

Guidelines – Pregnant and Parenting Students’ Rights

Title IX prohibits discrimination on the basis of sex – including pregnancy, parenting and all related conditions, such as abortion – in educational programs and activities that get federal funding. This means that schools must give all students who might be, are, or have been pregnant the same access to school programs and educational opportunities that other students have. Professors or administrators should not tell the student that the student would have to drop out of classes or program or change their educational plans due to the student’s pregnancy.

Guidelines:

Marital or parental status:

- (a) *Status generally.* BSC shall not apply any rule concerning a student’s actual or potential parental, family, or marital status which treats students differently on the basis of sex.
- (b) *Pregnancy and related conditions.* (1) BSC shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the bases of such student’s pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient. If a student requests to participate in a separate portion of the program or activity, BSC shall ensure that the offering is comparable to the standard offering BSC provides to non-pregnant students.
- (2) BSC may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation so long as such a certification is required of all students for other physical or emotional conditions requiring the attention of a physician.
- (3) BSC shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service, plan or policy which such recipient administers, operates, offers, or participates in with respect to students admitted to the recipient’s educational program or activity.
- (4) In the case of BSC not maintaining a leave policy for its students, or in the case of a student who does not otherwise qualify for leave under such a policy, a recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom as a justification for a leave of absence for so long a period of time as is deemed medically necessary by the student’s physician, at the conclusion of which the student shall be reinstated to the status which she held when the leave began.

References:

(Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

[45 FR 30955, May 9, 1980, as amended at 65 FR 68056, Nov. 13, 2000]

History:

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