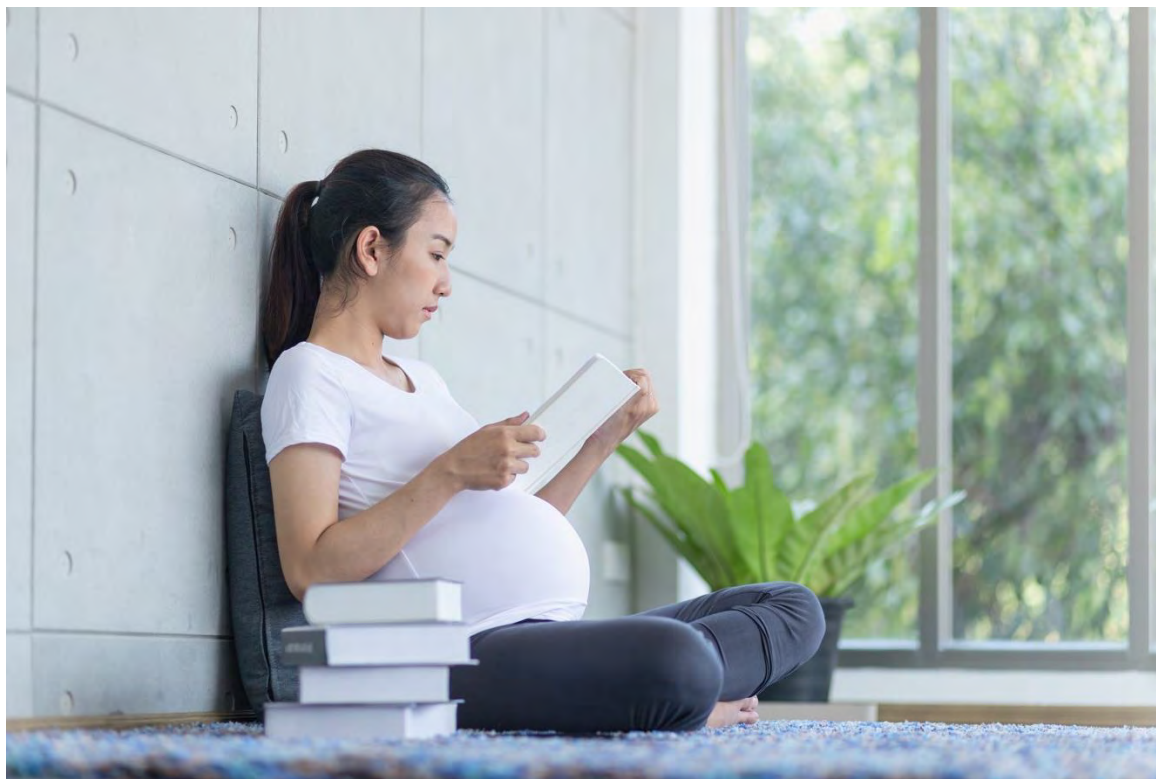




PREGNANCY OR RELATED CONDITIONS

Andrea Stagg

June 2026

Meet Your Facilitator



Andrea Stagg

Director of Consulting Services

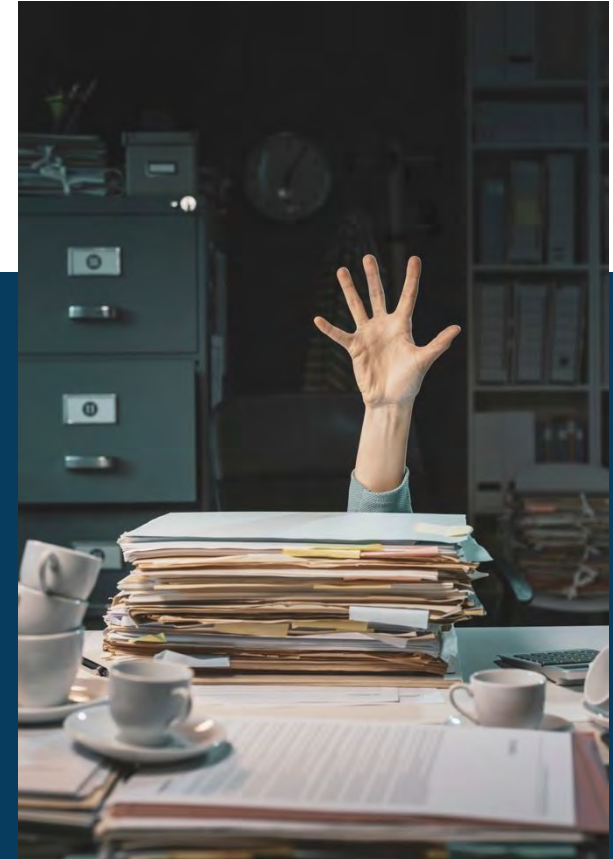
Andrea Stagg has extensive experience consulting, writing and training on Title IX, equity and safety. Andrea was Deputy General Counsel and Director of Government Relations & Compliance at Barnard College and was counsel to three colleges within the SUNY system. She has worked with federal and state legislators to develop state laws and follow best practices in campus safety and sexual harassment prevention.

AGENDA

Title IX
protections

What's in the
regulations

Best practices



But First . . . Why?

"Pregnancy is consistently the most common family-related reason given by female students" for why they dropped out of school, according to the US Department of Education.

Data from the CDC and National Education Statistics shows that about a quarter of female students who drop out of high school cite pregnancy or parenting as the reason.



TITLE IX AND PREGNANCY

OVERVIEW OF REQUIREMENTS REGARDING PREGNANCY

Title IX prohibits discrimination on the basis of sex in a recipient's education program and activities.

- Specifically, it prohibits discriminating against students, employees, and applicants on the basis of pregnancy or pregnancy-related conditions.

- Pregnancy
- Childbirth
- False pregnancy
- Termination of pregnancy or recovery therefrom

WHAT DO THE REGULATIONS SAY ABOUT PREGNANCY RELATING TO ADMISSIONS?

Must treat disabilities related to pregnancy in the same matter they would as any other temporary disability or physical condition.

- **Example:** If a student recovering from back surgery requests an extension on submitting application materials, and is approved, such an extension should also be approved for a student recovering from childbirth.

WHAT DO THE REGULATIONS SAY ABOUT PREGNANCY RELATING TO EMPLOYMENT?

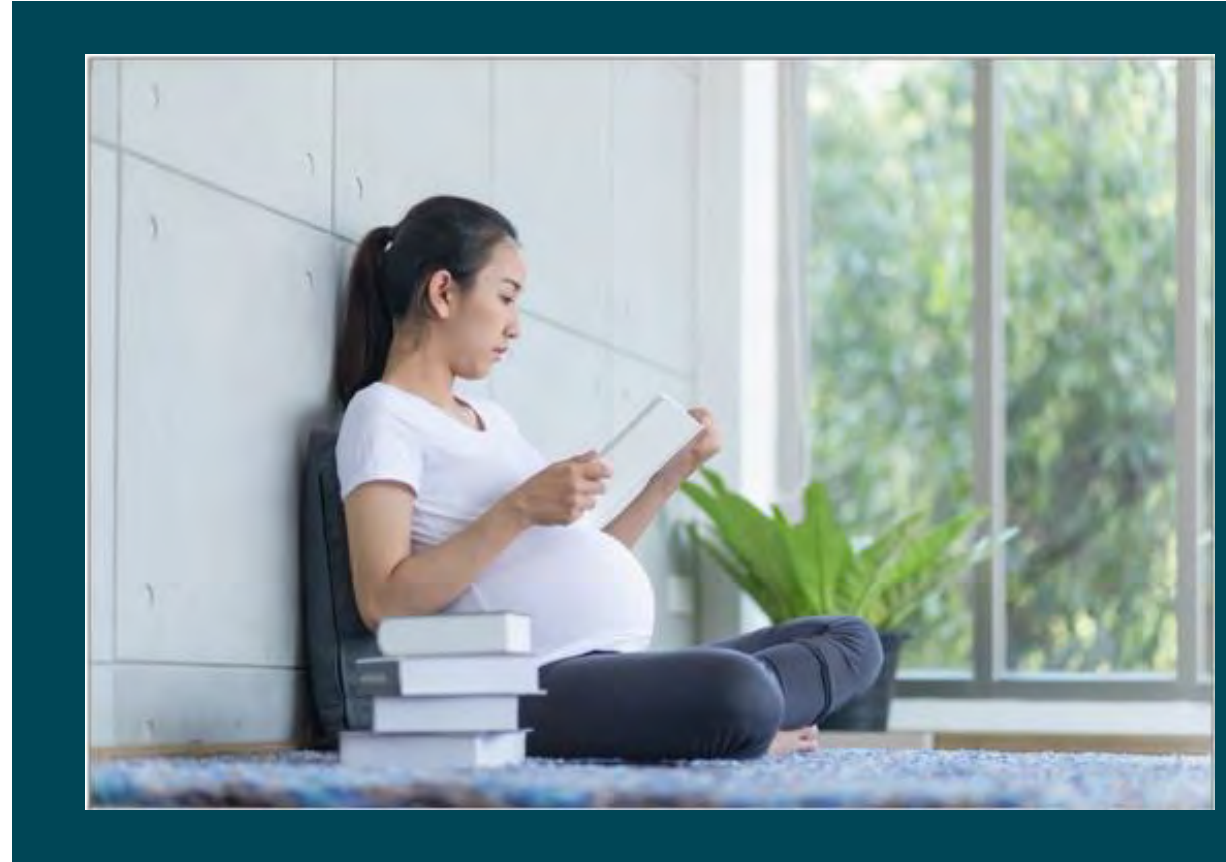
- **Protections exist for both employees and applicants for employment.**
- **Employers must treat employees or applicants in the same manner and under the same policies as other temporary disabilities for job-related purposes.**
- Typically related to leave, disability income, seniority accrual, or other services/fringe benefits.
- Pregnancy can often qualify for a leave of absence regardless of whether the employee would qualify under the institution's written policy.
 - Can be as long as deemed necessary by their doctor.
 - Must be reinstated to the same status or comparable position without a decrease in pay, promotional opportunities, or other employment privileges.

STUDENT PARTICIPATION

- Student can request to participate in separate portion of program/activity.
- Treat them similarly to students with a temporary disability, to include requests for medical documentation
- For example, if you ask a student to show medical documentation before returning to class after a hospitalization for childbirth, your institution must also consistently require other students who take a leave for hospitalization to provide medical documentation to return.

STUDENT LEAVES OF ABSENCE

- Can permit a leave of absence whether an institution has a written policy or not and regardless of whether the student would qualify under such policy.
- Leave can be as long as deemed necessary by the student's doctor.
- Student to be reinstated to same status.



DEPARTMENT OF EDUCATION GUIDANCE

- Modifications and adjustments are intended to ensure equal access when a student is impacted.
- ED states that an institution "must provide reasonable adjustments, like a larger desk, elevator access, or allowing you to make frequent trips to the restroom, when necessary, because of your pregnancy."



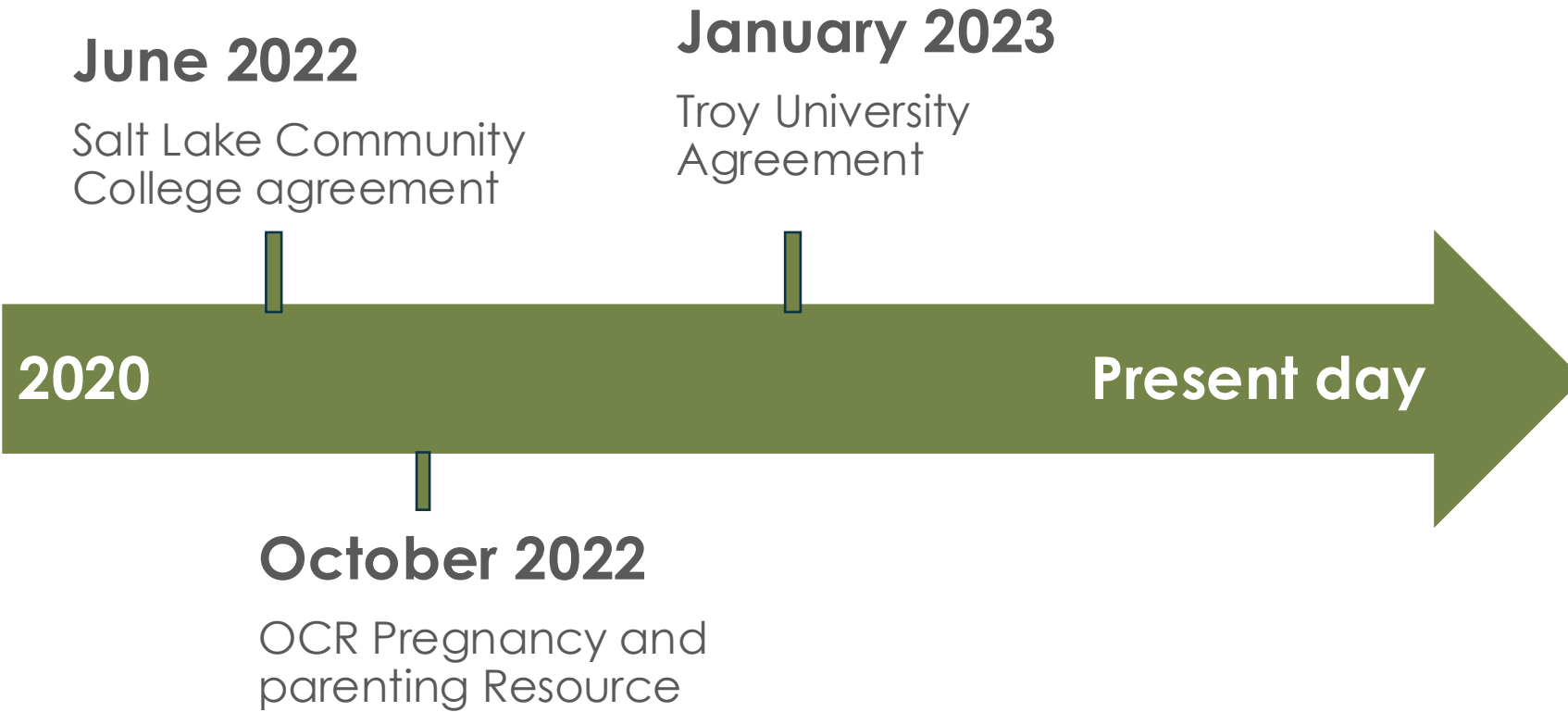
TITLE IX OBLIGATIONS

Summary of the obligations relating to pregnant students

- Allow them to make up any missed work without penalty
- Treat them similarly to students with a temporary disability
- They must be allowed to return to the same academic and extracurricular status as before their medical leave began
- Must provide reasonable adjustments, like a larger desk, elevator access, or allowing frequent trips to the restroom



RECENT RESOLUTIONS AND OCR GUIDANCE



Recall that Title IX is enforced by the Department of Education's Office for Civil Rights.
There are a few cases regarding pregnancy that are instructive.

Lessons Learned

Offer reasonable responsive adjustments

Provide accessible information for pregnant students

Designate a central contact to centralize response

Respond promptly to pregnancy discrimination complaints

Engage in the interactive process

Consider whether there is a temporary disability

Train employees on your rules and process

REASONABLE ADJUSTMENTS AND MODIFICATIONS



ADJUSTMENTS UNDER TITLE IX

- Housing changes
- Furniture size, shape and position
- Parking access
- Elevator access
- Periods of approved remote or hybrid learning
- Breaks and access to restrooms, food or hydration
- Rescheduling assessments
- Excused absences
- Late submissions of expected work
- Alternative makeup work of a similar nature
- Lactation breaks/space

Quotes From Guidance

"Your school must provide you with reasonable adjustments, like a larger desk, elevator access, or allowing you to make frequent trips to the restroom, when necessary, because of your pregnancy."

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



CONSIDERING CREATIVE SOLUTIONS

- A school should not make assumptions about a student's needs.
- A school should not decline an adjustment unless the request has been explored.
- What other possible adjustments might there be?
- Recognize their needs may change over time.
 - Institutions are limited only by their creativity.



EDUCATING STUDENTS ABOUT RESOURCES AND RIGHTS

Where do we share?

- Handbook
- Website
- Other materials for students

What to include?

- Information about support and adjustments
- How to report concerns
- Information about the prohibition of discrimination on the basis of pregnancy



TRAINING FACULTY AND STAFF

**Tailor for groups
who need to
know**

**Training not
required, but
recommended**

**Educate on
obligations to
support
students**

Do You Have A Student Leave Policy? Does This Student Qualify?

Treat pregnancy like a justification for a leave of absence for so long a period of time as deemed medically necessary by the student's doctor.

"Temporary Disability"?

Treat disabilities related to pregnancy and related conditions in the same manner and under the same policies as any other temporary disability or physical condition.

What About "Parents" and "Parenting?"

Cannot apply a rule about the actual or potential parental or marital status of a student, applicant, or employee that treats people differently based on sex.

Otherwise, rules are about those experiencing pregnancy or related conditions.

These are from 1975!



Rules On Status

WHAT IT SAYS

A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex.

34 CFR 106.40

WHAT IT MEANS

You can't require married women or mothers to drop out but allow married men or fathers to stay enrolled. That's different treatment on the basis of sex concerning parental, family, or marital status.

Privacy Considerations

If there is a determination that information is needed that would substantiate the disability/condition, some considerations regarding privacy may include:

- Privacy policies (including FERPA)
- Documents that are requested and collected
- File storage and security
- Educating faculty members about how (not) to request medical information from the student
- Educating student on their rights to access and privacy



Policy To Practice

Policies account not only for regulation but provide for a process that is understandable and—



Identify a single point of first entry (a proactive practice)



Provide consistent information using the correct terms and definitions



Support the student into the correct lane or lanes to begin



Identify appropriate services supports

Practices That Actualize...

- A one-stop type of service and support
- Consistent information and centralized reporting
- Timely consultation/communication between involved offices
- Effective case management team approach (multiple offices)
- Regular communication between involved offices and the individual student
- Documentation at each stage of service
- Education, education, education to the campus community

FMLA, PUMP ACT, PWFA, ADA, 504, Similar State Laws

- Intersection with Title IX and pregnancy or related conditions, including lactation, leaves of absence related
- For student-employees, consider all applicable laws



Some Case References

[Troy University, AL OCR# 04-21-2060](#) (2023) Failure to engage and offer adjustments

[Salt Lake Community College OCR# 08-22-2021](#) (2022) Policy and practices leading to forced drop

[University of Maine at Fort Kent OCR# 01-17-2317](#) (2020) Policy, procedures and qualified personnel

[Northeastern University OCR# 01-19-2158](#) (2019) Failure to provide adjustments

[Rivertown School of Beauty OCR# 04-15-2363](#) (2019) Dismissal at 7 months based on pregnancy based on policy that violated Title IX

[California State University East Bay OCR# 09-18-2245](#) (2017) Pregnancy related hospitalization

Questions?





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Jahanna leads strategic engagement efforts with prospective and current partners, building collaborative relationships with colleges, universities, K-12 districts, and organizations across the educational landscape. Jahanna collaborates with institutions to assess evolving needs, identify tailored solutions, and implement services with an emphasis on access, compliance, and community impact.

Jahanna brings deep expertise in strategic communications, stakeholder engagement, and education law and policy. Her approach integrates data-driven insight with empathetic communication—qualities cultivated through her background in both law and advocacy.

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