

Pregnant and Parenting Students' Rights: FAQs for Professors and Advisers

Pregnant and parenting students have a right to stay in college to meet their educational and career goals under Title IX. Below are answers to frequently asked questions. See www2.ed.gov/about/offices/list/ocr/docs/pregnancy.html

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 in educational programs and activities receiving federal funding. This means students who might be, are, or have been pregnant must have the same access to programs and educational opportunities that other students have. Students should not be advised to cease their area of study due to pregnancy.

Are absences due to pregnancy and childbirth excused?

Yes, absences due to pregnancy or any related conditions are excused. However, depending on the length of the absence and the area of instruction (e.g. courses with lab requirements, clinical rotations, etc.), it may be not be feasible even with reasonable modifications to complete a particular course and may be academically necessary to take a leave of absence. However, when the student returns to OU, she must be reinstated to the status she held before the leave.

If a professor adjusts grades based on class attendance, can he/she lower a grade because of the classes a student misses due to pregnancy?

Students cannot be penalized for pregnancy or related conditions. If a professor provides specific “points” or other advantages to students based on class attendance, the student must be given the opportunity to earn back the credit from classes missed due to pregnancy, so that she can be reinstated to the status she held before she took leave.

Does OU have to let students make up the work missed while absent?

Yes, federal law requires professors to allow students make up the work missed while out due to pregnancy or any related conditions, including recovery from childbirth. For example, if a doctor’s note excuses the student from class for several weeks because of “bed rest” before giving birth, professors must provide the student with the appropriate assignments and information to make up all of the work required to be completed while absent. Again, depending on the nature of the academic instruction, e.g. clinical rotations, this may not be feasible and other forms of modifications may need to be made. When in doubt, consult with the Accessibility and Disability Resource Center, Legal Counsel and/or the Title IX Coordinator.

What about internships, career rotations, and other off-campus elements of a program – does the student have a right to participate in those?

Yes, OU must allow continued participation in off-campus programs. For example, if the program provides opportunities to “work in the field” OU cannot deny participation based on pregnancy. Professors cannot require a doctor’s note for continued participation, unless it is required for all students who have a medical condition that requires treatment by a doctor.

Classmates and even professors have made offensive comments to the student about her pregnancy. Can the student complain to OU?

Title IX requires schools to prevent and address sex-based harassment, including harassment based on pregnancy. If a student experiences this sort of treatment at OU, she should seek help immediately from the University's Title IX Coordinator at ieo@ou.edu or (405) 325-2215. The law prohibits retaliation against the student for making a complaint or raising a concern.

The student has a scholarship – can OU take it back if the student is pregnant?

No, OU does not terminate or reduce athletic, merit or need-based scholarships based on pregnancy. If the student stays in school, she can keep her scholarship.

The student wants to take a semester off. Can she keep her student status, scholarships, etc.?

Not necessarily – it depends on the leave policy at the college. If she wants to take off more time than the doctor says is medically necessary, she will need to consult the college's non-medical leave policy.

What if the student works for OU as a graduate assistant, in addition to being a student? Does she still have the same rights? Does she qualify for maternity leave?

Rights as an employee are different from rights as a student. If the student works for OU, she may be eligible for family or medical leave, or may qualify for maternity leave under the particular college's policy, but that may not include leave from classes, beyond what is medically necessary.

What if the student believes she has been discriminated against based on pregnancy related issues?

She may file a complaint with the University's Title IX Coordinator at ieo@ou.edu or 405-325-3546 against the professor/University, and/or file a complaint with the Office for Civil Rights:

**Kansas City Office
Office for Civil Rights
U.S. Department of Education
One Petticoat Lane
1010 Walnut Street, 3rd floor, Suite 320
Kansas City, MO 64106**

**Telephone: 816-268-0550
FAX: 816-268-0599; TDD: 800-877-8339
Email: OCR.KansasCity@ed.gov**