



Pregnant students and studying parents in higher education

An overview of available facilities and options for
customised arrangements



Ministerie van Onderwijs, Cultuur en
Wetenschap

About this guide

Student counsellors and student deans at universities of applied sciences and universities play an important role in helping pregnant students and studying parents.

- What facilities are available?
- What customised arrangements can prevent study obstacles?
- What are pregnant students' and studying parents' rights?
- What are educational institutions required and authorised to do?

The individual support needs of pregnant students and studying parents will differ. This guide has been drawn up to provide equal opportunities for this group of students.

First, we will discuss the obligations of educational institutions in higher professional education and university education, and students' rights:

- What is the legal framework of the legislation concerning pregnant students and studying parents?
- What minimum arrangements is the educational institution required to make?

Secondly, we will look at the role of educational institutions in facilitating arrangements and facilities. After that, we will indicate the financial allowances a pregnant student or studying parent can make use of. Various pages of this guide contain tips on supporting pregnant students and studying parents. An overview of the relevant laws and regulations is included as an appendix.

The guide has been drawn up for student counsellors, student advisors and student counsellors, who can share it with pregnant students and studying parents. The wording in this document is gender neutral. We refer to this group in gender-neutral terms because, in some cases, the pregnant student does not identify as a woman.

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Rights and obligations of educational institutions and students

The rights of pregnant students and studying parents in higher education, and what educational institutions are required and authorised to do is laid down in international, European and national legislation. This chapter outlines the legal framework. The verbatim legal texts are set out in Appendix 1.

Legal framework

- Charter of Fundamental Rights of the European Union
- Resolution of the European Parliament
- Convention of the Elimination of All forms of Discrimination against Women
- Dutch Equal Treatment Act [**Algemene Wet Gelijke Behandeling – AWGB**].
- Dutch Higher Education and Research Act [**Wet op het hoger onderwijs en wetenschappelijk onderzoek – WHW** (in Dutch)].

The purport of these laws is to combat all forms of discrimination and unequal treatment, and to make and keep education accessible.

Dutch Higher Education and Research Act (WHW).

The WHW contains a number of provisions that may apply to pregnant students and studying parents. In concrete terms, this means that, in issuing a negative binding recommendation regarding the continuation of studies, personal circumstances must be taken into account (Section 7.8b of the WHW), and, in connection with special circumstances, the validity of examinations with limited validity can be extended (Section 7.10(4) of the WHW). In addition, the executive board is obliged to establish Education and Examination Regulations (Onderwijs- en Examenregeling – OER) for each programme, or a group of programmes (Section 7.13 of the WHW) containing – among other things – students’ rights and obligations, and procedural regulations. These regulations do not only apply to education within educational institutions, but outside the institutions – for example during an internship – as well. With regard to – for example – internship fees or liability, students have been equated with regular employees.

Independent supervisory authority

The **Netherlands Institute for Human Rights** (in Dutch) (hereinafter referred to as: the Institute) is the independent supervisory authority charged with ensuring human rights receive and continue to receive attention in the Netherlands (<https://mensenrechten.nl/college-voor-jou>) (in Dutch). In the event of a suspicion of discrimination, students can file a complaint with the Institute. The Institute will investigate the incident, and give a non-binding decision. Based on the equal treatment legislation, the Institute will determine whether the discrimination complaint is founded.

Advice The Netherlands Institute for Human Rights:

Put the arrangements that are available in the event of pregnancy in writing:

- Whom a student or staff member can turn to if they have questions.
- To whom such requests may be addressed.



Support for pregnant students and studying parents

Facilitating arrangements and facilities for pregnant students or studying parents is up to the educational institutions themselves¹. As a result, each educational institution provides different facilities. We will set out the various options for support below.

Provision of information

Clear information from the educational institutions to pregnant students or studying parents is very important. Examples include clear and well-organised information on the institution's website, a fixed and obvious contact person within the study programme, with knowledge of the subject in question, and a pregnancy protocol with information and arrangements for pregnant students. Information for pregnant students and studying parents can also be found at www.hogeronderwijstoegankelijk.nl. Here, students can find answers to their specific support needs and gain insight into available facilities, adjustments and arrangements.

Facilities

It is important that students who know they have a child on the way submit their request for support at as early a stage as possible, and make an appointment with the study advisor or the student counsellor, so they can determine, in mutual consultation, whether the study programme needs to be adjusted. During the consultation, the student can be informed of the support facilities the institution offers. Possible subjects that need to be discussed include an efficient planning during the pregnancy. There are a lot of possibilities, such as adjustment of the educational programme, but not everything is possible at all times.

The meeting between the student and the study programme is the most important starting point in looking at the possibilities.

Facilities for pregnant students may – for example – include:

- Postponing a negative binding recommendation regarding the continuation of studies (bindend studieadvies – BSA) (Section 7.8b of the WHW).
- Where possible, extending the validity of credits (Section 7.10(4) of the WHW).
- How the students are reasonably enabled to sit the examinations (which, in practice, means – for example – pregnant students being given extra time for the exam if they are more distracted due to physical discomfort, and a pass that allows them to go to the toilet without any restrictions) (Section 7.13 of the WHW).
- Financial compensation in the event of a delay due to the pregnancy, or a delay due to – for example – medical circumstances involving the child (Section 7.51(1) of the WHW). See also the chapter on financial options and other facilities, including a separate examination area with suitable seating, suitable seating during work group meetings and/or lectures, rest rooms.
- And other facilities, including a separate examination area with suitable seating; suitable seating during working groups and/or lectures; rest rooms.

¹ Letter from the Minister to the Public Interest Litigation Project, dated 18 January 2016.

Facilities for studying parents may include, for example:

- Lactation rooms: its role as employer requires the educational institution to have a lactation room (Central Government (n.d.) *Gelijke behandeling bij zwangerschap op het werk*. Consulted on 8 March via <https://www.rijksoverheid.nl/onderwerpen/gelijke-behandeling-op-het-werk/gelijke-behandeling-bij-zwangerschap-op-het-werk>) (in Dutch). Where these are located, and how a studying parent can get access to these varies from one educational institution to another. A number of universities has decided to put this information on their websites. Where this is not the case, students can obtain information about this via the Student Affairs department, the study advisor or the student counsellor.
- Childcare services: some universities also offer childcare services. They have an agreement with a childcare centre, and can reserve a certain number of childcare places there every day.
- Support group for studying parents.

Customisation

Customised arrangements for both pregnant students and studying parents may include:

- an adjusted study plan;
- relaxation of the attendance obligation (in the event of pregnancy or illness of the child), where necessary and reasonable;
- postponement of deadlines;
- alternative form of rounding for tests;
- preferential placement in working groups;
- interim enrolment, even if it is not an official enrolment moment.

A number of universities of applied sciences and universities apply an attendance requirement for certain components (Panteia & SEOR (2019) *Het bindend studieadvies in het hoger onderwijs*. Consulted on 8 March via https://www.seor.nl/Cms_Media/S1248-Het-bindend-studieadvies-in-het-hoger-onderwijs.pdf) (in Dutch). It is important to make arrangements on this as well.

Internships

If the internship is to take place during the period in which the pregnant student is due to give birth or puts the student under too much physical strain, or the student has difficulty combining the internship and childcare, it is important to make clear arrangements on the course of the internship. The options can be explored in consultation with the internship provider and a student advisor or student counsellor, to make arrangements with the student about combining the internship and the pregnancy or parenthood, and the proper completion of the internship.

For clinical placements, special circumstances can be discussed with the supervisor as well. In addition, foundation doctors are subject to the Dutch Working Conditions Act [Arbowet] (<https://www.eur.nl/erasmusmc/media/2019-08-facultairerichtlijnenerasmusmc2019>) (in Dutch). This means that, during their pregnancy and for six months afterwards, they are entitled to adjusted working hours.

Tips: clinical placements

There are many options for customised arrangements for clinical placements, such as:

- preferential placement (i.e. close to home or day nursery);
- priority over other students in terms of time scheduling, e.g. whether or not a waiting period applies;
- possibility of planning additional holidays;
- part-time clinical placements.

Tips: assistance

- Make written arrangements with the student about the adjusted study programme.
- Ensure there is a fixed and obvious contact point within the study programme to whom students can submit questions about combining their studies and pregnancy or early parenthood.
- The guide for senior secondary vocational education is quite inspiring: Zwangere studentes & studerende ouders (source: [Studerendemoeders.nl](https://www.studerendemoeders.nl)) (in Dutch). The manual sets out the various rights and obligations, and formal and informal matters from the perspective of equal treatment legislation (**GBW**) (in Dutch), and contains advice, examples and useful checklists.
- Inform students of the various options for financial compensation, such as student finance and DUO's single-parent allowance.

Tip: Arrangements

Make good arrangements for leave or absence, and on the time around the delivery date. Put these in writing.

Tip: inspire others, share good practice examples

This guide and the website of the **ECIO** contain various initiatives by universities of applied sciences and universities with regard to assistance for pregnant students and studying parents for inspiration. If your educational institute is not mentioned, and you wish to add to this overview, please let us know at algemeen@ecio.nl.

Financial options

Both in order to be able to make ends meet during their maternity leave, and as a studying parent, students are entitled to financial allowances. The various options are set out below:

Student finance

As long as they remain enrolled for the study programme, pregnant students can continue to receive student finance during the leave. These months are deducted from the total number of years students can receive student finance. In the event of medical complications, whether during the pregnancy or during childbirth, students can apply for a one-year extension of the student finance in connection with special medical circumstances. See also **Studievertraging: Verlenging van de prestatiebeurs – DUO** (in Dutch).

Profiling Fund

Students who have to delay their studies in connection with special circumstances, including pregnancy and childbirth, can apply for an allowance from the of the university of applied sciences' or university's **Profiling Fund** (in Dutch). It is up to the educational institutions to establish these schemes. This allowance is intended to provide financial compensation for study delays caused by absence due to pregnancy. The conditions for this are contained in Section 7.51 of the WHW and the Profiling Fund Regulations of the relevant institution for higher education. For information on the Profiling Fund and the scheme, students can consult the institution's website or the student counsellor. Research shows that few students are aware of the Profiling Fund. Therefore, make sure that this information is clear and easy to find.

DUO single-parent allowance

Studying parents who, in addition to attending a study programme, are looking after a child, can apply to DUO for a single-parent allowance. Studying parents are eligible for this allowance if they do not have a partner, and are caring for a child who is under 18 years of age, on condition that the relevant parent receives child benefit for the child, and the child is registered at the parent's address according to the municipal personal records database. In most cases, students in in higher professional education and university education can receive the allowance for up to four years. For studies lasting longer than four years, a student will receive the supplement for a longer period.

This also applies to some master's programmes and teacher-training courses. After this period, students can receive the allowance as an additional loan on top of the maximum loan for another three years. In such case, the student must still be enrolled in the study programme as a full-time student.

The months in which the student has already received student finance will be deducted from the maximum term. This also applies if the student has only received a loan or public transport allowance. If the student fails to obtain a diploma, the entire allowance must be repaid. See also **Alleenstaande ouder – DUO** (in Dutch).

Private study funds

There are various private study funds in the Netherlands to which students can apply for a gift or loan to pay for their tuition fees/school fees and/or study books. Each fund has its own criteria and conditions.

The website www.studerendemoeders.nl/studiefondsen (in Dutch) contains an extensive list of funds. In addition, student counsellors or study advisors can assist students in writing the application, and possibly make a recommendation.

Social assistance benefit

Students can apply for **social assistance benefit** (in Dutch). For students who are between 18 and 27 years of age, additional rules apply, such as a four-week waiting period. During this waiting period, the student is required to apply for a job. In addition, a student receiving student finance is not entitled to social assistance benefit.

Tips for pregnant students and studying parents

Organisations for support with advice, guides or otherwise.

Organisation

FIOM

Mamaplaats

Studying mothers

Pregnant students

More information (in Dutch)

More information (in Dutch)

More information (in Dutch)

Studying parents

More information (in Dutch)

More information (in Dutch)

More information (in Dutch)

Tips: internships

Give students the opportunity to arrange their internships more flexibly, for example by enabling them to spread their internship over a longer period of time.

Appendix: Legal texts



EUROPE:

Charter of Fundamental Rights of the European Union (2012/C 326/02)

- Article 14(1): Right to education | Everyone has the right to education and to have access to vocational and continuing training.
- Article 21(1): Non-discrimination | Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.

Resolution of the European Parliament

A regulatory framework for measures enabling young women in the European Union to combine family life and an education (no 2006/2276(INI)) P6_TA(2007)0265 (19 June 2007).

Convention of the Elimination of All forms of Discrimination against Women (CEDAW)

(The International Convention on the Elimination of All Forms of Discrimination against Women, Bulletin of Acts and Decrees 355)

- Article 3 | Ensuring the development and advancement of women | States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.



NEDERLAND:

Dutch Equal Treatment Act (Algemene Wet Gelijke Behandeling – AWGB) (in Dutch)

- Section 1.1.b | Direct discrimination: a person being treated differently from how another is, has been or would be treated in a similar situation, on grounds of religious or philosophical beliefs, political affinity, race, sex, nationality, heterosexual or homosexual orientation, or civil status.
- Section 1.1.c | Indirect discrimination: an apparently neutral provision, criterion or course of action that particularly affects persons of one sex in comparison with other persons.
- Section 1.3 | Direct discrimination on grounds of sex includes discrimination on grounds of pregnancy, childbirth and motherhood.
- Section 2 | Indirect discrimination is allowed if there is an objective justification.
- Section 5.1.f | Discrimination is prohibited in the provision of education, training and schooling during or prior to employment.
- Section 7.1c | Discrimination in the provision of or access to services by institutions working in the field of education is prohibited.

Dutch Higher Education and Research Act (Wet op het hoger onderwijs en wetenschappelijk onderzoek – WHW) (in Dutch)

Under the 1992 Dutch Higher Education and Research Act (Wet op het hoger onderwijs en wetenschappelijk onderzoek), institutions for higher education are obliged to take measures for the benefit of their students in connection with maternity or pregnancy. These are the following measures:

Section 7.8b: Recommendation regarding the continuation of studies after the propaedeutic phase

- Subsection 1 | No later than at the end of their first year of enrolment in the propaedeutic phase of a full-time or dual associate degree programme or bachelor programme, the executive board of a funded university, university of applied sciences or ideological university must provide all students with a recommendation regarding the continuation of their studies within or outside the associate degree programme or bachelor programme. In the case of a part-time associate degree programme or bachelor's programme, the executive board will determine when the recommendation is issued.
- Subsection 3 | With regard to study programmes designated by the executive board, and within the period as referred to in the second subsection, though no sooner than by the end of the first year of enrolment, the executive board may attach a rejection to a recommendation as referred to in the first or second subsection. This rejection can only be issued if, in the opinion of the executive board, taking into account his personal circumstances, the student is considered unsuited for the study programme because their study results do not meet the requirements set by the board.
- Subsection 7 | The executive board must determine by general order in council which personal circumstances, as referred to in the third subsection, it will take into account in its assessment.

Section 7.10(4): Exams and examinations

Subject to the authority of the examination committee to extend this term of validity in an individual case, the executive board may limit the term of validity of successfully passed examinations. The validity of a successfully passed examination may only be limited if the knowledge or insight tested is demonstrably outdated, or the skills tested are demonstrably outdated. The executive board is to establish further rules regarding the implementation of this subsection and regarding the manner in which, when the term of validity is limited, special circumstances within the meaning of Section 7.51(2) are reasonably taken into account. In the event of special circumstances as referred to in Section 7.51(2), the validity of examinations passed is to be extended by at least the duration of the financial assistance granted pursuant to Section 7.51(1).

Section 7.13(1): Education and Examination Regulations (Onderwijs- en Examenregeling – OER)

The executive board is to adopt Education and Examination Regulations for each study programme or group of study programmes offered by the institution. The Education and Examination regulations are to contain adequate and clear information about the study programme or group of programmes.

Subsection 2a Profiling Fund |

Section 7.51(1) Financial support in connection with special circumstances

The board of a funded institution of higher education is to make arrangements for the financial support of a student enrolled at that institution who, due to the presence of special circumstances, has incurred or is expected to incur a study delay.

Subsection 2, the special circumstances as referred to in subsection 1 are: c. illness or pregnancy and childbirth.

Approach Dutch Equal Treatment Act

In the approach to equal treatment legislation, there is an important difference between a formal and a material approach.

- A formal approach is only aimed at equal treatment of equal cases, whereas the material approach recognises that equal treatment may also imply unequal treatment of unequal cases, and is more focused on equal outcomes (Loenen, M.L.P. (2009). *Gelijkheid als juridisch beginsel*. Den Haag: Boom Juridische uitgevers).

A material implementation of the right to equal treatment requires educational institutions to explain why pregnant students and students who have recently given birth are supported or not. Students caring for children, however, do not appear to be able to rely on a material implementation of the right to equal treatment. This is due to the fact that combining studies and care is not explicitly linked to sex (Eleveld, A., Allers, J., Delen, S., & van Veldhuizen, J. (2017). *Gelijk behandeld als zwangere student? Een onderzoek naar regelingen en voorzieningen in het mbo en het hoger onderwijs vanuit het perspectief van het gelijke behandelingsrecht*. *Netherlands Law Journal*, (5), 311.(2017/263)).

Tips: Facilities

- Make a lactation room available. An example of providing information on this via the website is **Utrecht University**.
- Provide clear information about the opportunities and facilities, and explain how students can get access to these. An example of this is **University of Amsterdam**.
- As an educational institution, include measures for maternity leave in the policy and the Education and Examination Regulations (OER). Examples include the OER of the the **Amsterdam University of Applied Sciences** (in Dutch) and the **Faculty of Health, Nutrition and Sports of The Hague University of Applied Sciences** (in Dutch).
- Possible measures include facilities that facilitate maternity leave, such as the Profiling Fund and/or an adjusted study plan.

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The **National Working Group on Student Wellbeing** (in Dutch) was established by Minister Van Engelshoven in 2019, and consists of representatives from the association of universities in the Netherlands (VSNU), The Netherlands Association of Universities of Applied Sciences, the University for Humanistics, the Dutch National Student Association (ISO), Dutch National Union of Students, the Expert centre on inclusive education (ECIO) and the Ministry of Education, Culture and Science.

The working group is charged with the following four duties:

1. Monitoring the progress of national activities in higher education with regard to the **five themes of the shared ambition** (in Dutch).
2. Reporting on its own contribution to the arrangements in the joint ambition.
3. Encouraging individual institutions of higher education and other parties to, in consultation with the participation bodies, help shape the shared ambition.
4. Putting current student wellbeing issues on the agenda within higher education.



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