

# Policy Manual



<b>Title:</b> Safety in Private Spaces Act	<b>Number:</b> 6Hx2-7.23
<b>Legal Authority:</b> CS/HB 1521 Facility Requirements Based on Sex	<b>Page:</b> Page 1 of 4

## GENERAL STATEMENT

The purpose of this policy is to regulate the use of public building restrooms and changing facilities as required by the Safety in Private Spaces Act, Section 553.865 of the Florida Statutes (Act). This policy applies to all employees, students, guests and visitors to the College.

The Act provides that any person who willfully enters a college restroom or changing facility designated for the opposite sex of the person, as determined by their sex at birth, for a purpose other than authorize by the Act, and refuses to depart when asked to do so by an agent of the College violates the terms of the Act.

## THE POLICY AND THE STUDENT

This policy applies to all students and student organizations. Students who willfully violate the Act are subject to discipline in accordance with applicable policies.

## THE POLICY AND FACULTY AND STAFF

This policy applies to all faculty and staff and requires them to report any violations of this policy or the Safety in Private Spaces Act. Faculty and staff who violate the Act are subject to discipline in accordance with applicable policies.

## GENERAL PUBLIC

The Act applies to the general public. Any person who violates the Act is subject to prosecution for trespass.

## IMPLEMENTATION AND OVERSIGHT

The President has the authority to establish procedures to implement this policy. The Facilities Collegewide Management Team in collaboration with the Dean of Students on the campus/center where the infraction has alleged to have occurred, the College Ombudsperson and Talent and Culture is responsible for the implementation of this policy. The Senior Associate Vice President of Facilities Collegewide Maintenance is responsible for the oversight of this policy in collaboration with the Vice President for Student Services and the Vice President Talent and Culture.

For purpose of this section, is meant to clarify that a person may only enter a restroom or changing facility designated for the opposite sex under the following circumstances:

- (a) To accompany a person of the opposite sex for the purpose of assisting or chaperoning a child under the age of 12, an elderly person, or a person with a disability or a developmental disability.
- (b) For law enforcement or governmental regulatory purposes.

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<b>Approved by the Board of Trustees</b>	<b>Date:</b> 03/26/2024	<b>President's Signature</b> <i>Barbara J. Bryan Ph.D.</i>	<b>Date:</b> 03/26/2024

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(c) For the purpose of rendering emergency medical assistance or to intervene in any other emergency situation where the health or safety of another person is at risk.

(d) For custodial, maintenance, or inspection purposes, provided that the restroom or changing facility is not in use.

(e) If the appropriate designated restroom or changing facility is out of order or under repair and the restroom or changing facility designated for the opposite sex contains no person of the opposite sex.

## EXCEPTIONS

The provisions of the bill do not apply to an individual who is or has been under treatment by a physician who, in his or her good faith clinical judgment, performs procedures upon or provides therapies to a minor born with a medically verifiable genetic disorder of sexual development, including any of the following:

- External biological sex characteristics that are unresolvedly ambiguous.
- A disorder of sexual development in which the physician has determined through genetic or biochemical testing that the patient does not have a normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or female, as applicable.

## VIOLATION OF POLICY

The College retains the right to discipline staff, faculty, students and student organizations up to dismissal from the College for violation of this policy.

Concerns or complaints regarding alleged conduct by a student constituting a violation of the “Safety in Private Spaces Act” policy can be made pursuant to Student Code of Conduct Policy 6Hx2-5.02. in accordance with the provisions of the Student Code of Conduct Procedure, College Procedure A6Hx2-5.02.

In addition, concerns or complaints regarding alleged conduct by a staff or faculty member in violation of the “Safety in Private Spaces Act” policy can be made pursuant to College Policy 6Hx2-3.34 Unlawful Discrimination and Retaliation.

## RELATIONSHIP TO OTHER POLICIES

1. Concerns or complaints regarding alleged conduct by a student constituting unlawful discrimination and/or unlawful retaliation made pursuant to Policy 6Hx2-3.34 (Unlawful Discrimination and

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Retaliation) may be addressed pursuant to the procedures accompanying this policy or may be addressed pursuant to the procedures accompanying Policy 6Hx2-3.34, should there also exist an employment relationship between the student and the College.

- Concerns or complaints regarding alleged conduct by a student constituting Sexual Harassment/Misconduct should be addressed pursuant to Policy 6Hx2-5.39 and its accompanying procedures.

## DEFINITIONS

**"Changing facility"** means a room in which two or more persons may be in a state of undress in the presence of others, including, but not limited to, a dressing room, fitting room, locker room, changing room, or shower room.

**"Covered entity"** means any: Correctional institution; Detention facility; Educational institution; Juvenile correctional facility or juvenile prison as described in s. 985.465, F.S., any detention center or facility designated by the Department of Juvenile Justice to provide secure detention as defined in s. 985.03(18)(a), F.S., and any facility used for a residential program as described in s. 985.03(44)(b), (c), or (d), F.S.; or o Public building.

**"Educational institution"** means a K-12 educational institution or facility or a postsecondary educational institution or facility.

**"Postsecondary educational institution or facility"** means: A state university as defined in s. 1000.21(6), F.S.; A Florida College System institution as defined in s. 1000.21(3), F.S.; A school district career center as described in s. 1001.44(3), F.S.; A college or university licensed by the Commission for Independent Education pursuant to s. 1005.31(1)(a), F.S.; or An institution not under the jurisdiction or purview of the commission as identified in s. 1005.06(1)(b)-(f), F.S.

**"Public building"** means a building comfort-conditioned for occupancy which is owned or leased by the state, a state agency, or a political subdivision.

**"Female"** means a person belonging, at birth, to the biological sex which has the specific reproductive role of producing eggs.

**"Male"** means a person belonging, at birth, to the biological sex which has the specific reproductive role of producing sperm.

**"Restroom"** means a room that includes one or more water closets. This term does not include a unisex restroom.

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**"Sex"** means the classification of a person as either female or male based on the organization of the body of such person for a specific reproductive role, as indicated by the person's sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth.

**"Unisex changing facility"** means a room intended for a single-occupant or a family in which one or more persons may be in a state of undress, including, but not limited to, a dressing room, fitting room, locker room, changing room, or shower room that is enclosed in floor-to-ceiling walls and accessed by a full door with a secure lock that prevents another individual from entering while the changing facility is in use.

**"Unisex restroom"** means a room that includes one or more water closets that is intended for a single-occupant, or a family, and the room is enclosed in floor-to-ceiling walls and accessed by a full door with a secure lock that prevents another individual from entering while the room is in use.

**"Water closet"** means a toilet or urinal.

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03/26/2024