

Risk Alert

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FAMU

FLORIDA A&M UNIVERSITY
ENTERPRISE RISK
MANAGEMENT
DIVISION OF AUDIT

August 25, 2023

Safety in Private Spaces Act

[HB 1521](#) – Facility requirements based on sex became effective July 1, 2023. The bill, known as the "Safety in Private Spaces Act," has the legislative purpose of ensuring public safety, decency, decorum, and privacy by providing restrooms and changing facilities exclusively for use by individuals of their respective biological sex. It creates a process for reporting instances when a person of the opposite biological sex enters such facilities. The bill excludes individuals with medically verifiable genetic disorders of sexual development under physician treatment from its provisions. Additionally, it defines "female" as a person capable of producing eggs at birth and "male" as a person capable of producing sperm at birth.

House Bill 1521 Summary

1. Restroom and Changing Facility Requirements

- The bill mandates that the university must designate restrooms exclusively for females and males, or provide unisex restrooms.
- It also requires the university to designate changing facilities for exclusive use by females and males, or offer unisex changing facilities.

2. Disciplinary Procedures

- Within the university's code of student conduct, disciplinary procedures must be established for students who intentionally use restrooms or changing facilities designated for the opposite sex and refuse to leave when asked.

3. Administrative and Instructional Personnel

- A similar disciplinary policy must be in place for administrative and instructional personnel who intentionally use the wrong-sex facilities and refuse to depart when asked.

4. Compliance Reporting

- The university is obligated to submit documentation to the Board of Governors regarding compliance with these requirements within one year after being established or by April 1, 2024, if the institution existed before July 1, 2023.

5. Penalties

- Starting on July 1, 2024, the Attorney General can initiate civil actions against non-compliant entities. This may include seeking injunctive relief and imposing fines of up to \$10,000 for willful violations.




Alert Type

Awareness

Watch

Warning



“It is important for FAMU to take actionable steps to ensure that we not only comply with the new law but that we take steps to fully support our FAMULY by providing training and awareness of faculty, staff, and student rights along with the potential consequences on non-compliance with the new law.”

– FAMU Chief Risk Officer Deidre Melton

Risks and Risk Mitigation Steps Related to HB 1521 Implementation

The university can work towards successful compliance with HB 1521 and minimize any potential negative impacts on campus operations and reputation by addressing these potential risks and implementing corresponding risk mitigation steps

Risk 1: Non-Compliance with Restroom and Changing Facility Requirements

- **Mitigation:** Establish a comprehensive review process to ensure that the university's facilities are appropriately designated with restrooms and changing facilities for exclusive use by females, males, or unisex options as required by the bill. Regularly audit and inspect facilities to confirm compliance.

Risk 2: Lack of Clear Disciplinary Procedures

- **Mitigation:** Work with the university's legal and administrative teams to develop clear and well-defined disciplinary procedures for students who violate the restroom and changing facility usage rules outlined in the bill. Communicate these procedures widely to students, faculty, and staff to ensure awareness.

Risk 3: Insufficient Documentation for Compliance Reporting

- **Mitigation:** Create a standardized documentation process that captures the necessary information to demonstrate compliance with the bill's requirements. Ensure that records are accurately maintained and readily accessible for submission to the Board of Governors by the specified deadlines.

Risk 4: Non-Adherence of Administrative and Instructional Personnel

- **Mitigation:** Develop a training program to educate administrative and instructional personnel about the provisions of the bill. Highlight the importance of adhering to the restroom and changing facility usage rules and the potential consequences for non-compliance.

Risk 5: Potential Civil Action and Fines

- **Mitigation:** Collaborate with the university's legal team to establish a strategy for responding to potential civil actions brought forth by the Attorney General. Ensure that the university is prepared to provide evidence of compliance and mitigate any potential fines through thorough documentation.

Risk 6: Challenges to Privacy and Inclusivity

- **Mitigation:** Engage in open dialogues with students, faculty, and staff to address concerns related to privacy and inclusivity. Consider forming advisory groups or committees to provide input on the implementation of restroom and changing facility policies while promoting a supportive and respectful environment.

Risk 7: Public Relations and Reputation

- **Mitigation:** Develop a communication plan that clearly outlines the university's commitment to complying with HB 1521 and ensuring a safe and inclusive campus environment. Proactively communicate the steps being taken to implement the bill's requirements to maintain a positive reputation.

Risk 8: Changing Legal Landscape

- **Mitigation:** Stay informed about any potential changes or updates to the legal landscape surrounding restroom and changing facility policies. Maintain a close working relationship with legal counsel to adapt and adjust the university's approach as needed to align with any evolving regulations.



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