

## ***GJGL* Editorial: Georgetown Law Must Provide Reasonable Accommodations to Pregnant and Parenting Students**

As the Editorial Board for *The Georgetown Journal of Gender and the Law*, we write this editorial to voice our strong support for Ms. Brittany Lovely, and to advocate for enhanced protections and accommodations for other pregnant and parenting Georgetown Law students. Our mission is to promote the discussion and analysis of legal issues related to gender, sexuality, and their intersection. We find it especially necessary to raise awareness of these issues when a fellow student is impacted. It is both deeply troubling and disheartening that a law student nearing the end of her pregnancy must face administrative resistance while preparing for finals. This not only violates the anti-discrimination requirements of Title IX but also worsens the persistent maternal health disparities that disproportionately impact Black women. We call on the Georgetown University Law Center to reverse its decision, issue an apology, and provide Ms. Lovely with her requested, reasonable accommodation.

### **Title IX Protects Pregnant Students and Compels Reasonable Accommodations**

Title IX of the Education Amendments of 1972 broadly prohibits discrimination on the basis of sex in education.<sup>1</sup> In guidance that became effective on August 1, 2024, the Biden administration explicitly clarified that “discrimination on the basis of sex” extends to pregnant and parental status, and obligates institutions to accommodate pregnant and parenting students.<sup>2</sup> This federal mandate applies to all public and private educational institutions that receive federal funds, which includes Georgetown University Law Center.<sup>3</sup>

Title IX not only prohibits discriminatory behavior but also imposes affirmative obligations. Specifically, it requires a “reasonable accommodations” process, mandating that universities engage, in good faith, with pregnant students to ensure they can equally access their education while pregnant.<sup>4</sup> Georgetown University Law Center’s website acknowledges this obligation, stating that “students may request adjustments based on general pregnancy needs or accommodations based on a pregnancy-related condition.” Examples of such adjustments include larger desks, breaks during exams, excused absences, or rescheduling tests or exams.<sup>5</sup>

Seeking reasonable accommodations is supposed to be an “interactive process” that requires the university to provide reasonable accommodations where university interests are not encumbered.

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<sup>1</sup> See Title IX, 1972 Education Amendments, 20 U.S.C. § 1681 (West, Westlaw through Pub. L. 118-106) (“[N]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance...”)

<sup>2</sup> U.S. DEP’T OF EDUC., FACT SHEET: PREGNANT & PARENTING STUDENTS’ RIGHTS UNDER NEW TITLE IX REGULATIONS (2024), <https://perma.cc/W9GE-36JK>.

<sup>3</sup> U.S. DEP’T OF EDUC., TITLE IX LEGAL MANUAL: SCOPE OF COVERAGE (2024), <https://perma.cc/6WCX-F6PM>.

<sup>4</sup> AUTUMN R. GREEN, JESSICA LEE, & THERESA ANDERSON, TITLE IX PROTECTIONS FOR PREGNANT AND PARENTING STUDENTS (Urban Institute, 2022), <https://perma.cc/NW5Q-8GW2>.

<sup>5</sup> *Title IX Pregnancy and Parenting-Related Support*, GEORGETOWN UNIV. LAW CTR., <https://perma.cc/4FKJ-RSXV>.

For example, in a 2023 resolution, the U.S. Department of Education’s Office of Civil Rights (OCR) found that a community college had failed to engage in the requisite interactive process after a pregnant student requested special support and academic adjustments.<sup>6</sup> Implicit in OCR’s guidance is the principle that simply offering an accommodation—for example, that the student drops with course without penalty—does not automatically demonstrate good faith or satisfy Title IX mandates.<sup>7</sup>

Title IX’s mission, congressional intent, and longstanding principles of equity all strongly demonstrate that no student should be disadvantaged in their education due to their gender or parental status.<sup>8</sup> Georgetown University Law Center’s accommodations, however, fall short of addressing Ms. Lovely’s circumstances as an expectant mother. Suggesting that Ms. Lovely bring her newborn to an in-person exam, just days after giving birth, and breastfeed in between questions is both contrary to the spirit of Title IX and an affront to the basic tenets of justice that Georgetown Law claims to uphold. This fails to provide Ms. Lovely with a test-taking experience that is equitable to that of non-pregnant or non-parenting students. Moreover, there is no persuasive justification for denying Ms. Lovely a more reasonable accommodation, such as allowing her the opportunity to take the exam remotely—a common institutional practice that has established policies and procedures to ensure testing integrity.

### **I. Such Accommodations Are Integral to Personal Dignity and Maternal Health**

Accommodating pregnant and parenting students is not just a matter of compliance with the law—it is a moral imperative that reflects our institution’s commitment to equity, health, and opportunity. Black mothers are already disproportionately more at risk of suffering from severe and fatal complications related to pregnancy.<sup>9</sup> And their chronic lack of access to care and support continues after birth.<sup>10</sup> Furthermore, pregnant and parenting students face additional systemic challenges that threaten their ability to access education, including institutional neglect and outright hostility<sup>11</sup>—both of which Ms. Lovely has indisputably experienced. Denying pregnant and parenting students the support they need not only endangers their health and that of

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<sup>6</sup> U.S. Dept. of Edu.’s Office of Civil Rights Announces Resolution of Pregnancy Discrimination Investigation of Salt Lake Community College, U.S. DEPT. OF EDU. (Jun. 14, 2022), <https://perma.cc/Q4F8-FSUW>.

<sup>7</sup>*Id.*

<sup>8</sup> *See Cannon v. University of Chicago*, 441 U.S. 677, 704 (1979) (Congress enacted Title IX with two principal objectives in mind: to avoid the use of federal resources to support discriminatory practices in education programs, and to provide individual citizens effective protection against those practices.).

<sup>9</sup> *See* CENTERS FOR DISEASE CONTROL AND PREVENTION, *Working Together to Reduce Black Maternal Mortality*, <https://perma.cc/6T7W-NVVM>.

<sup>10</sup> *See* Heike Thiel de Bocanegra, Monica Braughton, Mary Bradsberry, Mike Howell, Julia Logan, & Eleanor Bimla Schwarz, *Racial and Ethnic Disparities in Postpartum Care and Contraception in California’s Medicaid Program*, 217 AM. J. OBSTET. & GYNECOL. 47 (2017).

<sup>11</sup> *See* Michelle Gough, *Parenting and Pregnant Students: An Evaluation of the Implementation of the “Other” Title IX*, 17 MICH. J. GENDER & L. 211, 258–66 (2011); *cf.* Jennifer Bennett Shinall, *The Pregnancy Penalty*, 103 MINN. L. REV. 749 (2018).

their children but also undermines their personal dignity and right to an equally accessible education.<sup>12</sup>

Stress and lack of accommodations during pregnancy can have dire physical and emotional consequences, including poor maternal health, preterm births, and long-term developmental risks for the child.<sup>13</sup> These harms do not end with delivery. The postpartum period is equally critical, and without institutional support, many mothers face exhaustion, depression, and struggles with caring for their newborn child.<sup>14</sup> These harms are only compounded by the inherent stress of being a law student.<sup>15</sup>

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The Georgetown University Law Center is supposed to be a place where all the “unique talents, abilities, and dreams of all” students are “valued” and where they can “flourish.”<sup>16</sup> This must be read to include students who are pregnant and parenting. Adherence to this mission must mean that Georgetown Law provides reasonable requested accommodations to a student who is expected to give birth to her first child in the midst of finals. We, the undersigned, call on Georgetown Law to provide Ms. Lovely with her requested accommodation so that she may flourish as both a student and a new mother. Furthermore, we strongly urge the administration to deeply and intentionally evaluate and improve the current accommodations request process so that future students, who may be similarly situated to Ms. Lovely, do not have to experience this treatment.

To our fellow Georgetown students and our esteemed alumni, we urge you to support this call to action by [signing the petition](#).

In Solidarity,

The *Georgetown Journal of Gender and the Law* Editorial Board

Alison Hagani, Editor-in-Chief  
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<sup>12</sup> See generally Kendra Fershee, *Title IX Protections for Pregnant and Parenting Students in the Dobbs Era*, 56 CREIGHTON L. REV. 299 (2023).

<sup>13</sup> Irene Tung, Alison E. Hipwell, Philip Grosse, Lindsey Battalgia, Elena Cannova, Gabrielle English, Allysa D. Quick, Bianca Llamas, Megan Taylor, & Jill E. Foust, *Prenatal Stress and Externalizing Behaviors in Childhood and Adolescence: A Systemic Review and Meta Analysis*, 149 PSYCHOL. BULL. 1 (2023).

<sup>14</sup> American College of Obstetricians and Gynecologists, *Optimizing Postpartum Care: ACOG Committee Op. No. 736*, 131 OBSTET. & GYNECOL. e140 (2021), <https://perma.cc/N8BH-NMHT>.

<sup>15</sup> See Liani Balasuriya, *Pregnancy Discrimination Under Title IX: Compliance Concerns at Law Schools*, 23 CARDOZO J.L. & GENDER 389, 403–06 (2017).

<sup>16</sup> GEORGETOWN UNIV. LAW CTR., *Diversity & Inclusion*, <https://perma.cc/RLT3-6738/>.

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