



MinnState.edu

Access & modifications for pregnant & parenting students

New System Procedure 1B.1.3

Megan Bistodeau, Central Lakes College
Maegen Sinclair Usher, Metro State University
Kara Helmig, M State
Ashley Atteberry, System Office

Monday, July 14, 2025

Agenda

Review System Procedure 1B.1.3

Discuss Hypotheticals (group work)

Share Takeaways

Definitions

- » Familial status
- » Marital status
- » Parenting student
- » Pregnancy and related conditions
- » Reasonable modifications
- » Student parent navigators

Access and Modifications

- » Discrimination is prohibited in education programs and activities
 - Applicants for admissions & students
 - Applicants for student employment & student employees
- » Discrimination is prohibited in policy, practice, or procedure
 - Current, potential, or past
 - Parental, familial, or marital status
- » Equitable application regardless of sex, sexual orientation, gender identity, or gender expression

Considerations

- » Be mindful of words; gender inclusive
 - Father vs. Co-parent or Non-birthing parent
 - Mothering room vs. Lactation room
- » Careful consideration for “nondiscriminatory practices”
 - Birthing parent is a student: consider any application of policies offered to birthing parent **equally** to the non-birthing parent to ensure not engaging in discriminatory practices on the basis of sex
 - Consider person-centered decisions: a co-parent may request time due to complications the birthing parent experienced; someone needs to care for the newborn
 - Consider additional circumstances, such as fostering, adoptive parents, or parents who have a surrogate

Information Sharing Requirements

- » Prohibit sex discrimination
- » Provide reasonable modifications
- » Allow access, on a voluntary basis, to any separate and comparable portion of the institution's education program or activity that may be available
- » Allow a voluntary leave of absence
- » Ensure lactation space availability
- » Maintain a resolution process for alleged discrimination
- » Treat pregnancy as comparable to other temporary medical conditions
- » Provide a fact sheet with legal rights and available resources
- » Provide contact information for the parenting student navigator
- » Provide information about early registration processes, if applicable

NOTE: employees should NOT report information about pregnancy unless the students asks them to

- » Pregnancy is a medical condition, and the privacy related to that is protected
- » Employees shall:
 - Inform the pregnant student that the Title IX office is the source to provide reasonable modifications related to pregnancy and related conditions
 - Pregnancy is a protected class
 - Name and contact information for the TIXC and office
- » Course syllabus statement sample

Reasonable Modifications

- » Reasonable modifications to policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to the recipient's education program or activity.
- » Each reasonable modification must be based on the student's individualized needs.
- » In determining what modifications are required, the institution must consult with the student (i.e. an interactive process).
- » The student has discretion to accept or decline each reasonable modification offered

Reasonable Modifications, continued

- » Provide information to students regarding the process for reasonable modifications.
- » Supporting documentation for reasonable modifications will only be required when it is necessary and reasonable under the circumstances to determine which reasonable modifications to offer to determine other specific actions to take to ensure equitable access.
- » Students experiencing pregnancy-related conditions that manifest as a temporary disability under the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act are eligible for reasonable accommodations
 - The Title IX coordinator will consult with and/or refer the accessibility or disability resources staff at the college or university to ensure the student receives reasonable accommodations for their disability as required by law.

Evaluating process: Fundamental alteration

- » When determining whether a requested modification would constitute a **fundamental alteration of an essential program requirement**, relevant officials within the institution are generally required to engage in a reasoned deliberation that includes a diligent assessment of available options.
- » An appropriate process should include the following:
 - 1) the decision is made by relevant officials including faculty members;
 - 2) the decision makers consider a series of alternatives, their feasibility, cost, and effect on the academic program; and
 - 3) after reasoned deliberation, the decision makers reach a rationally justifiable conclusion that the available alternatives would result either in lowering of academic standards or requiring substantial program alternative.

Evaluating process: Retroactive decisions

- » ADA: retroactive accommodations are not considered reasonable, not required
- » Title IX: critical response may result in “retroactive” requests
 - Emergency surgery
 - Pregnancy loss or miscarriage
 - Pre-term labor
 - Stillbirth
 - Other complications

Certification to Participate

All students should be informed of health and safety risks related to participation in academic and co-curricular activities, regardless of pregnancy status. A student is not required to provide health care provider (or other) certification that the student is physically able to participate in the program or activity, unless:

- The certified level of physical ability or health is necessary for participation;
- The college or university requires such certification of all students participating; and
- The information obtained is not used as a basis for pregnancy-related discrimination.

Lactation Space Access

Access to dedicated lactation spaces that are functional, appropriate, and safe for the sole purpose of providing clean, private, and secure spaces to express milk.

- be in reasonably close proximity to the work or class areas and environments where large gatherings occur;
- be a room and space other than a bathroom or toilet stall;
- be shielded from view;
- be secure and free from intrusion from employees, students, and the public;
- include access to an electrical outlet;
- be clean, safe, and free of hazardous materials;
- be accessible to those with disabilities or physical limitations;
- include a place to sit and a flat surface to place personal items;
- include access to a sink with running water within 100 feet of the space; and
- include access to information regarding pregnant and parenting student protections

Lactation Space, continued

- » Lactation spaces and any procedure for accessing such spaces must be identified by each institution
- » Location indicator on a printed or electronically available map
- » Each campus shall have a minimum of 2 spaces.
 - Additional spaces must be provided based on campuses with more than 2,500 employees and students and in response to space utilization needs and requests.
 - Every institution is encouraged to consider additional spaces when planning for renovation or new construction and upon request.

Lactation Room Recommendations

- » Lockers or hooks for belongings
- » Electrical outlets for pump or recharging batteries
- » Comfortable seating (impact on milk flow)
- » Small refrigerator or cooler
- » Sink with running water
- » Mirror to adjust clothing afterwards
- » Microwave (for disinfecting purposes)
- » Cleaning supplies, as needed
- » White noise machine (optional)

Absences: Excused and Leaves

- » **Excused absences:** time away from course meetings during the term or semester within which the student is currently enrolled in.
 - Based on the number of absences during the term, discuss a reasonable timeline for expected course completion based on the student's time away from the course, which may include "incompletes."
- » **Leave of absence:** not enrolling in one semester or more with plans to return within two academic years
 - Allows for a break in continuous enrollment
 - If in good standing, a return to the degree program at a later date without going through a re-entry process if within the two academic year timeframe
 - A voluntary decision made by the student
 - Students may not know the exact dates of when they will need leave, or for how long, until they have actually given birth.
 - Initiate a leave 30 days prior; no notice or very short notice may be acceptable

Leave of Absence

- » Reasonable steps to ensure that students who take a leave of absence return to the same position of academic progress that they were in when they took leave
 - Access to the same or an equivalent course catalog that was in place when the leave began
 - May be required to take a new course due to factors outside of the control of the college or university.
- » Continuation of students' scholarships, fellowships, or similar Minnesota State-sponsored funding will depend on student registration status
- » To the extent possible, students will not be negatively impacted by or forfeit their future eligibility for their scholarship, fellowship, or similar college or university-supported funding by exercising their rights under this procedure.
- » Advocate for students with respect to financial aid agencies and external scholarship providers in the event that a leave of absence places eligibility into question

Student Parents

- » Student who wants to remain engaged in their coursework while adjusting their academic responsibilities
 - birth or adoption of a child
 - placement of a foster child
 - recent event requiring medical attention for a child under the age of 18
 - extraordinary caretaking or parenting responsibilities
- » Consult with their academic advisor or with the Title IX coordinator or designee to determine appropriate academic modification requests
- » Students work with their advisors and faculty members to reschedule course assignments, lab hours, examinations, or other requirements and/or to reduce their overall course load as appropriate

Student Parents, continued

- » In timed degree, certification, or credentialing programs and upon the birth or placement of their child
 - Allowed an extension of up to six months to prepare for and take preliminary and qualifying examinations
 - Allowed an extension of up to six months toward normative time to degree while in candidacy
 - To the extent those deadlines are controlled by the college or university
 - Longer extensions may be granted in extenuating circumstances

Student Housing

- » A pregnant student's **on-campus housing status** will not be altered based on pregnancy status unless requested by the student.
- » Dependents and children are **not permitted** to reside in college or university on-campus housing with a parenting student.
- » Students' access to housing is governed by the **contract(s)** entered into with the individual housing department.
- » The **student parent navigator** may assist with the contract release process for on-campus housing, and the navigator may assist parenting students seeking off-campus housing.

Annual Training

Each college and university shall provide annual training and disseminate information about the protections and rights for pregnant and parenting students consistent with this procedure. The information provided must:

1. include the **contact information of the Title IX coordinator or designee** who is the designated point of contact for a student requesting each protection or modification under this section. Contact information must include the Title IX coordinator's or designee's name, phone number, email, and office;
2. include the **contact information for the student parent navigator** and provide information about the working relationship between this role and the Title IX coordinator. Contact information must include the navigator's name, phone number, email, and office;
3. be **posted** in an easily accessible, straightforward format on the college or university's website; and
4. be made **available** annually to faculty, staff, and employees of the college or university.

Some hypothetical situations...

Some points for debrief are noted; these are not exhaustive of considerations or possible responses.

Hypothetical question 1

There is a class trip and student activity planned for a trip to a state park that includes hiking. The faculty member/leader of the trip is concerned and wants to exclude a pregnant student from being allowed to go or insisting on the student signing a liability waiver as the trip leader believes it would be a risk/liability to the institution.

- » *The faculty member or trip leader should provide the risks associated with the trip to all those who plan to attend. If there is going to be a waiver to participate, then all participants need to sign it.*
- » *Pregnant students cannot be involuntarily excluded from any programs, activities, or benefits. If there are concerns specific to exposures or class/activity specific matters to pregnant folks, address through an interactive process that allows for reasonable adjustments to be considered and made.*

Hypothetical question 2

There's a pregnant student in the Nursing program where labs and clinical rotations are required. The student is considered a high-risk pregnancy, due in September and will need recovery time from a C-section. The student also plans to take leave to bond with her child.

The Nursing faculty are asking if they can have the student sit out of the program until the next year's rotation to complete the courses. The program is prescriptive, and students are not allowed to move to the next course until the prerequisite course has been successfully completed.

To allow the student to make up the clinicals and labs in the summer term, Nursing faculty would need to come back to teach in the summer, which is not in their contracts.

- » *You are not required to provide a course or instruction unless it's part of the regularly scheduled academic program. While the student is entitled to return to the same point at which they left, the program does NOT have an obligation to create a course if it doesn't already exist.*
- » *The student may return without re-applying to the institution. They may be part of a different cohort when they return.*

Hypothetical question 3

Faculty member reaches out to the Title IX Coordinator as they have a student returning to classes following giving birth. The faculty member asks about lactation spaces and how often students may access the space. They are also concerned about the student being late to their class given the distance from the lactation pod to their classroom.

- » *A student's use of the lactation space is not controlled by the faculty member; the student must be excused for lactation space use.*
- » *The Title IX Coordinator may work with facilities person to identify another location that may be closer to their classroom and that could be used as an alternative lactation space.*

Hypothetical question 4

A pregnant student, due in late November 2025, reached out and shared that she has a history of difficult pregnancies and that one of her doctors is already recommending bedrest. She is concerned that she may not be able to physically attend classes for the remainder of the Fall semester. We recognize that she should be treated as any other short-term disability and that she can voluntarily take a leave of absence, but she understandably does not wish to lose progress on her degree. Additionally, she is a hard science major and has both labs and seminars.

There is concern that some faculty may not find it a reasonable modification to convert to online, remote classes for the remainder of this semester and likely the Spring semester. It was noted that these courses proceeded remotely during COVID.

- » *The consideration of change in teaching modality must not create a fundamental alteration or undue hardship; requiring a faculty member to provide on-line teaching (even in Zoom) could be considered an undue hardship.*
- » *Reasonable modifications for a pregnant student may include creativity and collaboration with faculty when providing academic support, but be cautious of creating unreasonable expectations; through the reasonable assessment done by the faculty, this will likely result in the student getting an incomplete and/or offered information about withdrawing and directions for how to return*
- » *We're prohibited from directing students from dropping the courses; but there is a duty to ensure the student has the information necessary for them to make a reasoned decision for themselves.*

Hypothetical question 5

Part 1: Dad-to-be went to the faculty member to request excused absences to attend partner's upcoming medical appointments related to complications of pregnancy. The student is also requesting paternal leave after the birth of the child, expected within the next couple of weeks.

Part 2: Following the birth of the child, the student went back to the faculty member; their partner is still in the hospital, and there is a need to tend to the care of their first child (under 2 years old).

- » *The student should be supported in finding reasonable modifications during the time requested for medical appointments (part 1) and later to assist with the first child (part 2).*
- » *The length of paternal leave should be discussed and evaluated based on the courses the student is enrolled in and available reasonable modifications*

Hypothetical question 6

A student reached out and indicated that they were pregnant in March. The Title IX Coordinator sent an email, sharing resources and inviting the student in for a meeting to discuss the process and their rights. The student did not respond to the email or follow-up communication from the Coordinator.

Student sent an email in late May, stating they had baby. They are now asking for incompletes for the Spring 2025 semester.

- » *Check in with the student: how did the birth go? How is the student doing?*
- » *What is the student's request: Did they attend prior to birth, did they communicate with faculty, incompletes in every course?*
- » *Action steps: interactive process includes faculty/dean, consideration of relevant rules and policies, etc.*

Hypothetical question 7

A pregnant student meets with Title IX Coordinator, expressing concerns about a faculty member's strict attendance policy in a technical program. The student has been in the program for a year; the student knows the demands of the program going into the second year and of the faculty member.

The student anticipates medical appointments and the need to have leave for absences. They are also concerned about persistent “morning sickness” they have been experiencing.

- » *Response may look different if it is before the semester starts vs. after it is already occurring (preventative measures vs. response)*
- » *Morning sickness is not just experienced in the morning*
- » *Absences related to pregnancy and related conditions must be excused*

Hypothetical question 8

Faculty member submitted a campus care team report, expressing concerns about a change in a student's demeanor, appearing to struggle attending class and submitting timely assignments. Following outreach by a campus counselor, the student disclosed a recent termination of a pregnancy.

- » *Some students may not feel like their situation fits into the pregnant and parenting procedure when they are no longer pregnant*
- » *Ask the student what, if any, information has been disclosed to those on campus*
- » *Pregnancy is a protected condition; consider the language you use with faculty members and staff regarding students and modifications: "Title IX modifications" or "Title IX supportive measures" are both viable options in communications related to system procedure 1B.1.3*
- » *Some students may experience a range of emotions immediately and/or during subsequent semesters*

Key Takeaways

Tools and Resources

- » Using Maxient (internal process document)
- » Resource folder (on Team)
 - Training slide deck
 - Fact Sheet
 - Course syllabus

Thank you.



MINNESOTA STATE

30 East 7th Street, Suite 350
St. Paul, MN 55101-7804

651-201-1800
888-667-2848

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