



Lactation

101

Lactation Accommodations
in Los Angeles County
Higher Education

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Updated: October 2021

Introduction

In 2017, ACLU of Southern California (ACLU SoCal), BreastfeedLA, and the California Women’s Law Center (CWLC) created a report card scoring colleges and universities in Los Angeles County on their breast/chestfeeding policies for pregnant and lactating students and employees. Since that time, laws and norms around breastfeeding/chestfeeding and lactation have continued to evolve and strengthen. With anticipation and hope that institutions have disseminated increasingly more supportive policies, we have newly surveyed all institutions of higher education in Los Angeles County and updated the report card.

Breast/chestfeeding is recommended by every major health care organization.¹ Recognizing the overwhelming health impact of breast/chestfeeding for both parent and child, federal and state law strongly support the rights of pregnant, lactating, and parenting employees and students to provide human milk to their children and to be free from discrimination or harassment related to their lactation needs. Under federal and state law, colleges and universities may not discriminate against students or employees based on sex, which includes pregnancy, breast/chestfeeding, and parenting status. Additionally, colleges and universities have an affirmative obligation to address and eliminate discrimination against people who are pregnant, breast/chestfeeding, and/or parenting.^{2,3}

Employees or students who are pregnant, recovering from childbirth, and/or lactating must be provided with the same accommodations and support services available to other employees or students with similar

temporary medical needs.² It is important to note that lactating parents have a medical need to express milk or breast/chestfeed their children regularly to maintain their ability to continue lactation. It is not solely a matter of expressing milk in order to feed the child during the separation but is necessary to ensure continued production of adequate milk and to avoid pain, engorgement, plugged ducts, and mastitis.⁵

Data from the Institute for Women's Policy and Research (IWPR, 2018) shows that nationwide "parents of dependent children make up nearly a quarter of U.S. undergraduates, or 3.9 million students." According to the report Title IX at 45: Pregnant and Parenting Students - Supporting Academic Success Through Title IX,⁶ many schools have not designated a Title IX Coordinator, which is a violation of both Title IX and California state law.

Colleges and universities must provide both employees and students with accommodations that allow them to continue to breast/chestfeed after the birth of their baby. Title IX is a federal law that prohibits discrimination based on sex at any educational institution that receives federal funding. Discrimination based on pregnancy is prohibited under Title IX, meaning pregnant students should have access to the same resources and opportunities as non-pregnant students. Enforcement of Title IX is a key strategy to ensure that the rights of pregnant and parenting students are protected. In 2018, BreastfeedLA, the California Women's Law Center, and the Center for Worklife Law provided training to the California Community College Region 8 Title IX Group which represented over 14 Community Colleges. Over 30 community college Title IX Coordinators were present. As a result of this training, there was an increase in availability of designated lactation spaces and additional supports for pregnant and parenting students throughout Southern California. One community college's Title IX Coordinator created a special program for pregnant and parenting students as a result of this training further improving lactation support for students on their campus.

"Working with BreastfeedLA has boosted my capacity and motivation to leverage Title IX's protections of people in the continuum of parenting (pregnant, lactating, parenting) and those who have experienced miscarriages and pregnancy loss. With their support, consultation, and training, I've been able to build lasting policy, programming, and other resources to ensure students and employees are protected and supported."

-Valyncia Raphael Woodward, Title IX Coordinator, July 2021

California also has additional legal provisions that protect the rights of pregnant and parenting students and employees. The California Sex Equity in Education Act requires schools to provide pregnant students, and those recovering from child-birth-related conditions, with the same accommodations and support services available to other students with temporary medical conditions. As of January 1, 2021, California Labor Code § 1034(a) requires postsecondary education institutions have a written pregnancy discrimination policy for their graduate students. Under the law, the policy should inform graduate students about the non-discrimination protections and outline procedures for addressing pregnancy discrimination complaints.

California Education Code § 66271.9(a), amended in 2019, also requires California Community Colleges and California State Universities to provide specific lactation accommodations to breast/chestfeeding students. University of California schools are also "strongly encouraged" to provide the same accommodations but are not yet bound to do so by the law.

"Since coming back from maternity leave my supply has dwindled and I have had to give my son formula once a day to keep up with his demand... It is very upsetting to feel like I cannot provide him with the nourishment he needs."

Brooke D. (Staff Member)



"The whole process was SO hard and I do feel like my school administration didn't bother to make it any easier. It was very difficult to find a space to pump that was feasible. They offered me a study room in the library that I could book when it was not already in use, but it was too far across campus. It would have taken all my pump time to walk there, set up my equipment, take down my equipment, and walk back to my work site."

A University Staff Member



California Labor Code §§ 1031, 1034, amended January 2020, specifies that employers, including schools, must provide reasonable lactation accommodations to their employees, and must have a written policy describing an employee's right to lactation accommodations, the process by which accommodations can be requested, and the procedures for filing a complaint. The written policy must be distributed to all employees.

Reasonable Lactation Accommodations Employers and education institutions must provide lactating employees and students with a room or other private location to express their milk, and the lactation room must not be a bathroom. For employees, that room must be in close proximity to the employee's work area. Lactation rooms must be safe and free of hazardous materials, must contain a surface to place a breast pump and personal items, must have a place to sit, and must have access to electricity to operate an electric breast pump. Additionally, employers must provide access to a sink with running water and a refrigerator to store milk.⁴

All educational institutions that receive federal financial assistance must designate at least one employee to be the Title IX Coordinator.⁷ The Title IX Coordinator is the person responsible for answering questions, handling complaints, and ensuring compliance with federal laws that prohibit sex discrimination, which includes discrimination against pregnant and parenting students and employees.

The Title IX Coordinator's contact information must be prominently posted on the school's website. Subject to the Code of Federal Regulations § 106.8 and California Education Code § 221.61, all schools that receive federal funds are required to post the contact information for their Title IX Coordinator on their school website in a "prominent and conspicuous" location. This information must include the Title IX Coordinator's name, phone number, office address, and email address.

Supportive policies allow students to meet their parenting and educational goals, increase breast/chestfeeding rates, decrease employee absences, lower employers' healthcare costs, and improve morale. Even though colleges and universities have clear legal obligations to support lactating individuals, many students who plan to breast/chestfeed do not meet their own goals

or the health care recommendations of exclusive breast/chestfeeding for the first six months because they lack institutional support in the workplace or school.

As a result of these barriers, many parents give up on breast/chestfeeding, or leave college or university without meeting their own higher education goals. Ensuring adequate accommodations for pregnant, lactating, and parenting employees and students begins with appropriate policies in place.

Despite the well-known importance of breast/chestfeeding, rates in the United States remain low, with only 25.6% of infants in the US being exclusively breast/chestfed through their first six months of life.⁹ When giving birth in the hospital, over 90% of families in Los Angeles County report intending to breast/chestfeed their children; yet by 3 months, only 43.9% are exclusively breast/chestfeeding.⁹ 34.4% of individuals in Los Angeles County who stopped breast/chestfeeding earlier than planned reported the reason as going back to school or work, or that it was too hard or time-consuming to continue to breast/chestfeed. Of Los Angeles County residents who experienced breast/chestfeeding discrimination, 27.7% of lactating individuals stated they experienced breast/chestfeeding discrimination in a school setting and 51.4% experienced breast/chestfeeding discrimination at work.⁹

Colleges and Universities stand out from the crowd when they meet these recommendations!

"I was at a conference at a university and had a short period to pump. They only have one room that you could not reserve in advance, so I had my fingers crossed that it would be available when I needed it. It was, but it was a little bit of a trek to get to."

Mel

experienced breast/chestfeeding discrimination at work.⁹

Studies have shown that when babies are breast/chestfed they are healthier, and their parents are less likely to miss work⁹. One-day absences due to a child's illness occur twice as often among parents whose infants are not breast/chestfed.⁹ Research shows that employees who receive support to express milk at work are more productive and loyal to their employer.¹⁰ They are also more likely to return from family leave and not to further extend their leave.¹ The reduced healthcare costs for breast/chestfed infants and their lactating parents translate into lower medical insurance claims for their employers.¹⁰ Employees who are provided breast/chestfeeding support by their employers consistently report improved morale, better satisfaction with their jobs, and higher productivity.

First in 2017 and then again in 2021, ACLU SoCal, BreastfeedLA, and the California Women's Law Center set out to identify whether higher education institutions in Los Angeles County have accessible policies to protect the rights of pregnant and parenting employees and students.

This study graded each institution on five related issues, which represent recommended best practices for lactation policy accessibility:

1. Whether an institution had general policies that are accessible on the institution's website.
2. Whether an institution had a lactation accommodation policy for employees.
3. Whether an institution had a pregnant and parenting policy for students.
4. Whether the student policy included a lactation accommodation policy.
5. Whether the name and contact information for the Title IX Coordinator was posted on the institution's website.

Our 2021 findings identified some improvements compared to the 2017 baseline data but found that many institutions continue to lack accessible employee and student policies.

Failing to protect the rights of employees and students with adequate and enforceable policies places institutions at risk of facing legal action and sex discrimination lawsuits. Fortunately, these gaps remain correctable.

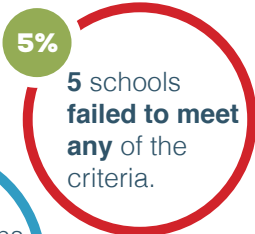
"When I was taking night classes, my husband would bring my six-month old to me during my break so I could breastfeed him in the car because I could never pump enough to leave my husband. A female professor saw this, the next week the dean notified me that the law school had created a lactation room, a private room that locked, with a mini fridge for storage, a comfortable chair, as well as a desk and office chair in case I (or any other lactating student or staff) wanted to get work done."

Andrea Fernandez Jackson



LA COUNTY BY NUMBERS

**We surveyed
103
institutions.**
Here's what we found:



Los Angeles County Colleges and Universities by the Numbers

GOAL:

100% of colleges and universities in Los Angeles County to be in compliance with the five recommendations so that all students and employees can access the pregnant, lactation, and parenting policies to which they're entitled.

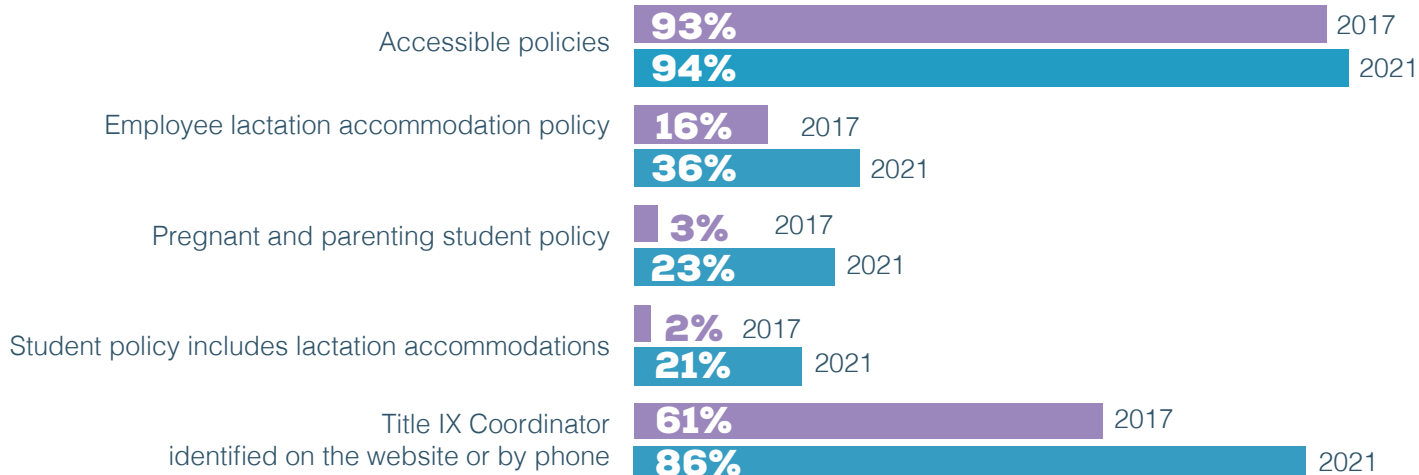
D

2017 LA County Average Grade for 107 Colleges and Universities

C

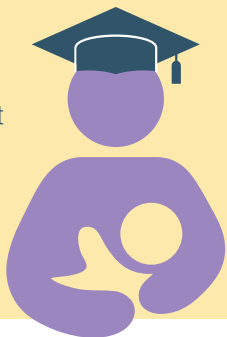
2021 LA County Average Grade for 103 Colleges and Universities

Schools In Compliance

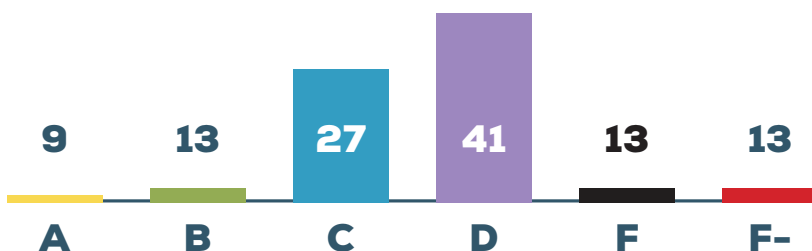


Students with children

Approximately **2 million** college student parents are raising kids 0-5 years old.



Totals by Grade



Improvements made by schools since 2017



Lactation 101: Lactation Accommodations in LA County Higher Education

October 2021 Update

Since we released our Lactation 101 research study in January of 2017, colleges and universities in Los Angeles County have overall improved their lactation accommodations policies and/or the online accessibility of those policies affecting both employees and students.

Sixty percent of colleges and universities improved in at least one evaluated area since 2017, raising the LA County's average from "D" to "C". Nine colleges and universities received a perfect "A" grade for meeting all of the lactation accommodations requirements, compared to just one in 2017.

Ninety-four percent of Los Angeles County's 103 colleges and universities now have accessible board policies that are available online (compared to 93% in 2017). We were able to easily locate 86% of schools Title IX Coordinators — an increase of 25 percentage points compared to just one in 2017.

The greatest areas of improvement were seen in the number of colleges and universities that have student lactation accommodations policies, and pregnant and parenting student policies; 23% of schools now have them- an improvement of 21 and 20 percentage points respectively. However, these numbers are still low. There was also a 20 percentage point increase in the number of colleges and universities with employee lactation accommodations policies- 36% are now in compliance.

While improvements have been made in some areas, there is still great progress to be made. The starkest statistic in our findings indicated that colleges and universities in Los Angeles County still have far to go: 52% of colleges and universities received a failing score of "D" or lower, failing to meet the lactation accommodations requirements and 13 flunked, meeting 1 or none of the recommendations. Finally, seven schools went down in their grades, meaning they eliminated important services to pregnant and lactating students and employees.

Valedictorian (All As) 9 schools	Most Improved 7 schools	Failing (All Fs) 13 schools
<ul style="list-style-type: none"> • California Polytechnic University, Pomona • California State, Northridge • Keck Graduate Institute • Santa Monica College • California State, Long Beach • Mount St. Mary's College • Otis College of Art and Design • Pitzer College • University of California, Los Angeles 	<ul style="list-style-type: none"> • California Polytechnic University, Pomona • California State, Northridge • College of the Canyons • Dongguk University • Keck Graduate Institute • National University • Santa Monica College 	<ul style="list-style-type: none"> • California International University • Glendale University College of Law • Grace University • International Theological Seminary • Los Angeles County College of Nursing and Allied Health • Los Angeles Pacific College • New Center for Psychoanalysis • Pacific Coast University School of Law • Pacific States University • Pardee RAND Graduate School • Southern California University of Health Sciences • University of West Los Angeles • Yeshiva Ohr Elchonon Chabad/ West Coast Talmudical Seminary

Report Card: LA County Higher Education Institutions

- A** = meets all 5 criteria
- B** = meets 4 out of 5 criteria
- C** = meets 3 out of 5 criteria
- D** = meets 2 out of 5 criteria
- E** = meets 1 out of 5 criteria
- F** = meets one out of 5 criteria
- F-** = meets no criteria
- ★ = improvement from the previous report

	2021	2017	Accessible policies	Employee lactation accommodation policy	Pregnant & Parenting student policy	Student policy includes lactation accommodation	Title IX Coordinators
	Grade						
Alliant International University	D	F	✓				✓★
American Academy of Dramatic Arts West	D	F	✓				✓★
American Film Institute Conservatory	D	F	✓				✓★
American Jewish University	C	D	✓	✓			✓★
American Musical and Dramatic Academy	D	D	✓				✓
Antelope Valley College	C	D	✓	✓			✓★
Antioch University	C	F	✓	✓★			✓★
Art Center College of Design	B	D	✓	✓	✓★		✓
Azusa Pacific University	C	C	✓	✓			✓
Biola University	C	D	✓		✓★		✓
California Polytechnic University, Pomona	A	D	✓	✓	✓★	✓	✓
California Graduate Institute of the Chicago School of Professional Psychology	B	D	✓		✓★	✓★	✓
California Institute of Technology	B	C	✓	✓	✓★		✓
California Institute of the Arts	D	B	✓	—		—	✓
California International University	F-	F	—				
California Lutheran University	C	D	✓		✓★		✓
California State, Dominguez Hills	B	D	✓	✓★		✓★	✓
California State, Long Beach	A	C	✓	✓	✓★	✓★	✓
California State, Los Angeles	C	D	✓	✓★			✓
California State, Northridge	A	D	✓	✓★	✓★	✓★	✓
CBD College	C	F	✓		✓★		✓★
Cerritos College	B	D	✓		✓★	✓★	✓
Charles R. Drew University of Medicine and Science	B	C	✓	✓		✓★	✓
Citrus College	C	D				✓★	✓★
Claremont Graduate University	C	D		✓★			✓
Claremont McKenna College	C	D		✓★		✓★	✓
Claremont School of Theology	D	F	✓				✓

Report Card: LA County Higher Education Institutions

	Grade		2021	2017	Accessible policies	Employee lactation accommodation policy	Pregnant & Parenting student policy	Student policy includes lactation accommodation	Title IX Coordinators	
The Colburn School	D	F-	✓	★	✓	★				
College of the Canyons	B	F	✓				✓	★	✓	★
Columbia College Hollywood	D	D							✓	
DeVry University	B	D	✓				✓	★	✓	
Dongguk University	C	F-	✓	★	✓	★			✓	
East Los Angeles College	C	D	✓				✓	★	✓	
El Camino College	B	D			✓	★		✓	★	
Emperor's College of Traditional Oriental Medicine	D	F	✓						✓	
Fashion Institute of Design & Merchandising	C	F	✓		✓	★			✓	★
Fuller Theological Seminary	D	D	✓						✓	
Glendale Community College	C	F	✓				✓	★	✓	★
Glendale University College of Law	F-	F-								
Golden Gate University Los Angeles	D	F	✓						✓	★
Harvey Mudd College	C	D				✓	★		✓	
Hebrew Union College - Jewish Institute of Religion	C	F	✓		✓	★			✓	★
International Theological Seminary	F	F	✓							
Keck Graduate Institute	A	D	✓		✓	★	✓	★	✓	
Life Pacific College	D	D	✓						✓	
Long Beach City College	D	D	✓						✓	
Los Angeles City College	D	D	✓						✓	
Los Angeles County College of Nursing & Allied Health	F	F	✓							
The Los Angeles Film School	D	F	✓						✓	★
Los Angeles Harbor College	D	D	✓						✓	
Los Angeles Mission College	D	D	✓						✓	
Los Angeles Pacific College	F	F	✓							
Los Angeles Pierce College	D	F	✓						✓	★
Los Angeles Southwest College	D	D	✓						✓	

Report Card: LA County Higher Education Institutions

	Grade		Accessible policies	Employee lactation accommodation policy	Pregnant & Parenting student policy	Student policy includes lactation accommodation	Title IX Coordinators
	2021	2017					
Los Angeles Trade Technical College	D	D	✓				✓
Los Angeles Valley College	D	D	✓				✓
Loyola Marymount University	D	D	✓				✓
The Master's College	D	F	✓				✓
The Master's Seminary	D	F	✓*				✓
Marymount California University	C	D	✓		✓		✓
Mount St. Mary's University	A	A	✓	✓	✓	✓	✓
Mt. San Antonio College	B	D	✓	✓*		✓*	✓
Musicians Institute	D	F	✓				✓*
National Polytechnic College	D	D	✓				✓
National University	B	F	✓		✓*	✓*	✓*
New Center for Psychoanalysis	F	F-	✓*				
New York Film Academy	D	F					✓*
Occidental College	B	C	✓	✓*	✓		✓
Otis College of Art and Design	A	C	✓	✓	✓	✓*	✓
Pacific Coast University School of Law	F	F-	✓*				
Pacific Oaks College	D	D					✓
Pacific States University	F	F	✓				
Pardee RAND Graduate School	F-	F-					
Pasadena City College	C	D		✓			✓
Pepperdine University	B	C	✓	✓	✓*		✓
Phillips Graduate Institute	D	F	✓				✓*
Pitzer College	A	C	✓	✓	✓*	✓*	✓
Pomona College	D	D	✓				✓
Platt College	D	F	✓				✓*
Rio Hondo College	D	F	✓				✓*
Santa Monica College	A	D	✓	✓*	✓*	✓*	✓

Report Card: LA County Higher Education Institutions

	Grade		Accessible policies	Employee lactation accommodation policy	Pregnant & Parenting student policy	Student policy includes lactation accommodation	Title IX Coordinators
	2021	2017					
Scripps College	D	C	✓	I			✓
South Baylo University	C	F	✓				✓★
Southern California Institute of Architecture	C	D	I	✓★		✓	✓★
Southern California University of Health Sciences	F	C	✓		I		I
Southwestern Law School	D	D	✓				✓
The Union Institute and University	D	D	✓				✓
Touro College	C	C	✓		✓		✓
University of California, Los Angeles	A	B	✓	✓	✓	✓★	✓
University of La Verne	C	C	✓				✓
University of Phoenix	C	C	✓	✓			✓
University of Southern California	C	C	✓	✓			✓
University of the West	D	D	✓				✓
University of West Los Angeles	F	F	✓	✓			
West Coast University	D	F	✓				✓
West Los Angeles College	D	D	✓				✓
Western University of Health Sciences	C	C	✓	✓			✓
Whittier College	D	C	✓	I			✓
Woodbury University	C	C	✓		✓		✓
World Mission University	D	F	✓				✓★
Yeshiva Ohr Elchonon Chabad/ West Coast Talmudical Seminary	F-	F	I				
Yo San University of Traditional Medicine	D	D	✓				✓

Effective Implementation of Lactation Accommodation Laws

Effective implementation involves four specific strategies:

1 Adopt Policy

Adopt affirmative policies that support pregnant, lactating, and parenting students and employees and their specific lactation accommodation needs.

2 Implement Policy

Implement pregnant, lactating, and parenting policies that have been adopted. The policies should include:

- Creation of a lactation room, which should contain a chair, a shelf or table, and an electric outlet, and should be in close proximity to a sink and refrigerator.
- Statement that no employee or student will incur any penalties when they leave class or work to pump their milk.

3 Train Staff and Communicate Policy

Give staff appropriate training to implement, evaluate, and monitor compliance. Inform employees and students of their rights under these policies.

4 Designate and Publicize the Title IX Coordinator Contact

Name who will be responsible for implementing these policies and handling complaints. Make their contact information easily available on the institution's website.



“With a new job, I didn’t have much of a maternity leave. When I went back to work remotely just 8 weeks after giving birth, I was able to continue breastfeeding on demand throughout my day and also continue bonding with my baby. Although the remote work conditions of the pandemic have been incredibly challenging, working from home has been such a gift for me as a new mom.”

*Dr. Raphael-Woodward,
A Higher Education Administrator,
leads a zoom call while nursing her
4 month old off camera*

1 Adopt Policy

Clear and accessible policies help ensure that all employees and students have access to consistent support. Policies should address the rights of both employees and students to lactation accommodations and also make clear the process by which problems and complaints should be addressed. Policies help to clearly define the roles and responsibilities of supervisors, employees, and students. Ultimately, this aids in creating an institutional culture that normalizes lactation support as an expected part of school- and work-life balance.

Recommended Action

- **Adopt lactation accommodation policies for students and staff immediately.** Ensure that the policies comply with all requirements of state and federal law, both with respect to substantive rights and process for handling complaints. Make sure to have two separate lactation accommodations policies: one for employees and one for students. The policies should be available online, able to be located by a simple text search on the website, and included in any student or employee handbooks available on the website. Though lactation accommodation policies may not explicitly be required by law for students at some colleges and universities, it is an important step in creating equal access to education for lactating students under Title IX for lactating students and is highly recommended to protect colleges and universities from potential lawsuits.
- **Amend sex discrimination policies** to make clear that (a) discrimination based on pregnancy, lactation, and childbirth-related conditions is prohibited by law, and (b) individuals experiencing pregnancy, lactation, or childbirth-related conditions are entitled to accommodations on equal terms to other temporary disabilities.
- **Incorporate lactation accommodation policies into any existing policies** addressing the health and wellness of employees and students. Contact CWLC, ACLU of SoCal, or BreastfeedLA if you would like assistance shaping a strong policy.¹²

Best Practices

- The U.S. Department of Education Office for Civil Rights has specific guidance on what Title IX requires regarding pregnant and parenting students.⁸ <https://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf>
- If you don't have a policy, adopt one right away; if you do have one, review it for compliance and best practices.
- If you need to adopt a new lactation accommodations policy for employees and students, The Pregnant Scholar has a model policy available.¹³ You can find their sample policy for students here: <https://thepregnantscholar.org/wp-content/uploads/Model-Lactation-Policy-for-Students.pdf>¹⁰



"I had a wonderful experience [as a student]. They have a women's center where they gave me a private office with a sofa, chair, and outlet. I got as much time as I needed. I never felt uncomfortable or unwelcome. They also had a fridge to store the milk. They were great. I pumped for about six months. I went from work to school and couldn't have kept it up if I couldn't pump at school."

Amanda

An employee or student's right to breast/chestfeed or express milk is meaningless if they are not provided the space and time to do so in an accessible, secure, and clean location that has the basic items needed, such as a functioning electrical outlet, and access to a water source nearby, and a refrigerator or cooler to store expressed milk. Lactation spaces that are easily identifiable reduce conflict and create efficiency. When employees and students are able to address their needs for expressing and storing milk, they are able to better balance their lactation needs with the demands of their work or studies.

Recommended Action

Dedicated Space

- Designate lactation spaces that contain an electrical outlet or alternative devices needed to operate an electric or battery-powered breast pump, a chair, a clear surface area to place a breast pump and personal items, a nearby sink with running water, and a nearby available refrigerator suitable for storing milk.
- Create a list of lactation rooms where employees and students can express milk or breast/chestfeed and a list of spaces containing a refrigerator in which employees and students can store expressed milk. Be sure that the list is easily accessible to all employees and students.
- Make sure all lactation spaces are private, shielded from view, secure, clean, well-lit, free of hazardous materials, free from intrusion, and available during all times the campus is in use.
- Utilize the U.S. Department of Health and Human Services, Office on Women's Health database to identify best practice solutions for lactation accommodations within the education sector.¹⁵ <https://www.womenshealth.gov/supporting-nursing-moms-work/lactation-break-time-and-space-all-industries/education>
- Ensure there are enough designated lactation spaces to accommodate the needs of individuals in multiple areas of the campus, especially if the campus is large or buildings are spread out widely.

Access to Pumps

Provide employees and students with information on how to access pumps through WIC or their health insurance plans.

Time to Pump

Ensure instructors provide students time off from class, if necessary, to breast/chestfeed or express milk, and the ability to make up any classwork or participation points missed during this time. Institutions should work with a student to adopt a lactation schedule, set by the student, that facilitates breast/chestfeeding or milk expression at regular intervals.

Ensure there are no academic or other penalties imposed for breast/chestfeeding or expressing milk.

Work with the student or employee to schedule classes in a way that allows ample break time between classes to breast/chestfeed or express milk.

Ensure all lactating employees are provided with a reasonable amount of break time to pump as frequently as needed. The frequency and duration of milk expression will vary by person.

Best Practices

- The website of Oregon State University displays excellent photos of their lactation rooms alongside resources for pregnant, lactating, and parenting students and employees. You can find it here <https://familyresources.oregonstate.edu/lactation-rooms-supports>¹⁵
- MIT¹⁷ and the University of Michigan¹⁸ have specific suggestions on setting up ad hoc and dedicated spaces <https://hr.mit.edu/worklife/lactation-room-requirements> <https://hr.umich.edu/benefits-wellness/work-life/lactation-resources/lactation-room-setup-guide>

3

Train Staff and Communicate Policy

When colleges and universities communicate support for lactation accommodations, they are effectively removing a barrier to breast/chestfeeding for both employees and students. Even the best written policy is ineffective if it is inaccessible, and staff and students are unaware of its existence. Title IX Coordinators and Human Resource professionals are ultimately responsible for implementing lactation accommodation policies, but all staff should be trained on the policies so they can answer questions and create a supportive environment for pregnant, lactating, and parenting employees and students.

Recommended Action

Convey non-discrimination and lactation accommodations policies, as well as information about complaint processes, through multiple channels to all staff and students. The information should be easy to find and access online.

- Provide policies to all new hires.
- Provide policies to all staff who take pregnancy disability leave or parental bonding leave.
 - Post information about lactation rights and associated policies in visible common spaces, such as employee break areas, student unions, dining halls, classrooms, campus health and wellness centers, faculty lounges, student and employee handbooks, and on the institution's website and intranet.
- Provide a list of identified spaces on campus that are designated for breast/chestfeeding and expressing human milk. If milk storage facilities are available, include locations.
 - Issue periodic reminders about lactation accommodations and announcements of any changes to the assignment of Title IX Coordinator. When the Title IX Coordinator changes, update their contact information on the website and intranet.
- Highlight the policies in a prominent and easily accessible section of the institution's website. When evaluating website access, consider the following:
 - Can a student or potential student perform an online search of the name of the institution and "breastfeeding," "chestfeeding," and/or "lactation" and find a page with affirmative support for lactation accommodations?
 - Does it link to a clear contact for the Title IX Coordinator with a name, office address, email address, and phone number?
 - Does it link directly to the institution's policies related to lactation accommodations?
 - Is there a list of identified spaces on the campus for breast/chestfeeding, expressing human milk, and storing human milk?

Best Practices

The website of the University of California at Merced demonstrates full compliance¹⁹ <https://hr.ucmerced.edu/hr-units/benefits/accommodations/lactation> with the 5 recommendations, including affirmative support of the rights of pregnant and parenting employees and students, a link to the employee policy on lactation accommodations and student handbook, a list of designated spaces for expressing and storing human milk and breast/chest-feeding, and additional links that might be helpful to a pregnant or parenting employee or student.

There are multiple examples of how pregnant and parenting employees have been accommodated and how it was done at the U.S. Department of Health and Human Services, Office on Women's Health website resource, *Supporting Nursing Moms at Work: Employer Solutions, Education*.¹⁵ <https://www.womenshealth.gov/supporting-nursing-moms-work/lactation-break-time-and-space-all-industries/education>

Designate and Publicize the Title IX Coordinator Contact

A key component of effective implementation of all Title IX requirements is designating a point person on staff who is (1) knowledgeable about Title IX and institutional policy on lactation accommodations; (2) required and trained to handle questions and complaints; and (3) known to employees and students. Institutions that receive any amount of federal assistance are required to designate at least one employee as the Title IX Coordinator. Per both California and federal law, schools must make the Title IX Coordinator(s) known and accessible to the school community by posting their name and contact information in a prominent location on the school website.

Lack of compliance with this requirement affects not only pregnant, lactating, and parenting students and employees but anyone experiencing gender discrimination at the institution.

Lactation accommodation policies for employees are usually administered through a personnel or human resources department. A human resources administrator should be responsible for ensuring that the designated Title IX Coordinator is performing their assigned role in protecting the rights of employees on campus.

Recommended Action: Title IX Coordinator and Human Resource Director

Immediately identify at least one employee as the Title IX Coordinator and one employee as the Human Resource Employee who is responsible for implementing lactation accommodation policies, educating staff on the policies, and handling complaints on the subject. Identify the person by name and clearly list their office address, email address, and phone number on the institution's website.

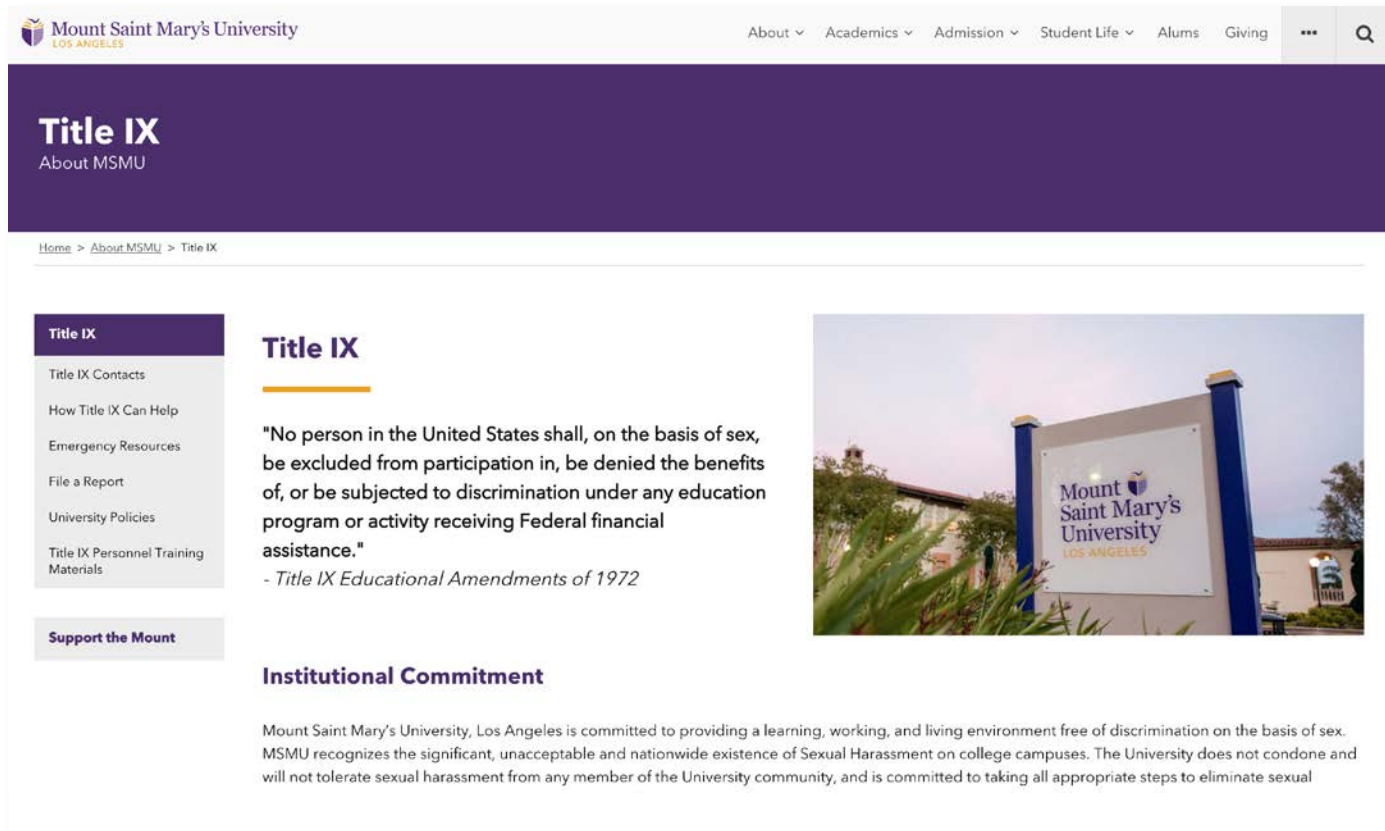
Review the U.S. Department of Education's Office of Civil Rights guidance on Title IX Coordinators and ensure the institution is in compliance.

Evaluate the institution's website for the following:

- Does the front page of the website include a clear "Title IX" statement or link to a sub-page?
- Does the website directly link to the institution's Title IX policies and other relevant anti-discrimination and lactation accommodation policies?
- Does the website provide a clear contact for the Title IX Coordinator, including the individual's name, office address, email address, and phone number?
- Is the term "Title IX Coordinator" used to describe the contact?
- Can employees or potential employees easily identify their rights to lactation accommodations on the website?
- Does the website link to a clear contact within the Human Resources Department for questions or concerns?
- Is there clear guidance on how to be accommodated on the campus for pregnancy or lactation?
- Is there a list of identified spaces on campus where the employees and students can express and store human milk and breast/chestfeed their child?
- Is there a link from the Human Resources section directly to the employee policies?
- Is there educational information provided by the institution's employee health plan regarding how to access breast/chestfeeding support, supplies, and counseling as mandated under the Affordable Care Act?

Best Practice

Visit the Student Life section of Mount Saint Mary's University Los Angeles for a model page²⁰ which clearly identifies those responsible for maintaining Title IX compliance, complete with names, office addresses, email addresses, and phone numbers. <https://www.msmu.edu/about-the-mount/title-ix/>



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Title IX

About MSMU

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Title IX

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."
- Title IX Educational Amendments of 1972

Institutional Commitment

Mount Saint Mary's University, Los Angeles is committed to providing a learning, working, and living environment free of discrimination on the basis of sex. MSMU recognizes the significant, unacceptable and nationwide existence of Sexual Harassment on college campuses. The University does not condone and will not tolerate sexual harassment from any member of the University community, and is committed to taking all appropriate steps to eliminate sexual



"I knew many breastfeeding moms on campus, and I knew my department would be supportive. HR made sure to address pumping opportunities and resources and I liked that they introduced the topic during our conversation - I didn't have to ask or advocate for myself to get it."

Shelby (University Staff)

Limitations

Some limitations in this report include that some institutions do not make their policies available online to the public, which means that their grades received in this report might not be 100% accurate. For each institution that did not provide its policies online, we reached out via email to request copies of their policies in order to accurately grade the institution. In addition, due to COVID-19, several schools had shifted staff to limited hours, hiatus, or remote work, all of which may have limited the University's response to our request. Some colleges and universities requested additional time to respond, and that time was provided to them, if requested.

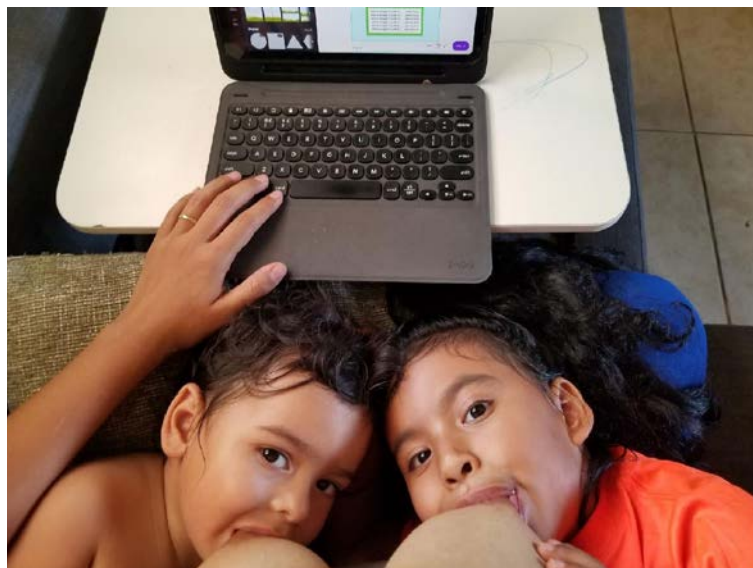


"The odd silver lining of remote learning during the pandemic was that it made it easier to attend class just three days after giving birth. I was attending class on zoom and nursing my child at the same time. The mute and camera/off buttons kept us discreet, and my teachers and classmates were delighted to see the newborn!"

Cassandra Palmer

"Being able to complete my studies remotely brought ease during an already challenging time which was the transition to motherhood. This pandemic has revealed that academic institutions can support breast/chestfeeding parents by continuing to offer the option of participating remotely."

Tecpaxochitl Mireya Gonzalez



Conclusion

Ensuring the ability of employees and students to maintain lactation even while separated from their children is important for the health of entire families and communities. Additionally, protecting the rights of employees is a critical component of maintaining a productive and efficient workforce. Continued efforts are needed to create a supportive culture for breast/chestfeeding in the campus community as well as to provide pump loan and milk storage options for both employees and students. While we know anecdotally that some institutions do provide these accommodations when some employees or students request the accommodations, we found that many do not have policies ensuring that the accommodations will be applied consistently and equitably.

When institutions of higher education (1) adopt strong lactation accommodation policies, (2) provide access to time, space, and breast pumps, (3) identify a Title IX Coordinator and key human resource staff, and (4) train staff and communicate the policies, they support families to meet their own breast/chestfeeding goals.



"I appreciate the opportunity to be able to provide expressed breast milk to my babies. It is important for students and faculty to have ample time between classes in order to express breastmilk to reach their academic/work and breastfeeding goals. Policies, class/meeting schedules are needed to ensure the protections and support of lactating persons (students, staff, faculty). We need more people to advocate, support, welcome, invite, and normalize breastfeeding/pumping."

*Kacie Blackman, PhD, Assistant Professor, CSUN,
Department of Health Sciences, Health Equity Research
and Education Center*



Endnotes

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2. 42 U.S.C. §§ 2000e(k), 2000e-2 (Federal statutes, Title VII and the Pregnancy Discrimination Act, prohibiting sex and pregnancy discrimination in employment); 29 U.S.C. § 207(r) (Requires employers to provide nursing mothers with breaks and a private location (other than a restroom) to pump milk); 20 U.S.C. § 1681 (Federal statute, Title IX, prohibiting sex discrimination in schools receiving federal assistance); 29 C.F.R. § 1604.10 (Title VII implementing regulations); 34 C.F.R. § 106.40(b) (1) (Title IX implementing regulations); Cal. Educ. Code § 201, 220 (California statute, California Sex Equity in Education Act, prohibiting sex discrimination in schools); Cal. Civ. Code § 51 (California statute, Unruh Civil Rights Act, prohibiting sex discrimination by public accommodations, including schools); Cal. Gov't Code §§ 12926(r), 12940 (California statute, Fair Employment and Housing Act, prohibiting sex discrimination in employment); Cal. Gov't Code § 12945 (California statute requiring employers to provide reasonable accommodation for an employee for a condition related to pregnancy, childbirth, or a related medical condition, which includes lactation accommodations); Cal. Lab. Code §§ 1030-31 (requiring lactation accommodations for employees and specifying lactation room requirements); Cal. Lab. Code 1034 (requiring employers to have a written lactation accommodation policy); Cal. Ed. Code §66271.9 (requiring California Community Colleges and California State Universities, and encouraging University of California schools, to provide reasonable lactation accommodations); Cal. Ed. Code §66281.7 (requiring Cal. State Universities to have a pregnant student policy for graduate students); Cal. Code Regs. tit. 5, § 4950 (California Sex Equity in Education Act implementing regulations); 2 CCR § 11035(d), (u) (California regulation making clear that pregnancy related accommodations that employers must provide include lactation accommodations); Enforcement Guidance: Pregnancy Discrimination and Related Issues, Equal Employment Opportunity Commission (June 25, 2015), Accessed August 23, 2021. <https://www.eeoc.gov/laws/guidance/enforcement-guidance-pregnancy-discrimination-and-related-issues> (explaining that discrimination based on lactation and breastfeeding is prohibited).
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12. cwlc@cwlc.org and info@breastfeedla.org
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