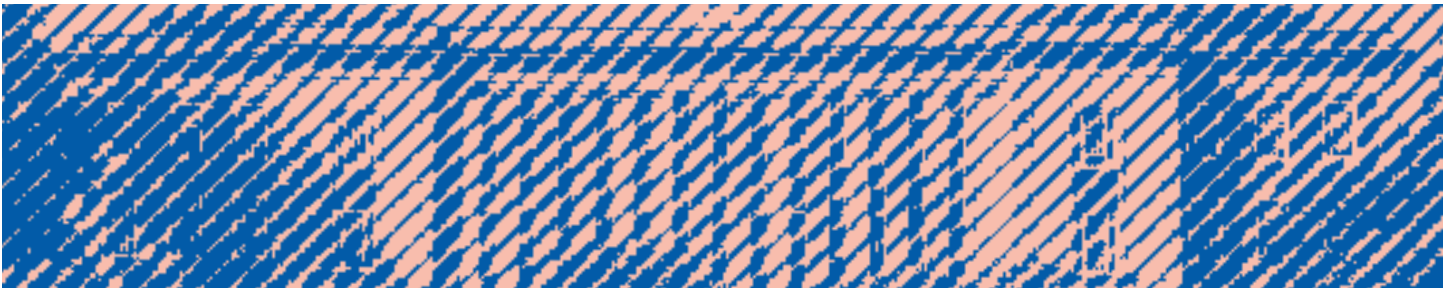


LACTATION POLICIES AT NEBRASKA COLLEGES AND UNIVERSITIES

KEEPING ABREAST OF STUDENT SUPPORT NEEDS



For over 50 years in Nebraska, the ACLU has worked in courts, legislatures, and communities to protect the constitutional and individual rights of all people. With a nationwide network of offices and millions of members and supporters, we take up the toughest civil liberties fights. Beyond one person, party, or side — we the people dare to create a more perfect union.

Since 1972, the ACLU Women’s Rights Project has been working to secure gender equality and to ensure that all women and girls are able to lead lives of dignity, free from violence and discrimination. As such, the ACLU has worked tirelessly at the national level and in many states to ensure young people have a right to complete their education regardless of their sex or whether they become pregnant and choose to parent.

A few recent examples of our successful work on women’s rights in Nebraska include helping to bolster our equal pay laws, strengthening protections for pregnant and breastfeeding employees, and establishing the first-of-its-kind state law to ensure that all public-school districts have policies in place to support young families and breastfeeding rights, so no student must choose between completing their education and taking care of their children.

We also conduct frequent community education events and social media campaigns on these and other topics to empower all Nebraskans to understand and invoke their civil rights and civil liberties.

“Never before have women had the opportunity to wear so many hats: in the college classroom, the work place, the community, or the home. But wearing so many hats can be a heavy load. One thing we can do together to lighten that load is to ensure strong protections for breastfeeding moms on college campuses in Nebraska.”

Ann Seacrest, RN, IBCLC, executive director of Milk Works

THE NEED FOR STUDENT BREASTFEEDING POLICIES AT NEBRASKA COLLEGES AND UNIVERSITIES

The ACLU of Nebraska now turns its attention to the legal, policy and practical landscape for pregnant and parenting students at Nebraska institutions of higher education. This policy report shines a light on lactation policies applicable to students in colleges and universities across the state. It is crucial for Nebraska colleges and universities to adopt clear and comprehensive lactation policies for their students as young Nebraskans' chances for success are often rooted in access to educational opportunities. Lactation policies for students ensure that new mothers attending colleges and universities in Nebraska can simultaneously work toward their educational goals and care for their families.

Pregnant and parenting college and graduate students are protected under the law. Title IX¹, which is applicable to public colleges as well as private schools that receive federal funding, prohibits discrimination against students on the basis of sex, which includes pregnancy and related conditions. Additional legal protections may also apply under Nebraska state laws³. In short, pregnant and parenting students must be afforded the same access to educational opportunities as every other student on campus.⁴

BEST PRACTICES FOR STUDENT LACTATION POLICIES

The Pregnant Scholar, an initiative of the UC Hastings College of Law Center for WorkLife Law, has identified five key elements of a successful student lactation policy⁵:

1. The policy should explicitly apply to students.
2. The policy should identify lactation spaces on campus available for student use.
3. The policy should clearly explain the process that lactating students can go through to request time to be excused from class to pump.
4. The policy should explain the process that lactating students can go through to request other accommodations besides time and space modifications.
5. The policy and key points of contact should be advertised and easily accessible to students.

STUDENT LACTATION POLICIES AT NEBRASKA COLLEGES AND UNIVERSITIES

In the spring and summer of 2018, the ACLU of Nebraska initiated a research project to analyze the student lactation policies of Nebraska colleges and universities. The ACLU of Nebraska reviewed school websites and contacted women's centers, human resources departments, and Title IX programs at schools to determine their policies. We then presented individual schools with our findings and gave each an opportunity to provide us with clarification or additional information on their policies. The review

included 16 Nebraska institutions of higher education including Bellevue University, Central Community College, Chadron State College, Creighton University, Metropolitan Community College, Mid-Plains Community College, Nebraska Wesleyan University, Northeast Community College, Peru State College, Southeast Community College, The University of Nebraska-Kearney, The University of Nebraska-Lincoln, The University of Nebraska-Omaha, The University of Nebraska Medical Center, Wayne State College, and Western Nebraska Community College.

Among Nebraska institutions of higher education, the following institutions could be described as campus leaders in developing and implementing lactation policies that apply explicitly to students. These policies serve as sound local models that other Nebraska institutions of higher education should consider adopting.

- The Central Community College policy applies to students, is available to current and prospective students, identifies lactation spaces on campus, provides a process for students requesting time to pump during class, and provides a referral to Disability Support Services for student questions or concerns.
- The Chadron State College policy applies to students, is available in the student handbook and on the school website, identifies lactation rooms and refrigeration available on campus, and includes contact information for students to request other breastfeeding accommodations.
- The University of Nebraska-Lincoln policy applies to students, is available to prospective and current students, identifies lactation spaces on campus, and explains the process of borrowing a refrigerator for breast milk storage.
- The University of Nebraska Medical Center policy applies to students, is available to prospective and current students, identifies lactation spaces on campus, provides contact information to request accommodations, and also provides contact information for lactation consultants. The school has also convened a working group to review the program.

Some schools' websites contain information about lactation rooms available on campus.

- The Northeast Community College student handbook identifies a lactation space available in the Student Center. Email correspondence with a member of the human resources department indicates there is a designated lactation space at each of the school's four campuses. Additionally, as of July 2018, the school is developing written procedures to document their current practice with regard to student lactation needs.
- Peru State College and Wayne State College, both within the Nebraska College System, explicitly include students in their handbook provisions identifying lactation rooms on the campuses and available refrigeration.
- The University of Nebraska-Omaha identifies rooms available for lactation on campus. The school has convened a working group to draft a lactation support program statement for future implementation.

As of August 2018, several schools are currently considering or are in the process of adopting student lactation policies.

“Institutions of higher education already have to provide places to pump for teachers and staff. What we want to do is make sure those same protections are afforded to students. It’s important for the health of children that mothers in high school, college, and graduate school have the support they need for breastfeeding and pumping.”

Dr. Bob Rauner, Lincoln

“Breastfeeding is a public health issue and a civil rights issue. Local data illustrates that the vast majority of moms intend to breastfeed. However, 23% of Nebraska moms report having to stop breastfeeding when they return to work or school. That implies women who choose to breastfeed are not getting the support they need and working together, we can do better.”

Danielle Conrad, ACLU of NE executive director and former breastfeeding mom

- Creighton University is reviewing materials presented by the ACLU of Nebraska to consider the adoption of a written policy on student lactation to reflect the school’s practice. Creighton’s website contains lactation rooms available on campus, however, they are listed in the context of employment rights, rather than student resources.
- Metropolitan Community College has developed a draft policy update to its existing lactation policy. The new policy explicitly applies to students and identifies the process students may go through to request time away from class to pump, as well as refrigerators available for student milk storage. As of mid-August 2018, the policy is nearing approval. Upon approval, the policy would be made available on the school website.
- University of Nebraska-Kearney has a draft policy that applies to students, will be available on the school’s website, identifies lactation rooms, refrigeration and microwaves for sterilization, requires that students and staff will be provided with reasonable accommodations, and provides contact information for students to request more details.
- Western Nebraska Community College is currently in the process of updating and developing policies for students who are lactating. WNCC also has the SPiN (Single Parent Network) program. Through the program, there has been a private space identified for lactation on campus and refrigeration is also available.

Several Nebraska schools have no readily available written student lactation policy.

From our research and subsequent review, several colleges and universities across the state, including Bellevue University, Mid-Plains Community College and Nebraska Wesleyan University, do not have a student lactation policy. Though Southeast Community College has adopted *Administrative Guidelines Related to Pregnant and Parenting Students*, the policy does not reference student lactation. While student requests for breastfeeding spaces, refrigeration, and other accommodations may be considered on a case-by-case basis at some of these institutions, our research did not identify

a proactive or clear policy available for current or prospective students to access and we found nothing that outlines who to contact to request an accommodation or the process to do so. Additionally, these schools' websites presently fail to identify private or semi-private spaces available on the campuses for lactation.

Conclusion

In 1995, there were approximately 3.2 million college students who were parents in the United States. By 2012, the number had grown to 4.8 million.⁶ Given the current makeup of the college student population, it is vital that colleges and universities have resources to ensure the success of their students who, as parents, face unique barriers to their educations. Several colleges and universities across the state have adopted policies to help ensure that breastfeeding and lactating students never have to choose between their education and the needs of their family. Having such policies in place helps students, regardless of their status as parents, know they are supported by their school's administration. While there is undoubtedly room for improvement, Nebraska schools have recently made significant progress in our shared goals of promoting educational access and cultivating healthy Nebraska families.

Citations

¹Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688 (1972).

²29 U.S.C. § 207(r)(1)-(4). Section 4207 of the Patient Protection & Affordable Care Act, amended the Fair Labor Standards Act (FLSA) or federal wage and hour law. The amendment requires employers to provide reasonable break time and a private, non-bathroom place for nursing mothers to express breast milk during the work day, for one year after the child's birth. (Signed into law March 23, 2010).

³See Neb. Rev. Stat. § 25-1601(4) (exempting nursing mothers from jury duty after filing a qualification certified by her physician); See Neb. Rev. Stat. §20-170 (permitting mothers to breast-feed in public and private locations, including schools, and requiring schools to provide accommodations to do so).

⁴See FAQ: Breastfeeding Students, Nat'l Women's Law Ctr., <https://nwlc.org/resources/faq-breastfeeding-students/> (last updated Aug. 24, 2016).

⁵Know Your Rights: Breastfeeding, THE PREGNANT SCHOLAR, <https://thepregnantscholar.org/know-your-rights-breastfeeding/> (last visited Aug. 9, 2018).

⁶Child Care for Parents in College: A State-by-State Assessment, Institute for Women's Policy Research (Sept. 2016), <https://iwpr.org/wp-content/uploads/wpallimport/files/iwpr-export/publications/C445.pdf>.