WE HAVE BECOME AN OFFICE OF EQUITY

Non Discrimination Statement

...in admission and access to, and treatment and employment in, its educational programs and activities.
WHAT IS TITLE IX?

- 1971 Indiana Senator Birch Bayh, Sr. Began work sponsoring legislation called Equal Rights Amendment. To pass the ERA, he added a new section to Higher Education Act.
- 37-word game changer for the first time in history prevented sex discrimination in education.
- Bayh also father of two Constitutional Amendments: 25th and 26th Amendments which created process for Presidential transition and lowered voting age to 18.
- Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ protects people from discrimination based on sex in education programs and activities that received federal financial assistance.
- Athletics is only one of 10 key areas (access to higher education, career education, education for pregnant and parenting students, employment, learning environment, math and science, sexual harassment, standardized testing, and technology).
- Several hundred pages of guidance, more than 20 proposed amendments, reviews, Supreme Court Cases and other political actions. For this reason, it is called a “living, breathing law”.
- 1974 first IX complaints to VAWA (July 1, 2015) amended Clery and added 3 additional reporting categories (dating violence, domestic violence and stalking), programs for new students and employees, among other things, such as ongoing prevention programming.
PREGNANCY AND TITLE IX

- Supporting the Academic Success of Pregnant and Parenting Students under Title IX, first published 1991 and Revised 2013.
- Title IX prohibits discrimination on the basis of sex – including pregnancy, parenting and all related conditions, such as abortion – in educational programs and activities that get federal funding. This means that schools must give all students who might be, are, or have been pregnant the same access to school programs and educational opportunities that other students have.
- EEOC and Pregnancy Discrimination Act in cases of employment. Have always existed and with this, Federal FMLA rights.
A good first step in measuring your school’s compliance is to compare how they treat pregnant students to how they treat students with other temporary disabilities. Under Title IX, schools must offer pregnant students the same benefits they offer to students with other medical conditions, such as illness or injury.

One exception to this rule is absences – Title IX requires that schools excuse absences due to pregnancy and related conditions, regardless of the school’s absence policy.

Your school is required to designate a Title IX Coordinator who should be able to answer questions for you about Title IX and pregnancy.
Q & A

Classmates and even professors have made offensive comments to me about my pregnancy. Should I complain to the school about it?

- Title IX requires schools to prevent and address sex-based harassment, including harassment based on pregnancy. If you experience this sort of treatment at school, you should seek help immediately. The law prohibits the school from retaliating against you for making a complaint or raising a concern.

I have a scholarship – can my school take it back when they find out I am pregnant?

- No, schools cannot terminate or reduce athletic, merit or need-based scholarships based on pregnancy. If you stay in school, you can keep your scholarship.

I want to take a semester off. Can I keep my student status, scholarships, etc?

- Not necessarily – it depends on the leave policy at your school. If you want to take off more time than your doctor says is medically necessary, you will need to consult your school’s non-medical leave policy.
Q & A

What if I work for the school as a graduate assistant, in addition to being a student? Do I still have the same rights? Do I qualify for maternity leave?

- Your rights as an employee are different from your rights as a student. If you work for the school, you may be eligible for family or medical leave, or may qualify for maternity leave under the school's policy, but that may not include leave from your classes, beyond what is medically necessary.

If you are enrolled in courses in health and sciences careers (i.e., anatomy and physiology, nursing, chemistry, etc.)

- Your instructor will put you on notice. This means obtaining your doctor's signature to get clearance to work with cadavers (or other potentially hazardous materials), and do clinical rotations. If you are not allowed to work with cadavers (or other potentially hazardous materials) or do clinical rotations due to your pregnancy, please inform us and we will explore options, up to and including possible withdrawal and retaking of the course.
PREGNANCY CASE STUDY

- Making up work versus fundamental program modifications

Seiko learned she was pregnant just as she was completing her undergraduate degree. She had already been accepted to the MPH program. Realizing that she would need some support and help with planning, she sought the advice of her advisor. When she shared she was pregnant, her advisor encouraged her to withdraw and then re-apply the following year, explaining that it was unlikely that the department could adjust around her pregnancy and all the childcare needs that come along with a newborn. What would you do?
Jeanette, a graduate student, was offered a part-time job as an assistant in your department’s research lab. At the end of her interview, she mentioned that she was pregnant, but that she was perfectly capable of performing her duties as a research assistant. When Jeanette called to get her start date, she was told that the department had hired someone else. Concern was expressed that the department was afraid that Jeanette would hurt her baby carrying heavy trays of equipment and that the other RA’s might not like having a pregnant woman working next to them. She was invited to reapply after she had her baby.
PREGNANCY CASE STUDY

Rick, a 3rd year medical student has told you that his partner is giving birth in two (2) months time. He has asked for time off to attend the birth but realized that he will be missing a significant portion of his 3rd year integrated block in the meantime. Do you give him the time off? Is he protected by Title IX? What questions would you have for him?
Fred needs to leave class early because his 4 year old’s piano teacher is arriving 30 minutes early. For the next few weeks, he knows that you have been known to allow female students to attend to their parental needs. What questions do you have? Would you allow this?
DO YOU KNOW YOUR LEAVE POLICY?

- What policies exist in your school to help students who need time off?
- What, if anything, are you placing in your syllabus?
QUESTIONS?

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