

Accommodation of Pregnant Students

Title IX prohibits the University from discriminating against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions. Title IX also prohibits a school from applying any rule related to a student's parental, family, or marital status that treats students differently based on their gender.

The following guidelines and FAQs are provided to assist faculty members in addressing pregnant or expecting students:

- Students should notify you as soon as possible to make you aware of absences due to pregnancy or related conditions.
- You should develop a reasonable plan for the pregnant student's completion of missed coursework or assignments. This plan could include substitution of assignments, modified due dates, or additional assignments. If faculty members cannot reach an agreement with the student, then the professor should contact the Title IX Coordinator.
- Absences must be excused if the doctor deems the absence medically necessary. Students should not be disadvantaged because of absences due to pregnancy or related conditions. If the class attendance policy allows for only a specific number of absences, then medically necessary absences due to pregnancy or a related condition must be removed from that count.
- Pregnant students who miss lectures must be given a reasonable opportunity to make up the missed lecture. This could include recording lectures, providing note-takers, or other means. Therefore, professors should work with the student to establish a means to access the content of missed classes.
- If a student reports a need for a prolonged absence or that a prolonged medical condition related to her pregnancy is causing functional limitations that create barriers to academic success, the student may qualify as a student with a disability under the ADA. Please contact the Title IX Coordinator for assistance in determining how to proceed.
- Any complaints of harassment or discrimination due to pregnancy should be referred to the Title IX Coordinator.

Individuals with questions, concerns or a complaint related to Title IX are encouraged to contact the University's Title IX Coordinator:

Michael S. Washington
Director, Office for Institutional Equity
The University of Memphis
156 Administration Building
Memphis, TN 38152-3370
Tel: (901) 678-2713
Email: oie@memphis.edu

Frequently Asked Questions

1. What types of assistance must the University provide to a pregnant student?

To ensure a pregnant student's access to its educational program, when necessary, the University must make adjustments to the regular program that are reasonable and responsive to the student's temporary pregnancy status.

2. Does the University have to excuse a student's absences due to pregnancy or childbirth?

If the student's absences due to pregnancy or related conditions, including recovery from childbirth, is medically necessary, the University may have to make exceptions to standard attendance requirements. You should discuss with the student that they should provide you with a doctor's note.

The University may also offer the student alternatives to making up missed work, such as retaking a semester, or allowing the student additional time in a program to continue at the same pace and finish at a later date, especially after longer periods of leave. Questions regarding absences should be directed to the Title IX Coordinator.

3. How do I determine if the absence is a medical necessity?

You should not. In these cases, you must trust the judgment of the physician. If the doctor advises that the student should be absent, then the doctor's note should suffice.

4. If part of the grade is based on class attendance, can I lower the grade because of the classes missed?

It depends. If the pregnant student has not given you documentation that the absences were medically necessary, then yes, you may apply the same attendance policy that applies to other students. If the student has given you documentation that the absences were medically necessary, then no, you cannot apply the attendance policy. You must excuse any absences for which the pregnant student's doctor has written a note stating that the absence was medically necessary.

5. What about internships, career rotations, and other off-campus elements of her program - does she have a right to participate in those?

Yes, the University must allow the student to continue participating in off-campus programs. For example, if the student's program has a clinical component, the University cannot deny her participation based on her pregnancy.

6. May I require a pregnant student to obtain a doctor's permission before allowing her to attend class late in her pregnancy if I'm worried about the student's health or safety?

No. You cannot require a pregnant student to produce a doctor's note in order to stay in school or participate in activities, including interscholastic sports, subject to some exceptions. Questions about safety concerns should be directed to the Title IX Coordinator.

7. Do these requirements include male students who are expectant fathers?

No. These requirements do not include "paternity leave" unless the mother's doctor believes that it is medically necessary for the father to be excused.

8. Can harassing a student because of pregnancy violate Title IX?

Yes. Title IX prohibits harassment of students based on sex, including harassment because of pregnancy or related conditions. Harassing conduct can take many forms, including verbal acts and name-calling, graphic and written statements, and other conduct that may be humiliating or physically threatening or harmful. Particular actions that could constitute prohibited harassment include making sexual comments or jokes about a student's pregnancy, calling a pregnant student sexually charged names, spreading rumors about her sexual activity, and making sexual propositions or gestures. Reports of these incidents should be sent to the Title IX Coordinator.