




EASTERN KENTUCKY UNIVERSITY

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August 2, 2013

To: Deans, Associate Deans, Department Chairs, and Program Directors
From: Title IX Coordinator/Deputy Title IX Coordinator 
RE: Guidance regarding the U.S. Department of Education's Dear Colleague Letter on pregnant students.

The Department of Education's Office for Civil Rights ("OCR") recently updated its guidelines on how universities should treat pregnant or expecting students. According to the OCR, pregnancy and related conditions are protected under Title IX of the Higher Education Act. Universities that treat pregnant students differently can potentially violate the law's gender-equity protections.

The OCR's Dear Colleague Letter (DCL) of June 25, 2013, contains three major statements regarding treatment of pregnant or expecting students:

1. "Schools must treat pregnant students in the same way that they treat similarly situated students. Thus, any special services provided to students who have temporary medical conditions must also be provided to pregnant students."
2. "A student who is pregnant or has given birth may not be required to submit medical certification for school participation unless such certification is also required for all other students with physical or emotional conditions requiring the attention of a physician."
3. "A school must excuse a student's absences because of pregnancy or childbirth for as long as the student's doctor deems the absences medically necessary. When a student returns to school, she must be allowed to return to the same academic and extracurricular status as before her medical leave began."

The following guidelines and attached FAQ were drafted to assist faculty members in how to treat absences due to pregnant or expecting students.

- Students should notify professors as soon as possible to make them aware of absences due to a pregnancy or related conditions.
- Pregnant students and their faculty members should develop a reasonable plan for the pregnant student's completion of missed coursework or assignments. This plan could include substitution of assignments, modified due dates, or additional assignments. If faculty members cannot reach an agreement with the student, then they should refer the student to the Title IX Coordinator.



- Pregnant students who miss lectures must be given a reasonable opportunity to make up the missed lecture. This could include recording lectures, providing note-takers, additional reading assignments, synchronous conferencing (Skype, iChat, AdobeAir, Google Chat), or other means. Please contact the EKU IT Help Desk for more information at (859) 622-3000.
- Absences must be excused if the doctor deems the absence medically necessary. The standard, “medical necessity,” is determined by the student’s doctor, not the University.
- Students should not be disadvantaged because of absences due to pregnancy or related conditions. If the class attendance policy allows for only a specific number of absences, then medically necessary absences due to pregnancy or a related condition must be removed from that count.
- If a student reports that a prolonged medical condition is accompanying her pregnancy and functional limitations are impeding upon academic rigor, the student may qualify as a student with a disability under the ADA. Please send the student to the Disabilities Office. If faculty members do not feel comfortable discussing issues with the student, then they may refer the student to the Office of Services for Individuals with Disabilities (OSID) for help in reaching an agreement.
- Any complaints of harassment or discrimination due to pregnancy should be referred to the Title IX Coordinator.

Any questions or concerns can be sent to the EKU Title IX representatives below:

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