

January 2016

In summary, Title IX is a federal law that:

- Forbids most colleges and universities from discriminating against a student, postdoc, or employee because they are (or were) pregnant
- Requires institutions to provide leave for (at least) as long as a student's doctor says it is medically necessary for pregnancy, childbirth, abortion, or related conditions, including recovery
- Requires your school to readmit students after medical absences related to pregnancy, abortion, and childbirth in the same status she held when she left (no penalty for leave)
- Requires schools to provide pregnant students with the same types of special services that are provided to students with other temporary medical conditions
- Requires a complaint process for addressing potential violations of Title IX

Title IX is a federal law that prohibits discrimination.

Title IX of the Education Amendments of 1972, or "Title IX," is a federal law that prohibits discrimination based on sex in educational programs. The law is a key tool for ensuring that all people have an equal opportunity for education, regardless of their sex or gender.

"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

Title IX protects students and employees of educational programs that receive federal funds; that includes students and employees of K-12 schools, colleges, universities, as well as educational programs in libraries, museums, vocational programs, and prisons. Title IX protects people of all sexes and genders from discrimination, not just women.

Title IX protects pregnant and parenting students and postdocs.

Title IX makes it illegal to discriminate because of sex, which includes discrimination on the basis of pregnancy, childbirth, false pregnancy, abortion, or related conditions, including recovery. Title IX also ensures the right to take medically necessary leave and to be free of harassment, intimidation, or other discrimination because of pregnancy-related conditions.

Further, any rules concerning parental, family, or marital status may not apply differently based on sex. For example, universities cannot provide women with time to bond with or care for their children and not men.

Title IX protections apply in and out of the classroom.

The law against sex discrimination covers all aspects of an educational program. This includes school-sponsored extracurricular activities and internships, athletics, financial aid and scholarships, career counselling, and lab and clinical work.

Title IX requires schools to excuse absences for pregnancy, childbirth, or related conditions.

Students must be allowed to take time off of school for pregnancy, childbirth, abortion and/or recovery for as long as their doctor says is medically necessary. That could mean a few absences for necessary medical appointments, or a longer leave of absence for a high-risk pregnancy or childbirth. This rule applies even if taking medically necessary leave would require an absence for longer than the school's leave policy ordinarily allows. Students cannot be penalized for taking leave, and must be able to return to school in the same status they held before taking leave.

Title IX requires schools to provide pregnant students with services and accommodations equal to those provided to non-pregnant students.

Schools are required to provide pregnant students, and students with related conditions such as childbirth, or false pregnancy, with *at least* the same special services as it provides to students with other temporary conditions. For example, if a school provides homebound instruction or take-home assignments to students who miss school for illnesses, they must do the same for a student who misses school as a result of pregnancy or childbirth. Pregnant students and those with related medical conditions may also be eligible for disability protections and services under the ADA, depending upon their condition.

Your school must provide a Title IX complaint process.

Institutions of higher education are required to have at least one person who manages Title IX complaints, typically called a "Title IX coordinator." Your school is required to clearly identify who the coordinator is, how they can be contacted, how to file a complaint, and the process the school follows to resolve complaints. Violations of Title IX are also enforced by the federal government and through individual lawsuits.