




**University Senate  
CHARGE**

<b>Date:</b>	April 12, 2017
<b>To:</b>	Charles Delwiche Chair, Equity, Diversity & Inclusion (EDI) Committee
<b>From:</b>	Jordan A. Goodman Chair, University Senate 
<b>Subject:</b>	Gender-Inclusive Facilities
<b>Senate Document #:</b>	16-17-32
<b>Deadline:</b>	March 30, 2018

The Senate Executive Committee (SEC) requests that the Equity, Diversity, and Inclusion (EDI) Committee review the proposal entitled, "Providing Gender-Inclusive Facilities" and consider whether changes to the current policies and procedures are necessary.

Specifically, we ask that you:

1. Consult with the proposer regarding his specific concerns.
2. Research current University policies and procedures governing gender-inclusive facilities in University buildings.
3. Review policies and procedures for gender-inclusive facilities at Big 10 and other peer institutions.
4. Consult with a representative from the Division of Administration & Finance regarding existing and planned gender-inclusive facilities and current procedures for creating gender-inclusive facilities in new and existing buildings at the University as well as principles guiding the number and capacity of gender-inclusive facilities.
5. Consult with representatives from the Division of Student Affairs regarding any initiatives related to gender-inclusive facilities in residence halls and other student facilities.
6. Consult with a representative from the Department of Fraternity & Sorority Life (DFSL) regarding practices related to gender-inclusive facilities in fraternity and sorority housing.

7. Consult with a representative in the Department of Intercollegiate Athletics regarding public access to gender-inclusive facilities in athletic complexes.
8. Consult with the University's Office of General Counsel on whether any relevant state regulations regarding gender-inclusive facilities in state buildings exist or whether the State of Maryland's Office of the Attorney General has developed related policies or guidelines.
9. Consider the resources required to provide gender-inclusive facilities in existing buildings.
10. Consider whether a University policy regarding gender identity and the use of gender-specific or gender neutral facilities would be appropriate or whether existing university policies and procedures should be revised.
11. If appropriate, recommend potential strategies for designating gender-inclusive facilities in existing university buildings.
12. Consult with the University's Office of General Counsel on any proposed policy recommendations.

We ask that you submit your report and recommendations to the Senate Office no later than March 30, 2018. If you have any questions or need assistance, please contact Reka Montfort in the Senate Office at [301-405-5804](tel:301-405-5804) or [reka@umd.edu](mailto:reka@umd.edu).

Attachment

JAG/rm



## University Senate PROPOSAL FORM

<b>Name:</b>	Luke Jensen
<b>Date:</b>	March 2017
<b>Title of Proposal:</b>	Providing gender inclusive facilities
<b>Phone Number:</b>	301-405-8721
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<b>Campus Address:</b>	2218 Marie Mount Hall
<b>Unit/Department/College:</b>	LGBT Equity Center
<b>Constituency (faculty, staff, undergraduate, graduate):</b>	Staff
<b>Description of issue/concern/policy in question:</b>	<p>State Law and our campus non-discrimination policy prohibit discrimination on the basis of gender identity or expression. That underscores the right of individuals to use gender-specific facilities that are consistent with their gender identity. Facilities include restrooms, locker rooms, changing rooms, and any other physical space labeled for men or for women. Some on our campus do not understand that reality. There have been instances of individuals “policing” restrooms by telling others who may not look masculine enough to use the men’s room or feminine enough to use the women’s restroom that they are not allowed in those respective spaces. We should expect that any responses to restroom concerns be focused on behavior. They should never require someone to share or prove their gender identity, and should not profile people purely based on their gender expression or personal appearance, as these categories are protected by the non-discrimination policy</p> <p>There is also a long history of public recognition for the need of more gender-inclusive facilities. Gender-inclusive facilities, especially restrooms, provide safer options for transgender people - including trans men, trans women, and nonbinary people who are neither only men nor only women. These facilities also support people who are not transgender but might be perceived as transgender.</p> <p>An increase in gender-inclusive facilities can also relieve capacity constraints that occur when one gendered restroom is full and another one next to it is not. The recognition of this need dates back to at least 2004, and yet there remain many high-traffic buildings that do not meet this need.</p> <p>Even in newly renovated spaces such as H.J. Patterson (e.g., rooms 2111 and 3111), single-user restrooms required by campus building</p>

	<p>codes are being labeled Men and Women when they could easily be gender-inclusive. There have been some ad hoc solutions in older buildings where no single-user option is available. These include The Stamp Student Union, Eppley Recreation Center, and Ritchie Coliseum. The campus would benefit from a more uniform and comprehensive approach.</p>
<p><b>Description of action/changes you would like to see implemented and why:</b></p>	<p>The University should unambiguously state in policy that all individuals have the right to access gender-specific facilities consistent with their gender identity.</p> <p>A greater number of gender-inclusive facilities should begin by identifying all single-user restrooms as gender-inclusive. There would be no question about who is allowed to use that facility. Transgender individuals, one of our most vulnerable populations, should not have to, in essence, self-identify as either male or female when using a single-user restroom. It would also provide more options for anyone seeking enhanced privacy for any reason.</p> <p>Principles guiding the number and capacity of gender-inclusive facilities should be established so that they are within a reasonable distance for all students, staff, and faculty. For example, no one should feel compelled to go to a different building simply to use the restroom. There should also be a sufficient number so that no one needs to wait an unreasonable amount of time. For older buildings, that means converting a small number of multiple-user gender-specific restrooms to gender-inclusive. For new construction and major renovations, that would likely mean multiple-user gender-inclusive restrooms. This is especially true for buildings with high traffic.</p> <p>Gender-inclusive facilities should be easy to locate. Our campus map now indicates the location of such facilities, but it is impractical to call up the map whenever the need arises. Sufficient and uniformly placed signage should indicate the location of the closest gender-inclusive restrooms.</p> <p>There should be clarity regarding responsibility for the accuracy of the campus map. It can only be as accurate as the information recorded in the University's database. There have been instances when changes have been made and the database has not been updated.</p> <p>Signage for gender-inclusive facilities should be uniform across campus and should avoid using gendered graphics. Rather, signage should focus on what's in the room, not who can use it.</p> <p>The University should address the issue of providing gender-inclusive restrooms in existing buildings where no major renovation is planned. This would likely require a multi-year plan to convert some existing</p>

	<p>restrooms into multiple-user gender-inclusive restrooms.</p> <p>For new construction and major renovations, the design of the facilities should maximize privacy for each toilet stall to include the actual stall (floor to ceiling walls or partitions) and the placement of sinks. For conversion of existing multiple-user restrooms into gender-inclusive spaces, standard specifications should be established to enhance the privacy of each toilet (no direct line of sight into the stall, minimal clearance between the partition and the floor and ceiling) and account for the presence of urinals.</p>
<p><b>Suggestions for how your proposal could be put into practice:</b></p>	<p>A policy should be enacted that provides clarity and guidance on the meaning of non-discrimination on the basis of gender identity or expression and the provision of physical facilities. This would be similar to policies VI-1:00(C) University of Maryland, College Park Policy on Inclusive Language and VI-1:00(D) University of Maryland Disability &amp; Accessibility Policy and Procedures.</p> <p>This policy should clearly state the right of individuals to use gender-specific facilities in accordance with their gender identity. It should also call for identifying all single-user facilities as gender-inclusive.</p> <p>The policy should require consistent signage for all gender-inclusive facilities and signage within each building directing individuals to the nearest gender-inclusive restroom.</p> <p>For multiple-user gender-inclusive facilities, the policy should state principles for establishing their number and construction. It should name those responsible for establishing consistent specifications for both new construction and the conversion of existing facilities. It should also call for the establishment of a multi-year plan to provide gender-inclusive facilities in every building owned or occupied by the University.</p>
<p><b>Additional Information:</b></p>	<p><b>Appendix A: The need for more gender-inclusive facilities at UMD</b></p> <p><b>Appendix B: Sample language for such policies (D.C. Regulations &amp; University of California System, Office of the President)</b></p>

*Please send your completed form and any supporting documents to [senate-admin@umd.edu](mailto:senate-admin@umd.edu) or University of Maryland Senate Office, 1100 Marie Mount Hall, College Park, MD 20742-7541. Thank you!*

## Appendix A: The need for more gender-inclusive facilities UMD

The campus map shows the locations of gender-inclusive restrooms at UMD. Access the map by clicking [here](#), or go to <http://maps.umd.edu/map>, click on “Layers” then click on “Campus Services” then click on “LGBT Resources.” Select “Gender Inclusive Restrooms.” The map clearly indicates that many buildings and whole areas of campus do not have gender-inclusive restrooms.

Individual students and the Student Government Association have called for more gender-inclusive facilities as indicated in few selected articles in *The Diamondback* listed below. It is also an item identified by students in their recent ProtectUMD Demands. (See [https://docs.google.com/a/umd.edu/forms/d/1EkkEV7Ci4KSI0eSziIP1I6FvPhTjdbpLbRIW7aDq6cU/viewform?edit\\_requested=true](https://docs.google.com/a/umd.edu/forms/d/1EkkEV7Ci4KSI0eSziIP1I6FvPhTjdbpLbRIW7aDq6cU/viewform?edit_requested=true))

Wolper, Jon. "For some, struggle to find gender-neutral bathrooms persists." *The Diamondback*. February 26, 2012. [http://www.dbknews.com/archives/article\\_728b2b44-cd79-5780-bcb0-d15c3840c49a.html](http://www.dbknews.com/archives/article_728b2b44-cd79-5780-bcb0-d15c3840c49a.html) (accessed February 23, 2017).

NB: This article identifies an email distributed to the campus from then-President Dan Mote stating that “he planned for every on-campus building to receive at least one gender-neutral bathroom...”

Cotello, Darcy, and Katishi Maaki. "SGA passes three resolutions urging for more gender-neutral bathrooms on campus." *The Diamondback*. December 2, 2015. [http://www.dbknews.com/archives/article\\_47719eb4-994b-11e5-956f-fbafb43beb3e.html](http://www.dbknews.com/archives/article_47719eb4-994b-11e5-956f-fbafb43beb3e.html) (accessed February 23, 2017).

skeandbk@gmail.com. "SGA presents bill for gender-neutral restrooms: if passed, will require at least one in every campus building." *The Diamondback*. April 24, 2014. [http://www.dbknews.com/archives/article\\_ebeeda2e-cc29-11e3-b683-0017a43b2370.html](http://www.dbknews.com/archives/article_ebeeda2e-cc29-11e3-b683-0017a43b2370.html) (accessed February 23, 2017).

## **Appendix B: Sample language for such policies (D.C. Regulations & University of California System, Office of the President)**

D.C. Municipal Regulations and D.C. Register

Chapter: 4-8: Compliance Rules and Regulations Regarding Gender Identity or Expression

<http://www.dcregs.dc.gov/Gateway/ChapterHome.aspx?ChapterNumber=4-8>

### **802 RESTROOMS AND OTHER GENDER SPECIFIC FACILITIES**

802.1 All entities covered under the Act, as amended, shall allow individuals the right to use gender-specific restrooms and other gender-specific facilities such as dressing rooms, homeless shelters, and group homes that are consistent with their gender identity or expression.

802.2 All entities covered under the Act with single-occupancy restroom facilities shall use gender-neutral signage for those facilities (for example, by replacing signs that indicate "Men" and "Women" with signs that say "Restroom").

SOURCE: Final Rulemaking published at 53 DCR 8751, 8753 (October 27, 2006).

### **805 GENDER-SPECIFIC FACILITIES WHERE NUDITY IN THE PRESENCE OF OTHERS IS CUSTOMARY**

805.1 All entities covered under the Act shall provide access to and the safe use of facilities that are segregated by gender.

805.2 In gender-specific facilities where nudity in the presence of other people is customary, entities covered by the Act shall make reasonable accommodations to allow an individual access to and the use of the facility that is consistent with that individual's gender identity or expression, regardless of whether the individual has provided identification or other documentation of their gender identity or expression.

805.3 Requiring documentation or other proof of an individual's gender is prohibited, except in situations where all persons are asked to provide documentation or other proof of their gender for a reasonable business or medical purpose.

SOURCE: Final Rulemaking published at 53 DCR 8751, 8754 (October 27, 2006).

### **808 HARASSMENT AND HOSTILE ENVIRONMENT**

808.1 All harassment and actions that create a hostile environment based on gender identity or expression shall be prohibited.

808.2 The following behaviors may constitute evidence of unlawful harassment and hostile environment:

- (a) Deliberately misusing an individual's preferred name form of address or gender-related pronoun;
- (b) Asking personal questions about an individual's body, gender identity or expression, or gender transition;
- (c) Causing distress to an individual by disclosing to others that the individual is transgender; and
- (d) Posting offensive pictures, or sending offensive electronic or other communications.

In determining whether there is unlawful harassment or a hostile environment, the totality of the circumstances surrounding the alleged violation of the Act must be considered, including the nature, frequency, and severity of the behavior, whether it is physically threatening or humiliating, or a mere offensive utterance; and whether it unreasonably interferes with the alleged victim. Ultimately the standard is an objective one, focusing on whether the behavior was sufficiently severe or pervasive to alter the conditions of the victim's employment, housing, education, or access to or use of public accommodations, or relations with a District of Columbia agency or contractor, and to create an abusive environment.

SOURCE: Final Rulemaking published at 53 DCR 8751, 8755 (October 27, 2006).

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University of California, Office of the President  
Construction Services

RD4.1: Providing Gender Inclusive Facilities

<http://www.ucop.edu/construction-services/facilities-manual/resource-directories-rds/rd4-project-programmatic-guidelines/rd-4-1.html>

## RD4.1: Providing Gender Inclusive Facilities

### References

- [Gender Inclusive Facilities in Renovation Projects – Request for Waiver Based on Unreasonable Hardship \(reference template\) \(Attachment A\)](#)
- [Sample Gender Inclusive Signs \(Attachment B\)](#)

In accordance with the University's nondiscrimination policies, these guidelines seek to create an inclusive campus environment for transgender and gender variant people and provide direction on the implementation of gender inclusive facilities in UC-owned buildings. These guidelines affirm that individuals have the right to use facilities that correspond with their gender identity.

These guidelines apply to UC-owned facilities including new construction, existing, and renovated facilities. While these guidelines do not extend to UC-leased facilities at this time, evaluation of the availability of gender inclusive facilities shall occur when beginning or renewing leases, especially when UC leases more than 50% of a building, or for leases 10 years or longer. Privatized projects developed on UC-owned land where the project is to be used for University-related purposes shall comply with the requirements for inclusive facilities.

#### 4.1.1 Background

The University of California is strongly committed to creating and sustaining a campus environment that supports and values all members of our community, including visitors. These guidelines focus on providing a safe environment, consistent with UC principles of community and efforts around civility and respect. Gender inclusion should provide access and equality by creating an environment that is safe, accessible, and respectful of all individuals. One aspect of creating an inclusive environment is the availability of safe, accessible, and convenient restroom facilities. Many



people may experience difficulty, inconvenience, or harassment when using gender specific restrooms and facilities. Additionally, parents with children of a different gender, as well as caregivers to persons of a different gender, face difficulties in accompanying them. UC aims to implement best practices for gender inclusive facilities.

#### 4.1.2 Definitions

Changing Room: a room in which one or more persons partially or fully disrobe and re-dress. Locker rooms fall under this definition. Gender inclusive changing rooms shall provide privacy and security.

Gender Identity: an individual's sense of oneself as male, female, or transgender, including an individual's self-image, appearance, expression, or behavior, whether or not that self-image, appearance, expression, or behavior is different from the individual's sex assigned at birth.

Gender Inclusive Facility (sometimes referred to as Gender Neutral facility): a facility, including but not limited to, restrooms, showers, locker rooms and changing rooms, that is usable by persons of all gender identities and expressions and that is not gender specific. Facility shall provide privacy and security for the individual user. Gender inclusive facilities shall include spaces and fixtures equivalent to gender specific facilities.

Gender Specific: designated for use by one gender (i.e., male or female).

Restroom: any facility equipped with toilets, urinals or other similar facilities, in a public facility for the use of the public for personal hygiene and comfort. "In a public facility" and "for the use of the public" in this context covers essentially all UC facilities and restrooms, except for facilities located within private residences or apartments, and within dormitory suites.

Shower: a space in which one or more persons bathe or shower. Gender inclusive showers shall provide privacy and security for the individual user.

#### 4.1.3 GUIDELINES AND COMPLIANCE

Campuses and other UC locations (e.g. Medical Centers, Laboratories, Agriculture and Natural Resources (ANS), or Natural Reserve System (NRS), etc.) shall undertake the following – A due date for completion of initial tasks is noted after each task, where applicable:

**CAMPUS PROCESS**: Establish a site-specific process to guide and review campus efforts toward gender inclusive facilities. Each location shall also establish a review process for hardship requests for waiver from these guidelines and establish a process for receipt and review of complaints and suggestions, with a submittal location posted on the campus website. This should be completed by November 1, 2015. A letter confirming that this is done should be provided by this due date to Associate Vice President, Capital Programs, Deborah Wylie.

**INITIAL AUDIT:** Perform an initial audit of restrooms and other gender-specific facilities, such as changing rooms and showers, in all UC-owned buildings. The audit shall list all existing buildings in which restrooms, changing rooms and showers are provided; whether each building has gender inclusive facilities; and the type and number of gender inclusive facilities. This should be completed by November 1, 2015. A letter confirming that this is done should be provided by this due date to Associate Vice President, Capital Programs, Deborah Wylie.

**CONVERT EXISTING FACILITIES:** Convert existing single-occupancy or single-stall restrooms in all UC-owned buildings from gender-specific to gender inclusive facilities with privacy and security as noted in the definitions. It is anticipated that conversion will usually be limited to revised signage. Conversions that are accomplished by signage alone shall not be considered renovations. This should be completed by March 1, 2016.

**NEW CONSTRUCTION or RENOVATION:** For UC-owned buildings beginning design, for either new construction or renovation, on or after July 1, 2015, provide at least one gender inclusive restroom on each floor where restrooms are required or provided in a building. Gender inclusive restrooms on each floor shall be accessible consistent with the California Building Code (CBC). "UC-owned" includes buildings designed and/or built by third parties that are to become the property of UC upon completion.

**RESTROOM RENOVATION:** When extensive renovations are made to existing restrooms (when the construction cost for the renovation exceeds 50% of the restroom replacement cost) or when extensive renovations are made to one of more floors on an existing building (more than 50% of the replacement cost of the area being renovated) in buildings that do not already have at least one gender inclusive restroom, the project shall provide a gender inclusive restroom in the same building.

**CHANGING ROOMS:** For new buildings, construct at least one gender inclusive changing room in each location in the building where locker rooms or changing rooms are provided, located within the locker room/changing room facility, so the user need not leave the area to use the changing room. For major renovations, construct at least one gender inclusive private changing room in each location in any building where locker rooms or changing rooms are provided (major renovation is renovation exceeding 50% of replacement cost of the area being renovated) or when the locker room or changing room is renovated.

**SHOWERS:** Construct gender inclusive showers in new buildings in which showers are provided. If the shower or showers are located within a locker room/changing room facility, the gender inclusive shower(s) shall be located so that the user need not leave the area to use the shower. Construct at least one gender inclusive shower in each location in any building where showers are provided when a major renovation occurs (renovation exceeding 50% of replacement cost of the area being renovated) or when the existing showers are renovated. Locate shower within the locker room/changing room facility so that the user need not leave the area to use the shower.

**LIST OF LOCATIONS:** Prominently list the locations of gender inclusive facilities on campus websites. This should be completed by March 1, 2016.

**SIGNS:** It is recommended that gender inclusive facilities be identified in a simple manner, utilizing the minimum signage required by the CBC and the 2010 ADA Standards for Accessible Design (ADA). For restrooms, the required sign on the door shall be a triangle within a circle, without gender pictograms, and may include the term "Restroom." The international convention is a white triangle in a blue circle, but ADA- and CBC-compliant signs/colors are acceptable. The CBC-required room identification sign shall provide the minimum required information, including the pictogram for access, if applicable. For restrooms, limiting the room identification to "Restroom" is recommended. Signs for changing rooms and shower rooms should follow this recommendation as applicable. Refer to CBC Chapter 11 for minimum requirements. Sample signs are outlined in [Attachment B](#) above.

**DIRECTIONAL SIGNS:** In buildings where gender inclusive facilities are not or cannot be provided, provide and install directional signs indicating the nearest gender inclusive facilities. This should be completed by July 1, 2016.

**HARDSHIP:** In instances where hardship may preclude full compliance with these guidelines, campus entities may request that a waiver from the guidelines be approved according to the process and criteria for review and approval of waivers as established by each campus location (see [Attachment A](#)). Approval authority for these waivers is delegated to the Chancellor and may be re-delegated to one individual, in writing. A model template for waiver requests is attached to these guidelines, and may be used or modified by each UC location. If the campus determines that it is physically impracticable to provide a gender inclusive restroom facility in the building, the campus may elect to provide a gender inclusive facility (if one does not already exist) in a nearby building. "Nearby" is defined by the worksheet as within 2 minutes of pedestrian travel time between building entrances.

Revised June 30, 2015 (Change # FM 15-007-P)