Supporting Students Who Are Parents
Avoid Legal Issues Due to Noncompliance

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Today’s Moderator and Presenter

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Poll Question

• What departments are represented in the room today?
SESSION INTENTIONS

Focal Points

Fostering an Inclusive and Supportive Environment

Legal Principles

Assessing Campus Needs

Compliant Policy
Legal Requirements (Compliance)

Access and Inclusion (Social Justice)

Access

Equity

Inclusion
Equity Defined

• “[Equity] needs to be defined very specifically at the level of populations (e.g., students, faculty, leaders, staff, boards) and at the level of outcomes (e.g., access, retention, high-impact practices, faculty positions).”

A Vision for Equity: Results from AAC&U’s Project.

LEGAL FOUNDATION
Title IX

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”
Title IX Guidance

“ED’s regulation implementing Title IX specifically prohibits discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions. The Title IX regulation 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 sex.”

Title VII: Pregnancy Discrimination Act

“The terms ‘because of sex’ or ‘on the basis of sex’ include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment related purposes…”
Supplemental Legislation

- Americans with Disabilities Act (ADA)
- ADA Amendments Act of 2008 (ADAAA)
- Family and Medical Leave Act (FMLA) of 1993
- Fair Labor Standards Act (FLSA)

Now it’s time for today’s activity.
Resource Surveying Activity

For the next few minutes, think about the resources available on your campus for pregnant/newly parenting students.

• If resources exist:
  – What are they?
  – How do students, faculty, and staff know about them?
  – Are any major resources missing?

• If no resources exist or more need to be added:
  – Who are campus partners that could aid in the creation of resources?
  – Where should they be publicized?
  – What infrastructure would be required to support these resources?
Proposed 2022 Title IX Regulations

- Clear definition of "pregnancy-related conditions"
- Medical leave outlined
- Lactation space provisions

PRACTICAL REALITY
“Passed Over for Being a Woman.”

“Working women have experienced higher levels of burnout than their male colleagues (even when controlling for having children at home), and women are leaving the workforce at a staggering rate compared with their male peers.”

“Roe’ Falls, More Female Students Could Face the 'Motherhood Penalty.'”

“Women Are Less Likely Than Men to Achieve Tenure and Hold High Ranking Positions.”

“Women of Color Are Especially Underrepresented in Academia.”
Barriers

- Lack of affordable or accessible childcare
- Lack of flexibility of schedule
- Inequitable/imbalanced family responsibilities

ACCOMMODATION PROCESS
Compliance Considerations

HIPAA  
ADA and ADAAA

Reasonable Accommodation
No Fundamental Alteration
Campus Partners

Equal Opportunity Office/Title IX
Disability Resource Center
General Counsel
Academic Affairs

Now it’s time for a 3-minute stretch break.
Poll Question

• What resources do you have on campus?
A Sample Process

- Student submits accommodation request and necessary documentation.
- Evaluation of request.
- Title IX Coordinator/DRC communicates with faculty.
  - Standard
  - Complications
- Faculty (in conjunction with Title IX Coordinator/DRC) coordinates with student.

Process for Requests

- Form/other mechanism for facilitating requests to Title IX
- Communication and documentation between Title IX, DRC, and Academic Affairs
- Confirmation to student
Sample Email Reach Out

I’m writing this email correspondence on behalf of STUDENT NAME. STUDENT NAME is currently in the early stages of pregnancy and there may be a chance, should complications arise, that we will need to work together pursuant to Title IX to provide accommodations. There also may be a chance at the end of the semester that she will give birth and accommodations will be needed then. No accommodations are currently needed, but both she and I wanted to contact you to establish a working relationship prior to any issues arising.

Should you have any questions or need anything at all throughout the semester, please feel free to reach out. I’m happy to assist in any way that I can. Thank you in advance, I look forward to working with you.

Sample Email Reach Out

I’m writing this email correspondence on behalf of STUDENT NAME. STUDENT NAME is due to give birth this semester and, as such, we will need to work together pursuant to Title IX to provide accommodations to STUDENT NAME. Since she is due later in the spring semester, she may miss a few live/in person sessions and possibly need extensions on assignments. I would be happy to schedule a call with you to discuss what arrangements we can make to ensure STUDENT NAME continues with her academic progress.

Again, I would be happy to schedule a time to speak to discuss this further. Once preliminary discussion occurs, I will have you work directly with STUDENT NAME as both of you will have a better sense of what is needed related to your class. Thank you in advance, I look forward to working with you.
ADDITIONAL SUPPORT OPTIONS

Potential Resources

- Map of lactation spaces and family restrooms/changing table areas
- Referral form for accommodations
- Creation/publication of relevant policies
- Website with resources (list of childcare options, etc.)
FINAL THOUGHTS
What are the compliance requirements?

Who is your campus population?

What kind of culture do you want to create for campus?

Access  
Equity  
Success
“Everybody gets what they need based on who they are and what their story is.”

Morgan Okello

Resources and References


• Brink, Meghan. “Title IX Proposal Would Add Protections for Pregnant Students.” Title IX protections for pregnant students in post-Roe America (insidehighered.com)

• “FACT SHEET: U.S. Department of Education’s 2022 Proposed Amendments to its Title IX Regulations.” FACT SHEET: U.S. Department of Education’s 2022 Proposed Amendments to its Title IX Regulations
Resources and References

• “Federal Register Notice of Proposed Rulemaking [2022].” Title IX of the Education Amendments of 1972 (PDF)
• Flaherty, Colleen. “Passed Over for Being a Woman.” Inside HigherEd (March 31, 2022). 28 percent of academic women say they’ve been passed over (insidehighered.com)

Resources and References

• “Know Your Rights: Pregnant or Parenting? Title IX Protects You From Discrimination at School.” Know Your Rights (PDF) (ed.gov)
• Office for Civil Rights Blog. https://www2.ed.gov/about/offices/list/ocr/blog/index.html
Resources and References

- “Summary of the Major Provisions of the Department of Education’s Title IX Notice of Proposed Rulemaking [2022].”
  [link](https://www2.ed.gov/about/offices/list/ocr/docs/t9nprm-chart.pdf)
- “Supporting the Academic Success of Pregnant and Parenting Students.” [Supporting the Academic Success of Pregnant and Parenting Students (PDF) (ed.gov)](https://www2.ed.gov/about/offices/list/ocr/docs/t9nprm-chart.pdf)
- “Women in Academia (Quick Take).” [Women in Academia (Quick Take) | Catalyst](https://www2.ed.gov/about/offices/list/ocr/docs/t9nprm-chart.pdf)

Now it’s time for today’s key takeaways.
Today’s Key Takeaways

1. In campus policy, consider ways to balance compliance with student support through the accommodation process.
2. Emphasize an interactive process to support student needs. Each student is different and the accommodations appropriate will not all be the same.
3. Engage with colleagues to establish clear processes with consistent follow through. Collaborative work in this space is key.

4. Create guides and other supplementary items that help participants navigate the process. The more well informed everyone is, the more smoothly execution of the process will go.
5. Minimize ad hoc decisions that could potentially lead to a consistency issue and expose the institution to risk.
Now it’s time for the Q&A.

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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