

The purpose of this Privacy Compliance Plan is to comply with Title 63G, Chapter 31 of the Utah Code titled Sex-Based Designations for Privacy, Anti-Bullying, and Women's Opportunities. This bill establishes a standard regarding distinctions on the basis of sex and applies the standard in certain facilities and opportunities where designations on the basis of sex address individual privacy, bullying, and women's opportunities.

63G-31-201 - Distinctions on the Basis of Sex

A government entity may not, on the basis of sex, exclude an individual from participation in, deny an individual from the benefits of, or subject an individual to a sex-based distinction in or under any government or otherwise publicly owned or controlled facility, program, or event, unless the distinction is substantially related to an important government objective.

Definitions

Changing Room - means a space designated for multiple individuals to dress or undress within the same space. Changing room includes: a dressing room, fitting room, locker room, or shower room; and a restroom when a changing room contains or is attached to the restroom.

Facility - means a publicly owned or controlled building, structure, or other improvement. Facility includes: a subset of publicly owned or controlled building, structure, or other improvement, including a restroom or locker room.

Government Entity - means the state, or any county, municipality, special district, special service district, or other political subdivision or administrative unit of the State.

Men's Restroom - means a restroom that is designated for the exclusive use of males and not females.

Privacy Space - means a restroom or changing room within a publicly owned or controlled facility; where an individual has a reasonable expectation of privacy.

Publicly Owned or Controlled - means that a government entity has at least a partial ownership interest in or has control of a facility, program, or event.

Restroom - means any space that includes a toilet. Restrooms include: sex-designated men's restroom, sex designated women's restroom, unisex restrooms, and single occupant restrooms.

Sex-designated - means that a facility or program or event is designated specifically for males or females and not the opposite sex.



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Single-occupant - means, in relation to a single-occupant facility or privacy space, that the facility or privacy space has floor-to-ceiling walls, has an entirely encased and locking door, and is designated for single occupancy.

Unisex - means, in relation to a unisex facility or privacy space, that the facility or privacy space is designated for the use of both sexes, or is not sex-designated.

Women’s Restroom - means a restroom that is designated for the exclusive use of females and not males.

Each government entity shall ensure the preservation of distinctions on the basis of sex that protect individual privacy and competitive opportunity, as described in this 64G-31-201.

To preserve the individual privacy and competitive opportunity of females, an individual is not entitled to and may not access, use, or benefit from a government entity’s athletic facility, program, or event if:

- the facility, program, or event is designated for females, and
- the individual is not female

To preserve the individual privacy and competitive opportunity of males, an individual is not entitled to and may not access, use or benefit from a government entity’s athletic facility, program, or event if:

- the facility, program, or event is designated for males; and
- the individual is not male.

63G-31-202 - A distinction on the basis of sex that provides separate accommodations for the sexes is substantially related to the important government objective of protecting individual privacy, including a privacy space at USSD1.

USSD1 will comply by providing separate spaces for males and females to preserve the individual privacy of males and females. An individual may only access an operational sex-designated changing room in a government entity’s facility that is open to the general public if:

- the individual’s sex corresponds with the sex designation of the changing room; or the individual has:
- legally amended the individual’s birth certificate to correspond with the sex designation of the changing room.
- undergone a primary sex characteristic surgical procedure to correspond with the sex designation of the changing room.



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This does not apply to:

- a minor child who requires assistant to access or use the changing room that correspondence with the sex of the minor’s parent, guardian, or relative;
- a dependent minor, or dependent adult, who requires assistance to access or use the changing room that corresponds with the sex of a caretaker,
- an individual providing public safety services, including law enforcement, emergency medical services, and fire protection;
- an employee of a healthcare facility, to provide healthcare services to a patient of the healthcare facility; or
- an individual whose employment duties include the maintenance or cleaning of the changing room.

An individual in a changing room has a reasonable expectation of privacy, satisfying the privacy element of the offense of voyeurism.

An individual who knowingly enters a changing room in violation of this policy commits the offense of criminal trespass if the individual enters or remains in the changing room under circumstances which a reasonable person would expect to likely cause affront or alarm to, on, or in the presence of another individual.

A surgical provision does not shield an individual from the offense of lewdness related to genitalia.

63G-31-303 - Unisex or single-occupant facilities

The availability of a unisex facility or single-occupant facility satisfies a government entity’s obligation regarding an individual who, because of the individual’s gender identity, or reasonable fear of bullying, is uncomfortable using a Changing Room in accordance with 63G-31-302.

A government entity shall contact law enforcement if the entity receives a complaint or allegation regarding the following within a privacy space in a facility that is open to the general public:

- an offense of lewdness
- voyeurism
- loitering in a privacy space
- in a changing room - an offense of criminal trespass



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Signage

The following signage is displayed on the doors of the USSD1 Changing Rooms and Restrooms.

“This is a Women's Changing Room and Restroom. Pursuant to Title 63G, Chapter 31 of the Utah Code, only Women (as defined under that Chapter) are allowed entrance, with the following exceptions: (1) a minor child who requires assistance to access or use the changing room that corresponds with the sex of the minor's accompanying parent, guardian, or relative; (2) a dependent minor or a dependent adult who requires assistance to access or use the changing room that corresponds with the sex of the accompanying caretaker; (3) an individual actively providing public safety services; (4) an employee of a healthcare facility actively providing health care services to a patient of the health care facility; or (5) an employee of Uintah Special Service District 1 who is entering for the purpose of maintenance or cleaning. All illegally entering will be prosecuted.”

And,

“This is a Men’s Changing Room and Restroom. Pursuant to Title 63G, Chapter 31 of the Utah Code, only Men (as defined under that Chapter) are allowed entrance, with the following exceptions: (1) a minor child who requires assistance to access or use the changing room that corresponds with the sex of the minor’s accompanying parent, guardian, or relative; (2) a dependent minor or a dependent adult who requires assistance to access or use the changing room that corresponds with the sex of the accompanying caretaker; (3) an individual actively providing public, safety services; (4) an employee of a healthcare facility actively providing healthcare services to a patient of the healthcare facility; or (5) an employee of Uintah Special Services District 1 who is entering for the purpose of maintenance or cleaning. All illegally entering will be prosecuted.”