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Title IX Prohibits Discrimination Based on Pregnancy Too!

Title IX discussions usually focus on gender equality in the participation and treatment of athletics teams. Few administrators realize that this federal law also mandates strong protections for student-athletes who are pregnant. Every director of athletics should read the NCAA's 2008 publication, Pregnant and Parenting Student-Athletes: Resources and Model Policies, authored by Nancy Hogshead-Makar and Elizabeth Sorensen and available for free online.

The following short questionnaire is based on common misunderstandings or lack of knowledge of the requirements of the law. If you get a wrong answer to any one of the following questions, review this NCAA publication now before your policies (or the absence thereof) put your institution at risk for litigation!

YES or NO?

1. _____We have a policy in place that states that the athletic scholarship of any pregnant student-athlete will be automatically renewed as long as the student-athlete is in good standing academically, meets NCAA eligibility standards and fulfills normal athletic department engagement requirements.

2. _____Pregnant athletes are permitted to play on our teams up to the point where the student-athlete's doctor indicates it is no longer safe for her to participate.

3. _____Student-athletes who are pregnant are required to inform the athletic trainer and team physician. However, this information remains confidential and neither the coach or any other department staff member will be informed.

4. _____Our athletic department helps student-athletes get back into condition following pregnancy in the same way we would treat athletes returning from a knee injury.

5. _____If a student-athlete misses a practice or team meeting due to pregnancy, such absence is treated as an excused absence with coaches not allowed to impose any penalties or criticize the student-athlete for such absence.

6. _____At the beginning of the season, coaches are permitted to discuss avoiding pregnancy as a matter of team responsibility. However, our institution has a policy prohibiting penalties, retribution or hostile treatment of pregnant student-athletes.

7. _____If a student-athlete takes a medical pregnancy leave of greater than one year, the student-athlete may be required to try-out as a condition of returning to the team.

8. _____Our athletic department health insurance provides counseling, physical examinations, medical treatment, rehabilitation and physical therapy expenses for student-athletes who experience temporary disabilities. Thus, we provide these same benefits to student-athletes recovering from pregnancy as required by law.

9. _____Our coaches of women's teams are permitted to stop recruiting a high school female athlete who becomes pregnant even though coaches of our men's teams continue recruiting male athletes who have become parents.

ANSWERS: (1) Yes, (2) Yes, (3) No – cannot require that the athlete inform anyone, (4) Yes, (5) Yes, (6) No – coaches not allowed to address pregnancy in this manner, (7) No – must reinstate former status, (8) Yes, (9) No - must continue to recruit the pregnant female if you continue with the male parent.

-- Prepared by Donna Lopiano, SMR President

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