

PREGNANCY IN THE WORKPLACE POLICY

Office of Equal Opportunity

Purpose: To establish uniform guidelines to promote a work and educational environment at Tufts University free from discrimination and harassment of pregnant individuals, those with pregnancy-related conditions including but not limited to childbirth, termination of pregnancy and/or lactation

Created: April 2023

Applicability: This policy may apply to faculty and staff of Tufts University as well as employee applicants, vendors, contractors and visitors to campus.

POLICY STATEMENT ¹

Unlawful discrimination has no place at Tufts University (“University”). It violates the University’s core values, including its commitment to equal opportunity and inclusion, and will not be tolerated. Discrimination and harassment based on pregnancy or pregnancy-related conditions², including but not limited to childbirth, termination of pregnancy, or lactation, are prohibited by University policy and prohibited by Title IX.

The University will not refuse to hire a pregnant applicant or an applicant with a pregnancy-related condition because of the pregnancy or pregnancy-related condition (provided the applicant can perform the essential functions of the job with or without reasonable accommodation), nor will the University deny any employment opportunity or take adverse action against an employee because of the employee’s pregnancy, pregnancy-related condition, or request for reasonable accommodation.

The University will reasonably accommodate employees and prospective employees for pregnancy and pregnancy-related conditions, absent undue hardship for the University. It is contrary to University policy to deny an employment opportunity or take adverse action against an individual because of pregnancy or a condition related to pregnancy, provided that the individual is capable of performing the essential functions of their position, with or without reasonable accommodation. Adverse action against employees in retaliation against those who in good faith request or use reasonable accommodations is likewise prohibited.

PROCESS

While pregnancy and pregnancy-related conditions may not be considered a disability under the Americans with Disabilities Act (“ADA”), employees and prospective employees may be eligible for reasonable accommodations or services for pregnancy-related complications (such as serious health conditions) or other conditions that constitute a disability, including complications that arise postpartum or exacerbations of an existing impairment due to pregnancy.³ Employees or prospective employees seeking a reasonable accommodation under this policy should contact the

¹ This policy is added to reflect the requirements of the newly enacted Pregnant Workers Fairness Act as well as Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, as amended. There are annual notice requirements that will be satisfied by annual dissemination of this policy. In addition, please inform the OEO about any employee who notifies a manager of a pregnancy or a pregnancy-related condition no more than 10 days after such notification.

² A condition related to pregnancy can occur before, during or after pregnancy.

³ Such accommodations may also intersect with and be supported by Title IX and Non-Discrimination Policy related to the protected categories (e.g. sex, gender and pregnancy) in other Tufts policies.

Accommodations Team, either Katherine Vosker (Katherine.Vosker@tufts.edu), Accommodations Manager and 504 Officer or Amin Fahimi Moghadam (Amin.Fahimi-Moghadam@tufts.edu) in the Office of Equal Opportunity (“OEO”) or email Accommodations.OEO@tufts.edu.

Upon receipt of a request, OEO will meet with the employee or prospective employee to engage in an interactive process to determine an effective, reasonable accommodation to enable the employee or prospective employee to perform the essential functions of the employee’s job or the position to which the prospective employee has applied. OEO will make every effort to expeditiously discuss and evaluate reasonable accommodation requests and communicate the decision regarding the request to the employee or prospective employee. OEO will not require pregnant employees or prospective employees to accept a particular accommodation, including a leave of absence, if another reasonable accommodation would enable the employee or prospective employee to perform the essential job functions without undue hardship. OEO may require documentation of the need for accommodation, but no documentation will be required for: (i) more frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting no more than 20 lbs.; and (iv) private, non-bathroom space for expressing breast milk.

The University prohibits all forms of discrimination and retaliation against any individual for requesting or receiving an accommodation pursuant to this policy. Anyone who believes they have been discriminated or retaliated against in violation of this policy should report the matter immediately to the University’s Executive Director and Title IX Coordinator of OEO, Jill Zellmer (Jill.Zellmer@tufts.edu), or email the OEO directly (OEO@tufts.edu) or file a complaint at Tufts-OEO.ethicspoint.com.

DEFINITIONS

Condition Related to Pregnancy: can be before, during or after pregnancy. Examples include, but are not limited to, morning sickness and lactation.

Reasonable Accommodation: The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act, require the University to provide appropriate and reasonable employment accommodations to employees with disabilities unless doing so would create an undue hardship, compromise the health and safety of members of the University community, or fundamentally alter the nature of the University’s employment or academic mission. The University engages in an interactive process with the employee to determine disability status and accommodation needs.

Undue Hardship: An action requiring significant difficulty, expense, and disruption (financial and/or administrative burden) or an action that would fundamentally alter policy and procedures,

the nature of the job function, and/or the fundamental nature of the academic program at the University.

Accommodations Team: The OEO Accommodations team is responsible for the interactive process for University employees as well as other ADA process issues and approvals for the University. The Accommodations Team also works closely with managers, supervisors, faculty affairs offices, Human Resources and Leave Administration personnel to arrive at reasonable accommodations for qualified employees with disabilities at the University. The Accommodations Team includes Katherine Vosker (Katherine.Vosker@tufts.edu), Accommodations Manager and 504 Officer, and Amin Fahimi Moghadam (Amin.Fahimi-Moghadam@tufts.edu), Accommodations Specialist. The general mailbox for all accommodation inquiries is Accommodations.OEO@tufts.edu. Jill Zellmer (Jill.Zellmer@tufts.edu), Executive Director of the OEO and Title IX Coordinator oversees the Accommodations team.

EXTERNAL REPORTING OPTIONS

ADMINISTRATIVE AGENCY RESOURCES

Massachusetts Commission Against Discrimination (MCAD)

John M. McCormack Building
One Ashburton Place, Sixth Floor, Room 601 Boston,
MA 02108
617.994.6000

The MCAD prohibits discrimination on the basis of pregnancy or a pregnancy-related condition in the workplace. The statute of limitations for filing a complaint is 300 days from the last date of discrimination.

Equal Employment Opportunity Commission (EEOC)

JFK Federal Building 475
Government Center
Boston, MA 02203
1.800.669.4000

The EEOC prohibits discrimination on the basis of pregnancy or a pregnancy-related condition in the workplace. The statute of limitations for filing a complaint is 300 days from the last date of discrimination.

U.S. Department of Education, Office for Civil Rights (OCR)

5 Post Office Square, 8th floor Boston,
MA 02109-3921
617.289.0111

The OCR prohibits discrimination on the basis of pregnancy or a pregnancy-related condition in the workplace. While OCR complaints should generally be filed within 180 days of the last date of the alleged discrimination, OCR may extend this filing deadline in a variety of circumstances.