

16.99.99.R0.01 Multiple-Occupancy Private Space Designation and Use

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Next Scheduled Review: December 9, 2030



Procedure Summary

This procedure provides guidance on the designation and use of private spaces based on sex, as defined in Texas Government Code, Title 10, Chapter 3002. The rule applies to all members of the University community, including students, faculty, staff, contractors, and visitors. It governs the use of university-private spaces in buildings owned, operated, or controlled by East Texas A&M University, its branch campuses, and other teaching/research locations.

Procedures and Responsibilities

1 GENERAL

- 1.1 All members of the University community, including faculty, staff, students, contractors, and visitors, are expected only to enter the multiple-occupancy private space corresponding to their sex (both terms as defined below).
- 1.2 All multiple-occupancy private spaces on campus are designated and signed for use by individuals of one sex, either male or female.
- 1.3 Single-occupancy private spaces on campus may be designated and signed for use exclusively by males or females, or in the case of family-designated or unisex restrooms, either males or females.
- 1.4 The University may change the designation of a multiple-or single-occupancy private space with appropriate notice and signage.
- 1.5 An individual may enter a multiple-occupancy private space designated for the exclusive use of individuals of the sex opposite to the individual's sex under the following circumstances:
 - 1.5.1 Providing a custodial purpose;
 - 1.5.2 Performing maintenance or inspection purposes;

- 1.5.3 Providing medical or other emergency assistance, which includes medical assistance provided by athletic trainers, team physicians, or other medical personnel designated by the institution to provide such services;
 - 1.5.4 Assisting an individual who needs assistance using the facility;
 - 1.5.5 Performing law enforcement duties; or
 - 1.5.6 Rendering assistance necessary to prevent a serious threat to order or safety.
- 1.6 A child of nine years of age or younger may enter a multi-occupancy private space designated for the exclusive use of individuals of the sex opposite to the child's sex when accompanied by an individual of the opposite sex who is caring for the child (e.g., the sex of the individual caring for the child must match the sex for which the multi-occupancy private space was designated).

2 ATHLETICS AND RECREATIONAL FACILITIES

- 2.1 Multiple-occupancy private spaces that are part of an athletic and/or recreation facility and are intended for use by athletic or other single-sex teams must be designated for use by the designated sex of the team, male or female, that is scheduled to use the facility for a sporting event or practice.
- 2.2 University Athletics and Campus Recreation staff with responsibility for their respective facilities will ensure that home teams, visiting teams, and game officials are made aware of private-space and sex designations and of this procedure.
- 2.3 A multiple-occupancy private space may be temporarily designated as a non-private space when warranted for coaching, athlete pre- or post-event medical care, media interviews, development, recruiting, or other instances approved by the Athletics Director, Director of Campus Recreation, or their designee, as applicable, in consultation with the Office of University Ethics & Compliance.
 - 2.3.1 In these instances, temporary signage designating the space as non-private must be posted at or near the entrance.

3 PROHIBITIONS

- 3.1 The use of a multiple-occupancy private space by an individual whose sex is opposite to the sex designation of the private space is prohibited, unless the use meets an exception outlined in Section 1.5
- 3.2 Employees who aid or facilitate others in their willful violation of this rule may face disciplinary action.

- 3.3 The use of electronic or other devices to make an audio, video, still frame, or photographic record of any person without their prior knowledge, or without their effective consent when the person or persons being recorded have a reasonable expectation of privacy, and/or such recording is likely to cause injury or distress, is prohibited. Such a recording may constitute a criminal offense under Texas Penal Code § 21.15. *Invasive Visual Recording*.

4 Rental Facilities

When University facilities are rented by departments (through the execution of a Facility Use Agreement or similar instrument) for use by third parties, the department executing the agreement on behalf of the University, including, but not limited to, Sam Rayburn Student Center, Athletics, Rec Sports, or Residential Living & Learning, will include the following language:

- 4.1 (Company/Organization/Licensee, etc.) agrees to abide by Texas Government Code Title 10, Subtitle Z, Chapter 3002, by ensuring guests of (Company/Organization/Licensee, etc.) only enter multiple-occupancy private spaces on the University campus corresponding to the sex of said guests.
- 4.2 To assist with the terminology and definitions, a copy of this procedure should be included with the fully executed Facility Use Agreement or similar instrument.

5 Reporting Violations

- 5.1 Potential violations of this policy should be reported to the Office of University Ethics & Compliance. University employees who are notified in writing of a potential breach of this policy must notify the Office of University Ethics & Compliance within one business day of receiving the notification.
- 5.2 Violations of this rule may result in corrective or disciplinary action as prescribed by system policies and regulations, as well as university rules and procedures.

Related Statutes, Policies, or Requirements

[Texas Government Code Title 10, Subtitle Z, Chapter 3002](#)

Definitions

Female: An individual who naturally has or will have or had or would have but for a congenital anomaly or an intentional or unintentional disruption, a reproductive system designed to produce, transport, and provide eggs for fertilization.

Male: An individual who naturally has or will have or had or would have but for a congenital anomaly or an intentional or unintentional disruption, a reproductive system designed to produce, transport, and utilize sperm for fertilization.

Multiple-occupancy private space: A facility designed or designated for simultaneous use by more than one individual and in which an individual may be in a state of undress in the presence of another individual, regardless of whether the facility provides curtains or partial walls for privacy. The term includes a restroom, locker room, changing room, or shower room.

Sex: An individual's biological sex, either male or female.

Single-occupancy private space: A facility designed or designated for use by only one individual at a time and in which the individual may be in a state of undress, such as a single toilet restroom.

Contact Office

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