

POLK STATE COLLEGE PROCEDURE

Procedure Number	Procedure Title	Effective Date
7014	Restrooms and Changing Facilities	March 27, 2024

Statement:

I. Purpose

This procedure was created to comply with *Florida Statutes* Section 553.865, *The Safety in Private Spaces Act*, and provides guidance for the use of sex-specific restroom and changing facilities when a unisex (i.e., gender-neutral) facility is unavailable. This procedure also outlines disciplinary procedures and possible sanctions if an individual does not comply with the state statute.

II. Definitions

The terms used in this procedure are defined in *Florida Statutes* Section 553.865 and include but are not limited to:

- A. "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.
- B. "Female" means a person belonging, at birth, to the biological sex which has the specific reproductive role of producing eggs.
- C. "Male" means a person belonging, at birth, to the biological sex which has the specific reproductive role of producing sperm.
- D. "Restroom" means a room that includes one or more water closets. This term does not include a unisex restroom.
- E. "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.
- F. "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 by 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.
- G. "Unisex restroom" means a room that includes one or more water closets and that is intended for a single occupant or a family, is enclosed by floor-to-ceiling walls, and is accessed by a full door with a secure lock that prevents another individual from entering while the room is in use.

III. General

- A. Florida law requires that each Florida public college provide restrooms and changing facilities that are designated exclusively for male or female use, as well as unisex

restrooms designed for a single occupant or family. Polk State College provides both male- and female-designated restrooms and changing facilities, as well as a limited number of unisex restrooms, in accordance with the law.

If a unisex facility is unavailable, individual is required by law to use a sex-specific facility that aligns with the individual's sex at birth. A person may enter a restroom or changing facility designated for the opposite sex under the following circumstances as outlined in Florida law:

1. To assist or chaperone a child under the age of 12, an elderly person, a person with a physical disability, or a person with a developmental disability.
 2. For law enforcement or governmental regulatory purposes.
 3. For rendering emergency medical assistance or to intervene in any other emergency where health or safety is at risk.
 4. For custodial, maintenance, or inspection purposes (i.e., provided the restroom or changing room is not in use).
 5. When the individual's appropriate sex-designated restroom is out of order or under repair (i.e., provided the restroom or changing room is not in use by anyone of the opposite sex).
- B. Section III.A of this document does not apply to individuals born with a medically verifiable genetic disorder of sexual development who is under treatment by a physician as specified in *Florida Statutes* Section 553.865.
- C. Polk State College publishes a list of locations for unisex restroom facilities on its website.
- D. Any person, other than a student or employee, who improperly enters a restroom or changing facility designated for the opposite sex and who refuses to depart when asked to do so by a member of administration, faculty, security, or law enforcement is in violation of this procedure and the law and is trespassing.
- E. A student, employee, security officer, or law enforcement officer has the right to file a complaint with the Florida Attorney General with regard to any alleged failure by the College to meet the minimum requirements for restrooms and changing facilities (i.e., as outlined in the law).

IV. Student Violations

Any student (i.e., who is not excluded by law) who willfully enters a restroom or changing facility designated for the opposite sex (except under the circumstances permitted in Section III.A) and refuses to depart when asked to do so by any administrative, faculty, security, or law enforcement personnel, is in violation of this procedure and the law, and is subject to disciplinary procedures and possible sanctions as outlined in Polk State College Procedure 5028: *Student Code of Conduct: Sanctions and Assignment of Penalties for Violations*.

V. Employee Violations

Any member of the College's personnel (i.e., who is not excluded by law) who willfully enters a restroom or changing facility designated for the opposite sex (i.e., except under the circumstances permitted in Section III. A) and refuses to depart when asked to do so by any

administrative, faculty, security, or law enforcement personnel, is subject to disciplinary action. Disciplinary actions for an employee are outlined below:

- A. Each complaint regarding violations is investigated according to Polk State College Procedure 6085: *Investigations*.
- B. Disciplinary actions may utilize a progressive discipline process that includes verbal warning, written reprimand, suspension without pay, and termination.
- C. The disciplinary action taken should be based on the specific circumstances of the offense; however, a second documented offense must result in a termination.
- D. Any violation must be documented via an incident report completed by the Office of Public Safety and Security.
- E. Documentation of each violation must be retained according to the College’s records-retention policies, and must include the name of the offender, the person who asked the offender to leave the restroom, and the circumstances of the event to a degree that is sufficient to establish that a violation has occurred.
- F. Nothing in this section prohibits the College from immediately terminating an employee for a violation.
- G. A Florida Department of Education certificate-holder who violates any provision of the legislation associated with this procedure may face discipline relating to his or her certification.

Specific Authority:

State Statute: s. 553.865, F.S.

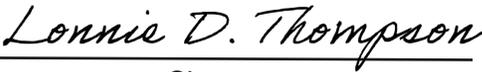
SBE Rule:

Related Rule(s):

Related Procedure(s): 5028 and 6085

Related Documents:

Date of Last Review:

 _____ Signature Lonnie D. Thompson _____ Name	 _____ Signature Dr. Angela M. Garcia Falconetti _____ Name	3/27/2024
Chief of Institutional Compliance	President	Date