

The University of Wisconsin Oshkosh
Policy # [#####]
Lactation Policy

Original Issuance Date: MMMM DD, YYYY
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1. PURPOSE

This policy is intended to promote a family-friendly learning and work environment at the University of Wisconsin Oshkosh (UWO). UWO recognizes the importance and benefits of lactation for both parents and children.

Under this policy, UWO shall provide lactating students and employees with the accommodations necessary to ensure they have access to equal educational and employment opportunities while also meeting their health needs. UWO will make private space available for lactation purposes and will provide lactation break periods for employees and students who need to express milk.

2. RESPONSIBLE OFFICER

Employees – Human Resources
Students – Dean of Students

3. SCOPE

This policy applies to all UWO employees who need to express milk during the course of their employment.

This policy is applicable to all UWO students who need to express milk during the course of their studies. This policy is intended only to apply to students while they are not performing paid work for the university. Student employees are entitled to protections of employees during their work hours.

4. BACKGROUND

UWO 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 and the Fair Labor Standards Act, Pregnancy Discrimination Act (PDA), Americans with Disabilities Act (ADA) of 1990 and the Americans with Disabilities Act Amendments Act (ADAAA) of 2008. Sex discrimination, which can include discrimination based on pregnancy and related medical conditions, is prohibited and illegal in admissions, educational programs and activities, hiring, leave policies, and health insurance coverage.

5. DEFINITIONS

“Lactating person” is any employee or student who expresses milk for the nourishment of a child.

“Medical necessity” is a determination made by a health care provider of the faculty, employee and students choosing.

“Accommodations” for the purposes of this policy are changes in the academic environment or typical operations that enable a lactating student or employee or student or employee with a lactation-related condition to continue to pursue their studies or employment and enjoy equal benefits of the University.

6. POLICY STATEMENT

1. Lactation Facilities

- a. UWO shall provide clean, private spaces with appropriate temperature and ventilation across the three campuses that are easily accessible to employees, students, and guests for the purpose of expressing milk. These lactation spaces should be in close proximity to the person’s work or learning area (within a five-minute walking or rolling distance), and, whenever possible, in the same building of the person’s employment or class location. Restrooms and locker rooms may not be classified as designated lactation spaces. If a UWO employee does not work on one of the three campuses (e.g., Head Start location), UWO will ensure that the employee has a lactation space made available to them.
- b. All designated lactation spaces shall be equipped with, at minimum:
 - i. a table or other flat surface suitable to hold a breast/chest pump;
 - ii. a chair;
 - iii. an electrical outlet;
 - iv. a light that is controllable from inside the room;
 - v. disinfectant wipes; and
 - vi. access to running water, a microwave for sanitizing pumping equipment, and a trash can in the room or nearby.
- c. To ensure privacy within the lactation space, designated spaces will be equipped with a functional 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 employees, privacy screens will be provided. A whiteboard or electronic calendar shall be provided for each space to communicate how long the space will be in use and to prevent intrusions.
- d. UWO must maintain the cleanliness of all lactation rooms on the three campuses. Lactating persons using the designated lactation spaces will help keep the spaces they use clean and sanitary for the next user.
- e. UWO encourages departments and facilities managers to make available lockers, refrigerators, or another space in or nearby lactation spaces where employees and students can elect to store their pumps or expressed milk. UWO is not responsible for ensuring the safekeeping of expressed milk stored in any refrigerator on its premises. The lactating person is required to store all expressed milk in closed containers, regardless of the method of storage, to label the containers, and to bring such milk home each evening.
- f. UWO shall make the list of available lactation rooms accessible online. The list should provide the locations and the details of each room, including the operating hours and whether the space is fully private or potentially shared. The list should be regularly updated by the Gender Equity Council.
- g. Establishing new lactation spaces
 - i. Work required to convert existing spaces to designated lactation spaces could include, but is not limited to, paint, electrical updates, ventilation and temperature improvements, and furniture updates. Facilities Management should be contacted to arrange for the work to be completed. For the Fond du Lac and Fox Cities campuses, the Campus Administrator should be included in the communications.

- ii. When existing locations are not accessible from a lactating employee's work or student's class or study area, or the current demand for existing spaces makes as-needed pumping challenging, individuals may contact Human Resources (employees) or the Dean of Students (students) to identify a new space. The respective staff will work with Facilities Management to ensure the appropriate space is identified.
- iii. The new space need not be a permanent location and may revert back to old usage if/when the demand subsides.
- h. The Gender Equity Council will regularly assess the adequacy of existing locations.

2. **Lactation Breaks**

- a. The University shall provide a reasonable amount of break time to accommodate the needs of lactating persons. The duration of such adjustments can vary depending on the personal and physical needs of employees and students, but in general, a reasonable adjustment would allow, at minimum 45 minutes to express milk approximately every three hours, including time to get to and from the lactation room. All adjustments should be determined with a sensitivity to flexibility and UWO's commitment to supporting lactating students and employees.
 - i. Exempt employees: The time provided for lactation break periods does not need to be recorded. When possible, breaks should be scheduled during normal break and meal times and/or when workflow allows.
 - ii. Non-exempt employees: If possible, the lactation break period shall be concurrent with existing rest periods. If the lactation break period cannot run concurrently with the rest period, UWO shall make separate lactation break time available. The separate lactation break period will be unpaid unless the employee is able to continue working while pumping.
 - iii. Students: Students will make reasonable efforts to pump between classes or outside of instruction time. In accordance with GEN 4.B.5. Class Attendance Policy, students who may need to miss all or part of class to express milk should be excused and given the opportunity to make up missed work.
 1. Lactating students who must pump during a portion of their class period shall inform the instructor of the need and estimated time away from class as soon as possible.
 2. If a student must lactate between two back-to-back class periods, the student should balance or rotate missed instruction time between the two classes.
 3. Instructors are prohibited from penalizing lactating students for their absence needed to express milk on campus.
 4. Instructors and students shall work together to identify solutions for making up in-class work or participation credits, as well as instruction missed.
 5. If problems arise, or a student must miss class for longer periods of time due to medical necessity, the student or instructor may contact the Dean of Students for assistance establishing accommodations. The Dean of Students may request sufficient documentation in line with their out-of-class procedure (<https://uwosh.edu/deanofstudents/accessibility-center/students/out-of-class-letters/>).

- b. The accommodations for lactation break periods shall be honored for the duration of time the employee or student needs to express milk and may extend beyond the first 12 months of the child's life.
3. **Other Accommodations**
- a. Individuals who need accommodation related to their lactation other than reasonable time and a clean and private place to express milk may request them by contacting the Dean of Students (students) or Human Resources (employees).
 - b. Upon receipt of information from the lactating person's health care provider indicating it is a medical necessity, when possible, UWO should provide other accommodations or a potential transfer to a less strenuous or hazardous position. Potential accommodations may include avoiding certain chemicals or exposures, wearing personal protective equipment, permission to eat or drink in workspace, postponement or adjustments to fieldwork or travel, permission to bring the child to their class or workspace, time off as medically necessary, or virtual/online engagement opportunities.
 - c. UWO will make every effort to accommodate any lactation-related impairments, such as serious infections, as it would other temporary medical conditions.
 - d. Exam accommodations shall be provided as necessary and may include extending the available time period for an exam to allow for the expression of milk, or situating the exam room closer to a lactation space to minimize disruption.
4. **Direct Feeding**
- a. In accordance with Wisconsin State Statute 253.165, direct chest/breastfeeding is permitted at any campus building or space where the lactating student or employee and infant/child are otherwise permitted to be present.
5. **Responsibilities**
- a. Supervisor
 - i. Supervisors shall review employee lactation rights with any employee who needs lactation accommodations prior to the employee's return to work after family or medical leave.
 - ii. Supervisors shall allow flexible scheduling, whenever possible, to accommodate lactation breaks based on the individual needs of the lactating employee.
 - iii. Supervisors should keep in mind that the frequency and duration of breaks vary from individual to individual depending on their physical needs. There may be occasions when a lactating person will need to handle nursing and lactation responsibilities at times that are not optimally convenient for the unit. Supervisors are responsible for creating a supportive environment for lactating employees so they can adequately manage their lactation and employment responsibilities.
 - iv. A supervisor who receives a lactation accommodation request will work, as needed, with Human Resources to identify available appropriate space and determine a break schedule. Break schedules should be based on the needs of the lactating person and the operational considerations of UWO.
 - v. Consult with Human Resources as needed to best support the lactating employee.
 - b. Department Chair or Program Director
 - i. Fulfill all supervisor responsibilities listed above.
 - ii. Consult with faculty or instructors about lactation needs in relation to teaching schedules before the semester in which the lactation needs will

- occur. For example, a lactating instructor should not be required to teach more than three consecutive hours without having a lactation break.
- iii. Work with the lactating faculty or instructor and, as needed, the respective college dean's office, Provost's Office, or Human Resources, to fulfil accommodation requests.
- c. Lactating Employee
 - i. Employees who must express milk during the workday shall coordinate with their supervisors as needed so they can work together to satisfy the needs of both the employee and the department/unit. Employees are encouraged to work with their supervisor/chair to plan for their lactation needs. If additional planning assistance is needed, employees may contact Human Resources.
 - ii. Lactating employees are required to store all expressed milk in closed containers, regardless of the method of storage, to label the containers, and to bring such milk home each evening.
 - iii. If utilizing a designated lactation space, the lactating employee will help keep the space clean and sanitary after using the space.
 - d. Lactating Student
 - i. Lactating students who must pump during a portion of their class period shall inform the instructor of the need and estimated time away from class as soon as possible.
 - ii. Lactating students are required to store all expressed milk in closed containers, regardless of the method of storage, to label the containers, and to bring such milk home each evening.
 - iii. If utilizing a designated lactation space, the lactating student will help keep the space clean and sanitary after using the space.
 - e. Dean of Students Office
 - i. Provide support to lactating students, especially related to accommodations, and liaise with faculty and instructors as needed.
 - ii. Distribute this policy to all students and respond to any questions or inquiries related to the policy.
 - f. Faculty and Instructors
 - i. Be aware of the UWO lactation policy and lactating student rights and provide appropriate accommodations and flexibility.
 - ii. Refer students to appropriate support offices as needed (e.g., Dean of Students, Equal Opportunity, Equity, and Affirmative Action, Women's Center).
 - g. Human Resources
 - i. Provide support to lactating employees, especially related to accommodations, and liaise with supervisors, department chairs, and program directors as needed.
 - ii. Distribute this policy to all employees and respond to any questions or inquiries related to the policy.
 - h. Gender Equity Council
 - i. Regularly assess the adequacy of and update the list of designated lactation spaces.
 - ii. Aid in the communication of this policy.
 - iii. Provide support to and advocacy for lactating students and employees as needed.
 - i. Facilities Management
 - i. Maintain existing lactation spaces.

- ii. Ensure proper signage and wayfinding to designated lactation spaces.
- iii. Establish temporary or new permanent lactation spaces as requested in a timely manner.

6. Freedom from Discrimination and Harassment

- a. UWO prohibits harassment or other discrimination against employees or students based on their lactation, as a condition related to sex. Harassment or discrimination related to lactation may be referred to the Office of Equal Opportunity, Equity, and Affirmative Action for appropriate action.
- b. See related policies section for institutional, system, state, and federal protections for lactating employees and students.

7. Dissemination

- a. UWO shall make this policy available to all employees and students.
 - i. Human Resources and the Dean of Students will be responsible for distributing this policy to UWO employees (Human Resources) and students (Dean of Students) and responding to any questions concerning the policy. The Gender Equity Council will aid this communication.
- b. A copy of the policy will be posted in all designated lactation spaces.

7. REFERENCES

[The Pregnant Scholar - Model Campus Lactation Policy for Students](#)

[The Society for College and University Planning Lactation Policy and Lactation Facilities on Campus](#)

[University of California – Policy PPSM 84 1 of 6 PPSM 84: Accommodations for Nursing Mothers](#)

[University of Wisconsin Eau Claire Policies: Lactation Support](#)

8. RELATED POLICIES AND PROCEDURES

GEN 4.B.5. Class Attendance Policy

<https://www.uwosh.edu/provost/Main%20Highlight/handbooks/online-faculty-staff-handbook/general-personnel-materials-faculty-and-academic-staff/gen-4-instructional-policies/part-b-classroom-teaching-policies/gen-4-b-5-class-attendance-policy>

Supporting the Academic Success of Pregnant and Parenting Students Under Title IX of the Education Amendments of 1972

<https://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.html>

GEN 1.2.(1). Affirmative Action

<https://www.uwosh.edu/provost/Main%20Highlight/handbooks/online-faculty-staff-handbook/general-personnel-materials-faculty-and-academic-staff/gen-1-university-policies-and-procedures/gen-1-2-1-affirmative-action>

GEN 1.2.(2). Reasonable Accommodations Policy

https://uwosh.edu/policy/wp-content/uploads/sites/82/2018/04/Reasonable_Accom_Policy_FINAL_0418.pdf

GEN 1.2.(6). Sexual Harassment Policy

<https://www.uwosh.edu/provost/Main%20Highlight/handbooks/online-faculty-staff-handbook/general-personnel-materials-faculty-and-academic-staff/gen-1-university-policies-and-procedures/gen-1-2-6-sexual-harassment-policy>

University of Wisconsin Oshkosh Children in the Workplace Policy

https://uwosh.edu/policy/wp-content/uploads/sites/82/2018/02/Children_FINAL_040418.pdf

Wisconsin State Statute 253.165. Right to breast-feed.

A mother may breast-feed her child in any public or private location where the mother and child are otherwise authorized to be. In such a location, no person may prohibit a mother from breast-feeding her child, direct a mother to move to a different location to breast-feed her child, direct a mother to cover her child or breast while breast-feeding, or otherwise restrict a mother from breast-feeding her child as provided in this section.

<https://docs.legis.wisconsin.gov/statutes/statutes/253/165#:~:text=253.165%20Right%20to%20breast%2Dfeed,are%20otherwise%20authorized%20to%20be.>

Section 7(r) of the Fair Labor Standards Act – Break Time for Nursing Mothers Provision

<https://www.dol.gov/agencies/whd/nursing-mothers/law>

Enforcement Guidance: Unlawful Disparate Treatment of Workers with Caregiving Responsibilities

<https://www.eeoc.gov/laws/guidance/enforcement-guidance-unlawful-disparate-treatment-workers-caregiving-responsibilities>

U.S. Equal Employment Opportunity Commission Pregnancy Discrimination

<https://www.eeoc.gov/pregnancy-discrimination>

9. PROCEDURES

Failure to comply with this and related policies is subject to disciplinary action, up to and including suspension without pay, or termination of employment or association with the University, in accordance with applicable (e.g., staff, faculty, student) disciplinary procedures.

No negative employment actions may be taken when requests for accommodation are made pursuant to this policy.

Requests for accommodation pursuant to this policy may not impact a student's academic standing.

10. REVISION HISTORY