

# TITLE IX PROTECTIONS FOR PREGNANT STUDENTS

## Q&A

### What is Title IX?

Title IX is a section of the Education Amendments of 1972. Title IX is a federal law that protects students, employees, and third parties at educational institutions. Specifically, it prohibits discrimination based on sex in any educational program. Title IX is an important tool for ensuring that members of a campus community learn and work in an environment that is free from discrimination and harassment based on sex or gender. Title IX protections apply to people across the gender spectrum, not just those that identify as female.

### How does Title IX protect pregnant students?

Title IX prohibits discrimination on the basis of sex. That includes discrimination on the basis of pregnancy and pregnancy related conditions. Those include, but are not limited to:<sup>1</sup>

- Pregnancy and pregnancy related illness (i.e. excessive morning sickness, fatigue, nausea, prenatal depression, etc.)
- Miscarriage
- Abortion
- IVF Treatments
- Childbirth, including recovery from childbirth
- Lactation and lactation related conditions (i.e. mastitis)
- Treatment for postpartum/postnatal depression

### Where do these protections apply?

Title IX protections are extended to students who are pregnant and/or experiencing pregnancy-related conditions anywhere or any time that they are involved in an educational program or activity. This includes on campus activities both inside and outside of the classroom and can include some off-campus activities, depending on the nature of the activity (i.e. internships, athletic events, etc.)

### What protections or rights do I have as a pregnant student?

- To stay at school and in your academic program
- To stay in your current classes and extracurricular activities
- To voluntarily access a separate and comparable program;
- To reasonable adjustments or modifications to your learning environment
- To have pregnancy related absences be excused
- To take a voluntary leave of absence as long as medically necessary<sup>2</sup>

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<sup>1</sup> Please note, this section covers the pregnant individual, specifically. Coverage does not extend to non-birthing parents, partners of pregnant students, or those going through the adoption process or using a surrogate.

<sup>2</sup> When a student returns from voluntary leave due to pregnancy or a related condition, the university will make efforts to reinstate the student as close to the same status as possible. When leave is taken in programs requiring specific

- To have access to a private lactation space
- To a learning environment free from discrimination based on your parental status
- To be informed of your rights

### **What are “adjustments” or “modifications” for pregnant students or those with pregnancy-related conditions?**

Title IX affords pregnant students and students experiencing pregnancy-related conditions the right to *reasonable* adjustments or modifications to their learning environment so they can continue with their academic progress. The following list contains examples of modifications that may be available. Please note, modifications are granted on a case-by-case basis based on the student’s individualized needs. Modifications must be reasonable, and they cannot be issued if they fundamentally alter the nature of the education program or activity (for example, a request to take a hands-on lab class remotely would likely not be a reasonable modification because it would fundamentally alter the nature of the class):

- Breaks during class to take care of pregnancy-related health needs, like eating, drinking, using the restroom, or expressing milk
- Excused absences to attend medical appointments
- Access to online or remote educational programs
- Changes in schedule or course sequence
- Extensions of time on coursework
- Rescheduling of tests and exams
- Allowing you to sit or stand
- Allowing you to carry water or keep water nearby
- Counseling
- Changes in physical space or supplies, like a larger desk or footrest
- Elevator access
- Protective gear, such as for science lab
- Other changes to school policies, practices, or procedures<sup>3</sup>

### **How do I go about getting an adjustment or modification?**

Under new Title IX regulations that go into effect August 1, 2024, if you tell a campus employee that you are pregnant or have a pregnancy-related condition, they must give you the information for your campus Title IX Coordinator. The Title IX Coordinator must inform you of your rights and assist you in accessing the support you need. It is always a student’s choice to meet with the campus Title IX Coordinator or review any information they may have on their website. Any employee you speak with is not required to, and should not, report your pregnancy or related condition to the Title IX Coordinator.

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course sequencing, the university will work with the student to see whether courses can be taken out of sequence or the best way to time re-entry to the program, so as to minimize interruption in the student’s education program. Specific factors, such as what point in the semester a voluntary leave is taken, or whether a course of study is done in a cohort format should be taken into account. Any reinstatement plan must be reasonable and must not fundamentally alter an academic program. For specific questions on how this may affect you, please contact the Title IX Coordinator.

<sup>3</sup> *Fact Sheet: Pregnant & Parenting Students’ Rights Under New title IX Regulations (Starting August 1, 2024).*

[www.abetterbalance.org](https://www.abetterbalance.org/resources/pregnant-or-parenting-at-school-know-your-rights/). <https://www.abetterbalance.org/resources/pregnant-or-parenting-at-school-know-your-rights/>

If you request a pregnancy-related modification directly from a professor but are unsatisfied with the outcome (i.e. you and the professor disagree about the appropriate modification), please contact the Title IX Coordinator for assistance.

**I only need an adjustment in one of my classes. If I tell them that I am pregnant, will they tell all my other Professors?**

If you disclose your pregnancy or related condition to a campus employee, they are obligated to share information with you. They should not inform anyone, including the Title IX Coordinator of your status.

**My request for reasonable adjustments is not being honored. What can I do?**

You have a right to a learning environment free from pregnancy related discrimination. If you feel that you are being discriminated against because of your pregnancy or related condition, you can make a report to your campus Title IX Coordinator.