be a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed.

**2.9 Limitation on Supporting Documentation:** KBOCC will not require supporting documentation unless the documentation is necessary and reasonable for KBOCC to determine the reasonable modifications to make or whether to take additional specific actions. Examples of situations when requiring supporting documentation is not necessary and reasonable include, but are not limited to:

- (1) When the student's need for a specific action is obvious, such as when a student who is pregnant needs a bigger uniform;
- (2) When the student has previously provided KBOCC with sufficient supporting documentation;
- (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;
- (4) When the student has lactation needs;
- (5) Or when the specific action is available to students for reasons other than pregnancy or related conditions without submitting supporting documentation.

**2.10 Certification to participate:** KBOCC will not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in a KBOCC class, program, or extracurricular activity unless:

- (1) The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
- (2) KBOCC requires such certification of all students participating in the class, program, or extracurricular activity; and
- (3) The information obtained is not used as a basis for discrimination.