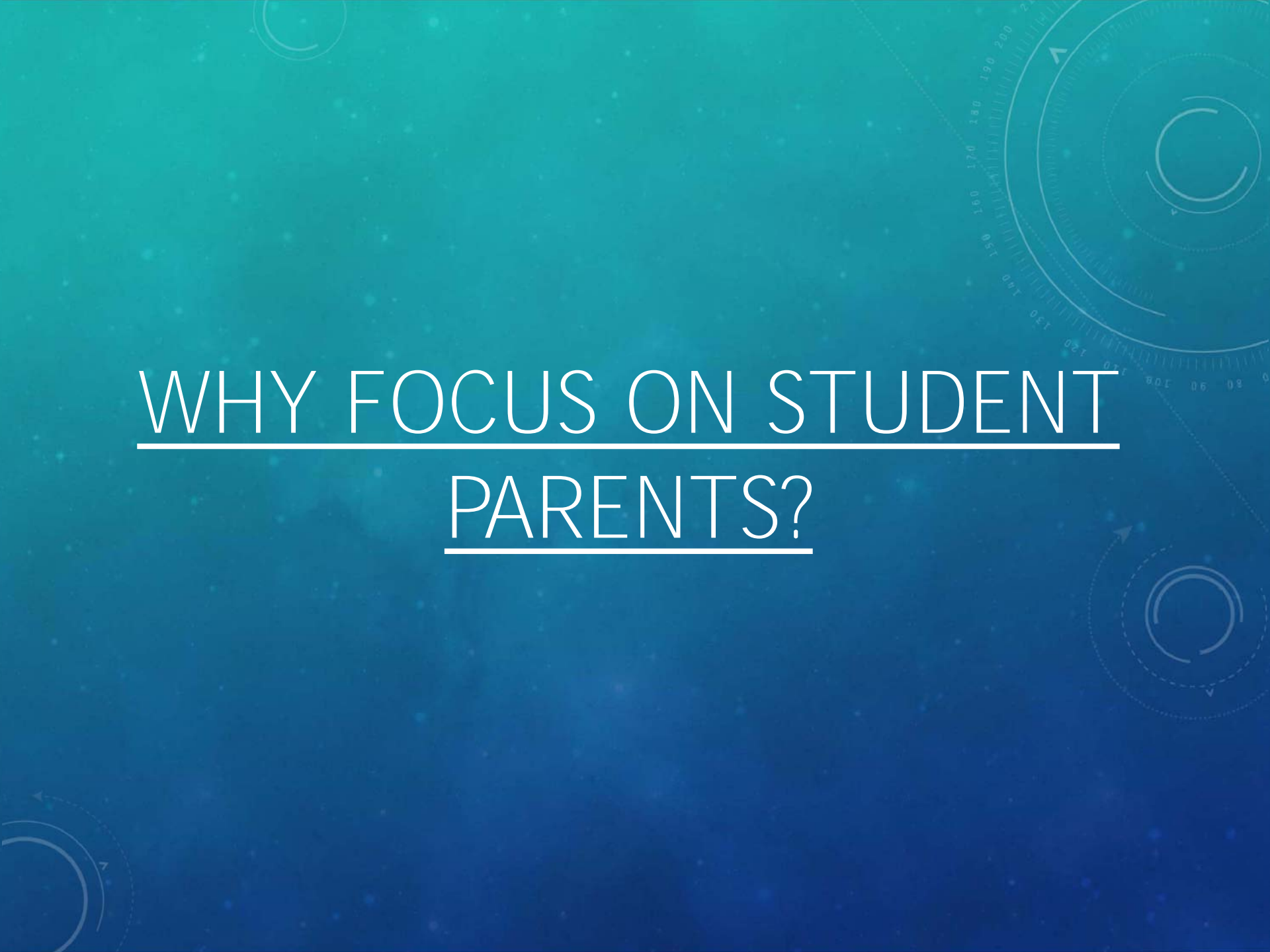


# PREGNANCY, PARENTING, AND POST-BACCALAUREATE STUDY

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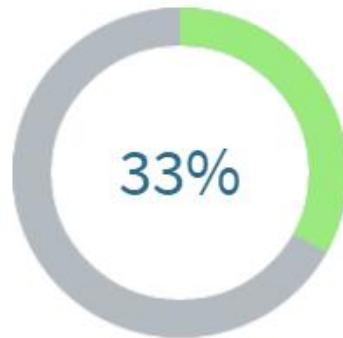


ThePregnantScholar.org



WHY FOCUS ON STUDENT  
PARENTS?

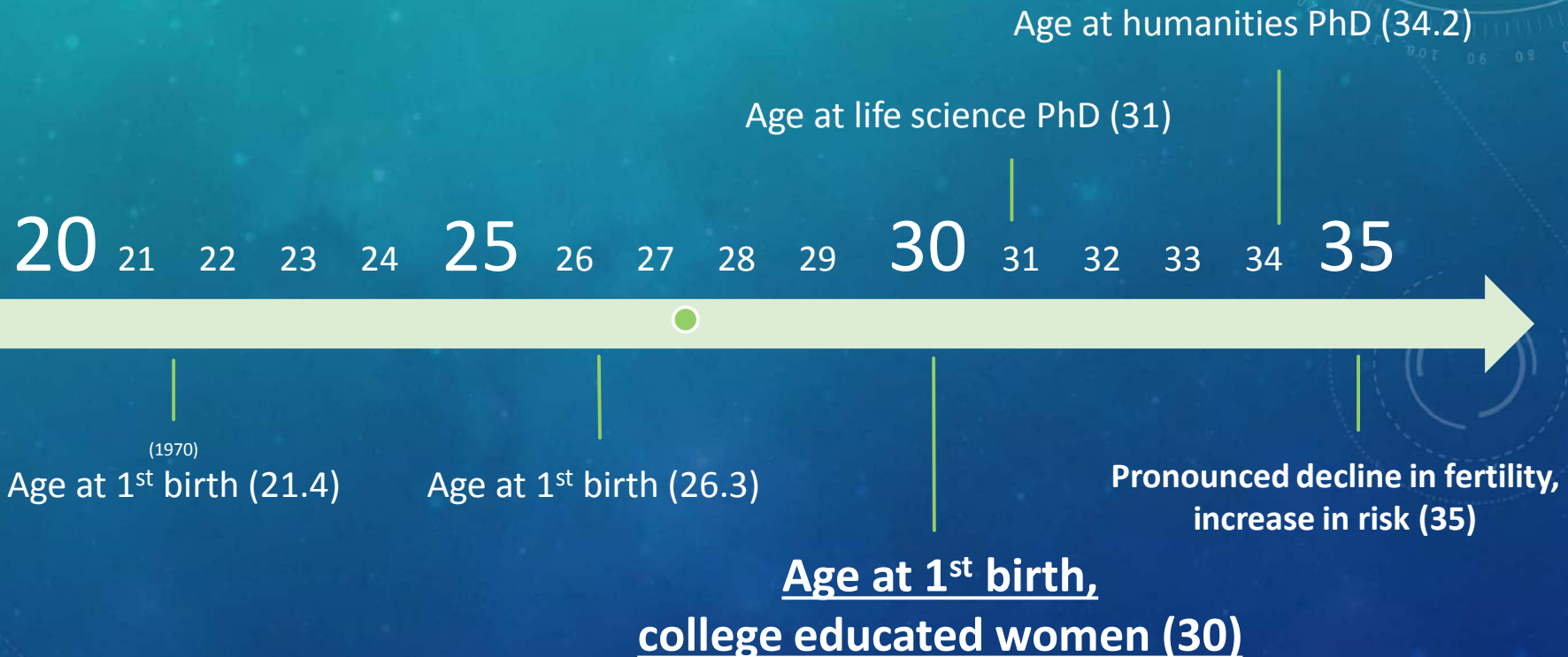
# Parents in graduate school



## GRADUATE STUDENT PARENTS

33% of all graduate students are raising children.

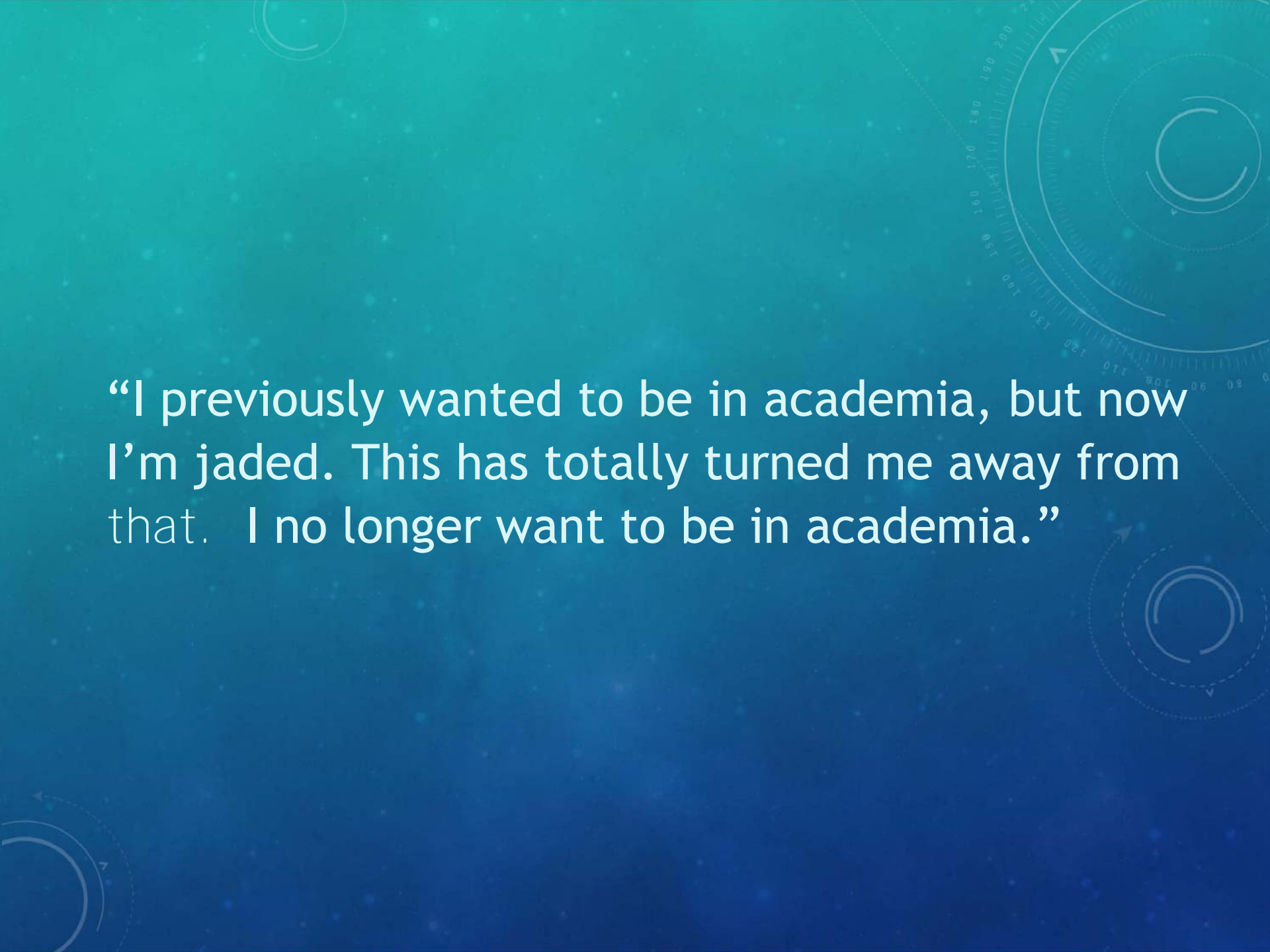
# Key Academic and Fertility Milestones



Women without children are more than twice as likely to earn a degree in STEM.

# Stories

- ▶ Student was claims she was intimidated into withdrawing by the Dean of Student Affairs, told **“all the pregnant students at the school in the last six years withdrew, except one, who ‘regretted her decision.’”**
- ▶ A graduate student with a disability caused by childbirth was pursuing her degree full-force after a lengthy struggle, only to be told by her professor mentor, **“you don’t have a disability, you just need to go home and be with your baby.”**

The background is a teal-to-blue gradient with faint technical graphics. In the top right, there is a circular gauge with numerical markings from 0 to 200. In the bottom right, there are concentric circles with arrows indicating a clockwise direction. In the bottom left, there are partial circular elements. The overall aesthetic is clean and modern, suggesting a professional or academic context.

“I previously wanted to be in academia, but now I’m jaded. This has totally turned me away from that. I no longer want to be in academia.”



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## Title IX and Pregnancy Discrimination:

By Mary Ann Mason, PhD  
(AWIS Partner in Tools for Change)

**Who Knew?**



# Pregnancy and Parenting

**Fiona M. Doyle, Dean of the Graduate Division  
University of California, Berkeley  
Professor, Materials Science and Engineering**

**Council of Graduate Schools  
Savannah, Georgia  
July 13, 2016**

# Why do graduate student parents matter at Berkeley?

- About 10% of our total graduate enrollment
- Support important for best outcomes for children & families
- Support important for academic success of student parents
- Well-being surveys show that, despite complexity of parenting while a student, graduate student parents are somewhat happier, with better work-life balance
- No obvious “best time” to have children for students in long doctoral programs aiming for academic careers
- Professional students are often older, and already have families – good support important when deciding where to study

# Title IX, Basic Principles

Sex

=

Pregnancy

=

Pregnancy, False Pregnancy,  
Miscarriage, Abortion, Lactation,  
Recovery and related conditions



# Supporting Student Health

Proactive/Comprehensive Policies

Title IX Reasonable Protections

ADA/504 Protections

# Accommodations: ADA/Rehabilitation Act



- ▶ Covers physical or mental impairments that substantially limit a major life activity. (2009)
- ▶ Requires reasonable accommodations to ensure equal access to education

# Accommodations: ADA/Rehabilitation Act

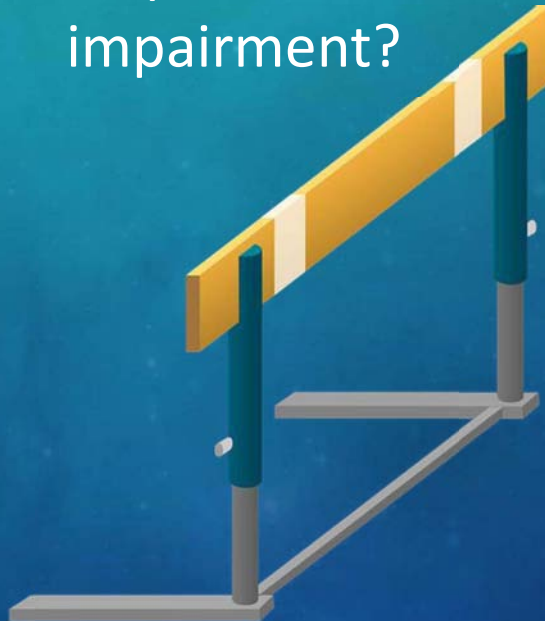
- Old (pre-amendments): Very restrictive definition of disability; few conditions found to be disabilities
- Now: Expansive definition of disability; many medical conditions qualify as disabilities, including temporary conditions

# Key Factors in Accommodation Decision

Is there a substantially limiting impairment?



Is the accommodation responsive to the impairment?



Is the accommodation reasonable?



# ACCOMMODATION PROCESS

Faculty need extra reminders on when, where, and how to refer pregnant students





# Examples of Common Accommodations: Individual Adjustments

- Delayed deadlines
- Bathroom breaks
- Breaks for rest or water
- Time to pump breast milk during class or exams
- Parking space
- A larger chair so pregnant student can sit comfortably
- Modification of equipment, test, or training materials, or policies

# Accommodations

Why may the typical accommodations process be poorly suited to address pregnancy-related accommodation needs?

- ▶ **Designed for “permanent” disabilities**
- ▶ Staff need training
- ▶ Disability stigma and lack of awareness
- ▶ Missing protections and gray areas

# Accommodations: The Graduate Division's Role

- ▶ Bridge policy gaps
- ▶ Set tone
- ▶ Ensure proper training and awareness
- ▶ Advise. *What is a “reasonable” adjustment?*

# Healthy pregnancies for graduate students

California law requires reasonable accommodation for “pregnant graduate students so they may complete their graduate courses of study and research. Reasonable accommodation ...may include, but is not necessarily limited to:

- allowances for the pregnant student’s health and safety, such as allowing the student to maintain a safe distance from hazardous substances,
- allowing the student to make up tests and assignments that are missed for pregnancy-related reasons,
- allowing a student to take a leave of absence
- excusing of absences that are medically necessary, as required under Title IX

# Things to think about:

- Scheduling of pre-natal care
- For research assistantships – grant deliverables (consult agency program officers!)
- For teaching assistants, having a back-up plan in case of complications

- Field work
  - Medical care in country of assignment?
  - Zika exposure?
  - Altitude, clean water?
  - Parasites
  - Other health concerns?

## Scenario #1

An adviser is concerned that his advisee, Sarah, is nearly exceeding her normative time. Sarah told her adviser that she will miss a deadline because she has pregnancy-related carpal tunnel syndrome, and finds it challenging to type her research findings.

- How would you advise?
- Are potential accommodations available?

## Scenario #2

A student, Kate, is seeking information about withdrawing for the semester. She confides in you that she has hyperemesis gravidarum (chronic/severe morning **sickness**) and **“I don’t know how I’ll be able to pass my exams when I need to keep running to the bathroom.”**

- How do you advise?
- Are potential accommodations available?

## Scenario #3

Purvi is a pregnant postdoc working on an NIH sponsored research project. She reports to you that when she asked to avoid certain exposures in the lab, her PI told **her**, “**I’m** disappointed you got pregnant—I thought you were a serious scientist! We have deadlines to meet, so you have to quit **the project.**”

- How do you respond?
- What potential accommodations are available?



**“I confided in my department chair that I believed I had been fired & discriminated against due to my pregnancy. She replied (and I can quote from memory verbatim because I was so horrified) ‘Are you sure? Because women in your condition have pregnancy brain and can often misinterpret situations.’ I realized I was screwed. No job, no, support, and no health insurance for my upcoming delivery.” Graduate student in psychology**

The background is a teal-to-blue gradient with faint circular patterns and a compass rose in the upper right corner. The text is centered and underlined.

# Academic Policies Beyond Accommodations

# Title IX Regulations: Student Maternity Leave

(5) In the case of a recipient which does not maintain a leave policy for its students, or in the case of a student who does not otherwise qualify for leave under such a policy, a recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom as a justification for a leave of absence for so long a period of time as is deemed medically necessary by the student's physician, at the conclusion of which the student shall be reinstated to the status which she held when the leave began.

# Title IX Regulations: Student Maternity Leave

**“as long as medically necessary”**

Is determined by a physician and may include:

- ▶ medically-**necessary doctor’s appointments**
- ▶ leave during pregnancy
- ▶ childbirth leave

# Title IX Regulations: Student Maternity Leave

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# Title IX Regulations: Student Maternity Leave

**“...reinstated to the status which she held...”**

- ▶ Guaranteed re-admittance to program
- ▶ No penalty or grade deductions
  - ▶ Must be allowed to make up assignments
- ▶ Stop-the-clock
- ▶ The law provides no exceptions

# Best Practices: Student Maternity Leave

- ▶ Short answer: Have a policy!

# Best Practices: Student Maternity Leave

- ▶ 6-8 weeks is a bare minimum—ensure your policy provides longer and/or make clear that extensions are permitted
- ▶ Ensure that health insurance, housing, and other critical benefits may be retained by the student for a reasonable period of time while on leave.
- ▶ Establish flexible administrative guidelines that provide for unforeseen circumstances that may arise in pregnancy or childbirth.
- ▶ Educate faculty members and other staff that harassment and retaliation for taking leave is illegal.



# Title IX Regulations: Student Parental Leave

Title IX mandates that covered programs:

- ▶ **“(1) Shall not apply any rule concerning the actual or potential parental, family, or marital status of a student or applicant that treats persons differently on the basis of sex;”**

# Title IX Regulations: Student Parental Leave

Caretaking/bonding leave must be provided equally

✓ Birthmother-only disability leave

✗ Birthmother-only caretaking leave

Courts have found that providing only birth mothers with leave beyond that necessary for physical impairment/disability constitutes illegal sex discrimination.

# Best Practices: Student Parental Leave

- ▶ Students should be permitted to take leave on a non-consecutive or delayed basis so that parents wishing to share responsibilities can stagger leave.
- ▶ Avoid using gendered language or otherwise reinforcing the stereotype that women who give birth are (or should be) the sole or primary caretaker.
- ▶ Provide resources for parents in offices accessible to parents of all genders.

# Academic accommodations for graduate student parents at Berkeley



# Eligibility

- Must have substantial parenting responsibilities
  - Pregnancy
  - Childbirth
  - Care of newborn or newly adopted young child
  - Serious illness of child
  - Other exceptional circumstances
- Child may be:
  - Student's child
  - Child of student's spouse
  - Child of student's domestic partner
- International students eligible for all policies, but are referred to our international office because of potential visa implications of some provisions

# Underlying principle - flexibility

- Commitment to supporting students do what's best for them and their families
- Students are entitled to leave, but **do not have to take leave** for many benefits
- Extensions available for:
  - Passing preliminary exam
  - Passing qualifying exam
  - Calculating normative time for fellowship eligibility
- Birth mother entitled to extensions up to one year
- Non-birth parents entitled to extensions up to six months
- Total extension limited to two years

# Parenting leave for graduate student parents at Berkeley – past practice

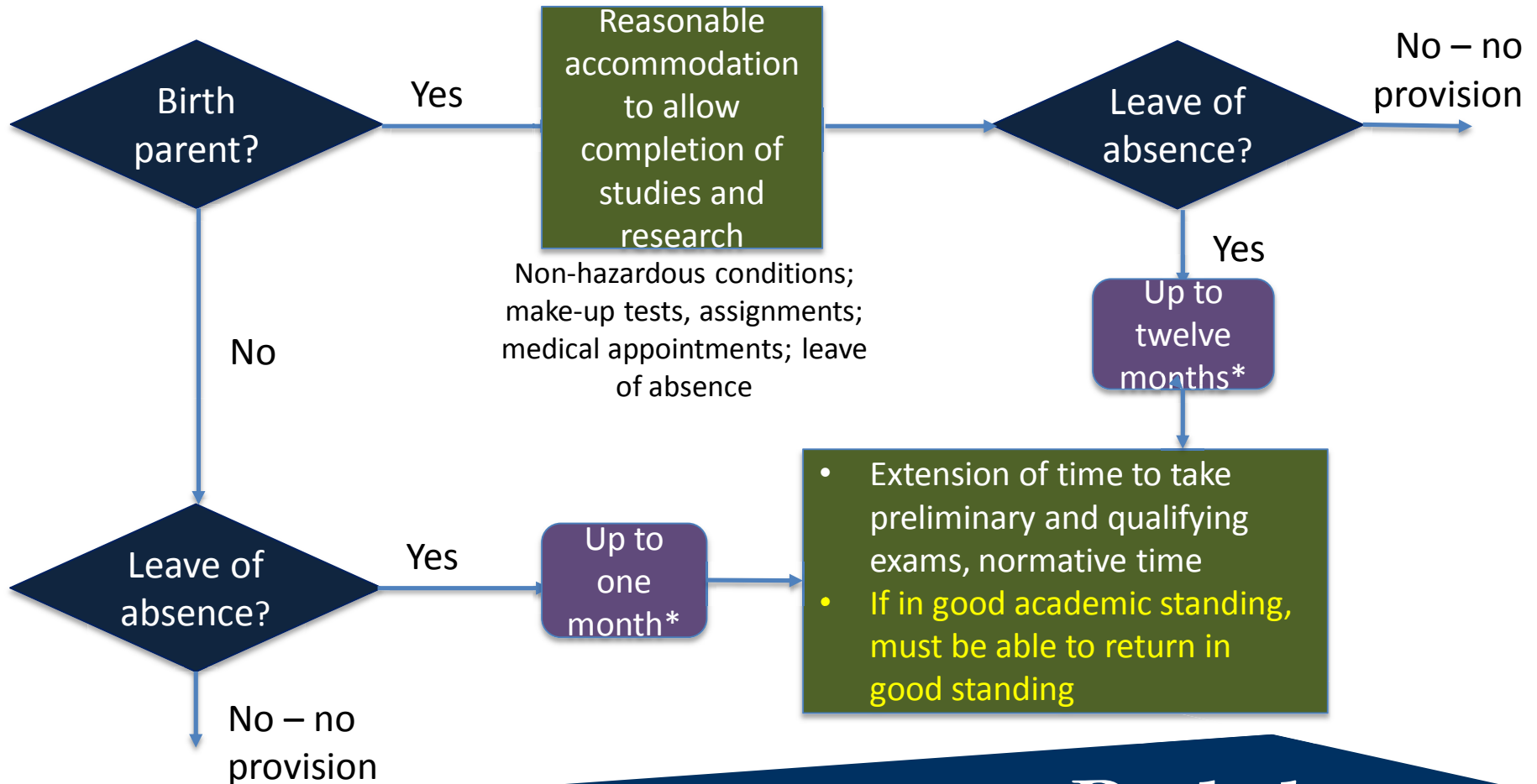
- For many years Berkeley has allowed graduate student parents to withdraw for parenting duties – one year for birth mothers, six months for non-birth parents
- Students had to apply to return
- To comply with California law, had to create a new enrollment status so that student parents do not have to withdraw

# Parenting leave for graduate student parents at Berkeley - now

- Any parent entitled to academic leave of up to 12 months, to be taken no later than 12 months after birth or adoption (longer leaves granted for medical reasons)
- Students on parenting leave **ineligible** to work academically with faculty, for campus employment, fellowships or financial aid
- Students on parenting leave **remain eligible** for campus email services, library privileges, campus housing, and voluntary purchase of health insurance
- International students may be affected by visa restrictions

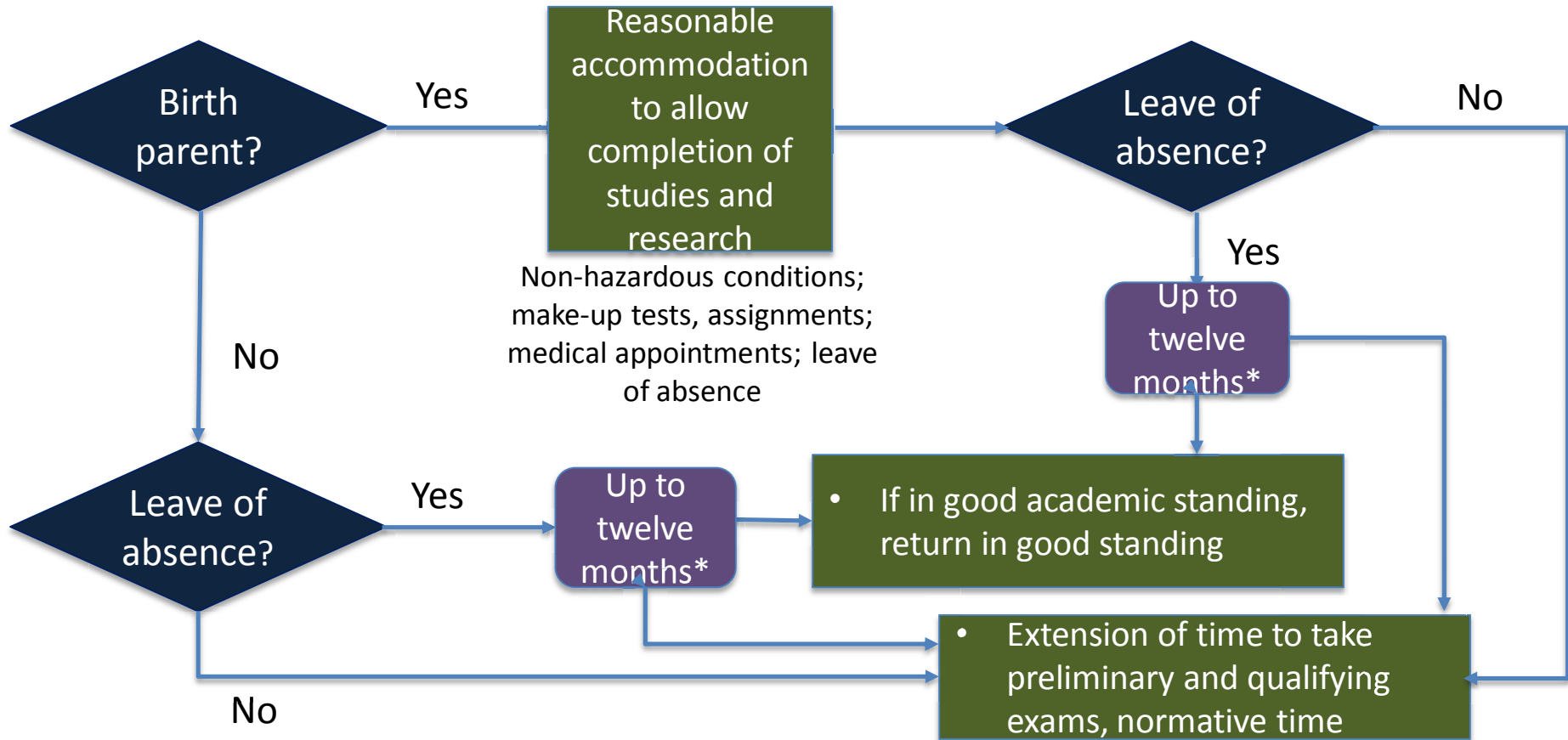


## Section 66281.7 of the Education Code of the State of California (2014)



\* Times to be extended if medically necessary

# Berkeley policy – academic extensions independent of whether leave taken (2016)




\* Times to be extended if medically necessary

# What are your policies?

Does your institution have a formal maternity or parental leave policy?

If not, what are the barriers to enacting a policy?  
If so, how have you overcome those barriers?

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# Employment & Funding Provisions

# Employee Leave & Accommodations

For eligible employees:

- Family and Medical Leave Act (FMLA)

For all employees:

- Title VII
- Title IX
- Americans with Disabilities Act

# FMLA: Eligibility

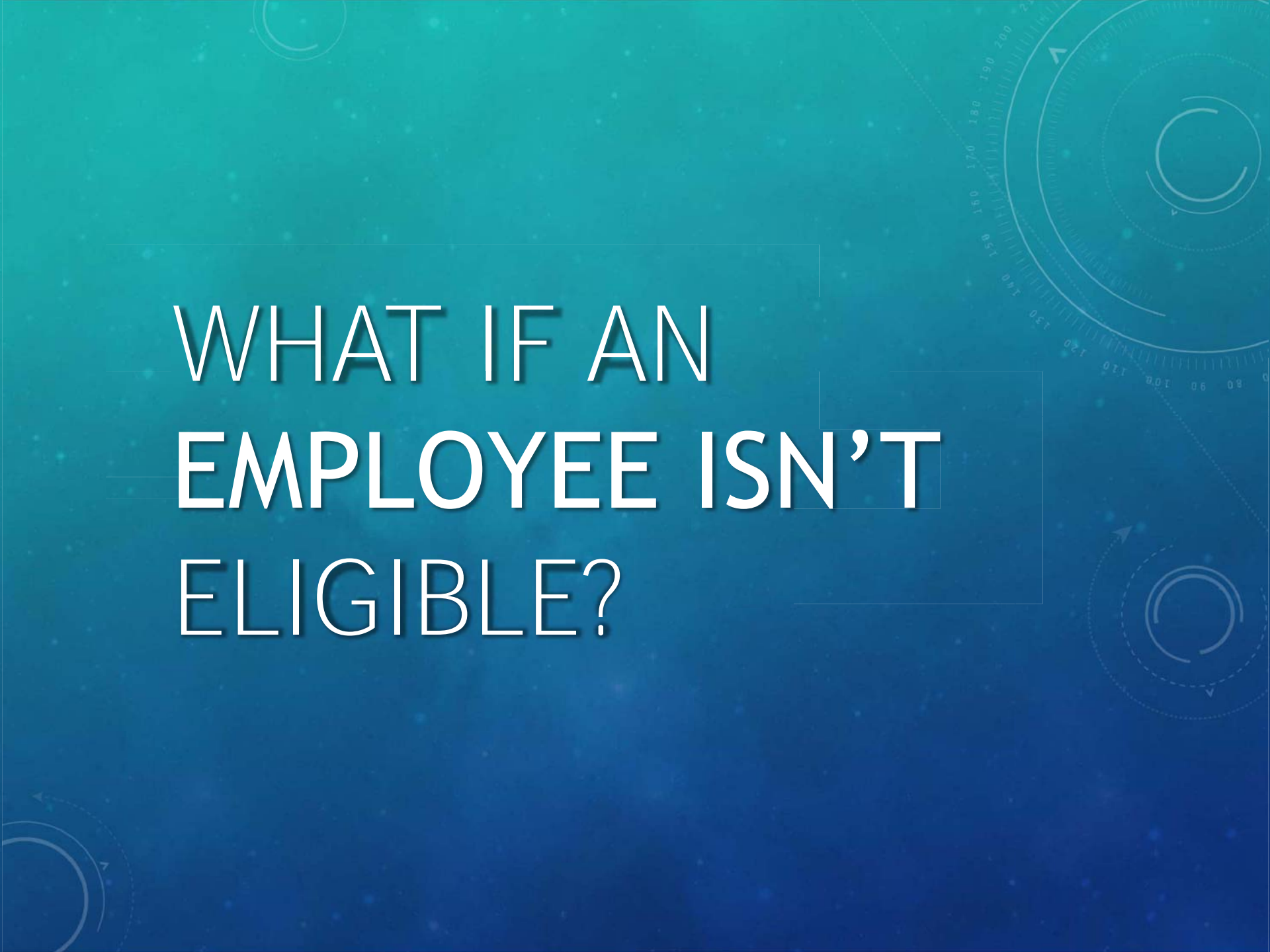
## Employees are covered if they've:

- Been employed by university for 12 months (need not be consecutive)
- Worked at least 1250 hours in the preceding 12 months
  - *Roughly 31 hours per week, excluding summer*
  - *Roughly 24 hours per week, if employed all calendar year*
- Have not already exhausted their FMLA time for the prior year

# FMLA: Benefits

Up to twelve weeks job-protected (unpaid) leave for:

- Maternity leave (pregnancy/childbirth)
- Parental leave (any parent)
- Other caregiving for family **member's serious illness**

The background is a teal-to-blue gradient with technical graphics. On the right side, there are several circular gauges or dials with numerical scales (e.g., 100, 110, 120, 130, 140, 150, 160, 170, 180, 190, 200) and arrows. There are also faint circular patterns and lines scattered across the background.

WHAT IF AN  
EMPLOYEE ISN'T  
ELIGIBLE?



# Title IX Regulations: Employee Leave

Does your institution offer leave for temporary disabilities?

If yes:

- ▶ Pregnancy, childbirth or termination of pregnancy, false pregnancy, recovery therefrom and related disabilities must be covered under temporary disability benefit/policy.
- ▶ These conditions must be treated as any other temporary disability.

# Title IX Regulations: Employee Leave

If no other leave is available (or sufficient):

- ▶ Provide (unpaid) leave for a **“reasonable period of time”** for pregnancy, childbirth or termination of pregnancy, false pregnancy, and recovery therefrom
- ▶ Employees have a **right to reinstatement:** return to position, or comparable position

# Employee Leave: Funding

## National Science Foundation

- ▶ 3 months of salary support
- ▶ Up to \$12,000 for salary

## National Institutes of Health

- ▶ 60 calendar days of leave

Grant regulations require consistent application; universities may need to have formal paid leave policies to benefit

# Title IX/Title VII Accommodations: Case Law Update

- ▶ Young v. UPS (2015)
  - ▶ Employers that provide accommodations to non-pregnant employees are required to provide similar accommodations to pregnant employees who have similar limitations on their ability to work
  - ▶ Employers may be excused from this if they have a *strong*, legitimate, and nondiscriminatory reason for treating the non-pregnant employees differently.
  - ▶ **Employer's reason for exclusive accommodation policy must be sufficiently strong to justify any significant burden on pregnant women.**

## Employment and financial accommodations for pregnancy and childbirth

- Female research doctoral students anticipating childbirth and supported in teaching or research appointments may be excused from regular duties for a period of six weeks without loss of financial support
- Students *may* work during this time, but are not required to do so
- UC-UAW contract extends this benefit to any birth mother academic student employee (graduate student instructor, reader)
- UC-UAW contract provides up to four weeks of paid leave to any non-birth parent
- Female research doctoral students supported by fellowships continue to receive funds

## Who pays for six weeks of support?

- For research doctoral students, cost for a replacement instructor or researcher covered by campus Childbirth Accommodation Fund upon application
- Hiring unit covers costs for academic student employees who are not research doctoral students
- Graduate division covers internal fellowships, and replaces any external fellowship lost because of program rules
- Many research agencies cover costs, but if not, the faculty PI can request the cost of a replacement researcher from the campus Childbirth Accommodation Fund

Total Grad Div annual  
cost about \$20K

## Continuing support for student parents

- Family housing – about 900 subsidized family housing units for student parents (graduate and undergraduate)
- Student parent center – child care referrals, problem solving, advocacy
- Breastfeeding support – University Health Service sponsors lactation rooms, provides other support
- Early childhood education program – high quality childcare for children 3 months to 5 years

# Financial support for graduate student parents

- UC-UAW contract allows academic student employees (teaching titles) to claim up to \$1,350 per semester for childcare expenses or \$900 for expenses incurred during Summer Session appointment(s) – costs borne by hiring unit
- Graduate student parent grant – disburses about \$1.2M annually to student parents on basis of need, number of children, etc.
- Eligible to purchase health insurance for dependents



## Back-Up Child Care

for UC Berkeley Student Parents



Home

About the Service

Get Started

FAQs

Students Say...

Program History

Contact Us



Quality Child Care  
When You Need it Most

[Learn More](#)

[Schedule Care](#)

**Highly-subsidized in-home and center-based back-up child care for UC Berkeley student parents.**

Learn more about the service, location, hours and costs.

# What are your policies?

Does your institution have a paid maternity or parental leave policy?

If not, what are the barriers to enacting a policy?  
If so, how have you overcome those barriers?



- Model policy template
- Example university policies
- Tips for faculty and administrators
- Guides for students and postdocs

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7/13/2016