

AR 5203 Lactation Accommodation (New 3/19)

NOTE: Effective January 1, 2020, districts are required to provide reasonable accommodations for a lactating student to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding.

The District shall provide reasonable accommodations at each of its campuses for a lactating student or employee to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding whenever a student or employee (the individual) is required to be present on campus. ~~Locations will be identified on campus materials.~~ Reasonable accommodations include, but are not limited to, all of the following:

1. Access to a private and secure room, other than a restroom, to express breast milk or breast-feed an infant child. The room shall have a comfortable place to sit and have a table or shelf to place equipment described in paragraph 3.
2. Permission to bring onto a college or university campus a breast pump and any other equipment used to express breast milk.
3. Access to a power source for a breast pump or any other equipment used to express breast milk.

Faculty shall provide lactating students a reasonable amount of time to accommodate their need to express breast milk or breast-feed an infant child. Students shall not incur an academic penalty as a result of their use of the reasonable accommodations, and shall be provided the opportunity to make up any work missed due to such use. ~~Locations will be identified on campus materials.~~

~~Faculty~~ The District shall provide reasonable accommodations under the law. In the event of non-compliance, students are encouraged to meet with the department chair, faculty chair or Vice President of Academic Affairs and employees should contact Human Resources to seek resolution. Formal complaints may be initiated in Human Resources.

Reference:

Education Code, Section 66271.9, Title IX

Dated: 10/2/19

66271.9.

(a) The California Community Colleges and the California State University shall, and a satellite campus of these systems and the University of California are encouraged to, provide reasonable accommodations on their respective campuses for a lactating student to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding. Reasonable accommodations under this section include, but are not limited to, all of the following:

- (1) Access to a private and secure room, other than a restroom, to express breast milk or breast-feed an infant child. The room shall have a comfortable place to sit and have a table or shelf to place equipment described in paragraph (3).
- (2) Permission to bring onto a college or university campus a breast pump and any other equipment used to express breast milk.
- (3) Access to a power source for a breast pump or any other equipment used to express breast milk.

- (b) Lactating students on a college or university campus shall be provided a reasonable amount of time to accommodate their need to express breast milk or breast-feed an infant child.
- (c) A campus of the California Community Colleges or the California State University may use an existing facility to meet the requirements specified in subdivision (a).
- (d) Students shall not incur an academic penalty as a result of their use of the reasonable accommodations specified in this section, and shall be provided the opportunity to make up any work missed due to such use.
- (e) Upon the construction of a new campus of the California Community Colleges or the California State University, the replacement, expansion, or renovation costing five million dollars (\$5,000,000) or more involving plumbing of an existing building regularly used by students, including a student center, or the construction of a new building costing five million dollars (\$5,000,000) or more designed for use by students, the respective educational institution shall provide a sink in addition to the accommodations described in subdivision (a) in a room in the newly constructed campus or building, or in a room in the replaced, expanded, or renovated building. This subdivision only applies to an educational institution if the campus room currently designated for a lactating student to express breast milk or breast-feed an infant child does not have a sink.
- (f) This section does not require an existing room designated for a lactating student to express breast milk or breast-feed an infant child to have a sink.
- (g) The lactation accommodation shall be available to a student whenever a student is required to be present on campus.
- (h) (1) A complaint of noncompliance with the requirements of this section may be filed consistent with Subchapter 5 (commencing with Section 59300) of Chapter 10 of Division 6 of Title 5 of the California Code of Regulations. If the complaint is found to have merit, the campus or appropriate appellate body shall provide a remedy to the affected student.
- (2) A complaint of noncompliance with the requirements of this section may be filed consistent with the procedures established by the California State University for complaints by students of discrimination based on disability, gender, or other applicable characteristics, and a student shall be afforded any remedies the student is entitled to pursuant to those procedures.
- (i) This section does not infringe on any right to breast-feed in public pursuant to Section 43.3 of the Civil Code or any other law.
- (j) The requirements in this section shall be implemented by the California Community Colleges and the California State University, and the University of California is urged to implement the requirements in this section, no later than January 1, 2020.