

Revision of Section 2.87.02.255 of the Wayne State University / City Ordinances Statute

Recommendation

It is recommended that the Board of Governors revise section 2.87.02.255 of the Wayne State University / City Ordinances Statute. This section is related to the use of gender-exclusive restrooms in WSU facilities. If adopted, the change would be effective immediately.

Background

The current statute related to the use of gender-exclusive restrooms in WSU facilities contains old language that confuses the difference between biological sex and gender identity. Under the current statute, a transgender student, faculty member, staff member, or member of the public would be forced to use the restroom matching the sex they were assigned at birth, rather than the gender they identify and present as. As a university that values diversity and inclusion as core components of our mission, it is imperative that our code respects the dignity of transgender members of the Wayne State University campus community who utilize our facilities. By replacing the term “sex” with “gender identity,” the University will be able to ensure that our policies match our values, and that the dignity of all members of the Wayne State University campus community is upheld.

Current Statute Language

Use of Restrooms by Persons of Sex Designated for Admittance

2.87.02.255 It shall be unlawful for any person to go into a public restroom unless that person is of the sex designated for admittance therein, provided, that this section shall not apply to personnel employed for the express purpose of maintenance or cleaning.

Recommended Statute Language

Use of Restrooms by Persons of Gender Identity Designated for Admittance

2.87.02.255 It shall be unlawful for any person to go into a public restroom unless that person has the gender identity designated for admittance therein, provided, that this section shall not apply to personnel employed for the express purpose of maintenance or cleaning.

LEGISLATIVE HISTORY

Adopted(1,2) 7-0; Official Proceedings 30:4156 (18 July 1986) Amended(3) 7-0; Official Proceedings 36:4784 (14 February 1992)