

# FLORIDA NATIONAL UNIVERSITY

## Florida Safety in Private Spaces Act – Restroom Use Policy

Florida National University adopts this policy as required by the Florida “*Safety in Private Spaces Act*,” Section 553.865, Fla. Stat. This policy is a supplement to FNU's Student Handbook and Staff Handbook and the respective student and employee disciplinary procedures and codes of conduct.

In accordance with the *Safety in Private Spaces Act*, students, employees and other persons are not permitted to enter a restroom or changing facility (including a dressing room, fitting room, locker room, changing room, or shower room) designated for the opposite biological sex (which does not include a unisex restroom or changing facility) unless:

- Entering to accompany a person of the opposite sex for the purpose of assisting or chaperoning a child under the age of 12, a person 60 years or older, or a person with a disability (defined as a physical or mental impairment sufficient to restrict the normal activities of daily living, or a developmental disability listed in Fla. Stat. § 393.063(11));
- For law enforcement or government regulatory purposes;
- Rendering emergency medical assistance or intervening in any other emergency situation where the health or safety of another person is at risk;
- For custodial, maintenance, or inspection purposes as long as the facility is not in use; or
- If the appropriately designated facility is out of order and the facility designated for the opposite sex contains no person of the opposite sex.

As required by the *Safety in Private Spaces Act*, “biological sex” means the sex to which a person belonged at birth.

Florida National University employees who willfully enter a facility of the opposite sex, are asked to leave by any administrative personnel, faculty member, security personnel or law enforcement personnel, and refuse to do so may be removed and may be subject to the disciplinary procedures listed in the FNU Staff Handbook and/or Faculty Handbook. Any administrative or instructional personnel in violation of this policy commit a violation of the Principles of Professional Conduct for the Education Profession and are subject to discipline under Fla. Stat. § 1012.795.

Florida National University students who willfully enter a facility of the opposite sex, are asked to leave by any administrative personnel, faculty member, security personnel or law enforcement personnel, and refuse to do so may be subject to disciplinary action at the discretion of the University in accordance with the procedures established in the University Catalog or other appropriate publications, and, without limitation, may be required to or request to appear before the Honor Court.

Any other person who improperly enters a facility of the opposite sex, is asked to leave by administrative, instructional, security or law enforcement personnel, and refuses to do so may, as appropriate, be removed from University grounds by institutional or law enforcement personnel, referred to law enforcement, or prohibited from returning to University grounds.

Notice is hereby provided to students, administrative personnel, instructional personnel, security personnel and law enforcement personnel of the right to file a complaint with the Florida Attorney General alleging the institution has failed to meet the minimum requirements for restrooms and changing facilities under Fla. Stat. §§ 553.865(4) and (5).

This policy does 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 the conditions specified in Fla. Stat. § 553.865(15).