

FAQ

frequently asked questions

Breastfeeding Students

I'm coming back to school after giving birth to a child. Does my school have to let me breastfeed or pump breast milk on campus?

Yes. Title IX says schools that get federal funding cannot discriminate based on sex, which includes pregnancy and all related conditions. If your college has students that get federal financial aid (such as Pell grants, Stafford loans, and Perkins loans), it is bound by Title IX. Breastfeeding is a condition related to pregnancy, so schools must find ways to help students who need to breastfeed or pump on campus.

Depending on what state you live in, you may have even more protections. Many states have laws that say mothers have a right to breastfeed or pump in any place they are otherwise allowed to be. In these states, anyone trying to interfere with that right is breaking the law. Many of these laws apply to colleges and universities. You can find out whether your state has such a law here: <http://www.ncsl.org/research/health/breastfeeding-state-laws.aspx#State>.

Most states also have "public accommodations" laws that can give you even more protections. These laws say public places cannot single you out based on sex, which includes pregnancy and the ability to breastfeed. Some of these laws apply to colleges and universities. If your school won't let you breastfeed or pump on campus, it's illegally singling you out in a public space because of a sex-related trait. You can find out if your state has a public accommodations law here: <http://www.ncsl.org/research/civil->

[and-criminal-justice/state-public-accommodation-laws.aspx](http://www.ncsl.org/research/civil-and-criminal-justice/state-public-accommodation-laws.aspx). Be sure to check the definitions section to see if your state's law applies to colleges and universities.

I work for a professor/ am a graduate teaching assistant/ work on campus. Do I have any additional rights?

Possibly. If you are eligible for overtime or comp time, the Affordable Care Act (ACA) says your university has to give you any break time you need to pump breast milk until your child's first birthday. This break time may be unpaid. The ACA also says your university must have a space that is not a bathroom for you to pump breast milk.

Where can I breastfeed or pump breast milk on campus?

The Department of Education suggests that all colleges and universities have private rooms for students to breastfeed or pump milk during the school day. In addition, the ACA says your school must have a space other than a bathroom for employees to pump breast milk. If you are not an employee of your school, ask the Title IX Coordinator if you can use the breast-pumping rooms. If breast-pumping rooms are only for employees, ask the Title IX coordinator where you can pump breast milk on campus.

My school said I should pump in a bathroom or a student lounge. How can I respond?

Tell your school that federal policy says forcing a student to pump breast milk in a bathroom is wrong. Breast milk is baby food. So, it is not sanitary to produce or handle baby food in a bathroom. Also, pumping breast milk is a process that takes 15 to 20 minutes and requires balancing equipment and supplies. Most bathroom stalls do not have a place to sit or balance pumping supplies other than the toilet or the floor. Both options are unsanitary and likely to be uncomfortable for a nursing parent. Also, you need a power outlet to use an electric pump, and a bathroom stall may not have one.

Pumping in a bathroom can also be a problem for other students, faculty, and staff, who may need to use the bathroom and could be inconvenienced by a stall being occupied for 15 to 20 minutes.

Pumping in a student lounge presents similar problems. Expressing breast milk requires one to use medical equipment and to expose their breasts. Doing so in a public lounge, particularly in a lounge with windows, may make both the nursing parent and other students uncomfortable.



Can I be excused from class to pump breast milk?

Yes. Every parent and baby is different. But in general, a nursing parent with a new baby must pump or breastfeed **every two to three hours**. If you have a class that is longer than three hours or back-to-back classes without enough break time in between, talk to the Title IX Coordinator or professors about taking break time to pump. Title IX says the school must find a way to help with your request, especially if they allow students with temporary medical conditions to miss class time to address their needs.

Can a professor penalize me for missing class to pump breast milk?

No. Your professor must let you make up the work you missed while you were out of the classroom pumping. You cannot be penalized for pregnancy related conditions, like breastfeeding. If a professor provides “points” or other advantages to students based on class attendance, s/he also must give you a chance to earn back the credit from class time you miss while pumping.

My professor has scheduled a long final exam. Does he or she have to allow me to pump breast milk during the exam?

Yes. Individual professors are also bound by the law. Title IX says that universities have to make sure that faculty or staff members do not discriminate against breastfeeding students. This means that faculty and staff members must make sure that nursing parents can pump, if needed, during a long exam without penalty.

What can I do if my school will not accommodate my request to pump breast milk on campus?

You have a few options. You can report discrimination to a Title IX coordinator or a university administrator or [send a demand letter to your university](#). You can also file a complaint with the Department of Education’s Office for Civil Rights or file a lawsuit. Read the [Pregnant and Parenting Students’ Rights: Take Action!](#) fact sheet and the other materials in this toolkit for more info. If you are thinking of filing a lawsuit, we highly recommend that you speak with a lawyer first.

I am registered to take the LSAT, GRE, or MCAT shortly after my baby is born. Will test administrators allow me to pump?

If you’re taking the LSAT, you’re in luck! The Law School Admissions Council says nursing mothers get break time to pump / breastfeed and related needs if their child is less than one year old. Learn more about their policy and apply

for an accommodation here: <http://www.lsac.org/jd/lSAT/policies/nursing-mothers>.

The MCAT says it provides accommodations for [pregnancy](#). This should include the need to pump breast milk. Find out more info and apply for an MCAT accommodation here: <https://www.aamc.org/students/applying/mcat/accommodations/>.

The GRE says it accommodates some disabilities and health-related needs. Title IX says that graduate schools that get federal funds cannot use admission tests that single out students out based on sex. This means that test administrators must treat nursing parents like other students with temporary medical conditions. Find out more and apply for a GRE accommodation here: http://www.ets.org/gre/revised_general/register/disabilities/.

If the GRE or the MCAT denies your request for extra break time and space to pump breast milk, send them a [demand letter](#). You can also file a lawsuit, but we strongly encourage you to talk to a lawyer first.

I am registered to take the bar exam or the medical boards shortly after my baby is born. Will the test administrators let me pump breast milk?

For the bar exam, it depends on the state. You can find info about your state bar’s policy here: <https://www.aclu.org/map/breastfeeding-policies-during-bar-exam-state>.

In 2012, a Massachusetts court said that under the state’s public accommodations law, the National Board of Medical Examiners had to let test takers pump. But The Medical Board only has to follow the court’s decision in Massachusetts. In other states, the [Board still refuses to give nursing parents a sanitary place to pump](#) during the exam.

If your state bar or the Medical Board does not give you extra time or space to pump breast milk and your state has a good breastfeeding law or public accommodations law, send them a [demand letter](#). You can also file a lawsuit, but we strongly advise you to talk to a lawyer first. The testing agency will not have a strong defense if they provide a private space for test takers with disabilities to handle their needs. While breastfeeding is not a disability, offering a private room to people with disabilities while denying one to nursing parents may be sex discrimination.

Please note that the bar examiners and the Medical Board do not get money from the federal Department of Education. Therefore, they are not bound by Title IX.

