

UMass Global is committed to providing a learning environment which is free from harassment and discrimination. In addition to our self-commitment, we are required to comply with federal laws preventing harassment and discrimination. This memorandum provides you with information on some of those federal laws as it applies to **pregnant and parenting students'** rights:

- Title IX of the Education Amendments of 1972 ("Title IX"), is a Federal civil rights law that prohibits discrimination on the basis of sex or gender - **including pregnancy and parental status** - in educational programs and activities.
- The Americans with Disabilities Act of 1990 ("ADA") and Section 504 of the Rehabilitation Act ("504") are also federal civil rights laws, and prohibit discrimination on the basis of certain medical disabilities - **including complications resulting from pregnancy or childbirth.**

Accommodations in accordance with Title IX typically go above and beyond what is required by ADA/504. Therefore, this memorandum will focus on accommodations under Title IX.

Pregnant and parenting students' rights under Title IX:

Title IX prohibits a school from excluding a pregnant or parenting student from any part of its educational programs, including all extracurricular activities, such as school clubs, academic societies, honors programs, or interscholastic sports.

For purposes of Title IX, a "parenting" student (male or female) is interpreted as one who must care for their newborn baby for as long as a doctor deems medically necessary from the time the baby is born. Under current interpretations, a "parenting" student would include the baby's natural or legally adoptive mother or father.

Specifically, Title IX requires that schools accommodate pregnant and parenting students in the following ways:

- **Excuse absences due to pregnancy or childbirth for as long as their doctor deems medically necessary.**
 - The University requires all students who request excused absences due to a disability to provide a doctor's note to determine the date range of the excused absences.
Therefore, under Title IX the University may require the same of pregnant or parenting students. Similarly, schools may not require a pregnant student to produce a doctor's note in order to *stay* in school or participate in activities, including interscholastic sports, unless the school requests such a note for all other students treated by a doctor. The Title IX Coordinator and/or the Office of Accessible Education will contact the student to obtain the doctor's note. Students should be referred to one of these offices if requesting accommodations as a pregnant or parenting student.
- **Allow students to return to the same academic and extracurricular status as before their medical leave began, which would include giving them the opportunity to make up any work missed while they were out.**
 - A mechanism the University can utilize to ensure compliance with this requirement is to grant these students an "Incomplete", even if the timing of when they leave class is not in line with the Incomplete Policy as it is written. The University may *advise* students to drop or withdraw when that is a better or more "reasonable" option for them. Academic requirements and/or a student's status in a course may be considered, so there will be circumstances where an Incomplete would not be a "reasonable accommodation".
- **Provide pregnant students with the same special services it provides to students with temporary medical conditions. This includes homebound instruction/at-home tutoring/independent study.**
 - As with non-pregnant/parenting students, the pregnant/parenting student will be asked to provide a doctor's note to determine the need for these services (if applicable or available).
- **Make adjustments to the regular program that are reasonable and responsive to the student's temporary pregnancy or parenting status.**

- For example, the University could provide a larger desk, allow frequent trips to the bathroom, or permit temporary access to elevators.
- Also, a faculty member may not refuse to allow a student to submit work after a deadline that he/she missed because of absences due to pregnancy or childbirth, assuming the appropriate doctor's note is supplied. Additionally, if a faculty member's grading is based in part on class attendance and participation, the student should be allowed to make up the participation or attendance credits they did not have the chance to earn.
- Additionally, reasonable adjustments and modifications to fieldwork or clinical services can be made (for applicable students in professional programs with fieldwork requirements), assuming appropriate medical and/or agency (leave) documentation has been provided to the Title IX Office.
- **Protect students from harassment based on sex—by employees, students, or any other third parties—including harassment because of pregnancy or related conditions. Conduct that could constitute prohibited harassment include making sexual comments or jokes about the student's pregnancy, calling them sexually charged names, spreading rumors about their sexual activity, making sexual propositions or gestures, or any other conduct that may be humiliating or physically threatening or harmful.**
- As responsible employees under Title IX, faculty and staff have the express duty to report such acts of harassment to the Title IX Coordinator. This is true for all other types of alleged incidents of sex and gender-based harassment and discrimination as well.

Process to ensure compliance

So that we may ensure strict compliance with Title IX and ADA/504, *please immediately contact the Title IX Coordinator, upon a pregnant or parenting student's request to be accommodated, dropped, or withdrawn from class.* The Title IX Coordinator, Justyn Howard, can be reached at jhoward4@umassglobal.edu.