



January 2016

Model Policy on Campus Pregnancy and Parenting Accommodations

This Model Policy provides examples of best practices on pregnancy and parental accommodations, leave, and non-discrimination, in compliance with Title IX and other federal law. The text can be adapted as a memo or included in your institution's existing policy. Note, **this policy is not legal advice**, and may not be construed as legal advice.

For more information on the principles utilized in drafting this policy and for examples of best practice campus policies currently in effect, see [here](#).

I. POLICY SUMMARY

[Institution] is committed to creating and maintaining a community where all individuals enjoy freedom from discrimination, including discrimination on the basis of sex, as mandated by Title IX of the Education Amendments of 1972. Sex discrimination, which can include discrimination based on pregnancy, marital status, or parental status, is prohibited and illegal in admissions, educational programs and activities, hiring, leave policies, employment policies, and health insurance coverage. [Institution] hereby establishes a policy and procedures for ensuring the protection and equal treatment of pregnant persons, individuals with pregnancy-related conditions, and new parents.

II. POLICY TEXT

(1) *Scope*

This policy applies to all aspects of [Institution's] program, including admissions, educational programs and activities, hiring, leave policies, employment policies, and health insurance coverage.

(2) *Definitions*

- a. "*Medical necessity*" is a determination made by a health care provider of a student's or employee's choosing.
- b. "*Pregnancy and pregnancy-related conditions*" include (but are not limited to) pregnancy, childbirth, false pregnancy, termination of pregnancy, conditions arising in connection with pregnancy, and recovery from any of these conditions, in accordance with federal law.
- c. "*Pregnancy discrimination*" includes treating a woman affected by pregnancy or a pregnancy-related condition less favorably than similar individuals not so affected, and includes a failure to provide legally mandated leave or accommodations.
- d. "*Pregnant student/Birth-parent*" refers to the student who is or was pregnant. Although the pronoun "she" and "her" are used herein, this policy and its pregnancy-related protections apply to all pregnant persons regardless of gender identity or expression.

- e. “*Reasonable accommodations*” for the purposes of this policy are changes in the academic environment or typical operations that enable a pregnant student or student with a pregnancy-related condition to continue to pursue her studies and enjoy equal benefits of the University.

(3) *Non-discrimination and reasonable accommodation of students affected by pregnancy, childbirth, or related conditions*

- a. [Institution] and its faculty, staff, and other employees shall not require a student to limit her studies due to pregnancy or pregnancy-related conditions.
- b. The benefits and services provided to students affected by pregnancy shall be no less than those provided to students with temporary medical conditions.
- c. Students with pregnancy-related disabilities, like any other student with a disability, are entitled to reasonable accommodation so they will not be disadvantaged in their courses of study or research, and may seek assistance from the [insert title for disability/ADA office].
- d. Where [insert ADA office name] requires students to identify their disabilities and request accommodations by a fixed date in the term, deadline exceptions may be granted in the case of disabilities arising as a result of pregnancy or related conditions.
- e. Reasonable accommodations may include, but are not limited to:
 - accommodations requested by the pregnant student to protect the health and safety of the student and/or her pregnancy (such as allowing the student to maintain a safe distance from hazardous substances)
 - modifications to the physical environment (such as accessible seating)
 - mobility support
 - extending deadlines and/or allowing the student to make up tests or assignments missed for pregnancy-related absences
 - providing remote learning options
 - excusing medically-necessary absences
 - granting leave
- f. Breastfeeding students must be granted reasonable time and space to pump breast milk in a location that is private, clean, and reasonably accessible. Bathroom stalls do not satisfy this requirement.

(4) *Modified Academic Responsibilities Policy for Parenting Students*

- a. Students with parenting responsibilities who wish to remain engaged in their coursework while adjusting their academic responsibilities because of the birth or adoption of their child or placement of a foster child may request an academic modification period of up to [one semester] beginning within the first six months of the child entering the home. Extensions may be granted where additional time is required due to medical necessity or extraordinary parenting responsibilities.
- b. During a modification period, the student’s academic requirements will be adjusted and deadlines postponed as appropriate.
- c. Students seeking a period of modified academic responsibilities must consult with their adviser to determine which academic responsibilities will be suspended or ongoing. The student will work with their adviser and professors to reschedule course assignments, lab hours,



examinations, or other requirements and/or to reduce the student's overall course load, as appropriate. Students are entitled to full relief from academic responsibilities for at least six weeks.

- d. A student who seeks modifications upon the birth or placement of their child shall be allowed an extension of 12 months to prepare for and take preliminary and qualifying examinations, and an extension of 12 months toward normative time to degree while in candidacy. Longer extensions may be granted in extenuating circumstances.
- e. A student can request modified academic responsibilities under this section regardless of whether the student elects to take leave.
- f. While receiving academic modifications, the student will remain registered and retain benefits accordingly.

(5) *Academic Leave of Absence*

- a. Faculty, staff, or other employees shall not require a student to take a leave of absence, or withdraw from or limit their studies due to pregnancy, childbirth, or related conditions.
- b. CHOOSE ONE OPTION RE: DURATION OF LEAVE:
 - i. BEST PRACTICE:

An enrolled student may elect to take a leave of absence for up to one academic year because of pregnancy and/or disability; the birth, adoption, or placement of a child; and/or to care for an immediate family member (spouse, child, or parent) with a serious health condition.¹ The leave term may be extended in the case of extenuating circumstances or if medically necessary due to the health of the student.
 - ii. MINIMUM LEGALLY REQUIRED: Pursuant to Title IX, [Institution] shall treat pregnancy and related conditions as a justification for a leave of absence for as long a period of time as is deemed medically necessary by a student's physician.
[Note, if your institution has a medical leave or temporary disability policy that provides a longer period of leave, it should be made available to students affected by pregnancy and related conditions.]
- c. A student taking a leave of absence under this policy shall provide notice of the intent to take leave thirty days prior to the initiation of leave, or as soon as practicable.
- d. Intermittent leave may be taken with the advance approval of the student's department, or when medically necessary due to the student's health condition.
- e. Students who elect to take leave under this policy may register in an inactive or "on-leave" status [insert name of comparable status at your institution] to continue their eligibility for certain benefits. While registered in that status, students who choose to take a leave of absence under this policy can elect to keep their health insurance coverage and continue residing in university housing, subject to the payment of applicable fees.

• ¹ Although The Pregnant Scholar focuses on the needs of pregnant students and new parents, caretaking leave is included in this policy to limit potential liability, reduce the risk of backlash against new parents, and support the ongoing needs of student parents. For more information and advice on drafting leave policies see [Key Aspects of a Model Policy](#) and Factsheet: [Avoiding Discrimination in Parental Leave Policies](#).



- f. Upon return from leave, the student will be reinstated to his or her program in the same status as when the leave began.
- g. Continuation of the student's scholarship, fellowship, or similar university-sponsored funding during the leave term will depend on the student's registration status and the policies of the funding program regarding registration status. Students will not negatively impact or forfeit their future eligibility for their scholarship, fellowship, or similar university-supported funding by taking leave under this policy.

(6) *Student Employee Leave*

[Information related to your university's maternity, disability and/or parental leave policies for employees should be inserted here.

- For examples of current student employee leave policies, see [University Best Practice Examples](#).
- Remember these key MINIMUM LEGAL REQUIREMENTS:
 - offer the protections of the Family and Medical Leave Act to eligible employees regardless of whether they are also a student or postdoc (29 USC §2601 et seq.);
 - treat pregnancy and related conditions as any other temporary disability for job purposes, including leave and benefits (34 C.F.R. § 106.57 (c));² and
 - where your institution doesn't provide leave or where employees are ineligible for other leave policies, accept pregnancy and related conditions as a "justification for a leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status that she held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment" (34 C.F.R. § 106.57 (d)).]

(7) *Retaliation and Harassment*

- a. Harassment by any member of [Institution] community based on sex, gender, gender identity, gender expression, pregnancy, or parental status is prohibited.
- b. Faculty, staff, and other [Institution] employees are prohibited from interfering with a student's taking leave, seeking reasonable accommodation, or otherwise exercising her rights under this Policy. Faculty, staff, and other [Institution] employees are prohibited from retaliating against a student for exercising the rights articulated by this Policy, including imposing or threatening to impose negative educational outcomes because a student requests leave or accommodation, files a complaint, or otherwise exercises their rights under the Policy.

(8) *Dissemination of the Policy and Training*

A copy of this Policy shall be made available to faculty, staff, and employees in their required training and posted on the [Institution] website. [Institution] shall alert all new students to this Policy

² Of course, institutions are covered by the ADA and the employee is entitled rights under the ADA concomitant to the nature of her condition.



and the location of this Policy as part of orientation. The [insert Title IX office or other responsible unit name] shall make preventive educational materials available to all members of the [Institution] community to promote compliance with this Policy and familiarity with its procedures.

(9) *Compliance*

- a. *Reporting:* Any member of the [Institution] community may report a violation of this Policy to any supervisor, manager, or Title IX Officer. Supervisors and managers are responsible for promptly forwarding such reports to the Title IX office.
- b. *Grievance process*

Note: Insert here a section on institution's policy for processing and responding to Title IX complaints grievances, and disciplinary procedures. Complaints of pregnancy discrimination can be rolled into your institution's existing Title IX grievance processes. An effective process includes an early resolution option, independent fact finding, and independent and fair administration of discipline for offenders.