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Webinar

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**Students Who Are Pregnant
& Parenting**
Title IX Considerations and Legal Implications
Institutions Must Understand & Address
Thursday, August 10, 2023

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Today's Moderator and Presenters



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Poll Question

Which of the following best describes your institution?

- We are building out our pregnancy/parenting policy/practice
- We have an established pregnancy/parenting policy/practice
- We are doing Title IX accommodations as needed but have no clear plan strategically
- Something else

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Learning Objectives

- Explore potential changes in guidance specifically around pregnant and parenting students and institutional responsibility to accommodate.
- Outline current factors that make navigating pregnancy/parenting issues challenging for institutions in today's cultural climate
- Discuss strategies for how to approach conversations with students around issues related to pregnancy/parenting
- Discuss considerations for policy/procedure/practice development and rollout on the topic of accommodating pregnant and parenting students as they matriculate.

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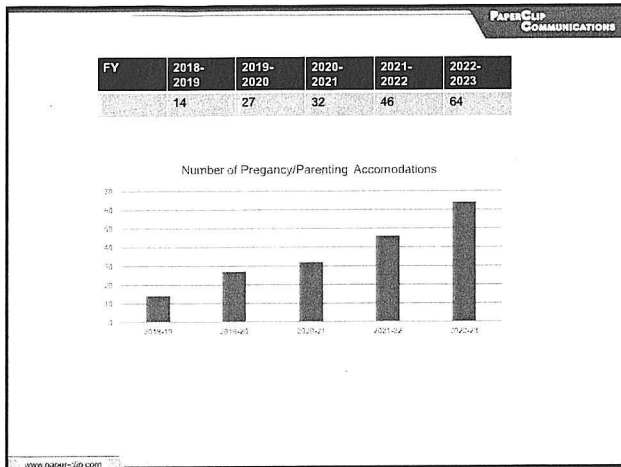
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The Student Parent

- Student parents have shared attitudes, language, social, economic, and emotional similarities
- Motivated, tenacious and persistent
- Share guilt and internal struggle consistent doubt
- Feel invalidated and dismissed in the academic setting
- 'This was not designed with me in mind!'

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Examples

- Babysitter calls off sick.
- Pregnant student spends weekend in hospital because of non-stop vomiting, and partner (also a student) must care for two toddlers without childcare all weekend long.
- Child falls at recess at school and might have a broken arm.
- Parent must attend court relating to child custody hearing.
- Student – male or female -- needs to see a counselor over the loss of a pregnancy.
- Parent is called to the high school because child got into a fight with another students.
- An exam is scheduled for the evening, when student doesn't have childcare.
- Student is up with teenage child all night because the teen is being bullied in school and spent the night crying.
- College age or adult child is in crisis requiring extensive, time consuming support from student parent.
- Guardian needs to attend court related to foster child.
- Social services agency assisting with adoption scheduled a home visit without notice.

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Types of Accommodations

- Excused absences
- Extended deadlines
- Flexible exam scheduling
- Ability to go off camera during class
- Ability to take a final early (before the expected birth of a child)
- Ability to start class later in the semester (to account for time off required for the birth of a child)
- Grades of incomplete or being withdrawn from courses (grade of W) without negative impact to academic standing and without regard to regular deadlines
- Ability to attend class remotely (if course is scheduled for in-person)
- Bringing a sleeping or quiet infant to class

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The Current Moment Nationally

- Biden Guidance
- Post Dobbs SCOTUS ruling
- Troy University (Alabama)
- DEI initiatives/offices nationwide

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Reading the Room

- Biden 22' draft guidance indicated
 - Pregnant/parenting students will be a point-of-emphasis
- DOE publishes Discrimination Based on Pregnancy and Related Conditions (Fall 22')
- June 22' Salt Lake Community College Utah
 - Encouraged a pregnant student to drop a course, did not excuse her absences
 - Found by OCR to have violated Title IX
- Troy University (Spring 23')
 - DOE found violation for non-accommodation of a pregnant student

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Draft Guidance (2022)

- Clarify the types of accommodations students can access due to pregnancy, miscarriage, abortion
- Provides a clear definition of what, "pregnancy related condition" means
- Opens up who can sign for medical leave (licensed healthcare provider midwives, nurses)
- Abortion issues: Largely left to states, Title IX does not require students are given time off to (potentially travel out of state) for an abortion but, guidance is the floor only, institutions can choose to do more

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Expert Take

“As it gets harder to get an abortion, it gets harder to fly under the radar. Whereas someone in a state with easy access may only miss a class or two, someone in a state with more challenging access might have to miss a significant amount of time from school, and it might be more disruptive to their education or to their work in a way that shines a spotlight on them. All of this is going to get a lot more public right at a time when people are feeling less safe being public about it.” -Jessica Lee, Director, The Pregnant Scholar (Brink, M., 2022)

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Now it's time for today's activity.

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Case Study

Troy University, Alabama

- Public institution, 12k students, rural setting
- Student notified university of her pregnancy before the start of the fall 2020 semester
- Student shared with university officials she felt there were repeated instances of her pregnancy negatively impacting her education due to lack of pregnancy accommodations.
- Example- When student became unable to sit in a desk, she requested a table but never received one

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Case Study Process Questions

-What gaps do you see in the institution's response to the pregnant student?

-Are there any procedural missteps that occurred?

-Does your institution have policy set up for these kinds of situations?

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OCR Noted Investigatory Noted Position

- University did not make reasonable and responsible adjustments to the student's pregnancy related requests
- Responses to student's requests were "ad hoc" and uncoordinated
- Lack of timeliness with Title IX Coordinator
- Professor reached out to Title IX Coordinator, did not receive a response
- There was no good information about how to obtain pregnancy accommodations which left the student to work it out with individual professors

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Resolution

To resolve, Troy University has committed to the following

- Adjust student's grades that were impacted and offer reimbursement for documented expenses related to courses she has had to re-take since the semester she was pregnant.
- Reviewing, revising and drafting policies and procedures on how to address requests for accommodations from pregnant and parenting students
- Updating all websites to provide the Title IX rights of pregnant students, the process for requesting accommodations, a link to grievance procedures that apply to complaints of pregnancy-related or other sex discrimination
- Faculty/staff training regarding the rights of pregnant students and the University's obligations to pregnant students
- Tracking of students' requests for pregnancy-related adjustments and the university's response to such requests

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Now it's time for a 3-minute break.

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Expert Take

- “Folks who aren’t lawyers aren’t going to know where the line is between saying, ‘here’s what’s available to you’ and what is actually legal, so people aren’t just saying nothing out of fear. All of that is a very nuanced legal standard that health-care providers [on campus] typically just aren’t up to speed on, and they’re really going to need to rely on general counsel and Title IX compliance officers to let them know where the lines are.”-Jessica Lee, Director, The Pregnant Scholar (Brink, M., 2022)

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How to talk about it

- Say what you can do honestly, if you cannot ensure confidentiality, say that!
- Phone or face-to-face instead of written conversations
- Know confidential resources on campus
- Intentionality around what you ask, how you talk about sensitive topics.
- Messaging on websites is KEY
- Train staff on what they can AND CAN’T say, ask etc.
- Key point: Treat pregnant students as you would any other student with a temporary disability

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Issues!

- Student did not communicate until the situation is ablaze!
- Student is leaning on a pregnancy/parenting accommodation in a way that is not working
- Faculty does not understand the importance of compliance implications and does not want to support the accommodation
- Volume of students and staffing
- Requests for remote learning accommodations (need I say more!)

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How to approach

- Know your own triggers
- Know legalities of saying or doing things as an employee of the institution
- Know what *is* and what *isn't* your role

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Now it's time for today's key takeaways.

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Takeaways

- Expect pregnant & parenting to be a point-of-emphasis regardless if new guidance comes out or not. DOE has sent signals
- National climate around Dobbs, state laws around abortion make students feel and faculty/staff fearful to talk about pregnancy situations. Staff are afraid of saying something wrong, as a result no one talks. We must talk!

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Takeaways

- Work with campus partners in development of policy/procedure and practice.
- How can faculty respond if a student discloses?
- Understand what is ok to say or not say?

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Resources and References

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Now it's time for the Q&A.

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Q&A Session

Ask a Question or Offer a Comment!
Type in a question or comment at any time by using the Q&A panel on the webinar platform.

If you have a question that you were unable to ask during the webinar, please feel free to email the presenter(s) directly or email info@paper-clip.com and reference today's webinar.

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