



# TENNESSEE STATE UNIVERSITY

## Office of Equity and Inclusion

### **Title IX Requirements Regarding Pregnant & Parenting Students**

Title IX of the Education Amendments Act of 1972 prohibits the exclusion or different treatment of any individual from educational programs or activities receiving federal financial assistance on the basis of sex. The U.S. Department of Education, Office of Civil Rights (OCR) has made it clear that this protection also applies to pregnant and parenting students. In order to ensure that all students have an equal opportunity to attend and graduate from college, OCR has recently released guidance to provide educators with strategies to aid in the retention of students who are pregnant or parenting. This informational sheet is a summary of the guidance issued by OCR. For assistance with specific situations please contact the Office of Equity and Inclusion (OEI) at 963-7435.

#### **Title IX requires that:**

- Pregnant students cannot be excluded from participation in any part of an educational program. This includes classes, extracurricular activities, internships/fellowships, clinics or labs.
- Professors should excuse a student's absence for pregnancy or childbirth as long as the student's doctor deems the absence medically necessary. The student must be allowed to return to the same academic and extracurricular status as prior to the medical leave.
- Professors must allow the student to make up any missed work to the extent that it is possible. Offering alternative arrangements such as retaking a semester, switching to an online course of study, taking part in an online course credit recovery program, or allowing the student additional time in a program to continue at the same pace and finish at a later date are acceptable. The student should be provided with options and allowed to choose.
- If any part of a student's grade is based on in-class participation, a pregnant student must be allowed to make up the participation points for any time missed due to a medical necessity.
- Any special services, exceptions or assistance provided to students with temporary medical conditions must also be provided to pregnant students.
- Requiring a student to submit a medical certification in order to stay in or return to any aspect of the educational program is impermissible unless it is also required of others with temporary medical conditions.
- Schools are required to make "reasonable and responsive" adjustments to allow for pregnant students to continue attendance such as providing a larger desk, allowing for frequent trips to the restroom or permitting temporary access to elevators.

- Professors must allow the student to return to school after childbirth when the student and her doctor have determined that it is safe for her to do so. She must not be prevented from returning.

### **Strategies to Assist Faculty with Supporting Pregnant Students Include:**

- When notified by a student of her pregnancy explain that you will excuse any medically necessary absences and allow for missed work to be made up. Encourage students to schedule appointments around class periods as much as possible to minimize the amount of work to be made up. Encourage the student to keep the lines of communication open with you.
- Think outside of the box. Provide pregnant students who have excused absences with make up assignments and exams. Be creative when developing alternative means to complete course requirements. (Note: If a student cannot return even after being medically released by their physician, the institution's policy on extended absences applies.)
- If a student misses too much work to catch up utilize alternative methods such as issuing an incomplete and allowing the student to retake the class the following semester without penalty.
- Pregnancy in and of itself is not a disability so the student does not need to be registered with the Office of Disability Services. However, some conditions related to pregnancy, such as gestational diabetes, can constitute a disability. The key is not to assume that the pregnant student cannot successfully complete the requirements of a course.
- Treat pregnant students as you would treat any other student with a temporary medical condition.

### **A Word About Parenting Students:**

- If requested, provide a private, clean space for nursing mothers to express milk (bathrooms are not acceptable).
- Consider excusing absences for parenting students who must care for sick children.
- Allow all exceptions to general course requirements equally to male and female parents.

Remember the end goal is about educating and graduating students. Be flexible; provide options and work together to support young parents in the pursuit of higher education. If you have specific questions or circumstances arise that you need assistance with, please call OEI at 963-7435.