



## Chapter 2: Best Practices

### Model Administrative Pregnancy and Parenting Policy for NCAA Athletics Departments

The following represents a model policy that athletics departments can adopt and distribute to staff, coaches and student-athletes.

The [\[college name\]](#) athletics department is committed to the personal health and development of all our members, and to the educational mission of our school. We strive to provide an environment that respects all pregnancy and parenting decisions and urges all participants to work cooperatively toward degree completion. This Policy sets forth the protections that should be provided for pregnant and parenting students, including those with pregnancy related conditions. It also prohibits retaliation against any student or employee who complains about issues related to the enforcement of this Pregnancy Policy. We want to protect every student-athlete's physical and psychological health, and their ability to complete their education.

### Federal Laws

Title IX of the Education Amendments of 1972 bars discrimination on the basis of sex, which includes the guarantee of equal educational opportunity to pregnant and parenting students.<sup>1</sup> This means that our student-athletes cannot be discriminated against because of their parental or

marital status, pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom.<sup>2</sup> In addition, a student's medical information may be protected by other federal laws.<sup>3</sup> Some actions that may be permissible under NCAA rules are impermissible under federal law, and our institution adheres to federal law.

In order to comply with federal law:

- Our athletics department will only require a pregnant or parenting student-athlete's physician to certify physical and emotional fitness as a condition for participating in athletics when such certification is required of student-athletes who experience other temporary disabilities.
- Our athletics department will allow a pregnant or parenting student-athlete to fully participate on the team, including all team-related activities, unless the student-athlete's physician or other medical caregiver certifies that participation is not medically safe.
- Our athletics department will allow a pregnant student-athlete to continue to participate in a limited manner on the team, including all team-related activities, unless the student-athlete's physician or other medical caregiver certifies that partial participation is medically safe.
- Medically necessary absences from team activities due to pregnancy shall be considered excused absences.
- No coach or other athletics department personnel shall suggest to any student-athlete that his or her continued participation on a team will be affected in any way by pregnancy or parental or marital status.

- Our athletics department will not allow a hostile or intimidating environment on the basis of pregnancy or parental status to exist. Acts or statements that are hostile toward pregnancy or parenting, or that shun or shame the student-athlete because she is pregnant or parenting, will not be tolerated. Such conduct prevents an individual from effectively participating in, or denies a person the benefits of, the educational opportunities provided by this institution.
- Our athletics department will not terminate or reduce a student-athlete's athletics aid because of the student-athlete's pregnancy, marital or parental status during the term of the award.
- Students may take a medical pregnancy leave, and at the end of that leave they will be reinstated to the same status they had before the leave.
- Our athletics department will renew a pregnant, formerly pregnant, or parenting student-athlete's award, so long as the student-athlete is in good standing academically, remains engaged with our athletics department and meets NCAA eligibility standards. Returning students may be evaluated in the same manner as any other team member to determine their specific position on the team, such as a starter or as a forward.
- Our athletics department will not permit the use of any written or verbal contract that requires a student-athlete to not get pregnant or become a parent as a condition of receiving an athletics award.
- Our athletics department will provide health benefits for pregnancy, including counseling, physical examinations, medical treatment, surgical expenses, medication, rehabilitation and physical therapy expenses and dental expenses, to the same degree that student-athletes who experience other

temporary disabilities are provided these benefits. The [\[college name\]](#) athletics department's medical coverage policy for student-athletes can be found at [\[provide link\]](#).

- Our pregnant and formerly pregnant students who wish to continue to participate in athletics are entitled to assistance and rehabilitation on the same basis as such assistance is provided to student-athletes with other temporary disabilities.

In order to assist our student-athletes:

- Our athletics department will help the pregnant or parenting student-athlete plan for his or her continued academic progress, in accord with the university's educational mission.
- Our athletics department will help the student-athlete return to sport after pregnancy and during parenting, if the student-athlete so desires.
- Our athletics department will assist the student-athlete to access the pregnancy and parenting support resources that are available to all college students.
- Our athletics department will publish this Policy in a publicly-available Student-Athlete Handbook, make this Policy available to student-athletes and their families on-line, and provide specific education on this Policy for all student-athletes and their families.
- Our athletics department, in conjunction with the team physician, the Faculty Athletics Representative, the Senior Woman Administrator, Team Certified Athletic Trainers and others designated by the university President, will regularly review student-athlete pregnancy and parenting cases as they occur to monitor compliance with this Policy.

Reporting

- Our athletics department will not require any student-athlete to reveal pregnancy or parenting status. Our department will work to create an environment which encourages the student-athlete to voluntarily reveal her pregnancy and his or her parenting status, in order for our institution to provide optimal support for physical and mental health with professional health care. The coach's attitude toward pregnancy and parenting can be pivotal in creating such a safe environment.
- No athletics department personnel will publicly release personally identifiable health information about pregnancy without written, timely authorization from the student-athlete.
- When a student-athlete reveals her pregnancy or parenting status to athletics personnel, they should direct the student-athlete to this Policy. They should reiterate the department's protection of the student-athlete's team membership status and financial aid. Athletics personnel should refer the student-athlete to the team physician, to the student-athlete's personal physician, or to a university-designated representative trained in providing information about pregnancy and parenting support options.
- Athletics personnel who suspect that a student-athlete is pregnant may report their concerns to the team physician or to a university-designated representative trained in pregnancy and parenting support options.
- Teammates of pregnant student-athletes may report their concerns to the team physician or to a university-designated representative trained in pregnancy and parenting support options.

### Enforcement and Non-Retaliation

- Any member of the athletics department found to have violated this policy by threatening to withhold or withholding athletics participation or an athletics award, by harassing a student-athlete on the basis of pregnancy or parenting status, or by breaching medical confidentiality, will be subject to disciplinary action, up to and including discharge or expulsion from the university. The athletics department will also take appropriate remedial action to correct the situation.
- Any member of the athletics department who becomes aware of conduct that violates this policy should report the conduct to an appropriate official, such as the Athletics Director, the General Counsel's office, the Title IX Compliance Officer, the Faculty Athletics Representative, or the Equal Opportunity Officer. The athletics department and university will make every effort to prevent public disclosure of the names of all parties involved, except to the extent necessary to carry out an investigation.
- Retaliation is specifically prohibited against anyone who complains about pregnancy or parental status discrimination, even if the person was in error about the lawfulness of the conduct complained about. This athletics department will take steps to prevent any retaliation against the individual who made the complaint.

### Footnotes

1. 20 U.S.C. § 1681-1688; 34 C.F.R. § 106.40 Marital or Parental Status; §106.37, Financial assistance; § 106.21, Admission and Recruiting; § 106.57, Employment.  
Available at: <http://www.ed.gov/policy/rights/reg/ocr/edlite-34cfr106.html>
2. Throughout this Policy, the terms “pregnant” and “pregnancy” encompass pregnancy-related conditions, as listed in the sentence above.
3. Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191; Family Educational Rights and Privacy Act of 1974, (FERPA) 20 U.S.C. § 1232g (2000); Protection of Pupil Rights Amendment, (PPRA), 20 U.S.C. § 1232h (2000).