



Association of
Title IX Administrators

Pregnancy Accommodations

20-Minutes-to... *Trained*

Please note that this video module and some of the supplemental materials were created prior to the 2020 Title IX regulations, thus the information contained within may not coincide perfectly with current regulations, as it was filmed in 2019. Any deviation is minor.

Table of Contents

- Learning Outcomes #3**
- Discussion Questions #4**
- Practical Exercise #5**
- Supplemental Documents #6**
 - The Pregnancy Discrimination Act of 1978 #6
 - ATIXA Model Policy: The Title IX Rights of Pregnant and Parenting Students#7
 - Pregnant and Parenting School Employees, Office of Civil Rights Q&A.....#12
 - U.S. Department of Labor: Employment Protections for Workers Who Are Pregnant or Nursing#13
 - Office of Civil Rights Know Your Rights: Pregnant or Parenting? Title IX Protects You From
Discrimination at School.....#14
 - Tip of the Week - Pregnancy Accommodations.....#17
- Presentation Slides#18**

!



Learning Outcomes

- ! Participants will understand the individual rights and institutional obligations related to pregnancy.
- ! Participants will understand the role of the pregnant student's physician in determining reasonable accommodations.
- ! Participants will be able to distinguish between pregnancy accommodations and issues related to parenting.
- ! Participants will understand common pitfalls institutions face related to pregnant and parenting students.
- ! Participants will understand ways to educate institutional constituencies about pregnant students to reduce the stigma associated with student pregnancy.

!

Discussion Questions

- ! What is the institution's responsibility to a pregnant student requesting accommodations? What documentation is required?
- ! Does Title IX speak to post-birth complications? What are best practices related to post-birth complications?
- ! How should the TIXC go about training faculty and staff on issues related to pregnancy accommodations?
- ! What boundaries or limits can an institution set regarding pregnant student participation in certain activities (e.g. activities that may be dangerous)?
- ! What is the benefit of having a general plan for pregnant students/pregnancy accommodations? What should be included in the plan?

!

Practical Exercise

Draft a plan to address accommodations for pregnant students. Consider the issue broadly and incorporate any existing institutional policies/procedures.

!

Supplemental Materials

The Pregnancy Discrimination Act of 1978

The Pregnancy Discrimination Act (PDA) of 1978 is a United States federal statute. It amended Title VII of the Civil Rights Act of 1964 to "prohibit sex discrimination on the basis of pregnancy." The Act covers discrimination "on the basis of pregnancy, childbirth, or related medical conditions." Employers with fewer than 15 employees are exempted from the Act. Employers are exempt from providing medical coverage for elective abortions, unless the mother's life is threatened, but are required to provide disability and sick leave for women who are recovering from an abortion.

The law was passed as a direct response to the United States Supreme Court decision in *General Electric Company v. Gilbert* (1976), in which the Court held that pregnancy discrimination was not a form of sex discrimination under the Civil Rights Act of 1964.

In March 2015, the Supreme Court of the United States' decision in *Young v. United Parcel Service*, provided additional clarity on whether and when employers are required to provide work-related accommodations to pregnant employees. The lawsuit stemmed from United Parcel Service's refusal to accommodate a 20-pound lifting restriction of a driver during her pregnancy. Because Ms. Young could not lift the required 70 pounds for drivers, UPS did not allow her to work. Ms. Young provided evidence that a number of employees received accommodations while suffering similar or more serious disabilities. According to the testimony of one UPS employee, the only time a light duty request seemed to become an issue occurred when the request was made by a pregnant employee. The Court held that a pregnant employee can make a prima facie, meaning a plausible case of discrimination, by showing that "she belongs to the protected class, that she sought accommodation, that the employer did not accommodate her." The Court further held that a plaintiff can meet a summary judgement standard "by providing evidence that the employer accommodates a large percentage of nonpregnant workers while failing to accommodate a large percentage of pregnant workers."

Pregnancy is considered a temporary disability in the eyes of the law, meaning that the treatment of pregnant employees falls under the same jurisdiction as disabled employees. Treating a pregnant employee in a way that would violate disability standards is also a violation of the Pregnancy Discrimination Act (PDA).

If an employee is temporarily unable to perform her job due to pregnancy, the employer must treat her the same as any other temporarily disabled employee; for example, by providing light duty, modified tasks, alternative assignments, disability leave, or leave without pay. An employer may have to provide a reasonable accommodation for a disability related to pregnancy, absent undue hardship (significant difficulty or expense)."

!

ATIXA Model Policy on the Title IX Rights of Pregnant and Parenting Students

Compliance

- a. *Reporting:* Any member of the [School] community may report a violation of this Policy to any supervisor, manager, or to the Title IX Coordinator. All mandated reporters are responsible for promptly forwarding such reports to the Title IX office. The Title IX Coordinator is responsible for overseeing complaints of discrimination involving pregnant and parenting students.

The Title IX Coordinator for [School] is: [Insert name and contact information]

Complaints may also be filed with the U.S. Department of Education, Office for Civil Rights at:

Office for Civil Rights (OCR) [Insert Regional Office – The DC office provided as an example]
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172

Policy Statement

[School] is committed to creating and maintaining a community where all individuals enjoy freedom from discrimination, including discrimination on the basis of sex, as mandated by Title IX of the Education Amendments of 1972 (Title IX). Sex discrimination, which can include discrimination based on pregnancy, marital status, or parental status, is prohibited and illegal in admissions, educational programs and activities, hiring, leave policies, employment policies, and health insurance coverage. [School] hereby establishes a Policy and associated procedures for ensuring the protection and equal treatment of pregnant individuals, persons with pregnancy-related conditions, and new parents.

Under the Department of Education’s (DOEd) Title IX regulations, an institution that receives federal funding “shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student’s pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom.” According to DOEd, appropriate treatment of a pregnant student includes granting the student leave “for so long a period of time as is deemed medically necessary by the student’s physician,” and then effectively reinstating the student to the same status as was held when the leave began.

This generally means that pregnant students should be treated by the [school] the same way as someone who has a temporary disability, and will be given an opportunity to make up missed work wherever possible. Extended deadlines, make-up assignments (papers, quizzes, tests, and presentations), tutoring, independent study, online course completion options, and incomplete grades that can be completed at a later date, should all be employed, in addition to any other ergonomic and assistive supports typically provided by Disability Services. To the extent possible, the [School] will take reasonable steps to ensure that pregnant students 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 course catalog that was in place when the leave began. The Title IX Coordinator has the authority to determine that such accommodations are necessary and appropriate, and to inform faculty members of the need to adjust academic parameters accordingly.

As with disability accommodations, information about pregnant students' requests for accommodations will be shared with faculty and staff only to the extent necessary in order to provide the reasonable accommodation. Faculty and staff will regard all information associated with such requests as private and will not disclose this information unless necessary. Administrative responsibility for these accommodations lies with the Title IX Coordinator, who will maintain all appropriate documentation related to accommodations.

In situations such as clinical rotations, performances, labs, and group work, the institution will work with the student to devise an alternative path to completion, if possible. In progressive curricular and/or cohort-model programs, medically necessary leaves are sufficient cause to permit the student to shift course order, substitute similar courses, or join a subsequent cohort when returning from leave.

Students are encouraged to work with their faculty members and the [School's] support systems to devise a plan for how to best to 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.

Scope of Policy

This Policy applies to all aspects of [School's] program, including, but not limited to, admissions, educational programs and activities, extra-curricular activities, hiring, leave policies, employment policies, and health insurance coverage.

Definitions

- a.! *Caretaking*: caring for and providing for the needs of a child.
- b.! *Medical Necessity*: a determination made by a health care provider (of the student's choosing) that a certain course of action is in the patient's best health interests.
- c.! *Parenting*: the raising of a child by its parents in the reasonably immediate post-partum period.
- d.! *Pregnancy and pregnancy-related conditions*: include (but are not limited to) pregnancy, childbirth, false pregnancy, termination of pregnancy, conditions arising in connection with pregnancy, and recovery from any of these conditions.
- e.! *Pregnancy discrimination*: includes treating an individual affected by pregnancy or a pregnancy-related condition less favorably than similar individuals not so affected, and includes a failure to provide legally mandated leave or accommodations.
- f.! *Pregnant student/Birth-parent*: refers to the student who is or was pregnant. This Policy and its pregnancy-related protections apply to all pregnant persons regardless of gender identity or expression.
- g.! *Reasonable accommodations*: (for the purposes of this Policy) changes in the academic environment or typical operations that enable a pregnant student or student with a pregnancy-

related condition to continue to pursue their studies and enjoy the equal benefits of the [School].

Reasonable Accommodation of Students Affected by Pregnancy, Childbirth, or Related Conditions

- a.! [School] and its faculty, staff, and other employees will not require a student to limit their studies as the result of pregnancy or pregnancy-related conditions.
- b.! The benefits and services provided to students affected by pregnancy will be no less than those provided to students with temporary medical conditions.
- c.! Students with pregnancy-related disabilities, like any student with a short-term or temporary disability, are entitled to reasonable accommodations so that they will not be disadvantaged in their courses of study or research, and may seek assistance from the Title IX office.
- d.! No artificial deadlines or time limitations will be imposed on requests for accommodations, but the [School] is limited in its ability to impact or implement accommodations retroactively.
- e.! Reasonable accommodations may include, but are not limited to:
 - 1.! Accommodations requested by the pregnant student to protect the health and safety of the student and/or the pregnancy (such as allowing the student to maintain a safe distance from hazardous substances);
 - 2.! Modifications to the physical environment (such as accessible seating);
 - 3.! Mobility support;
 - 4.! Extending deadlines and/or allowing the student to make up tests or assignments missed for pregnancy-related absences;
 - 5.! Providing remote learning options;
 - 6.! Excusing medically-necessary absences (this must be granted, irrespective of classroom attendance requirements set by a faculty member, department or division)
 - 7.! Granting leave per the [School's] medical leave policy or implementing incomplete grades for classes that will be resumed at a future date;
 - 8.! Breastfeeding students must be granted reasonable time and space to pump breast milk in a location that is private, clean, and reasonably accessible. Bathroom stalls do not satisfy this requirement.

Nothing in this policy requires modification to the essential elements of any academic program. Pregnant students cannot be channeled into an alternative program or school against their wishes.

Modified Academic Responsibilities Policy for Parenting Students

- a.! Students with child caretaking/parenting responsibilities who wish to remain engaged in their coursework while adjusting their academic responsibilities because of the birth or adoption of a child or placement of a foster child may request an academic modification period during the first [X] months from the time the child has entered the home. Extensions may be granted where additional time is required by medical necessity or extraordinary caretaking/parenting responsibilities.
- b.! During the modification period, the student's academic requirements will be adjusted and deadlines postponed as appropriate, in collaboration among the Title IX office, the student's academic advisor and the appropriate academic department(s).

- c.! Students seeking a period of modified academic responsibilities may consult with their academic advisor or with the Title IX office to determine appropriate academic accommodations requests. The Title IX office will communicate all requests under this policy to the student's academic advisor and coordinate accommodation-related efforts with the advisor unless the student specifically requests that the advisor be excluded. The student is encouraged to work with their advisor and faculty members to reschedule course assignments, lab hours, examinations, or other requirements and/or to reduce the student's overall course load, as appropriate, once authorization is received from the Title IX office. If, for any reason, caretaking/parenting students are not able to work with their advisor/faculty to obtain appropriate modifications, students should alert the Title IX office as soon as possible, who will help facilitate needed accommodations and modifications.
- d.! In timed degree, certification or credentialing programs, a student who seeks modifications upon the birth or placement of their child will be allowed an extension of up to [X] months to prepare for and take preliminary and qualifying examinations, and an extension of up to [X] months toward normative time to degree while in candidacy, to the extent those deadlines are controlled by the [School]. Longer extensions may be granted in extenuating circumstances.
- e.! A student can request modified academic responsibilities under this Policy regardless of whether the student elects to take a leave of absence.
- f.! While receiving academic modifications, the student will remain registered and retain benefits accordingly.

Leave of Absence

- a.! As long as a student can maintain appropriate academic progress, faculty, staff, or other [School] employees will not require a student to take a leave of absence, or withdraw from or limit their studies as the result of pregnancy, childbirth, or related conditions, but nothing in this policy requires modification of the essential elements of any academic program.
- b.! An enrolled student may elect to take a leave of absence for up to [X time period] should match the School's medical leave or temporary disability Policy] 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.
- c.! A student taking a leave of absence under this Policy will provide notice of the intent to take leave thirty calendar days prior to the initiation of leave, or as soon as practicable.
- d.! Intermittent leave may be taken with the advance approval of the Title IX office and the student's academic department(s), when medically necessary.
- e.! Students who elect to take leave under this Policy may register under an [inactive / "on leave" etc. status] to continue their eligibility for certain benefits. While registered under that status, students who choose to take a leave of absence under this Policy can elect to keep their health insurance coverage and continue residing in university housing, subject to the payment of applicable fees.
- f.! To the extent possible, the [School] will take reasonable steps to ensure that upon return from leave, the student will be reinstated to their program in the same status as when the leave began, with no tuition penalty.
- g.! Continuation of a student's scholarship, fellowship, or similar [School]-sponsored funding during the leave term will depend on the student's registration status and the policies of the funding program regarding registration status. Students will not be negatively impacted by or

forfeit their future eligibility for their scholarship, fellowship, or similar [School]-supported funding by exercising their rights under this Policy.

- h.! The Title IX office can and will advocate for students with respect to financial aid agencies and external scholarship providers in the event that a leave of absence places eligibility into question.

Student-Employee Leave

- a.! All student-employees will be entitled to the protections of the Family and Medical Leave Act, regardless of whether they are also a student or hold post-doctoral status.
- b.! Pregnancy and related conditions will be treated as any other temporary disability for job purposes, including leave and benefits.
- c. [If the School does not provide leave or if employees are ineligible for other leave policies, then:] Pregnancy and related conditions will be regarded as a justification for a leave of absence without pay for a reasonable period of time, at the conclusion of which the employee will be reinstated to the status that they 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.

Retaliation and Harassment

- a.! Harassment of any member of [School] community based on sex, gender identity, gender expression, pregnancy, or parental status is prohibited.
- b.! Faculty, staff, and other [School] employees are prohibited from interfering with a student's right to take leave, seek reasonable accommodation, or otherwise exercise their rights under this Policy.
- c.! Faculty, staff, and other [School] employees are prohibited from retaliating against a student for exercising the rights articulated by this Policy, including imposing or threatening to impose negative educational outcomes because a student requests leave or accommodation, files a complaint, or otherwise exercises their rights under this Policy.

Housing Related Accommodations

Pregnant students' on-campus housing status will not be altered based on pregnancy status unless requested by the pregnant student. A parenting student's access to housing is governed by [insert policy here].

Dissemination of the Policy and Training

A copy of this Policy will be made available to faculty, staff, and employees in annually required training and posted on the [School] website. The [School] will alert all new students to this Policy and the location of this Policy as part of orientation. The Title IX office will make educational materials available to all members of the [School] community to promote compliance with this Policy and familiarity with its procedures.

!

Pregnant and Parenting School Employees, Office of Civil Rights Q&A

Question:

“All the recent discussion of pregnancy and parenting from OCR has referenced Title IX's protections for students. Is there any basis to believe that protections would be different for pregnant and parenting school employees.”

Answer: “The Department’s regulation implementing Title IX contains a number of provisions related to pregnant and parenting students. These provisions relate only to pregnant and parenting students and do not cover school employees. For additional information regarding the Title IX regulations related to pregnant students please see OCR’s June 2013 Dear Colleague letter and accompanying pamphlet on supporting the academic success of pregnant and parenting students and know your rights document for pregnant and parenting students. The Department’s regulation implementing Title IX contains separate provisions related to pregnancy and parenting employees in Subpart E, which covers discrimination on the basis of sex in employment in education programs or activities. Recipients are prohibited from applying any policy or taking any employment action concerning the potential parental status of an employee or applicant for employment which treats persons differently on the basis of sex (34 C.F.R. § 106.57(a)(1)) or from discriminating against or excluding from employment any employee or applicant for employment on the basis of pregnancy (34 C.F.R. § 106.57(b)). Recipients also must treat pregnancy and any temporary disability resulting from pregnancy as any other temporary disability for all job-related purposes, including commencement, duration and extensions of leave, payment of disability income, accrual of seniority and any other benefit, service, and reinstatement, and under any fringe benefit offered to employees by virtue of employment (34 C.F.R. § 106.57(c)). In the case of a recipient which 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, a recipient shall treat pregnancy as a justification for a leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status which she 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 (34 C.F.R. § 106.57(d)).

In addition to the Title IX provisions related to pregnant and parenting employees described above, employees who are pregnant may also have rights under the Pregnancy Discrimination Act of 1978 (42 U.S.C. § 2000(e) et seq). The Pregnancy Discrimination Act amended Title VII of the Civil Rights Act of 1964. It states that discrimination on the basis of pregnancy constitutes unlawful sex discrimination under Title VII. Women affected by pregnancy must be treated in the same manner as other applicants or employees who are similar in their ability or inability to work. The Equal Employment Opportunity Commission is responsible for the enforcement of the Pregnancy Discrimination Act.”

!

U.S. Department of Labor: Employment Protections for Workers Who Are Pregnant or Nursing

Federal law requires that women affected by pregnancy, childbirth or related medical conditions be treated the same as other persons not so affected but similar in their ability or inability to work for all employment-related purposes, including receipt of benefits under fringe benefit programs. See 42 U.S.C. § 2000e (k). Also, this page only addresses state laws; county, city or other local laws may provide additional sources of protection.

Employers are required to provide nursing mothers reasonable break time to express breast milk for one year after the birth of her child under Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. § 207) ("FLSA"). The law also requires that employers provide a place, other than a bathroom, for an employee to express breast milk. The law does not require that this time be compensated. Note that certain workers who are exempt from Section 7 of the FLSA are not covered by this amendment. Also note that the amendment does not preempt state laws that provide employees with broader protections (for example, compensated break time, break time for exempt employees, or break time beyond one year after the child's birth).

Forty-six states, the District of Columbia, and the U.S. Virgin Islands also allow women to breastfeed in public places or in places of "public accommodation," even if those jurisdictions do not require employers to make accommodations for breastfeeding employees.

!

Office of Civil Rights Know Your Rights: Pregnant and Parenting? Title IX Protects You from Discrimination at School

Title IX of the Education Amendments of 1972 (“Title IX”), 20 U.S.C. §1681 *et seq.*, is a Federal civil rights law that prohibits discrimination on the basis of sex—including pregnancy and parental status—in educational programs and activities.

All public and private schools, school districts, colleges, and universities receiving any Federal funds (“schools”) must comply with Title IX.

Here are some things you should know about your rights:

Classes and School Activities – your school MUST:

- o! Allow you to continue participating in classes and extracurricular activities even though you are pregnant. This means that you can still participate in advanced placement and honors classes, school clubs, sports, honor societies, student leadership opportunities, and other activities, like after-school programs operated at the school.
- o! Allow you to choose whether you want to participate in special instructional programs or classes for pregnant students. You can participate if you want to, but your school cannot pressure you to do so. The alternative program must provide the same types of academic, extracurricular and enrichment opportunities as your school’s regular program.
- o! Allow you to participate in classes and extracurricular activities even though you are pregnant and not require you to submit a doctor’s note unless your school requires a doctor’s note from all students who have a physical or emotional condition requiring treatment by a doctor. Your school also must not require a doctor’s note from you after you have been hospitalized for childbirth unless it requires a doctor’s note from all students who have been hospitalized for other conditions.
- o! Provide you with reasonable adjustments, like a larger desk, elevator access, or allowing you to make frequent trips to the restroom, when necessary because of your pregnancy.

Excused Absences and Medical Leave – your school MUST:

- o! Excuse absences due to pregnancy or childbirth for as long as your doctor says it is necessary.
- o! Allow you to return to the same academic and extracurricular status as before your medical leave began, which should include giving you the opportunity to make up any work missed while you were out.
- o! Ensure that teachers understand the Title IX requirements related to excused absences/medical leave. Your teacher may not refuse to allow you to submit work after a deadline you missed

because of pregnancy or childbirth. If your teacher’s grading is based in part on class participation or attendance and you missed class because of pregnancy or childbirth, you should be allowed to make up the participation or attendance credits you didn’t have the chance to earn.

- o! Provide pregnant students with the same special services it provides to students with temporary medical conditions. This includes homebound instruction/at-home tutoring/independent study.

Harassment – your school MUST:

- o! Protect you from harassment based on sex, including harassment because of pregnancy or related conditions. Comments that could constitute prohibited harassment include making sexual comments or jokes about your pregnancy, calling you sexually charged names, spreading rumors about your sexual activity, and making sexual propositions or gestures, if the comments are sufficiently serious that it interferes with your ability to benefit from or participate in your school’s program.

Policies and Procedures – your school MUST:

- o! Have and distribute a policy against sex discrimination. It is recommended that the policy make clear that prohibited sex discrimination covers discrimination against pregnant and parenting students.
- o! Adopt and publish grievance procedures for students to file complaints of sex discrimination, including discrimination related to pregnancy or parental status.
- o! Identify at least one employee in the school or school district to carry out its responsibilities under Title IX (sometimes called a “Title IX Coordinator”) and notify all students and employees of the name, title, and contact information of its Title IX Coordinator. These responsibilities include overseeing complaints of discrimination against pregnant and parenting students.

Helpful Tips for Pregnant and Parenting Students:

- o! Ask your school for help—meet with your school’s Title IX Coordinator or counselor regarding what your school can do to support you in continuing your education.
- o! Keep notes about your pregnancy-related absences, any instances of harassment and your interactions with school officials about your pregnancy, and immediately report problems to your school’s Title IX Coordinator, counselor, or other staff.
- o! If you feel your school is discriminating against you because you are pregnant or parenting you may file a complaint:
 - ! Using your school’s internal Title IX grievance procedures.
 - ! With the U.S. Department of Education, Office for Civil Rights (OCR), even if you have not filed a complaint with your school. If you file with OCR, make sure you do so within 180 days of when the discrimination took place.
 - ! In court, even if you have not filed a complaint with your school or with OCR.

- o! Contact OCR if you have any questions. We are here to help make sure all students, including pregnant and parenting students, have equal educational opportunities!

If you want to learn more about your rights, or if you believe that a school district, college, or university is violating Federal law, you may contact the U.S. Department of Education, Office for Civil Rights, at (800) 421-3481.

Tip of the Week - Pregnancy Accommodations

Authored by Belinda Guthrie, M.A., Director of Equal Opportunity and Title IX, Santa Clara University, Affiliated Consultant, TNG, ATIXA Advisory Board Member

I have a student who is going to deliver a baby in two weeks. She is failing all of her classes, however, not because of absences. I have inquired of all professors and all report back that her attendance has not been an issue, rather she is simply not grasping the material, playing on her phone, etc. Other students reported to me she is falling behind on her grades because she's had extended medical appointments, which causes her to not have time to do the assignments in the evening. Any thoughts on how we should proceed with this student?

My quick assessment is that you've started down the right path by reaching out directly to her faculty to find out how she's doing in each class. Have her instructors share their assessment with her directly (e.g., current grade, number of missed assignments, observation of class participation or lack thereof, upcoming assignments, exams and major projects for remainder of the semester, and any concerns that she is not mastering the material, etc.) This candid feedback is important, so that the student can make informed choices going forward.

The next issue to be addressed is that the student didn't identify a specific medical health issue related to her pregnancy that's interfering with her attendance. She only stated that she doesn't have enough time to do the work because of "extended medical appointments." What does that mean? Is she experiencing medical complications and have those been documented by her physician?

Based on what you shared, the only accommodation that might be appropriate is exploring whether giving the option of withdrawing her individual courses or reducing her course load might be an appropriate accommodation based on supporting documentation, and thereby, creating more time in her schedule. Alternatively, the student could withdraw from all of her classes if she's unlikely to fulfill the courses requirement. She could resume her studies in the summer or fall without penalty. Your school's withdraw policy might be sufficient to accommodate her in that way.

You may also want to refer the student to your college's tutoring or learning center to help her develop better time management strategies, study skills, and get help with content tutoring if she's having difficulty mastering the course material. Extensions or an incomplete in individual classes won't help if she has deficits in basic study skill areas or if she is not paying attention when she's in class. The student is ultimately responsible for completing the work and passing the class.



Pregnancy Accommodations

20-Minutes-to... *Trained*

1



YOUR FACULTY

Belinda Guthrie, M.A., Director of Equal Opportunity & Title IX Coordinator, Santa Clara University & Advisory Board Member, ATIXA

Joseph Vincent, M.L.S., Associate Consultant, TNG & Advisory Board, ATIXA

2

TITLE IX & PREGNANCY

Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. §1681 et seq., is a Federal civil rights law that prohibits discrimination on the basis of sex—including pregnancy and parental status—in educational programs and activities

Sources of Protection:

- Title IX protects pregnant and parenting individuals
- Institutional policy must prohibit discrimination, (include pregnancy/parental status)
- OCR guidance document on pregnant and parenting students

3

TREATMENT=TEMPORARY DISABILITY

- Pregnancy/parenting students require same treatment/services/options as those with temporary disabilities
 - What happens when person has been in car accident?
- Documentation
 - Doctors' notes may be required if required of others with temporary disability
- Reasonable & responsive adjustments to requests related to pregnancy status
 - Requested seating, elevator access, absences for restroom use or to express breast milk

4

ABSENCES

- Doctors' visits, pregnancy-related illness/complications, and/or recovery from childbirth
 - Leave - per individual's physician's assessment
- Return to same status as prior to absence
- Alternative arrangements
 - Online instruction
 - Independent study
 - Lecture, testing, activity accommodations
- May only require physician's note if require physician's note with other medical conditions

5

NONPARTICIPATION

- May not *force* nonparticipation
 - Individual may *elect* not to participate
- May not compel withdrawal, leave, avoidance of activities
 - Athletics
 - Classes
 - Course activities
 - Clubs

6

COMMON PITFALLS

- Requiring individual to abstain from hazardous activities
- Coaches imposing own views re: individual's ability to engage in athletic activity
- Type of accommodations/options offered
- Scope/extent of retroactive accommodations
- Circumstances related to:
 - Pumping
 - Post-birth
 - Non-birth parent

7

PREPARE AND DISCUSS

- Ensure faculty and staff understanding
- Compose cheat sheets or guides
- Communicate commitment to equal treatment for pregnant and parenting individuals
- When notified, proactively plan possible program/class adjustments
- Engage in ongoing dialogue with individuals and relevant faculty/staff

8



Questions?

www.atixa.org
info@atixa.org

9



LIMITED LICENSE AND COPYRIGHT. By purchasing, and/or receiving, and/or using ATIXA materials, you agree to accept this limited license and become a licensee of proprietary and copyrighted ATIXA-owned materials. The licensee accepts all terms and conditions of this license and agrees to abide by all provisions. No other rights are provided, and all other rights are reserved. These materials are proprietary and are licensed to the licensee only, for its use. This license permits the licensee to use the materials personally and/or internally to the licensee's organization for training purposes, only. These materials may be used to train Title IX personnel, and thus are subject to 34 CFR Part 106.45(b)(10), requiring all training materials to be posted publicly on a website. No public display, sharing, or publication of these materials by a licensee/purchaser is permitted by ATIXA. You are not authorized to copy or adapt these materials without explicit written permission from ATIXA. No one may remove this license language from any version of ATIXA materials. Licensees will receive a link to their materials from ATIXA. That link, and that link only, may be posted to the licensee's website for purposes of permitting public access of the materials for review/inspection, only. Should any licensee post or permit someone to post these materials to a public website outside of the authorized materials link, ATIXA will send a letter instructing the licensee to immediately remove the content from the public website upon penalty of copyright violation. These materials may not be used for any commercial purpose except by ATIXA.

10