

## Pregnancy and Parenting Policy

The University of Iowa 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 we urge all participants to work productively 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. The university seeks to protect every student-athlete's physical and psychological health, and their ability to complete their education.

### Federal and state 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 may not be discriminated against because of their parental or marital status, pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery<sup>2</sup> therefrom.<sup>3</sup> In addition, a student's medical information may be protected by other federal laws. Some actions that may be permissible under NCAA rules are impermissible under federal law, and our institution adheres to federal law.

In addition, Iowa Code Section 216.9<sup>4</sup> prevents unfair or discriminatory practices in education, prohibits sex discrimination, and prohibits discrimination on the basis of parent or family status, and pregnancy-related discrimination. Iowa Code Section 22.7 (1) protects student records from disclosure as public records.<sup>5</sup> A student's medical information may also be protected by other state laws.<sup>6</sup>

### In order to comply with the law:

- Our athletics department will only require a pregnant or parenting student-athlete's team physician to certify 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 participate on the team in a full or limited manner, including all team-related activities, unless the student-athlete's team physician certifies that participation is not 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 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 s/he 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 or parental status during the term of the scholarship award.
- Students may take a medical pregnancy leave from the team, and at the end of that leave they will be reinstated to the team if they choose to be reinstated.
- 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.
- Our athletics department will not permit the use of any written or oral contract that prohibits a student-athlete from becoming pregnant or from becoming a parent as a condition of receiving an athletics award.
- The University of Iowa athletics department's medical coverage policy for student-athletes shall apply to pregnant or parenting student-athletes as it applies to all student-athletes. The policy can be found at <http://medforms.hawkeyesports.com/faq-page>
- 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:

- If the student-athlete so desires, 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.
- If the student-athlete so desires, our athletics department will help the student-athlete return to sport after pregnancy and during parenting.
- Our athletics department will publish this Policy in a publicly-available Student-Athlete Handbook, make this Policy available to student-athletes and their families online, and provide specific education on this Policy for all student-athletes and their families.

## Reporting

- Our athletics department will not require any student-athlete to disclose pregnancy or parenting status. Our department will work to create an environment that encourages the student-athlete to voluntarily disclose her pregnancy and his or her parenting status, in order for our institution to provide support for physical and mental health with professional health care.
- No athletics department personnel will publicly release personally identifiable health information about pregnancy without written, timely authorization from the student-athlete in the form of a release specific to pregnancy.

- 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 should encourage the student-athlete to consult with the team physician and/or may report their concerns to the team physician.
- Teammates of pregnant student-athletes may report their concerns to the team physician.

## Enforcement and Non-Retaliation

- Consistent with the university's policies on Human Rights<sup>7</sup>, Sexual Harassment<sup>8</sup>, and Anti-Harassment<sup>9</sup>, harassment or discrimination on the basis of pregnancy and/or sex is prohibited. Furthermore, the university's Anti-Retaliation Policy<sup>10</sup> protects university members from retaliation. Under the university's policy, retaliation is defined as any materially adverse action or credible threat of a materially adverse action by the University, or member thereof, taken against any faculty member, staff member, or student for having made a good-faith report of university-related misconduct, or taken to deter such a report in the future, or taken against another covered individual because of a close association with someone who has made or may make such a report. The university will make every reasonable effort to stop retaliation immediately, to conduct a complete and thorough investigation of alleged acts of retaliation in a timely manner, and to sanction the perpetrators of retaliation as appropriate.
- Any member of the athletics department who becomes aware of conduct that violates this policy must report the conduct to an appropriate official, such as the Athletics Director, the General Counsel's office, the Title IX Coordinator<sup>11</sup> the Faculty Athletics Representative, or the Office of Equal Opportunity and Diversity<sup>12</sup>. The athletics department and university will make every effort to maintain confidentiality.
- This policy will be reviewed at least every other year—more often if deemed necessary.

## 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).
4. Iowa Code Section 216.9 (Unfair or Discriminatory Practices— Education), retrieved from <https://coolice.legis.iowa.gov/Cool-ICE/default.asp?category=billinfo&service=iowaCode&input=216.9>
5. Iowa Code Section 22.7 (1), (Confidential Records), retrieved from <http://coolice.legis.iowa.gov/cool-ice/default.asp?category=billinfo&service=iowacode&input=22.7>
6. Iowa Code Section 22.7 (2), (Confidential Records), retrieved from <http://coolice.legis.iowa.gov/cool-ice/default.asp?category=billinfo&service=iowacode&input=22.7>
7. UI Policy on Human Rights, see <http://opsmanual.uiowa.edu/community-policies/human-rights>
8. UI Sexual Harassment Policy, see <http://opsmanual.uiowa.edu/community-policies/sexual-harassment>
9. UI Anti-Harassment Policy, see <http://opsmanual.uiowa.edu/community-policies/anti-harassment>
10. UI Anti-Retaliation Policy, see <http://opsmanual.uiowa.edu/community-policies/anti-retaliation>
11. Title IX Coordinator, see <http://diversity.uiowa.edu/policies/title-ix> for the name and contact information for the university’s Title IX Coordinator and/or Deputy Title IX Coordinators.
12. Office of Equal Opportunity and Diversity, see <http://diversity.uiowa.edu/office/equal-opportunity-and-diversity>