Pregnancy discrimination

Universities need to ensure policies on pregnant students do not violate Title IX

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Last March, Tara Brady filed a lawsuit in federal court against Connecticut's Sacred Heart University for violating Title IX of the Education Amendments of 1972. A decision in Brady's favor could have important and far-reaching consequences for a group of students whose needs are often overlooked by educational institutes: pregnant women. Unfortunately, discrimination against pregnant women still exists in America's education system, despite being expressly prohibited by federal law. Schools, instead of forcing a woman to choose between carrying a pregnancy to term and her education, should be doing everything within their power to ensure pregnant women opportunities to complete school. Universities should not be in the business of enforcing the "M.R.S. degree" stereotype that still haunts women seeking an education.

Brady said in the summer of 2001 while working at a summer basketball camp, she revealed her pregnancy to her basketball coach. After talking to university officials, Brady's coach told her she should leave the school because she would be a "distraction," according to Law.com.

Brady asked her coach to register her as a "medical redshirt," which would have given her a chance to makeup the time spent not playing basketball due to a disability. She claims this was never done, and her full basketball scholarship, which covered almost all of her expenses, was revoked.

She later learned from a basketball game program that she was listed under redshirt status, but she was not receiving any benefit from the classification.

In May 2002, her scholarship was reinstated by Sacred Heart, as was her status as a member of the school's basketball team. However, she alleges that after her reinstatement, her coach refused to speak with her directly.

She ended up leaving Sacred Heart to enroll at another university.

This case is important because it's one of the first to test a school's obligations to pregnant women under Title IX. Most pregnancy discrimination cases have been decided under Title VII, which prohibits discrimination in employment, but little has been done in education.

According to the Office of Civil Rights in the Department of Education, Title IX, which prohibits discrimination based on sex, requires three things from institutions receiving any amount of federal money.

First, a school cannot treat a woman worse than normal students because she is pregnant, meaning a pregnant student cannot be excluded from any program or activity based on her condition. The second requirement is that schools must accommodate pregnancy as though it were a temporary disability, which means that pregnant women are entitled to

the same insurance benefits, leave policies or modified course requirements that temporarily disabled students are entitled to.

The last requirement - and this is the big one - is that schools are required to allow a pregnant student to take temporary leave, and when she returns, she must be reinstated to her prior status, regardless of whether the school allows temporary leave for other conditions. The length of a pregnant woman's leave is to be determined by her doctor.

At Texas A&M, if a student misses an entire spring or fall semester - for whatever reason other than an officially sponsored program - they must reapply in order to return. A student does not have to reapply if they withdraw from the University after the census day, or day 12 of classes, but the withdrawal will be on their record.

The University of Texas has a similar policy, according to its re-admission Web site. UT students must be readmitted before they can enroll in classes, even if they missed only one semester and left in good standing.

This is not to say that universities are intentionally discriminating against pregnant women; they simply may not be aware that they're violating Title IX. If that's the case, universities must reevaluate their policies. State and federal lawmakers must also ensure that Title IX is being applied correctly.

Universities that do not have specific policies regarding the leave policies and treatment of pregnant women must correct this. They must develop uniform policies that apply to pregnant students; and the policies must meet the Title IX requirements.

Pregnant women need these policies. Pregnancy, especially toward the end of the term, can be difficult to handle, with doctor appointments, possible complications and the birth itself. It is not fair to force women immediately back into classes after giving birth if they want to remain in school.

It is not fair to make a woman choose between family and educational opportunities.