



Fact Sheet

Student Abortion and Miscarriage

December 2022

An online version of this document is regularly updated at <https://thepregnantscholar.org/abortion-and-miscarriage/>

Title IX, the nationwide law against sex discrimination in education, protects students who are or were pregnant by prohibiting harassment and discrimination and guaranteeing certain accommodations relating to pregnancy. This also includes students who have an abortion or experience a miscarriage or other pregnancy loss. (Note, the Title IX regulations refer to “termination” of pregnancy, which is a technical term that includes miscarriage and abortion.)

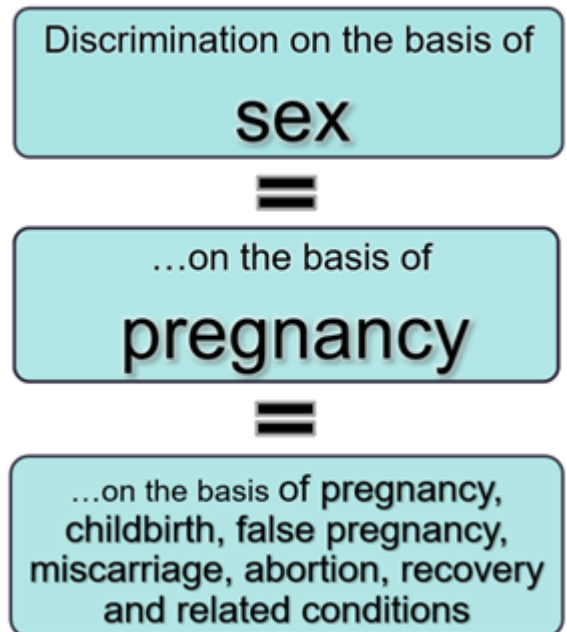
The Title IX regulations state that:

“A recipient shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student’s pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom...”

34 CFR 106.40(b)(1)

While many states now have restrictions that make it more difficult to access abortion and miscarriage care, those restrictions do not change Title IX, which is a federal law that applies nationwide. As a student navigating pregnancy-related conditions, you are entitled to accommodations specific to time off and absences, academic adjustments, and non-discrimination. Keep reading to find out more.

Important note: *religious schools, colleges, and universities can be exempted from Title IX requirements. [Learn more here.](#)*



ABSENCES

Under Title IX, your school, college, or university must excuse absences related to pregnancy, childbirth, miscarriage or abortion, so long as your doctor says the absence is medically necessary. What is considered “medically necessary” is not something your educational institution can

decide; it is up to your care provider and can include any absence necessary for the treatment plan you and your provider decide on.

Absences can include time off for medical appointments (including transportation to those appointments) as well as time off to recover from any treatments or procedures related to pregnancy. Recovery can include physical as well as mental recovery.

HOW TO REQUEST EXCUSED ABSENCES:

The process will vary from class to class and college to college. If you believe you may suffer academically because you need absences related to a miscarriage or abortion, you can inform your instructor that your absence should be excused because it was medically-necessary and related to pregnancy. You may want to inform them over email to document your request and to limit additional questions, if those would cause you discomfort.

You can also request help from your Title IX administrator. In the case of complications and longer-term recovery, your schools' disability access office may also provide assistance. Please remember that you may be required to provide a note from a doctor explaining that you need the time off. The note would need to state the date(s) of the absence, and that it was a pregnancy-related medically necessary absence.

For more on your rights to time off, see [our page on leave and absences](#).

If you need assistance, you can [contact the Pregnant Scholar](#) for help.

ACADEMIC ADJUSTMENTS

Title IX requires educational institutions to provide accommodations for pregnancy *and related conditions*, like the end of a pregnancy and your recovery from it. For example, some students are not ready to return to class in person following a pregnancy loss and want access to virtual learning options. Others may be ready to return but need additional bathroom breaks or lactation breaks. If you need a change at school to allow you to fully recover, that is referred to as an “academic adjustment,” “modification,” or “reasonable accommodation.”

HOW TO REQUEST ACCOMMODATIONS/ADJUSTMENTS:

To access adjustments, the first step is to identify what changes to your educational program would be the most helpful in meeting your health needs. Then, you can contact your professors directly or reach out to your college's Title IX office to request the changes. In some circumstances such as severe pregnancy complications, you may be instructed to seek help from your university's



disability access office. All colleges have trained coordinators that assist students in securing accommodations.

To get an accommodation you may be asked to provide a doctor's note 1) explaining that you are or were pregnant and 2) explaining the accommodations needed to help your recovery. If the professor or Title IX coordinator finds it would fundamentally alter the educational program to make the change you request, and your proposed changes cannot be implemented, they should provide alternatives to consider. You may need to have several discussions to determine an accommodation that works for both you and the college. Then, your professors must make the changes for as long as needed to protect your health.

For more on your rights to academic adjustments, see [our page on accommodations](#).

If you need assistance, you can [contact the Pregnant Scholar](#) for help.

DISCRIMINATION AND HARASSMENT

Title IX requires schools, colleges, and universities to protect students from discrimination and harassment related to their pregnancy, including abortion, miscarriage or other pregnancy loss. That includes discrimination or harassment from professors, administrators, other employees, and even students. If you are being penalized or made to feel unwelcome or unsafe on campus due to your pregnancy, pregnancy loss, or abortion, that may be illegal under federal law. Your school must take action to protect you. You are entitled to continue your education without discrimination or harassment.

NEED HELP?

The Pregnant Scholar team provides free assistance to students in higher education who are or were pregnant. We also provide technical assistance and training for campuses on how to best support pregnant and parenting students.

[Contact us!](#)



www.thepregnantscholar.org