

EQUITY & CIVIL RIGHTS COMPLIANCE

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PREGNANT STUDENTS | TITLE IX

Employee Guidance Document

Georgia State University and its employees are required to comply with Title IX of the Education Amendments of 1972 ("Title IX"), a federal civil rights law that prohibits discrimination on the basis of sex (including pregnancy, childbirth, and parental status) in educational programs and activities that receive federal funding.

Process for Seeking Adjustments Due to Pregnancy and Childbirth:

A student seeking adjustments due to pregnancy or childbirth should register with the [Access and Accommodations Center](#) (AACE), which will issue the student a Title IX pregnancy adjustment letter to provide to instructors. Instructors must grant the adjustments required by Title IX as described in that letter. Unlike disability accommodations, which remain in place for the duration of a student's tenure at GSU, pregnancy adjustments generally are limited to the current semester. **Students are encouraged to register with AACE as soon as they become aware of the need for such adjustments. Adjustments are not retroactive.**

Employee Responsibilities:

- You must allow a pregnant student to continue participating in class or extracurricular activities without requiring a note from a healthcare provider.
- You must excuse absences due to pregnancy or childbirth as long as the student advises you that they are medically necessary, and you must provide the student with the opportunity to make up missed work by the end of the semester or by taking an "incomplete" per [the University's policy on incompletes](#). You may not ask for a healthcare provider's note for such absences. The student is responsible for making you aware of such absences as soon as they are able to do so.
- If your grading is based in part on class participation or attendance, you must provide the student with an opportunity to make up participation or attendance credits that the student missed due to pregnancy- or childbirth-related absences.
- You must provide pregnant students with reasonable adjustments such as frequent bathroom breaks, a larger desk, or temporary elevator access.
- You must provide pregnant students with the same assistance you offer to students with other temporary medical conditions, if any (*e.g.*, if you provide remote instruction, at-home tutoring, or independent study options to students with temporary medical conditions such as mononucleosis or broken limbs, you must provide pregnant students with that same assistance).
- You must refrain from encouraging the student to withdraw from a course or program or change educational plans due to pregnancy or childbirth.

- You must protect pregnant students from harassment based on pregnancy or parental status (*i.e.*, not knowingly permit sexual comments, name-calling, jokes, and the like about the student's pregnancy).
- Pregnant and parenting students must be allowed to return to the same academic and extracurricular status they were in prior to an absence due to pregnancy or childbirth.
- **The foregoing are non-discretionary.**

FAQs

May I request medical documentation from a pregnant student?

No. The student has already submitted any documentation required to AACE. As with a disability accommodation, employees should take the AACE instructions regarding pregnancy adjustments at face value. You may not ask for supporting medical documentation or other "proof."

What if a student submits a doctor's note or other medical documentation to me?

Please advise the pregnant/parenting student that the documentation is not required and politely decline it. If they have questions, please refer them to their AACE coordinator.

May I ask a pregnant student the specific reason for a pregnancy- or childbirth-related absence?

No. Please excuse the pregnancy/childbirth-related absence of a student regardless of the reason (*e.g.* morning sickness, fatigue, health care appointment, miscarriage, bedrest, delivery, recovery and bonding, etc.) and do not ask the student to explain their absence other than beyond indicating that it was pregnancy/childbirth-related.

What class adjustments must I make for a pregnant student?

In general, a pregnant student may need more frequent bathroom breaks, a larger desk, or temporary access to elevators if elevators are not generally available for student use. The AACE letter will indicate what specific adjustments are required. If a student asks you for additional environmental adjustments, please accommodate them to the extent possible and advise them to follow up with their AACE coordinator immediately. If they ask you for curricular or pedagogical adjustments beyond what is contained in the AACE letter, please [contact the Title IX Coordinator](#) or the Director of AACE at (404) 413-1560/access@gsu.edu.

Is there a maximum number of absences a pregnant student can have?

No. Absences due to pregnancy, childbirth or a related condition must be permitted as excused absences for as long as medically necessary. Faculty members must be careful not to treat or penalize such absences as unexcused. After an excused absence due to pregnancy, childbirth, or any related medical condition, you should allow a reasonable time for the student to make up missed assignments and tests. Depending on the nature of the course, making up the exact missed assignment might not be feasible. The makeup work does not have to be exactly the same as the missed work but should be reasonably equivalent.

That said, an excused absence adjustment does not mean that the student is no longer required to attend class. AACE advises students seeking this adjustment that regular or excessive absences likely will impact course performance. If a student's use of the excused absence adjustment is jeopardizing the student's grade, instructors should contact AACE immediately.

I have a strict absence policy that applies regardless of medical condition. Must I excuse a pregnant student's absences in excess of the number allowed by my policy?

Yes. Title IX is a federal law that supersedes any University or Instructor-based attendance policy. A pregnant student should be allotted the same number of absences permitted by your absence policy for non-pregnancy-related absences **in addition to** excused absences for as long as is medically necessary due to pregnancy/childbirth.

My grade rubric includes class attendance and participation. How should I apply this in the case of student absences due to pregnancy or childbirth?

If you award "points" or other advantages based on class attendance, students must be given the opportunity to earn the credit from classes missed because of pregnancy, childbirth, or related conditions. You may either remove these factors from your grading rubric for the involved student or provide a reasonable alternative assignment allowing the student to make up these points.

What if the requirement missed by a pregnant student cannot be made up by the end of the semester (e.g., because the lab is not scheduled to be open and staffed again until the next semester, because student teaching assignments follow the host side academic calendar, etc.)?

The student should be allowed to take an incomplete, consistent with the University's policies on incompletes.

Must I give pregnant students a grade if all course requirements have not been completed?

No. As with all students, pregnant and parenting students must complete all course requirements.

Must I grant the request of a pregnant student for an alternative assignment in lieu of completing course requirements?

If there is a reasonable basis for the student not completing the regularly assigned course requirements and there are meaningful alternative assignments that will satisfy the pedagogical elements of the course, alternative assignments should be permitted. If there is no meaningful alternative that will satisfy the pedagogical elements of a program or course (e.g., demonstrating mastery of a skill or logging hours of practical experience such as student teaching, science labs, clinical rotations, etc.), or if permitting an alternative assignment would alter the fundamental nature of the course or program, an alternative assignment is not recommended.* In such a case, the student may choose to complete the regular course requirements during the semester or take an incomplete per the University policy on incompletes.

If I do not provide special services (e.g., remote instruction, tutoring, independent study options) to students with other temporary medical conditions (such as recovering from surgery or illness), must I provide them to pregnant/parenting students?

No.

* A request that an essential objective or component of the course be removed or changed would "fundamentally alter" the nature of the course. We recommend that you [consult the Title IX Coordinator](#) regarding such requests.

If a pregnant student believes their pregnancy is a disability, asks for accommodations under the ADA, or asks for accommodations not provided under Title IX for pregnant/parenting students, what should I do?

Refer the student to their AACE coordinator or to the director of AACE at (404) 413-1560/access@gsu.edu to discuss disability accommodations.

If a pregnant student does not provide me with an AACE adjustment letter, what should I do?

Please advise the student that they must register with AACE and refer them to both the Title IX Coordinator and AACE. Until you receive an adjustment letter for the student, please be guided by the "[Employee Responsibilities](#)" section on pp. 1-2 of this document.

If an academic program requires internships, career rotations or other off-campus elements, can a pregnant student be excluded from participation?

No. The University must allow the student to continue participating in off-campus programs, including opportunities to "work in the field" at the student's choice. A doctor's note for continued participation may not be required unless it is required for all students in the program.

What if there are physical or safety risks associated with taking my class (i.e., chemistry labs)?

You may provide students with Safety Data Sheets and encourage them to review the information with their healthcare provider. It is the student's prerogative to make determinations about risk and whether to participate. The student may decide to make up missed assignments within the semester, take an incomplete, or withdraw and re-enroll at a later time.

What should I do if a student asks me to accept an arrangement that I do not believe is covered by the requirements described in this document and/or the student's AACE adjustment letter?

Please advise the student that you will consider their request and promptly [contact the Title IX Coordinator](#) or the Director of AACE at (404) 413-1560/access@gsu.edu for assistance.

What happens if I do not comply with the adjustments in a student's letter?

While students are advised to contact their AACE coordinator for immediate assistance and resolution if an instructor refuses to abide by the terms of an adjustment letter, students also may file pregnancy/sex discrimination complaints with the Title IX Coordinator/Equity & Civil Rights Compliance or outside agencies against that instructor. **Discrimination against and harassment of pregnant and parenting students violates Title IX.**

What should I do if approached by a student who is the spouse or partner of a pregnant individual?

Please refer **any student** seeking Title IX pregnancy and parenting adjustments to AACE and/or the Title IX Coordinator for assistance.

What if I have questions not addressed by this document?

Instructors and students should address questions regarding pregnancy and childbirth adjustments to Georgia State University's Title IX Coordinator at TitleIX@gsu.edu or 404-413-2561. Please direct questions about registration with AACE or the issuance or content of the adjustment letter to the Director of the Access and Accommodations Center at access@gsu.edu or (404) 413-1560. Please use "Pregnancy Adjustment Question" as your email subject header.