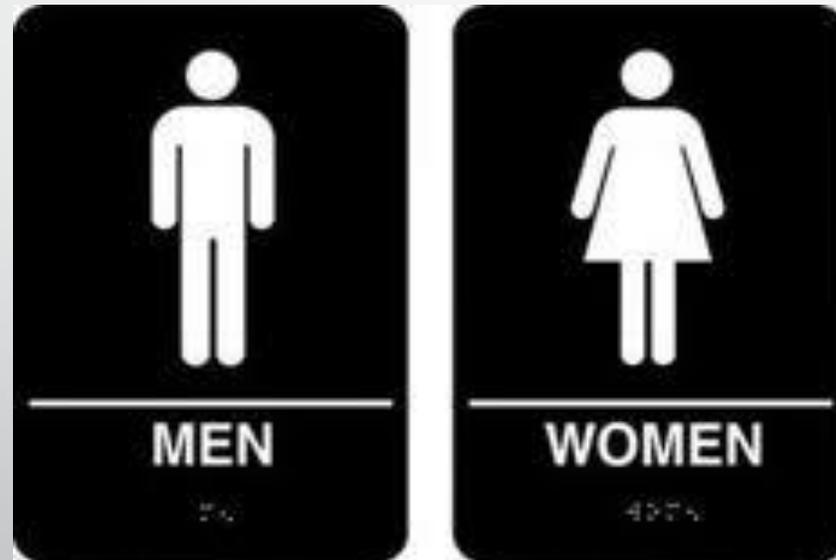


# Gender-Segregated Facilities Training WAC 162-32-060



# Timeline of New Rules Addressing Use of Gender-Segregated Facilities by Transgender Individuals

- 2006 Legislature added sexual orientation as a protected class under RCW 49.60.030(1)(b) and these protections became part of the Washington Law Against Discrimination (WLAD)
- 2012 Human Rights Commission began the rule-making process. During the public comment period, not a single objection or fear was raised about the issue of transgender individuals using the gender segregated facility with which they identify.
- December 26, 2015, WAC 16-32-060 was adopted, requiring that individuals be allowed to use gender-segregated facilities that are consistent with their gender expression or gender identity.

# WAC 162-32-060

## Gender-Segregated Facilities

(1) **Facility use.** All covered entities shall allow individuals the use of gender-segregated facilities, such as restrooms, locker rooms, dressing rooms, and homeless or emergency shelters, that are consistent with that individual's gender expression or gender identity.

In such facilities where undressing in the presence of others occurs, covered entities shall allow access to and use of a facility consistent with that individual's gender expression or gender identity.

(2) **Cannot require use inconsistent with gender expression or gender identity.** A covered entity shall not request or require an individual to use a gender-segregated facility that is inconsistent with that individual's gender expression or gender identity, or request or require an individual to use a separate or gender-neutral facility.

- (a) If another person expresses concern or discomfort about a person who uses a facility that is consistent with the person's gender expression or gender identity, **the person expressing discomfort should be directed to a separate or gender-neutral facility, if available.**
- (b) Any action taken against a person who is using a restroom or other gender-segregated facility, such as removing a person, **should be taken due to that person's actions or behavior while in the facility, and must be unrelated to gender expression or gender identity.** The same standards of conduct and behavior must be consistently applied to all facility users, regardless of gender expression or gender identity.

(3) **Provision of options encouraged.** Whenever feasible, covered entities are encouraged to provide options for privacy, such as single-use gender-neutral bathrooms or private changing areas, that are available to any individual desiring privacy.

[Statutory Authority: RCW [49.60.120](#)(3). WSR 15-24-071, § 162-32-060, filed 11/25/15, effective 12/26/15.]

# Therefore...

- Allow those who identify as the opposite gender to use the facility of the gender they identify with.

# And...

- If a transgender person enters the bathroom of the gender they identify with and another person is uncomfortable with this, the law states that it is up to the person who feels discomfort to find an alternative restroom.

# Some Definitions of Gender Identity

- A person's concept of himself or herself as being male and masculine or female and feminine, or ambivalent, usually based on physical characteristics, parental attitudes and expectations, and psychological and social pressures. It is the private experience of gender role.

*-Free Online Dictionary by Farlex*

- A person's internal sense of being male, female, or something else. Because gender identity is internal, a person's gender identity is not necessarily visible to others.

# Definition of Transgender

- A broad term for people whose gender identity, expression, or behavior is different from those typically associated with their assigned sex at birth. Some people prefer the term "trans," an abbreviation for "transgender."

Please note: "Transgender" is correctly used as an adjective, not a noun. Thus, "transgender people" is appropriate, but "transgendered" is often viewed as disrespectful. "Transsexual" is an older term for people whose gender identity is different from their assigned sex at birth and who seek to transition from male to female or female to male. Many people do not use or prefer the term "transsexual" because of its overly clinical association.

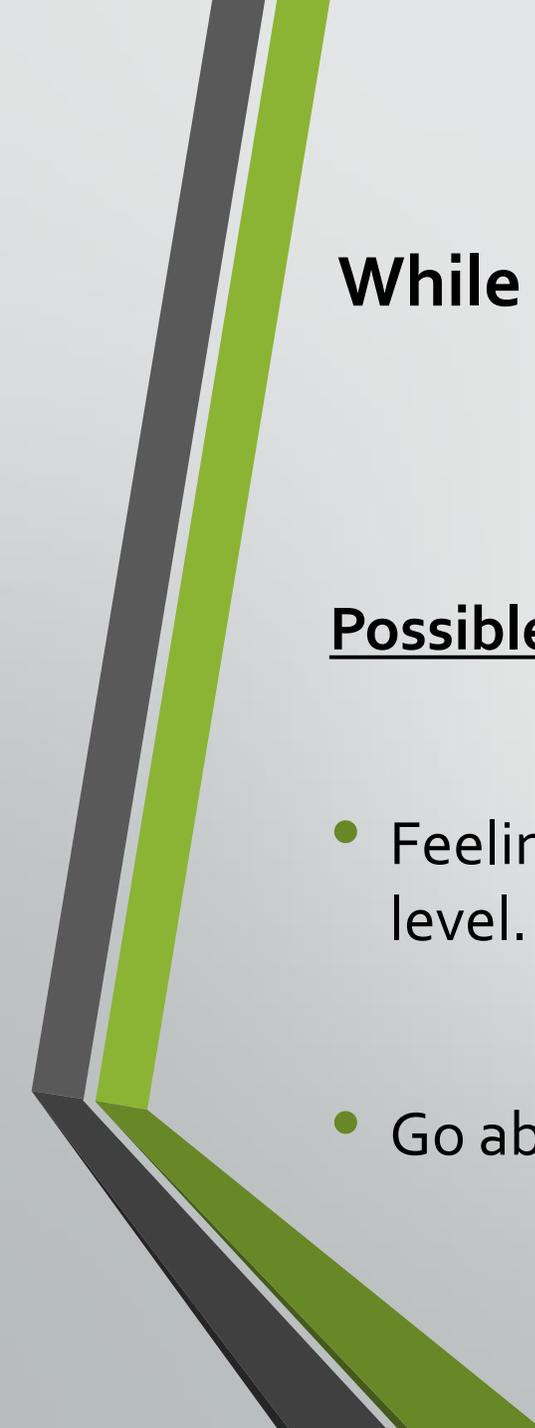
# Can an individual who identifies as a male enter the women's restrooms and locker rooms?

**NO!**

- Only individuals who identify as female may enter a women's bathroom or locker room in a gender-segregated situation. This includes transgender individuals who identify as female.
- Similarly, individuals who identify as female may not enter a men's restroom or locker room. Transgender individuals who identify as male have the right to use the men's facility.
- The rules do not protect criminal behavior.
- The rules do not prohibit asking legitimate questions.
- If someone is uncomfortable or seeks privacy, they may use an alternative facility, if available.

# Scenarios





**While you are using a Men's restroom at City Hall, a transgender male enters the restroom to use the facility.**

**Possible Appropriate Responses:**

- Feeling uncomfortable, you decide to use the men's restroom on the lower level.
- Go about your business and carry on with your day.

**While at City Hall, a woman with a young child approaches you and states, “There is a man in a dress using the women’s restroom, and my daughter needs to use the facilities right away.”**

**Possible Appropriate Responses:**

- Inform the woman that two alternate restrooms are available.
- If the woman asks, “Why do we need to use a different restroom? Why can’t you tell the man to leave the women’s restroom?” An appropriate response would be, “Washington State Law allows people to use a gender-segregated facility consistent with their gender identity. If you would like, I am happy to direct you to an alternate restroom on the main floor. “

**As a Parks employee at Arne Hanna Aquatic Center, you are approached by the mother of a child who takes swimming lessons from you. The mother states, "There is a man in the women's locker room."**

- As you enter the locker room, you see a person who appears to be a man in a woman's bathing suit placing their personal belongings into a locker.

**Possible Appropriate response(s):**

- You approach the person and in a polite and non-confrontational manner, you ask, "Pardon me, do you know this is the women's locker room?"
- If the person responds, "Yes, I do."
- You then ask, "Do you identify yourself as a woman?"
- If the person responds, "Yes, I do."
- Thank the woman for her understanding.



## Follow-up Response with the Mother...

- Let the mother know that you spoke with the person, and they identify as female and are allowed use of the facility that is consistent with their gender identity under Washington State Law.
- If the mother expresses concern or discomfort about the person using the facility, let her know she is welcome to use the family locker room.

**As a Library employee, you are approached by a woman who states a man is in the women's restroom, looking over the top of a stall at two little girls using an adjacent stall.**

**Possible Appropriate Response(s):**

- Upon entering the women's restroom to investigate the situation, you witness the behavior the woman described to you.
- You tell the person to stop and to leave the restroom.
- The person states, "I am a woman, and I have a right to use the women's restroom."
- You assist the girls outside, contact the Police, and ask the girls' mother to wait for the Police to arrive so a report can be filed.
- As the person leaves the restroom, you get a good description to share with the Police.

# Appropriate Responses and Behaviors

- **Lead by example**

- Acknowledge we all have a lot to learn about people who are different from ourselves. We can all work together to **practice tolerance and acceptance by demonstrating courtesy and respect**. The Washington State Human Rights Commission (WSHRC) rules invite us to stand up for equal rights for all of its citizens.

- **Remain non-confrontational**

- **Avoid accusations, expressing judgements and/or personal opinions** regarding any of the parties involved in a situation.

- **Do not take action or attempt to apprehend**

- If a person is acting inappropriate or displaying illegal behaviors, do not pursue this person. Proceed like any other criminal activity you witness: Do not engage, get a good description, **call the Police**.

# Closing Comments

- It is the transgender individual's right to be in the facility of the gender they identify with. If another person is uncomfortable with this, it is up to the person who feels discomfort to find an alternative restroom.
- Only individuals who identify as female may enter a women's restroom or locker room in a gender segregated situation. This includes transgender individuals who identify as female.
- The rules do not protect persons who go into restrooms or locker rooms under false pretenses.
- The rule does not protect behavior that is criminal or inappropriate.