

## PREGNANT AND PARENTING STUDENTS | TITLE IX

### Employee Guidance Document

Georgia State University and its employees are required to comply with Title IX of the Education Amendments of 1972 (“Title IX”), a federal civil rights law that prohibits discrimination on the basis of sex (including pregnancy, childbirth, and parental status) in educational programs and activities that receive federal funding.

#### **Process for Seeking Adjustments Due to Pregnancy and Childbirth:**

A student seeking an adjustment due to pregnancy or childbirth should discuss the request with their instructor. The instructor must grant the adjustments required by Title IX as described in this document. Instructors and students should address questions and requests for assistance to the Director of the Access and Accommodations Center at 404-413-1560. Student guidance information is available at:

<https://hr.gsu.edu/download/pregnancy-policy/?wpdmdl=6544258&refresh=5dcc17ea117aa1573656554>

#### **Employee Responsibilities:**

- You must allow a pregnant student to continue participating in class or extracurricular activities without requiring a doctor’s note.
- You must excuse absences due to pregnancy or childbirth for as long as the student believes are necessary and must provide the student with the opportunity to make up missed work by the end of the semester or by taking an “incomplete” per the University’s policy on incompletes.
- If your grading is based in part on class participation or attendance, you must provide the student with an opportunity to make up participation or attendance credits the student didn’t have the chance to earn during absences due to pregnancy or childbirth.
- You must provide pregnant students with reasonable adjustments like frequent bathroom breaks, a larger desk or temporary elevator access.
- You must provide pregnant students with the same special services you offer to students with other temporary medical conditions, if any (e.g. If you provide things like homebound instruction, at-home tutoring or independent study options to students with temporary medical conditions like mono or recovery from surgery, then you must provide pregnant students with those same special services).
- You must allow a student to return to the same academic and extracurricular status the student was in before an absence due to pregnancy or childbirth.
- You must refrain from encouraging the student to withdraw from a course or program, or to change educational plans due to pregnancy or childbirth.
- You must protect pregnant students from harassment based on pregnancy or parental status (i.e. not knowingly permit sexual comments, name-calling, jokes and the like about the student’s pregnancy).

#### **FAQs:**

##### **Can I request medical documentation from my pregnant student?**

No. At Georgia State University, if the student reports that she is pregnant and requires some sort of adjustment to established policy or practice (such as an attendance policy), you are to take this report and request at face value and should not ask for supporting medical documentation or other “proof.”

**What if a student submits a doctor's note or other medical documentation to me?**

Tell the pregnant/parenting student that you do not need the documentation and decline to accept.

**Can I ask a pregnant student the reason for her pregnancy-related absence?**

No. You must excuse the pregnancy/childbirth-related absence of a student regardless of what it is for (e.g. morning sickness, fatigue, health care appointment, miscarriage, bedrest, delivery, recovery and bonding, etc.) and should not ask the student to explain her absence other than to indicate that it was pregnancy/childbirth-related.

**What class adjustments must I make for a pregnant student?**

A pregnant student may need more frequent bathroom breaks, a larger desk or temporary access to elevators if elevators are not generally available for student use.

**Is there a maximum number of absences a pregnant student can have?**

No. Absences due to pregnancy, childbirth or a related condition must be permitted as excused absences for as long as necessary. Faculty members must be careful not to treat or penalize absences as unexcused. After an excused absence due to pregnancy, childbirth, or any related medical condition, you should allow a reasonable time for the student to make up missed assignments and tests. Depending on the nature of the course, making up the exact missed assignment might not be feasible. The makeup work does not have to be exactly the same as the missed work, but needs to be reasonably equivalent.

**I have a strict absence policy that applies regardless of any medical condition. Must I excuse a pregnant student's absences that exceed the number I allow in my absence policy?**

Yes. Title IX is a federal law that supersedes any University or Instructor-based attendance policy. A pregnant student should be allotted the same number of absences permitted by your absence policy for non-pregnancy-related absences plus excused absences for as long as the student believes are necessary due to pregnancy/childbirth.

**What if the requirement missed by a pregnant student cannot be made up by the end of the semester (e.g. because the lab is not scheduled to be open and staffed again until the next semester, because student teaching assignments follow the host side academic calendar, etc.)?**

The student should be allowed to take an incomplete with the opportunity to complete the requirement within the time for doing so per the University's policies on incompletes.

**Must I give pregnant student's a grade if all course requirements have not been completed?**

No. All course requirements must be completed as with all students.

**My grading rubric includes class attendance and participation, how should I apply this in the case of student absences due to pregnancy or childbirth?** If you award "points" or other advantages based on class attendance, pregnant students must be given the opportunity to earn back the credit from classes missed because of pregnancy, childbirth or related conditions. You may either remove these factors from your grading rubric for the involved student or provide a reasonable alternative assignment allowing the student to make up these points.

**Do I have to grant the request of a pregnant student to accept an alternative assignment in lieu of completing course requirements?**

It depends. If there is a reasonable basis for the student not completing the regularly assigned course requirements and there are meaningful alternative assignments that will satisfy the pedagogical elements of the course, then the alternative assignments should be permitted. However, if there is no meaningful alternative that will satisfy the pedagogical elements of certain program or course requirements (like demonstrating mastery of a practical skill or logging hours of practical experience such as student teaching, science labs, clinical rotations, etc.), then alternative assignments that will not satisfy the pedagogical elements of the course or that would fundamentally alter the academic standards of the course or program should not be granted. In such a case, the student may choose to complete the regular course requirements during the semester or to take an incomplete per the university policy on incompletes.

**If special services (e.g. at-home instruction or tutoring, or independent study options) are not provided to students with other temporary medical conditions (like recovering from surgery or an illness), must I provide them to pregnant/parenting students?**

No.

**Can I require a Student Accommodation Letter from Access and Accommodation Services?**

Pregnancy alone is not a disability and you may not ask for or require an Accommodation Letter as a condition of making adjustments for pregnant/parenting students required by Title IX.

**If a pregnant student believes their pregnancy is a disability, asks for accommodations under the ADA, or asks for accommodations not provided under Title IX for pregnant/parenting students, what should I do?**

Refer the student to the Director of Access and Accommodation Services at (404) 413-1560.

**If a pregnant student provides me with a student accommodation letter, what should I do?**

Provide the accommodations identified in the accommodation letter, directing any questions you have to Access and Accommodation Services.

**If an academic program requires internships, career rotations or other off-campus elements, can a pregnant student be excluded from participation?**

No. The University must allow the student to continue participating in off-campus programs, including opportunities to “work in the field” at the student’s choice. A doctor’s note for continued participation may not be required unless it is required for all students in the program.

**What if there are risks associated with taking my class (e.g. chemistry labs, etc.)?**

You may provide students with Safety Data Sheets and encourage them to review these with their health care provider. You should not give your opinion about whether the student should participate or whether it is “safe” for the student to participate. The determination about risk and whether to participate is solely at the discretion of the student. The pregnant student may decide to make up missed assignments within the semester, to take an incomplete, or to withdraw and re-enroll at a later time.

**What should I do if a student presses me to accept an arrangement I do not believe is covered by the requirements described in this document?**

Be friendly to the student and indicate you will consider the request and provide a response shortly. Then promptly contact Access and Accommodations or the Office of Legal Affairs for recommendations.

**What if I have questions?**

You may contact the Director of the Access and Accommodations Center at (404) 413-1560 or the Office of Legal Affairs at (404) 413-0500.