

HIGHER EDUCATION INFORMATION MEMO

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New OCR Fact Sheet Reiterates that Terminating a Pregnancy is Protected Under Title IX

The U.S. Department of Education's Office for Civil Rights (OCR) released a "[Fact Resource](#)" on Oct. 4, 2022 reaffirming legal authority that Title IX protects both students and employees from discrimination based upon pregnancy and related conditions. While the new resource is broadly worded, the timing and presentation suggests that it is intended to signal an enforcement agenda targeted toward the protection of abortion rights for students and employees of educational institutions.

Coming on the heels of recently [proposed regulations](#) that also emphasize protections for pregnancy related conditions, the guidance references long-standing rules that protect [students](#) and [employees](#) from discrimination based on "pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom." However, only halfway into the first paragraph of the fact sheet, termination of pregnancy is specifically emphasized as a protected status and a footnote goes on to recite Title IX's "Neutrality with respect to abortion" [provision](#).

As states, institutions and, most importantly, individual women, struggle to adjust and cope with the changing landscape of reproductive rights, OCR seems intent on reminding colleges and universities that certain obligations remain intact. Specifically, institutions must prevent discrimination, provide leave and accommodations, and give equal medical benefits to students and employees experiencing pregnancy and related conditions, including termination and recovery therefrom.

If you have any questions, please contact [Seth Gilbertson](#), any attorney in Bond's [higher education practice](#) or the Bond attorney with whom you are regularly in contact.



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