

# TITLE IX

## FACT SHEET

### Pregnant and Parenting Students' Rights: FAQs for College and Graduate Students

October 2012

*If you are a pregnant or parenting student, you should know that under Title IX, you have a right to stay in school so you can meet your education and career goals. Below are answers to frequently asked questions from students in post-secondary schools, including colleges, community colleges, universities, for-profit institutions, trade schools, etc.*

#### **How does Title IX apply to pregnant or parenting students?**

Title IX prohibits discrimination on the basis of sex - including pregnancy, parenting, and all related conditions, such as abortion - in all educational programs and activities that get federal funding. This means that schools must give all students who might be, are, or have been pregnant the same access to school programs and educational opportunities that other students have. Your professors or administrators should not tell you that you have to drop out of your classes or program or change your educational plans due to your pregnancy.

#### **Does my school have to excuse my absences due to pregnancy, childbirth, or abortion?**

Your school must excuse your absences due to pregnancy or any related conditions for as long as your doctor says it is necessary for you to be absent. This is true even if there is no leave policy for students with other conditions. When you return to school, you must be reinstated to the status you held before your leave. The school can require you to submit a doctor's note only if that is required of students with other medical conditions.

#### **My professor adjusts grades based on class attendance. Can she lower my grade because of the classes I miss?**

You cannot be penalized for pregnancy or other related conditions. If a professor provides specific "points" or other advantages to students based on class

#### **Where do I start to figure out whether or not my school is violating Title IX?**

- A good first step in measuring your school's compliance is to compare how they treat pregnant students to how they treat students with other temporary disabilities. Under Title IX, schools must offer pregnant students the same benefits they offer to students with other temporary medical conditions.
- One exception to this rule is absences - Title IX requires that schools excuse absences due to pregnancy and related conditions, regardless of the school's absence policy.
- Your school is required to designate a Title IX Coordinator who should be able to answer questions for you about Title IX and pregnancy.
- Some states and school districts have their own laws that provide other protections, or even support services, for students. You should talk to a lawyer to find out what policies apply in your area.

attendance, you must be given the opportunity to earn back the credit from classes you miss due to pregnancy, so that you can be reinstated to the status you held before you took leave.

#### **Does my school have to let me make up the work I missed while I was absent?**

Yes, your school must let you make up the work you missed while you were out due to pregnancy or any related conditions, including recovery from childbirth.

For example, if you have a doctor's note that excuses you from class for several weeks because you were on "bed rest" before giving birth, your school has to provide you with the appropriate assignments and information to make up all of the work you would have been required to complete while you were out. For an extended absence, it is best if your school provides you with the work you miss regularly, so you do not fall far behind.

**But what if my school says that absence or make-up work policies are up to each individual professor?**

While that may be the school's practice, the school administration and professors are bound by federal civil rights law. Title IX requires that schools ensure that all faculty and staff comply with the law and do not discriminate against pregnant and parenting students. An individual professor's policy is not okay if it breaks the law.

**Does my school have to provide special academic services to me, like tutoring?**

Title IX requires that schools provide pregnant students with any special services they provide to students with temporary disabilities. If students with temporary disabilities get at-home tutoring to help them keep up with work they miss when absent, the school must provide students who miss class because of pregnancy or childbirth with the same benefit.

**What about internships, career rotations, and other off-campus elements of my program - do I have a right to participate in those?**

Yes. Your school must allow you to continue participating in off-campus programs. For example, if your program provides opportunities to "work in the field" your school cannot deny you participation based on your pregnancy. The school cannot require a doctor's note for continued participation, unless the school requires one for all students who have a medical condition that requires treatment by a doctor. If they do ask for a note, they cannot second-guess your doctor's decision.

**Classmates and even professors have made offensive comments to me about my pregnancy. Should I complain to the school about it?**

Title IX requires schools to prevent and address sex-based harassment, including harassment based on pregnancy. If you experience this sort of treatment

at school, you should seek help immediately. The law prohibits the school from retaliating against you for making a complaint or raising a concern.

**I have a scholarship - can my school take it back when they find out I am pregnant?**

No, schools cannot terminate or reduce athletic, merit, or need-based scholarships based on pregnancy. If you stay in school, you can keep your scholarship.

**I want to take a semester off. Can I keep my student status, scholarship, etc.?**

Not necessarily - it depends on the leave policy at your school. If you want to take off more time than your doctor says is medically necessary, you will need to consult your school's non-medical leave policy.

**What if I work for the school as a graduate assistant, in addition to being a student? Do I still have the same rights? Do I qualify for maternity leave?**

Your rights as an employee are different from your rights as a student. If you work for the school, you may be eligible for family or medical leave, or may qualify for maternity leave under the school's policy, but that may not include leave from your classes, beyond what is medically necessary.

**I am no longer pregnant and/or have already graduated - is there anything I can do about the discrimination I experienced as a pregnant student?**

You may still have options. Contact your Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or the National Women's Law Center to learn more. Even if it is too late for you, you can help us ensure that women who find themselves in your shoes do not run into the same barriers.

**I want to return to school 3 days after I have the baby, so I don't fall too far behind, but my department head thinks I should take more time off to recover. What should I do?**

Your school must leave it up to you and your doctor to decide when you can return. While the school must offer to excuse more leave than that (under Title IX your absence must be excused for as long as your doctor says is medically necessary), no one can force you to take more leave just because they think it would be better for you (or your baby). And the school cannot have a rule that prohibits students from returning to classes for a set period of time after childbirth.