



**Providing Gender Inclusive Facilities
(Senate Document #16-17-32)**

TO Wallace D. Loh | President

FROM Christopher Walsh | Chair, University Senate

I am pleased to forward the accompanying legislation for your consideration and approval. Phillip Staniczenko, member of the Equity, Diversity, & Inclusion (EDI) Committee, presented the committee's proposal on Providing Gender Inclusive Facilities (Senate Document #16-17-32), which the University Senate approved at its meeting on September 5, 2018. Please inform the Senate of your decision and any administrative action related to your conclusion.

Approved:

**Wallace D. Loh
President**

Date:

09-14-2018

Copies of this approval and the accompanying legislation will be forwarded to:

- Mary Ann Rankin**, Senior Vice President and Provost
- Reka Montfort**, Executive Secretary and Director, University Senate
- Michael Poterala**, Vice President and General Counsel
- Cynthia Hale**, Associate Vice President for Finance and Personnel
- John Bertot**, Associate Provost for Faculty Affairs
- Elizabeth Beise**, Associate Provost for Academic Planning & Programs
- Sylvia B. Andrews**, Academic Affairs
- Cynthia Edmunds**, Interim Chief Diversity Officer
- Jay Gilchrist**, Director, University Recreation & Wellness
- Deborah Grandner**, Director, Resident Life
- Marsha Guenzler-Stevens**, Director, Adele H. Stamp Student Union
- Luke Jensen**, Director, LGBT Equity Center
- Joshua Kaplan**, Associate Athletic Director for Facilities, Operations, & Events
- Anne Martens**, Assistant Vice President for Administration & Finance and Chief of Staff
- Bill Olen**, Executive Director, Design & Construction, Facilities Management
- Matt Supple**, Director, Department of Fraternity & Sorority Life
- Colleen Wright-Riva**, Director, Dining Services
- Eric Grims**, Past Chair of the EDI Committee



Gender-Inclusive Facilities

PRESENTED BY Eric Grims, Chair**REVIEW DATES** SEC – August 27, 2018 | SENATE – September 5, 2018**VOTING METHOD** In a single vote**RELEVANT
POLICY/DOCUMENT****NECESSARY
APPROVALS** Senate, President

ISSUE

In March 2017, the Director of the LGBT Equity Center submitted a proposal asking that the Senate develop a policy covering the use of gender-specific facilities, and consider recommendations that would both increase the number of gender-inclusive restrooms on campus and make it easier to locate them. On April 12, 2017, the Senate Executive Committee (SEC) charged the Equity, Diversity, & Inclusion (EDI) Committee with reviewing the proposal and any current campus policies addressing gender-inclusive facilities; consulting with a range of stakeholders, including the Division of Administration & Finance, the Division of Student Affairs, and the Division of Intercollegiate Athletics; researching policies and practices at Big 10 and peer institutions; and proposing changes to University policies or practices, as necessary.

RECOMMENDATIONS

The EDI Committee recommends that the Senate approve the Policy of Non-Discrimination on the Basis of Gender Identity or Expression in the Use of Gendered Facilities immediately following the report. The committee also presents thirteen additional recommendations.

COMMITTEE WORK

The EDI Committee began discussing the charge at its last meeting of the 2016-2017 academic year, when it reviewed practices in the Division of Student Affairs and the Division of Administration & Finance. Throughout the fall semester of 2017, the committee consulted with a range of stakeholders, including the proposer and representatives from the Division of Intercollegiate Athletics, Facilities Management, and the Department of Resident Life. It also corresponded with representatives from relevant units in the Division of Student Affairs, including Resident Life, Fraternity & Sorority Life, RecWell, Dining Services, and the Stamp Student Union.

The EDI Committee reviewed existing campus policies and resources. Current University and University System of Maryland (USM) policies prohibit discrimination on the basis of gender identity or gender expression, though none explicitly reference the use of gendered facilities. In the case of restrooms, recent University practice has been to include at least one gender-inclusive restroom in all new construction projects. The committee learned that there are few standard practices across campus, and variation in the terminology used to identify spaces that are not intended for use by

individuals of a particular gender. This created difficulties when the committee sought to identify the number of gender-inclusive restrooms on campus, as did the fact that restroom facilities are overseen by different entities. Restrooms in auxiliary units such as Student Affairs, for example, are managed differently than those in academic buildings, as are locker rooms maintained by the Division of Intercollegiate Athletics. Facilities Management was able to provide a partial list of known gender-inclusive restrooms, and the Campus Web Map marks the location of some of these using a golden toilet icon. Nearly all of them are single-user restrooms.

The committee also reviewed requirements imposed by various state and federal building codes and standards dictating the capacity, location, and amenities of restrooms. While such provisions stipulate the number of fixtures for “men” and “women” based on occupancy, they do not currently require gender-inclusive restrooms. The costs associated with constructing or renovating restroom facilities vary significantly depending on local conditions and existing infrastructure. In its review of policies and practices at Big 10 and peer institutions, the committee found that a number of peers have converted single-user restrooms to gender-inclusive facilities and several have policies or statements establishing the right of individuals to use gendered facilities consistent with their gender identity.

In response to its findings, the committee developed a new Policy of Non-Discrimination on the Basis of Gender Identity or Expression in the Use of Gendered Facilities. The policy clearly communicates the University’s commitment to creating and sustaining an inclusive campus environment and establishes the right of individuals to use gendered facilities consistent with their gender identity. The committee also developed a series of recommendations intended to standardize terminology and increase the number of restrooms that are not intended for use by individuals of a particular gender.

On May 11, 2018, the committee voted unanimously to approve its proposed Policy of Non-Discrimination on the Basis of Gender Identity or Expression in the Use of Gendered Facilities and accompanying recommendations.

ALTERNATIVES

The Senate could reject the proposed policy and recommendations. However, it would lose the opportunity to enhance the University’s restroom facilities and clearly establish the right of individuals to use facilities consistent with their gender identity.

RISKS

There are no known risks to the University.

FINANCIAL IMPLICATIONS

Financial resources will be required to implement the recommendations.



Gender-Inclusive Facilities

2017-2018 Committee Members

Eric Grims (Chair)
Nat Baldino (Graduate Student)
Catherine Carroll (Ex-Officio OCRSM Rep)
Jordan Carter-Reich (Staff)
Moneca Clyburn (Staff)
Jennifer Dindinger (Faculty)
Qing Dong (Staff)
Cindy Felice (Ex-Officio VP Student Affairs Rep)
Steve Fetter (Ex-Officio Provost's Rep)
Angela Harmon (Staff)
Pradeep Kapur (Faculty)
Anne Martens (Ex-Officio VP Administration & Finance Rep)

Daune O'Brien (Faculty)
Shy Porter (Graduate Student)
Pablo Roa (Undergraduate Student)
Beth St. Jean (Faculty)
Phillip Staniczenko (Faculty)
Leon Tune (Staff)
Katelyn Turner (Undergraduate Student)
Roger Worthington (Ex-Officio Chief Diversity Officer)

Date of Submission

July 2018

BACKGROUND

In March 2017, the Director of the LGBT Equity Center submitted a proposal asking that the Senate develop a policy covering the use of gender-specific facilities, and consider recommendations that would both increase the number of gender-inclusive restrooms on campus and make it easier to locate them. On April 12, 2017, the Senate Executive Committee (SEC) charged the Equity, Diversity, & Inclusion (EDI) Committee with reviewing the proposal and any current campus policies addressing gender-inclusive facilities; consulting with a range of stakeholders, including the Division of Administration and Finance, the Division of Student Affairs, and the Department of Intercollegiate Athletics; researching policies and practices at Big 10 and peer institutions; and proposing changes to University policies or practices, as necessary (Appendix 3).

DEFINITIONS

The following terms are used in this report:

ADA Compliant Restroom: A restroom that complies with Americans with Disabilities Act (ADA) requirements. When an existing restroom facility is renovated, it must be brought into ADA compliance.

Building Codes: There are a range of codes covering the construction and renovation of facilities, including the ADA, International Plumbing Code, International Building Code, National Fire Protection Association, and various codes and standards established by the Washington Suburban Sanitary Commission (WSSC). Unless otherwise noted, references to "building codes" may reference these or other provisions that the University must follow when building/renovating.

Family Restroom: A lockable restroom facility intended for use by families that includes a changing table.

Gender-Inclusive Facility: A facility that is not intended and identified for use by individuals of a particular gender identity. Terminology for such facilities varies and is evolving, and includes: gender inclusive (sometimes hyphenated), gender neutral (sometimes hyphenated), mixed gender, single-user, single-occupancy, unisex, and family. Nearly all gender-inclusive restrooms are intended for use by one individual, with the exception of family restrooms and several multi-user restrooms in the Stamp Student Union and recreation facilities. Additionally, there are several gender-inclusive locker/changing rooms in use (or under construction).

Gender-Specific or Sex-Segregated Facility: A facility that is intended and identified for use by individuals of a particular gender identity (i.e. “men” or “women”). In the context of this report, facilities include restrooms, changing rooms, and locker rooms.

Single-User/Single-Occupancy Restroom: A lockable restroom facility intended for use by a single individual. Many single-user restrooms are also ADA compliant.

Major Renovation: A renovation whose costs are $\geq 50\%$ of a building’s replacement value.

CURRENT PRACTICE

There are no University policies that explicitly reference the use of gender-inclusive facilities, though the University’s Non-Discrimination Policy & Procedures ensure equal access to facilities and prohibit various forms of discrimination. In addition, the University System of Maryland Policy of Non-Discrimination on the Basis of Sexual Orientation and Gender Identity or Expression (VI-1.05) requires each institution to create policies protecting individuals from discrimination on the basis of gender identity or gender expression.

The Design Criteria/Facility Standards Manual maintained by Facilities Management recommends the inclusion of one “gender neutral” restroom in all new construction or major renovation projects. While only guidance, recent construction and major renovation projects have included at least one such restroom. Current building codes do not establish standards for gender-inclusive restrooms.

COMMITTEE WORK

The EDI Committee began discussing the charge at its last meeting of the 2016-2017 academic year, when the committee’s ex-officio representatives from the Division of Student Affairs and the Division of Administration & Finance clarified how the charge elements touched on current practice and policies in their respective divisions. In 2017-2018, the committee began consideration of the charge by consulting with the proposer and meeting with a range of stakeholders, including representatives from the Division of Intercollegiate Athletics, Facilities Management, and the Department of Resident Life. It also corresponded with representatives from relevant units in the Division of Student Affairs (Resident Life, Fraternity & Sorority Life, Recreation and Wellness, Dining Services, and the Stamp Student Union). In the course of its work, the committee identified and considered the following topics:

Issues & Concerns

In 2016, the Department of Justice and the Department of Education released a “Dear Colleague Letter on Transgender Students” that called on educational institutions to actively protect students from discrimination on the basis of gender identity. In speaking with the committee, the proposer noted that this guidance was subsequently rescinded, creating an opportunity for the University to explicitly prohibit any discrimination based on gender identity or gender expression. The proposer explained that there are individuals on campus who do not feel safe in gender-

specific facilities, particularly transgender or gender-nonconforming people or those who might be perceived as such. He noted that a policy clearly establishing the right of every individual to use whichever gender-specific facility they choose would help address this concern. Additionally, he recommended that the University identify existing single-user restrooms as gender-inclusive and ensure that new construction and renovation projects increase the total number of gender-inclusive restrooms.

Existing Facilities

Most restrooms on campus are intended and identified for use by individuals of a particular gender. With the exception of several multi-user facilities noted below, nearly all of the restrooms that are not gender specific are single-user or family restrooms. As part of its work, the committee attempted to determine the number of single-user restrooms on campus, which proved a difficult task. Not only are such facilities known by different names, they are also effectively “owned” by different entities. Restrooms in auxiliary units such as Student Affairs, for example, are treated differently than those in academic buildings, as are locker rooms maintained by the Division of Intercollegiate Athletics (Athletics). Facilities Management was able to provide a partial list of known single-user restrooms, which can be found in Appendix 1.

The committee investigated current and planned bathroom facilities serving the nearly twelve thousand students in University-owned/affiliated housing. The number and type of facilities in residence halls varies, often depending on the age of the building (or the date of its most recent renovation). The goal in new construction and major renovations is to provide single-user gender-inclusive bathroom facilities alongside communal, gender-specific bathrooms. To help address student needs in residence halls not slated for renovation, the Department of Resident Life is redesignating all single-user facilities as “gender-inclusive.” Bathrooms/restrooms in fraternity and sorority houses are essentially gender-inclusive and intended for use by both members and guests. They are typically labelled “bathroom.”

The committee also consulted with other units in the Division of Student Affairs, including University Recreation and Wellness (RecWell), which maintains a number of gender-specific facilities. These include changing/locker rooms and restrooms. Recently, RecWell has added several gender-inclusive facilities, including locker rooms (with bathroom/shower/changing areas) in the Eppley Recreation Center and Ritchie Coliseum. Eppley also has two gender-inclusive restrooms, one of which is multi-user. The Cycling Studio and Multipurpose Studio in Regents Drive Garage also contains a “gender-inclusive,” ADA-compliant bathroom/shower. RecWell intends to create gender-inclusive facilities in future construction and renovation projects whenever feasible. The Stamp Student Union has converted two of its multi-user, gender-specific restrooms into multi-user, gender-inclusive restrooms. These restrooms, and the one in Eppley, are the only multi-user, gender-inclusive facilities the committee was able to identify. Such facilities can better accommodate shifts in the size and makeup of a building’s occupants than gender-specific restrooms.

Athletics recently designated six existing family restrooms in Maryland Stadium and the Xfinity Center as “Family Gender Inclusive Restrooms.” Training for staff in these venues emphasizes that no one can be denied access to a particular restroom, though initiatives to help patrons understand and navigate the new terminology are still in the formative phase. Athletics intends to include gender-inclusive facilities in new construction, and the ongoing renovations to Cole Field House will result in a new gender-inclusive locker room.

Locating Restrooms

The Campus Web Map indicates the location of many single-user restrooms, which are identified as gender-inclusive and marked with a golden toilet icon. The decentralized management of restroom facilities and the fact that multiple entities share responsibility for supporting and updating the map make it difficult to keep current. The map is jointly maintained by the Division of Information Technology and Facilities Management, and draws information from the Department of Transportation Services and the Department of Geographical Sciences. While users can submit comments and note missing locations through the Campus Web Map, there is no single individual or office responsible for ensuring that information on the location of gender-inclusive restrooms is current. Wayfinding signage directing users to gender-inclusive restrooms varies widely. The Stamp Student Union, for example, references the location of gender-inclusive restrooms on wayfinding signs for its gender-specific restrooms. In other buildings, however, the locations of gender-inclusive restrooms are not indicated; frequently, they are simply identified as ADA-compliant restrooms.

Construction/Renovation Standards & Funding

There are various building codes that guide the construction and renovation of University facilities. While these codes do not mandate the inclusion of gender-inclusive facilities or establish standards for them, they do set minimum numbers of plumbing fixtures for men/males and women/females based on the occupant load and purpose of a building. Fixtures in single-user restrooms may be counted as either men's or women's, and recently approved changes to the International Plumbing Code ensure that such rooms need not be identified for use by a single sex/gender. While not binding, the University's Design Criteria/Facility Standards Manual calls for at least one ADA-compliant, single-user restroom in all new construction or major renovation projects. These rooms are also not designated for use by individuals of a particular sex/gender.

The costs associated with creating or renovating restrooms vary widely, and depend almost entirely on local conditions and existing infrastructure. For example, Stamp Student Union recently converted two multi-user, gender-specific restrooms into multi-user gender-inclusive restrooms at a cost of approximately \$6,000, a process that involved installing privacy strips and taller dividers/doors. Changes that involve moving plumbing or other utilities, however, are substantially more expensive. Units can fund renovations themselves. They can also submit requests to the Facilities Advisory Committee, which are then considered by the Facilities Council. Cost sharing arrangements between units and either the Facilities Council or the Provost's Office are common.

Peer Institution Policies and Practices

The committee reviewed research on policies and practices at peer institutions, as well as institutions on the Campus Pride Index of LGBTQ-friendly colleges and universities. In addition to identifying a range of terms associated with gender-inclusive facilities, the committee found that a number of peers have taken steps similar to the ones called for in the proposal. Nine have converted existing single-user restrooms to "gender-inclusive," and several have funds established to support re-signing and converting restrooms. Two also have explicit statements acknowledging that the institution will continue to abide by guidance in the 2016 Dear Colleague Letter. Approximately one-third of the top twenty-five institutions listed in the Campus Pride Index have policies or guidance that explicitly give individuals the right to use facilities consistent with their gender identity. The University of California System has the most robust policies regarding "gender-inclusive" facilities. In addition to re-designating all single-user restrooms, all new construction and renovation projects must include at least one "gender-inclusive" restroom on

each floor with restrooms. Extensive renovations to restrooms in buildings without “gender-inclusive” restrooms must add at least one such restroom. The UC System policy also includes provisions for shower and changing room facilities, and mandates signage directing users to the nearest “gender-inclusive” restroom in buildings that lack them.

In spring 2018, the committee determined that a new policy was needed, and spent several meetings discussing its parameters. It drafted a succinct policy that would guarantee individuals the right to use gender-specific and sex-segregated facilities that align with their gender identity or expression. The policy was specifically written to align with the University System of Maryland Policy of Non-Discrimination on the Basis of Sexual Orientation and Gender Identity or Expression (VI-1.05). The committee also developed a series of additional recommendations in response to its findings. In April, the committee shared the proposed new policy and draft recommendations with a range of stakeholders, including the LGBT Equity Center, the Division of Student Affairs (Resident Life, Fraternity & Sorority Life, RecWell, Dining Services, and the Stamp Student Union), the Division of Administration & Finance, Intercollegiate Athletics, and the Office of the Provost. The policy and recommendations were also reviewed by the Office of General Counsel, which had no concerns.

On May 11, 2018, the committee voted unanimously to approve the new policy, Non-Discrimination on the Basis of Gender Identity or Expression in the Use of Gendered Facilities, and accompanying recommendations. The committee’s findings that support its recommendations are addressed below.

COMMITTEE FINDINGS

Terminology

The committee discussed at length what the precise designation for gender-inclusive restrooms should be. As noted, preferred terminology continues to evolve and there is no universally accepted standard. The committee generally agreed that there was some value in removing references to sex or gender entirely and simply focusing on what was in a room, rather than who was permitted to use it. The committee considered “universal restroom,” which is used by some peers, though this option was rejected because it could inaccurately imply such restrooms are ADA compliant. The committee also considered simply designating them “restroom,” though members thought this could be too confusing. Given the relabeled single-user restrooms will, for the foreseeable future, continue to exist alongside their gender-specific counterparts, the committee felt some reference to gender was necessary. Additionally, members wanted to support individuals on campus who do not feel safe using gender-specific restrooms, and sought a term that would help clearly identify these rooms as safe for transgender and gender-nonconforming individuals. After consulting with content-area experts in the LGBT Equity Center and UMD Pride Alliance (an umbrella organization for a range of student groups), the committee settled on “all-gender,” which was consistently preferred over “gender-neutral” or “gender-inclusive.” “All-gender” encompasses a range of identities and expressions while still acknowledging the concept of gender. The committee strongly felt that the accompanying icons/symbols, however, should avoid invoking gender, and recommended that signs simply include the term “all-gender restroom” and a toilet icon (as well as the standard ADA-compliant and/or changing table symbols, as appropriate).

Capacity

To address concerns over the number of gender-inclusive restrooms, the committee decided to recommend that, whenever possible, all existing single-user restrooms be re-designated as “all-gender.” The committee also considered standards that should apply to future new construction and major renovation projects. It decided to strengthen the guidance in the current Design

Criteria/Facility Standards Manual by recommending that all new construction or major renovation project include at least one “all-gender” restroom. The committee was sensitive to the costs associated with constructing and renovating restroom facilities, and notes that there is an approximately \$1 billion backlog in facilities renewal projects. Yet the committee found value in continuing to expand the number of “all-gender” restrooms, both to meet the needs of the population primarily addressed in the proposal and to help accommodate fluctuation in demand for gender-specific facilities. Given this, the committee proposed a series of additional measures the University should consider in its recommendations.

Communication

In its work, the committee noted two areas where communication with both the campus community and specific stakeholders could be strengthened. The first of these involves a need for enhancing resources for locating restrooms. The committee agreed that signage should be modified and expanded to help users determine the location of “all-gender” restrooms. The committee also agreed that the University should consult content area experts and stakeholders when implementing recommendations, and report back to the EDI Committee on implementation progress at a future date.

Additional Review

Through its work, the committee also identified a need to update the University’s Policy on Inclusive Language (VI-1.00[C]), which was last revised in 1991. The policy’s language and the categories of difference it references are out of date. The policy could also be expanded to ensure more inclusive communication in a range of formats, including iconography on signs for “all-gender” and gender-specific facilities. Finally, previous EDI Committee work on the University’s treatment of personal identity information should be addressed in the policy, particularly the use of sex/gender markers, gendered honorifics, and personal pronouns. Given these revisions exceed the scope of the present charge, the committee agreed that it should be formally charged with a comprehensive review of the Policy on Inclusive Language.

RECOMMENDATIONS

In order to create a safer and more inclusive campus environment for people of all gender identities, gender expressions, and personal appearances, the EDI Committee recommends that the Senate approve the Policy of Non-Discrimination on the Basis of Gender Identity or Expression in the Use of Gendered Facilities, as shown immediately following this report. In addition, the committee makes the following recommendations:

1. The University should replace signage on existing single-user restrooms, as feasible and in accordance with relevant building codes, to designate them as “all-gender” restrooms within two years. This signage should include non-gendered pictograms and should indicate whether the room is ADA-compliant and if it has a changing table. Suggested design elements are included in Appendix 2.
2. The University should include at least one all-gender restroom in any new construction or major renovation of a building that includes restrooms.
3. Administrative unit heads responsible for any renovations or conversions of University-owned buildings that designate all-gender restrooms should promptly notify Facilities Planning, which will update the Campus Web Map.

4. The University should ensure that individuals can easily identify the locations of all-gender restrooms in each building that contains them.
5. The University should engage content area experts and relevant stakeholders in the implementation of these recommendations.
6. The University should report to the EDI Committee on the implementation of these recommendations in fall 2019.
7. The University should consider ensuring at least one all-gender restroom is available in every building that currently contains gendered restrooms.
8. The University should consider basing the number of all-gender restrooms included in new construction and major renovations on the anticipated building occupancy/use.
9. The University should consider creating or modifying wayfinding signs at major entrances to each building to indicate the location of all-gender restrooms.
10. The University should consider creative solutions to increase the number of all-gender restrooms, including converting or modifying existing multi-user, single-gender restrooms into multi-user, all-gender restrooms.
11. When evaluating less-extensive renovations, the University should consider prioritizing projects that include the creation/conversion of an all-gender restroom.
12. The University should consider expanding the number of all-gender restrooms in future facilities planning.

In addition, the EDI Committee recommends that the Senate Executive Committee charge the EDI Committee with a comprehensive review of the University of Maryland Policy on Inclusive Language (VI-1.00[C]). This review should ensure that the policy accords with the University's principles on diversity and inclusion, as well as existing policies and practices.

APPENDICES

Appendix 1 — Inventory of Single-User Restrooms

Appendix 2 — Possible Design Elements for All-Gender Restroom Signage

Appendix 3 — Senate Executive Committee Charge on Gender Inclusive Facilities (Senate Document #16-17-32)

UMCP Policy of Non-Discrimination on the Basis of Gender Identity or Expression in the Use of Gendered Facilities

I. Purpose

This policy affirms the University of Maryland's commitment to creating and sustaining an inclusive campus environment that is safe and accessible for all individuals. The University values all members of its community and is committed to protecting them from discrimination and harassment based on gender identity or expression. With that in mind, the University of Maryland establishes the following policy on the use of gendered facilities.

II. Definitions

"Gender identity or expression" is defined as a person's actual or perceived gender identity, self-image, appearance, behavior, or expression, regardless of whether that identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the person's gender at birth.

"Gendered facilities" are spaces designated for use by individuals of a particular gender, and include restrooms, locker rooms, and changing rooms.

III. Prohibition Against Discrimination Based on Gender Identity or Expression

It is the policy of the University of Maryland that individuals have the right to use gendered facilities consistent with their gender identities. The University shall neither require identification nor use personal identity information stored in University records to grant or deny access to any such facility. Discrimination against individuals on the basis of gender identity or expression in the use of gendered facilities is prohibited.

IV. Complaint Procedures

Violations of this policy should be reported using the procedures outlined in the University of Maryland Non-Discrimination Policy & Procedures.