

**BROOKLYN LAW SCHOOL
POLICY PROHIBITING DISCRIMINATION BASED ON
PREGNANCY AND RELATED CONDITIONS**

ISSUING AUTHORITY: Office of the Dean and President

DATE ISSUED: July 31, 2024

RESPONSIBLE OFFICERS: Dean of Students
Vice Dean
Director of Equal Opportunity and Title IX Coordinator
All Law School employees

I. PURPOSE OF THE POLICY

This Policy prohibits discrimination against students based on pregnancy and pregnancy related conditions. It ensures the Law School's compliance with Title IX of the Education Amendments Act of 1972, and applicable regulations.

II. TO WHOM THIS POLICY APPLIES

This Policy applies to Brooklyn Law School students, faculty, administrators, staff, paid and unpaid interns, vendors, visitors to the Law School premises, and non-student and non-employee residents of Law School housing such as spouses, domestic partners, and children.

III. NONDISCRIMINATION

The Law School shall not discriminate against any student based on the student's current, potential, or past pregnancy or related conditions in its education programs or activities.

The Law School 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 the Law School ensures that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions.

IV. RESPONSIBILITY TO PROVIDE INFORMATION ABOUT THE DIRECTOR OF EQUAL OPPORTUNITY AND TITLE IX COORDINATOR¹

When a student² informs any Law School 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:

- (A) promptly provide the student with the Title IX Coordinator's contact information, and
- (B) inform the student that the Title IX Coordinator can coordinate specific actions to prevent sex

¹ The Director of Equal Opportunity and Title IX Coordinator is also referred to as the Title IX Coordinator in this Policy.

² Or a person who has a legal right to act on behalf of the student

discrimination and ensure the student's equal access to the Law School's education program or activity.

V. SPECIFIC ACTIONS REQUIRED

The Law School must take specific actions to promptly and effectively prevent sex discrimination and ensure equal access to its education program or activity once a student notifies the Title IX Coordinator of the student's pregnancy or related conditions. The Title IX Coordinator must coordinate these actions.

(A) Responsibility to Provide Information About Law School Obligations

The Law School must inform the student of its obligations under this Policy and provide the student with a copy of the Law School's notice of nondiscrimination.

(B) Reasonable Modifications

The Law School must make reasonable modifications to its policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to the Law School's education program or activity. Each reasonable modification must be based on the student's individualized needs. In determining what modifications are required, the Law School must consult with the student. A modification that the Law School can demonstrate would fundamentally alter the nature of its education program or activity is not a reasonable modification.

The student has discretion to accept or decline each reasonable modification offered by the Law School. If a student accepts the Law School's offered reasonable modification, the Law School must implement it.

Reasonable modifications may include, but are not limited to, 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; access to online education;³ changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; counseling; changes in physical space or supplies (for example, access to a larger desk or a footrest); elevator access; or other changes to policies, practices, or procedures.

(C) Voluntary Access to Separate and Comparable Portion of Program or Activity

The Law School must allow the student to voluntarily access any separate and comparable portion of the Law School's education program or activity.

(D) Voluntary Leave of Absence

The Law School must allow the student to voluntarily take a leave of absence from the Law School's education program or activity to cover, at minimum, the period deemed medically necessary by the student's licensed healthcare provider. If a student qualifies for leave under a leave Policy maintained by

³ Online education will only be available as a reasonable accommodation if it complies with the Law School's attendance policy which is required by the American Bar Association for the Law School's accreditation.

the Law School that allows a greater period than the medically necessary period, the Law School must permit the student to take voluntary leave under that Policy instead if the student so chooses. When the student returns to the Law School's education program or activity, the student must be reinstated to the academic status and (as practicable) to the extracurricular status that the student held when the voluntary leave began.

VI. LACTATION SPACE

The Law School must ensure that the student 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 a student for expressing breast milk or breastfeeding as needed.

VII. LIMITATION ON SUPPORTING DOCUMENTATION

The Law School will not require supporting documentation under this Policy unless the documentation is necessary and reasonable for the Law School to determine the reasonable modifications to make or whether to take additional specific actions provided herein.

Examples of situations when requiring supporting documentation is not necessary and reasonable include, but are not limited to, when the student's need for a specific action is obvious, such as when the student has previously provided the Law School with sufficient supporting documentation; 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; when the student has lactation needs; or when the specific action is available to students for reasons other than pregnancy or related conditions without submitting supporting documentation.

VIII. COMPARABLE TREATMENT TO OTHER TEMPORARY MEDICAL CONDITIONS

The Law School must treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy the Law School administers, operates, offers, or participates in with respect to students admitted to its education program or activities.

IX. CERTIFICATION TO PARTICIPATE

The Law School must 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 the Law School's 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. The Law School 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 prohibited by this Policy.

X. DISCLAIMER

This Policy does not form an agreement of any kind. It is for internal purposes only and may be altered, modified, or rescinded at the discretion of Brooklyn Law School.