Is Post-Partum Depression a Title IX Accommodation?

Author: Saundra K. Schuster, J.D., Partner, TNG & Advisory Board, ATIXA and Brett A. Sokolow, J.D., Chair, TNG & President, ATIXA

A student in one of our professional programs gave birth and is now requesting accommodations for post-partum depression. The academic program records and posts lectures online and the student would like to watch the lectures from home. Classes end in a few months and the student is scheduled to start rotations. The disability services office denied the student’s request and the student’s doctor’s note.

I have a couple of questions:
1. Does your institution have requirements for medical documentation related to pregnancy and childbirth for students seeking accommodations? More specifically, do you have requirements for accommodations related to post-partum depression? [Note: the disability services office requires a doctor’s note from all individuals seeking accommodations]
2. How do you suggest a Title IX Coordinator with limited staff collaborate with the disability office to handle pregnancy and childbirth related accommodations? To what extent should the offices coordinate? Should there be separation in case a student files a Title IX complaint?

Brett’s Response:
It’s my opinion that post-partum depression is covered by Title IX and that a qualified doctor’s note diagnosing it is enough to warrant accommodations under Title IX. It is the Title IX coordinator’s job to make sure that accommodations are afforded under Title IX, irrespective of a decision by disability services.

Saunie’s Response:
I have a couple of thoughts about this. Certainly, post-partum depression could be a temporary (or even not temporary) disability and would fall under 504 and Title IX protections. But what we don’t know is if the depression is an impairment only (as in, many people live with depression daily), or a substantial impairment that affects or limits a major life activity, in which case it would be a qualifying disability. Since the Accessibility/Disability Coordinator turned down the request for accommodation, I think this needs further exploration. I also think that since this is a medical condition related to childbirth, it would fall under TIX as well as 504, and the Title IX Coordinator should get involved.