

# FAQ

frequently asked questions

## Pregnant and Parenting College & Graduate Students Rights

### **How does Title IX Apply to Pregnant or Parenting College & Graduate Students?**

Title IX bans sex discrimination in schools that get federal funds. Sex includes pregnancy and all related conditions like abortion. Most colleges get federal funds through financial aid programs like Pell grants and Stafford loans. This means that colleges must give all students who might be, are, or have been pregnant the same access to classes and programs that other students have. Your professors or school officials should not tell you to drop out or change your educational plans because you are pregnant or gave birth.

### **How do I figure out if my university is breaking Title IX law?**

First, look at how your school treats pregnant students compared to students with temporary medical conditions. Title IX says schools must offer pregnant students the same benefits they offer to students with temporary illnesses or injuries. There is one exception to this rule. No matter its policy for other students, your school must excuse any class you miss for pregnancy-related reasons.

Also your school must have a Title IX Coordinator. This person should be able to answer questions about Title IX and your school's policies. The Title IX Coordinator cannot be biased when they evaluate Title IX violations. Your school may also have its own rules or support

services for students. Contact the Title IX coordinator or campus Women's Center to find out more about your school's policies.

Finally, some states have their own laws that provide greater protections. You should talk to a lawyer to find out more about your state's laws.

### **I have to miss class to give birth / have an abortion / go to a prenatal visit / be on bed rest. Does my university have to excuse my absence?**

Yes. Your school must excuse your absences due to pregnancy and related conditions. This includes absences for labor, delivery, and recovery, as well as prenatal appointments. Absences must be excused for pregnancy-related reasons even if your school does not excuse absences for students with other medical conditions. Your school must excuse your pregnancy-related absence for as long as your doctor says is necessary. When you return to school, your school must reinstate you to the status you held before your absence. Your school can require a doctor's note, *but only* if it requires the same for students with other medical conditions.

### **Class attendance is part of my final grade. Can my professor lower my grade because I miss classes for pregnancy-related reasons?**

No. You cannot be penalized for pregnancy or related conditions. If a professor provides "points" to students based on class attendance, they must give you a chance to earn back the credit from classes you miss due to pregnancy. They must also return you to the status you held before you were absent.

### **Does my university have to give me a chance to make up work I missed while I was absent?**

Yes. If you miss class for pregnancy-related reasons or childbirth, your school has to give you a chance to make up missed work. For example, if your doctor orders you on pregnancy-related bed rest, your school can send you class assignments or allow you to review lectures online. No matter what, your school must give you any info you need to make up work you would have had to complete if you were in class. For an extended absence, it's good practice for your school to regularly give you the work you miss, so you do not fall far behind.



### **My university says they leave make-up work and absences up to each professor. What should I tell them?**

Professors do not have the right to break the law. Title IX says schools must make sure that all faculty and staff comply with the law and do not discriminate against pregnant and parenting students. So, if a professor's policy breaks Title IX law, the school must fix it.

### **I want to return to school three days after I have the baby, so I do not fall too far behind. But my department head thinks I should take more time off to recover. What should I do?**

It is up to you and your doctor to decide when you can return. Not your university. Your school must offer to excuse more than three days if that's what your doctor recommends. But no one can force you to take more leave than you want—even if they think it would be better for you (or your baby). Also, your school cannot have a rule that bans students from returning to classes for a set period after childbirth.

### **Does my school have to provide special academic services to me, like tutoring?**

Title IX says schools must give pregnant students any services they give to students with temporary medical conditions. If students with other medical conditions get at-home tutoring, your school must provide the same for students who miss class because of pregnancy or childbirth.

### **What about internships, labs, research assistantships, career rotations, and other elements of my program? Do I have a right to participate in those?**

Yes. You have a right to take part in all elements of your program while pregnant or parenting. For example, your school cannot deny you access to "work in the field" programs because you're pregnant. The program cannot require a doctor's note for continued participation unless the school requires the same for all students who have a medical condition. If your doctor gives a note saying you can participate in a special program, your school cannot second guess your doctor's decision.

### **My professor says it's unsafe for me to do certain lab experiments or be exposed to certain chemicals. How can I make sure I'm getting the experience I need?**

Your school should have the right equipment for all students and make adjustments in the lab on a case-by-case basis. If your doctor says it is safe for you to do experiments, your

professor may not second guess that decision. If your doctor says it is safe only under certain conditions, your school should try to provide those conditions. If your doctor says participation is unsafe, your school must give you a chance to make-up assignments later.

### **Classmates or professors have made offensive comments to me about my pregnancy. What are my rights?**

Title IX says schools have to stop and address sex-based harassment. This includes harassment based on pregnancy. If teachers or students harass you because you are pregnant, report it to a school official (e.g., the Title IX coordinator). It is illegal for the school officials, faculty, or students to retaliate against you for making a complaint or voicing concern.

### **I'm a student-athlete. Can I still play if I'm pregnant?**

You and your doctor should decide whether you can play sports. Not your coach or the athletics department. You should share the [NCAA Pregnant and Parenting Student-Athletes: Resources and Model Policies \[PDF\]](#) with athletics department staff.

### **I have an athletic scholarship from my university. Can they take my scholarship away if they find out I am pregnant?**

In most cases, no. Your school cannot cut off or reduce your scholarship during your award term based on pregnancy. Also, many universities will renew athletic awards for an injured or ill student athlete if the athlete works with the school's medical team or trainers to rehabilitate themselves. In the case of career-ending injuries, if the athlete remains engaged with the athletics department, schools will often renew awards, too. If your school renews awards in these circumstances for injured or ill athletes, it must do the same for pregnant or parenting student athletes.

Before a school can decline to renew your athletic scholarship, it must tell you in writing by July 1 (before the school year the non-renewal is to take effect). The statement must say the reasons for non-renewal. The statement must also say how you can appeal the decision. For more information, read the [NCAA Pregnant and Parenting Student-Athletes: Resources and Model Policies \[PDF\]](#).

### **I have a merit or need-based scholarship. Can my university take away my scholarship if they find out I am pregnant?**

No. Universities cannot end or reduce merit or need-based



scholarships based on pregnancy. If you stay in good standing in your program, you must be allowed to keep your scholarship.

### **I want to take a semester off. Can I keep my student status, scholarships, and financial aid?**

Not necessarily. It depends on the leave policy at your school. If you want to take off more time than your doctor says is medically necessary, you will need to consult your school's non-medical leave policy.

### **I receive federal financial aid. How will my pregnancy affect my federal grants and loans?**

You can register as an "independent student" if the child's due date is in the award year (July 1 to June 30) and you will be providing at least half of the support to the child. When filling out the form, count your child toward the household size if the due date is within that award year—even if they have not been born when you file. Keep a copy of an ultrasound and other medical records in case FAFSA audits your application.

### **What if I work for the school as a graduate assistant, in addition to being a student? Do I still have the same rights? Do I qualify for maternity leave?**

Your rights as an employee are different from your rights as a student. Title VII of the Civil Rights Act of 1964 and the Pregnancy Discrimination Act protect you from employment discrimination. You cannot be fired from your graduate assistantship because you are pregnant. Also, you may be eligible for family or medical leave as a university employee. You may also qualify for parental leave under the university's policy. Speak to your school's Human Resources department for more info on the parental leave policy.

Note: Your employee parental leave may allow you to take more time off from work than your doctor recommends. But Title IX only allows you to take as much time off from class as your doctor recommends.

### **I need childcare while I am in class. Does my university have to provide me with childcare?**

Unfortunately, no. Although the U.S. Department of Education recommends that schools offer childcare to students, your school is not required to provide them by law. Check your university's program offerings to see if they provide these services for students. If they do not, you can tell your school about the availability of CCAMPIS grants to schools that want to offer campus-based childcare. Also, see the resources section for more info on federal programs for low-income parents. Your state may have additional programs as well.

### **I want to breastfeed my infant. Where can I use a breast pump while I am on campus?**

The U.S. Department of Education recommends that all universities have private rooms for students to breastfeed or pump milk during the school day. Also, the Affordable Care Act requires your university to provide a space for employees to pump. This space cannot be a bathroom. If you are a university employee, the university must give you space to breastfeed or pump. If you are not an employee, you should ask your Title IX Coordinator if you can access the breast pumping rooms. For more info, read the [breastfeeding and lactation support fact sheet](#) included in this toolkit.

### **I live in on-campus housing. Can my university evict me because I am pregnant?**

Your school cannot evict you from housing for being pregnant. However, federal law does not require schools to provide housing for your family. Some colleges offer a limited number of family housing units. Ask your school's Title IX Coordinator or other campus official for info about housing for pregnant and parenting students. Seek legal advice if you think your university's policy or practice is discriminatory.

### **I am no longer pregnant or have already graduated. Is there anything I can do about the discrimination I experienced while I was a pregnant student?**

You can file a complaint with the U.S. Department of Education's Office for Civil Rights up to 180 days after the discrimination took place. The Department may extend the time for filing for good cause.

If you are considering filing a lawsuit, [the time limit for filing depends on the state](#) where your school is located. Generally, the deadline to file suit ranges from one to six years.

If you think your time has run out, you may still have options. Contact your Title IX Coordinator, the Department of Education's Office for Civil Rights, or the National Women's Law Center to learn more. Even if it is too late for you, you can help us make sure that women who find themselves in your shoes do not run into the same problems.

Colleges and universities must at least prevent discrimination against pregnant and parenting students. But they can—and should—do more. For more info, please go to [www.nwlc.org/pregnantstudents](http://www.nwlc.org/pregnantstudents) or contact the National Women's Law Center at [info@nwlc.org](mailto:info@nwlc.org).

