Overview of Title IX for Pregnant & Parenting Students

Title IX protects students from discrimination based on their “actual or potential parental, family, or marital status” or based on a student’s pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.” 20 U.S.C. §1681 et seq. (2006); 34 C.F.R. §106.40).

Once the student identifies they fit the criteria under Title IX, the College must:

- Provide equal access to school for pregnant and parenting (including lactating) students.
- Provide equal access to extracurricular activities for pregnant and parenting students.
- Excuse absences due to pregnancy or childbirth for as long as the doctor deems medically necessary. After which time, the student must be reinstated to the status held when the leave began.
- Ensure an individual professor’s attendance policy does not conflict with Title IX requirements.
- Treat disabilities related to pregnancy, childbirth, termination of pregnancy, or recovery in the same manner and under the same policies as any other temporary disability or physical condition.

The College cannot terminate a scholarship based on pregnancy, tell pregnant students they should drop out or switch programs, or exclude qualified pregnant students from opportunities to “work in the field,” through internships, career rotations, etc.

In the past, there has been some confusion by the designation of “parenting” as if it means it applies to the obligations of parenthood, rather than the physical or physiological aspect of being pregnant. The leave is associated with the medical necessity for the leave based on the pregnancy. This does not mean children are allowed in the classroom or that a student (mother or father) is excused from class for childcare, bonding or other non-pregnancy related leave. Your attendance policies are otherwise unaffected, and as always you may use your discretion to excuse absences for students with child-related issues as you deem appropriate.

If you want to request a consultation or clarification, please email me at cglatt@columbiabasin.edu or Jackie Marrast-Simpson at jmarrast-simpson@columbiabasin.edu.

Questions and Answers from Title IX

1. Does a school have to excuse a student’s absences due to pregnancy or childbirth?

Yes, Title IX requires a school to excuse a student’s absence(s) due to pregnancy or related conditions; including recovery from childbirth, for as long as the student’s doctor deems the absence medically necessary. When they return, they must be reinstated to the status they held when the leave began, which should include giving them the opportunity to make up any missed work. The professor may offer the student alternatives to making up missed work such as allowing the student to take an incomplete for later course completion.

The college or university can require a pregnant student to provide a doctor’s certification of fitness to continue in an education program or activity only if the same requirement is imposed on all other students with physical or emotional disabilities requiring a doctor’s care. If a professor wishes to request a doctor’s certification of fitness or excuse for the leave taken for a student, Lucas DeLuca, Director for Disability Support Services (DSS), or another member of DSS, can assist by evaluating whether the same is requested of other students given their disabilities. A faculty or staff member may also refer pregnant students to DSS for other assistance, such as resources and information. DSS can be reached by email at dss@columbiabasin.edu or phone at 509-542-4412 (ext. 2252).
2. If a professor adjusts grades based on class attendance, can they lower a grade because of the classes a student misses due to pregnancy?

No. 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 the student can be reinstated to the status held before the student took leave.

3. Does the institution/school have to let students make up the work missed while absent?

Yes, federal law requires professors to allow students to make up the work missed while out due to pregnancy or a related condition, 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 the work required to be completed while absent. The makeup assignments and tests must be reasonably equivalent to those missed, but need not be identical. Depending on the nature of the academic instruction or program (e.g., clinical rotations), this may not be feasible and other forms of modifications may need to be made.

4. Can a professor have an absence/makeup policy that applies regardless of any medical condition?

No. While a professor may have a strict attendance policy, the college or university is bound by federal civil rights law. Title IX requires the college or university to ensure that all faculty and staff comply with the law and do not discriminate against pregnant and parenting students.

5. The student wants to take a quarter off. Can the student keep their status, scholarships, etc.?

Not necessarily – it depends on the leave policy at the college. If they want to take off more time than the doctor says is medically necessary, the student will need to consult the college’s non-medical leave policy. Cheryl Holden’s Office will work through any financial aid issues resulting from leaves that may result in withdrawal or leave for a quarter or more.

Resources on Title IX and Pregnant or Parenting Students

Below are some links that you may review for further information:

- Office of Civil Rights Know Your Rights: [http://www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201306-title-ix.html](http://www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201306-title-ix.html) (For Pregnant and Parenting Students)

- Supporting the Academic Success of Pregnant & Parenting Students Handbook: [http://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf](http://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf)

CBC’s Lactation Rooms

Title IX protects individuals who are nursing from being forced to choose between school and breastfeeding. Employers are required to provide a place other than a bathroom that is shielded from view and free from intrusion from coworkers and the public. We have designated spaces for both student and employee use on the Pasco and Richland campus. More information on CBC’s lactation rooms can be found at: [https://www.columbiabasin.edu/i-am/current-hawk/student-resources/lactation-rooms/index.html](https://www.columbiabasin.edu/i-am/current-hawk/student-resources/lactation-rooms/index.html)