

Title IX Requirements Regarding Pregnant & Parenting Students

Under Title IX, it is illegal for colleges to exclude a pregnant student from participating in any part of an educational program.

In addition, MATC must excuse a student's absences because of pregnancy or childbirth for as long as the student's doctor deems the absences medically necessary. When a student returns to school, she must be allowed to return to the same academic and extracurricular status as before her medical leave began.

Instructors or administrators should not tell a student that she has to drop out of her classes or program or change her educational plans due to her pregnancy.

MATC may require a pregnant student or student who has given birth to submit medical certification for school participation since MATC also requires such certification from all students with physical or emotional conditions requiring the attention of a physician. Thus, for example, a student who has been hospitalized for childbirth is required to submit a medical certificate to return to school since a certificate is required of students who have been hospitalized for other conditions.

Pre-planning is the key to the successful implementation of Title IX provisions. A student should apply for Title IX accommodations as soon as she knows she is pregnant. This allows for time for advising, planning schedules, and arranging accommodations before they are needed.

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Frequently Asked Questions

What types of assistance must MATC provide to a pregnant student at school?

To ensure a pregnant student's access to its educational program, when necessary, MATC must make adjustments to the regular program that are reasonable and responsive to the student's temporary pregnancy status. For example, MATC might be required to provide a larger desk, allow frequent trips to the bathroom, or permit temporary access to elevators.

Does MATC have to excuse a student's absences due to pregnancy or childbirth?

Yes. Title IX requires a school to excuse a student's absences due to pregnancy or related conditions, including recovery from childbirth, for as long as the student's doctor deems the absences to be medically necessary. When the student returns to school, she must be reinstated to the status she held when the leave began, which should include giving her the opportunity to make up any work missed. MATC may 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. The student should be allowed to choose how to make up the work.

My Instructor adjusts grades based on class attendance. Can she lower my grade because of the classes I miss?

A student cannot be penalized for pregnancy or other related conditions. If an instructor provides specific “points” or other advantages to students based on class attendance, she must be given the opportunity to earn back the credit from classes she misses due to pregnancy so that she can be reinstated to the status she held before she took leave.

What if some instructors or programs at MATC have their own policies about class attendance and make-up work?

Every school that receives federal financial assistance is bound by Title IX. MATC must ensure that the policies and practices of individual teachers do not discriminate against pregnant students. For example, an instructor may not refuse to allow a student to submit work after a deadline that she missed because of absences due to pregnancy or childbirth. Additionally, if an instructor’s grading is based in part on class attendance or participation, the student should be allowed to earn the credits she missed so that she can be reinstated to the status she had before the leave. MATC must ensure that their instructors and staff are aware of and follow Title IX requirements. An individual instructor’s policy is not okay if it breaks the law.

My class/program has a 3 absence limit before I will be automatically dropped.

MATC must excuse a student’s absences because of pregnancy or childbirth for as long as the student’s doctor deems the absences medically necessary. Students who are approved for Title IX protection will not be dropped from the class/program and will be allowed to make up the missed time and work.

Does MATC have to let a student make up the work she missed while she was absent due to pregnancy and/or childbirth?

Yes, MATC must let a student make up the work she missed while she was out due to pregnancy or any related conditions, including recovery from childbirth. For example, if she has a doctor’s note that excuses her from class for several weeks because she was on “bed rest” before giving birth, MATC has to provide her with the appropriate assignments and information to make up all of the work she would have been required to complete while she was out.

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

Yes. MATC must allow her to continue participating in off-campus programs. For example, if her program provides opportunities to “work in the field”, MATC cannot deny her participation based on her pregnancy. MATC can require a doctor’s note for continued participation, if the school requires one for all students who have a medical condition that requires treatment by a doctor. If MATC asks for a note, the instructors cannot second-guess her doctor’s decision.

Can an instructor require a student to keep up with the lecture, reading assignments, papers, and online tests while at home on maternity leave?

MATC must excuse a student's absences because of pregnancy or childbirth for as long as the student's doctor deems the absences medically necessary. The student cannot be required to turn in work while on maternity leave until the doctor releases her. The missed work will have to be made up after her doctor authorizes her return to school.

What if the instructor's availability, the student's availability and the room availability to make up labs does not match?

Instructors should make every effort to find a mutually convenient time. However, if conflicts arise, the instructor's associate dean should facilitate a resolution.

What if the student cannot make up the work during the semester? If the instructor gives her an Incomplete, her academic status may be negatively affected. What can be done to prevent the negative effect on the student's academic status?

Students who are approved for Title IX protection will not have their academic status negatively affected. Student Accommodation Services will work with the Director of Counseling to correct the status. However, Financial Aid regulations do not give the College any discretion in terms of Financial Aid eligibility.

Can the student choose to take an Incomplete for the course even if she has not completed the required percentage of work? In the Administrative Regulation and Procedure, the percentage is 75%.

Students who are approved for Title IX protection will be exempt from the 75% rule.

Is Title IX protection retroactive?

No, students must apply for pregnancy and disability due to childbirth leave in a timely manner. MATC cannot go back in time to make accommodations.

If a student has been doing the online exercises and quizzes but doesn't get a passing score, such as 3 out of 10, does he have to pass her?

No student is guaranteed to pass a class. She has the opportunity to make up the work, not a guarantee to pass the course. Title IX does not require the school to change a grade or refrain from awarding a grade that was earned through submission of coursework.

A student who is scheduled to come off her maternity leave in 3 weeks is doing the online exercises for the in-person class. The instructor feels that she should take the online tests now after she completes each chapter's online exercises. She wants to take them when she returns - one per week. Since she is already doing the online exercises from home, can we say she also needs to take the online tests during her maternity leave? Or, do we have to give her the opportunity to take them after the return date?

We should not require the student to perform additional work during her leave period if she has asked for additional time and is enrolled in an in person class. We should assume that her ability to do work is limited by her medical condition; if we refuse her request we would need to articulate a hardship to the institution by waiting to allow her to make up the tests after her return.

A student has about 6 labs to make up. Resetting the lab for each lab exercise is a 2 day process. The instructor is willing to let her attend the class downtown during the summer. However, if the class is full, then he does not have a space for her. This brings safety issues for the class into play. Would the opportunity to make the labs up in the fall be acceptable? She would then have an Incomplete situation which causes other problems. Would we have to reserve a seat for her in his class? What if she doesn't want to attend class downtown, if that is the only place we are offering the class?

Attending the summer class is a reasonable solution given the set up requirements for lab. The Dept. of Ed does not expect schools to create new labs to serve a single student. We do not have to move the class location so if downtown is the location that is offered, we do not need to change that. If the summer session is full, we recommend that the AD and faculty consider the learning objectives of the course and look at whether there are any other courses in summer that teach the same material or similar enough material, including Basic Ed courses for which certain labs could substitute for the missed labs. This is a reasonableness question, if there is no other class that fits the bill, then waiting until fall makes sense. We should not consider overenrolling the student if that creates a safety issue in the lab. That is an example of a hardship to the institution.

A registered student is pregnant and not attending. She has missed 3 and a half weeks now. The instructor emailed her last week and told her to contact Student Accommodation Services. So far, there is no response from the student. He is going to email her again. She has already missed more time than his syllabus policy allows. At what point can he drop her for not attending?

In this case, where we lack information as to the reason for the absences, the instructor should follow the usual process. We recommend that with pregnant students the same approach be used as with disabled students- in that it is the student's obligation to voluntarily disclose and affirmatively seek the necessary accommodations, not the college's responsibility to assess and identify.

I am very concerned because the student has missed so much instruction. How will she pass the class and be ready for future classes?

Title IX ensures the student has the opportunity to make up the assignments, tests, projects, etc. that she has missed due to pregnancy or childbirth. It does not require that the school provide additional instruction. It becomes the student's responsibility to learn the course objectives through independent study and use of the textbooks, handouts, online resources and exercises, Blackboard materials, etc. The student should also make sure that she utilizes the resources provided through the Academic Support Center such as peer tutoring, online tutoring, walk-in tutoring, SI groups, etc.

Process to apply for Title IX Accommodation:

- *The student must submit a completed Title IX Accommodation Request Form to request pregnancy or maternity leave accommodations to Student Accommodation Services. It is recommended that the student apply as soon as she knows that she is pregnant.*
- *The student must also submit a letter from her doctor written according to the Documentation of Disability letter. Dates of pregnancy and maternity leave as well as dates and times of medical appointments that the student wants to be excused must be included.*
- *The student should specify the work that needs or will need to be completed, a preferred method of making up this work, and a time frame for work to be completed. This should be specified in writing.*
- *The Coordinator/Instructor of Student Accommodation Services will review and work with student and instructor to develop a plan to complete the course work. The plan will include the specific assignment, lab, or test and the new date. The plan will be signed by the instructor, student, and accommodations coordinator. A copy of the signed agreement will be given to the student, instructor, and dean.*
- *If the student desires an Incomplete, she must complete the paperwork with SAS and her instructor. Time frames can extend from 1 semester to 2 semesters to complete with work without penalty or failing grade.*
- *Refunds for the class are not part of the Title IX protection.*

Schoolwide Notification of this Policy

- *Administrators, Counselors, Faculty and Students must be informed of Title IX.*
- *There should be a separate syllabus statement. For example:*
 - *Milwaukee Area Technical College does not discriminate against any student on the basis of pregnancy or related conditions and will comply fully with Title IX regulations. Absences due to medical conditions relating to pregnancy and maternity leave will be excused for as long as deemed medically necessary by a student's doctor and students will be given the opportunity to make up missed work. Students needing assistance can see accommodations from Student Accommodation Services located on all campuses. Please contact Catherine Bohte, Coordinator/Instructor Student Accommodation Services at 414.297-6750 or bohtec@matc.edu.*
- *Information needs to be included in the Student Handbook and the Faculty Handbook.*
- *Students should be encouraged to meet with counselors and advisors to pre-plan and look at options:*
 - *Early application for accommodations*
 - *Online class options*
 - *Choosing classes taught by full time instructors who are on campus more hours than part time instructors.*
 - *Postponing clinicals for a semester*
 - *Applying for permission to take a pre-req with a co-req the following semester*
 - *Discussion of essential functions for the class (amount of time standing, lifting, etc.)*
 - *Scheduling clinicals at a different time of the semester*
 - *Financial Aid implications*