

# **INCLUSIVE FACILITIES POLICY AND PROCEDURES FOR ALL BUILDINGS**

**DATE: August 2019**

**AUTHORITY:**

[University of Wisconsin Board of Regents Policy 19-15 \(formerly 99-1\)](#)

[University of Wisconsin Board of Regents Policy 14-6 \(formerly 88-12\)](#)

[UW-Madison Statement of Non-Discrimination](#)

UW-Madison Administration

**INITIATOR:**

Provost and Vice Chancellor for Academic Affairs

Vice Chancellor for Finance & Administration

**RESPONSIBLE PARTY:**

Gender Inclusive Restroom Facilities, Phase II Task Force

Gender and Sexuality Campus Center, Student Affairs

**I. Statement of Purpose:**

This Policy establishes guidelines and procedures related to the creation, adaptation, and implementation of inclusive facilities in pre-existing and newly constructed buildings for the health and safety of all students, faculty, staff, and visitors of the University of Wisconsin-Madison.

The provision of single-stall, gender inclusive restrooms is intended to provide safe alternatives to multi-stall, gender-specific bathrooms, which can be problematic and unsafe for students, faculty, staff, and visitors who may be harassed or discriminated against based on their perceived or actual gender identity, gender expression, sex, sexual orientation, ability status or other identity as well as other factors that make the use of a private, gender inclusive restroom facility preferable for certain individuals.

Individuals who may be impacted by this may include but are not limited to: those accompanied by assistants, caretakers, or dependents; those who identify as transgender, gender nonconforming, or who are variant in their gender expression; those who have physical impairments or other disabilities; and those who use mobility aids. Such individuals' right to accessible and safe use of the multi-stall, gender-specific bathrooms appropriate to their comfort, safety, gender identities, and other status(es) will also be supported and protected by the University of Wisconsin-Madison.

In keeping with the University's policy of nondiscrimination and commitment to inclusion, students, staff, faculty, and visitors have the right to use the restroom or facility most safe and comfortable for them, without being harassed or questioned, regardless of gender expression or sex assigned at birth [see Section V].

## II. Definitions:

- New Construction Building: Any new building construction or major renovation owned, governed, or managed by the State of Wisconsin or the University of Wisconsin Board of Regents on behalf of the University of Wisconsin-Madison that takes place after the effective date of this policy.
- Pre-Existing Building: Any building owned, governed, or managed by the State of Wisconsin or University of Wisconsin Board of Regents on behalf of the University of Wisconsin-Madison that existed prior to the effective date of this policy.
- Gender Inclusive Restroom Facility: A single-occupancy, lockable restroom that can be used by any person(s). If possible, has an infant changing table and is informed by principles of universal design. This type of facility is also known as a “unisex restroom” or “all gender restroom.” Code requires all new and upgraded restrooms to follow ADA accessibility guidelines (ADAAG) and ANSI 117.1. In existing buildings, these may or may not be fully accessible for people with disabilities due to buildings’ physical constraints.
- Universal Design: the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.

## III. Provision Policy

- A. In accordance with this policy, the following guidelines shall be followed, subject to the laws, regulations, guidelines, and policies of those entities having oversight over buildings built and renovated by or on behalf of UW-Madison:
- a. New construction buildings and major renovation projects shall include inclusive facilities early in the design process for those facilities following the updated policies in the FP&M Technical Design Guidelines.
  - b. New construction buildings:
    - i. New construction buildings shall have at least one inclusive restroom facility on the first floor of the building, which shall be the ground or street level.
    - ii. New construction building(s) that have five floors or more will, to the extent reasonably possible, have at least one inclusive restroom facility on every other floor, beginning at the ground/street level. If it is not possible to provide at least one inclusive restroom facility on every other floor, new construction buildings should, to the extent reasonably possible, include an equivalent number of inclusive restroom facilities within the building even if they cannot be located on every other floor.
    - iii. New construction building(s) that have four floors or less will, to the extent reasonably possible, have at least one inclusive restroom facility on every other floor, beginning at the ground/street level.
  - c. Renovation of pre-existing buildings:

- i. Renovation of pre-existing building(s) will, to the extent reasonably possible, provide at least one inclusive restroom facility on the first floor of the building, which shall be on the ground or street level.
  - ii. Renovation of pre-existing building(s) that have five floors or more will, to the extent reasonably possible, have at least one inclusive restroom facility on every other floor, beginning at the ground/street level. If it is not possible to provide at least one inclusive restroom facility on every other floor, renovated buildings should, to the extent reasonably possible, include an equivalent number of inclusive restroom facilities within the building even if they cannot be located on every other floor.
  - iii. Renovation of pre-existing building(s) that have four floors or less will, to the extent reasonably possible, have at least one inclusive restroom facility on every other floor, beginning at the ground/street level.
- d. The placement of signs outside all gender-specific restroom facilities indicating the position of the nearest inclusive restroom should be incorporated into any new construction or renovations of pre-existing buildings.
- e. Inclusive restroom signage, formerly designated as ‘unisex,’ has been designed and will be used consistently throughout university facilities. See VIII for recommended signage.
- f. Locker, changing, and shower facilities will, to the extent reasonably possible, uphold to inclusive facility standards by offering gender inclusive and/or single-stall locker, changing, and shower facilities and should assume universal design standards with regards to restrooms.
  - i. Locker and changing rooms: For new buildings, construct at least one gender inclusive changing room in each location in the building where locker rooms or changing rooms are provided, located within the locker room/changing room facility, so the user need not leave the area to use the changing room. For major renovations, construct at least one gender inclusive private changing room in each location in any building where locker rooms or changing rooms are provided (major renovation is renovation exceeding 50% of replacement cost of the area being renovated) or when the locker room or changing room is renovated.
  - ii. Shower facilities: Construct gender inclusive showers in new buildings in which showers are provided. If the shower or showers are located within a locker room/changing room facility, the gender inclusive shower(s) shall be located so that the user need not leave the area to use the shower. Construct at least one gender inclusive shower in each location in any building where showers are provided when a major renovation occurs (renovation exceeding 50% of replacement cost of the area being renovated) or when the existing showers are renovated. Locate shower within the locker room/changing room facility so that the user need not leave the area to use the shower.

- B. The following guidelines will be used regarding priority order for significant renovations.
  - a. To assure that departmental needs are considered equally regardless of funding capabilities, UW-Madison should consider a centralized funding source to cover costs for remodeling, renovations or other physical change to provide gender inclusive restrooms to assure that departmental needs are considered equally regardless of funding capabilities.
  - b. When a centralized funding source is available, priority order of renovations will take into consideration distance and ADA access to gender inclusive restroom facilities in the area.
  - c. Departmental requests for replacing gender-specific signs on single-occupancy restrooms, or for renovations, should be based on the date of receipt by Campus Renovation Services. This process includes a restroom survey of the building to assure building code required fixture counts are met.
- C. UW-Madison shall work with Facilities Planning and Management to incorporate, to the extent reasonably possible, the standards and/or principles articulated in this policy in any building constructed for the benefit of UW-Madison.

#### **IV. Provision Procedures**

- A. To ensure that this policy is followed and to encourage transparency in the planning of new construction and for renovations of pre-existing building(s), the following procedures will be followed:
  - a. Each year by November 1, the Division of Facilities Planning and Management shall provide to each of the following committees and departments a written report that summarizes all plans, proposals, and decisions made related to new building construction and pre-existing building renovations:
    - i. Campus Planning Committee;
    - ii. Committee for GLBTQ People in the University;
    - iii. Committee on Disability Access and Inclusion;
    - iv. Vice Chancellor for Finance and Administration;
    - v. Provost's Office; and
    - vi. Chancellor's Office.
  - b. The reports described in section IV.A.1 above will include a section that discusses a survey of all pre-existing buildings for identification of non-inclusive, non- ADA-compliant restrooms that can be reasonably converted to inclusive restroom facilities.
- B. The recipients of the reports described in Section IV.A shall have the right and opportunity to review said reports.

## **V. Usage Policy**

- A. In keeping with the University's policy of nondiscrimination and commitment to inclusion, students, staff, faculty, and visitors have the right to use the restroom, locker room, shower, or changing facility most safe and comfortable for them, without being harassed or questioned, regardless of gender expression or sex assigned at birth.
  - a. Whenever practical, an inclusive restroom, locker room, shower, or changing facility will be provided, which all individuals may utilize. No individual, however, shall be required to use such a restroom.
- B. The below notes offer additional support to the usage policy.
  - a. 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)
  - b. Inclusive facility 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.
  - c. For any users uncomfortable with sharing multi-stall restrooms, single-occupancy restrooms as described above are available whenever practical.

## **VI. Usage Procedures**

- A. Usage Policy V.A will be upheld via the following.
  - a. UW-Madison students, employees, and visitors should not assume an individual's gender identity.
  - b. UW-Madison should presume that an individual is using the correct facility.
  - c. No person will be compelled to use an inclusive restroom facility regardless of gender identity, gender expression, or sex assigned at birth. Patrons may use the gendered restroom that is safest and most comfortable for them in all UW-Madison facilities.

## **VII. Usage References**

[Discrimination, Harassment, and Retaliation](#): Regent Policy Document 14-6

[OSHA's Sanitation standard](#) (1910.141)

[OSHA's Best Practices: A Guide to Restroom Access for Transgender Workers](#)

[Transgender Law Center: Model Transgender Employment Policy](#)

**VIII. Recommended signage for Gender Inclusive Restroom Facility**

