

ISSUES RELATED TO PREGNANCY & ATHLETIC PARTICIPATION

The Women's Sports Foundation urges educational institutions, national sport governing bodies and athletics organizations to adopt policies concerning pregnancy and sport that protect both the health and rights of female athletes to participate in sports and physical activity. The following guidelines are consistent with the civil rights and antidiscrimination laws that protect women from discrimination, such as Title IX,¹ Title VII,² the Pregnancy Discrimination Act of 1978,³ the Americans with Disabilities Act⁴ and the body of research regarding the physical and psychological development of women and girls.

I. WHEN IS IT APPROPRIATE OR NECESSARY FOR A FEMALE ATHLETE TO DISCONTINUE ATHLETIC PARTICIPATION DURING PREGNANCY?

POSITION: There is no definitive point during pregnancy when a female athlete should cease competition; decisions regarding participation should be made by the female athlete in conjunction with her healthcare provider.

The American College of Obstetricians and Gynecologists states, "Most forms of exercise are safe during pregnancy. However, some types of exercise involve positions and movements that may be uncomfortable, tiring, or harmful for pregnant women."⁵ For example, consider a female golfer compared to a female wrestler. A female golfer might be able to compete well into the third trimester of pregnancy without posing any risk to herself or the fetus due to the low volatility of the sport. However, a pregnant athlete might be more limited if she participates in contact sports such as wrestling, basketball or boxing, which carry the risk of falls or abdominal trauma. Because of the great variety in the demands of certain sports and in the health and

fitness of the pregnant female athlete, no standard timeline for the permissibility of competition during pregnancy should be established.”⁶

II. SHOULD A COACH OR AN ATHLETIC TRAINER PROHIBIT A PREGNANT FEMALE ATHLETE FROM COMPETING OUT OF CONCERN FOR HER SAFETY?

POSITION: A coach or athletic trainer should treat pregnancy like any other type of temporary medical condition. The physician in conjunction with the athlete should determine the length of participation and any activity restrictions.

The Foundation recognizes the desire of coaches and athletic personnel to restrict the activity of a pregnant female athlete out of concern for her safety. However, this desire is often based on antiquated stereotypes regarding the permissible level of physical activity during pregnancy. As a result, it is the female athlete and her physician who are in the best position to make informed decisions about the specific nature of the pregnancy and what limits should be imposed on specific activities. An institution cannot automatically exclude a pregnant athlete from participation⁷; however it can require certification from her doctor that she be able to participate if they require such certification from athletes for other medical conditions.

III. IS IT APPROPRIATE TO TEST FOR PREGNANCY OR TO REQUIRE PROOF OF NOT BEING PREGNANT AS A CONDITION FOR COMPETITION?

POSITION: It is not appropriate to test for pregnancy or to require proof of not being pregnant as a condition for competition.

Female athletes should undergo the same type of physical examination and tests to be eligible for athletic competition as males.

IV. DO FEMALE ATHLETES HAVE AN OBLIGATION TO INFORM THEIR COACH IF THEY BECOME PREGNANT?

POSITION: The obligations for a female athlete to report the condition of her pregnancy to her coach should be no different than the obligations of the athletes to inform their coach of other medical conditions.

Female athletes' right to privacy is the same for pregnancy as it is for any other personal medical information. The decision to inform a coach about the condition of pregnancy should remain at the discretion of the athlete, in accordance with the school or association's rules regarding the release of medical information to coaching personnel. If coaches are informed, they should maintain the privacy of the information, and furthermore, they should not counsel the athlete on pregnancy issues, such as abortion, adoption or parenting. Instead, they should provide references to neutral outside counseling.

V. WHAT ARE THE ELEMENTS OF SOUND SCHOOL POLICY ON ATHLETE PREGNANCIES?

POSITION: School and college athletic program policies should contain the following elements:

- Information on the pregnant athlete's eligibility options and rights to participate.
- Assurance of confidentiality regarding the athlete's medical conditions.
- Prohibition against coaches counseling athletes on issues relating to pregnancy.

When a pregnant female athlete informs the athletic department of her pregnant status, the department should first advise the student on her options within the athletics department and how they relate to her future scholarship status and participation on the team. The NCAA Division I Manual Rule 14.2.1.3 states:

Pregnancy Exemption. A member institution may approve a one-year extension of the five-year period of eligibility for a female student-athlete for reasons of pregnancy.⁸

This same rule is stated in the NCAA Division II and III manuals. In the NCAA Division II and III manual it also states in Rule 14.2.2.2:

Pregnancy Exemption. A member institution may approve a two-semester or three-quarter extension of this 10-semester/15-quarter period of eligibility for a female student-athlete for the reasons of pregnancy.⁹

High schools should adopt similar rules and inform athletes of other eligibility rules that may apply. The athlete should be fully informed of her athletic program participation options and the implications of various decisions she might make.¹⁰

VI. WHAT ARE AN ATHLETE'S RIGHTS TO ELIGIBILITY FOR OBTAINING, RENEWING OR MAINTAINING A SCHOLARSHIP IN EVENT OF A PREGNANCY?

POSITION: Pregnant female athlete should receive the same treatment as any other athlete with a temporary medical condition, (such as an ACL injury,) in regards to eligibility for athletic scholarships.

A. If an incoming student-athlete has been accepted for admission and awarded financial aid, the institution is committed for the term of the original award and cannot revoke that award for reason of pregnancy.¹¹

B. An institution cannot reduce or cancel a scholarship during the term of its award for reasons of pregnancy.¹²

C. An institution has the discretion whether or not to renew an athlete's scholarship at the conclusion of the financial aid term based in any degree on athletics ability, which may include medical conditions such as physical injuries or pregnancy. However, in exercising such discretion, a school may not treat athletes who have become pregnant differently from other athletes whose participation has been limited by a medical condition.¹³ In other words, if an institution renews the scholarship of other athletes who have been red shirted and works with them to rehabilitate their injury and bring them back as a scholarship athletes, an institution must do so for an athletes whose participation has been limited by pregnancy. An athlete must be notified in writing

for the reason for the non-renewal on or before July 1st prior to the academic year in which the non-renewal is to be effective, and the athlete has the right to a hearing to appeal the non-renewal by a non-athletic board on campus.

VII. WHAT STANDARDS SHOULD APPLY WHEN MALE OR FEMALE ATHLETES REQUEST A LEAVE OF ABSENCE FOR THE ADOPTION OF A CHILD OR A PARTNER'S PREGNANCY?

POSITION: Male or female athletes requesting leave for the adoption of a child or a partner's pregnancy should be eligible for an appeal for an extension of the five-year period of eligibility to complete their NCAA athletic careers or high school eligibility if similar limits exist.

Athletes requesting a leave in the aforementioned situations should be granted a right to appeal for an extension of eligibility to compete in school and college competitions. This extension would be without a scholarship on the college level and without penalty of forfeiture of rights to compete on the team upon return. (Note: this situation is not the same as women who become physically disabled through pregnancy, who would be red-shirted under NCAA policy.) This same consideration should be afforded in situations in which the athlete requests a leave for the purpose of caring for an immediate family member with a serious medical condition.

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Additional Resources

Resources on the medical considerations of participation in athletics during pregnancy can be found online.

The Canadian Society for Exercise Physiology

The NCAA Sports Medicine Handbook

The NCAA Pregnancy Toolkit: Resources and Model Policies

A policy letter from the Department of Education on this issue can be found here.

Endnotes

¹Title IX Regulations 1975 provide that "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."

²Title VII stipulates that "it shall be an unlawful employment practice for an employer to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin."

³The Pregnancy Discrimination Act provides that "discrimination on the basis of pregnancy, childbirth or related medical conditions constitutes unlawful sex discrimination under Title VII. Women affected by pregnancy or related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations."

⁴The Americans with Disabilities Act of 1990 provides that "No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."

⁵The American College of Obstetricians and Gynecologists. Exercise During Pregnancy. Patient Education Pamphlet. 2003.
http://www.acog.org/publications/patient_education/bp119.cfm

⁶Ibid.

⁷See Title IX Regulations 1975: § 106.40(b) (1-2).

⁸NCAA. 2006-2007 NCAA Division I Manual (Indianapolis, NCAA) 2006 p.140

⁹NCAA. 2006-2007 NCAA Division II Manual (Indianapolis, NCAA) 2006 p.113; NCAA. 2006-2007 NCAA Division III Manual (Indianapolis, NCAA) 2006 p.92

¹⁰Rosenberg, Beth. Legislative Proposal Crafted to Benefit Pregnant Athletes. National Collegiate Athletic Association. 4-12-04. http://www.ncaa.org/wps/portal/newsdetailWCM_GLOBAL_CONTEXT=/wps/wcm/connect/NCAA/NCAA+News/NCAA+News+Online/Associationwide/Legislative+proposal+crafted+to+benefit+pregnant+athletes+-+4-12-04

¹¹See §106.40(b)(1) (prohibiting the exclusion of any student from any education program or activity on the basis of such student's pregnancy.) See also NCAA Division I 15.3.2.2 Physical Condition of Student-Athlete. (Financial aid awarded to a prospective student athlete may not be conditioned on the recipient reporting in satisfactory physical condition. If a student-athlete has been accepted for admission and awarded financial aid, the institution shall be committed for the term of the original award, even if the student-athlete's physical condition prevents him or her from participating in intercollegiate athletics.)

¹² See §106.40(b)(1)(prohibiting the exclusion of any student from any education program or activity on the basis of such student's pregnancy.) See also NCAA Division I 15.3.4.3 Reduction or Cancellation Not Permitted. (Institutional financial aid based in any degree on athletics ability may not be increased, decreased, or cancelled during the period of its award...because of an injury that prevents the recipient from participating in athletics.)

¹³See §106.40(b)(1).