Restroom/Bathroom Policies and Practices
University Bathroom and Restroom Committee

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Key Terms

**Gender Identity:** An individual’s internal sense of their gender, which may be different from or the same as the person’s sex assigned at birth.

**Sex Assignment at Birth:** Sex designation given at birth based on one’s biology. Someone who medically transitions would have a “legal sex” different from their sex assigned at birth.

**Trans or Transgender People:** Umbrella terms for individuals whose gender identity and/or expression is different from the sex assigned to them at birth.

LGBTQIA+ Terminology Handout: [www.umass.edu/stonewall/workshops](http://www.umass.edu/stonewall/workshops)
Key Terms

► **Trans Women:** Individuals who identify as female but were assigned male at birth.

► **Trans Men:** Individuals who identify as male but were assigned female at birth.

► **Gender Transition:** The social and medical process that some trans individuals undertake to have their gender presentation match their gender identity. Trans individuals may undergo gender transition at any stage of their lives, and gender transition can happen swiftly or over a longer period of time.

- They may undergo medical procedures, such as hormone treatment and surgeries.
- They may start dressing in differently gendered ways.
- They may change their first name and pronouns.
- Some trans individuals, particularly non-binary individuals, transition socially but not medically.
Key Terms

► **Non-Binary People**: Individuals who do not fit into traditional “male” and “female” gender categories, such as agender, bigender, gender fluid, and genderqueer individuals.

► **Gender-Nonconforming People**: Individuals who do not adhere to the traditional gender expectations for appearance and behavior of people of their assigned gender. Some identify as transgender, but others do not.

► **Cis or Cisgender People**: Individuals who identify with the sex that was assigned to them at birth (i.e., people who are not transgender).
Key Terms

► **Bathroom:** A facility that is used for bathing—it includes a shower or a tub and may have a toilet(s) and sink(s).

► **Restroom:** A facility that includes at least one toilet and sink, but no bathing fixture.

► **Gendered Restroom:** A restroom labeled “men” or “women.”

► **Gender-Inclusive** or **All-Gender Restroom/Bathroom:**
  - A restroom/bathroom open to people of all genders
  - At UMass Amherst, these are single-user, lockable facilities
  - We use “gender-inclusive restroom” and not “gender-neutral restroom” because we are trying to expand gender options and not neutralize or ignore gender.
UMass Amherst Values

From the UMass Diversity Matters website (www.umass.edu/diversity/about/our-values):

“UMass Amherst has a long-standing commitment to social progress and social justice. We value diversity and equity and strive for inclusive excellence in our classrooms, research labs, dorms, and beyond. All campus community members seek to uphold the following values of diversity, equity, and inclusion:

- The University of Massachusetts Amherst, as a public land-grant institution, has a responsibility to provide access and opportunities for all people while demonstrating a commitment to inclusion of historically underrepresented groups.

- Institutions of higher education are entrusted with significant resources and commensurably significant responsibilities. UMass Amherst affirms its responsibility by creating and ensuring a respectful, safe, and inclusive campus for all members of the community.
UMass Amherst
Nondiscrimination Policy

“The University of Massachusetts Amherst prohibits discrimination on the basis of race, color, religion, creed, sex, age, marital status, national origin, mental or physical disability, political belief or affiliation, veteran status, sexual orientation, gender identity and expression, genetic information and any other class of individuals protected from discrimination under state or federal law in any aspect of the access to, admission, or treatment of students in its programs and activities, or in employment and application for employment. Furthermore, University policy includes prohibitions of harassment of students and employees, i.e., racial harassment, sexual harassment, and retaliation for filing complaints of discrimination.”

(from http://www.umass.edu/eod/aapolicy.html)
On October 1, 2016, An Act Relative to Transgender Anti-Discrimination took effect in Massachusetts, which extends protections against discrimination for gender identity/expression to any place of public accommodation, and allows trans individuals to use the public restrooms and locker rooms that match their gender identity. Trans people were already covered under Massachusetts law when it comes to employment, housing, and hate crimes.

Eighteen other states and the District of Columbia, as well as more than 200 cities and counties, already ban discrimination based on gender identity and expression in public accommodation.
Federal Guidelines

Title IX of the Educational Amendments of 1972

- Under Title IX, “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any education program or activity receiving Federal financial assistance …”

- On May 13, 2016, the Department of Education (DOE) and the Department of Justice (DOJ) issued guidance on the interpretation of Title IX requirements.

  - The DOE/DOJ treats an individual’s gender identity as the individual’s sex for the purposes of Title IX.

  - The DOE/DOJ interprets Title IX to require that “a school must not treat transgender students differently from the way it treats other students of the same gender identity.”

  - With regard to restrooms and locker rooms, the DOE/DOJ’s interpretation requires that a school “must allow transgender students access to such facilities consistent with their gender identity” and that “[a] school may not require transgender students to use facilities inconsistent with their gender identity or to use individual-user facilities when other students are not required to do so.”
Schools/colleges must treat students in accordance with their gender identity, regardless of:

- their sex assignment
- Their gender presentation
- how legal documents identify their gender
- whether they have seen a therapist or had a psychological diagnosis
- whether they have begun to medically transition
- objections from other students, parents, or community members.

“The responsibility for determining an individual’s gender identity rests with the individual.” (Arcadia School District Agreement, 2013)
Massachusetts Plumbing Codes

- The Uniform State Plumbing Code establishes the minimum number of “men’s” and “women’s” toilet fixtures required for all state buildings, which includes all UMass Amherst buildings.

- In public buildings, where there is more than one set of fixtures in a bathroom (more than one toilet or more than one shower), the Plumbing Code requires that the room be labeled as either a “women’s” or “men’s” bathroom.

- A variance may be requested from the State Board of Examiners of Plumbers and Gas Fitters to designate single-user facilities as gender-inclusive.
“The University of Massachusetts, Amherst strives to create and sustain a campus environment that supports and values all members of our community. One aspect of creating a supportive environment is providing safe, accessible, and convenient restroom and bathroom facilities. Students, staff, faculty, and campus guests should use the restroom/bathroom facilities that correspond to their sex or gender identity, or may utilize gender-inclusive facilities that are labeled ‘restroom.’” (2014)
“Employees of a place of public accommodation should not assume an individual’s gender identity solely by appearance.”

“Misuse of sex-segregated facilities is exceedingly rare. As a general matter, employees of a place of public accommodation should presume that an individual is using the correct facility (the one most consistent with their gender identity), if the person is not engaged in any improper or unlawful conduct.”

“Inquiry into a person’s gender identity is generally not necessary. However, if a place of public accommodation has a legitimate concern about whether a person is using the appropriate facility, an employee may attempt to resolve the issue through a private and discrete conversation with that person. . . In most cases, if the person confirms that they are using the facility most consistent with their gender identity, that should be the end of the inquiry . . .”
If you have been discriminated against in a gendered facility because of your gender identity or expression, you are encouraged to report the incident.

- **If you are a student:** you are encouraged to contact the Dean of Students Office at 413-545-2684 or the University of Massachusetts Police Department (UMPD) at 413-545-3111.

- **If you are a faculty or staff member:** you are encouraged to contact your supervisor, the Office of Equal Opportunity and Diversity (EO&D) at 413-545-3464, or the University of Massachusetts Police Department (UMPD) at 413-545-3111.
Gender-Inclusive Facilities

► Individuals who do not identify as female or male need to have access to gender-inclusive restrooms/bathrooms, which requires the University to provide these facilities.

► But these facilities are NOT just for trans students, faculty, and staff.

- Gender-inclusive facilities are open to and benefit all campus community members.

- These individuals include, but are not limited to, a male parent with a young female child and vice-versa; people who have disabilities, people who are temporarily injured, and anyone who requires a personal care assistant and that individual is of a gender different from them; and anyone who feels more comfortable in a private restroom/bathroom space.
Gender-Inclusive Facilities

► Creating New Facilities:
  ▪ Since 2009, gender-inclusive restrooms/bathrooms have been included in all newly constructed or significantly renovated academic and administrative buildings and residence halls as a matter of policy.

► Relabeling Existing Facilities:
  ▪ Relabeling almost all single-user “men’s” and “women’s” facilities with gender-inclusive signage
  ▪ Standardizing the signage on residence hall bathrooms and on restrooms in academic buildings
Current Signage for Gender-Inclusive Restrooms
New Signage for Gender-Inclusive Restrooms

- All signs will just say “restroom” and, where appropriate, have the wheelchair access symbol, along with an L/R for the transfer side from a wheelchair.

- These restrooms will have a single toilet and sink and a door lock.
Gender-Inclusive Restroom Map

► When completed, we will have:
  ▪ More than 150 gender-inclusive restrooms in academic buildings
  ▪ 122 gender-inclusive restrooms on the first floors of residence halls
  ▪ 19 gender-inclusive bathrooms on residence hall floors
Resources for Finding Gender-Inclusive Facilities

► Living at UMass App
   • Also available at go.umass.edu/map

► Stonewall Center
   • List of gender-inclusive restrooms (which will be updated as signs are updated): www.umass.edu/stonewall/restrooms
   • The Stonewall Center’s website also includes this PowerPoint and other restroom resources on its front page:
Education

Done So Far

- Everyone in Residential Life
- All campus custodians and plumbers
- All of UMPD
- Admissions and tour guides
- Human Resources
- Dean’s Council
- CLC
- Athletics staff and coaches
- SGA
- Center for Health Promotion
- Dean of Students Office
- Psychological Services Center
- SBS, HFA, and CNS department faculty

Scheduled

- College of Information & Computer Science faculty
- Library staff
- Rec Center staff
- Mullins Center staff
- Building Coordinators
- All Dining staff
- New Student Orientation
- Career Services

- Student Activities and Involvement
Further Questions

► Contact the Committee:

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