

LEGAL UPDATES

Amendments to Minnesota Laws Regarding Protections for Pregnant and Parenting Students and Campus Sexual Misconduct Policies Impose New Requirements on Higher Education Institutions

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On June 14, 2025, Minnesota Governor Tim Walz signed legislation amending state laws regarding protections for pregnant and parenting students and campus sexual misconduct policies.

The amendment to the Protections for Pregnant and Parenting Students law, **effective July 1, 2025**, requires private postsecondary institutions to provide protections for pregnancy and parenting students beyond what is required under federal law.

The amendment to the Campus Sexual Misconduct Policy law, **effective January 1, 2026**, expands the grievance procedures that Minnesota postsecondary institutions must provide in cases involving allegations of sexual misconduct.

Amendment to Protections for Pregnant and Parenting Students Law

The Minnesota Legislature amended the law regarding protections for pregnant and parenting students, which previously applied only to Minnesota state colleges and universities, and “requested” the University of Minnesota’s compliance. The amended law now applies to “postsecondary institutions,” which is defined to include private postsecondary institutions that offer in-person courses on a Minnesota campus and are eligible for state student aid.

Key provisions of the law include the following:

- Institutions cannot require pregnant or parenting students to take a leave of absence, withdraw, limit their studies, participate in an alternative program, change their major, degree, or certificate program, or refrain from joining or cease participating in any course, activity or program, based on their status as a pregnant or parenting student.
- Institutions must provide reasonable modifications for a pregnant student (including those that would be provided to a student with a temporary medical condition and modifications that are related to the health and safety of the student and the student’s unborn child).

Related People

Kathryn Nash

Partner

Minneapolis

612.632.3273

kathryn.nash@lathropgpm.com

Pamela J. Kovacs

Counsel

Minneapolis

612.632.3398

pamela.kovacs@lathropgpm.com

Graciela (Grace) Quintana

Associate

Minneapolis

612.632.3215

graciela.quintana@lathropgpm.com

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- Institutions must excuse the pregnant student's absence, allow the student to make up missed assignments or assessments, and allow additional time to complete assignments for reasons related to a student's pregnancy or childbirth.
- Institutions must allow a pregnant or parenting student to take a leave of absence and, if the student is in good academic standing at the time of leave, return to the program in good academic standing without being required to reapply.
- Institutions must provide a pregnant student with an excused absence access to instructional materials and video recordings of class lectures to the same extent they do for other students with excused absences.
- If an institution provides early registration for courses for any group of students, it must also provide it for a pregnant or parenting student in the same manner.
- Institutions must adopt a policy for students on pregnancy and parenting discrimination, which must meet certain requirements, including that the Title IX coordinator must be the point of contact.

Although the amendment expands the law to apply to private postsecondary institutions, the amendment did not change the definition of "parenting student." A parenting student is defined as a student enrolled at a *public* college or university who is the parent or legal guardian of, or can claim as a dependent, a minor child. The amendment did not revise that definition to include a student enrolled at a *private* college or university who is a parent or legal guardian. Therefore, as currently written, the amended law's requirements regarding parenting students likely do not apply to private higher education institutions.

The law regarding protections for pregnant and parenting students is far more specific and prescriptive than what is required under current federal regulations. For example, federal regulations have never required a policy or required the Title IX coordinator to be designated as the point of contact. In addition, current federal regulations only require comparable treatment to the treatment of students with temporary disabilities, prohibit discrimination, and require the option for a leave of absence. The federal regulations do not provide specific requirements similar to Minnesota's law regarding reasonable modifications and absences, among other items. The federal regulations also allow an institution to require certification from a physician to permit a student to participate in a program or activity, under certain circumstances. It is unclear whether that would be permitted under Minnesota's law.

In addition to expanding the institutions to which the law applies, the amendment added a definition of "pregnancy or related conditions" by cross-referencing the 2024 Title IX regulations. Under these regulations, "pregnancy or related conditions" means:

- Pregnancy, childbirth, termination of pregnancy, or lactation;
- Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
- Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Amendment to Campus Sexual Misconduct Policy Law

Currently, the Campus Sexual Misconduct Policy law requires postsecondary institutions to adopt a written sexual misconduct policy that applies to students and employees which provides information about their rights and duties. The law also requires that the sexual misconduct policy includes procedures for reporting incidents of sexual misconduct and for disciplinary action against those who violate the policy.

The recent amendment requires postsecondary institutions to provide new and extensive grievance procedures in cases involving reports of sexual misconduct. Examples of those additional grievance procedures include:

- For reporting and responding parties, the ability to present and review relevant testimony by parties and witnesses and relevant evidence compiled in an investigative report;
- A hearing, if requested by either the reporting or responding party;
- For reporting and responding parties, equal opportunity to question the credibility of the other party and witnesses through a live hearing or questioning by a decision maker; and
- A decision maker, or panel of decision makers, who are not the investigator, must assess the credibility of the reporting party, the responding party, and any other witnesses through a live hearing or direct questioning.

Under Title IX – the federal law that prohibits discrimination on the basis of sex in education programs and activities that receive federal financial assistance – most postsecondary institutions are already required to provide certain grievance procedures in response to a formal complaint of sexual misconduct. But the grievance procedures required under Title IX apply to a narrower scope of conduct. Under Title IX, institutions are required to provide certain grievance procedures in cases involving allegations of:

- Certain crimes (sexual assault, dating violence, domestic violence, stalking);
- Quid pro quo harassment (“an employee conditioning the provision of an aid, benefit, or service of the institution on an individual’s participation in unwelcome sexual conduct”); and
- Hostile environment harassment (“unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity”).

Under the amended Minnesota Campus Sexual Misconduct Policy law, institutions are required to provide certain grievance procedures in cases involving allegations of sexual violence, intimate partner violence, domestic violence, sexual assault, sexual harassment, nonconsensual distribution of sexual images, sexual extortion, nonconsensual dissemination of a deepfake depicting intimate parts or sexual acts, sex trafficking, or stalking. While some of this conduct overlaps with the conduct covered by current Title IX regulations, the scope of conduct under Minnesota’s law is broader. Therefore, postsecondary institutions in Minnesota will have to provide certain grievance procedures, such as hearings, in cases for which there is no requirement under federal law to provide such procedures.

A key difference in the scope of conduct covered by Title IX and Minnesota’s Campus Sexual Misconduct Policy law is that Minnesota defines hostile environment harassment much more broadly than Title IX. As noted above, Title IX defines hostile environment harassment as “unwelcome conduct determined by a reasonable person to be **so severe, pervasive, and objectively offensive** that it **effectively denies** a person **equal access** to the recipient’s education program or activity.”

In contrast, Minnesota law defines hostile environment harassment as “unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when . . . that conduct or communication **has the purpose or effect of substantially interfering** with an individual’s employment, public accommodations or public services, education, or housing, or creating an **intimidating, hostile, or offensive** employment, public accommodations, public services, educational, or housing environment.” Under Title IX, an allegation of a single, unwelcome kiss likely would not constitute hostile environment harassment and, in such a case, an institution would not be required to provide certain grievance procedures, such as a hearing. But under Minnesota’s definition, a single unwelcome kiss could constitute hostile environment harassment and, therefore, an institution might be required to provide a hearing or other grievance procedure.

It is unclear from the amendment as to whether the additional grievance procedures it requires apply only to cases involving a responding party who is a student or if they apply to all cases, including those involving only employees. Based on the changes included in the amendment, it appears that the Minnesota legislature attempted to amend the



law to track the changes implemented by the 2024 Title IX Regulations under the Biden administration. The 2024 Title IX regulations, which were struck down earlier this year, required institutions to apply heightened grievance procedures only in cases that involved a student party. If the Minnesota legislature was, in fact, attempting to track the 2024 Title IX regulations, it seems likely that the legislature intended for the grievance procedures to apply in cases involving a responding party who is a student – not to cases involving only employees. It is possible that the Minnesota Office of Higher Education will provide guidance clarifying in which cases institutions are required to provide grievance procedures.

Institutions also should be aware that the amended law's requirements may conflict with their obligations under the federal Family Educational Rights and Privacy Act (FERPA). FERPA protects personally identifiable information in education records from disclosure without written consent of the student (or the parent, if the student is a minor), subject to certain exceptions. Current Title IX regulations state that the obligation to comply with the regulations "is not obviated or alleviated by" FERPA or FERPA regulations. This language means that an institution may disclose information protected under FERPA if required by the Title IX regulations. But as discussed above, the amended Minnesota law requires disclosure of information – such as providing parties access to relevant testimony by parties and witnesses and relevant evidence compiled in an investigation report – in cases that fall outside the scope of Title IX. And there may not be an applicable exception under FERPA that permits institutions to share such information in cases that fall outside that scope.

Next Steps

Because the amendment to the Protections for Pregnant and Parenting Students law is effective on July 1, 2025, higher education institutions should act immediately to ensure their policy and procedures are consistent with the law's requirements. Contact counsel to assist with reviewing your institution's policies and assessing what changes your institution must implement to comply with these new requirements.

While the amendment to the Campus Sexual Assault Policy law does not go into effect until January 1, 2026, institutions should begin preparing to update their sexual misconduct policies to comply with the amended law and considering how it will navigate potentially conflicting obligations under FERPA and state law.

For more information about how these amendments may affect your institution, please contact Kathryn Nash, Pamela Kovacs, Graciela Quintana, or your regular Lathrop GPM attorney.