



January 2016

Responses to professors' frequently asked questions on Title IX, pregnancy, and student rights.

Must I excuse a student's absence due to pregnancy, childbirth, abortion or related conditions?

Yes. Under Title IX these conditions must be allowed to serve as a justification for an absence so long as they are medically necessary or given pursuant to your school's maternity or disability policy. This is a requirement of federal law and applies regardless of your attendance policy.

An absence is "excused" in that the student may not be penalized for taking medically-necessary leave for pregnancy, childbirth, false pregnancy termination, related conditions, or recovery therefrom; she must be able to return from her absence in the same status she held before taking time off.

Can I ask for a doctor's note for the absence? Can I assign make up work?

You can ask for a doctor's note regarding the absence so long as you require notes from other students who must miss class or assignments for medical reasons. Remember, the note does not have to reveal any personal medical information to you, and the student's privacy should be respected.

Students returning from their absence must be permitted to make up any credits missed, including exams, projects, and in-class participation credits. Any make-up work assigned should be comparable with the amount of work given to other students, not extra.

For more information on how to design equitable make up work, see our faculty guide, <http://www.thepregnantscholar.org/for-faculty/supporting-students/>

Must I provide accommodations for pregnant students?

Yes, students affected by pregnancy, childbirth, or related conditions are be eligible for at least the same accommodations given to students with temporary disabilities.

Accommodations range from providing more accessible desks to establishing home study programs. You must engage in an interactive discussion with the student regarding any accommodation requests she makes. Depending upon the student's condition, their right to accommodations will be legally protected under Title IX or possibly also under the ADA.

For assistance in managing an accommodation request, contact your school's Title IX office and/or ADA office.

What do I do if my work or research is impacted by a student/postdoc on leave?

Assistance is often available from your university or granting agency to pay for a temporary replacement. Granting agencies also often "stop the clock" for researchers impacted by family/medical leave.



Although it is always challenging to lose an employee, even temporarily, it is important to avoid any language discouraging them from taking leave. Such comments can intimidate a student or send the message that students with families aren't welcome. Excluding these students can constitute sex-based harassment or discrimination. Providing workplace accommodations or flexible scheduling may encourage your employee to return to work sooner—and be more successful when they return.

To learn more about best practices for supporting pregnant students and postdocs in your labs, see our Best Practice Guide <http://www.thepregnantscholar.org/supporting-researchers/>

To learn more about grants and Title IX obligations, see our page on Title IX and STEM, <http://www.thepregnantscholar.org/title-ix-and-stem/>

Do I have to give leave to the employees I supervise?

Yes, Title IX also protects employees from discrimination due to pregnancy or parental status and requires the provision of leave.

Depending on their position, the employee may be entitled to either paid leave or, at minimum, unpaid job-protected leave under federal or state employment laws and school policy.

Asserting that an employee must take less leave than they are legally entitled to may be considered discrimination, harassment, or illegal interference.

What are my rights relating to my own pregnancy/childbirth as a faculty member?

As a faculty member you also have rights under Title IX. Your institution should not discriminate against you due to your pregnancy, childbirth, miscarriage, abortion, or other related conditions. You are entitled to leave for a reasonable period of time (at minimum). You may also qualify for additional protections and leave under state and federal employment laws.

For more information for employees, see <http://www.thepregnantscholar.org/for-students/working-at-school-while-pregnant-parenting/>

For more information on making reports of sex-based harassment or discrimination, see our <http://www.thepregnantscholar.org/find-help>.