ATIXA
Model Policies for Pregnant and Parenting Student-Athletes

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Model Pregnancy and Parenting Policies

- Empower Athletics Departments
- Provide a safe environment for student-athletes to disclose pregnancy
- Manage physical and mental health
- Treat men and women fairly and equitably
- Facilitate continued academic progress, return to athletics, and graduation
Embracing an Ethic of Caring

Many people hold strong views on student-athlete pregnancy and parenting. [Link](http://deadspin.com/5422002/pregnant-athlete-doesnt-want-to-be-babied-by-school)

Consider the consequences of an unsupportive pregnancy and parenting policy:

- Dropping out of athletics
- Dropping out of college
- Pressure to have an abortion
- Concealing the pregnancy
- Infant homicide
Pregnancy in Athletics is Not Uncommon…

• College Students are Sexually Active:
  • 74% reported being sexually active within the past 12 months
    » American College Health Association, 2005
  • 15% reported experiencing pregnancy, either theirs or their partner’s
    » U.S. Department of Health and Human Services, 1997

• Women in Athletics are Less Likely to become Pregnant:
  • Less likely to be sexually active, and more likely to use effective birth control consistently.
    • Sabo et. al., Women’s Sports Foundation Report: Her Life Depends On It, 2004
  • Only 1% of female student-athletes reported pregnancy, compared with 11% of their non-athletics peers.

• Estimates of Pregnancy Rates for men and women in Athletics Departments are between 10-15%.
...yet, Many Athletics Departments are Unprepared

• Survey of Pregnancy Policies in Athletics Departments (n = 85)

<table>
<thead>
<tr>
<th>Division</th>
<th>No policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Division I</td>
<td>85%</td>
</tr>
<tr>
<td>Division II</td>
<td>94%</td>
</tr>
<tr>
<td>Division III</td>
<td>98%</td>
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• Existing policies vary widely, and many are not in compliance with the law.
Pregnant Student-Athletes and Safe Participation

• Many athletes will be able to continue to participate throughout their pregnancies with accommodations.

• Training and competing at a high level is generally safe during the first 14 weeks of pregnancy with:
  – Professional health care monitoring
  – Plentiful hydration
  – No contraindications
    – American College of Obstetricians and Gynecologists, 2002

• 10-15% of detected pregnancies miscarry
  – High level fitness has no effect on this rate of miscarriage
Athletic Participation and Pregnancy: Physical Health Considerations

- Stage of Pregnancy
- Overheating
- Level of Exertion
- Risk of Injury in the Sport
- Pre-pregnancy Health Status
- Health conditions and medications
- Female athlete triad
- Warning Signs
  - ACOG Committee Opinion No. 267. American College of Obstetricians and Gynecologists, 2002
Emotional Health of Pregnant and Parenting Student-Athletes

- An unplanned pregnancy is often traumatic.
- The number of decisions confronting the student-athlete can be overwhelming.
- Fear of abandonment by primary support system: family, boyfriend or girlfriend, coach, and teammates.
- For those that decide to remain pregnant, impending role changes.
(b) Pregnancy and related conditions. (1) A recipient shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient.
• (2) A recipient may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation so long as such a certification is required of all students for other physical or emotional conditions requiring the attention of a physician.

• (5) In the case of a recipient which does not maintain a leave policy for its students, or in the case of a student who does not otherwise qualify for leave under such a policy, a recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom as a justification for a leave of absence for so long a period of time as is deemed medically necessary by the student's physician, at the conclusion of which the student shall be reinstated to the status which she held when the leave began.
OCR Letter,
http://www.ed.gov/about/offices/list/ocr/letters/colleague-20070625.html

• “I am concerned over recent media reports regarding the current or past practice of some postsecondary education institutions to terminate scholarships of female athletes on the basis of pregnancy and the impact that this has on female athletic participation. Some reports also indicate that some female athletes are choosing to terminate their pregnancy for fear of losing their athletic scholarships.”
OCR Letter,
http://www.ed.gov/about/offices/list/ocr/letters/colleague-20070625.html

• “In fact, the Title IX regulation instructs recipients to treat pregnancy or childbirth in the same manner and under the same policies as any temporary disability. (See 34 C.F.R. § 106.40(b)(4)).”

• “I want to reiterate that terminating or reducing financial assistance on the basis of pregnancy or a related condition is prohibited under Title IX. Subjecting only students of one sex to additional or different requirements, such as requiring female athletes to sign athletic contracts listing pregnancy as an infraction, or excluding students from participating in a recipient’s program or activity, including extracurricular activities and athletics, on the basis of the student's pregnancy or a related condition is also prohibited under Title IX.”
Pregnant Student-Athletes Need Time and Space to Make Decisions

Confidentiality and Disclosure Requirements:

• Confidential disclosures of pregnancy status to the team physician or certified athletic trainer should only be revealed with written authorization from the student-athlete.

• Mandatory pregnancy disclosure requirements are discouraged.
  – Pregnancy may not impact athletic performance.
  – A safe environment will better facilitate disclosure.
Medical Decisions Regarding Sports Participation as Pregnancy Progresses

- The student-athlete’s maternal health care provider should make decisions about potential limitations or modifications on practice and competition.
  - Expertise
  - Less likely to rely on stereotypes about pregnancy

- Collaboration between maternal health care provider and institutional medical team.
Compare Pregnancy with Other Temporary Medical Disabilities

- NCAA bylaws protect student-athletes with temporary medical disabilities, including:
  - Car accident injuries sustained while driving carelessly or negligently
  - Contagious diseases contracted through failure to utilize precautions

- At a minimum, the law requires institutions to treat pregnancy like it treats other temporary disabilities.
Gender Neutral Policies

• When a male student-athlete makes a mistake that renders him ill or injured, consider his consequences:
  – Medical care
  – Medical accommodations for sports participation
  – Waiver or “Red Shirt”
  – Academic support

• When a male athlete’s partner is pregnant, consider his consequences:
  – Recruiting
  – Team membership
  – Financial aid
  – Educational progress
  – Negative treatment, including belittling, shunning or shaming
Pregnancy Discrimination Includes:
Pregnancy, Childbirth, False Pregnancy, Termination of Pregnancy, and Recovery from Each

- Recruiting
- Team Membership
- Harassment
- Waiver
- Athletics Award
- Reinstatement and Renewal
- Abortion
- Medical Care
- Rehabilitation
Misconduct Involving Premarital Sex

- Disciplining pregnant student-athletes for engaging in premarital sex is discouraged.
  - These rules discriminate against women because only women become pregnant as a result of sexual relations.
  - Federal law prohibits an institution from punishing pregnant students for engaging in premarital sex unless it imposes a similar penalty on male and non-pregnant female students who have engaged in premarital sex.
  - Negative treatment may have the unintended consequence of encouraging abortion.
RETALIATION:
An effective pregnancy and parenting policy hinges on the willingness of those within the institutional community to speak out on behalf of pregnant and parenting student-athletes.

Anyone who reports pregnancy discrimination is protected from retaliation.
Success Stories

• 20 mothers on the 2008 Olympic Team
• More than 30 mothers in the WNBA
• More than 28 mothers on the LPGA Tour

• NCAA female student-athletes: Tina Frimpong, Paula Caten, Kylie Galloway, Brynn Cameron, Stephanie Mahle Davis, Efuiko Osagie-Landry, Connie Neal, Nichole Tolley, Danielle Allen, Becky Mehring, Courtney Jacobs, Shante Williams

• NCAA male student-athletes: Paul Williams, Spencer Larsen, Talib Aqib, Jeremy Larson, Bernard Jackson
Implementing Pregnancy and Parenting Policies at Your Institution

Establish an interdisciplinary Team of Experts from within the institution to refer student-athletes.


• Model Administrative Pregnancy and Parenting Policy
• Decision and Response Flow Chart
• Pregnancy Discrimination and Legal Analysis
• Model Student-Athlete Handbook Statement
• Certified Athletic Trainer Guidelines