



Know Your Rights: Breastfeeding

January 2016

Title IX's protection against discrimination based on sex covers nursing mothers. Below find basic information on your right to pump or breastfeed at school.

Time

Although many universities don't have formal policies relating to lactation, if you must miss class to nurse or pump, your absence should be excused and you should not be penalized for your time away. If you have difficulty getting excused absences, you may need to provide a doctor's note stating that it is medically necessary for you to pump on a certain schedule.

A space to pump

The Department of Education [encourages schools](#) to provide lactating students with a room for pumping that has electrical outlets and a space for storing milk. Unfortunately the law is unclear on whether schools are legally required to adopt these best practices. However, if your ability to get an education is limited because there is no suitable space for you to pump, that is likely a violation of Title IX. Your college or university is legally required to have lactation spaces for its employees, consider asking for access to them.

Additionally, if other students are given access to private space, refrigerators, or electrical outlets to address non-pregnancy/childbirth-related medical conditions, you should be given the same special services to address your lactation-related needs.

Breastfeeding

Every state except Idaho has a law that specifically authorize women to breastfeed in public. Typically, state laws protect the right of a woman to breastfeed in any public or private location that she is otherwise allowed to be. This means, if you're allowed to be in the middle of your university's student center, you are allowed to breastfeed in the middle of the student center. Some states specify that breastfeeding is protected in places where the mother *and* child are authorized to be present, so if you run into problems, double-check the specific requirements of your state.

Freedom from harassment

Whether you pump or breastfeed on campus, your school must protect you from harassment or other discrimination that is based on the fact that you are a nursing mother. Negative comments related to your breastfeeding, lactation, or pumping may constitute illegal sex discrimination or harassment.

Accommodations

In addition to allowing you the time and space to pump, your school must accommodate any lactation-related impairments, such as serious infections, as they would other temporary medical conditions.

Running into problems?

Problems with missing class to pump

If your professor does not agree to excuse your absence from a portion of a class to pump, consider providing a note from your doctor indicating that you are lactating and that breaks are medically necessary to protect your health and milk supply. Be sure your doctor specifies how often you need to pump, and a reasonable estimate of the amount of time that the pumping will take. If you need additional time for travel to the nearest pumping location, be sure to inform your professors how long that takes.

You may also want to contact your institution's Title IX coordinator for assistance in discussing your needs with your professor or to file a complaint. Title IX mandates that medically-necessary absences related to pregnancy, childbirth, and recovery be excused without penalty.

Finding a space to pump milk

Your school is already required to provide its employees with space to express breast milk. If there are no spaces already available to students, you can ask for access to one of the employee spaces, which must be shielded from view and free from intrusion, and cannot be a bathroom. To find rooms on your campus, key contacts are:

- Women's center
- Health center
- Student parent organizations
- Human resources (as they are responsible for employee pumping spaces)
- Check for lactation room-finder apps

Finding a pump and/or breastfeeding support

The Affordable Care Act requires most health insurers to cover the cost of a breast pump and counselling on breastfeeding. Whether you are covered on a university plan or on another plan, a breast pump should be available to you. The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) also provides pumps and other breastfeeding benefits. Contact your insurer or university health center, and review [government information on breastfeeding coverage](#).