

From: [Campus Climate Proposal form](#)
To: [Libby Peterek](#); [Carrie Olson](#)
Subject: New submission from Campus Climate Proposals
Date: Thursday, April 21, 2016 6:47:55 PM

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Group name (if applicable):

UW-Madison Libraries & LGBT Campus Center

What is your affiliation with UW-Madison? For group submissions, please respond for main contact.

- Academic Staff

Describe the concept. If already in use here or elsewhere, please indicate this.

We propose a campus-wide policy that allows individuals to use the restroom in which they feel most comfortable.

The LGBT Campus Center has researched appropriate wording for this model based on Regent policy, OSHA policy & best practices, and model Transgender Employment policy.

Here is the recommended policy we propose:

Subject: Restroom use

Policy

Individuals have the right to use facilities consistent with their gender identity without being harassed or questioned, regardless of gender expression or sex assigned at birth.

Whenever practical, a single-occupancy, ADA-compliant restroom will be provided, which all individuals may utilize. No individual, however, shall be required to use such a restroom. All single-occupancy facilities should have gender-neutral signage (for example, by replacing signs that indicate 'men' and 'women' with signs that say 'restroom').

Policy purpose

Restricting individuals to using only restrooms that are not consistent with their gender identity, or segregating them from others by requiring them to use gender-neutral or other specific restrooms, singles those users out and may make them fear for their physical safety. Restroom restrictions can result in individuals avoiding using restrooms entirely while at work, which can lead to potentially serious physical injury or illness. (OSHA Best Practices)

Inclusive restroom use policy at UW-Madison helps address campus climate issues experienced by transgender and non-binary members of the campus community by allowing facility access congruent with gender identity

For users uncomfortable with sharing multi-stall restrooms, single-occupancy restrooms as described above are available whenever practical.

Policy scope

This policy applies to all faculty, academic staff, university staff, and guests of the University of Wisconsin-Madison.

Policy background

The Equal Employment Opportunity Commission (EEOC), the Department of Justice (DOJ), the Department of Labor (DOL), and several other federal agencies, following several court rulings, have interpreted prohibitions on sex discrimination, including those contained in Title VII of the Civil Rights Act of 1964, to prohibit employment

discrimination based on gender identity or transgender status.

In April 2015, the DOL's Office of Federal Contract Compliance Programs (OFCCP) announced it would require federal contractors subject to Executive Order 11246, as amended, which prohibits discrimination based on both sex and gender identity, to allow transgender employees to use the restrooms and other facilities consistent with their gender identity.

Also in April 2015, the EEOC ruled that a transgender employee cannot be denied access to the common restrooms used by other employees of the same gender identity, regardless of whether that employee has had any medical procedure or whether other employees may have negative reactions to allowing the employee to do so. The EEOC held that such a denial of access constituted direct evidence of sex discrimination under Title VII. (OSHA Best Practices)

Policy definitions

- Gender identity: A person's internal, deeply-felt sense of being male, female, or something other or in-between, regardless of the sex they were assigned at birth. Everyone has a gender identity.
- Gender expression: An individual's characteristics and behaviors (such as appearance, dress, mannerisms, speech patterns, and social interactions) that may be perceived as masculine or feminine. (TLC Model Policy)
- Sex assigned at birth: The sex one is labeled at birth, generally by a medical professional, based on external and/or physical sex characteristics.

Related documents

Discrimination, Harassment, and Retaliation: Regent Policy Document 14-6

<https://www.wisconsin.edu/regents/policies/discrimination-harassment-and-retaliation/>

OSHA's Sanitation standard (1910.141)

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9790

OSHA's Best Practices: A Guide to Restroom Access for Transgender Workers

<https://www.osha.gov/Publications/OSHA3795.pdf>

Transgender Law Center: Model Transgender Employment Policy

<http://transgenderlawcenter.org/wp-content/uploads/2013/12/model-workplace-employment-policy-Updated.pdf>

How would this affect cultural change on campus?

Given recent legislation passed in North Carolina and Mississippi, many members of the LGBTQ community feel personally attacked by discrimination being made law. While efforts are being made to address the availability of single-staff or all gender restrooms in new construction on campus, there are many buildings that do not yet have such facilities available. In the meantime (while simultaneously working to address the need for more all-gender restrooms) a policy would send a strong statement that discrimination in use of restrooms is not acceptable at UW-Madison.

This aligns with R.E.E.L. initiative 5:

Impact: Improved communication about diversity through clear and consistent messaging.

Initiative 5: Strategically engage campus and the broader community by establishing and integrating a consistent message about diversity and inclusion throughout all forms of internal and external campus communication.

Measures: Increased campus awareness of the institutional vision and commitment to diversity.

For new ideas, how would you propose piloting this idea to see if it would work? If the idea is already in use at UW-Madison, how would you propose expanding or altering this program for greater impact?

Sample language and training could be provided as a best practice for individual units while we work to move the campus-wide policy through appropriate governance channels. We know that a general diversity statement is also being worked on, but it not likely going to be detailed enough to to address this specific issue.

The UW-Madison Libraries can be an example for a broad approach and will gladly work with campus administration, FP&M, and the LGBT Campus Center on the details for establishing best practices.

What resources would be needed to implement your suggestion?

Time from stakeholders.

If this proposal was developed in partnership with any other organizations, please list them below.

We submit this as a partnership between Libraries and the LGBT Campus Center. We are willing to get the process started, and recognize that other partners will help move this along, particularly from campus administration, governance groups, and FP&M.

Please use this space for any additional information about your proposal that you wish to share:

Why Libraries? We are campus-wide and serve all. Here is a recent story from American Libraries (publication of the American Library Association) about why this is our issue:

<http://americanlibrariesmagazine.org/2015/10/30/libraries-gender-neutral-bathrooms/>

Also, the Association of Research Libraries recently made a statement about the NC and MS legislation that affirms library commitment to diversity.

<http://www.arl.org/news/arl-news/3970-arl-opposes-state-laws-that-limit-civil-rights-and-legal-protections-for-glbtc-individuals>

"As a public good, libraries seek to create and enable an educated and informed citizenry. We therefore oppose any legislation or practice that creates undue hardship for GLBTQ populations and pledge our support to creating inclusive and welcoming environments for all."