



# Trans University Students' Access to Facilities: The Limits of Accommodation

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## Abstract

This paper explores results from a survey of fifty-four trans students in two major universities in Ontario that sought to evaluate participants' access to on-campus facilities. Although both universities have made efforts to accommodate trans students in their use of washrooms, locker rooms, and student housing, the numerous barriers that participants encountered signals stark gaps in access. The results invite a critical reflection of three accommodation models that may be undertaken to address these barriers. By addressing each model's benefits and limitations, wherein the journey towards trans inclusion may generate a new set of exclusions, this paper complicates the notion of increasing access. This paper concludes by offering recommendations across these three models but concedes that challenges may persist until better facilities are reimagined and redesigned going forward.

**Keywords:** Transgender, human rights, gender, accessibility, inclusion.

## Résumé

Cet article explore les résultats d'une enquête menée auprès de cinquante-quatre étudiants trans au sein de deux grandes universités ontariennes, enquête qui visait à évaluer les accès des participants aux installations sur les campus respectifs. Bien que les deux universités se soient efforcées d'accommoder les étudiants trans dans leur utilisation des toilettes, des vestiaires et des logements étudiants, les nombreux obstacles rencontrés par les participants soulèvent des lacunes importantes en matière d'accès. Les résultats de cette enquête invitent d'ailleurs à une réflexion critique sur trois modèles d'accommodation qui peuvent être entrepris afin de remédier à ces obstacles. En abordant les avantages et les limites de chaque modèle,

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dans lequel le cheminement vers l'inclusion des trans peut générer une nouvelle série de pratiques d'exclusion, cet article approfondit la notion d'augmentation des accès. Finalement, cet article offre, en conclusion, des recommandations sur ces trois modèles tout en concédant que des défis pourraient persister jusqu'à ce que de meilleures installations soient repensées et conçues dans le futur.

**Mots clés :** Transgenres, droits humains, genre, étudiants, accommodation, accessibilité, inclusion.

## Introduction

The naturalization of the gender categories “male” and “female” in Western societies has informed the design of public institutions. In her book *Queering Bathrooms*, Cavanagh (2010) traces the history of gender-segregated washrooms, which originated in eighteenth-century Europe as a product of hetero-patriarchal ideas about sex and sexuality. Since historical washroom design was based on beliefs of who was entitled to occupy public spaces, public washrooms were at first only intended for men (Cavanagh 2010). In *Going Stealth*, Beauchamp (2019) argued that gender-segregation in washrooms was motivated, in part, by the desire for sexual privacy between men and women. However, this logic was steeped in whiteness; in the United States, gender-segregated washrooms emerged roughly around the same time as race-segregated washrooms, but race-segregated washrooms were gender-neutral, as if Black folks were undeserving of sexual privacy (Beauchamp 2019). Washrooms are sites in which belonging and citizenship are negotiated, and their design typically reflects the dominant attitudes of the times (Cavanagh 2010; Beauchamp 2019; Hamraie 2017; Saunders and Stryker 2016). While contemporary washrooms aim to serve both (cis) men and women, they continue to rely on a “gendered architecture of exclusion” that largely precludes trans existence (Cavanagh 2010, 32). As such, washrooms are examples of institutional cisgenderism, which refers to the way in which policy and procedure disadvantages or limits the opportunities provided to trans individuals (Lennon and Mistler 2014).

In response to a history of systemic erasure (Namaste 2000), trans people have appealed to their human rights to advocate for inclusion. However, there has been a longstanding divergence in desires among those seeking trans liberation, in which trans activists and scholars either advocate for inclusion into the binary gender system (Namaste 2000) or the proliferation of gender categorization to recognize the breadth of gender diversity (Stone 2006). Moving beyond mere inclusion and recognition, more recently, critical trans activists and scholars have called to dismantle the unnecessary and sometimes violent modes of classification that have helped construct and hierarchize gender categories in the first place (Stanley 2011; Spade 2015). These scholars suggest that trans liberation depends on abolishing the regulatory systems which produce and enact harm on trans lives (Stanley 2011; Spade 2015). Accordingly, trans activists and scholars have become increasingly critical of rights-based processes of inclusion and accommodation because they

often fall short of challenging structural oppression (Ashley 2018; Spade 2015; Vipond 2015). Nonetheless, one of the most prominent calls in contemporary trans activism has been for bathrooms rights.

Canadian institutions are legally mandated to reasonably accommodate trans people. In 2012, Ontario formally prohibited gender-based discrimination by adding “gender identity” and “gender expression” as protected characteristics in its *Human Rights Code* and by 2017, protections for gender identity, gender expression, or both, were codified in all provincial and territorial human rights legislation across Canada (Canadian Centre for Diversity and Inclusion 2018). That same year, these very protections were also formalized in federal legislation, namely the *Human Rights Act* and the *Criminal Code*, following the passing of Bill C-16. In addition to anti-discrimination protections, the law has affirmed trans people’s right to privacy, specifically to have their personal information regarding their trans status kept private (*Edmonton Public School District No. 7*, 2016 CanLII 82100 (AB OIPC)). In 2014, the Ontario Human Rights Commission (OHRC) released a policy document which was intended to assist institutions in accommodating trans people, part of which provided information on reasonable accommodation in public facilities, such as washrooms and locker rooms.

The right for trans people to be free of discrimination in their use of washrooms, such that trans people may use the washroom that aligns with their lived gender identities, was articulated in human rights law as early as 1999, when trans people were protected under the grounds of sex and/or disability (*Sheridan v Sanctuary Investments Ltd.*, [1999] BCHRT 43, 33 CHRR D/467). In more recent years, washroom rights have been reaffirmed on the basis of gender identity and gender expression (*Lewis v Sugar Daddy’s Nightclub*, 2016 HRTO 347, 2016 HRTO 793). These cases were important to establish trans people’s access to existing binary washrooms. Yet, the question remains as to how access to gender-neutral facilities may be facilitated. One may wonder how this legal mandate to reasonably accommodate gender diversity plays out in the context of a large institution, such as a university, and to what effects.

On university campuses across Canada, trans students are increasingly making requests for accommodations (Kane 2015; Ritchie 2017), such as the construction of additional bathrooms and locker rooms to meet the needs of trans students or advocating for their right to use their chosen names on university documentation. In this time of proliferating calls for action, it is important to query what constitutes trans inclusion, in the context of accessing university facilities, and how it may be best achieved. This article draws on survey data of fifty-four trans students at two major universities in Ontario which assessed participants’ access to on-campus washrooms, locker rooms, and student housing. Revealing glaring gaps in access, the results invite a critical reflection on various rights-based accommodation models, such as those adopted by the universities in this study. The survey results offer an entry point into understanding the merits and limitations of various accommodation strategies that may be undertaken on the journey to increasing trans students’ access to facilities.

I begin by reviewing the existing literature describing the barriers that trans post-secondary students experience when accessing facilities, and I present three accommodation models proposed as solutions. Second, I outline the context of this study, where I describe the study's purpose and provide an overview of the institutional context. After outlining the research methods, I present evidence from the survey findings, which show that, despite the accommodations offered by the universities, barriers to access and negative experiences persist. The results are then used as an entry point to discuss the three accommodation models. Putting critical trans scholarship in conversation with critical access scholar Aimi Hamraie (2017), I complicate the notion of increasing access by demonstrating how potential exclusions may arise when moving towards trans inclusion. I conclude by suggesting recommendations that consider all three accommodation models, while highlighting the necessity of long-term solutions.

### **Systemic Cisgenderism in Universities: Barriers and Accommodation Models**

In this section, I begin by reviewing the extant literature describing the various barriers that trans students experience in washrooms, locker rooms, and campus residences. I then consolidate recommendations for accommodations undertaken by institutions and proposed in the literature into three distinct models.

Cavanagh (2010) suggests that contemporary washrooms are sites of surveillance and disciplinary power which work to regulate individuals' behaviour in alignment with cis- and heterosexist norms, thereby encouraging the policing of gender minorities. This very force prompts accusations that trans people are in the "wrong" bathroom (Halberstam 1998, 20). For example, in a study of 2,325 transgender individuals across the United States who had attended a post-secondary institution, nearly one-quarter had been denied access to a washroom because of gender policing (Seelman 2014b). Other research reveals that trans students frequently fear for their safety in binary washrooms, compelling them to travel across campus to find a washroom that they feel safe using or to forego using a public washroom altogether (Beemyn 2003; Davies, Vipond, and King 2019). Echoing the challenges that arise in washrooms, trans students disclose negative experiences in campus gyms. For instance, some have been met with security personnel who believe they are purposefully using the wrong locker room (Johnston 2016), and many feel compelled to hide their trans identities in organized sports because of the gendered division of teams (Beemyn and Rankin 2016). Some trans students feel that it is easier to avoid going to the gym altogether than risk harassment in gendered change rooms (Beemyn 2005; Beemyn et al. 2005a). Finally, roommate assignment in campus residences, commonly determined by legal sex, is described as a source of tension for trans students because it invalidates their gender identities (Beemyn 2005; Pomerantz 2010), especially when no gender-neutral housing options exist (Woodford et al. 2017). Accordingly, trans students fear the possibility of being assigned a transphobic roommate (Beemyn 2005; Pomerantz 2010) and many elect to not live on campus because of fears relating to using shared,

gender-segregated bathrooms and showers (Beemyn 2005; Seelman 2014b). Even if institutions do provide gender-neutral housing, students may be unaware of this option and residence policies are often difficult to interpret (Nicolazzo, Marine, and Wagner 2018).

In light of the barriers to access, scholars have documented various accommodation strategies offered by universities and have also proposed their own recommendations, all of which can be broadly grouped into three approaches. I will refer to these as: 1) binary inclusion; 2) alternative accommodations; and 3) degendering.

### **1) Binary Inclusion**

The first approach seeks to include trans people into existing binary facilities by making these spaces “friendlier” for trans people. Those who support this approach may advocate for heightened privacy and safety measures in existing facilities, for example, a private area within a binary change room, sectioned off by a curtain (Meyer and Keenan 2018). In terms of student housing, universities may offer housing assignment based on gender identity (Krum, Davis, and Galupo 2013), so as to include trans men and trans women into men’s and women’s dorms, respectively.

### **2) Alternative Accommodations**

The second model involves offering access to separate, private facilities. I call this the “alternative accommodations” model because it entails providing a third, gender-neutral option to trans students, existing as an alternative to binary facilities. There are two ways that this can be achieved: by offering access to an existing private space such as a single-user washroom that, by default, could already be used by any gender, or by advocating for the construction of additional gender-neutral facilities (Beemyn 2003, 2005; Beemyn et al. 2005a; Seelman 2014a, Seelman 2014b). In terms of accommodating trans students in campus housing, those who privilege this approach may suggest that trans students’ applications should be addressed on a case-by-case basis, ensuring that application forms account for other gender options alongside binary “male” and “female” designations (Beemyn et al. 2005a; Krum, Davis, and Galupo 2013), or alternatively, that trans students could be roomed alone (Beemyn et al. 2005b; Woodford et al. 2017).

### **3) Degendering**

The final model involves converting (some or all) multi-user binary facilities into spaces that can be used by all genders. In contrast to the accommodation model, which offers access to private facilities or advocates for the construction of additional gender-neutral facilities, this model seeks to repurpose existing binary facilities. At minimum, degendering a binary facility would entail replacing gendered signage with signs that specify that the space can be used by any gender. Efforts to convert multi-user gender-binary washrooms into all-gender washrooms (Rivers 2017; Thorpe 2017) and provide gender-neutral housing options (Taub, Johnson, and Reynolds 2016) are constitutive of the degendering model.

In what follows, I use findings from a survey exploring trans students' experiences accessing facilities to invite a critical reflection of the effectiveness of these accommodation models. Before proceeding, I first relay the context in which the study was created, followed by an overview of the research methods.

### **Context of the Study**

This paper draws on data from a survey that sought to reveal trans university students' social relations, experience of university, and their access to facilities and resources on campus. Drawing on a subset of this data, this paper considers whether the policies and practices that universities implement to be rights-compliant have an impact on trans students' access to facilities and seeks to consider the effectiveness of various approaches to accommodation. My decision to embark on this research was informed by my own lived experience navigating institutional cisgenderism as a trans man who is a current graduate student, university employee, and member of a university gender-inclusion committee. Motivated by the desire to enhance trans inclusion in universities, I developed this research in order to provide a statistical representation of trans students' collective experiences, which then could be presented to university administrations to provide the rationale and help justify the need for institutional change.

In order to maintain confidentiality, the universities in this study are referred to as "University A" and "University B." Both universities offered a number of single-stall gender-neutral washrooms across campus, although they were inconsistently placed: some buildings had no gender-neutral washrooms whatsoever, and others had only one or two. Some of these washrooms were designated as "universal washrooms" (single-user washrooms that meet accessibility standards for those with disabilities), while others were not accessible (Building Code Act, 1992, S.O. 1992, c. 23). To assist its students in their search for washrooms, who may not otherwise have known that these facilities existed or their whereabouts, University A publicized the location of all gender-neutral washrooms on its website. No such information was available at University B. In terms of campus gyms, University A offered a multi-user change room, open to people of all genders, alongside the binary change rooms. Meanwhile, the two fitness centres at University B were equipped solely with men's and women's change rooms. However, a private change room was available in one of the two buildings—not inside the fitness centre, but in a more secluded area on a different floor, and a key was required for access. Finally, in relation to university residence policies, an online document released by University A stated that rooms and washrooms in residences were strictly divided by gender, with the exception of one gender-neutral housing complex available only to upper-year graduate students. Similarly, in its residence agreement, University B indicated that people of all genders could share a unit in one house and in two particular residences, but rooms in all other residences were segregated by gender. Although residence policies used the language of "gender," both universities collected only students' legal sex designations.

## Methods

### *Participant Recruitment*

Through the distribution of a recruitment poster, trans and gender nonconforming students<sup>1</sup> attending these two universities (as well as those enrolled in the last twelve months) were invited to participate in an online survey. Recruitment into the study was made through convenience sampling (Miner et al. 2012). Recruitment posters were placed across campuses and distributed by myself through personal networks, on social media platforms, and in university classrooms. Recruitment occurred from January to April of 2017.

### *Survey Design*

An online survey was valuable for this research because it allowed me to gather knowledge of a sample of trans university students which could act as a representation of the trans student population (Miner et al. 2012). Online surveys were also valuable because of their confidential nature; given the discrimination that gender minorities experience, it was important to ensure the confidentiality of participants and to allow those who were not “out” as trans to feel safe to participate in the research. The survey was therefore anonymous in nature, and, in the event that participants disclosed any identifying information, such information was changed or deleted upon analysis.

The online survey was designed with consideration for the extant literature, outlined above, that describes the barriers to using washrooms, gym facilities, and student housing. Considering that existing studies are primarily US-based, this research sought to uncover the current context of Ontarian universities, where human rights law mandates reasonable accommodation for trans people. The survey design was also informed by my lived experience and advocacy on gender-inclusion committees. This research is based on the belief that those with lived experience as a member of a minority group can best describe their reality (Strega 2005), and that my status as a trans university student afforded me partial insight into the needs of the trans student population that could ultimately help inform the survey design (Haraway 1988). Finally, this research is situated within a critical paradigm that interrogates power relations within social life and institutions as a means of challenging injustices and advancing change (Leavy 2017). Structural oppression limits access to education, and the systemic cisgenderism that operates within universities is a barrier for trans students. Addressing the various components of cisgenderism, such as the cisgenderist design of facilities adopted by education institutions and workplaces alike, may ultimately play a part in remedying the widespread un/underemployment of trans people in Ontario and beyond (Bauer et al. 2011; Bauer and Scheim 2015).

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<sup>1</sup> The survey used the language of “trans and gender nonconforming” students. However, since both terms were defined with respect to Stryker’s (2008) broad definition of trans—encompassing all identities and expressions that move away from the gender norms traditionally associated with their assigned sex—I have decided to use the term “trans” in this paper, as it encompasses all gender diversity, including those who identify as “gender nonconforming.”



The survey presented participants with questions regarding avoidance and fear, and comfort and safety, when using facilities on campus, their experiences within these spaces, and the need for additional facilities. I tried to use terms that would be universally understood by participants. For example, while University A and B use different language to describe single-user gender-neutral washrooms, I tried to encompass all of these spaces by using the language of “gender neutral (or single-stall) washrooms.” I did not specifically ask about multi-user washrooms because, at the time, neither university offered these accommodations.

### ***Data Collection and Analysis***

Following the collection of informed consent, participants completed an online survey about their experiences at their university. The survey collected both quantitative and qualitative data. Quantitative data was collected through the use of multiple-choice and multiple-response questions in which participants were asked a series of questions relating to social interactions and perceptions of campus environment, administrative matters (such as whether their chosen names are used by staff, faculty, and on university documentation), and access to facilities and services (washrooms, gym locker rooms, housing, and medical and counselling services). The survey design used “skip logic” so that if a participant answered affirmatively to certain questions (e.g., if they answered “yes” to the question, “Have you ever used a fitness centre on campus?”) a series of questions would be displayed to follow up on their experiences. For this reason, as well as due to attrition rates, not all participants answered all of the survey questions. The results are calculated based on the number of participants who answered each question.

At times, participants had the option to select an “other” response than the ones provided, wherein they could type their responses into a text-box. Additionally, at the end of each block of questions on a particular theme (e.g., washroom access), an open-ended question was displayed prompting participants to reflect on the impact their gender may have had on their experiences in relation to that specific topic. Written responses to these open-ended questions constituted the qualitative dimension of this research, which offered a more detailed account of participants’ experiences while maintaining the authenticity of their voices. The multiple-choice and multiple-response questions were analyzed using frequency analyses with the assistance of the data analysis program, Statistical Package for the Social Sciences (SPSS). Ethics clearance was granted by both universities in this study.

### ***Participant Demographics***

In total, fifty-four individuals responded to the survey; thirty-four (63%) were students at University B and twenty (37%) attended University A. Participants represented seventeen unique gender identities and some used multiple terms to describe their genders. For the purposes of maintaining the confidentiality of those who identified in unique ways, participants are not identified by gender but are grouped together in broad terms. Most participants fell under the non-binary umbrella ( $n = 31$ , 57.4%), 29.6% ( $n = 16$ ) identified as masculine, and 13% ( $n = 7$ ) identified as feminine. Of the fifty-four respondents, eight (14.8%) were members



of a racialized minority and a considerable number ( $n = 23$ , 42.6%) identified as a person with a disability. Participants' ages ranged from eighteen to forty-seven, and the majority ( $n = 31$ , 57.4%) were between the ages of eighteen and twenty-one.

## **Limitations**

While this paper offers a representation of trans students' experiences within these two universities, the fact that the sample is not randomly selected reduces the generalizability of the findings to different contexts with differing facilities and legal codes (Miner et al. 2012). Nonetheless, this paper provides valuable information to assist other institutions in identifying barriers and to consider how access may be enhanced by critically reflecting on each accommodation model. The second limitation of this study lies in the survey design. Participants were not asked about their preferences regarding accommodation models, and it is therefore not known whether participants would prefer single- or multi-user gender-neutral washrooms, for example. Additionally, question design did not differentiate between whether participants avoided washrooms because they were gendered or multi-user. However, the discussion presented here tries to take the inevitable differences in preference into consideration. By addressing the benefits and limitations of each accommodation model, I attempt to respond to the varying needs and desires among different groups and, ultimately, I have proposed a strategy that endorses multiple facility options. Finally, despite the benefits of online surveys, they are limited in their ability to collect qualitative data that is as rich as what can be collected through interviews (Miner et al. 2012). For instance, while respondents were offered a text box to respond to open-ended questions, I could not ask participants for clarification or to elaborate on their responses. Future research may address these limitations by undertaking in-depth interviews with trans university students, across different locations, to explore the nuances of the barriers presented here and request the survey subjects' input in envisioning what institutional change should look like.

## **Results**

### ***Washrooms***

Participants were asked about their experiences using washrooms on campus overall before being asked about their experiences using gender-neutral washrooms. Approximately half of the participants ( $n = 24/49$ , 49.0%) in this study had avoided using a washroom in their university due to fear of harassment, being perceived as trans, or being "outed."<sup>2</sup> As one participant (University B) reasons, "I avoid any possibility of being ridiculed and go home instead." This fear of washrooms is not without justification, as nearly half of participants ( $n = 26/54$ , 48.1%) reported a past negative experience in a campus washroom; a number ( $n = 9/54$ , 16.7%) reported discrimination, harassment or humiliation by other students or peers, and a small proportion ( $n = 2/54$ , 3.7%) even endured these experiences

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<sup>2</sup> This question format was borrowed from the Trans PULSE (2009) survey.

from university staff. Others reported being stared at or questioned ( $n = 7/54$ , 13.0%) and being “outed” as trans ( $n = 3/54$ , 5.6%).

The vast majority of participants ( $n = 42/49$ , 85.7%) had used a gender-neutral washroom on campus. At the same time, over half of respondents ( $n = 30/49$ , 61.2%) reported having to travel across campus to feel safe and/or comfortable in a washroom; a greater proportion of University B participants ( $n = 19/29$ , 65.5%) than University A participants ( $n = 11/20$ , 55.0%) reported doing so. Of course, this difference may be attributed to the fact that University A had publicized the location of gender-neutral washrooms on its website, whereas University B had not. Uncertainty of the whereabouts of gender-neutral washrooms generated challenges for students at University B: “I know that there are gender-neutral bathrooms somewhere on campus but I haven’t been able to find any list of them and they certainly aren’t easily accessible (i.e., very few available).” Notably, of those who had to travel to find a washroom, 30% ( $n = 9/30$ ) identified as disabled, further highlighting the importance of accessible washrooms. One University B student noted that, “It’s sucky to have to walk three buildings over to find a washroom that you can use.”

When gender-neutral washrooms are not readily available, many trans students are forced to weigh the risks and choose a binary washroom that they feel is the safer option, despite the fact that it may not align with their self-identified gender. One participant’s solution was to “use the bathroom I am uncomfortable with for safety” (University B). This unease represents the longstanding “bathroom problem” that still exists on campus (Halberstam 1998):

I feel highly uncomfortable in men’s bathrooms (I have breasts after all!) but do not feel secure in using the women’s yet (fearing security or humiliation). As such I wait until the men’s is empty or walk across campus to a gender-neutral bathroom. This is quite anxiety inducing and it is highly time consuming, taking away class and study time. There should be at least one gender-neutral bathroom in every building (University B).

When asked whether they thought there was a need for more gender-neutral (or single-stall) washrooms on campus, participants unanimously agreed ( $n = 49/49$ , 100%).

### ***Gym Change Rooms***

Echoing the discussion of washrooms, similar challenges arose when trans students used campus fitness centres. Over half of respondents ( $n = 28/49$ , 57.1%) had avoided the fitness centre on campus because of a fear of using the men’s or women’s change rooms, a greater proportion of University B ( $n = 18/29$ , 62.1%) than University A ( $n = 10/20$ , 50%) students reporting doing so. As one participant explained: “I avoid using the fitness center because I am afraid to use the room I identify with but feel uncomfortable using the other one” (University B). While both universities have some form of alternative change room accommodations, trans students likely do not know that these options exist because they are not publicized on the university websites.

Further complicating access to the gym is the fact that over half of participants ( $n = 26/49$ , 53.1%) feared harassment, being perceived as trans, or being “outed” when using these facilities. One University B participant elaborates on their experiences of using change rooms: “Some women are uncomfortable with my presence in the women’s change room. I get looks and throat-clears aimed in my direction, but not direct action taken against me really. Just passive-aggressive reactions, no aggression.”

Just as they managed their risks by accessing the “safer” washroom, participants indicated different perceptions of safety between men’s and women’s change rooms: “I am not afraid of using the women’s change room because I think it’s safer than the men’s” (University B). Fortunately, the majority of the thirty-three participants who had used a campus fitness centre ( $n = 22$ , 66.7%) indicated that they had never had a negative experience using the change room. Still, one-third reported negative experiences ( $n = 11/33$ , 33.3%), including discrimination, harassment, or humiliation by staff ( $n = 2/33$ , 6.1%) and by other students/peers ( $n = 2/33$ , 6.1%), and one participant recalled being kicked out or asked to leave the facility (3.0%). Past experiences of discrimination in change rooms produced long-lasting effects, with one student explaining that they “avoided the locker rooms like the plague until a gender-neutral locker room was created. I still get scared going into locker rooms—bad experiences” (University A). When participants were asked whether they would use a gender-inclusive locker room if it were available, nearly everyone ( $n = 47/49$ , 95.9%) indicated that they would. In this research, a gender-inclusive locker room was defined as “a space that has open access to all genders, equipped with private changing stalls, washrooms, showers, and lockers.”

### ***University Housing***

Campus residences offer a convenient and often affordable housing option to students, and, to some, living in residence is a vital part of the university experience. A considerable portion of participants ( $n = 21/49$ , 42.9%) in this study had lived in university housing. However, just over half of these participants described having negative experiences ( $n = 11/21$ , 52.4%), such as being discriminated against or being harassed or humiliated by their roommates ( $n = 6/21$ , 28.6%), others/peers ( $n = 4/21$ , 19.0%), and staff ( $n = 2/21$ , 9.5%). Two participants (9.5%) also recalled being “outed” in university housing and one (4.8%) reported being the victim of violence. One participant succinctly summarizes their concerns surrounding student housing: “I felt unsafe around my roommate—heightened anxiety” (University B). A small proportion ( $n = 3/27$ , 11.1%) of those who chose to not live in university housing indicated that their choice was impacted by their gender. One University B student smartly remarks on the cisgenderism of their university residence policy: “The policy says that a room cannot be occupied by people of more than one gender—a rule that I break as a gender fluid person just by existing, even if I don’t have a roommate.”

## **Summary of Results**

The results of this study provide a representation of trans students' experiences accessing facilities on campus. As was documented, trans students demonstrate fear regarding the use of binary washrooms and must travel unreasonable distances to find a washroom that they feel safe and comfortable using; trans students continue to avoid the campus gym for fear of using gendered change rooms and are evidently unaware that some form of alternative accommodations are offered; finally, some trans students report difficulties living in university housing and some elect to not live on campus altogether because they are trans. In sum, the results signal glaring gaps in access. Considering that the universities have made efforts to accommodate trans students, but barriers and negative experiences are still routine, these findings invite a critical reflection of the three accommodation models presented earlier.

## **Discussion**

### ***The Limits of Rights-Based Accommodation Models***

In order to help think through the accommodation models used to increase trans students' access to facilities, in what follows, I put Hamraie's (2017) critiques of inclusive design for people with disabilities in conversation with trans scholarship. I draw on Hamraie's (2017) work with respect to the high proportion of participants who identified as disabled ( $n = 23$ , 42.6%) and the fact that many of the gender-neutral washrooms available at these universities are, in fact, universal washrooms. Discussing Hamraie's work in relation to trans scholarship can help to problematize the pursuit of increasing access for trans students and to articulate the limitations of the three accommodation models.

### ***Critiques of the Binary Inclusion Model***

The survey results revealed the challenges participants faced when accessing facilities on campus, such as avoiding washrooms out of a fear of harassment, being perceived as trans, or being "outed" ( $n = 24/49$ , 49.0%) and having to "weigh the risks" when deciding whether to use the men's or women's washroom. Although the survey did not tease out whether participants' avoidance of these washrooms was attributed to their *gendered* structure or the fact that they are *multi-user*, it is evident that binary inclusion is contentious among the sample. The fact that over half of participants ( $n = 28/49$ , 57.1%) had avoided the fitness centre at their university out of a fear of using the men's or women's change rooms, yet all but two participants claimed that they would use a gender-inclusive locker room equipped with multiple changing stalls, supports the conclusion that participants' avoidance was attributed to the gendered-division of facilities. Finally, the negative experiences that participants had while living in residence ( $n = 11/21$ , 52.4%) and the fact that some avoided doing so because they are trans ( $n = 3/27$ , 11.1%) can be, in part, attributed to the way in which the universities only collect students' legal sex designations, therefore incorrectly rooming trans students whose legal sex does not align with their gender identities.

Binary inclusion has long been criticized for its failure to accommodate non-binary individuals and other gender minorities (Stone 2006). Further complicating access here, however, is the fact that not all binary washrooms within the universities met accessibility standards for those with physical disabilities. The fact that 30% of participants who had to travel across campus to find a washroom identified as disabled offers further insight into the limits of binary inclusion. Trans students with disabilities should not be limited to using the gender-neutral, universal washrooms, particularly if they are binary-identified; rather than reducing physical accessibility to the relatively few universal washrooms that exist on campus, institutions should work to incorporate accessibility standards in binary washrooms as well.

### ***Critiques of the Alternative Accommodations Model***

All participants agreed that there is a need for more gender-neutral (or single-stall) washrooms on campus. However, despite this need, mandating the construction of additional washrooms may be difficult, considering cost restraints and the fact that these universities are likely already rights-compliant. In their *Policy for Preventing Discrimination because of Gender Identity and Gender Expression*, the OHRC (2014) explains how trans people's right to be free of discrimination includes access to the washroom that matches their gender identities. The OHRC goes on to explain that some trans people, specifically those who are transitioning, may require "temporary access to private single-user washrooms and change rooms or housing facilities" (2014, 34). The recommendation that trans people use private facilities may respond to the evidence highlighting trans people's risk of victimization in shared spaces, such as washrooms (James et al. 2016). Thus, single-user facilities may be preferred in order to help mitigate potential risks. Nonetheless, the OHRC's (2014) recommendation raises cause for concern. By framing the need for gender-neutral washrooms and other facilities as "temporary," the OHRC reinforces the stereotype that transition always involves moving towards a binary gender expression. Although the OHRC recognizes that trans people should be able to use the washroom that aligns with their lived gender identities, the framing of the need for alternative facilities as "temporary" may act as a barrier for non-binary people. Rather than a temporary accommodation, gender-neutral washrooms are a standard that must be met.

When describing scenarios of how trans people may be reasonably accommodated in these situations, the OHRC (2014) suggests that they may use single-user facilities intended for people with disabilities, what is known as "universal washrooms." It is not uncommon for trans people to use universal washrooms, given the lack of gender-neutral washrooms otherwise (Shelley 2008). In fact, while Ontario's *Building Code Act* has mandated at least one universal washroom for every three floors of all new and majorly renovated buildings, as of 2015, there is no requirement for other gender-neutral washrooms. Despite the OHRC's recommendation, we should be cautious of compelling non-disabled trans people to use universal washrooms as it risks contributing to the ongoing history of taking away space created by and for disabled individuals (Hamraie 2017). Further, offering access to

universal washrooms does not solve the ongoing bathroom issue on campus, as universal washrooms are also relatively scarce.

When reflecting on participants' access to change rooms, it can be deduced that participants were likely unaware that some form of gender-neutral accommodations existed. Despite avoiding the gym out of concerns for using the men's and women's change rooms, almost all said that they would use a gender-inclusive locker room if it were available. This speaks to the need for universities to publicize a list of all gender-neutral spaces on their websites (Beemyn 2003). However, it is also important to highlight that these alternative accommodations might bring about a new set of challenges. For instance, as discussed that University B only offers one single-user gender-neutral locker room, despite having two campus gyms, and that this room is located on a different floor than the gym itself. What is further isolating is the fact that students must ask for a key to use this space. Although this private space is compliant with human rights, it in and of itself may act as a deterrent to using the gym, considering the unreasonable distance that trans students would have to travel between changing and using the gym and the risk of "outing" themselves by asking for a key to access this space.

Finally, it is important to consider the limits of accommodating trans students living in campus residences. Although residence agreements suggest that housing accommodations can be made under special circumstances by contacting the residence administrators, it is unclear whether this applies to trans students and how accommodations would be made. For example, rooming trans students alone has been criticized for its increased cost and the fact that some may find it isolating (Pomerantz 2010). Providing other gender options and making individualized assessments for trans students (Beemyn et al. 2005a), or even permitting all students to specify the preferred gender of their roommate (Seelman 2014b) is likewise problematic because this approach risks lumping all trans applicants together in a manner that reduces "trans" to a third gender category. If there are not an adequate number of trans applicants, or if there are no two applicants that identify in exactly the same way, all trans applicants may be roomed together in a manner that erases the diversity of gender identities. Doing so incorrectly renders "trans" as a gender category as opposed to its proper use as an adjective (Valentine 2007) used to describe a diverse group of people who move away from the gender norms associated with their assigned sex (Stryker 2008). Additionally problematic is the fact that gender identity does not necessarily align with roommate preference. For example, a trans man may prefer a female roommate as opposed to a male roommate. What this means is that providing additional gender options on application forms, and considering differing roommate preferences related to gender, would likely be too complex to be operationalized.

Although the universities in this study offer some form of alternative accommodations for trans students in a manner that is likely compliant with human rights, what the results have shown is that this model does not resolve all barriers. Here, it is useful to reflect on Hamraie's (2017) analysis of universal and barrier-free design, in which they warn that the mandate for institutional compliance with codes can be constraining. Hamraie is critical of relying on narrowly defined policy standards to improve access. They explain that when we develop and refer to a set of

design principles, we see inclusion as a “stable, coherent phenomenon” which prevents us from (re)imagining better forms of access (2017, 227). In the end, equal rights protections are reduced to a matter of compliance (Hamraie 2017). Here, perhaps the universities are less to blame for the barriers that participants experienced than the general limits of rights-based approaches more broadly. Indeed, findings resonate with broader critiques that speak to the limits of trans rights in addressing systemic cisgenderism (Ashley 2018; Spade 2015; Vipond 2015). Critical trans scholars have revealed how rights may respond to the needs of a few trans subjects who seek inclusion and accommodation in institutions but oftentimes fail to provide a widespread solution, meaning that cisgenderism continues to structure our institutions (Ashley 2018; Spade 2015; Vipond 2015). Rights-based processes of inclusion and accommodation, then, risk reifying the status quo, in which gender-neutral bathrooms become a mere “add on” to the norm of binary gendered facilities (Rivers 2017). While all participants agreed that there must be more gender-neutral washrooms on campus, it is important to be wary of this possibility, considering the constraints of law and policy in enacting systemic change. While the accommodations model may be rights-compliant, it may inevitably fail to challenge institutional cisgenderism, and therefore continue to enact barriers for trans students, because of the way in which compliance is often determined by a minimum set of standards (Hamraie 2017).

### ***Critiques of the Degendering Model***

Thus far, I have contextualized the need for trans students' better access to facilities in relation to the limits of the binary inclusion and alternative accommodations models. In what follows, I consider whether access may be enhanced by degendering existing facilities. In order to proceed, I first consider two common points of resistance to multi-user gender-neutral facilities: the issue of building codes and competing rights claims.

#### *Building Codes*

University administrations often argue that degendering multi-user facilities would result in a building code violation (Marine, Wagner, and Nicolazzo 2019; Woodford et al. 2017). This may be accompanied by legal issues, for example in the United States, where many states have adopted “bathroom bills” that mandate trans people use the washroom that aligns with their assigned sex and require all multi-user facilities to be sex-segregated (Graves 2020). In Ontario, the *Building Code Act* specifies a minimum number of men's and women's washrooms mandated in specific types of buildings, per expected occupancy. In 2015, the *Code* was amended to recognize single-user gender-neutral washrooms, although they were not mandated. Yet the *Code* makes no mention of multi-user gender-neutral washrooms. HCMA Architecture & Design (HCMA) (2018) explains that a common misunderstanding of building codes is that some assume that men's and women's washrooms *must* be physically separated. HCMA (2018) analyzed the *British Columbia Building Code* (BCBC) in order to debunk this common assumption. HCMA explained that the approval for multi-stall gender-neutral washrooms can



be granted by indicating that “total toilet counts are based on the assumed gender split of users—they are just co-located within a single shared space with no distinction or separation between users” (2018, 12). In other words, the number of toilets in a degendered washroom could be split to equally count towards the total number of men’s and women’s washrooms required in a building. HCMA (2018) explained that as long as multi-user gender-neutral washrooms meet the other standards delineated in their governing building code, there should not be a code violation. Architects’ interpretations of the *Code* are helpful to reveal how degendering is indeed a viable practice. In fact, multi-user gender-neutral washrooms will be recognized in the *International Building Code* as of 2021 (The National Center for Transgender Equality 2019). Although Canada’s provincial and territorial building codes are governed by the *National Building Code of Canada*, and therefore they are not legally bound by this decision, Canada strives to align its national codes with international codes (Government of Canada 2015). What is happening on the international level may therefore influence Canadian design going forward.

Although there is no explicit recognition nor mandate for multi-user gender-neutral facilities in Ontario’s *Building Code Act*, this may not be a detriment, given the critiques of rights-based compliance strategies noted above. As Hamraie (2017) suggests, assessing inclusion based on whether or not buildings are up to code is constraining because our vision of what constitutes inclusion is ever evolving. The apparent failure to mandate gender-neutral washrooms may not actually be a detriment; rather than delineating a minimum number of gender-neutral washrooms that are required, the fact that these washrooms are permissible within the *Code* grants us infinite possibilities for change. With this in mind, I discuss the possibility of degendering washrooms in light of competing rights claims.

### *Competing Rights Claims*

It is commonly argued that degendering facilities will increase access for everyone (Davis 2018). However, there is much resistance to degendering facilities, in which the rights of trans people are seen to exist in tension with the rights of cis women and some religious groups. Although it is argued that degendered facilities may reduce transphobic victimization by removing boundaries that delineate who can and cannot enter the space (Halberstam 1998; Transgender Law Center 2005), it is commonly argued that degendering washrooms will put cis women at risk of sexual violence at the hands of cis men (Cambridge Radical Feminist Network 2019). Although this argument reinforces women’s-only washrooms as imagined sites of safety, positing that violence does not occur in women’s spaces and that the physical separation of women’s washrooms can prevent the actions of those willing to commit acts of sexual violence (Davis 2018), it is nonetheless important that the sexism of our society be addressed in tandem with degendering facilities (Overall 2007). At the same time, it is necessary to distinguish concerns arising from rights claims from those that stem from discriminatory stereotypes, such as those who wish to maintain women’s-only bathrooms in order to delegitimize trans women and position them as sexual threats (Jeffreys 2014). A second common objection to

degendering relates to the right to exercise religious freedom. It has been pointed out that degendering washrooms will take away space from Muslim women who require gender-segregated spaces for washing before prayer (Roy 2016).

The competing rights claims presented here trouble the assertion that degendering washrooms can increase access for all. In order to help make sense of the potential exclusions that may arise when degendering washrooms, it is useful to turn to Hamraie's (2017) critique of inclusive design. Hamraie (2017) is skeptical of the claim that a space can be made accessible to all, arguing that even purportedly "inclusive" design is seldom free of dominant power relations. Hamraie (2017) explains that architecture and design are based on a "normate template" of the body (19)—a Western standard of the body constructed with reference to dominant norms—against which misfit bodies, such as those with disabilities, would be segregated, assimilated, and sometimes sought to be eliminated. Even as the disability rights movement gained momentum in the 1960s, Hamraie (2017) shows how accessible design became remarketed as a "common good" that would inevitably benefit "everyone." In doing so, universal design depoliticized disability and overlooked the specific needs of disabled people. Hamraie (2017) suggests that universal design again reproduced a "normate template," in which permitting access to "everyone" actually obscured difference.

It is useful to discuss Hamraie's (2017) critique of "inclusive" design in relation to the work of critical trans scholars who seek to advance trans liberation by addressing the roots of oppression and violence (Stanley 2011; Spade 2015). These scholars suggest that trans liberation can only be achieved when we dismantle the systems that produce and perpetuate oppression and violence, as opposed to trying to reform or fix these existing systems (Stanley 2011; Spade 2015). Applying this argument to the topic of washrooms, one might argue that gendered washrooms should be abolished because they have contributed to the categorization and hierarchization of gender, resulting in the subordination of trans identities (Cavanagh 2010). However, Hamraie's concern that a space can never be made inclusive to all, helps to provide insight into how degendering washrooms may not eradicate the oppression that flourishes in washrooms. Although degendering washrooms may be framed as a benefit to all, this discourse may obscure the way in which power relations are always at play in design and in public spaces. While degendering washrooms may provide better access to trans people, it does not, in and of itself, protect against the possibility of transphobia within shared facilities and it may, in fact, foster the exclusion and disadvantage other minorities.

### ***Recommendations***

With consideration for the benefits and limitations presented in all three accommodation models, this section seeks to propose recommendations to increase trans students' access to facilities that work across these models. However, it is important to emphasize that these recommendations are interim solutions, working within the confines of the cisgenderist design of facilities, and the challenges associated with increasing access may not be resolved until we begin building better facilities.

In addition to the existing single-user gender-neutral washrooms that exist on campus, there is a need to strategically degender multi-user washrooms. Strategic degendering may help provide more equitable access to facilities that circumvents the potential exclusion and disadvantage that may arise when we seek to degender all washrooms. Multi-user gender-neutral washrooms are becoming increasingly common across Canadian universities (Cheng 2018; Eligh 2016; Hopper 2012; MacMillan 2018). Since this research was conducted, several washrooms in University A have been degendered and this move has been celebrated by students, staff and faculty, and administration. Although I hesitate to definitively prescribe what constitutes better access for all, the Transgender Law Center's (2005) proposal of degendering washrooms on alternating floors of every building is a model that would bring about a more equitable redistribution of facilities. For every binary washroom, there would be an all-gender washroom. In doing so, however, it is important to exclusively degender neither the men's nor the women's washrooms, since this would generate a new set of barriers. Degendering only women's washrooms may disadvantage women-identified people and some religious groups, with consideration for the rights-claims presented above. On the other hand, degendering only the men's washrooms does not solve the gender policing that occurs in women's spaces (Halberstam 1998), which can generate trans exclusion by compelling trans women to use the gender-neutral washroom, as opposed to the women's, out of fear of harassment or violence (Transgender Law Center 2005). Indeed, while strategic degendering may provide a more equitable number of washroom options, this does not negate the need to solve oppression in our society, which is at the root of transphobia in washrooms. Going forward, facilities need to be reimaged and redesigned to respond to changing notions of accessibility and to better address the systems of power that condition access to, and experiences within, these spaces (Hamraie 2017). For more inclusive design ideas, one may refer to Saunders and Stryker's (2016) *Stalled: Gender-Neutral Public Bathrooms* project, which offers a washroom design guided by an intersectional framework. Here, washrooms are imagined as part of a larger public space, subdivided into sections—"coifing, washing, and eliminating"—while providing different ways that individuals can perform these activities according to their individual and cultural needs (Saunders and Stryker 2016, 784). Within this shared space, all toilet stalls are single-user, equipped with floor-to-ceiling doors, and meet physical accessibility standards (Saunders and Stryker 2016).

Inspiration may similarly be taken to inform the future design of change rooms. As it stands, gendered change rooms prove troublesome to trans students. However, degendering change rooms is a much more complex endeavour than degendering washrooms; given that many campus gyms only have two locker rooms, degendering one or both may be contentious. This is where the accommodation model, despite its shortcomings, may offer a viable solution. While alternative accommodations may not always be ideal, appealing to human rights can help gain access to private spaces or, more ideally, to help advocate for the construction of an additional gender-neutral locker room, as was offered in University A.

Finally, fostering trans students' better access to university housing also requires much consideration. In light of the complications involved in individually

assessing trans applicants' requests for housing, universities should ensure wider access to gender-neutral housing options. Often, there are age or class standing restrictions on gender-neutral housing (Taub, Johnson, and Reynolds 2016), as was the case at University A. While gender-neutral housing can meet the needs of many non-binary and gender diverse students, it should not be the sole option, given the competing rights-claims presented above and the fact that some binary-identified trans people may want gender-segregated living arrangements. To enhance binary-inclusion, gender should be self-disclosed, rather than being based on legal sex. At the same time, binary inclusion does not protect against the possibility of being assigned a transphobic roommate. While universities cannot solve cisgenderism alone, as this requires a much broader social transformation, universities should work with students to quickly and appropriately respond to these situations.

Rather than thinking about each accommodation model independently, integrating aspects of each model may provide more equitable access to facilities, and different options of facilities, and therefore be more responsive to the needs of multiple groups. However, improving existing facilities may not solve all barriers, especially when barriers arise from structural oppression, like cisgenderism. The solutions provided here remain limited by the cisgenderist design of public facilities and, as such, should be understood as interim solutions as we journey towards building better facilities that are more responsive to dominant systems of power.

## Conclusion

The results of a survey of fifty-four trans students in two major universities in Ontario revealed how barriers to accessing facilities continue to persist, despite universities' efforts to be rights-compliant. Findings therefore invited a critical reflection of the three accommodation models that may be undertaken to remedy these barriers. What this paper has shown is that each model has its benefits as well as shortcomings that may generate new challenges and exclusions. What I have proposed are solutions to help dismantle barriers by thinking across these three models. Enhancing binary inclusion, offering alternative accommodations, and strategically degendering facilities in tandem may help avoid potential exclusions that may arise when attempting to increase trans students' access to facilities. At the same time, this paper remains critical of the possibility of improving access for all, recognizing that the solutions offered here are limited by the confines of existing design and the fact that dominant relations of power may continue to condition experience within these spaces. This paper therefore proposes these as short-term solutions while we imagine better future design possibilities going forward.

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