

HIGHER EDUCATION INFORMATION MEMO

JUNE 16, 2022

Office for Civil Rights Faults College for Failing to Accommodate a Pregnant Student

A recent finding by the U.S. Department of Education, Office for Civil Rights (OCR) that a college failed to accommodate a pregnant student is a pointed reminder of the obligation of colleges and universities to fully and carefully address accommodation requests from pregnant students.

In a [letter](#) issued on June 14, 2022, OCR found that Salt Lake Community College (SLCC) violated both Title IX of the Education Amendments of 1972 (Title IX) and Section 504 of the Rehabilitation Act of 1973 (Section 504).

OCR found that the complainant, a pregnant student at SLCC, informed a professor of pregnancy-related symptoms that were impacting her course performance and attendance. The professor responded by allowing only a few more absences and suggesting that the complainant drop the course.

OCR went on to find that the complainant had contacted SLCC's Disability Resource Center (DRC) and spoke with SLCC's Title IX coordinator on multiple occasions, expressing her need for course modifications and her concerns regarding the professor's comments. In response, SLCC determined the requested adjustments would "result in fundamental alteration of the class," but did not consider or offer alternatives. In addition, the coordinator did not create an investigatory file, obtain written statements from the professor or the complainant or provide the student with written notice of the outcome.

In its public letter, OCR remarked on the lack of informational resources provided to pregnant students by the college—neither SLCC's nondiscrimination policy, DRC website, nor Title IX website included information on pregnancy-related academic adjustments. Similarly, the college's Code of Student Rights and Responsibilities did not provide information about the rights of pregnant students.

OCR ultimately determined that SLCC violated Title IX by failing to:

- respond "promptly and equitably" to the complaint of pregnancy discrimination;
- engage in an interactive process to determine appropriate academic accommodations during complainant's pregnancy; and
- excuse complainant's pregnancy-related absences, provide her the opportunity to submit missed work due to pregnancy-related absences or provide alternative ways to meet course objectives.

OCR also determined that SLCC violated Section 504 by failing to engage in an interactive process with the student and to consider whether her pregnancy caused a temporary disability, thereby requiring academic accommodations.

Title IX prohibits discrimination based on pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery from any of these conditions. In order to ensure that pregnant students receive equal access to educational programs, "a school must make adjustments . . . that are reasonable and responsive" to

the student's condition. Title IX specifically requires that colleges and universities excuse pregnancy-related absences and allow a pregnant student to submit any missed work so that she is effectively "reinstated to the status she held when the leave began."

Although pregnancy is not generally considered a disability, it may be considered a temporary disability covered by Section 504 in certain circumstances. Thus, Section 504 requires institutions to engage pregnant students in an interactive process to determine appropriate academic adjustments.

Colleges and universities should review their policies to ensure they contain clear information explaining pregnancy-related discrimination and the process for requesting pregnancy-related academic adjustments. Policies and information should be easily accessible to students in multiple ways via websites, program handbooks and Title IX and disability services materials and personnel. Clinical programs may require special attention since there is often a physical element to the training and the institution must rely on a partner to help apply any accommodations.

In order to effectively implement these policies, it is important to provide faculty and staff with training on how they should respond to the needs of pregnant students.

If you have any questions, please consult [Seth F. Gilbertson](#), any attorney in Bond's [higher education practice](#) or the Bond attorney with whom you are regularly in contact.

Seth would like to give credit to Summer Law Clerk Paige Roseman for her excellent work co-authoring this post.

