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The Model Policy below provides an example of best practices on lactation accommodations and non-discrimination, in compliance with Title IX and other law. The text can be adapted as a memo or included in your institution's existing policy.

Universities may have different policy formats or needs. If you would like assistance in creating a student breastfeeding policy, The Pregnant Scholar staff is available to provide assistance, and/or connect you with local organizations that can help.

Contact the Pregnant Scholar team at (415)565-4873, or www.pregnantscholar.org/contactus.

Key Elements to Include in a Breastfeeding Policy for Students

When drafting and implementing your institution's policy, it is useful to keep in mind the following best practice principles—elements that are essential to the success of your policy:

1. *Specifically include students.*

Many campuses already have breastfeeding support programs that are primarily focused on breastfeeding employees. While expanding these to cover students is an easy way to broaden the support for breastfeeding on campus, it is essential that any such policies specifically include students, and are marketed as student policies. For example, breastfeeding support programs that are housed in human resources should be sure to have student-specific provisions and cross-advertise on student webpages.

2. *Protect student's time to pump.*

It is critical to include a description of how students can request excused time off for expressing breast milk. While most students will be able to pump between classes, due to breastfeeding complications, scheduling difficulties, or large distances on some campuses, it may be impossible for a student to pump as often as she needs without missing class. Students should not be forced to miss out on participation credits, instruction, or exam time simply because they are breastfeeding—this would be providing an unequal educational opportunity because of their sex.

Recall that Title IX requires medically necessary absences for pregnancy and related conditions be excused. An institution may request a doctor's note to excuse the student's absences, so long as other students with medically necessary absences must do the same. Be sure to provide a point of contact for students who need assistance managing their schedule and their pumping breaks.



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3. *Establish lactation spaces, and a process for identifying new spaces.*

Breastfeeding students need a clean, private, and readily accessible space for expressing milk on campus. Ideally, the space will have electric outlets, a sink (in the space or nearby), a comfortable chair, and a table. Many contain lockers and/or refrigerators for the storage of milk or pumping supplies. These spaces have often already been established on campus for university employees. In addition to providing these spaces throughout campus, it is important to identify a process for establishing new spaces. Consider providing one campus point of contact who can work with building managers to establish new areas as needed.

4. *Create a process for providing other lactation accommodations.*

While most students only need a space to pump and the time to do so, some may need other adjustments to protect their health while lactating. For example, students who complete work in labs may need personal protective equipment or permission to avoid certain hazards while lactating. Other students may need accommodations related to breastfeeding complications, such as time off or more time to pump for a student with a breast infection. Ensure that your process includes a pathway for these students to access the accommodations they need. Common points of contact include disabled students' programs and Title IX offices.

5. *Advertise your policy and key points of contact.*

A great policy is only worthwhile if it reaches the people who need it. Be sure to share the policy widely. Key locations for accessing students may include the student health center, parent groups, gender or women's centers, student services, and family housing facilities. Further, if faculty are aware of the policy and engaged in its adoption they are more likely to be supportive of the students who use it.

Clearly state who is responsible for ensuring your policy is followed, and the appropriate process for seeking assistance or making complaints. Often, the primary points of contact include breastfeeding support programs and Title IX offices.



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I. Policy Goals and Summary

[Institution] has adopted this policy in support of students who breastfeed. [Institution] supports and encourages the practice of breastfeeding and the expression of breast milk.

Under this policy, the [Institution] shall provide breastfeeding students with the accommodations necessary to ensure they have access to equal educational opportunities while breastfeeding.

[Institution] is committed to creating and maintaining a community where all individuals enjoy freedom from discrimination, including discrimination on the basis of sex, as mandated by Title IX of the Education Amendments of 1972. Sex discrimination, which can include discrimination based on pregnancy and related medical conditions is prohibited and illegal in admissions, educational programs and activities, hiring, leave policies, and health insurance coverage.

II. Policy Text

(1) Scope

This policy is applicable to all University students.

(2) Definitions

For the purposes of this policy:

- a. The terms “breastfeeding students,” “nursing students,” and “lactating students” are used interchangeably and intended to include any student who expresses milk for the nourishment of their child.
- b. “Medical necessity” is a determination made by a health care provider of a student’s choosing.
- c. “Reasonable accommodations” for the purposes of this policy are changes in the academic environment or typical operations that enable a lactating student or student with a lactation-related condition to continue to pursue her studies and enjoy equal benefits of the University.
- d. “Absence” from class includes tardiness or a break for the expression of breast milk within a class period.



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(3) Designated Lactation Spaces

- a. [Institution] shall provide clean, private rooms across campus that are easily accessible to nursing students. Restrooms may not be classified as designated lactation spaces.
- b. All designated lactation spaces shall be equipped with a table, chair, electrical outlet, window coverings (as needed), and lock from inside. For large lactation spaces intended to be shared by multiple breastfeeding students or workers, privacy screens will be provided. If a sink is not available in the room itself, there should be one close by.
- c. [Institution] encourages departments/facilities managers to make available lockers or another space where students can elect to store their pumps or breastmilk.
- d. [Institution] shall make the list of available lactation rooms accessible online. The list should provide the locations and the details of each room, including the operation hours, how to gain access, and whether the space is fully private or potentially shared. The list should be regularly updated by [designated office].
- e. *Establishing new lactation spaces*
 - i. When existing locations are not accessible from a breastfeeding student's class/study area, or the current demand for existing spaces makes as-needed pumping challenging, students may contact [the Breastfeeding Support Office/a designated coordinator] to identify a new space. The [designee] will work with departments and building managers to ensure the appropriate space is identified.
 - ii. The new space need not be a permanent location, and may revert back to old usage if/when the demand subsides.
 - iii. The [Breastfeeding Support Office/designated coordinator] will regularly survey lactation room card access logs/sign in sheets and/or poll users to assess the adequacy of existing locations.

(4) Lactation Breaks

- a. Students will make reasonable efforts to pump between classes or outside of instruction time.
- b. Breastfeeding students who must pump during a portion their class period shall inform the instructor of the need and estimated time away from class as soon as possible.
- c. Instructors are prohibited from penalizing breastfeeding students for their absence needed to express breast milk on campus. Instructors may request a doctor's note to excuse the absences if they request notes from other students who need excused absences.
- d. Instructors and students shall work together to identify solutions for making up in-class work or participation credits, as well as instruction missed.
- e. If problems arise, or a student must miss class for longer periods of time due to medical necessity, the student or instructor may contact [designate office] for assistance establishing reasonable accommodations.



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(5) Lactation Accommodations

- a. Students who need accommodations related to their lactation other than reasonable time and a clean and private place to express milk may request other reasonable accommodations by contacting the [designate office].
- b. Reasonable accommodations may include avoiding certain chemicals or exposures, permission to eat or drink, postponement or adjustments to fieldwork or travel, permission to bring the baby to their class or workspace (if prohibited under existing policy), or time off as medically necessary.
- c. Exam accommodations shall be provided as necessary and may include extending the available time period for an exam to allow for the expression of breastmilk, or situating the exam room closer to a lactation space to minimize disruption.
- d. [Institution] shall accommodate any lactation-related impairments, such as serious infections, as it would other temporary medical conditions.
- e. The designated office will engage in an interactive process with the student and any involved faculty to ensure the student's educational opportunities are not diminished as a result of her lactation and breastfeeding.

(6) Breastfeeding

Breastfeeding is permitted at any classroom, campus building, or space that the breastfeeding student and infant/child are otherwise permitted to be present.

(7) Freedom from Discrimination and Harassment

[Institution] prohibits harassment or other discrimination against students based on their lactation, as a condition related to sex. Harassment or discrimination related to breastfeeding and lactation may be referred to the [Title IX Office] for appropriate action.

(8) Compliance

a. Reporting

Any member of the [Institution] community may report a violation of this Policy to any supervisor, instructor, or Title IX Officer. Supervisors and instructors are responsible for promptly forwarding such reports to the Title IX office.

b. Grievance process

[Insert here a section on institution's policy for processing and responding to complaints, grievances, and disciplinary procedures. Complaints of breastfeeding-related discrimination can be rolled into your institution's existing Title IX grievance processes. An effective



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process includes an early resolution option, independent fact finding, and independent and fair administration of discipline for offenders.]

(9) Dissemination

[Institution] shall make this policy available to all University faculty, staff, and students. All instructors are responsible for being aware of this policy and working with breastfeeding students to arrange lactation accommodations. [Designated office] will be responsible for distributing this policy to the University community and responding to any questions concerning the policy by students.

(10) Responsible parties/point of contact

[Institution] shall have a [Breastfeeding Support Coordinator or other contact] who provides guidance to breastfeeding students, referrals, information, and resources, and oversees the support program.

Questions regarding this policy may be directed to [insert contact].

*Note, this sample policy is not legal advice, and may not be construed as legal advice.