



THE OHIO STATE UNIVERSITY



Legal Protections for Student Parents

What Exists and What's to Come



Who We Are



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Poll #1

How familiar are you with the laws protecting pregnant and parenting students?



Where We're Headed:

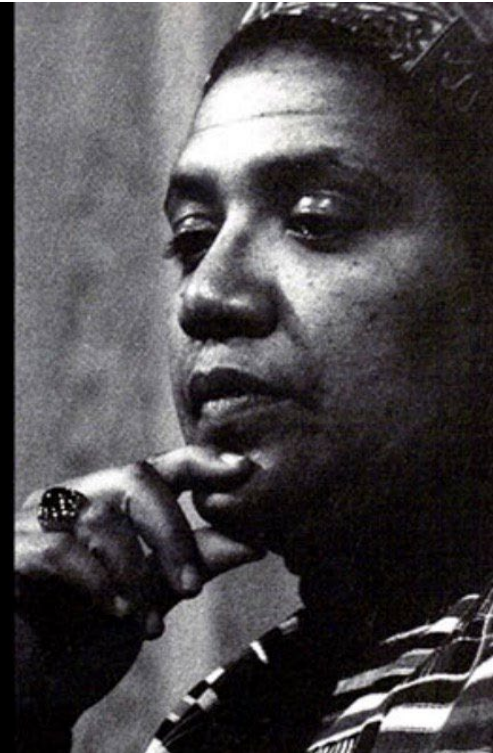
- Grounding & introduction
- Legal protections
- Scenarios & breakouts
- Taking action
- Questions and closing



Grounding

**There is no such thing
as single-issue struggle
because we do not live
single-issue lives.**

—Audre Lorde





Who are student parents?

If you're comfortable, let us know in the chat!



Common Barriers

- Stigmatizing behavior
- Prevented from taking the courses necessary or desired
- Forced to withdraw or prevented from successfully finishing courses
- Challenges navigating absences
- Restricted from activities
- Denied a secure and private lactation space and the time to use it
- Bias against parents compounds with race, class, and sex bias





Legal Protections: *What exists*



Poll #2

True or False: Colleges must provide accommodations for pregnant students



Pregnancy Accommodations

*“You don’t have a disability, you just need
to go home and be with your baby”*



Accommodations: Title IX Regulations

“To ensure a pregnant student’s access to its educational program, when necessary, a school must make adjustments to the regular program that are reasonable and responsive to the student’s temporary pregnancy status.”

Supporting the Academic Success of Pregnant and Parenting Students, U.S. Dep’t of Education, OCR

“A recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom in the same manner and under the same policies as any other temporary disability...”

Sec. 106.40 (b)(4)



Basic Principles: Title IX & Pregnancy

Discrimination on the basis of

sex



...on the basis of

pregnancy



...on the basis of pregnancy,
childbirth, false pregnancy,
miscarriage, abortion, recovery
and related conditions

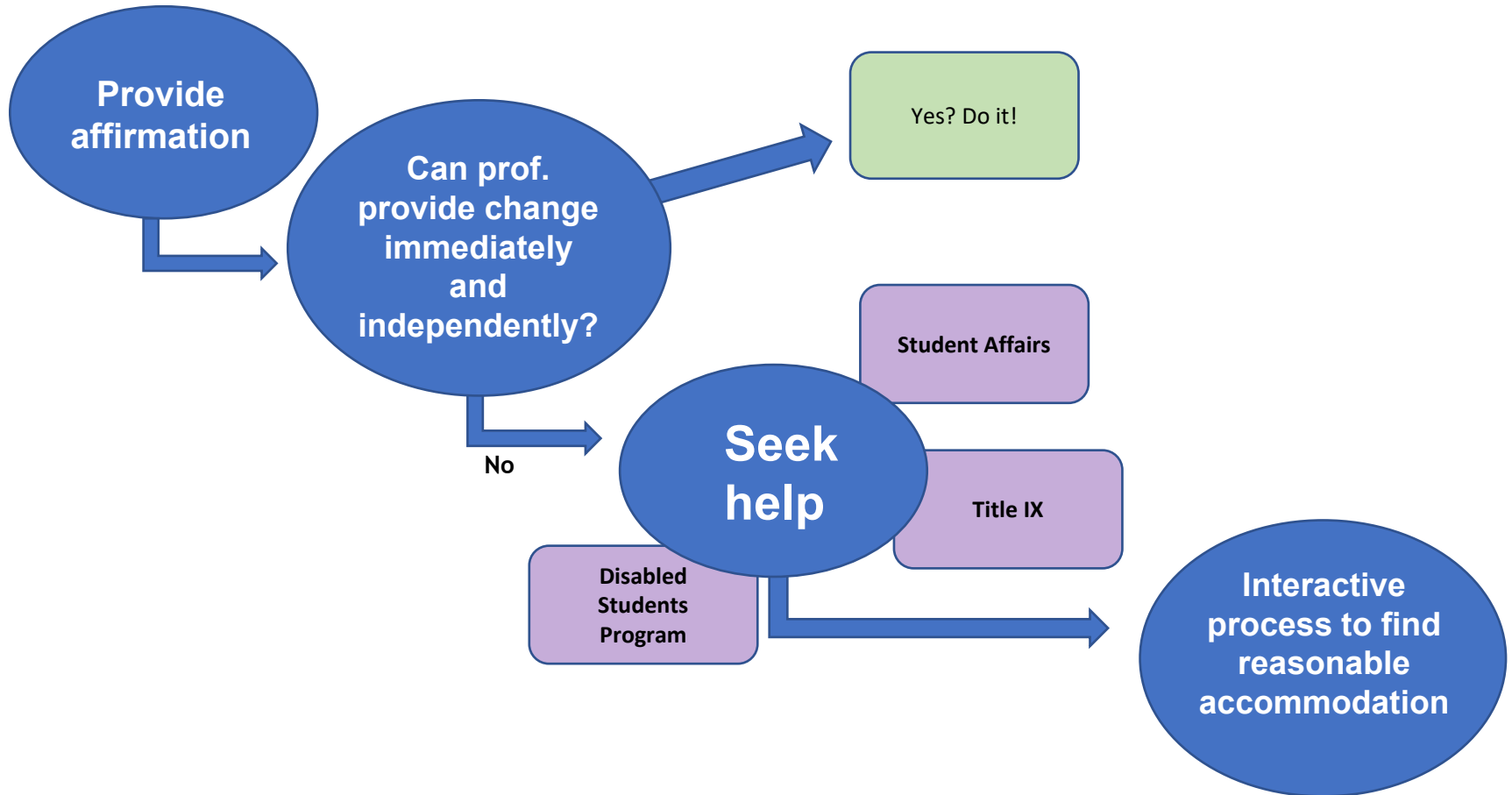


Accommodations: Title IX Regulations

- “I don’t fit my chair”
- “It is hard for me to type”
- “Is that safe??” “I need to take precautions...”
- “My morning sickness is really bad...”
- “I was in the hospital”
- “My doctor said...”
- Leaves for many bathroom breaks, struggles to keep up
- Sudden unexplained absences or tardiness



Accommodations: the process





Accommodation Process Fails

Negative statements about their pregnancy

- *“Are you sure you want to keep it?”*
- *“What a disappointment! I thought you’d be a scientist!”*

Questions about the student’s family makeup

- *“Do you know who the father is?”*
- *“I thought you were gay, how did you get pregnant?”*

Intrusive medical questions

- *“Let me talk to your doctor about this”*
- *“Do you really need to [handle bodily function] so often? Why?”*

“You should just withdraw.”





Pregnancy Accommodation Examples

- Delayed deadlines
- Bathroom breaks
- Permission to eat or drink in class
- Parking space
- Avoiding toxic substances
- Remote learning
- A larger chair so student can sit comfortably





Accommodation Example

A lactating student requested to turn off her camera to breastfeed during a virtual class.

Her professor calls breastfeeding “weird,” and her request “inappropriate.” He said the student will be penalized for going off camera.





Poll #3

**What length of
childbirth/maternity leave must
colleges provide students?**



Childbirth Leave

"I was in a lot of pain. And I remember thinking to myself, I shouldn't be here..."



Leave/absences: the need

- “I have a doctor’s appointment”
- “I’m due next month”
- “I’m in the hospital”





Title IX Leave Regulation

(5) In the case of a recipient which does not maintain a leave policy for its students, or in the case of a student who does not otherwise qualify for leave under such a policy, a recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom as a justification for a leave of absence for so long a period of time as is deemed medically necessary by the student's physician, at the conclusion of which the student shall be reinstated to the status which she held when the leave began.



“as long as medically necessary”

Is determined by a physician and may include:

- doctor’s appointments
- leave during pregnancy
- childbirth leave





“...reinstated to the status which she held...”

- Guaranteed re-admittance to program
- No penalty or grade deductions





Breakout

Jada is due in a month, but due to complications she was admitted to the hospital—three weeks before the semester ends.

- What leave or accommodation options does she have?
- How would she request them on your campus?
- What barriers might be in her way?



Student Parental Leave

Title IX does not specifically provide leave other than medically-necessary leave for pregnant/birthing parent.

That said, student parents may have a right to leave if other students are entitled to leave for reasons other than their own health. Also, caretaking/bonding leave (leave that is not linked to physical condition) must be provided equally without regard to sex or gender:

- ✓ Birthing parent disability/medical leave
- ✗ Mother-only caretaking leave



Non-Discrimination and Harassment

*"I thought you were a serious student.
I'm so disappointed!"*



Poll #4

Have you experienced policies or actions at your college that made you feel unwelcome as a parenting student?



Key Question: Are students treated differently on the basis of sex or gender?

Including on the basis of:

- Pregnancy-related conditions
- Gender roles—what does it mean to be a “good” man? Woman? Mother? Father?
- Stereotypes about parents, their competence, availability, commitment, etc.





Intent

Impact

Under Title IX both matter!



Key Questions

- How were other (non-parent) students treated?
- How were parents of another gender treated?
- Did something change when they found out?
- Who is impacted by the policy?





Case Example: Discrimination in Benefits

Kamaria was kicked out of her campus housing when she became pregnant.





Case Example: Harassment

Tina Varlesi was a graduate student in social work at Wayne State University, assigned to an internship placement as a part of fulfilling her degree requirements.

Received harassing comments and low ratings from the internship supervisor (not employed by University). No proper investigation. Tina was pushed out.

Result: University fined \$848,690





Case Example

Michael requested to miss class to take his newborn baby to the doctor. Other students have received excused absences for a variety of reasons, including extracurriculars.

The professor responded by asking him to prove he is a caregiver and that his wife can't take the baby. The professor later said the absence will be unexcused as there is "no such thing as daddy leave. This just isn't something we do."





Breakout

Michael was told he was not a caregiver worthy of support.

- Is this discrimination? Why or why not?
- Has your campus taken any steps to make clear that parental discrimination is unacceptable?
- How have you responded when you've faced parental discrimination?



Taking Action

1. **Educate**
2. **Escalate**
3. **Advocate**

IF you experience harassment or discrimination, you can always contact your Title IX coordinator, or **call us**. The Pregnant Scholar team would also love to support you in your advocacy and policy work so that harassment and discrimination does not happen to anyone else!



Legal Protections: *What's to come*



Legislators are paying attention!

Data Collection: Oregon, Illinois

Priority registration: California

Lactation protections: California, Illinois, Colorado, Pennsylvania

Leave: California, New Jersey



Breakout

- What are the most pressing policy issues for student parents at your institution? What do you think should be in the law?
- What support would you most need to bring the policy change?
- What victories have you had in bringing policy change?



You can influence Title IX policy nationwide!

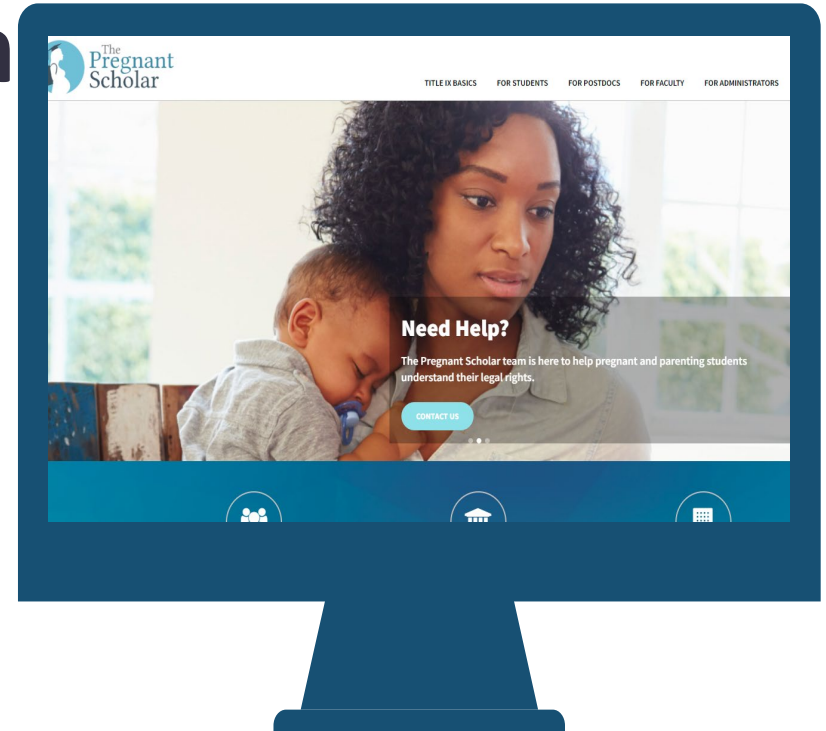
Share your story or sign up to
co-sign our letter at
www.pregnantscholar.org/Advocacy





For more information

- Helpline:
www.pregnantscholar.org/help
- Model policy templates
- Example university policies
- Tips for faculty and administrators
- Guides for students and postdocs
- *Coming soon:* Advocacy toolkit and communications tools



www.thepregnantscholar.org

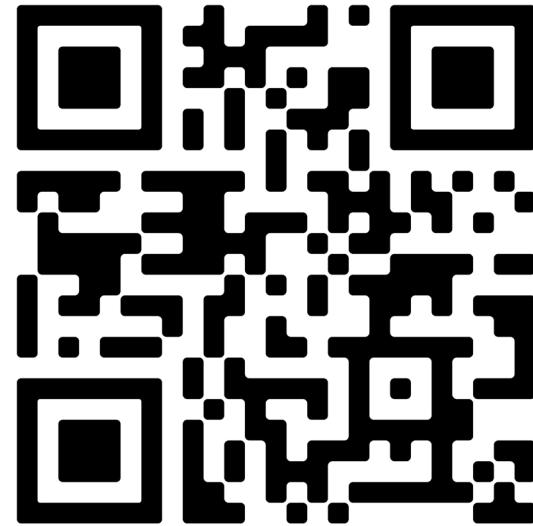




Thank you!!

Share feedback, ask questions, and sign up for updates at

<https://thepregnantscholar.org/feedback-for-osu-spss/>



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