**Legal Rights of Pregnant Students: What a Professor Should Know**

“Pregnant” here refers to someone who is—or was—pregnant. Title IX prohibits sex discrimination in federally funded educational institutions and includes protections related to pregnancy, childbirth, termination of pregnancy, false pregnancy, and recovery.

**A Student is Pregnant: What to Say**

“Congratulations! When are you due? What can I do to make this easy for you?”

**Sample Language for Syllabus**

Sample language taken from US Department of Education, OCR Case No. 02-13-2065 Resolution Agreement:

LSU does not discriminate against any student on the basis of pregnancy or related conditions. Absences due to medical conditions relating to pregnancy 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 accommodations can seek assistance with accommodations from Student Advocacy (https://www.lsu.edu/saa/students/advocacy/index.php or dossaa@lsu.edu) or Pregnancy Advocates (https://www.lsu.edu/pregnancy-parenting/pregnancyadvocates/index.php).

**A Student is Pregnant: What Not to Say**

Bringing ideas about the “ideal” family life into the workplace can give rise to legal implications. Pregnant students have the right to take significant amounts of leave with reinstatement. Here are some things to not say.

- “Wouldn’t it be better if you stayed home with the baby?”
- “You need to get back here immediately.”
- “You’re not taking your degree seriously. Otherwise, you would not have gotten pregnant.”

Do not ask for medical information; the Case Manager or Disability Services Office can ask for this. If a student gives you medical information voluntarily, remember to keep it private.

**Rights and Accommodations**

Pregnant students have rights under both Title IX and ADA. Accommodations are available for any part of the academic program, including exams, labs, classes, and field work. If a pregnant student is impaired enough to need accommodation, the need will be covered under the ADA.

- Follow standard procedures for accommodation
- When in doubt, contact Student Advocacy & Accountability, the Student Health Center, or Disability Services
Typical accommodations:

- Bigger desks
- Changed assignment deadlines or exams
- Taping classes, use of a typist or note-takers
- Seating assignment near a door and at the end of a row to facilitate bathroom breaks
- Ability to sit rather than stand in labs
- Breaks for nursing, snacking (to control nausea), bathroom use
- Distance learning for students on bedrest or during recovery
- Revised scheduling of meetings or group activities

Leaves

Medically necessary absences for pregnancy, childbirth, false pregnancy, abortion, or recovery must be excused, regardless of standard absence policy.

Students may not be penalized for leave, and they must be allowed to return in the same status. Students who return from an absence or leave must have a reasonable opportunity to make up missed credit.

- Do not assume a student will be able to complete academic work while on leave
- Develop a plan with the student to make up the work. Some students will want to make up missed credit in the same semester, while others will need to take an incomplete and make up the work in a subsequent semester

Students’ Rights as Employees

- Students are entitled to leave, typically for 3 months (for FMLA eligible employees) or longer as reasonable
- Thereafter, right of reinstatement to prior or comparable position
- Contact HR or Title IX office to find out if leave is paid or unpaid – funding is often available to cover costs under federal grants and/or university policies

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Information for this handout was obtained from The Pregnant Scholar. For more information about Title IX and pregnancy, visit www.thepregnantscholar.org.