

PREGNANCY OR RELATED CONDITIONS

Andrea Stagg

September 2026

GRAND RIVER | SOLUTIONS

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.

TODAY'S SESSION



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.



TODAY'S STUDENT

A greater number of college students weight class schedules with family and parenting responsibilities



The birth rate for women aged 20–24 was 63.0 births per 1,000 women in 2020, down 5% from 2019 (66.6)



The rate for women aged 25–29 was 90.2 births per 1,000 women, down 4% from 2019 (93.7)



In 2020, the mean age of mothers at first birth was 27.1 years, an increase from 27.0 in 2019

National Vital Statistics Reports Volume 70, Number 17, February 7, 2022
https://www.cdc.gov/nchs/data/nvsr/nvsr70/nvsr70-17.pdf

MORE ABOUT TODAY'S STUDENT...

- Globally and Socially Aware
- Digitally Connected and Plugged In
- Racially and Culturally Diverse
- First Gen (46%)
- Older (38% over age 25)
- Busier (25% raising children/64% working)
- Financially Strained (35% food and 9% home insecure)
- Too Many Stressors and Too Little Support



Data From: Who is Today's Student?
https://www.luminafoundation.org/resource/todays-student/

Title IX



Title IX prohibits discrimination on the basis of sex in educational programs and activities.

This includes discrimination on the basis of pregnancy and related conditions.

NONDISCRIMINATION IS BROAD (1)

Extends to those experiencing pregnancy and related conditions and treating parental/family status differently based on sex.

Equitable access and ability to fully participate in academic program, activities, practicums/field placements, and athletics.



Nondiscrimination Is Broad (2)

Pregnancy discrimination is prohibited in:

- Admissions
- Student programs or activities
- Employment



What Are Related Conditions

Includes "childbirth, false pregnancy, termination of pregnancy, or recovery therefrom"



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



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.

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."



"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.

ADA/504 and Pregnancy

Pregnancy, alone, is not a disability…but:



SECTION 504

It may be considered a temporary disability in certain circumstances.

ADA

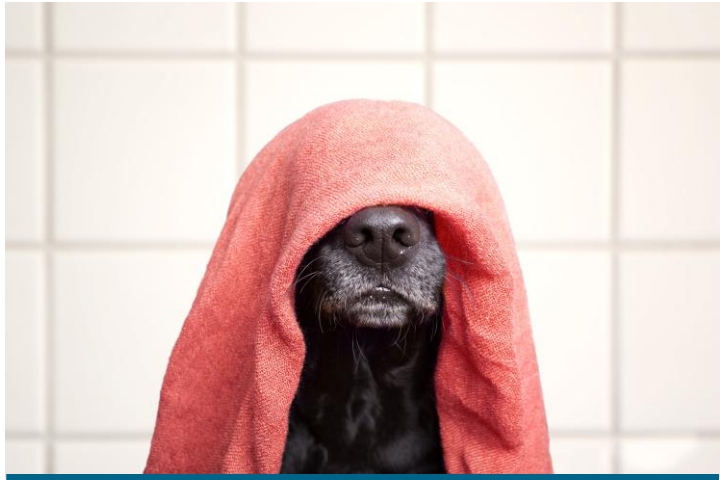
It may be considered a disability when one or more impairments related to pregnancy are present OR when a condition arising from pregnancy becomes long-lasting (i.e.: post partum depression or gestational diabetes that becomes Type II)

What's The Difference?

Title IX affords adjustments and/or support measures while ADA/504 affords access and accommodation; each ensure equitable access to educational programs or activities.



Adjustments are time-limited for the period of the documented "medical necessity"



Supportive measures have no medical requirements ; they require only a request as related to a Title IX matter



Accommodations require the presence of a "qualified" disability and/or condition

Adjustments v Accommodations

DISTINCTIONS

- Disability-related
- Required paperwork
- Recordkeeping

34 CFR 106.40

SIMILARITIES

- Fact-specific and individualized
- Needs may change over time
- Fundamental alteration analysis

Adjustments Under Title IX

"Medically necessary" based on assessment and "note" from treatment provider for immediate implementation

- Furniture size, shape, position
- Remote learning/hybrid learning
- Breaks, access to food or hydration
- Ability to reschedule tests
- Excused absences specific to treatment and care
- Late submission of expected work
- Alternative make up work of similar or like nature

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

Recent Ed Resolutions & Guidance

June 2022	October 2022	January 2023
Salt Lake Community College Resolution Agreement	Pregnancy and Parenting Resource	Troy University Resolution Agreement

Lessons Learned

- Make 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

Current v Vacated 2024 Regs

Current § 106.40

- "Marital or parental status"
- No discrimination "on the basis of" pregnancy and related conditions
- Treat comparably
- Allow leaves

2024

- "Parental, family, or marital status; pregnancy or related conditions"
- No discrimination "based on the student's current, potential, or past . . ."
- Employees provide required information
- Coordinator must respond & coordinate!

Pregnancy and Related Conditions

- Since1975, "pregnancy **and** related conditions" includes "pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom[.]"
- Section 106.2 (2024), "pregnancy **or** related conditions" includes:

  (1) Pregnancy, childbirth, termination of pregnancy, or lactation;

  (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or

  (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

FMLA, PUMP ACT, PWFA, 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



Scenario 1

- A student in a science program asks a faculty member if they can be excluded from a series of lab sessions involving in chemicals that may be harmful for pregnant women. The instructor is insistent that they must complete these labs to pass the class:

    - As Title IX Coordinator, what are your next steps?
    - Who else are you bringing into the conversation?
    - How can we be creative to ensure equal access for this student?



WHAT WOULD YOU DO IF…?

Scenario 2

Fatima is a senior in a very fast-moving BSN nursing program. She was elated to discover she is pregnant, but complications have developed, and she is undergoing tests. Fatima has completed most of her senior practical placement, only two weeks remain before she is able to graduate. Her medical provider has encouraged a change in diet and bed rest as soon as possible.

Fatima goes to the Clinical Site Coordinator (not an employee of the university but of the hospital, a university partner) to request the ability to complete her practical hours early (several days in a row to equal the remaining 4 days of required practical). Fatima's request is denied and the Site Coordinator shares that when she was in school, she had a miscarriage, took care of in the bathroom and "just soldiered on."

Further, the Site Coordinator contacts the Practical Coordinator at the university citing Fatima's unprofessional conduct in the situation and requests Fatima be removed and required to repeat the entire term.

Fatima, believing she has a right to 504 accommodations comes into the Accessibility Office and discloses her situation to be told that pregnancy is not a qualifying condition. Somehow, Fatima ends up at the Dean of Student Office. What might the Dean do to help?

WHAT WOULD YOU DO IF…?

Scenario 3

Jon, an average student in a challenging program, approaches his professor early in the semester and requests to have the ability to make up the next 3 class sessions because, he is happy to announce, he is "having a baby with his male partner."

The professor laughs, asks Jon if he is pulling a prank on him, and is then is alleged to have replied: "Gay men don't have babies" before he denies Jon's request.

Jon immediately goes to the Chair of his program in engineering and is told by the Chair that the Chair cannot overrule the professor, who is "captain of his course's ship." The Chair also cites the request would be a fundamental alternation of the curriculum and he is concerned this change would be precedent setting.

Upset and disheartened, Jon goes to his academic advisor and requests a retroactive withdrawal from the course. Jon is willing to take the financial hit but is not going to miss the birth of his infant daughter. The advisor is irate and soon after Jon leaves, tells another colleague, who discourages any type of reporting because the professor in question is a "big deal" in the endowment world of the university. You get wind of this issue at a meeting regarding another issue within the same department.

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?



THE RIVER CONNECT



THE RIVER CONNECT is a virtual community of experts and colleagues gathered together to help each other process the complexities of the work.

GRAND RIVER | SOLUTIONS



Let Our Team Support The Good Work You And Your Team Are Doing.

- Delegated Roles
- Investigations
- Hearings & Appeals
- Alternative Resolutions
- Program Review
- Policy & Procedures
- Consulting & Coaching

Grand River Solutions

GRAND RIVER | SOLUTIONS

RESOLUTION SERVICES

Resolution Services

We work to resolve employee, faculty, and student cases at companies and educational institutions.

Our experienced practitioners are available to serve as facilitators of alternative resolutions, investigators, decision-makers, hearing officers, chairs, panel members, or appellate officers for all equity and discrimination cases.



GRAND RIVER | SOLUTIONS

DELEGATED ROLES

Gap in staffing? We can help.

Interim or Long-Term Needs

- Title IX Coordinators and Staff
- Title VI Coordinators and Staff
- EO Director
- Equity Director
- ADA/504 Coordinators and Staff



Delegated Roles

GRAND RIVER | SOLUTIONS

ADA/504

ADA/504 Coordinator
Policy Development & Review
Training
Accessibility & Compliance Assessment
Investigations

Digital Accessibility

Policy Development & Review
Training
Consulting
Investigations



ADA/504 Services

TRAINING AND TRAINING MEMBERSHIP

Please check out our wide selection of trainings and learn about our new unlimited training membership. ***Unlimited open training access for your whole campus, one annual fee.***



Explore Training

CASE MANAGEMENT SOFTWARE



Schedule a Demo

Designed for you, by people like you

We are experts and practitioners working in response and resolution for discrimination, harassment, & equity concerns.

Case Tracker allows you to:

- track and manage your cases
- communicate with campus stakeholders without compromising case privacy, and
- provide parties with the ability to follow the status of their case

GRAND RIVER | SOLUTIONS

GRAND RIVER | SOLUTIONS

THE RIVER CONNECT

info@grandriversolutions.com

/Grand-River-Solutions

/GrandRiverSolutions

/GrandRiverSolutions

/GrandRiverSolutions.com

@titleixandequity.bsky.social

CONNECT WITH US

Stetson Law & Grand River Solutions
are pleased to present

Free Speech & Title VI SYMPOSIUM

October 27 & 28, 2026
Las Vegas, Nevada

This two-day professional development experience brings together nationally recognized subject matter experts and working practitioners to explore two of the most consequential legal and policy issues confronting colleges and universities today. Join us!



©Grand River Solutions, Inc., 2026. Copyrighted material. Attendees who are required to post training materials in compliance with applicable federal law have express permission to do so. These training materials are intended for use by licensees only. Use of this material for any other reason without permission is prohibited.