

PENSACOLA STATE COLLEGE
POLICIES OF THE DISTRICT BOARD OF TRUSTEES

Policy Title:	Restroom and Changing Facility Use Based on Biological Sex at Birth	<u>Number</u> 6Hx20-6.006
Legal Authority:	s. 553.865, Fla. Stat	<u>Page</u>
Law Implemented:	s. 553.865, Fla. Stat.; Rule 6A-14.00612, F.A.C.	Page 1 of 2

- I. All restrooms and changing facilities at Pensacola State College are designated for exclusive use by males or females and shall be limited to individuals based on their biological sex at birth as required by s. 553.865, Fla. Stat., and Rule 6A-14.00612, F.A.C., with the exception of single use restrooms and restrooms specifically designated by signage as unisex. Single use and unisex restrooms may be used by individuals of either sex.

- II. For purposes of this policy, 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 as defined in s. 825.101, or a person with a disability as defined in s. 760.22 or a developmental disability as defined in s. 393.063;
 - B. For law enforcement or governmental regulatory purposes;
 - 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; or
 - 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.

- III. STUDENTS. Any student who willfully enters, for a purpose other than those listed in subsection II, a restroom or changing facility designated for the opposite sex on College premises and refuses to depart when asked to do so by any administrative personnel, faculty member, security personnel, or law enforcement personnel shall be subject to disciplinary proceedings under the Student Code of Conduct. Charges may be brought against the student for Failure to Comply and Unauthorized Entry or Use as proscribed by the Student Code of Conduct. The infraction will be investigated and action taken under the due process provisions for student misconduct pursuant to the Student Rights section of the Student Handbook. Investigations, formal hearings, and sanctions imposed will be in compliance with existing provisions and procedures in the Student Handbook.

- IV. EMPLOYEES. Any instructional personnel or administrative personnel who willfully enters, for a purpose other than those listed in subsection II, a restroom or changing facility designated for the opposite sex on College premises and refuse to depart when asked to do so by any administrative personnel, faculty member, security personnel, or law enforcement personnel, shall be subject to disciplinary actions. Disciplinary actions for a first offense may include verbal warnings, written reprimands, suspension without pay or termination of employment based on

the circumstances of the event. Pursuant to Rule 6A-14.00612, F.A.C., disciplinary action for a second offense must result in termination of employment.

- V. OTHER INDIVIDUALS. Any person, who is not a student or administrative or instructional personnel of the College, who willfully enters, for a purpose other than those listed in subsection II, a restroom or changing facility designated for the opposite sex on College premises and refuses to depart when asked to do so by any administrative personnel, faculty member, security personnel, or law enforcement personnel, commits the offense of trespass as provided in s. 810.08, Fla. Stat.
- VI. INVESTIGATIONS. Any alleged violation of this policy by a student shall be reported to the Office of Student Conduct which shall commence an investigation of the allegations in the same manner as any other report of student misconduct. Any alleged violation of this policy by any College instructional personnel or administrative personnel shall be reported to the Office of Institutional Equity and Student Conduct which shall commence an investigation of the allegations in the same manner as a report of discriminatory misconduct by an employee.
- VII. RECORD RETENTION. Violations of this policy, or the requirements of s. 553.865(9)(c), Fla. Stat., shall be documented by the Office of Institutional Equity and Student Conduct, and retained according to the College’s record retention policies. Such documentation shall at a minimum include the name of the offender, the name of the person who asked the offender to leave the restroom or changing facility, and the circumstances of the event sufficient to establish a violation.
- VIII. NOTICE OF RIGHTS. The College’s student and employee handbooks and code of student conduct shall provide notice to students, administrative personnel, faculty members, security personnel, and law enforcement personnel of the right to file a complaint with the Florida Attorney General alleging that the educational institution has failed to meet the minimum requirements for restrooms and changing facilities under s. 553.865(4) and (5), F.S.
- IX. EXCEPTIONS. This policy does not apply to an individual who is or has been under treatment by a physician who performs procedures upon or provides therapies to a minor born with a medically verifiable genetic disorder of sexual development, who, in the physician’s good faith clinical judgment, has any of the following conditions:
 - A. External biological sex characteristics that are unresolvably ambiguous.
 - B. 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.

History:	Adopted 2/20/2024
President’s Signature:	 Date: 2/20/2024