



# Frequently Asked Questions: 2024 Title IX Regulations on Pregnant and Parenting Students

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## **Do students at all levels have the same protections for modifications and leave?**

Yes. The 2024 Title IX regulations protect students and participants at all levels of education, including K-12, undergraduate students, graduate students, students at professional schools, vocational students, incarcerated students, and (non-employee) postdoctoral trainees.

## **Do these protections and accommodations apply to employees and/or student employees?**

The 2024 regulations specifically require: 1) leave be provided for a reasonable period of time (§ 106.57(d)) and, 2) that employees be provided with lactation breaks and space (§ 106.57(e)). Further, Title IX regulations protect employees (including student employees) from discrimination on the basis of pregnancy and related conditions and ensure that employees' pregnancy-related conditions are treated like temporary medical conditions for job-related purposes. As a result, in many circumstances, a failure to accommodate an employee would violate Title IX.

Employees experiencing pregnancy-related conditions also have rights under other federal laws including the new PUMP Act and Pregnant Workers Fairness Act. For more information, visit our sister website, [www.PregnantatWork.org](http://www.PregnantatWork.org).

## **Are the terms "accommodations," "modifications," and "adjustments" used interchangeably?**

The Title IX Regulations require educational institutions to provide students who are pregnant/postpartum with "reasonable modifications." That term refers to changes that allow students to have equal access to the educational program or activity. Colloquially, many people also refer to these changes as adjustments or accommodations. "Reasonable accommodations" (a workplace right) is a similar concept to "reasonable modifications."

## **Do the regulations address IVF or other fertility treatments?**

Yes, the new regulations offer protection for all pregnancy-related conditions, including infertility. Protection under Title IX includes those who are planning a pregnancy or seeking/undergoing fertility care. It is a violation of Title IX to discriminate against students undergoing fertility treatment, and institutions must provide related reasonable modifications, when needed. (For the ED's discussion of this topic, see [here](#).)

## **Do the regulations address abortion?**

Yes. Since the first Title IX regulations were enacted in 1975 they have included protection for "termination of pregnancy," a technical term that includes abortion, miscarriage, and other



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pregnancy loss. It is a violation of Title IX to discriminate against students for seeking or obtaining an abortion, and educational institutions must provide pregnancy-related modifications for students regardless of whether they carry their pregnancy to term.

Note that many religious institutions have [claimed an exemption](#) to complying with Title IX's protections relating to abortion. For our student guide on abortion and pregnancy loss under Title IX, see [here](#).

### **Is there a set period of childbirth or maternity leave?**

Leave under Title IX for pregnancy and related conditions must be provided, at minimum, for *as long as medically necessary* (§ 106.40(b)(3)(iv)). The length of time is determined by the student's own licensed healthcare provider based on their circumstances. While there is no pre-established timeframe for leave, the common presumption in the employment context is 6 weeks of recovery for an uncomplicated vaginal birth and 8 weeks for an uncomplicated cesarean birth. Recall that any leave must be entirely voluntary.

### **Can a disability office be responsible for handling accommodation requests, or must Title IX manage all aspects of the request?**

Title IX Coordinators are responsible for ensuring that individualized reasonable modifications for pregnancy-related conditions are provided to students who need them. Coordinators may delegate some duties as needed but must oversee the efforts and are ultimately responsible for ensuring the obligations under the law are met. (See ED's discussion [here](#).) Recall that while disability accommodation standards are similar, they are not identical; specialized training and materials are needed to ensure compliance with the law.

### **What information are faculty entitled to? Can they request specific medical documentation?**

Faculty members should not request medical documentation from students regarding their pregnancy-related conditions. Rather, faculty (and other employees) are required to inform students that the Title IX Coordinator can facilitate modifications and leave and provide the Coordinator's contact information. The Title IX Coordinator or their designee may request documentation under certain circumstances. Once a modification or leave plan has been established, the Title IX Coordinator should only share with faculty information necessary for the faculty member to enact the modification or leave plan. Recall that the institution must also protect personally identifiable information under § 106.44(j).

### **What is your recommendation for the number of lactation spaces per population?**

Educational institutions are required to ensure that students and employees have access to clean, private, non-bathroom lactation spaces that may be used as needed. These spaces must be



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available and accessible so that students' inability to access a lactation space does not negatively impact their ability to participate in the educational program. To ensure access, lactation spaces have to match the size of the population, and be situated in locations convenient to users. Educational institutions should enact measures to ensure that their lactation spaces are accessible when and where needed; many institutions regularly survey lactation room users, have sign in sheets that ask whether the space was sufficient, and/or monitor data from door access logs. At bare minimum, lactation space users should be informed of a point of contact to address any concerns about space access.

The National Institutes of Health [estimates](#) that for every 1,000 females, six lactation spaces will be needed. Of course, this is a national estimate based on employees, and the needs of *students* will likely vary. The Pregnant Scholar is working to provide a lactation space calculator tool in the near future. For more information about student lactation space considerations, see [here](#).

Note that employees also have a right to as-needed lactation breaks and private space under [other laws](#), such as the PUMP Act.

### **How do Title IX modifications interact with licensing requirements?**

Preparing students to secure licensing is a key aspect of many educational programs and activities. As such, modifications are likely not reasonable if they would require an educational institution to waive or violate a licensing standard. However, even if a student's original request for a modification is not reasonable, institutions nevertheless have an obligation to carry out an interactive process to determine other obligations that would ensure equal educational access and mitigate harm to a student's degree progress. Finally, where licensing bodies make available waivers of typical policy for students with disabilities, educational institutions should seek to apply those special waivers to students who request modifications due to pregnancy-related conditions. Licensing and professional organizations may also be required to comply with Title IX, if they receive any deferral funding.

### **How do these regulations apply to non-birthing parents; are they entitled to the same academic modifications/excused absences as pregnant or postpartum students?**

No. Title IX only mandates educational institutions provide modifications and leave to students who have pregnancy-related conditions, not all parents. The standalone requirement to provide accommodations or leave only applies to the student's own pregnancy-related health condition(s). That said, Title IX does not prohibit educational institutions from providing changes or leave for parenting students for caregiving purposes and doing so is certainly a best practice. Recall that any parental leave or accommodation policies for the purposes of caregiving (rather than the student's own health condition) must be administered without distinction on the basis of sex or gender; for example, time off to care for sick children cannot be given to moms but not dads.