

# EQUAL ACCESS TO SEX-SEGREGATED FACILITIES

Transgender and gender nonconforming individuals face disproportionately high levels of prejudice and discrimination in everyday life. These members of our community deserve the same dignity and respect as everyone else, in every area of life. This includes being afforded the dignity of equal access to public facilities in accordance with the gender they live every day.

Most people take unhindered access to restrooms and other sex-segregated facilities for granted. Unfortunately, this far from reality for many transgender and gender nonconforming people who often face stress and anxiety when accessing sex-segregated spaces like public restrooms. Transgender and gender nonconforming individuals face an increased risk of violence and harassment in everyday life, and this risk is often amplified in sex-segregated spaces.

Some cities and state leaders have made the unjustifiable and discriminatory choice to enact laws that force residents to use facilities that do not align with their gender identity. These laws attempt to solve a problem that does not exist and is a consequence of misinformation and misunderstanding. Moreover, they harm the very residents city leaders are charged with protecting.

When people are prohibited from using the appropriate restroom, they may opt to not utilize the facility at all for fear of the very real possibility that they will be harassed or physically harmed. This in turn can lead to negative health outcomes. Additionally, as noted earlier, when transgender and gender nonconforming individuals are forced into a sex-segregated space that does not align with their gender identity, they are placed at risk of becoming victims of violence. These risks and potential negative health consequences are exacerbated in the case of young people who cannot access facilities that align with the gender they live daily.

## WHAT IS GENDER, GENDER IDENTITY, AND GENDER NONCONFORMING?

**Gender** refers to the characteristics and expectations society associates with being male or female. Gender, however, is not a simple binary of male or female. Rather, gender exists on a broad spectrum.

For some people, their sex assigned at birth differs from their **gender identity**, or their innate sense of self as male, female, a blend of both, or neither. Additionally, some members of the LGBTQ community identify as **gender nonconforming**, meaning they express themselves in ways that do not follow traditional societal expectations of gender.

Making single-user facilities open to everyone regardless of gender **makes sense on every level**. Not only does it provide a safe space for transgender and gender nonconforming residents, but it benefits everyone by reducing line wait times.

## WHAT CAN CITIES DO?

City officials should make the safety and wellbeing of transgender and gender nonconforming residents a top priority. Cities should enact comprehensive nondiscrimination ordinances that expressly cover sexual orientation and gender identity in employment, housing, and public accommodations. These ordinances should be free from any carve-outs that prohibit individuals from using facilities that accord with their gender identity. Further, city leaders should act swiftly to remove carve-outs allowing discrimination in restroom access where they exist.

Municipal officials can also implement administrative policies expressly protecting the right of residents and city employees to access facilities that align with who they are while on city property, accessing city services, and participating in city programs. In addition, city executives should issue rules designating all single-occupancy restrooms on city property as "all-gender." Further, municipal legislators should extend this rule to all residents by passing an ordinance that requires all single-user sex-segregated facilities within city limits to be designated as all-gender.

## ALL-GENDER SINGLE OCCUPANCY FACILITIES

Making single-user facilities open to everyone regardless of gender makes sense on every level. Not only does it provide a safe space for transgender and gender nonconforming residents, but it benefits everyone by reducing line wait times. People will no longer have to wait for an occupied single-user restroom while the bathroom for the gender they don't identify with goes unutilized. Moreover, all-gender restrooms eliminate the problems that people with disabilities or others who have personal attendants of a different gender sometimes run into when accessing gendered restrooms. Lastly, making single-use restrooms open to all makes it easier for parents or guardians with children of a different gender to access a restroom.

## CONCLUSION

The dignitary harm caused by forcing residents to use facilities that do not accord with their gender identity cannot be overstated. What's more, rules or ordinances that mandate or allow for this type of discrimination place already-vulnerable transgender and gender nonconforming people at an even greater risk of harassment, violence, and personal health problems. City leaders should not delay in carrying out their duty to protect the health, safety, and wellbeing of all residents by ensuring that everyone has equal access to sex-segregated facilities.

**Starting in 2018**  
the MEI will reward cities for laws that require all single-occupancy facilities to be designated for use by all genders.

**SEE PAGE 66**