



Spring 2025 CLE Workshop · March 26 – 28, 2025

Higher Education Discrimination Law

**The Stork Has Landed –
Pregnant and Parenting Students, the PWFA, and the PUMP Act**

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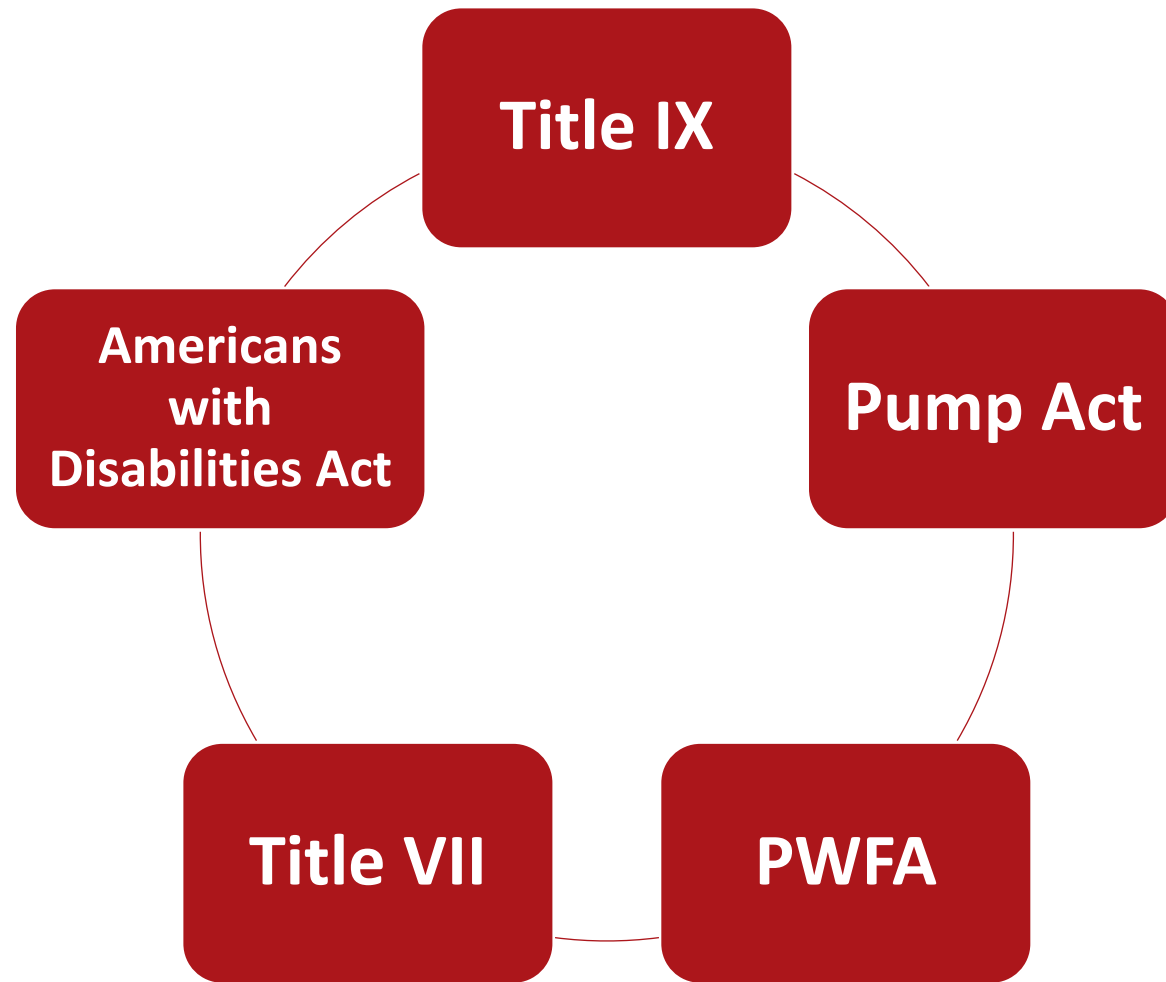
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Agenda

- Introduction
- Legal Landscape
- Compliance and Best Practices
- Recent Agreements & Decisions
- Impact of the *Dobbs* Decision, Future Litigation & Policy Trends

Legal Landscape



Summary of Protections

Law	Who Is Covered	Protections Provided
PWFA (Pregnant Workers Fairness Act)	Employees, including some student workers	Reasonable Accommodations for pregnancy and childbirth
Title IX	Pregnant and Parenting students in schools that receive federal funding	Protection from Discrimination, medical leave and reasonable accommodations
ADA (Americans With Disabilities Act) and Section 504	Students with Pregnancy related disabilities	Reasonable accommodations for complications that qualify as disabilities
PUMP Act (Providing Urgent Maternal Protections for Nursing Mothers Act)	Student Workers and employees	Requires break time & private lactation space for breastfeeding/pumping
Title VII and Pregnancy Discrimination Act	Employees, including student workers	Prohibits pregnancy discrimination in employment and requires equal treatment of pregnant employees



Recent Agreements & Decisions

OCR Agreements

- **Hinds Community College** - OCR found that Hinds Community College violated Title IX by refusing to allow pregnant student in medical program to leave early for obstetrics appointments, marked her absent for missing parts of online sessions while hospitalized, and did not provide a proper lactation space. OCR found Title IX violation and the college agreed to policy revisions, faculty training, better accommodation tracking, and financial reimbursement for the affected student.
- **Salt Lake Community College** – OCR found that SLCC violated Title IX and Section 504 when a Professor denied a pregnant student experiencing severe morning sickness academic adjustments such as excused absences and deadline extensions. The college entered into a Resolution Agreement requiring policy updates, faculty training, and improved procedures for pregnancy-related accommodations.

OCR Agreements, cont'd

- **Troy University** - OCR determined that Troy University failed to provide structured pregnancy accommodations under Title IX, leading to inconsistent faculty responses and penalization of a pregnant student. The university agreed to policy improvements, faculty training, and better tracking of accommodation requests.
- **University of Maine at Fort Kent** – The university faced Title IX allegations regarding a pregnant student's limited access to academic support and failure to properly communicate Title IX policies. Before OCR completed its investigation, the university entered into a Resolution Agreement to improve faculty training and ensure equal access for pregnant students.

Recent PWFA Decisions

- **ABC Pest Control, Inc. (Settlement of PWFA Charge)** - ABC Pest Control settled a PWFA charge after allegedly terminating an employee for requesting pregnancy-related medical leave to attend medical appointments. The company agreed to pay \$47,480 in damages, appoint an EEO coordinator, revise policies, provide training, and report accommodation requests to the EEOC.
- **EEOC v. Wabash National Corporation** - The EEOC sued Wabash National for denying a pregnant employee's request to transfer to a job that didn't require her to lie on her stomach, instead placing her on unpaid leave. The EEOC alleges violations of the PWFA, Title VII, and ADA and seeks compensatory and punitive damages and injunctive relief.
- **EEOC v. Polaris Industries, Inc.** - The EEOC sued Polaris Industries for allegedly failing to accommodate a pregnant employee's request to use medical leave for doctor's appointments and requiring overtime against her doctor's advice. The EEOC claims this violated the PWFA and seeks to enforce reasonable accommodation requirements.

Recent PWFA Decisions, cont'd

- **EEOC v. Urologic Specialists of Oklahoma, Inc.** - A pregnant medical assistant's requests for seating, breaks, and reduced hours were denied, leading to unpaid leave and eventual termination. The EEOC argues this violated the PWFA and ADA and stresses the need for an interactive accommodation process.
- **EEOC v. Lago Mar Properties, Inc.** - Lago Mar Properties allegedly fired an employee after she requested leave following a stillbirth. The company settled, agreeing to pay \$100,000, implement PWFA-compliant policies, train employees, and report accommodation requests to the EEOC.

Impact of the *Dobbs* Decision, Future Litigation & Policy Trends



Compliance & Best Practices

Title IX

Voluntary Integration

Accommodations
available to
Temporarily Disabled

PWFA

Flexible Hours

Breaks

Leave / Time Off

Physical Limitations

Pump Act

Reasonable Break

Space Considerations

Questions?



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