

**DRAFT Administrative Guideline for Employee Compliance with the Safety in Private Spaces Act (553.865 F.S and 6A-14.00612 F.A.C.)**

Pursuant to F.S. 553.865 and 6A-14.00612 F.A.C., multi-user restroom and changing facilities must be designated as male or female and use of these facilities is required to be restricted based on biological sex at birth. The college has developed this administrative guideline to address expectations for compliance and the associated disciplinary actions for employees who do not comply.

Employees may enter a restroom or changing facility designated for the opposite sex per F.S. 553.865(6a-6e) under the following conditions:

- 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;
- For law enforcement or governmental regulatory purposes;
- 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;
- For custodial, maintenance, or inspection purposes, provided that the restroom or changing facility is not in use; or
- The appropriated designated restroom or changing facility is out of order or under repair and the 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.

Employees of the college are expected to comply with F.S. 553.865 in regard to restrooms and changing facilities that are gender designated. Employees who willfully enter the restroom or changing facility designated for the opposite sex for a purpose other than those noted above and refuse to depart when instructed to do so by designated college employees, that include administrative personnel, faculty members or law enforcement personnel, will be subject to disciplinary action. The standard for progressive disciplinary action includes verbal warnings and counseling sessions, written reprimands, suspension without pay and termination. The disciplinary action taken shall be based on the specific circumstance of the offense; however, a second documented offense will result in termination.

Reports of employee violations should be made to Human Resources who will work in consultation with the area Vice President. Complaints will be investigated promptly and confidentially by the designated Human Resource Officer and a representative designated by the Vice President. Investigative findings will be provided to the President or the President's designee with a recommendation for the appropriate action. Violations will be documented with the name of the offender, the name of the person who asked the offender to leave the restroom and sufficient information regarding the circumstances of the event that established a violation.

Students, administrative personnel, faculty members, security personnel, and law enforcement personnel have the right to file a complaint with the Attorney General alleging that college has failed to meet the minimum requirements for restrooms and changing facilities under s. 553.865(4) and (5), F.S.