

# Title IX: Pregnant & Parenting Students

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# Role of Compliance Officer at WCTC

- Title IX Coordinator
- Clery Act Coordinator
- Records Retention
- Diversity & Inclusion

# Title IX Guidance

- Title IX prohibits discrimination on the basis of sex in education programs and activities
- Title IX regulations specifically prohibit discriminating against any student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions
- Title IX regulations also prohibits a school from applying any rule related to a student's parental, family, or marital status that treats students differently based on their sex



# Title IX Guidance Continued

- On June 25, 2013, the U.S. Department of Education's Office for Civil Rights (OCR) issued the following documents regarding Pregnancy under Title IX:
- **Dear Colleague Letter:**  
<https://www2.ed.gov/about/offices/list/ocr/letters/collleague-201306-title-ix.html>
- **Supporting the Academic Success of Pregnant and Parenting Student:**  
<https://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.html>
- **Know Your Rights: Pregnant or Parenting? Title IX Protects You From Discrimination at School:**  
<https://www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201306-title-ix.html>



# Parenting Student

- A student that is breastfeeding, and/or under the doctor's care for an illness occurring post-partum (i.e. post-partum depression)



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# Title IX Guidance Continued

- Admissions
- Classes and activities
- Excused absences
- Medical Documentation
- Policies and procedures
- Pre-planning



# Admissions

- Title IX regulations expressly prohibit using parental status as a means of discriminating on the basis of sex in the admission of students.
- Educational institutions may not:
  - Apply any rule concerning the actual or potential parental, family, or marital status of a student or applicant which treats persons differently on the basis of sex
  - Discriminate against or exclude any person on the basis of pregnancy, childbirth, termination of pregnancy, or recovery therefrom, or establish or follow any rule or practice which so discriminates or excludes



# Classes & Activities

- Under Title IX, it is illegal for schools to exclude a pregnant student from participating from any part of an educational program or activity
- This applies to specific classes, extracurricular activities, honor societies, and other activities
- To ensure a pregnant student's access to its educational program, when necessary, an educational institution must make adjustments to the regular program that are **reasonable** and **responsive** to the student's temporary pregnancy status
  - Larger desk
  - Frequent trips to the bathroom
  - Standing breaks in the back of the classroom
  - Temporary access to elevators



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# Excused Absences

- Educational institutions must excuse absences due to pregnancy and childbirth for as long as the doctor deems the absences medically necessary
- Must allow student to return to the same academic status as before the student's medical leave began, which should include giving students the opportunity to make up any work missed while the student was out



# Medical Documentation

- May require a pregnant student, or student who has given birth to submit medical documentation, but only if the school also requires such documentation from all students with physical or emotional conditions
- Educational institutions should not presume that a pregnant student is unable to attend school or participate in school
- Must provide pregnant students with the same special services it provides to students with temporary medical conditions



# Policies & Procedures

- Title IX requires institutions to adopt and publish grievance procedures providing for prompt and fair resolutions of student and employee complaints of sex discrimination
- It is recommended that the policy make clear that prohibited sex discrimination covers discrimination against pregnant and parenting students
- Educational institutions cannot create their own policies in working with pregnant and parenting students



# Pre-Planning

- Pre-planning is key to the successful implementation of Title IX accommodations
- A student should be made aware of Title IX academic accommodations as soon as they disclose that they are pregnant
- This allows time for advising, planning schedules, and arranging accommodations before they are needed



# When do Title IX obligations begin?

- College Instructors or Administrators should not make assumptions or guesses as to a student's pregnancy status
- The student needs to inform the educational institution for an accommodation
- If a student does not disclose the need for accommodations, then the educational institution is not obliged to provide them
- A student can consult with the appropriate office for the need for retroactive accommodations
- Must consider the request in the same manner it would a request by a non-pregnant student seeking a similar accommodation



# What does pregnancy discrimination look like?

- Refusing to provide a pregnant individual with regular access to a bathroom or breaks from standing for long periods of time
- Asking inappropriate questions about the individual's pregnancy such as "Who's the father?"
- Encouraging a pregnant student to drop out of a class



# Student Accessibility Office

## **Disability Specialists**

- Develop Student Accommodation Plans
- Review & house disability documentation
- Liaison between student and instructors
- Connect students to campus resources
- Disability awareness and education for faculty and staff
- Advocacy



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# Student Accessibility Office

- Coordinates support services to meet the needs of students with disabilities
  - Learning Disability
  - Autism Spectrum Disorder
  - Attention Deficit/Hyperactivity Disorder
  - Psychological Disorder
  - Visual Impairment or Blindness
  - Deaf/Hard of Hearing
  - Physical Disability / Medical Condition



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# Pregnancy and Disability

- Americans with Disabilities Act (ADA) defines disability as  
“A physical or mental impairment that substantially limits one or more major life activities”
- Pregnancy in itself is not a disability under ADA
- Pregnancy-related impairments / limitations



# WCTC - Roles Related to Title IX

- Student Accessibility Office
  - Support students with pregnancy related needs
- Title IX Coordinator
  - Support students with parenting related needs



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# Common Pregnancy-Related Accommodations

- Breaks
- Access to food and water
- Accessible seating
- **Flexible attendance**
- **Flexible deadlines**
- Adjustment to students' academic plan
- Priority registration / clinical assignments



# Challenges

- Unclear expectations
- Over-accommodating
- Requests for retroactive accommodation
- Lack of advanced planning / missed opportunities
- Students unaware of rights / available supports
- Inefficiencies



# Successes

- Collaboration between Student, Instructors, Associate Deans, Academic Advisors, and other Support Staff
- Communication
- Clear Expectations
- Develop plans proactively



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# Developing A Process

- Protect Students' Rights
- Compliance
  
- Communication
- Consistency
- Planning ahead /Plan for success
- Support Students and Faculty
- Simplicity



# Flexible Attendance / Deadlines Accommodations Process

## **Intake Meeting** (Student & Disability Specialist)

- Provide information
  - Accommodations Process & Supports
  - Student rights & responsibilities
- Review medical documentation
  - Discuss limitation / complications
- Identify classroom accommodations



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# Flexible Attendance / Deadlines Accommodations Process

## **Intake Meeting** continued...

- Identify expected dates of absence / duration
- Identify extent of absence
  - Participation in online activities / assignments?
- Review and sign **Flex Attendance Agreement**





# Flexible Attendance Agreement

- Students are required to meet all of the academic course requirements
- Requires course by course assessment to determine if flex attendance is appropriate
- Faculty are not required to reteach material
- It is the student's responsibility to obtain the materials and notes missed due to absences
- Absence could impact academic performance



# Flexible Attendance / Deadlines Accommodations Process

## **Intake Meeting** continued...

- Provide guidance on academic planning
  - Collaboration w/ Advisor & Faculty
- Review course syllabi / assignment schedule
  - Identify potential concerns (group project, hands on skills assessments, lab work)
- Develop tentative plan & identify next steps



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## Email to instructors

I am sending this email on behalf of **Student X**. **X** is enrolled in your course for the **fall 2017 semester**. She is pregnant with an expected due date of **due date**. I will be working with **X** to develop an accommodations plan to support her during her pregnancy and maternity leave, and provide equal opportunity to complete the course objectives. Once we have more information, I will be in contact with you to discuss a plan to address any class absences, deadline extensions, or alternative assignments or assessments, if needed.



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# Flexible Attendance / Deadlines Accommodations Process

## **Follow-up Meeting** (often by phone)

- Confirm absence dates
- Identify reasonable assignment deadlines upon return
- Draft plan – addressing specific assignments
  - Send draft to instructor & student for review
  - Send finalized agreement for signatures & distribute completed plan





## Next Steps

- Finalize forms
- Faculty Training – in-service, department meetings, video tutorial
- Communication to students
- Identify opportunities to gather feedback



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# Center for Students with Disabilities: University of WI-Whitewater

Services Provided:

Information and Referral

Disability Determination for Services

Accommodations and Modifications determination and  
implementation(housing or physical access)

Case management

Safety and Emergency Planning

Mediation

Private Tutoring

Planning on parenting



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# Student Populations

- Complex health conditions (e.g. cancer, POTS)
- Physical Disabilities
- Blind and Low Vision
- Deaf and Hard of Hearing
- Autisms Spectrum Disorder
- Mental Health
- Learning Disabilities
- Cognitive Disabilities (ADHD/ADD)
- Traumatic Brain Injury- including sports related concussions within UW-W athletics



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# UW-W Roles

- **CSD**
  - Accommodations and modifications during pregnancy
  - Accommodations for any post pregnancy permanent or temporary medical or mental health needs
- **Title IX & Compliance Officer**
  - Supports parenting needs
  - Faculty and Staff education





# Collaborative Partners at UW-W

- Dean of Students Office
- Advising, Faculty
- University Health and Counseling Services
- Young Mothers Program
- UW-W Children's Center
- College Deans
- University Housing
- Financial Aid



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# Accommodations Unique to a 4 year Residential Campus

- Housing accommodations
  - Private room
  - Private bathroom
  - UW-W does not have family housing, assistance with housing transition
- Possible overnight needs for commuters
- Temporary accessible parking



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# Questions?



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