

Model Campus Lactation Policy for Students



The
**Pregnant
Scholar**
An Initiative of The Center for WorkLife Law



Model Campus Lactation Policy for Students

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This document provides an overview of the legal requirements for lactation accommodations in education, key points to consider when adopting a new campus lactation policy, and a Model Policy for postsecondary institutions. The Model Policy 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 lactation policy, the Pregnant Scholar staff is available to assist, and/or connect you with local organizations that can help.

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

Legal Requirements for Campus Lactation Accommodations

The U.S. Department of Education treats lactation as a pregnancy-related condition protected under Title IX, the federal law prohibiting sex discrimination in federally funded education programs. Title IX prohibits educational institutions from discriminating against lactating students and requires them to provide certain adjustments to make sure that lactating students have equal access to education. To meet Title IX obligations, institutions must:

- Require faculty/staff to inform students who have disclosed they are pregnant, postpartum, or lactating that the Title IX Coordinator can assist them. (§ 106.40(b)(2))
- Provide a lactation space that is clean, not a bathroom, and is free from intrusion and view. The space must be functional, appropriate, and safe for students to use. (§ 106.40(b)(3)(v))
- Make reasonable modifications to a lactating student's educational program to ensure they have equal access to their education. This process should be overseen by the Title IX Coordinator. Common modifications for lactating students include lactation breaks from class or exams, uniform changes, permission to carry a cooler or to access refrigeration, and adjustments to testing to allow the student to meet their lactation needs. (§106.40(b)(3)(ii))
- Inform employees of their obligation to report sex discrimination, such as a failure to provide lactation space or harassment against students on the basis of lactation. (§ 106.44(c))

Several states also have laws requiring educational institutions to provide lactation breaks and space. For technical assistance based the laws that apply in your specific location, please contact the Pregnant Scholar.

Key Elements to Include in a Lactation 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. *Tailor your policy to students.*

Many campuses already have breastfeeding support programs that are primarily focused on lactating employees. While expanding these to cover students is an easy way to broaden support on campus, it is essential that any such policies specifically include students, are tailored to their unique needs, 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 milk. While many students will be able to pump or nurse their child between classes, it will be impossible for some students to meet their lactation needs without missing class. Pumping between classes is particularly challenging where lactation spaces are not in a central location or in the case of students who must pump very frequently. Students should not be forced to miss out on participation credits or exam time simply because they are breastfeeding—that would be denying them an equal educational opportunity because of their sex.

Title IX requires campus Title IX Coordinators to ensure that reasonable modifications—such as excused absences, adjusted exam schedules, or notetakers—are provided to lactating students and others with pregnancy-related conditions. Be sure to provide students with the contact information of the Title IX Coordinator or their designee in case they need assistance managing their schedule and lactation breaks.

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

Breastfeeding students need a clean, private, and readily accessible non-bathroom space for expressing milk on campus. The space must be functional and appropriate for expressing milk. Ideally, the space will have electric outlets, a sink (in the space or nearby), a comfortable chair, and a table or other flat surface for holding a pump. Many contain lockers and/or refrigerators for the storage of milk or pumping supplies. 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.



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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, lactating students who work in labs may need personal protective equipment or permission to avoid certain hazards. Other students may need new uniforms, permission to eat or drink, or time off to address breastfeeding complications. Ensure that your process includes a pathway for these students to access the accommodations they need with the help of your Title IX office.

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 and integrate it into handbooks and other orientation materials. Key locations for reaching 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 that the Title IX Coordinator is responsible for ensuring your policy is followed, and the appropriate process for seeking assistance or making complaints.

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I. Policy Goals and Summary

[Institution] has adopted this policy in support of lactating students. [Institution] supports and encourages breastfeeding/human milk feeding.

Under this policy, the [Institution] shall provide lactating students with the accommodations necessary to ensure they have access to equal educational opportunities while also meeting their health needs.

[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 lactation, 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 [Institution] students who need to express milk during the course of their studies, including virtual and on campus classes, institutionally operated or overseen externships and clinical experiences, as well as exams. This policy is intended only to apply to students while they are not performing paid work for the university. Employees, including student employees, should consult [insert link to employee policy] for information on lactation accommodations during their work hours.

(2) Definitions

For the purposes of this policy:

- a. The term “lactating students” includes any student who expresses or pumps milk as well as students who directly nurse a child.
- b. “Reasonable modifications” 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 their studies and enjoy equal benefits of the [Institution].
- c. “Absence” from class includes tardiness or a break for the expression of milk within a class period.

(3) Designated Lactation Spaces

- a. [Institution] shall provide clean spaces across campus that are free from view and intrusion and are easily accessible to students for the purposes of expressing milk. Restrooms may not be classified as designated lactation spaces.
- b. All designated lactation spaces shall be equipped with, at minimum:
 - i) a table or other flat surface suitable to hold a breast pump; ii) a chair; iii) an electrical outlet; iv) access to running water in the room or nearby.
- c. To ensure privacy within the lactation space, designated spaces will be equipped with a door lock and window coverings to block sight from the outside (if needed). For large lactation spaces intended to be shared by multiple lactating students or workers, privacy screens will be provided.
- d. [Institution] encourages departments/facilities managers to make available lockers or another space in or nearby lactation spaces where students can elect to store their pumps or expressed milk.
- e. [Institution] shall make a list of available lactation rooms accessible online. For each room, the list should provide the location, hours of operation, information on how to access the space, and information on available amenities such as refrigeration. The list should be regularly updated by [designated office].
- f. Establishing new lactation spaces:
 - i) When existing locations are not accessible from a lactating student's class/study area, or the demand for existing spaces makes it challenging for students to access lactation space as often as needed, students may contact [Title IX Coordinator/their named designee] 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 [Title IX Coordinator/designee] will regularly survey lactation room sign in sheets and/or poll users to assess the adequacy of existing locations.
- g. Notwithstanding other institutional policy, nothing in this policy restricts a students' right to pump or nurse in areas not designated as a lactation space. In accordance with state law, breastfeeding is permitted at any campus location that the lactating student and infant/child are otherwise permitted to be present.



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(4) Lactation Breaks

- a. Students shall be provided with class breaks/excused absences and exam modifications to permit them to meet their lactation-related needs. Instructors are prohibited from penalizing lactating students for their absence needed to express breast milk.
- b. Lactating students who must pump during a portion their class period shall inform the [instructor, Title IX Coordinator, or other designee] of their need and estimated time away from class as soon as possible. Faculty who receive requests shall provide students with the contact information of the Title IX Coordinator [or designee] and inform them that Title IX is able to assist, if needed. *[Note: To reduce potential liability, you may want to encourage students to reach out to the Title IX office as their first point of contact, especially as faculty are still being trained on the new Title IX requirements. Regardless of who is the official first point of contact, it is important to notify employees of their obligation to share the Title IX Coordinator's contact information, as students may still reach out to them.]*
- c. With the support of the Title IX Coordinator [or designee], instructors and students shall work together to identify solutions for making up in-class work, participation credits, and instruction missed.

(5) Lactation Accommodations

- a. Students who need changes related to their lactation other than reasonable time and a clean and private place to express milk may request reasonable modifications by contacting the [Title IX Office/designee].
- b. Reasonable modifications may include avoiding certain chemicals or exposures, permission to eat or drink, uniform changes, postponement or adjustments to fieldwork or travel, permission to bring their baby to campus (if prohibited under existing policy), or time off as medically necessary.
- c. Exam accommodations shall be provided as necessary. Common exam accommodations include extending the available time period for an exam to allow for milk expression or situating the exam room closer to a lactation space to minimize disruption.
- d. The [Title IX Coordinator/designee] will engage in a prompt interactive process with the student and any involved faculty to ensure the student's educational opportunities are not diminished as a result of their lactation needs.

(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 lactation must be referred to the [Title IX Office] for appropriate action.



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(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 Title IX complaints grievances, and disciplinary procedures. Complaints of pregnancy-related discrimination can be rolled into your institution's existing Title IX grievance processes. An effective 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 and include it in relevant handbooks and onboarding materials. All instructors are responsible for being aware of this policy and working with lactating students to arrange accommodations. [Title IX 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

The [Breastfeeding Support Coordinator, Title IX Coordinator, or designee] provides guidance to lactating 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.