

IN COLLABORATION WITH ASCA

Pregnant and Parenting Student Rights

What Campus Admin Need To Know Under Title VI & Title IX

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DISCLAIMER

- We are not giving you legal advice.
- Consult with your legal counsel regarding how best to address a specific situation.
- There are a variety of stakeholders listening, so please keep that in mind as you submit questions in the chat.
- Feel free to ask general questions and hypotheticals.
- Watch your inbox for a link to the slides & recording!

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- **LEGAL FOUNDATIONS & OVERLAP: Title IX & Title VI**
 - **INSTITUTIONAL SELF-CHECK: Policies/Procedures/Resources**
 - **COMPLIANCE: Understanding Student Discrimination Cases**

AGENDA

PREGNANT AND PARENTING RIGHTS

LEGAL FOUNDATIONS & OVERLAP:

Title IX + Title VI



LEGAL FOUNDATIONS OF DISCRIMINATION

TITLE VI & TITLE IX

Title VI: Enacted as part of the Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in any program or activity that receives federal financial assistance. Title VI extends to religion when the discrimination is based on shared ancestry or ethnic characteristics, including citizenship in a country with a dominant religious ancestry.

TITLE VI PROTECTIONS HAVE BEEN INTERPRETED TO INCLUDE:

English learner students

Antisemitic and Islamophobic conduct

Physical features, style of dress, and names that reflect ethnic and religious traditions

Actual and perceived membership in the protected groups



LEGAL FOUNDATIONS OF DISCRIMINATION

TITLE VI & TITLE IX

Title IX: Prohibits sex discrimination in education programs and activities that receive federal funding. It seeks to ensure that all students, regardless of their sex or gender, have equal opportunities in education and athletics.

SEX DISCRIMINATION INCLUDES A WIDE RANGE OF CONDUCT, INCLUDING:

Hostile Environment Harassment

Quid Pro Quo Harassment

Sexual violence, abuse, assault

Unequal access to educational resources and athletic opportunities

Pregnancy Discrimination



LEGAL FOUNDATIONS: TITLE VI

An Educational Institution Which Receives Federal Funding May Not...

- Deny access to services or benefits
- Provide inferior services based on race/national origin
- Apply policies that have a dissimilar impact without legitimate nondiscriminatory reasons

Examples of Title VI Violations:

- Not providing an appointment at health services for an unreasonable periods of time based on race/national origin, when others get immediate appointments
- Receiving lower grades
- Being left out of study groups and the professor states the reason is “because the student does not have a command of the English language”

LEGAL FOUNDATIONS: TITLE IX

Title IX protects pregnant and parenting students from discrimination, despite regulatory changes.

TYPES OF DISCRIMINATION

- ☐ **Exclusion:** Some schools force pregnant/parenting students to leave or attend an alternative school.
- ☐ **Punishment:** Schools may punish pregnant/parenting students for excused absences.
- ☐ **Harassment:** Schools may not take action to stop sexual harassment, such as sexual comments, jokes, or spreading rumors.
- ☐ **Segregation:** Schools may segregate pregnant/parenting students from other students.
- ☐ **Discouragement:** Teachers/staff may make discouraging comments to pregnant/parenting students.
- ☐ **Refusal of makeup work:** Teachers may refuse to allow pregnant/parenting students to make up work.
- ☐ **Exclusion from activities:** Schools may exclude pregnant/parenting students from school activities.

Be aware of the types of discrimination pregnant and parenting students can face to ensure proper policies are in place.



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LEGAL PROTECTION OVERLAP

Intersection of Title IX and Other Laws

- Pregnant Workers Fairness Act (PWFA) – Applies to employees, including student workers, ensuring pregnancy accommodations.
- Americans with Disabilities Act (ADA) – If pregnancy-related complications qualify as a temporary disability, institutions must provide reasonable accommodations.
- Family and Medical Leave Act (FMLA) – Applies to student employees and graduate assistants, allowing leave for childbirth and recovery.

Schools cannot be hyper-focused on just one policy/law but must ensure that implemented policies ensure protections and comply with all required legal protections.

OVERALL LEGAL IMPLICATIONS

- **No Discrimination:**
 - ❖ Schools cannot exclude or limit students based on pregnancy, childbirth, or parenting.
- **Reasonable Adjustments:**
 - ❖ Schools must accommodate pregnancy-related absences and medical needs.
- **Equal Access to Programs:**
 - ❖ Pregnant/parenting students must be allowed to participate in classes, extracurriculars, and athletics.
 - ❖ “Parents” includes fathers who are often ignored in discussions and applicability of protections

SPECIFIC LEGAL IMPLICATIONS

Pregnant and parenting students can expect the following protections through Title IX

- Federal implementing regulations for Title IX require colleges to allow pregnant and postpartum students to take leave of their academic obligations without penalty because of medically necessary absences associated with pregnancy, childbirth, or postpartum recovery.
- Following time off, postpartum students must regain the status they previously held, including in extracurriculars and athletics.
- Pregnant students are entitled to accommodations or adjustments following an interactive process similar to the disability accommodation process. If a student requires accommodations to participate fully in the classes or extracurriculars and the accommodations are reasonable, they must be provided.
- Title IX regulations require educational institutions to provide students and employees with a lactation space that is not a bathroom and is clean, shielded from view, free from intrusion, and may be used for expressing breastmilk or breastfeed as needed.
- Schools must provide break time for lactation as a pregnancy-related condition and may not discriminate on the basis of lactation. These provisions are in addition to existing protections under state laws.

For policies, be aware of all protected groups and their unique needs. Create a team-lead for the protected groups to stay current with the regulations.



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INTERSECTION OF TITLE VI & TITLE IX

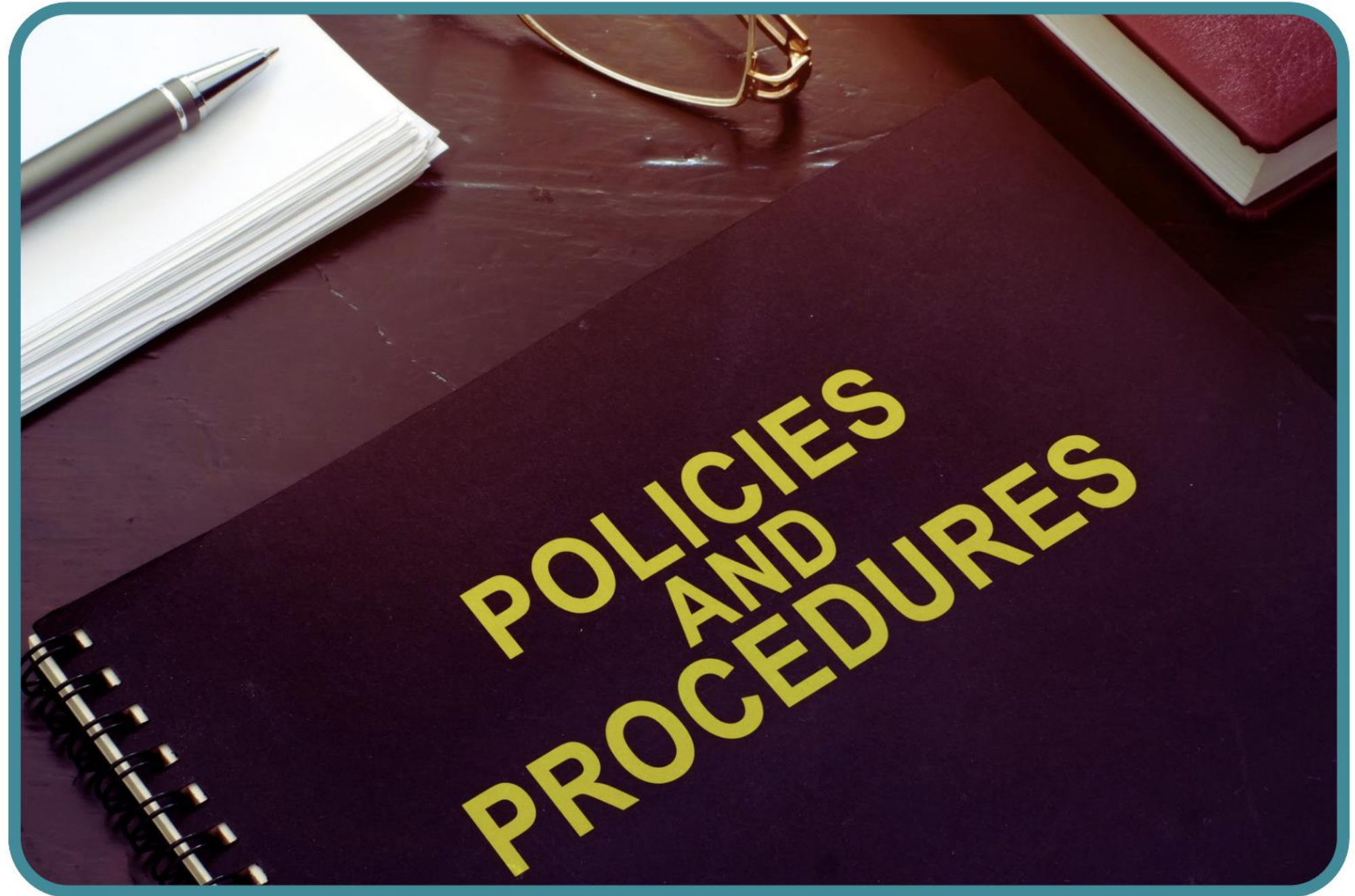
While it may seem obvious, the applicability of multiple protections may be in play at the same time and involving the same conduct.

For Example:

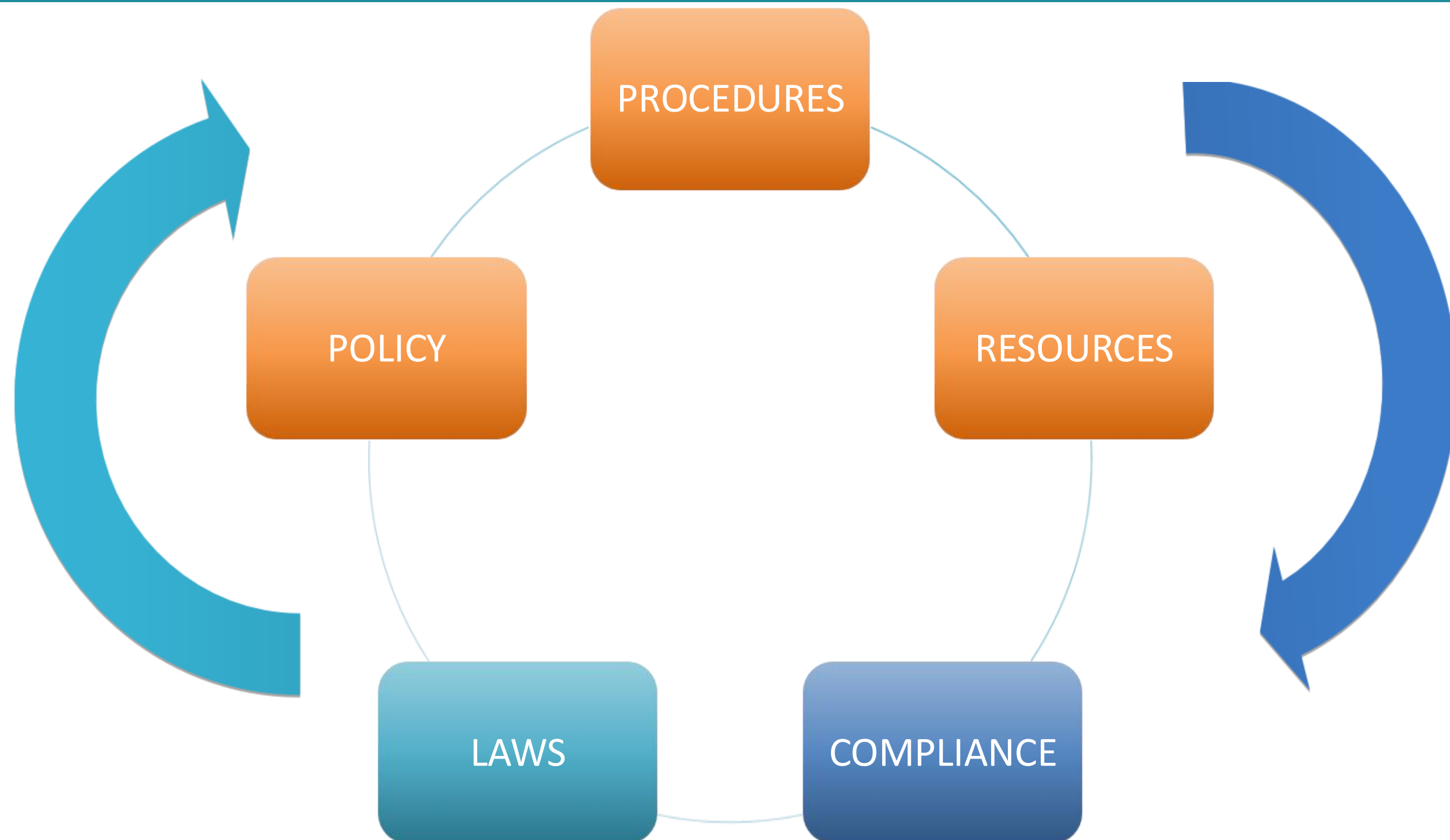
A pregnant female who is Hispanic, may be denied inclusion at a chemistry lab class because of a concern that *she is pregnant and she may not understand dangers of the chemicals* because the teacher or professor believed “she didn’t speak enough English”.

INSTITUTIONAL SELF-CHECK:

Policies, Procedures & Resources



POLICIES, PROCEDURES & RESOURCES



POLICY DEVELOPMENT CONSIDERATIONS

STRONGLY RECOMMEND A MULTI-DEPARTMENT DEVELOPMENT TEAM CREATE THE POLICY (E.g., Financial Aid department, HR department, Student Affairs, Bias Response team).

4 KEY POLICY AREAS TO INCLUDE:

- Ensure your policy provides considerations for excused **absences**, leaves of absences (LOA), and medical absence allowances.
- Ensure there are clear examples for what **modified academic support** looks like, such as: flexible deadlines (quizzes, tests), make-up work accommodations, and remote learning (virtual) options.
- Ensure your policy connects to the policy protections your campus has against **retaliation**.
- Ensure the location and availability of **lactation spaces** are clearly described.

BEST PRACTICES PROCEDURES

- Place the Title IX Coordinator as the primary contact for Pregnant & Parenting Student Rights on your campus website, in handbooks, manuals, and policies.
- ***Processes: The Title IX Coordinator should be hands-on and involved with ensuring “REASONABLE” accommodations are reviewed, accepted or modified, and then put in place.***
- Include Pregnant & Parenting Student Rights information within all trainings for students and employees when discussing civil rights protections (i.e., Title IX, Title VI, Title VII).*
- ***Processes: Establish an in-house tracking system with your IT that allows for communication amongst administrators that would get information or be approached by students looking for support. This safeguards your efforts with a paper trail, and notes accommodations made.***

BEST PRACTICES PROCEDURES (Cont.)

- **OFF-SITE:** Trade schools, Nursing Programs, etc. ensure you have a running log of information for pregnant/parenting students that includes contact information for whom they should reach out to if there are any problems, lactation room locations, refrigerator options, and notes on lack of accommodations that students may encounter during clinical hours, rotations, and off-site schedules at other locations.
- Remember that Title IX and *Disability Rights* can play a role with accommodations and administrators in charge of Disability should also be interwoven within these processes.
- Create and implement a **community outreach plan** for increased awareness.

Note: Higher Education students are legally expected to advocate for themselves.
Therefore, students & employees need to know they have rights at your school.

BEST PRACTICES ON RESOURCES

PHYSICAL MATERIALS

- **Responsible Employee checklists, materials:** include reminders to employees on what they can say to let students know the Title IX office is available to support them during pregnant and parenting circumstances throughout their education (e.g., provide name and email; point to website).
- **Student Brochures, materials:** include legible information on pregnant and parenting student rights.
- **Strengthen resource information** for students and employees by adding local and national external resources for Legal Support, Financial Aid, and Community Support (e.g., childcare).
- Place **printed materials** in **high-traffic areas** (e.g., student centers, health clinics, advising offices, [bathrooms](#)).
- Use **QR codes** within materials for employees and students for quick access.
 - Work with **marketing teams** to link **digital resources** to decrease search time.

PHYSICAL MATERIAL EXAMPLE:

TITLE IX COORDINATOR INFORMATION

- Email
- Phone Number
- Office Location

BLURB ON PREGNANT/PARENTING STUDENT RIGHTS

- Include a link to policy & your website information

LACTATION SPACE INFORMATION

- Location
- Hours Available
- What Is Inside (trash can, breast milk bags, sink, etc.)

EMERGENCY SERVICES INFORMATION

- Police Departments
 - Include non-emergency number
 - Include lobby hours
- Hospitals
 - Include SART exam locations



A LIST OF ON-CAMPUS AND OFF-CAMPUS RESOURCES

- Website Links
- Phone Numbers
- Hours They Are Open
- What Primary Services They Provide

ON-CAMPUS	OFF-CAMPUS (LOCAL & NATIONAL)
<ul style="list-style-type: none">◦ Financial Aid◦ Student Affairs◦ Campus Health◦ Study Groups◦ Child Care Support◦ Legal Support Contacts◦ Therapist Options◦ Support Groups (parent groups)	<ul style="list-style-type: none">◦ Domestic Violence Organizations◦ Child Care Support◦ Legal Support Contacts◦ Therapist Options◦ Medical Clinic Services◦ National Hotlines (e.g., RAINN)◦ Support Groups (parent groups)◦ US DEPT of ED



BEST PRACTICES ON RESOURCES WEBSITE VISIBILITY

- On your Title IX Website create a ***separate tab/page*** labeled “*Pregnant and Parenting Rights*”.

- Include **call-out boxes** to highlight **key details**:

- the Title IX Coordinator’s contact
- lactation room locations
- policy provisions

It will help **reduce fatigue** for **distressed students** searching for *crucial resources* on your school’s website.

- Integrate **FAQs & online resources** on the “**Pregnant & Parenting**” webpage:

- State-Specific Laws & Policies
- National Women’s Law Center & Local Advocacy Groups
- Scholarship & Financial Assistance

***Website Navigation:**

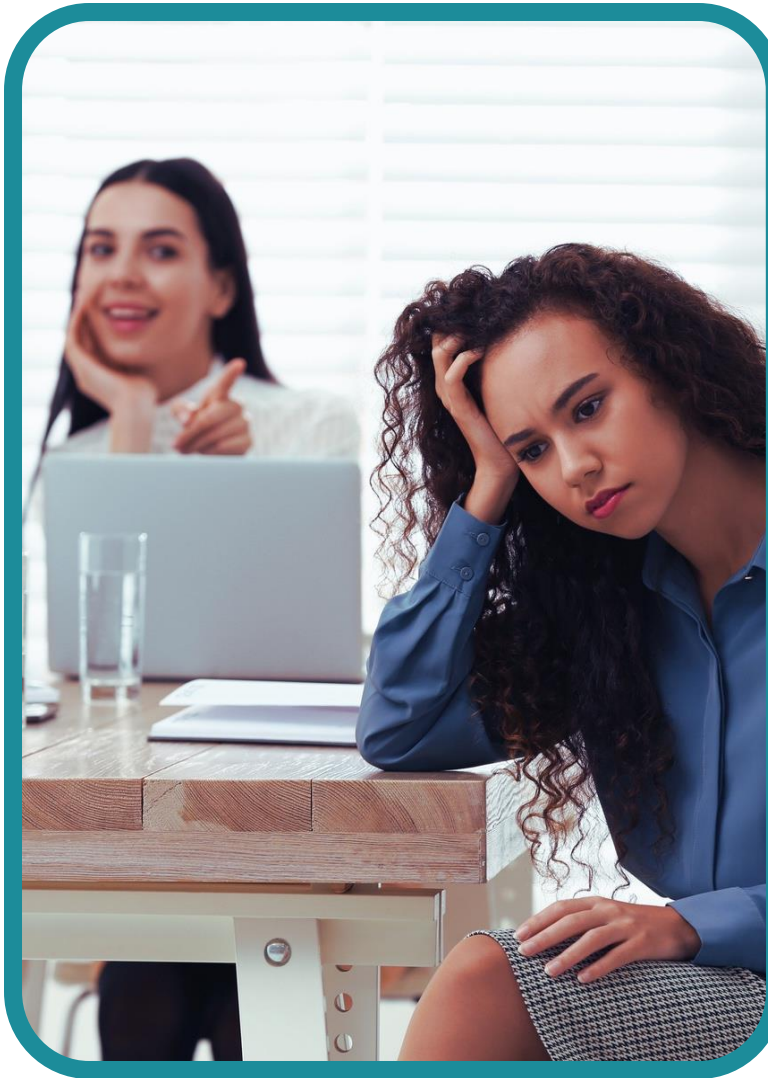
Ensure there is a flow to your website that supports students navigating through varying Title IX protections, such as Pregnant & Parentings Rights, and other Civil Rights areas (i.e., Title VI, Title VII- policy links will serve you well here).

INSTITUTIONAL SELF-CHECK CHECKLIST FOR IMPROVED RESOURCE VISIBILITY

- ☐ Can a pregnant or parenting student easily **find** and **access** resources?
- ☐ Does your website clearly list Title IX protections, accommodations, and contacts?
- ☐ Are there physical materials available on campus in high-traffic locations?
- ☐ Do faculty and staff know how to assist pregnant or parenting students who need accommodations?
- ☐ Are external resources & financial aid links provided and regularly updated?

COMPLIANCE:

Understanding Student Discrimination Cases



DISCRIMINATION CASES

SALT LAKE COMMUNITY COLLEGE

June 14, 2022: OCR Resolution Agreement involving Salt Lake Community College. The student complainant alleged:

1. A College Professor imposed a strict attendance requirement and encouraged her to drop a course because she was pregnant and said she needed to accept responsibility for her pregnancy.
2. The Title IX Coordinator did not promptly and equitably respond to her complaint, did not engage in an interactive process, and did not provide her with comparable academic adjustments/services as are offered with other temporary medical conditions; and
3. Did not excuse the Complainant's pregnancy-related absences or allow her to submit work after pregnancy-related absences.

OCR Case No. 08-22-2021

DISCRIMINATION CASES

SALT LAKE COMMUNITY COLLEGE

OCR's Key Factual Findings:

1. Student was enrolled in a program with an attendance policy that did not allow tardiness in more than 20% of classes for each course. Student experienced nausea throughout the day and requested modification of the on-time policy and deadlines for assignments.
2. Student contacted the Disability Resource Center, which directed her to the Title IX Coordinator, who said adjustments were possible “with limits,” but the Student’s request constituted a fundamental alteration.

DISCRIMINATION CASES

SALT LAKE COMMUNITY COLLEGE

OCR FOUND COLLEGE VIOLATED TITLE IX and/or SECTION 504 BY FAILING TO:

1. Respond promptly and equitably to the student's complaint of pregnancy discrimination;
2. Engage in an interactive process with the student to determine (a) the services or adjustments needed because of her pregnancy; or (b) to consider whether the student's pregnancy caused a temporary disability (under 504) requiring academic adjustments;
3. Excuse the student's absences related to pregnancy, provide her the opportunity to make up work missed due to absences related to pregnancy, or provide alternatives to making up missed work at a later date, in violation of Title IX.

DISCRIMINATION CASES

SALT LAKE COMMUNITY COLLEGE

The College was required to revise policies and grievance procedures, improve information available to its school community, train staff, and more.

Important lessons for all schools:

- Although the College had a Nondiscrimination Policy, Title IX website, and Student Code of Rights, none of these resources addressed pregnant/parenting students' rights or the procedures for handling requested accommodations.
- Moreover, the college's ADA Policy and website did not refer to pregnant students and did not describe the process the College used to approve or deny academic adjustments.

DISCRIMINATION CASES

TROY UNIVERSITY

January 20, 2023: OCR Resolution Agreement involving Troy University. The student complainant alleged:

1. In 2020, a pregnant student who experienced illness, hospitalization, and early labor asked the school for various accommodations throughout the semester, including that she get a table to sit at because she couldn't fit in the regular desks and for certain late assignments, missed tests, and absences to be excused/accommodated.
2. Throughout the semester, the professor made some accommodations and sought help from the Title IX officer. However, the student had to keep following up to ask for more help as new concerns or issues arose. For example, at one point, the student asked the Title IX officer for help because professor included attendance in their grades, causing the student's grade to sink to an F.

OCR Case No. 04-21-2060



DISCRIMINATION CASES

TROY UNIVERSITY

OCR's Key Factual Findings:

1. The university did not give pregnant/parenting students any information; the student handbook and school website were silent on this topic.
2. The Title IX officer told OCR that he did not know that Title IX was implicated when addressing the needs of pregnant and parenting students and was not aware of the school's policies.
3. The Title IX officer was not proactive or timely – sometimes taking a month to respond to the student's email and did not lead the process of assessing and implementing appropriate accommodations.
4. The professor had not received any training on navigating these issues.
5. There was no interactive process with the student to determine what adjustments would be appropriate for each of her courses based on the information she provided.

DISCRIMINATION CASES

TROY UNIVERSITY

OCR DID NOT MAKE FORMAL FINDINGS BECAUSE THE PARTIES ENTERED INTO AN INFORMAL RESOLUTION AGREEMENT. HOWEVER, OCR NOTED THAT THE SCHOOL DID NOT:

1. Make reasonable and responsive adjustments in response to the student's requests. Students were given no information about their rights or the available accommodations, the professor had not received training, and certain student requests were not addressed.
2. Consistently intervene (in a timely manner) when the student sought assistance.
3. Engage in an interactive process with the student or communicate with each of her professors to determine the appropriate adjustments she would need in each class.

Note: The accommodations received were ad hoc and individual decisions by her professors.

The agreement required the school to update its policies, website, and training; issue an employee survey on training effectiveness; and implement a tracking system for requests.

DISCRIMINATION CASES

HINDS COMMUNITY COLLEGE

April 11, 2024 - OCR Resolution Agreement with Hinds Community College. Complainant alleged:

1. The college did not provide academic adjustments during her pregnancy, which took place during her final semester of the program; and
2. Failed to properly respond to the student's complaint that her instructors and a supervisor harassed her based on her pregnancy.

OCR Case No. 06212198

DISCRIMINATION CASES HINDS COMMUNITY COLLEGE

OCR's Key Factual Findings:

1. The student was pregnant in the final semester of her program, which largely consisted of experiential work off-campus. While there was conflicting evidence about how her requests for adjustments were handled, no formal adjustments were ultimately put in place.
2. Once she had her baby:
 - The student's pumping breaks were ad hoc, the instructor resisted giving her the breaks she requested, and the supervisor failed to support the student when she asked for help.
 - Her virtual class attendance was difficult because links and passwords did not always work, and she was marked absent for missing *20 minutes of a one-hour-long class* to go to the doctor;
 - One instructor called her baby a "parasite" and made other comments about how many pumping breaks she took and that she got more breaks than the staff did. They also made offensive comments about the student to others when she was not present, such as that she was "allegedly pumping" and should just drop out of the program if she was going to miss another class.



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DISCRIMINATION CASES HINDS COMMUNITY COLLEGE

OCR's Key Factual Findings (cont'd):

3. The college's Title IX policies, procedures, & resources did not reference pregnancy discrimination, and OCR found that the college did not treat the complainant's accommodation requests or complaints as Title IX-related.
4. The student ultimately filed a Title IX complaint after trying to get help for over three months. The investigators did not interview the problematic instructor, and did not substantiate her allegations (although the instructor had been fired for making inappropriate comments to the student).
5. The college made no effort to remedy the student's complaint of harassment and discrimination, or to re-examine her grades (she ended up failing that semester). They also didn't consider the cost of having to re-enroll in the same course the following semester to finish her program.

DISCRIMINATION CASES HINDS COMMUNITY COLLEGE

OCR FOUND THE COLLEGE VIOLATED TITLE IX BY FAILING TO:

1. Properly support the student with services and administrative adjustments during and after pregnancy, including engaging in an interactive process with the student to determine whether she had a temporary disability and required academic adjustments.
2. Appropriately respond to the student's complaints of pregnancy discrimination over the course of several months.
3. Publish clear policies and procedures. As with the other cases reviewed today, the OCR resolution agreement required the school to revise its nondiscrimination notice, publish information about pregnant/parenting students' rights on the Title IX website, train its staff, track requests by pregnant students to ensure compliance with the school's obligations and agreed-upon accommodations and adjustments.

OVERALL COMPLIANCE TAKEAWAYS

COMMON THEMES

- ❖ Inadequate policies/procedures that specifically reference pregnant and parenting students. When this protected class is omitted from Title IX policies and disability procedures, it leaves students and staff without clear guidance.
- ❖ No clear administrator in charge of handling pregnancy/parenting requests. These issues can fall between the cracks of the Title IX office, supervisors/instructors, campus disability office, etc.
 - Both Section 504 of the [Rehabilitation Act](#) and [Title IX](#) protect pregnant and parenting students from discrimination and require schools to provide reasonable accommodations. Title IX specifically prohibits discrimination based on sex (i.e., pregnancy/childbirth). Section 504 requires schools to provide accommodations for students with disabilities, including those temporary disabilities related to pregnancy and childbirth.
 - Over the course of a pregnancy, a student may face needs and challenges under either/both regulation.
- ❖ Procedural shortfalls and failure to proactively support pregnant/parenting students through an ongoing and interactive dialogue. All pregnancies and parenting situations are very different, so this interactive dialogue and follow-through is critical.

Maya is a 21-year-old undergraduate student in her third year at a public university. She is also a single parent to a one-year-old child. Maya identifies as Latina and is a first-generation college student. She recently found out she is pregnant with her second child.

Maya is enrolled in a demanding science program with strict lab attendance requirements. When she informed one of her professors about her pregnancy and occasional childcare challenges, she was told that “special accommodations would be unfair to other students” and that “this program requires full commitment.” She was also advised to consider taking a leave of absence or switching majors.

Meanwhile, Maya has been trying to locate information on what rights or support services are available to her as a pregnant and parenting student but says the school website is confusing and refers mainly to Title IX in the context of sexual misconduct.

She later connects with a student advocate, who tells her she may have rights under Title IX—but Maya is hesitant to formally report the issue, fearing retaliation or further academic consequences.

CASE STUDY

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