



# SAFETY AND PRIVACY IN PUBLIC RESTROOMS

## and Other Gendered Facilities

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President Trump has made access to public restrooms and other gendered facilities an early focal point of his administration. For example, on January 20, 2025, the president issued an executive order entitled “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government,” which defines sex as only male and female, determined “at conception,” and unchangeable, for the purposes of federal programs, services, and spaces.<sup>1</sup> Another executive order prohibits federally funded educational institutions from allowing minors to use restrooms that align with their gender identity if it differs from their anatomical sex.<sup>2</sup> The president subsequently issued an executive order seeking to prevent the participation of transgender girls and women in federally funded girl’s and women’s sports and their use of women’s locker rooms.<sup>3</sup>

In recent years, an increasing number of state legislatures have passed laws to require transgender people to use restrooms and other facilities in public buildings, such as schools and government buildings, according to their sex assigned at birth.<sup>4</sup> Restroom access for transgender people has been the subject of policymaking in the U.S. House

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<sup>1</sup> Donald J. Trump, Exec. Order (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/defending-women-from-genderideology-extremism-and-restoring-biological-truth-to-the-federal-government/>.

<sup>2</sup> This executive order specifically directs agencies administering educational grants to K-12 institutions to prohibit the support of “social transition,” which is defined to include “use of intimate facilities and accommodations such as bathrooms or locker rooms specifically designated for persons of the opposite sex.” Donald J. Trump, Exec. Order (Jan. 29, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/ending-radical-indoctrination-in-k-12-schooling/>. Notably, on January 28, 2025, the U.S. Department of Education began an investigation into whether Denver Public Schools District has violated Title IX because they created a bathroom that was all-gender and not separated by anatomical sex. In a letter notifying the District of the investigation, the Department of Education stated the investigation “will examine whether the District discriminates against students on the basis of sex by installing multi-stall all gender restrooms in District school facilities, in violation of Title IX and its implementing regulations.” See Solomon, M. (2025). *U.S. Department of Education launches investigation into DPS for all-gender restroom conversion*. 9NEWS.com. <https://www.9news.com/article/news/education/us-department-education-investigation-dps-all-gender-restroom/73-4a73b4a7-5a52-405a-afb1-ec71490a64b0> (DOE letter posted in article); Seaman, J. (2025). *Trump Administration to Investigate DPS for Converting Girls Restroom to All-gender Bathroom*. The Denver Post. <https://www.denverpost.com/2025/01/28/trump-investigation-dps-all-gender-restroom-discrimination/>.

<sup>3</sup> Donald J. Trump, Exec. Order (Feb. 5, 2025), <https://www.whitehouse.gov/presidential-actions/2025/02/keeping-men-out-of-womens-sports/>.

<sup>4</sup> Movement Advancement Project. (2025). *Equality Maps: Bans on Transgender People’s Use of Public Bathrooms & Facilities According to Their*

of Representatives regarding the use of U.S. House facilities.<sup>5</sup> In November and December 2024, U.S. Rep. Nancy Mace filed two bills that would prohibit transgender people from using restrooms according to their gender identity on federal property (H.R. 10186, “Protecting Women’s Private Spaces Act”) and prohibit receipt of federal funds by any entity that allows transgender people to use restrooms and other gendered facilities according to their gender identity (H.R. 10290, “Stop the Invasion of Women’s Spaces Act”).<sup>6</sup>

Those engaging in these efforts allege that new protections are needed for women’s safety and privacy in restrooms and other gendered facilities.<sup>7</sup> For instance, the “Stop the Invasion of Women’s Spaces Act” and the transgender sports participation executive order (“Keeping Men Out of Women’s Sports”) are framed around the idea that the inclusion of transgender women in women’s spaces is inappropriate, unsafe, or violates privacy. The January 20 executive order specifically asserts that transgender women are a risk to “women’s safety” in “intimate single-sex spaces” and therefore, separation by anatomical sex in such spaces is necessary.<sup>8</sup> In this brief, we review studies conducted by Williams Institute scholars that examine whether women’s restrooms and other gendered facilities pose added risk to occupants when transgender people are allowed to use those facilities according to their gender identity. We also review research on the experiences that transgender people report when using restrooms and the impact on transgender people’s lives when they cannot safely access restrooms.

## RESEARCH ON OVERALL SAFETY AND PRIVACY IN PUBLIC RESTROOMS AND OTHER GENDERED FACILITIES

Williams Institute scholars conducted studies in Massachusetts and nationally that assessed empirical evidence of impacts on safety and privacy in restrooms as a result of the enactment of nondiscrimination laws that protect transgender people’s ability to use restrooms according to their gender identity.

### Study of Localities in Massachusetts

This study utilized data from criminal incident reports on safety and privacy violations related to assault, sex crimes, and voyeurism in public restrooms, locker rooms, and dressing rooms.<sup>9</sup> Massachusetts localities with nondiscrimination laws that protect transgender people’s access to these facilities based on their gender identity were matched with localities without these protections. The matched pairs were compared over a period of time before and after the passage of the nondiscrimination laws.<sup>10</sup> We found that:

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Gender Identity. [https://www.lgbtmap.org/equality-maps/nondiscrimination/bathroom\\_bans](https://www.lgbtmap.org/equality-maps/nondiscrimination/bathroom_bans). Accessed January 17, 2025; Redfield, E., Conron K.J., & Mallory, C. (2024). *The Impact of 2024 Anti-Transgender Legislation on Youth*. Williams Institute, UCLA School of Law. <https://williamsinstitute.law.ucla.edu/publications/2024-anti-trans-legislation/>.

<sup>5</sup> 171 Cong. Rec. H26 (daily ed. Jan. 3, 2025).

<sup>6</sup> Protecting Women’s Private Spaces Act, H.R. 10186, 118<sup>th</sup> Cong., (2024), <https://www.congress.gov/bill/118th-congress/house-bill/10186/text?s=6&r=12&q=%7B%22search%22%3A%22restrooms%22%7D>; Stop the Invasion of Women’s Spaces Act, H.R. 10290, 118<sup>th</sup> Cong., (2024), <https://www.congress.gov/bill/118th-congress/house-bill/10290/text?s=6&r=10&q=%7B%22search%22%3A%22restrooms%22%7D>.

<sup>7</sup> Herman, J.L. (2011). “Bathroom Panic” and Antidiscrimination Laws: The role of activists in securing gender identity protections in gendered public spaces in Washington, DC. *LGBTQ Policy Journal at the Harvard Kennedy School*, 2, 25-34; Hasenbush, A., Flores, A.R., & Herman, J.L. (2019). Gender Identity Nondiscrimination Laws in Public Accommodations: a review of evidence regarding safety and privacy in public restrooms, locker rooms, and changing rooms. *Sexuality Research and Social Policy*, 16, 70-83. <https://doi.org/10.1007/s13178-018-0335-z>

<sup>8</sup> Donald J. Trump, Exec. Order (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal-government/>

<sup>9</sup> Hasenbush, A., et al. (2019).

<sup>10</sup> A statewide law prohibiting other types of discrimination, but not places of public accommodation, was in place during the time period covered in this study. See Hasenbush, A., et al. (2019).

- Incidents of safety and privacy violations in these spaces were rare.
- There was no significant change in privacy and safety violations across matched localities during the time period surrounding the enactment of nondiscrimination laws.
- There was no evidence that privacy and safety in restrooms changed as a result of transgender people having, by law, access to restrooms and other facilities in accordance with their gender identity.

## Study of States and Counties across the United States

Building on the Massachusetts study, this study utilized data from the National Crime Victimization Survey to estimate the impact of gender identity nondiscrimination laws for public accommodations on the prevalence of violent victimization perpetrated by strangers.<sup>11</sup> Violent victimization perpetrated by strangers is the type of crime that is purported to increase when transgender people may use restrooms and other gendered facilities according to their gender identity. We found that:

- When comparing states with and without these nondiscrimination laws, statewide implementation of these laws did not increase victimization rates perpetrated by strangers.
- When comparing counties with and without these nondiscrimination laws, neither statewide nor countywide implementation of these nondiscrimination laws resulted in increased victimization rates perpetrated by strangers.
- There was no evidence that violent victimization by strangers increased as a result of transgender people having, by law, access to restrooms that accord with their gender identity.

## RESEARCH ON SAFETY OF TRANSGENDER PEOPLE WHEN USING RESTROOMS AND OTHER GENDERED FACILITIES

While we have found no evidence of increased harms to people who are not transgender when transgender people are allowed to use restrooms and other gendered facilities according to their gender identity, it is a consistent finding across studies and over time that transgender people report being denied access to these spaces and experiencing verbal harassment and physical assault from others in these spaces.

- In a 2008 survey of transgender people in Washington, DC, 18% reported being denied access to a public restroom at least once in D.C. Sixty-eight percent (68%) reported ever being verbally harassed and 9% reported ever being physically assaulted in a D.C. public restroom.<sup>12</sup>

<sup>11</sup> Flores, A.R. & Herman, J.H. (n.d.) Including Gender Identity as a Protected Class in Public Accommodations Laws Does Not Increase Victimization Rates: A statewide, countywide, and municipal assessment. Unpublished manuscript. We utilized a generalized synthetic control method with time-varying covariates to compare states and counties with and without gender identity nondiscrimination laws in public accommodations on measures of violent victimization perpetrated by strangers. Presence of and enactment dates of public accommodations nondiscrimination laws at the state and sub-state levels were identified through publicly available resources created by the Movement Advancement Project and Human Rights Campaign, in addition to our own assessments with the assistance of legal analysts. National Crime Victimization Survey subnational estimates of variation in victimization rates came from: Fay, R. E., & Diallo, M. (2015). *Developmental estimates of subnational crime rates based on the National Crime Victimization Survey*. U.S. Bureau of Justice Statistics.

<sup>12</sup> Herman, J.L. (2013). Gendered Restrooms and Minority Stress: The public regulation of gender and its impact on transgender people's lives. *Journal of Public Management & Social Policy*, 19(1), 65-80.

- In the 2015 U.S. Transgender Survey, 9% of respondents reported being denied access to a restroom in the last year. Twelve percent (12%) reported being verbally harassed, physically attacked, or sexually assaulted when using a restroom in the last year.<sup>13</sup>
- In the 2022 U.S. Transgender Survey, 4% of respondents reported being denied access to a restroom in a public place, at work, or at school in the last year. Six percent (6%) of respondents reported being verbally harassed, physically attacked, or experiencing unwanted sexual contact when accessing or using a restroom in the last year.<sup>14</sup>

Analysis of data from the 2022 U.S. Transgender Survey suggests that negative incidents, such as being denied access when trying to use a restroom or verbal harassment when using a restroom, are more likely to occur when transgender people who are living their day-to-day lives according to their gender identity use the restroom of their sex assigned at birth. Transgender respondents who are living all the time according to their gender identity were significantly more likely to experience being denied access to a restroom or verbally harassed in a restroom when they used restrooms that matched their sex assigned at birth (See Table 1).<sup>15</sup> For instance, nearly 11% of transgender men living all the time according to their gender identity and who used women’s restrooms in the last year were verbally harassed in a restroom in the past year, compared to 7% of transgender men who used men’s restrooms in the last year.<sup>16</sup>

**Table 1. Experiences of denied access and verbal harassment in restrooms in the last 12 months for transgender men and women who are living all the time according to their gender identity, by which restroom they used in the last 12 months<sup>17</sup>**

EXPERIENCE	TRANSGENDER MEN				TRANSGENDER WOMEN			
	MEN'S RESTROOM		WOMEN'S RESTROOM		MEN'S RESTROOM		WOMEN'S RESTROOM	
	%	95% CI	%	95% CI	%	95% CI	%	95% CI
Denied Access in the last 12 months	5.2%	[4.8, 5.6]	10.4%	[9.6, 11.3]	7.0%	[6.0, 7.9]	4.6%	[4.2, 5.0]
Verbally Harassed in the last 12 months	7.3%	[6.9, 7.7]	10.8%	[9.9, 11.7]	8.9%	[7.8, 10.0]	7.2%	[6.8, 7.7]

<sup>13</sup> James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). *The Report of the 2015 U.S. Transgender Survey*. National Center for Transgender Equality. <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>

<sup>14</sup> James, S.E., Herman, J.L., Durso, L.E., & Heng-Lehtinen, R. (2024). *Early Insights: A Report of the 2022 U.S. Transgender Survey*. National Center for Transgender Equality. [https://transequality.org/sites/default/files/2024-02/2022%20USTS%20Early%20Insights%20Report\\_FINAL.pdf](https://transequality.org/sites/default/files/2024-02/2022%20USTS%20Early%20Insights%20Report_FINAL.pdf).

<sup>15</sup> James, S.E., et al. (2024). Additional analyzes of 2022 USTS data completed by the author.

<sup>16</sup> Transgender men are defined here as men who were assigned female at birth, and transgender women are women who were assigned male at birth. In this analysis, we do not include those who identify as nonbinary or are intersex. The impact on people who are nonbinary and/or intersex of laws requiring the use of restrooms and other facilities according to sex assigned at birth should be centered in future research.

<sup>17</sup> James, S.E., et al. (2024). Additional analyzes of 2022 USTS data completed by the author.

## RESEARCH ON NEGATIVE IMPACTS ON TRANSGENDER PEOPLE DUE TO UNSAFE RESTROOMS

In order to avoid negative experiences in restrooms, transgender people report avoiding going to the bathroom when needed, not going to specific public places because of a lack of safe bathrooms, and avoiding going out in public at all.<sup>18</sup> Not going to the bathroom when needed can negatively impact health.<sup>19</sup> There are also potential negative impacts on education, employment, and participation in public life from a lack of safe restroom options.<sup>20</sup>

- According to the 2015 U.S. Transgender Survey, 55% of respondents reported not using the restroom when they needed to go. Thirty-two percent (32%) of respondents avoided eating or drinking so they would not have to use the restroom. Eight percent (8%) reported a urinary tract infection or a kidney-related health problem due to avoiding using restrooms in the last year.<sup>21</sup>
- The 2008 survey of transgender people in Washington, D.C., found that problems using restrooms can further impact employment, education, and participation in public life.<sup>22</sup>
  - Thirteen percent (13%) of those who worked in Washington, D.C., and had problems using restrooms at work (denied access or verbal harassment) said it affected their employment in some way. This included having to change jobs or quitting their jobs, poor job performance, and excessive absences or tardiness.
  - Ten percent (10%) of respondents who attended school in Washington, D.C., reported that problems accessing restrooms at school affected their education in some way. Respondents reported excessive absences, poor performance, changing schools, and dropping out of school.
  - Fifty-eight percent (58%) of respondents reported having ever avoided going out in public due to a lack of access to safe bathrooms. Thirty-eight percent (38%) reported avoiding particular places in public because of a lack of safe bathroom options.

## CONCLUSION

Current policy debates regarding transgender people's access to restrooms and other gendered facilities are predicated on narratives about protecting the safety and privacy of women's spaces. These narratives lack evidence showing any negative impacts on safety and privacy in women's restrooms or other facilities when transgender people can use restrooms according to their gender identity. However, transgender people consistently report having negative experiences in restrooms perpetrated by others, including denial of access, verbal harassment, and physical assault. Evidence suggests that transgender people are put at added risk if required by law to use restrooms in accordance with their sex assigned at birth.

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<sup>18</sup> Herman, J.L. (2013); James, S.E., et al. (2016).

<sup>19</sup> Herman, J.L. (2013); James, S.E., et al. (2016).

<sup>20</sup> Herman, J.L. (2013); James, S.E., et al. (2016).

<sup>21</sup> James, S.E., et al. (2016).

<sup>22</sup> Herman, J.L. (2013).

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