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# Safety in Private Spaces Policy

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## I. PURPOSE

- A. Palmer College of Chiropractic complies with applicable federal, state and local laws and regulations, as well as applicable regulations of its accrediting bodies.
  
- B. On October 18, 2023, the Florida State Board of Education approved new statute 6E-7.001, Florida Administrative Code (F.A.C.), Designation of Restrooms and Changing Facilities in Private Postsecondary Educational Institutions. This new statute implements Section 553.865, F.S., the “Safety in Private Spaces Act” which requires the College to provide restrooms and changing facilities to females and males for their exclusive use to maintain public safety, decency, decorum, and privacy.

Accordingly, Palmer College of Chiropractic Florida complies with the Safety in Private Spaces Act. This Policy establishes and describes the expectations of the Campus Community for compliance.

## II. SCOPE

This Policy applies to the Palmer College of Chiropractic Florida (Florida Campus).

This Policy applies to the entire Florida campus community (Campus Community) including students, employees, patients, vendors and visitors on the Campus premises.

## III. DEFINITIONS

For the purposes of this Policy, the following terms shall have the meanings specified below:

- A. The term “***Campus***” refers to Palmer College Foundation, Inc., d/b/a Palmer College of Chiropractic Florida.
- B. The term “***Campus Community***” refers to any person affiliated with the Florida campus who is a student, faculty member, College official, Security Officer, College employee or member of any other organization or club recognized officially by the College. Members may consist of third Parties including but not limited to clinic patients, vendors, contractors, and others doing business with the College.
- C. The term “***Campus premises***” refers to all land, buildings, facilities and other property in the possession of, owned, used or controlled by the College, including adjacent streets, alleys, sidewalks and parking lots within the parameters.
- D. The term “***College***” refers to Palmer College of Chiropractic, including operations on the Davenport campus; Florida campus; and West campus.
- E. The term “***College Official***” refers to any person employed by the College performing assigned administrative, instructional or other professional responsibilities including but not limited to administrative personnel, faculty member, security personnel, or law enforcement personnel. Such an official includes a person with whom the College has contracted such as a security firm.
- F. The term “***Employee***” is defined as individuals employed by the College including faculty, staff and administrators. (Faculty members who are governed by separate collective bargaining agreements or faculty handbooks are also considered employees for the purpose of this policy).
- G. The term “***Sex***” means the classification of a person as either female or male based on the organization of the body of such person for a specific reproductive role, as indicated by the person’s sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth.
- H. The term “***Female***” means “a person belonging, at birth, to the biological sex which has the specific reproductive role of producing eggs.”

- I. The term “**Male**” means “a person belonging, at birth, to the biological sex which has the specific reproductive role of producing sperm.
- J. The term “**Restroom**” means a room that includes one or more water closets. This term does not include a unisex restroom.
- K. The term “**Unisex restroom**” means a room that includes one or more water closets that is intended for a single-occupant, or a family, and the room is enclosed in floor-to-ceiling walls and accessed by a full door with a secure lock that prevents another individual from entering while the room is in use.
- L. The term “**Changing facility**” means a room in which two or more persons may be in a state of undress in the presence of others, including, but not limited to, a dressing room, fitting room, locker room, changing room, or shower room.
- M. The term “**Unisex changing facility**” means a room intended for a single occupant or a family in which one or more persons may be in a state of undress, including, but not limited to, a dressing room, fitting room, locker room, changing room, or shower room that is enclosed by floor-to-ceiling walls and accessed by a full door with a secure lock that prevents another individual from entering while the changing facility is in use.
- N. The term “**Water closet**” means a toilet or urinal.

## IV. ADMINISTRATIVE RULES

### A. Restrooms and Changing Facilities Maintained by the Campus

The Campus maintains restrooms and changing facilities designated for the exclusive use of “females,” restrooms and changing facilities for the exclusive use of “males,” and unisex restrooms and changing facilities which may be used by any person regardless of sex or gender.

Locations of restrooms and changing facilities may be found on the Campus website at: [Palmer College Florida Campus Map](#).

### B. Use of Designated Restrooms and Changing Facilities

All restrooms and changing facilities designated as “male” or “female” are designated for the exclusive entry and use of males or females only, determined by an individual’s biological sex at birth.

### **C. Limited Exceptions**

Exceptions to the entry of designated restrooms and changing facilities by persons of the opposite sex are limited. They include:

1. To accompany a person of the opposite sex to assist or chaperone a child under 12 years of age, an elderly person, or a person with a physical disability or developmental disability;
2. For law enforcement or governmental regulatory purposes;
3. For rendering emergency medical assistance or intervening in any other emergency situation where the health or safety of another person is at risk;
4. For custodial, maintenance, or inspection purposes, provided that the restroom or changing facility is not in use; or
5. If the appropriate designated 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.

### **D. Use of Non-Designated Restrooms and Changing Facilities**

Any person regardless of sex or gender may use a restroom or changing facility designated as “unisex,” “gender neutral,” “all-gender,” or other similar term that indicates the restroom or changing facility is not intended for the exclusive use of males or females, determined by an individual’s biological sex at birth.

Non-designated restrooms or changing facilities may be used by any person regardless of biological sex at birth or gender.

### **E. Non-Compliance with this policy**

#### **1. Enforcement**

- a) Any person who willfully enters a restroom or changing facility on Campus premises that are designated for the opposite sex, for reasons other than the limited exceptions in Section IV, C of this Policy, and are directed by a College official to depart a restroom or changing facility is required to immediately comply with the directive.
  
- b) This section does not apply to an individual who is or has been under treatment by a physician for a medically verifiable genetic disorder of sexual development, including any of the following:
  - (1) External biological sex characteristics that are unresolvedly ambiguous.
  
  - (2) A disorder of sexual development in which the physician has determined through genetic or biochemical testing that the patient does not have a normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or female, as applicable.

## **Disciplinary Action**

### c) ***Students***

Any student who willfully enters a restroom or changing facility on Campus premises designated for the opposite sex and/or refuses to depart when asked to do so by a College official shall be:

- (1) subject to the disciplinary procedures in the Student Code of Ethics and
- (2) subject to disciplinary action up to and including dismissal as a student.

### d) ***Faculty (Or other instructional personnel)***

Any faculty member who willfully enters a restroom or changing facility on Campus premises designated for the opposite sex for reasons other than the limited exceptions in Section IV, C of this Policy and/or refuses to depart when asked to do so by a College official:

- (1) shall be subject to the disciplinary procedures under the applicable collective bargaining agreement or faculty handbook; and
- (2) shall be subject to disciplinary action up to and including termination of employment.

e) ***Employees (Staff/Administrators)***

Any employee who willfully enters a restroom or changing facility on Campus premises designated for the opposite sex for reasons other than the limited exceptions in Section IV, C of this Policy and/or refuses to depart when asked to do so by a College official:

- (1) shall be subject to the disciplinary procedures under the employee handbook; and
- (2) shall be subject to disciplinary action up to and including termination of employment.

**2. Third Parties**

Any third party who willfully enters a restroom or changing facility on Campus premises designated for the opposite sex for reasons other than the limited exceptions in Section IV, C of this Policy and refuses to depart when asked to do so by a College official is subject to the following:

a) ***Removal***

Violators may be removed and/or banned from Campus premises.

b) ***Termination of Affiliation***

Violators are subject to termination of affiliation with the College.

c) ***Criminal Charges***

Violators are subject to criminal charges of trespassing and penalties of a misdemeanor of the second degree.

d) ***Legal Determinations***

- (1) This Policy is administrative, not legal. The College cannot and does not determine whether a crime has been committed. That can only be done through the legal process.

Neither law enforcement's determination of whether to arrest or prosecute a person who violates this policy, nor the outcome of any criminal prosecution, are determinative of whether or not misconduct has been determined under this Policy.

- (2) While the activities covered by the laws of the larger community and those covered by Campus policies may overlap, it is important to note that the community's laws and Campus policies operate independently and that they do not substitute for each other.
- (3) Proceedings may be instituted against an individual charged with misconduct under this Policy that potentially violate both the criminal law and this Policy (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation.
- (4) Determinations made or imposed under this Policy shall not be subject to change solely because criminal charges arising out of the same facts were dismissed, reduced or resolved in favor of or against an individual determined by the College to have violated this Policy.

## **F. Reporting Non-Compliance with this Policy**

- a) Report non-compliance with this policy to the Office of Compliance via the "[Report a Complaint](#)" webpage.
- b) To report allegations against the College for failure to meet requirements regarding restrooms and changing facilities under the Safety in Private Spaces Act, contact Florida's [Attorney General](#) via their [website](#) to file a complaint (beginning July 1, 2024). To print and mail your complaint form to Florida's Attorney General, download the form [here](#) and mail to:

Office of Attorney General  
State of Florida

## **G. Request for Reasonable Accommodations**

1. Any qualified employee with a disability may contact Human Resources to request a reasonable accommodation to comply with this policy.
2. Any qualified student with a disability may contact Student Disability Services to request a reasonable accommodation to comply with this policy.

## **H. Conflicting Obligations**

To the extent that requirements of this policy and the requirements of other applicable policies conflict, the more restrictive provisions apply.

## **I. Amendments to this Policy**

1. The College may amend this Policy at any time. Nothing in this Policy shall affect the College's authority to amend, alter, change or modify this Policy as it deems appropriate to further its educational mission, to protect the safety and security of the Campus community, and/or comply with applicable local, state or federal law.
2. If any portion of the Safety in Private Spaces Act is stayed or held invalid by a Court of Law or other authority in whole or in part, those provisions may be amended, altered, changed, modified or deleted from this Policy at the College's sole discretion.

## **V. ADDITIONAL INFORMATION**

### **This Policy is supplemented below.**

It is the responsibility of all individuals covered by this Policy to know and comply with policies and procedures as supplemented.

- A.** The College's student handbook, disciplinary procedures, and code of conduct have been updated according to s. 553.865(9)(a), F.S. (e).



- B.** The College’s Employee handbook, disciplinary procedures, and code of conduct have been updated according to s. 553.865(9)(d), F.S.
  
- C.** Policies, procedures, disciplinary procedures, and code of conduct have been updated according to s. 553.865(9)(d), F.S. Notice to faculty of any new policies, procedures or codes of conduct has been made in accordance with the Florida Faculty Handbook. As such, notice has been provided in writing to Faculty members via campus email, and a copy of such work rules, policies or procedures has been made available to Faculty members in the Policy Library on the College portal.

## VI. CONTACTS

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## VII. HISTORY

Effective Date: .....April 1, 2024

Responsible Officer: .....William Sherrier  
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