

Berkeley Graduate Division

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Date: April 14, 2016

To: Deans, Chairs, Head Graduate Advisors, Graduate Student Affairs Officers

cc: Members of the Graduate Council

From: Fiona M. Doyle, Dean of the Graduate Division



Re: **Policy Statement: Parenting Leave for Graduate Students with Re-Enrollment**

In Fall 2015, the Graduate Division proposed that the Graduate Council approve the creation of a distinctive form of graduate student registration for Parenting Leave with an automatic re-enrollment provision. Following input from Campus Counsel, the Graduate Council has approved the proposal described here, effective immediately.

Background:

Since 1998, the Graduate Council has approved policies regarding academic accommodation of student parents, designed to encourage academic departments and programs to be as generous as possible in accommodating student parents. These are reflected in the *Guide to Graduate Policy* at <http://grad.berkeley.edu/policy/degrees-policy/#f6-student-parent-policies>.

In 2014, the Education Code of the State of California was amended to **require postsecondary educational institutions to adopt policies and procedures intended to protect graduate students from pregnancy discrimination** (as described in the federal Title IX Amendments of 1972 (20 U.S.C. Sec. 1681, et seq.)). For the full language of Section 66281.7 of the Education Code of the State of California, see Appendix. The University of California supported that legislation.

Most of the legislative requirements apply to pregnant students/birthmothers; some apply to non-birthparents. Thanks to previous Graduate Council policy statements, some provisions already in effect at Berkeley are consistent with, or more generous than, the mandated provisions — specifically, for birthmothers, allowing an extension of up to one extra year for passing preliminary examinations and qualifying examinations, plus up to one extra year toward Normative Time while in candidacy for the doctoral degree; and for other parents with substantial parenting responsibilities, allowing such extensions for up to six months.

To be fully consistent with provisions of the California Education Code as well as provisions of Title IX, a Parenting Leave registration status, with re-enrollment provisions, was needed. The new policy, set out here, addresses this need.

Policy:

A student who chooses to take a leave of absence due to pregnancy, childbirth, and/or to care for and bond with their newborn child or a child placed with the student for adoption or foster care shall be granted a Parenting Leave for up to one academic year (two semesters). This leave must be taken no later than twelve months after the child's birth or adoption/placement. If there is a medical reason for a longer absence, an extension of leave may be granted for a total of up to two academic years (four semesters).

A student must have registered for the semester during which the leave will be taken, or the semester immediately preceding the beginning of the period of leave requested. If a student commences a leave during a semester in which they are enrolled, that semester shall be counted as one of the semesters of leave granted under this policy.

An international student wanting to take Parenting Leave must first consult with the Berkeley International Office (BIO) regarding implications for visa requirements.

Restrictions:

A student on Parenting Leave shall not be eligible to work academically with faculty and shall not be eligible for campus employment, fellowships, or financial aid. A student on Parenting Leave shall remain eligible for campus email services, library privileges, campus housing, and voluntary purchase of health insurance (subject to applicable conditions of the providers of such benefits).

Dissemination and Training:

Notice of this policy and its provisions shall be disseminated to graduate students, faculty, and staff, by email or other technologically appropriate media designed to ensure wide dissemination, and the policy shall be posted on the relevant Graduate Division website that is accessible to the public. A copy of this policy shall be made available to faculty, staff, and employees during onboarding, orientation, and/or training. This policy shall also be made available to all graduate students attending required orientation sessions.

Grievance Process:

This policy supplements the written policies of the University of California, Berkeley, for graduate students on pregnancy and parenting discrimination and accommodations. To report complaints of discriminations under Title IX or this policy, contact the Office for Prevention of Harassment and Discrimination ("OPHD") and the campus' Title IX Office at ask_ophd@berkeley.edu.

Appendix: <http://grad.berkeley.edu/policy/degrees-policy/#f6-student-parent-policies>

The University of California supports Section 66281.7 of the Education Code of the State of California, adopted in 2014:

(a) It is the policy of the State of California, pursuant to Section 66251, that all persons, regardless of their sex, should enjoy freedom from discrimination of any kind, including, but not limited to, pregnancy discrimination as described in Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681, et seq.), in the postsecondary educational institutions of the state.

(b) Each of the following requirements shall be applicable to postsecondary educational institutions in this state:

(1) A postsecondary educational institution, including the faculty, staff, or other employees of the institution, shall not require a graduate student to take a leave of absence, withdraw from the graduate program, or limit his or her graduate studies solely due to pregnancy or pregnancy-related issues.

(2) A postsecondary educational institution, including the faculty, staff, or other employees of the institution, shall reasonably accommodate pregnant graduate students so they may complete their graduate courses of study and research. Reasonable accommodation within the meaning of this subdivision may include, but is not necessarily limited to, allowances for the pregnant student's health and safety, such as allowing the student to maintain a safe distance from hazardous substances, allowing the student to make up tests and assignments that are missed for pregnancy-related reasons, or allowing a student to take a leave of absence. Reasonable accommodation shall include the excusing of absences that are medically necessary, as required under Title IX.

(3) A graduate student who chooses to take a leave of absence because she is pregnant or has recently given birth shall be allowed a period consistent with the policies of the postsecondary educational institution, or a period of 12 additional months, whichever period is longer, to prepare for and take preliminary and qualifying examinations and an extension of at least 12 months toward normative time to degree while in candidacy for a graduate degree, unless a longer extension is medically necessary.

(4) A graduate student who is not the birth parent and who chooses to take a leave of absence because of the birth of his or her child shall be allowed a period consistent with the policies of the postsecondary educational institution, or a period of one month, whichever period is longer, to prepare for and take preliminary and qualifying examinations, and an extension of at least one month toward normative time to degree while in candidacy for a graduate degree, unless a longer period or extension is medically necessary to care for his or her partner or their child.

(5) An enrolled graduate student in good academic standing who chooses to take a leave of absence because she is pregnant or has recently given birth shall return to her program in good academic standing following a leave period consistent with the policies of the postsecondary educational institution or of up to one academic year, whichever period is longer, subject to the reasonable administrative requirements of the institution, unless there is a medical reason for a longer absence, in which case her standing in the graduate program shall be maintained during that period of absence.

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(6) An enrolled graduate student in good academic standing who is not the birth parent and who chooses to take a leave of absence because of the birth of his or her child shall return to his or her program in good academic standing following a leave period consistent with the policies of the postsecondary educational institution, or of up to one month, whichever period is longer, subject to the reasonable administrative requirements of the institution.

(c) Each postsecondary educational institution shall have a written policy for graduate students on pregnancy discrimination and procedures for addressing pregnancy discrimination complaints under Title IX or this section. A copy of this policy shall be made available to faculty, staff, and employees in their required training. This policy shall be made available to all graduate students attending orientation sessions at a postsecondary educational institution.