Pregnant and Parenting Graduate Students/Employees
Resource Guide for Faculty and Staff

Texas A&M is committed to providing a safe and non-discriminatory learning, living, and working environment for all members of the university community. This guide is intended to provide support, information, and resources to faculty and staff who teach or employ graduate students who are pregnant or parenting.

Frequently Asked Questions

How does Title IX protect pregnant and parenting students? Is taking adverse action against a pregnant or parenting student considered discrimination?

Title IX and the Pregnancy Discrimination Act prohibit an employer from firing, refusing to hire, demoting or taking any other adverse employment action against a woman if pregnancy, childbirth or a related medical condition was a motivating factor in the adverse employment action. Discrimination against a worker with caregiving responsibilities violates Title VII if it is based on sex, and violates the ADA if it is based on disability. For more information, click here. See also TAMU System Regulation 08.01.01.

What if my student request to continue his/her academic program and maintain registration status during the pregnancy?

Staff at Student Assistive Services and the Women’s Resource Center can provide information and assistance with academic accommodations (grading, absences, internships, etc.) to graduate students. More information and useful contacts available here.

A student can decide if they wish to continue to pursue academic goals during the pregnancy or parenting period. Accommodation plans associated with academic studies could involve modification or postponement of assignments, examinations or other academic work, as well as extensions of programmatic requirements and academic milestones. Modified academic work might be accompanied by accommodations such as the assignment of incomplete grades. Enrollment in directed study and research units, during the semester leading up to the pregnancy or the semester following the birth, may be a viable solution to offer students more flexibility during this time, as the committee sees fit.

What is considered a reasonable accommodation period?

A reasonable accommodation depends on the health of the mother and the child during pregnancy as well as after birth. An academic accommodation period is justified for as long a period of time as deemed medically necessary by the student's physician. For more information, see TAMU System Regulation 07.1.10. OGAPS recommends an employment accommodation period of up to 6 weeks. If needed, Texas’s Parental Leave Act allows mothers and fathers to take up to 12 weeks of unpaid leave beginning on the day of birth or day of foster placement. Click here for more information and a certification form. See also: Texas Statute 661.913: Parental leave Act.

If my student is an international student, are there other considerations I should be aware of when providing accommodations?

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International students with F-1 or J-1 status are required to be enrolled full-time by federal regulations in the Fall/Spring semesters or in the summer semester if it is the first or last semesters. A student may apply for a medical reduced course load from International Student Services. It must be approved by ISS prior to dropping below full-time enrollment. Please consult ISS for additional information regarding dropping below full-time enrollment.

For international students with other status (not F-1 or J-1), enrollment is not restricted by immigration regulations.

**What if my student request to continue his/her employment as a graduate or research assistant during the pregnancy?**

A student can decide if they wish to continue to pursue employment during the pregnancy or parenting period. Departmental administrators and research supervisors are encouraged to work with graduate student employees to come up with a temporary modification of teaching or research duties, where the graduate assistant can continue to work, but in a more limited capacity. For TAs, rearrangement of teaching duties, for TAs, or adjustments to laboratory or other research schedules, for RAs, are recommended. If needed, advisors can consult with the department head or dean to try to identify employment opportunities that would allow for greater flexibility, such as online teaching roles.

**What if my student requests to take a leave of absence from employment?**

Federal and State Law as well as University rules dictate the leave of absence options available to Texas A&M employees, including a graduate student employee who is grant funded. Note that an employer may not compel an employee to take leave because she is pregnant -- even if the employer believes the work environment would be dangerous to the fetus -- as long as the employee is able to perform her job.

**FMLA: Family and Medical Leave Act**
The federal FMLA allows qualified employees to take up to 12 weeks of job-protected leave per fiscal year for the birth or adoption of a child; for the care of a child, spouse or parent with a serious health condition; for the employee’s own serious health condition; or for the care of a covered military service member. Click here for more information about eligibility criteria and an information packet. See also TAMUS Reg. 31.03.05: Family and Medical Leave

**PLA: Parental Leave Act**
Texas’s PLA allows mothers and fathers who are not eligible for FMLA leave and to take up to 12 weeks of unpaid leave for the birth of a child or for the placement of a foster/adoptive child (3 years or younger) in the home. The leave begins on the day of birth or the day of the foster/adoption placement and expires 12 weeks thereafter. Click here for more information and a certification form. See also: Texas Statute 661.913: Parental Leave Act

**Is pregnancy covered under the Americans with Disabilities Act (ADA)? Are they entitled to reasonable accommodations under the ADA?**
Although pregnancy itself is not a disability, pregnant employees may have impairments (such as gestational diabetes or severe morning sickness) related to pregnancy and childbirth that qualify as disabilities under the ADA. An employer must provide reasonable accommodations for pregnancy-related disabilities unless the accommodation would be an undue hardship on the employer. Although every situation is different, examples of possible accommodations could include allowing the pregnant employee to work from home during the pregnancy; allowing the pregnant employee to start later in the day than other employees and make up the time on a weekend; or allowing the pregnant employee to have more leave than that which is provided under TAMU’s sick/vacation policies. For more information, click here.

Where can I find more information about policies and locations regarding lactation?

The University allows reasonable break time for employees to express breast milk for up to one year following the birth of the employee’s child. TAMUS Regulation 33.06.01.M0.03. The University provides clean, private lactation rooms at various locations through campus. The Women’s Resource Center on campus can provide a map of accessible lactation rooms throughout the College Station campus and are available to answer questions about policies and locations.

Other Relevant Policies
Other laws or legislation may apply to certain employees using maternal or paternal leave. Use of paid and unpaid leave is subject to the rules and regulations of Texas A&M University. Please contact Human Resources if additional guidance is needed regarding the application or use of maternal or paternal leave benefits. See also:

- System Regulation 31.03.01: Vacation
- System Regulation 31.03.02: Sick Leave
- System Regulation 31.03.04: Leave of Absence Without Pay
- System Regulation 31.06.01: Sick Leave Pool
- System Regulation 33.06.01.M0.03 Flexible work Schedule Procedures

Helpful Contacts
The following offices can help answer questions and process through issues related to supporting pregnant and parenting graduate students.

- Title IX Office
- Dean of Faculties Office – Title IX Deputy for Faculty
- Office of Graduate and Professional Studies – Ombudsperson
- Student Assistance Services
  - Student Rights & Campus Resources
    We have compiled a list of frequently asked questions regarding the rights of pregnant and parenting students and some of the on-campus resources available to students.
    http://studentlife.tamu.edu/wrc.rightsandcampusresources