



## **PREGNANCY AND RELATED CONDITIONS POLICY**

### **Non-Discrimination Statement**

Empire Beauty School (hereinafter referred to as “Empire” or “the School”) does not discriminate in its education program or activity against any applicant for admission, future professional, applicant for employment, or co-worker 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). Empire prohibits members of the School community from adopting or implementing any policy, practice, or procedure which treats an applicant for admission, future professional, applicant for employment, or co-worker differently on the basis of current, potential, or past parental, family, or marital status. This policy and its pregnancy-related protections apply to all pregnant persons, regardless of gender identity or expression.

### **Definitions**

- ***Familial Status.*** The configuration of one’s family or one’s role in a family.
- ***Marital Status.*** The state of being married or unmarried.
- ***Parental Status.*** The status of a person who, with respect to another person who is under the age of 18,<sup>1</sup> 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.
- ***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.<sup>2</sup>
- ***Reasonable Modifications.*** Individualized modifications to Empire’s policies, practices, or procedures that do not fundamentally alter Empire’s education program or activity.

### **Information Sharing Requirements**

Any Empire co-worker who becomes aware of a future professional’s pregnancy or related condition is required to provide the future professional 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 the School’s education program and activity. If the co-worker has a reasonable belief that

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<sup>1</sup> Or a person who is 18 or older but who is incapable of self-care because of a mental or physical disability.

<sup>2</sup> “[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.

the Title IX Coordinator is already aware of the pregnancy or related condition, the co-worker is not required to provide the future professional with the Title IX Coordinator's contact information.<sup>3</sup>

Upon notification of a future professional's pregnancy or related condition, the Title IX Coordinator will contact the future professional and inform the future professional of the School'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 future professional of the process to file a complaint for alleged discrimination, harassment, or retaliation, as applicable.

#### **Reasonable Modifications for Future professionals**

Future professionals who are pregnant or are experiencing related conditions are entitled to Reasonable Modifications to prevent sex discrimination and ensure equal access to the School's education program and activity. Any future professional seeking Reasonable Modifications must contact the Title IX Coordinator to discuss appropriate and available Reasonable Modifications based on their individual needs. Future professionals 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 future professional 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
- Changes in schedule or course sequence
- Time extensions for coursework and rescheduling of tests and examinations
- Allowing a future professional to sit or stand, or carry or keep water nearby

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<sup>3</sup> References to the Coordinator throughout the Policy may also encompass a designee of the Coordinator for specific tasks.

- 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

Future professionals are encouraged to work with the School'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 future professionals' requests for modifications will be shared with co-workers only to the extent necessary to provide the Reasonable Modification.

Future professionals 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 future professional with a temporary disability. The Title IX Coordinator will ensure the future professional receives reasonable accommodations for their disability as required by law.

### **Certification to Participate**

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

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

### **Lactation Space Access**

Empire provides future professionals and co-workers 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 have been designated in each location Empire operates. Please contact the Executive Director of the specific location for the procedure to access the lactation spaces.

### **Leaves of Absence**

#### **Future Professionals**

Future professionals are permitted to take a voluntary leave of absence for a reasonable time as deemed medically necessary by their healthcare 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.

To the extent possible, Empire will take reasonable steps to ensure that future professionals 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 future professionals' scholarships or similar Empire-sponsored funding during the leave term will depend on future professional registration status and the policies of the funding program regarding registration status. Future professionals will not be negatively impacted by or forfeit their future eligibility for their scholarship or similar Empire-supported funding by exercising their rights under this policy.

The Financial Assistance Office can and will advocate for future professionals 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 future professional 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 future professional in completing any necessary paperwork.

### **Co-Workers**

Information on employment leave can be found here.

<https://teamempire/humanresources/Pages/default.aspx>.

If a co-worker is not eligible for leave under the aforementioned leave policy because they either (1) do not have enough leave time available under that policy, or (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 reasonable period of time.

Co-workers 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.

### **Policy Dissemination and Training**

A copy of this policy will be made available to co-workers in annually required training and posted on Empire's website. Empire will alert all new future professionals about this policy and the location of this policy as part of orientation. The Compliance Department will make educational materials available to all members of the School community to promote compliance with this policy and familiarity with its procedures.