



## Pregnancy Title IX Sexual Harassment & Sex Discrimination

*From the U.S. Department of Education pamphlet: Supporting the Academic Success of Pregnant and Parenting Students Under Title IX of the Education Amendments of 1972.*

Title IX provides that:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. The Education Department’s regulation implementing Title IX specifically prohibits discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions. The Title IX regulation also prohibits colleges from applying any rule related to a student’s parental, family, or marital status that treats students differently based on their sex.”

The law also provides equal treatment for parents regardless of sex who, *with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability*, is a biological parent, adoptive parent, foster parent, stepparent, legal custodian or guardian, or an individual actively seeking legal custody, guardianship, visitation, or adoption of such a person.

Under the final regulations, Eastern is required to ensure that when a student (or a student’s parent or other legal representative) informs a College employee of the student’s pregnancy or related conditions, the employee provides that person with the Title IX Coordinator’s contact information and informs that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student’s equal access to the education program or activity.

### **Requirements:**

- Excuse absences because of pregnancy or childbirth as long as the student’s doctor deems the absences medically necessary; upon the student’s return, the student must be allowed to return to the same academic and extracurricular status as before medical leave began, and the student must be permitted to earn any credits missed during the absence.
- Any special instructional programs or classes must be voluntary and comparable to what is offered to other students; a pregnant student must be permitted to participate in regular programs and classes if the student wishes. Likewise, any special services provided to students who have temporary medical conditions must also be provided to a pregnant student.
- Make adjustments to a regular program or class that are reasonable and responsive to the student’s temporary pregnancy status (eg., larger desk, frequent trips to bathroom, mobility support, remote learning options, extending deadlines, leave of absence)
- 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.

### **Prohibitions:**

- Exclude a pregnant/lactating student from participating in any part of an educational program – including, but not limited to specific classes, extracurricular programs, interscholastic sports, honor societies, and opportunities for student leadership.
- Require pregnant students or students who have given birth to submit medical certification for participation in educational program/activities unless such certification is required for all students with physical or emotional conditions requiring the attention of a physician.
- Harassment by any member of the college community based on sex, gender, gender identity, gender expression, pregnancy, or parental status is prohibited.

- Faculty, staff, and other College employees are prohibited from interfering with any student seeking a reasonable accommodation, or otherwise exercising their rights. Faculty, staff, and other College employees are prohibited from retaliating against any student for exercising their rights, including imposing or threatening to impose negative educational outcomes because the student requests a reasonable accommodation, files a complaint, or otherwise exercises their rights under policy.

**In summary, pregnant and parenting students cannot be treated differently than any other student or temporary medical condition. These students are eligible for accommodations. Contact the Vice President of Academics and Student Affairs for more information.**

\*NOTE to Faculty: It can be complicated, so if you have any questions or if a situation arises in your class, do not hesitate to contact the Title IX Coordinator for guidance. Together, we will develop a plan that protects the rights of the student without compromising academic integrity and rigor. Title IX also prohibits discrimination against employees on the basis of pregnancy and parent status. Employees are also eligible for accommodations for pregnancy, childbirth, or related medical conditions. For more info, visit <https://www.eeoc.gov/wysk/what-you-should-know-about-pregnant-workers-fairness-act>.