



FREQUENTLY ASKED QUESTIONS

BATHROOM BILLS & LOCKERROOM POLICIES

Why are privacy and safety laws and policies necessary?

Laws and policies allowing men to enter private facilities with young girls and women are being enacted across the country. This ignores basic physical privacy rights and is especially insensitive to those who have experienced sexual abuse and who may experience trauma when forced to be present with a member of the opposite sex in this setting. Laws like North Carolina's Public Facilities Privacy and Security Act are a necessary and important response to this dangerous trend.

Could privacy and safety laws and policies cost states or schools federal funding?

Federal law under Title IX specifically allows schools to 'provide separate toilet, locker room, and shower facilities on the basis of sex.' In addition to the plain language of Title IX, legislative history reveals that Title IX's sponsor explicitly rejected the idea that it would allow men into women's dorms and locker rooms. Furthermore, no school has ever lost funding on this basis in the nearly 44 years since Title IX became law, and every federal court but one has ruled in favor of schools that have adopted privacy policies similar to this. It is clear that Title IX does not require schools to open up restrooms to members of the opposite sex. The Obama Administration's threats to pull funding from schools who maintain basic privacy and safety policies are a lawless intimidation tactic.

Isn't the Obama Administration threatening to take money away from North Carolina and from public schools that do not open bathrooms and locker rooms to the opposite sex?

It's true that the Obama Administration is threatening to harm students by taking away much needed funding unless schools allow boys into locker rooms with girls, and vice versa. Despite these threats, schools should understand that the law is on their side and that they should continue to follow the law and protect the safety and privacy of all students and citizens.

Are there examples of men going inside women's locker rooms and bathrooms?

Yes, across the country cases exist where predators have used these harmful policies and ordinances to gain access to their victims when they are at their most vulnerable. That does not imply that persons with identity struggles are dangerous. But it must be acknowledged that policies that allow men and boys into the same room where girls are undressing and showering create dangerous opportunities for those with bad intentions.

Will keeping facilities sex specific harm people who identify as the opposite sex?

No, there are solutions for this rare situation that treat everyone with equal dignity and respect. It is the government's duty to protect everyone's privacy, which is achieved by ensuring that bathrooms, locker rooms, showers, and other intimate settings remain private and based on one's biological sex while offering alternate facilities to those uncomfortable using the bathroom that corresponds with their biological sex.

Where should people who identify as the opposite sex use the bathroom?

The only sensible, objective, and enforceable bathroom policy is one that is biological sex specific. This has always worked well and there's no reason for that to change. Sex-specific bathrooms give everyone the same access to bathrooms, locker rooms, and showers based on biological sex and respect privacy rights. Accommodations can be made for those uncomfortable using the bathroom that corresponds with their biological sex, but access to opposite sex facilities is not a viable option.

Won't sexual predators use the bathrooms regardless of these policies?

Yes. But policies that allow men to enter restrooms and locker rooms designated for women and girls creates uncertainty in a setting where women should feel safe and it provides access to victims when they are most vulnerable. That is why authorities such as the North Carolina Sheriff's Association are against open bathroom policies. What should be a very clear violation – a man seen entering a facility designated for women – shouldn't suddenly become confusing for women, girls, or law enforcement.

We need to protect all people, including those who identify with the opposite sex.

Of course the privacy and safety of all people should be preserved and protected. There are common sense solutions that don't force members of one sex to use bathrooms and locker rooms with opposite sex people against their will.

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Is it legal for companies to open up their bathrooms?

Private companies are allowed to make their own bathroom, changing area and locker room policies, but they should always put the privacy and safety of their customers and employees first.

Your solution seems very expensive.

We shouldn't put a price tag on the privacy, safety and dignity of women and children. The common sense solutions ADF offers in its model policy requires no additional accommodations to protect the rights of everyone using bathrooms and locker rooms.



To learn more, visit:
ADFLegal.org/SafeBathrooms