



MARQUETTE UNIVERSITY

The Pregnancy & Parenting Policy

Office of Title IX & Student Civil Rights Compliance

MARQUETTE UNIVERSITY
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I. Introduction

Title IX of the Higher Education Act of 1972 protects Students, Employees, and Applicants for admission or employment from discrimination based on Pregnancy or Related Conditions, and from sex based different treatment related to parental, family, or Marital Status.

Allegations of sex discrimination based on Pregnancy or Related Conditions, Parental Status, and Marital Status shall be adjudicated under the Policy Against Harassment and Discrimination.

Marquette University is committed to creating and maintaining an equitable and inclusive environment for Students and Employees who are experiencing current, potential, or past Pregnancy or Related Conditions.

Section XV below introduces key concepts and defines terms that are used in this Policy. Where terms in this Policy are capitalized, those terms are explained or defined in Section XV.

II. Purpose

The purpose of this Pregnant and Parenting Policy (“Policy”) is to advance Marquette’s goal of maintaining a living, learning, and working environment that respects the rights of individuals experiencing Pregnancy or Related Conditions, and is free of discrimination based on Pregnancy or Related Conditions, Parental Status, and Marital Status.

This Policy explains the University’s legal obligations related to Pregnancy or Related Conditions and parental, family, or Marital Status under Title IX. It is also intended to meet the University’s obligations under other relevant federal and state laws including, but not limited to Title VII¹, the Pregnancy Discrimination Act², the Pregnant Workers Fairness Act³, the PUMP Act⁴, the Family

¹ Title VII of the Civil Rights Act of 1964 protects Employees against discrimination based on race, color, national origin, sex, and religion. *See* 42 U.S.C. § 2000e (1964).

² The Pregnancy Discrimination Act of 1978 prohibits discrimination on the basis of pregnancy, childbirth, or related medical conditions. *See* 42 U.S.C. §§ 2000e et seq.

³ The Pregnant Workers Fairness Act requires employers to provide a “reasonable accommodation” to an Employee relating to, affected by, or arising out of pregnancy, childbirth, or related medical conditions. *See* 42 U.S.C. 2000gg (2023).

⁴ The PUMP Act broadens workplace protections for Employees to express breast milk at work. *See* P.L. 117-328 (2022).

Medical Leave Act⁵, and the Americans with Disabilities Act⁶, and Section 504 of the Rehabilitation Act of 1973 (Section 504).⁷

III. Applicability

This Policy applies to Students, Employees, and Applicants for admission or employment. All University constituents must abide by this Policy.

IV. Dissemination

Marquette University shall make this policy available to all University faculty, staff, and Students. Instructors are responsible for being aware of this policy and working with pregnant, Parenting, and Lactating Students to arrange modifications upon request. The Title IX Office will respond to any questions concerning the policy.

The Title IX Coordinator provides guidance, referrals, information, and resources to pregnant, Parenting, and Lactating Students and Employees. The Title IX Coordinator has ultimate responsibility for facilitating the provision of a non-discriminatory environment and equal access to individuals experiencing Pregnancy or Related Conditions. Questions regarding this policy, its application, or its violation may be directed to the following:

Kristen Kreple, J.D.
Title IX Coordinator and Director of Student Civil Rights Compliance
AMU 437
P.O. Box 1881
Milwaukee, WI 53201-1881
(414) 288-3151
kristen.kreple@marquette.edu

Concerns about the University's application of this Policy and compliance with certain federal civil rights laws may also be addressed to:

United States Department of Education
Office for Civil Rights (OCR)
400 Maryland Avenue, SW

⁵ The Family Medical Leave Act provides covered Employees with unpaid, job-protected leave for certain family and medical reasons. See 29 CFR Part 825 (1993).

⁶ Title III of the Americans with Disabilities Act prohibits discrimination on the basis of disability in public accommodations and requires newly constructed or altered places of public accommodation to comply with the ADA Standards. See 42 U.S.C. § 12182 (1990).

⁷ Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based on disability in programs and activities that receive federal funding. See 29 U.S.C. § 794 (1973).

Washington, D.C. 20202
Customer Service Hotline: (800) 421-3481
Facsimile: (202) 453-6012
Telecommunications Device for the Deaf: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

Equal Employment Opportunity Commission (for employees only)
Milwaukee Field Office
310 West Wisconsin Avenue, Suite 500
Milwaukee, WI 53203
Telephone: (414) 662-3680
Facsimile: (414) 297-4133
Telecommunications Device for the Deaf: (800) 669-6820
Web: <https://www.eeoc.gov>

V. Policy Statement

Marquette University, in accordance with its Jesuit tradition and Guiding Values, is committed to fostering a diverse community of outstanding faculty, staff and students, as well as ensuring equal educational opportunity, employment, and access to services, programs and activities, without regard to an individual's race, color, national origin, religion, age, disability, sex, gender identity/expression, sexual orientation, marital status, pregnancy, predisposing genetic characteristic or military status. Employees, students, applicants or other members of the university community (including but not limited to vendors, visitors, and guests) may not be subjected to harassment that is prohibited by law or treated adversely or retaliated against based upon a protected characteristic.

See [Marquette University's Non-Discrimination Policy](#).

- a. Nondiscrimination of Students and Applicants for admission based on Pregnancy or Related Conditions and Parental and Marital Status

In determining whether a person qualifies for admission, or in making any offer of admission, the University will not discriminate against, or adopt or implement any policy, practice, or procedure that discriminates, against any person based on current, potential, or past Pregnancy or Related Conditions.

The University will not make pre-admission inquiry as to the Marital Status of an Applicant, including whether an Applicant is "Miss or Mrs." The University may ask an Applicant to self-identify their sex when asking this question of all Applicants. The response will not be used as a basis for discrimination.

The University will not adopt or implement any policy, practice, or procedure concerning the current, potential, or past parental, family, or Marital Status of an Applicant or Student that treats persons differently based on sex.

b. Nondiscrimination of Employees and Applicants for employment based on Pregnancy or Related Conditions and Parental and Marital Status

The University will not discriminate against any Employee or Applicant for employment based on current, potential, or past Pregnancy or Related Conditions, including whether the Employee or Applicant has a need for reasonable accommodations related to Pregnancy or Related Conditions.

The University will not make a pre-employment inquiry as to the Marital Status of an Applicant, including whether an Applicant is “Miss or Mrs.” The University may ask an Applicant to self-identify their sex when asking this question of all Applicants. The response will not be used as a basis for discrimination.

The University will not adopt or implement any policy, practice, or procedure, or take any employment action, concerning the current, potential, or past parental, family, or Marital Status of an Employee or Applicant that treats persons differently on the basis of sex, or which is based upon whether an Employee or Applicant for employment is the head of household or principal wage earner in such Employee’s or Applicant’s family unit.

VI. Rights of Students Experiencing Pregnancy or Related Conditions

a. Voluntary Disclosure of Pregnancy or Related Condition

It is a Student’s choice to notify the University about their Pregnancy or Related Conditions and may do so anytime. The University will not, and may not, make assumptions regarding Pregnancy or Pregnancy-Related Conditions.

Students are encouraged to disclose Pregnancy or Related Conditions to the Title IX Coordinator who can coordinate specific actions to prevent sex discrimination and ensure the Student’s equal access to the University’s Education Program or Activity. Students may also disclose to their faculty. Any Employee who becomes aware of a Student’s pregnancy or related condition is encouraged to provide the student with the Title IX Coordinator’s contact information and explain that the Coordinator can help take specific actions to prevent discrimination and ensure equal access to the University’s Education Program or Activity.

b. Reasonable Modifications

i. Entitlement to Reasonable Modifications

Students are entitled to Reasonable Modifications to University policies, practices, or procedures because of Pregnancy or Related Conditions on an individualized and voluntary basis depending on the Student's needs. A "Reasonable Modification" is a change in the academic or workplace environment that enables an individual who is pregnant or has related conditions to have equal access to education and employment programs and activities. A requested modification that would fundamentally alter the Education Program or Activity is not a Reasonable Modification.⁸

Reasonable Modifications may include, but are not limited to:

- Breaks during class to express breast milk, breastfeed, or attend to health needs associated with Pregnancy or Related Conditions, including eating, drinking, or using the restroom;
- Intermittent absences to attend medical appointments;
- Access to online or homebound education, if available;
- Changes in schedule or course sequence, if permissible;
- Extensions of time for coursework and rescheduling of tests and examinations;
- Allowing a Student to sit or stand, or carry or keep water nearby;
- Access to counseling;
- Changes in physical space or supplies (for example, access to a larger desk or a footrest);
- Elevator access;
- Voluntary access to separate, comparable portion of a program or activity, if available; or
- Other changes to policies, practices, or procedures.

In situations such as clinical rotations, performances, labs, and group work, the university will work with the Student to devise a modified or an alternative path to completion, if possible. In progressive curricular and/or cohort-model programs, medically necessary leaves may be sufficient cause to permit the student to shift course order, substitute similar courses, or join a subsequent cohort when returning from leave. The Title IX Coordinator will work with students, their faculty members, and the institution's support systems to devise a plan for how to best address the conditions as pregnancy progresses, anticipate the need for leaves, minimize the academic impact of their absence, and get back on track as efficiently and comfortably as possible.

Supporting documentation for Reasonable Modifications will only be required when it is necessary and reasonable under the circumstances to determine which Reasonable Modifications to offer or to determine specific actions to take to ensure equal access.

All Student medical records and information will be kept confidential.

Students experiencing pregnancy-related conditions that manifest as a temporary disability under the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act are

⁸ Generally, a modification that would waive academic requirements would fundamentally alter the nature of a school's program or activity.

eligible for reasonable accommodations just like any other student with a temporary disability. The Title IX Coordinator may refer a Student or Student Employee experiencing pregnancy-related conditions to the Office of Disability Services or Human Resources Department to ensure the Student receives reasonable accommodations for their temporary disability as required by law.

ii. Requesting Reasonable Modifications

Students seeking modifications related to Pregnancy or Related Conditions should contact the Title IX Coordinator. The Title IX Coordinator is responsible for facilitating the provision of a non-discriminatory environment and equal access to individuals experiencing Pregnancy or Related Conditions. Students are encouraged to request Reasonable Modifications as promptly as possible. Retroactive modifications may be available in limited circumstances.

The University will respond promptly to requests for modifications. The University will engage in an interactive process with the Student to determine the modifications. The University is not obligated to provide a requested modification if another modification would be effective, but if a Student accepts an offered modification, it will be implemented. The University understands that different modifications may be requested at different times during pregnancy, after childbirth, and in response to changing related conditions.

c. Voluntary Leave of Absence

Students are permitted to take a voluntary leave of absence for a reasonable time as deemed medically necessary by their healthcare provider because of pregnancy and/or the birth, adoption, or placement of a child. The leave term may be extended in the case of extenuating circumstances or medical necessity. To the extent possible, when the Student returns, the Student will be reinstated to the academic status and as practicable, to the extracurricular status that the Student held when the voluntary leave began.

The Title IX Coordinator can and will advocate for students with respect to financial aid agencies and external scholarship providers in the event that a leave of absence places eligibility into question.

The Title IX Coordinator will assist a Student and their academic program when the Student wishes to take a voluntary leave of absence.

d. Lactation-Related Accommodations

The University will provide reasonable break time for a Student to express breast milk or breastfeed as needed. The University will make available a lactation space, other than a bathroom, that is clean, shielded from view, and free from intrusion from others that may be used by a Student for expressing breast milk or breastfeeding. The University has designated

locations for lactation needs. If one of the designated spaces is not convenient, the Title IX Coordinator will assist the Student in finding a more convenient location, if available.

VII. Rights of Employees Experiencing Pregnancy or Related Conditions⁹

a. Reasonable Accommodations

Federal law requires employers to provide reasonable accommodations for known limitations related to Pregnancy or Related Conditions unless it causes undue hardship.

i. Entitlement to Reasonable Accommodations

Employers must treat pregnant Employees the same as other temporarily disabled Employees. This includes providing modified tasks, alternative assignments, leave, and benefits.

Reasonable accommodations may include, but are not limited to:

- Breaks for lactation, breastfeeding, health needs
- More frequent breaks and trips to restroom
- Time off for medical appointments
- Allowing sit or stand
- Carry or keep water nearby
- Changes in physical space or supplies
- Elevator access
- Flexibility in work assignments
- Limits on lifting
- Light duty
- Ergonomic furniture
- Parking and transportation assistance
- Medical leave of absence

Please note that while a healthy pregnancy is not a disability, under circumstances when an Employee has one or more impairments related to their pregnancy that qualify as a “disability” under the Americans with Disabilities Act (ADA), the Employee may also be entitled to reasonable accommodations for the disability pursuant to the process managed by the Human Resources Department. In all cases, due care will be taken to ensure that the Employee’s rights are respected, and support is extended under the appropriate process.

⁹ This section complies with Title VII, the Pregnancy Discrimination Act, the Pregnant Workers Fairness Act, the PUMP Act, the Family and Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), and applicable state laws protecting employees who are pregnant or nursing. It also supplements other University policies related to pregnancy and related conditions, disability accommodations, and leaves of absence.

ii. Requesting Reasonable Accommodations

Employees seeking accommodations related to Pregnancy or Related Conditions should contact the Title IX Coordinator or Human Resources Department. The University will respond promptly to requests for accommodations. The University will engage in an interactive process with the Employee to determine reasonable accommodations. The University appreciates that different accommodations may be requested at different times during a pregnancy, after childbirth, and in response to changing related conditions. The University is not obligated to provide a requested accommodation if another accommodation would be effective.

b. Leave of Absence

For an Employee, Pregnancy or Related Conditions are entitled to unpaid job-protected leave afforded to its eligible employees by federal and state law, at the conclusion of which the Employee shall be reinstated to the status held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment. The leave of absence may be available even in the event an Employee is not otherwise qualified for a leave under federal and state law, or if insufficient leave is available.

c. Lactation-Related Accommodations

The University will provide reasonable break time for an Employee (exempt and non-exempt) to express breast milk or breastfeed as needed.

The University will make available a lactation space, other than a bathroom, that is clean, shielded from view, free from intrusion from others, and close to the work area that may be used by an Employee for expressing breast milk or breastfeeding. The University has designated locations for lactation needs. If one of the designated spaces is not convenient, the Title IX Coordinator will assist the Employee in finding a more convenient location, if available.

VIII. Documentation

Marquette may request reasonable documentation, in very limited circumstances, for the Title IX Coordinator to determine Reasonable Modifications to make or whether to take additional specific actions related to academic modifications or leaves of Absence due to a Student's pregnancy, Pregnancy-Related Conditions, or extraordinary Parenting matters.¹⁰ Instructors shall

¹⁰ 34 C.F.R. § 106.40(b)(5): A school may only require medical certification if (1) it requires the same certification of all Students participating in the class or activity, (2) a certain level of physical ability is actually necessary to participate in the class or activity, and (3) the certification is not used as a basis for unlawful discrimination.; 34 C.F.R. § 106.40(b)(3)(vi). Your school cannot require medical documentation unless that documentation "is necessary and reasonable" for your school to determine what modifications to make. For example, it is not "necessary and

not request medical documentation from Students regarding their Pregnancy-Related Conditions. Rather, they are encouraged to inform Students that the Title IX Coordinator can facilitate modifications and leave and provide Students with the Title IX Coordinator's contact information.

A Student may not be required to provide health care provider or other certification that the Student is physically able to participate in the program or activity, unless:

- 1) The certified level of physical ability or health is necessary for participation;
- 2) The institution requires such certification of all Students participating; and
- 3) The information obtained is not used as a basis for Pregnancy-Related Discrimination.

IX. Mandatory Reporting Requirement For Discrimination or Harassment

Title IX prohibits discrimination on the basis of sex – including pregnancy and Parental Status – in education programs and activities. To file a complaint of sex discrimination, contact the Title IX Coordinator. All Employees must promptly report sex discrimination, such as a failure to provide lactation space or harassment against Students on the basis of pregnancy, Parenting, or lactation, to the Title IX Coordinator.

Failure to satisfy this obligation may result in disciplinary action.

a. Grievance Procedure

This policy follows the grievance procedures, set forth in sections XII-XXV of the Marquette University Policy Against Discrimination and Harassment, which applies to all Students, Employees (all Faculty and Staff), visitors, guests, and associations, clubs, organizations and their members affiliated with and using the benefits and services provided by or connected with the University.

X. Retaliation

The University will not retaliate, nor will it permit retaliation, against any Student, Employee, or Applicant who requests, receives, or uses a Reasonable Modification or accommodation in connection with Pregnancy or Related Conditions; reports or opposes discrimination or harassment related to Pregnancy or Related Conditions or other conduct inconsistent with this Policy, internally or externally (such as by making a complaint or charge); or participates in any related investigation, proceeding, or hearing.

reasonable" when your need for modification is obvious (like if you need a bigger uniform). Likewise, it is not "necessary and reasonable" when you need modest modifications like breaks to eat, drink, use the restroom, or express milk; a bigger desk; to sit or stand; or to carry or keep water nearby.

The University encourages individuals who have been affected by discrimination, harassment, and/or retaliation to promptly make a report using the reporting options described in this Policy. The University will respond promptly and equitably to all reports of discrimination, harassment, and/or retaliation, and will take appropriate steps to eliminate the behavior, prevent its recurrence, and address its effects.

XI. Recordkeeping

The University has a seven (7) year record retention period for any records documenting the actions taken to satisfy the University's obligations to prevent discrimination and ensure equal access for individuals due to Pregnancy or Related Conditions, including facilitating modifications for Students and facilitating accommodations, leave, and/or lactation time and space for Employees.

XII. Privacy

Information about an individual's Pregnancy or Related Conditions and requests for modification will be shared with Employees only to the extent necessary to comply with this Policy. Employees will treat information shared with them as private. The Title IX Coordinator will maintain the only documentation related to pregnancy-related modifications.

XIII. Reporting Concerns

Potential lapses in the facilitation of Reasonable Modifications or accommodations due to Pregnancy or Related Conditions, and/or incidents of discrimination, harassment, or retaliation should be promptly reported to the Title IX Coordinator.

Kristen Kreple, J.D.
Title IX Coordinator and Director of Student Civil Rights Compliance
AMU 437
P.O. Box 1881 Milwaukee, WI 53201-1881
(414) 288-3151
kristen.kreple@marquette.edu

XIV. Key Concepts and Definition of Terms

APPLICANTS: Individuals who are applying or have applied for employment or admission as a Student or other participant in Marquette University's Education Program or Activity.

DESIGNATED LACTATION AREA: An area of Marquette University premises that is dedicated to accommodating the needs of Employees and Students who breastfeed their children. Some of these areas may require checking availability and reserving time slots as needed. Also known as a Wellness Area.

EDUCATION PROGRAM OR ACTIVITY: A location, event, or circumstance in which the University exercises substantial control over both the Respondent and the context in which the alleged Prohibited Conduct occurs, including: buildings or other locations that are part of the school's operations, including remote learning platforms; off-campus settings if the school exercised substantial control over the respondent and the context in which the alleged Prohibited Conduct occurred; and off-campus buildings owned or controlled by a student organization officially recognized by a postsecondary school, such as a building owned by a recognized fraternity or sorority.

EMPLOYEE: Refers collectively to University Faculty and Staff.

FAMILY STATUS: Refers to the configuration of a person's family or their role in a family.

LACTATION: Refers to the expression of breast milk, as well as directly nursing a child.

MARITAL STATUS: Refers to whether or not a person is married.

MEDICAL NECESSITY: A determination made by a licensed health care provider (of a Student's choosing) that a certain course of action is in the patient's best health interests.

PARENTAL STATUS: Refers to the status of a person who, with respect to another person under the age of 18, or who is 18 or older but incapable of self-care because of a physical or mental disability, is: a biological parent; adoptive parent; foster parent; stepparent; legal custodian or guardian; in loco parentis; or actively seeking legal custody, guardianship, visitation, or adoption.

PREGNANT STUDENT/BIRTHPARENT: Refers to the Student who is or was pregnant. This policy and its pregnancy-related protections apply to all pregnant persons, regardless of gender identity or expression.

PREGNANCY OR RELATED CONDITIONS: Pregnancy, childbirth, termination of pregnancy, and lactation, and related medical conditions and/or recovery. The following is a non-exhaustive list of the possible Pregnancy-Related Conditions:

- Anemia
- Bladder dysfunction
- Dehydration
- Ectopic pregnancy
- Gestational diabetes

- Hyperemesis gravidarum (i.e. severe nausea and vomiting)
- Increased body temperature
- Infertility and/or fertility treatments
- Lactation conditions
- Menstruation, perimenopause, menopause, or their related conditions
- Nausea and/or morning sickness
- Preeclampsia
- Pregnancy-induced hypertension (high blood pressure)
- Pregnancy related fatigue
- Prenatal or postpartum depression and/or anxiety
- Recovery from childbirth, miscarriage, or abortion

DISCRIMINATION RELATING TO PREGNANCY OR RELATED CONDITIONS, FAMILY, OR MARITAL STATUS: The University may not discriminate based on sex, including by:

- Discriminating against a Student or Employee based on Pregnancy or Related Conditions. Prohibited pregnancy discrimination can overlap with other bases of sex discrimination such as discrimination based on sex stereotypes or sex characteristics.
- Treating a Student or Employee differently based on sex related to their Parental Status, Family Status, or Marital Status.
- Punishing or retaliating against a Student or Employee for exercising a right under Title IX, such as seeking pregnancy-related leave, modifications, or access to lactation space.

REASONABLE MODIFICATION (under this policy): Reasonable changes or modifications in the academic environment or typical operations that enable pregnant, Parenting, or Lactating Students, and Students with Pregnancy-Related Conditions, to continue pursuing their studies, educational activities, and educational opportunities, and to continue enjoying equal benefits of the University, without fundamentally altering Marquette's education programs or activities.

STUDENTS: A Student is a person who has gained admission to the University (i.e., selection for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at a University Education Program or Activity).

TERMINATION OF PREGNANCY: An umbrella term that includes abortion, miscarriage, stillbirth, and other pregnancy loss.

XV. Resources

a. Student Resources

- Women's Support Center of Milwaukee, Inc.
- Women's Care Center- Milwaukee
- Marquette University Counseling Center

- State of WI Health Care Coverage
- City of Milwaukee Health Department
- Planned Parenthood
- Campus Ministry

b. Employee Resources

- Womxn of Color Resource Group
- Women of Marquette Resource Group
- Marquette Moms Employee Resource Group
- Employee Mental Health Resources
- Women's Support Center of Milwaukee, Inc.
- Women's Care Center- Milwaukee
- Marquette Employee Assistance Program
- State of WI Health Care Coverage
- City of Milwaukee Health Department
- Planned Parenthood
- Campus Ministry

c. Other Resources

- Cloth Diaper Assistance
- Diaper Bank Hubs
- Food Pantries & Meal Programs
- Formula Exchange
- Mother's Milk Bank of the Western Great Lakes
- Package of Hope for NICU Families

d. Campus Wellness Spaces

Wellness Spaces on Campus

Private spaces dedicated to wellness, including use for lactating mothers

Location	Availability	Amenities	Contact	Reservation
Alumni Memorial Union, 311	Faculty, staff, students, campus visitors	Lockable, electricity, sink	Linda Lee	No reservation required
Child Care Center, Family Room	Faculty, staff, students, campus visitors	Lockable, refrigeration, sink	Amy Kaboskey	Reservation required
Eckstein Hall, 463	Faculty, staff, students, campus visitors for regular weekday hours during fall and spring semesters; Law community outside of regular hours or during school breaks	Lockable, sink	Christine Wilczynski-Vogel	No reservation required
Holthusen Hall, 340	Building faculty and staff	Lockable, electricity	Sherrie Dorff	Reservation required
Physician Assistant Studies Building, 402	Building faculty and staff	Lockable, electricity	Johanna Kaye	No reservation required
Sensenbrenner Hall, 213	Faculty, staff, students, campus visitors	Lockable, refrigeration, sink, electricity	Lezlie Knox Jolene Kreisler	No reservation required
Zilber Hall, 321M Zilber Hall, 421S	Faculty and staff	Lockable, refrigeration, sink, electricity	Jodi Cherney	Reservation required
313 Building, 111	Faculty and staff	Lockable	Ryan Hurst	Reservation required

Accommodations for a private wellness space can be made in most campus buildings. The above serves as a list of those areas on campus with dedicated space.



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