

PM 2018-03

President Willie J. Hagan

June 29, 2018

Policy on Lactation and Breastfeeding Accommodations

POLICY

CSU Dominguez Hills recognizes the importance and benefits of providing lactation support, including health benefits breastmilk provides to children, and upholds the legal right of students, faculty, and staff to breastfeed or express milk on campus by providing private lactation locations for faculty, staff, and students and adequate break time for lactation for faculty and staff.

The University further recognizes the legal right to breastfeed wherever children are legally permitted. Discrimination, harassment, and retaliation towards a lactating individual is a form of sex/gender discrimination and is not tolerated at CSU Dominguez Hills.

REFERENCES

1. **Title IX** of the Educational Amendments (1972) prohibits discrimination on the basis of sex. **AB 2386 Government Code Section 12926** (2012) indicates sex includes, but is not limited to, pregnancy, childbirth, and breastfeeding or medical conditions related to pregnancy, childbirth, and breastfeeding.
2. **California Labor Code Chapter 3.8 Sections 1030-1033** (2001) require California employers to provide accommodations for breastfeeding parents, to provide a reasonable amount of break time, and to provide a private space, other than a toilet stall, close to the employee's work area, to accommodate an employee desiring to express breast milk.
3. The **Patient Protection and Affordable Care Act** (2010) requires employers provide break time to nursing parents and a private place to express breast milk.
4. **California State University Technical Letter HR/Salary 2011-05** requires California State Universities provide break time to express milk for employees. If an employee is eligible to receive compensated breaks, a nursing mother in the same job category using break time to express milk must be compensated.

DEFINITIONS

Lactating parents include students, faculty, and staff who breastfeed, nurse, pump or otherwise express milk for their child.

Lactation stations are locations meeting the following minimum requirements used by breastfeeding or lactating students, faculty, and staff:

- Private location shielded from public view with a lockable door and provision to place a message on the door exterior indicating the space is in use;
- Sanitary, not in a bathroom or toilet stall;
- Supplied with a chair and table;
- Equipped with electrical outlets

Designated lactation stations are spaces designated specifically for use by breastfeeding or lactating students, faculty, and staff. Designated lactation stations are located across campus in close proximity to all academic buildings. New academic buildings constructed after January 1,

2018 must include a designated lactation station. Additionally, designated lactation locations must be clearly labeled as such and the location of designated lactation stations must be clearly identified on campus web-based and print maps.

Flexible lactation stations are private locations satisfying the minimum requirements above for lactation stations made available on an as-needed basis for breastfeeding or lactating students, faculty, or staff upon request.

Adequate break time for breastfeeding or lactating faculty and staff includes time to walk to and from the lactation station as well as retrieve, set up, wash, and clean a pump or other supplies for breastfeeding, and expressing or storing milk, consistent with California State University Technical Letter HR/Salary 2011-05.

Reasonable academic accommodations for breastfeeding or lactating students include measures to ensure students do not incur academic penalty due to expressing milk or breastfeeding.

RESPONSIBILITIES

The University Title IX Officer is responsible for ensuring posting information on the locations of dedicated lactation stations online, ensuring lactation stations comply with policy, and notifying the University President regarding policy or compliance violations. In addition, the **Title IX Officer** also is responsible for responding to all complaints of discrimination, harassment, and retaliation against lactating employees and students using the procedures set forth in Executive Order 1095, 1096, and 1097 (or their successor orders).

Human Resources is responsible for providing staff with lactation resource information upon hire and upon request, including lactation accommodations and dedicated lactation station locations. **The Associate Vice President of Human Resources** or designee is responsible for informing **Managers** of the University lactation policy, including flexible lactation station and adequate break time requirements.

Faculty Affairs is responsible for providing lactation resource information to faculty upon hire and upon request, including lactation accommodations and dedicated lactation station locations. **The Associate Vice President of Faculty Affairs** is responsible for informing **Department Chairs and Program Coordinators** of the University lactation policy, including flexible lactation station and adequate break time requirements.

Managers, Department Chairs, and Program Coordinators are responsible for providing adequate break time for breastfeeding or lactating faculty and staff to express milk while ensuring normal business operations.

Faculty or staff who request accommodations for the purpose of lactation will be provided those accommodations through their **Managers, Department Chairs or Program Coordinators**, as appropriate, and may obtain information about locations of dedicated lactation stations online or from **Human Resources, Faculty Affairs**, or the **Title IX Officer**. Lactating faculty or staff may use flexible lactation stations at their own risk and may request consultation from the

Associate Vice President of Human Resources and the Title IX Officer to determine whether space identified for use as a flexible lactation location satisfies the requirements of this policy.

Faculty are responsible for providing adequate break time for breastfeeding or lactating students to express milk while ensuring academic and classroom requirements are maintained. Faculty may consult with the **Associate Vice President for Faculty Affairs** or the **Title IX Officer** to determine whether existing adequate flexible space is available. Faculty will work with the student to provide an opportunity to make up any missed work and ensure an academic penalty will not be incurred.

Students who requests accommodations for the purpose of lactation will be provided those accommodations through their **Professors** as appropriate, and may obtain information about locations of dedicated lactation stations online, from the **Dean of Students** office, or from the **Title IX Officer**. Lactating students use flexible lactation stations at their own risk and may request consultation from the **Associate Vice President of Human Resources and the Title IX Officer** to determine whether space identified for use as a flexible lactation location satisfies the requirements of this policy.