

Pregnant and Parenting College Students' Rights

TITLE IX

AT-A-GLANCE FACT SHEET



The Office for Civil Rights (OCR) in the U.S. Department of Education (ED) is responsible for enforcing laws prohibiting discrimination in federally assisted educational programs and activities. These laws include *Title IX* of the Education Amendments of 1972, which prohibits discrimination based on sex in education programs or activities. All public and private educational institutions that receive any federal financial assistance must comply with this law. *Title IX* protects students in all of the academic, educational, extracurricular, athletic, and other programs or activities of schools. This includes prohibiting discrimination against pregnant and parenting students.

- *Title IX* specifically prohibits discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions.
- Under *Title IX*, it is illegal for schools to exclude a pregnant student from participating in any of an educational program. Schools may implement special instructional programs or classes for a pregnant student, but participation must be completely voluntary on the part of the student, and the programs and classes must be comparable to those offered to other students.
- Schools must excuse a student's absences because of pregnancy or childbirth for as long as the student's doctor deems the absences medically necessary. When a student returns to school, she must be allowed to return to the same academic and extracurricular status as before her medical leave began.
- Any special services provided to students who have temporary medical conditions must also be provided to a pregnant student.

May a college require a pregnant student to obtain a doctor's permission before allowing her to attend school late in her pregnancy if the college is worried about the student's health or safety?

NO! Colleges cannot require a pregnant student to produce a doctor's note in order to stay in school or participate in activities, unless the same requirement to obtain a doctor's note

applies to all students being treated by a doctor. *That is, colleges cannot treat a pregnant student differently from other students being cared for by a doctor, even when a student is in the later stages of pregnancy; colleges should not presume that a pregnant student is unable to attend school or participate in school activities.*



Does a college have to excuse a student's absences due to pregnancy or childbirth?

YES! *Title IX* requires a college to excuse a student's absences due to pregnancy or related conditions, including recovery from childbirth, for as long as the student's doctor deems the absences to be medically necessary. When the student returns to college, she must be reinstated to the status she held when the leave began, which should include giving her

the opportunity to make up any work missed. A college may offer the student alternatives to making up missed work, such as a retaking a semester, taking part in an online course, or allowing additional time in a program to continue at the same pace and finish at a later date, especially after longer periods of leave. *The student should be allowed to choose how to make up the work.*

If the college requires students with other medical conditions to submit a doctor's note, it may require the same from a pregnant student. *Title IX* requires a college to provide the same special services to a pregnant student that it provides to students with temporary medical conditions.

What if some professors have their own policies about class attendance and make-up work?

Colleges and Universities must ensure that the policies and practices of individual professors do not discriminate against pregnant students. For example,

- Professors may not refuse to allow a student to submit work after a deadline that she missed because of absences due to pregnancy or childbirth.
- If the grading process is based in part on class attendance or participation, the student should be allowed to earn the credits she missed so that she can be reinstated to the status she had before the leave.

What about internships, career rotations, and other off-campus elements of the program – does a pregnant student have the right to participate in those?

YES! The college must allow pregnant students to continue participating in off-campus programs. For example, if the program provides opportunities to work in the field, the college cannot deny the pregnant student participation based on her pregnancy. The college cannot require a doctor's note for continued participation, unless the college requires one for all students who have a medical condition that requires treatment by the doctor.

A student wants to return to school 3 days after she has the baby so she doesn't fall too far behind. The department chair thinks she should take more time off to recover. What should the student do?

The college must leave it up to the student and her doctor to decide when she can return. While the college must offer to excuse more leave than that (under ***Title IX***), no one can force a student to take more leave just because they think it would be better for the student (or the baby).

WHAT CAN YOU DO?

- As required by ***Title IX***, assist pregnant and parenting students who have excused absences by providing them with make-up assignments and exams. As long as the absences are excused, colleges and universities should allow pregnant students to make up work that they missed.
- Encourage pregnant and parenting students to seek the assistance of the Title IX Coordinator and school counselors who can provide the support needed to help the students to remain in school.
 - ***Office of Diversity & Inclusion***, Yolanda Dennis, Chief Diversity Officer and Executive Director of Affirmative Action and Title IX, Brockton Campus, Administration Building, Room 229, 508-588-9100 x1309.
 - ***Disability Services***, Brockton Campus, Student Center, lower level, 508-588-9100, x1425. Canton Campus, Room 126, 508-588-9100, x2132.
 - ***Advisement and Counseling Center***, Brockton Campus, Student Center, lower level, 508-588-9100, x1801.

HELPFUL RESOURCES

U.S. Department of Education, Office of Civil Rights

<http://www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201306-title-ix.html>

National Women's Law Center:

<https://nwlc.org/resources/pregnant-and-parenting-students-rights-faqs-college-and-graduate-students/>

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(2013). *Supporting the Academic Success of Pregnant and Parenting Students Under Title IX of the Education Amendments of 1972*. Washington, DC: U.S. Department of Education.

Title IX. (2012, October). Retrieved from National Women's Law Center: www.nwlc.org.