

Petition

Lindstrand, Laura (HUM)

From: Rebecca Faust [mizrebecca@outlook.com]
Sent: Thursday, January 07, 2016 9:41 AM
To: Lindstrand, Laura (HUM)
Subject: Petition RCW 34.05.330 (WAC 162-32-060)
Attachments: petitionHRC.pdf

Categories: follow up

Ms. Lindstrand,

Attached is a petition pursuant to RCW 34.05.330 regarding WAC 162-32-060. I look forward to the commission's response. Would you please acknowledge receipt so that I know this email has reached you? Would you also be so helpful as to please inform me when my petition is placed on the agenda for the commission? Have a nice day and a great weekend!

Thanks,
Rebecca Faust

Petition
Regarding WAC 162-32-060

Submitted pursuant to RCW 34.05.330.

WAC 162-32-060 is not in accordance with all applicable provisions of law and is not within the intent of the legislature.

Date submitted
January 7, 2016

Submitted by
Rebecca Faust.
mizrebecca@outlook.com

Agency responsible for administering rule
Human Rights Commission

Rationale

WAC 162-32-060 should be repealed because it is not within the intent of the legislature and is not consistent with all applicable provisions of law. Furthermore, it should be repealed because it is a poorly-reasoned and harmful public policy, which infringes on the privacy interests of residents of, and visitors to, this state.

Name, title and number of rule
WAC 162-32-060 Gender-segregated facilities.

Description of effects of repeal

Repealing WAC 162-32-060 would allow covered entities to require customers, employees, and others to use bathrooms, locker rooms, and similar facilities designated for their sex, even if that is different from their self-professed "gender identity."

Additional comments

For the purposes of RCW chapter 49.60, "sex" means "gender" (RCW 49.60.040(25)). The following definition is provided for "sexual orientation" and "gender identity:"

"Sexual orientation" means heterosexuality, homosexuality, bisexuality, and gender expression or identity. As used in this definition, "gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth." (RCW 49.60.040(26))

It is my understanding that in this context "sex" refers to being biologically male or female. Thus, for example, an anatomical male who represented himself as female would be considered to have a "male" "sex," but a "female" "gender identity."

The RCW explicitly permits employers to segregate "washrooms" by sex (RCW 49.60.180(3)).

"PROVIDED, That it shall not be an unfair practice for an employer to segregate washrooms or locker facilities on the basis of sex, or to base other terms and conditions of employment on the sex of employees where the commission by regulation or ruling in a particular instance has found the employment practice to be appropriate for the practical realization of equality of opportunity between the sexes." (RCW 49.60.160(3) in part and emphasis added)

The right to segregate "washrooms" on the basis of sex intrinsically implies the right to require employees to use the "washroom" corresponding to their sex. Nowhere does RCW chapter 49.60 specifically require or authorize (or otherwise address) segregation of washrooms, bathrooms, locker rooms and such, on the basis of "gender identity." However, the Human Rights Commission presumes to require employers to segregate such facilities on the basis of "gender identity" instead of on the basis of "sex," as explicitly provided for in, and permitted by, the RCW.

Furthermore, businesses or other “places of public resort, accommodation, assemblage, [and/or] amusement” should be permitted to gender-segregate bathrooms and other facilities where undressing occurs under RCW 49.60.215.

“PROVIDED, That behavior or actions constituting a risk to property or other persons can be grounds for refusal and shall not constitute an unfair practice.” (RCW 49.60.215(1) in part)

It is manifest that entering and undressing in a facility with members of the opposite sex effects the other people using the facility. Allowing such behavior constitutes a “risk to . . . other persons,” and therefore should not be considered “an unfair practice.”

This effect upon others is even tacitly acknowledged in the rules adopted by the Human Rights Commission.

“If another person expresses concern or discomfort about a person who uses a facility that is consistent with the person's gender expression or gender identity, the person expressing discomfort should be directed to a separate or gender-neutral facility, if available.” (RCW 162-32-060(2)(a))

“Provision of options encouraged. Whenever feasible, covered entities are encouraged to provide options for privacy, such as single-use gender-neutral bathrooms or private changing areas, that are available to any individual desiring privacy.” (RCW 162-32-060(4))

The right to privacy in refusing to expose oneself to another or to see another exposed – especially with regards to the other gender, is widely recognized socially and in various laws. Allowing men into areas provided for women to undress in creates an inherently uncomfortable environment for women and hampers women’s effective access to facilities. (Arguably, allowing women into facilities provided for men would also have a negative effect upon men’s experience and access.) This was the legislative basis for explicitly allowing such segregation in employee washrooms (see RCW 49.60.215(1)). It should provide sufficient basis for such segregation in public bathrooms also.

Moreover, causing “discomfort” to members of the other sex by undressing in front of them is (at least with certain qualifications) a crime (RCW 9A.88.010).

The Human Rights Commission proposes to resolve the dilemma by sending those who object to an alternate, more private, facility “if available.” The rule encourages, but does not require, the availability of such a facility. When such facilities are not available, the rules would nevertheless require that access to “gender-segregated facilities” be allowed on the basis of “gender identity” (regardless of sex).

I acknowledge that some people, for whatever reason, have a belief that they are of a different gender and/or desire to be a different gender than that to which they biologically belong (genetically and anatomically). However, there is no effective way of distinguishing between those with such sincere belief and/or desire and some who may take advantage of men’s access to public women’s facilities (or women’s access to public men’s facilities) for less innocent motives. Furthermore, even if a man really views himself as a woman, that is not how most non-transgender, straight women (i.e. the majority of women) would view his exposed private anatomy. As a woman, I should be able to use a public, gender-segregated facility, such as a locker-room or bathroom, without seeing a man undressed. If I don’t want to see naked strangers of the opposite sex, I shouldn’t have to.

Where the legislature sought a balance that protected everyone, the rules adopted by the Human Rights Commission sacrifice the rights of the people.

x Rebecca J. Faust

Rebecca J. Faust
January 7, 2016

Petition:

Rebecca Faust submitted a petition to the HRC to repeal WAC 162-32-060. This is the rule that specifically deals with gender segregated facilities. No other part of the rules related to SO and GI are part of this petition. I wish to thank Ms. Faust for her petition, her interest in this topic, and her participation in the public process.

The Petition's reasons for repeal are:

- The rule is not within the intent of the legislature.
- The rule is not consistent with other aspects of the law
- The rule is poorly reasoned
- The rule is harmful to public policy and creates a risk
- The rule infringes on the privacy interest of individuals.

I will address these issues now individually:

1) The rule is not within the intent of the legislature.

The petition did not specifically explain why petitioner believes that this rule is not within the intent of the legislature, but the reasoning may be found within the legislation itself, and what it does not state.

So, as a basis RCW 49.60.030 states that

(1) The right to be free from discrimination because of race, creed, color, national origin, sex, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability is recognized as and declared to be a civil right. This right shall include, but not be limited to:

- (a) The right to obtain and hold employment without discrimination;
- (b) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement;
- (c) The right to engage in real estate transactions without discrimination,

The legislature passed, in 2006, the law which prohibits discrimination on the basis of sexual orientation and gender identity in the areas of employment, public accommodation, housing, credit, insurance. However, the law did not go into the detail of gender segregated facilities, either prohibiting certain persons from using particular gender segregated facilities, or requiring equality of gender segregated facilities. The text of the law was silent on this issue.

The definition of sexual orientation can be found in RCW 49.60.040(26) "Sexual orientation" means heterosexuality, homosexuality, bisexuality, and gender expression or identity. As used in this definition, "gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender

identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth.

It can be argued that this definition is fairly broad. It does not specify that an individual must have a certain anatomy, have had certain medical procedures, or to have any type of verification or documentation to qualify as having a particular gender identity or expression.

When interpreting and enforcing the law that protects persons of any so and gi from discrimination, based on the broad definition and the words found RCW 49.60.020, which states “the provisions of this chapter shall be construed liberally”, the hrc determined that discrimination included the act of prohibiting a person from using a gender segregated facility that corresponds to their gender identity. In other words TG males identify as male and should be able to use the facility that all others who similarly identify as male use. TG females identify as female and should be able to use the facility that all others who similarly identify as female use. To prohibit transgender persons from using the facility that they identify with constitutes discrimination based on gender identity. This is the way the law was interpreted and enforced since 2006.

The rule is not consistent with other aspects of the law.

Petitioner cites RCW 49.60.180(3) which states in pertinent part “PROVIDED, That it shall not be an unfair practice for an employer to segregate washrooms or locker facilities on the basis of sex...” Petitioner argues that the right to segregate washrooms on the basis of sex gives employers the right to require employees to use the washroom corresponding to their sex. Petitioner further argues that sex refers to being biologically male or female, and that an anatomical male would be considered to be of the male sex for purposes of RCW 49.60.180(3). Petitioner argues that this right conflicts with WAC 162-32-060 which requires employer to allow an employer to use the restroom according to gender identity, rather than anatomy.

The definition of sex can be found in RCW 49.60.040(22). It states “sex means gender”. I was unable to find a definition for gender, male or female in RCW 49.60, or any definition of either sex or gender, or male or female, that included the requirements for specific anatomy or lack of specific anatomy.

There is nothing in the rule which requires gender neutral facilities, or to abolish sex-segregated facilities.

The rule is poorly reasoned.

The petitioner does not specifically state how she believes the rule is poorly reasoned, but the next two topics of risk and privacy may address this concern in more detail.

A short synopsis of the process may be helpful here. The HRC held 4 work sessions on the issues of so and gi across the state, and invited the public to participate. Persons attended provided input, voiced concerns, and discussed issues, including the issue of gender segregated facilities. From these work sessions, the draft rules were derived. The draft rules were published in the state register. Then, a public hearing and public comment period were held on the draft rules, and from these public comments, the final rule was completed and published in the state register. The content of the rules came from public input.

The rule is harmful to public policy and creates a risk

Petitioner argues that undressing in a facility with members of the opposite sex affects other people using the facility, and allowing this creates a risk to other persons. She cites RCW 49.60.215(1), Unfair practices in places of PA, in pertinent part “That behavior or actions constituting a risk to property or other persons can be grounds for refusal and shall not constitute an unfair practice.” Petitioner provides no studies, statistics, or real-life examples that demonstrate that the use of gender segregated facilities by a transgender individual creates a risk.

I could find no evidence that this type of rule has increased risk in any of the many jurisdictions in which a similar rule has been enacted, which include D.C., Delaware, Massachusetts, Nevada, Maine, Vermont, Colorado, Oregon, San Francisco. Nor has the U.S. Department of Justice, Department of Education, Office of Personnel Management, EEOC, HUD, or the WA OSPI reported any problems with similar regulations and guidance that those entities have enforced.

This rule does not allow any type of inappropriate or illegal behavior to take place in gender segregated facilities. It does not protect anyone who engages in inappropriate or illegal behavior.

It should be noted that there is statistical support and documented incidents in which transgender individuals are assaulted when they access the restroom that is inconsistent with their gender identity. To not have the protections of the law would create a substantiated risk for these individuals.

The rule infringes on the privacy interest of individuals.

The petitioner argues that a person’s right to privacy is violated when men are allowed into areas in which women undress, and this impedes a woman’s access to these areas. She argues that this dynamic would create an uncomfortable environment for women, and cites her previous argument related to employee washrooms. It is undeniable that some people will be uncomfortable in such situations and some people will choose not to be in these situations.

It should be noted, however, that nothing within the rules gives men the right to be in women’s sex segregated facilities. Only those persons who identify as female are allowed. Nothing in this rule forces anyone to disrobe in front of anyone else, and the rules encourage options for privacy for anyone who wishes it.

Skinner, Laura (HUM)

From: Skinner, Laura (HUM)
Sent: Monday, February 29, 2016 1:40 PM
To: 'Rebecca Faust'
Subject: Washington State Human Rights Commission Response to Petition to Repeal WAC 162-32-060
Attachments: 201602291331.pdf
Importance: High

Dear Ms. Faust,

The attached document is the signed response from the Washington State Human Rights Commission regarding the repeal of WAC 162-32-060.

Sincerely,

Laura Skinner
Executive Assistant
Washington State Human Rights Commission
711 South Capitol Way, Suite 402
PO Box 42490
Olympia, WA 98504-2490
Phone: (360) 753-4876

This e-mail and related attachments and any response may be subject to public disclosure under state law.

The most profound choice in life is to either accept things as they exist or to accept the responsibility for changing them. -from The Universal Traveler by Don Koberg and Jim Bagnall, shared by Isaac in Sedona, AZ



STATE OF WASHINGTON
HUMAN RIGHTS COMMISSION

711 South Capitol Way, Ste. 402 • PO Box 42490 • Olympia, WA 98504-2490
(360) 753-6770 • 1-800-233-3247 • FAX (360) 586-2282
www.hum.wa.gov

**Washington State Human Rights Commission
Response to Petition to Repeal WAC 162-32-060**

On January 7, 2016 Rebecca Faust submitted a Petition, per RCW 34.05.330, requesting repeal of WAC 162-32-060, the rule related to gender-segregated facilities. Petitioner argues that the rule is not in accordance with applicable provisions of the law, and is not within the intent of the Legislature. She also states that the rule is poorly reasoned, harmful to public policy, and infringes on the privacy interests of persons in this state.

Argument 1: The rule is not within the intent of the legislature

Agency Response: The Legislature passed, in 2006, the law which prohibits discrimination on the basis of sexual orientation and gender identity in the areas of employment, public accommodation, housing, credit and insurance. The law does not specifically address gender segregated facilities. The law, in RCW 49.60.030, does state that the right to be free from discrimination because of....sexual orientation...is recognized as and declared to be a civil right, and that this right shall include, but not be limited to, the right to obtain and hold employment without discrimination; the right to full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement; and the right to engage in real estate transactions without discrimination.

The Legislature also created a fairly broad definition of gender identity in RCW 49.60.040(26): "Gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth. There is no requirement of someone having a particular anatomy, medical procedures, or documentation in order to qualify as having a particular gender identity or expression.

When interpreting and enforcing the law that protects persons of any gender identity from discrimination, the Human Rights Commission relied upon this broad definition of gender identity, and the words found in RCW 49.60.020, which states that "the provisions of this chapter shall be construed liberally." The Human Rights Commission determined that an act of discrimination would include prohibiting persons from using the segregated facility with which



they identify. In other words, it would be discriminatory to prohibit a transgender man from using a men's facility or to prohibit a transgender woman from using a women's facility. Thus, covered entities are prohibited from discriminating against transgender individuals and cannot prohibit persons from using the gender segregated facility with which they identify. The Human Rights Commission has interpreted and enforced the law in this manner consistently since 2006, has created guidance consistent with this principle, and has provided technical assistance consistent with this interpretation.

Conclusion: This rule is consistent with the intent of the legislature that all persons be free from discrimination based on protected class.

Argument 2: The rule is not consistent with other aspects of the law

Agency Response: The Petitioner cites RCW 49.60.180(3) which states that it is not an unfair practice for an employer to separate washrooms or locker facilities on the basis of sex. Petitioner believes that this right gives employers the additional right to require that employees use the washroom or locker facilities that correspond to their sex, which she equates to being biologically and anatomically male or female. Petitioner believes that this conflicts with the rule in question, which requires employers to allow an employee to use the restroom according to gender identity rather than anatomy.

The definition of sex found in RCW 49.60.040(22) defines sex as gender. There is no definition of gender in RCW 49.60. The definition of gender identity found in RCW 49.60.040(26) does not include any requirements for a specific anatomy to be present or absent in order for a transgender individual to have the protections of non-discrimination law.

Conclusion: There is no inconsistency between this rule and RCW 49.60.180(3). This rule is consistent with RCW 49.60.030 (reviewed above).

Argument 3: The rule is poorly reasoned

Agency Response: The rule was created through public input. There were four work sessions held across the state related to creating rules on the subjects of sexual orientation and gender identity. Persons who attended provided input, voiced their concerns and personal experiences, and discussed the issues that they wished to see in the rules. From the information gathered at the work sessions, the draft rules were derived. They were then published in the Washington State Register. A public hearing and public comment period were held regarding the draft rules. From the comments gathered during this public comment period, the final rules were completed, and published in the State Register. During the public comment period, there were no negative comments about transgender individuals using the gender segregated facility with which they identify. In fact, public comment was in favor of expanding the protections found in the draft rules on this issue.

In addition to public participation, similar rules from other jurisdictions were reviewed to ensure that the language of our rules was consistent with what other jurisdictions were doing.

Conclusion: This rule was carefully reasoned.

Argument 4: This rule is harmful to public policy and creates a risk.

Agency Response: There is no evidence that allowing transgender individuals to use the gender segregated facility with which they identify would create behavior or actions that would constitute a risk to property or other persons, creating grounds for refusal and not constituting an unfair practice, as per RCW 49.60.215(1). There is no evidence that this type of rule has created an increased risk to public safety in any of the jurisdictions which have a similar rule.

The rule does not allow any type of inappropriate or illegal behavior to take place in gender segregated facilities. The rule does not protect someone who engages in inappropriate or illegal behavior, or protect anyone who might falsely claim to be transgender in order to gain access to a gender segregated facility. There are criminal laws in place to protect the public against inappropriate or illegal behavior.

There would be a risk presented if transgender individuals were forced to utilize gender segregated facilities that correspond to their sex assigned at birth. There is statistical and anecdotal evidence that when transgender individuals use the restroom that is inconsistent with their gender identity they are at increased risk of assault.

Conclusion: The rule is not harmful to public policy, and there is no evidence that it will create a risk.

Argument 5: The rule infringes on the privacy of individuals

Agency Response: Petitioner argues that a person's right to privacy is violated when men are allowed into areas where women undress.

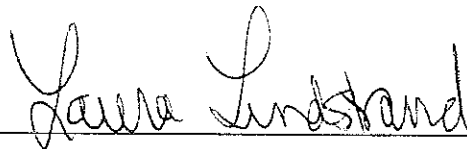
Nothing in this rule gives men the right to be in a women's facility. Only those persons who identify as female are allowed. No part of this rule forces anyone to disrobe in front of anyone else, or to observe anyone who is in the process of disrobing. The rule, in fact, encourages options for privacy for anyone who wishes it.

Conclusion: This rule does not infringe upon privacy; persons can seek privacy if they wish to.

Additional Information

The Human Rights Commission has created a Frequently Asked Questions guidance paper to assist persons in understanding this rule, what it does and does not do, and what the rulemaking process was. This paper is available on the Human Rights Commission's website and will continue to be sent to anyone who has questions. The Human Rights Commission will continue to provide technical assistance in this area for anyone with questions.

For the above reasons, the Petition to Repeal Rule 162-32-060 is hereby denied.

Prepared by: 
Laura Lindstrand, Policy Analyst

Approved by: 
Steve Hunt, Commission Chair

DRAFT MEETING MINUTES – THESE MEETING MINUTES ARE SUBJECT FOR APPROVAL AT THE NEXT SCHEDULED COMMISSION MEETING ON FEBRUARY 25, 2016.

**WASHINGTON STATE HUMAN RIGHTS COMMISSION
COMMISSION MEETING
JANUARY 28, 2016 @ 5:30PM
LEGISLATIVE BUILDING
416 SID SNYDER AVE. SW, COLUMBIA ROOM
OLYMPIA, WA 98501**

MINUTES

ATTENDANCE

Commissioners: Steve Hunt, Chair; Skylee Robinson, Commissioner; Charlene Strong, Commissioner; Clarence Henderson, Commissioner; Lenore Three Stars, Commissioner.

Staff: Sharon Ortiz, Executive Director; Laura Skinner, Commission Clerk; Stacia Hollar, AAG; Cheryl Strobert, Enforcement Manager; Laura Lindstrand, Policy Analyst.

OPENING AND WELCOME

Chair Hunt called the meeting to order at 5:30PM.

ALFIE ALVARADO-RAMOS, DIRECTOR, VETERANS AFFAIRS

Alfie Alvarado-Ramos, Director of Veterans Affairs provided overview about their agency; provided information and resources; presented Director Ortiz with a challenge coin in recognition of agency partnerships between the WSHRC and Veterans Affairs.

PETITION FOR REPEAL OF WAC 162-32-060

Chair Hunt explains process of petition for repeal of WAC 162-32-060.

Policy Analyst Lindstrand stated the WSHRC received a petition to repeal WAC 162-32-060 from Rebecca Faust; addressed each issue submitted by Ms. Faust individually and provided information reflecting the rules under WLAD.

Commissioner Henderson asked if Ms. Faust was present, verified she was; asked if Ms. Faust would agree or disagree with how her petition was presented since she did not present it herself; Ms. Faust can respond during public comment since she signed up.

Commissioner Three Stars asked about the last point options for privacy; Policy Analyst Lindstrand stated decided not to outline specific options within the rules and make mandatory for employers and other public entities; options would be separate facilities,

restrooms; privacy screens, shower curtains; left the options up to individual entities and what would be most appropriate.

PUBLIC COMMENT

Several individuals spoke in regards to the petition to repeal WAC 162-32-060 during public comment; heard from both sides of the issue that were for and against the sexual orientation/ gender identity rules.

MEETING MINUTES

Commissioner Robinson made motion to adopt December 17, 2015 meeting minutes; Commission Henderson seconds; motion carried.

Break @ 7:00PM
Resume @ 7:10PM

CASE CLOSURES

Commission Strong made motion to adopt case closures; Commission Henderson seconds; motion carried.

ED REPORT

Director Ortiz provided packet to the Commissioners for their review.

COMMISSIONER REPORTING

Commissioner Strong spoke at Western Washington University not as a Commissioner; provided information about the WSHRC.

Commissioner Henderson attended several Martin Luther King Jr. events.

Commissioner Robinson, nothing to report.

Commissioner Three Stars, nothing to report.

Chair Hunt, nothing to report.

AAG UPDATES, STACIA HOLLAR

AAG Hollar stated no new updates to provide; introduced Colleen Melody and Marsha Chien, civil rights unit at the AG's office.

ACTION ITEM: 2016 COMMISSION MEETING SCHEDULE

February 25, 2016: Seattle City Hall; Commissioner Strong to secure location.

March 24, 2016: Vancouver

April 28, 2016: Olympia

May 26, 2016: Spokane

June 23, 2016: Tacoma, Commissioner Henderson to secure location at the Urban League.

July 28, 2016: Bellingham

August 25, 2016: Conference call

September 22, 2016: Yakima

October 27, 2016: Olympia

November 17, 2016: Conference call

December 15, 2016: Conference call

OLD BUSINESS: EDUCATION PROGRAM

Commissioner Henderson, Commissioner Strong and Commissioner Robinson to move the education program forward; provide presentation at February meeting.

Commissioner Strong stated she will make contact with an individual she knows to use Everett school as a trial for education program presentation.

Commissioner Henderson stated an individual asked him about no meeting minutes on the website; would like to have the past 5 years on uploaded including agendas.

EXECUTIVE SESSION

The Commission will move into Executive Session:

Pursuant to RCW 42.30.110 (1) (g), the Commission shall move into closed session for the purpose of to review the performance of a public employee and reconvene on the record in approximately 15 minutes.

Began at 7:25PM

Reconvened at 7:37PM

ADJOURN

There being no further business, the meeting adjourned at 7:38PM.

Respectfully submitted,

Laura Skinner
Commission Clerk

(28)

Name :	Email:	Comment	Yes/No
Rebecca Faust	mizrebecca@outlook.com	✓	Yes
Ari LaTourrette	anlatourrette@outlook.com	✓	Yes
Barbara Smith	OlyBabs2@gmail.com		NO
Tali Jones	sakomafish@gmail.com		no
Ilex Brown	Mule540@gmail.com		no
Laura Rowlett	lauralynn.tx@gmail.com		No
Sarah Laing	sarah.kay.laing@gmail.com		no
Roland Vogel	rovous@gmail.com		no
Masa Kawamura	masa@stonewallyouth.org		No
T. Kwan Meeks		✓	Yes
Mark Randall	mark@webdesignbyMark.com	✓	yes
Cois Valenzuela	blaineval@comcast.net	✓	yes
3 months Award	Samantha@Nventre.com	✓	yes
Janelle Seaton	neldaj.seaton@gmail.com	✓	yes
Jill Wade	wadegreen2@msn.com	✓	yes
Eric H. Jaber	Someoneshappy@gmail.com	✓	Yes
TYLER STEWART	tylergstewart@gmail.com	✓	YES
Lynn Goralski	LYNN@LYNNGORALSKI.COM	✓	YES
Brianna Schuman	BNSchuman@gmail.com	✓	Yes
Amy Layton	the.amylayton@yahoo.com	✓	NO Yes
SANDRA DeAngelo	Sandra.deangelo@gmail	✓	no/Yes
Paul Machurg	PAULM@THRIVECF.COM	✓	yes
Rebbie MacLurg	debbiem@thrivecf.com		NO
Wendy Hoy	whoy3@yahoo.com		NO
Mark Hoy	hoysign@gmail.com		NO
Kick Stuart	greenwaystuart6@gmail.com	✓	YES
Jenae Kennington	jenaekennington@gmail.com		No
Mischq Moren	Mischq.moren@gmail.com	DID NOT SHOW UP	NO
Roseann McS...	rippl@gmail.com		NO

Name:	Email:	Comment Yes/No:
Joey Helland	joeygirl@wavecable.com	✓ Yes
Paul Heinrich	paul.celebrationsoflife@gmail.com	✓ Yes
Matthew Miles	matthewcmiles@comcast.net	✓ Yes
Brad Klippert	brad.klippert@leg.wa.gov	✓ Yes
Ally Young	SG1alchemist@gmail.com	Yes
Kate Lewis	Kate.a.lewis@gmail.com	No
TRACEY QUIRK	TRACEYQUIRK@GMAIL.COM	NO
DAVID HELLAND	DAVID@HELLANDS.COM	NO
KADEN SULLIVAN	k-l-sullivan@yahoo.com	✓ YES
Victoria Benson	victoria.l.benson.1994@gmail.com	✓ Y
Veronica Shakotko	veronica.shakotko@leg.wa.gov	N
Rachel Rutherford	rfp.rutherford@gmail.com	N
Panda Lehr	lehr.mccabe@gmail.com	✓ Yes
Philip Wilson	phipplwilson@gmail.com	✓ Yes
Dana Ward	dward@legalvoice.org	✓ Yes
Shannon Bushnell		✓ Yes

Danni Askini - Gender Justice League ✓ ✓
✓

Rachelle Ottosen - ✓ Yes

Representatives - Comment

Dan Griffey

✓

Yes

MATT SIEA

✓

YES

Lynne Wilson

✓

yes

Qiu Min Ji ✓ Live in Tumwater
Human rights Activist

Sharon
said
put
through

Tom Dent ✓



RECEIVED

FEB 01 2016

Human Rights Commission

To: **Laura Lindstrand**

From: **Michael Hampton**

Fax:

Pages: **3**

Phone: **253-847-6493**

Date: **2/1/2016**

Re: **Transgender use of restrooms**

cc:

Urgent

For Review

Please Comment

Please Reply

Please Recycle

Comments: Attached is a petition for repeal of the transgender use of restrooms and locker rooms that you have recently passed. I want this rule reviewed and rejected as per my right under the constitution of the State of Washington.

Michael Hampton

(If you have any questions, please contact the office of the Human Rights Commission at 253-847-6493.)



PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Print Form

In accordance with RCW 34.05.330, the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at http://apps.leg.wa.gov/wac/default.aspx?cite=82-05.

CONTACT INFORMATION (please type or print)

Petitioner's Name Michael Hampton
Name of Organization
Mailing Address 9709 219th St Ct E
City Graham State WA Zip Code 98338-9241
Telephone 253-847-6493 Email lmhampton@comcast.net

COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
Provide relevant examples.
Include suggested language for a rule, if possible.
Attach additional pages, if needed.
Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: http://www.leg.wa.gov/CodeReviser/Documents/RClist.htm.

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: Human Rights Commission

1. NEW RULE - I am requesting the agency to adopt a new rule.

The subject (or purpose) of this rule is:

The rule is needed because:

The new rule would affect the following people or groups:

2. AMEND RULE - I am requesting the agency to change an existing rule.

List rule number (WAC), if known: _____

I am requesting the following change: _____

This change is needed because: _____

The effect of this rule change will be: _____

The rule is not clearly or simply stated: _____

3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.

List rule number (WAC), if known: Transgender use of any locker room or restroom

(Check one or more boxes)

It does not do what it was intended to do.

It is no longer needed because: _____

It imposes unreasonable costs: _____

The agency has no authority to make this rule: _____

It is applied differently to public and private parties: _____

It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: _____

It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: _____

All persons should use the locker room or restroom of their physical gender, unless they are a child accompanied by their parent. This is accepted perversion and should be put to a vote of citizens.

Other (please explain): _____



STATE OF WASHINGTON
HUMAN RIGHTS COMMISSION

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**Washington State Human Rights Commission
Response to Petition to Repeal WAC 162-32-060**

On February 1, 2016 Michael Hampton submitted a Petition, per RCW 34.05.330, requesting repeal of WAC 162-32-060, the rule related to gender-segregated facilities. Petitioner argues that all persons should use the gender segregated facility that corresponds to their "physical gender". He further argues that this rule condones a "perversion".

Argument 1: Persons should use the gender segregated facility consistent with their physical gender.

Agency Response: The Legislature passed, in 2006, the law which prohibits discrimination on the basis of sexual orientation and gender identity in the areas of employment, public accommodation, housing, credit and insurance. The law does not specifically address gender segregated facilities. The law, in RCW 49.60.030, does state that the right to be free from discrimination because of...sexual orientation...is recognized as and declared to be a civil right, and that this right shall include, but not be limited to, the right to obtain and hold employment without discrimination; the right to full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement; and the right to engage in real estate transactions without discrimination.

The Legislature also created a fairly broad definition of gender identity in RCW 49.60.040(26): "Gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth. There is no requirement that an individual must have a particular anatomy, medical procedure, or documentation in order to qualify as having a particular gender identity or expression.

When interpreting and enforcing the law that protects persons of any gender identity from discrimination, the Human Rights Commission relied up on this broad definition of gender identity, and the words found in RCW 49.60.020, which states that "the provisions of this chapter shall be construed liberally." The Human Rights Commission determined that an act of discrimination would include prohibiting persons from using the segregated facility with which



they identify. In other words, it would be discriminatory to prohibit a transgender man from using a men's facility or to prohibit a transgender woman from using a women's facility. Thus, covered entities are prohibited from discriminating against transgender individuals and cannot prohibit persons from using the gender segregated facility with which they identify. The Human Rights Commission has interpreted and enforced the law in this manner consistently since 2006, has created guidance consistent with this principle, and has provided technical assistance consistent with this interpretation.

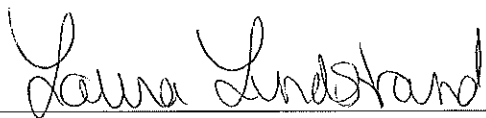
Conclusion: Because there is no requirement of certain physical characteristics in order to have the protections of non-discrimination law, the law compels that persons of all gender identities receive equal treatment.


Argument 2: This rule condones a perversion

Agency Response: Having a gender identity different from one's sex assigned at birth is not a "perversion". The legislature was clear about this fact in 2006 when it decided that gender identity is a protected class under non-discrimination law.

Conclusion: This argument is incorrect; the Washington State Human Rights Commission is not condoning a "perversion".

For the above reasons, the Petition to Repeal Rule 162-32-060 is hereby denied.

Prepared by: 
Laura Lindstrand, Policy Analyst

Approved by: 
Stephen Hunt, Commission Chair

Washington State Human Rights Commission
Commission Meeting
February 25, 2016 @ 5:30 PM
General Administration Building
Auditorium, First Floor
210 – 11th Avenue SW
Olympia, WA 98501
AGENDA

1. Opening and Welcome – Steve Hunt, Chair
2. Petition For Repeal of WAC 162-32-060 from Michael Hampton
3. Public Comment
4. Meeting Minutes; January 28, 2016
5. Case Closures
6. ED Report
7. Commissioner Reporting
8. AAG Updates, Stacia Hollar
9. Old Business:
 - a. Education Program
 - b. Revisit 2016 Commission Meeting Schedule
10. New Business:
 - a. Commissioner statement regarding gender segregated facilities section of the rules.
11. Executive session:

The Commission will move into Executive Session:
Pursuant to RCW 42.30.110 _____, the Commission shall move into closed session for the purpose of _____ and reconvene on the record at approximately _____.
12. Adjourn

WASHINGTON STATE HUMAN RIGHTS COMMISSION

February 25, 2016

Olympia, Washington

Public Comment Sign-Up Sheet

Note: Please write or print clearly, and include your city and zip.

Name and Affiliation	Testify (yes or no)	Address (include Zip)	Phone (include Area Code)	Email Address (include City)
1. Laurie Jenkins - Judiciary	YES			
2. Bonna Schuman	Yes ✓			
3. Alex Byer	Yes ✓			
4. Craig Baldwin - citizen	YES			
5. Barbara Smith - citizen	Barbara Opposed			Not speaking
6. LARRY KRONQUIST	LARRY KRONQUIST NO			
7. DIANE ROBBINS	DIANE ROBB NO			
8. Denney Valle	NO YES			Not speaking
9. SEN. MARCO LIAS	Yes			
Ari LaTourrette	Yes, testifying			
11. Masa Kawamura	MASA KAWAMURA Yes			
12. Erika Jusentyz	NO			
13. Kay Kestey	NO			
14. TYLER STEWART	Tyler Stewart YES			

Public Comment Sign In

February 25, 2016
Olympia, Washington

NAME

TESTIFY YES/NO

15.	Sally Kirby	NO
16.	Dana McCormick	NO
17.	Jason D. McCormick	NO
18.	Chandra Brown	NO
20.		
21.		
22.		
23.		
24.		
25.		
26.		
27.		
28.		
29.		
30.		

Lindstrand, Laura (HUM)

From: Joyce Mulliken [mulliken@gcpower.net]
Sent: Thursday, February 18, 2016 3:47 PM
To: Lindstrand, Laura (HUM)
Cc: Mike & Joyce Mulliken
Subject: HRC Petition.pdf
Attachments: HRC Petition.pdf

Categories: follow up

Dear Ms. Lindstrand,

Attached please find a cover letter and Petition for Repeal of WAC Chapter 162-32 with Memorandum in Support. Kindly confirm receipt of this email to confirm date of notice to the Human Rights Commission. A copy will also be mailed via U.S. regular mail for your convenience.

Thank you for your prompt attention to this very important issue.

Sincerely,

Senator Joyce Mulliken (retired)
Senator Val Stevens (retired)
Representative Gigi Talcott (retired)
Representative Lynn Schindler (retired)

*Post Office Box 3236
Arlington, WA 98223*

February 11, 2016

Washington State Human Rights Commission
Ms. Laura Lindstrand
711 South Capitol Way, Suite 402
P.O. Box 42490
Olympia, WA 98504-2490

SENT VIA EMAIL AT: llindstrand@hum.wa.gov AND VIA REGULAR MAIL


Dear Ms. Lindstrand,

Please find the attached petition and memorandum to repeal CHAPTER 162-32 WAC. The Human Rights Commission recently adopted final rules regarding discrimination and gender identity that became effective on December 26, 2015. The rule is defective for the reasons outlined in the petition memorandum which include:

- The rule conflicts with or duplicates other federal, state, or local laws;
- The rule was not adopted according to all applicable provisions of law; and
- The rule is not within the intent of the legislature.

We respectfully request that the Commission repeal the rule at the earliest possible date.

Sincerely,



Senator Val Stevens (Retired)



Senator Joyce Mulliken (Retired)



Representative Gigi Talcott (Retired)



Representative Lynn Schindler (Retired)

CC: Governor Jay Inslee
All Members of the Washington State Legislature

PETITION FOR REPEAL OF WAC CHAPTER 162-32

Agency Address/Email: Washington State Human Rights Commission
Ms. Laura Lindstrand
llindstrom@hum.wa.gov
711 South Capitol Way, Suite 402
P.O. Box 42490
Olympia, WA 98504-2490

Petitioners' Names: Senator Val Stevens (Retired)
Senator Joyce Mulliken (Retired)
Representative Gigi Talcott (Retired)
Representative Lynn Schindler (Retired)

Petitioners' Contact Information: P.O. Box 3236
Arlington, WA 98223

Reason for Petition: WAC Chapter 162-32 should be repealed on the grounds that the rule conflicts with other state and federal laws and the rule was not adopted according to all applicable provisions of law.

MEMORANDUM IN SUPPORT OF REPEAL

I. Introduction

The Washington State Human Rights Commission consists of five unelected members who are appointed by Washington's governor. The commission exists with Washington State taxpayer dollars and it needs to be held accountable by the citizens of Washington. No government agency, board or commission is authorized to intentionally compromise the safety and wellbeing of its citizens, specifically women and children, in order to accommodate a very small minority of individuals. Not only does the new rule require people to ignore biology and reasonable concern for safety in private places, it also restricts an individual's ability to question the motives of a person entering facilities, such as bathrooms and locker rooms.

II. The Rule - WAC Chapter 162-32

The Human Rights Commission has adopted a series of rules in WAC Chapter 162-32 ("rule") that impacts the bathroom, shower and locker room use at virtually every public and private entity and facility of public accommodation in the state, including schools. The penalties for violations of RCW chapter 49.60 are punishable by a fine, civil suit, and in certain circumstances by criminal penalty. They are also violations of the Washington Consumer Protection Act codified at Chapter 19.86, RCW, which can subject the defendant to treble damages. See RCW 49.60.020.

The Human Rights Commission took this action without proper consideration of the constitutional free speech and privacy rights of the state's citizens, and with, at best, only a minimal attempt to comply with notice and public hearing requirements. The final rule was filed the day before Thanksgiving and took effect the day after Christmas at a time when public scrutiny would be minimal. The rule should be repealed.

III. The rule conflicts with other federal and state laws.

The rule conflicts with state and federal constitutional protections for freedom of speech, privacy, religion, and due process.

A. The rule violates the free speech rights of the state's citizens.

Free speech in Washington is guaranteed under the federal and state constitutions. The first amendment to the U.S. Constitution provides in pertinent part, "Amendment I Congress shall make no law . . . abridging the freedom of speech. . ." The Washington State Constitution contains a similar provision: "SECTION 5 FREEDOM OF SPEECH. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right."

Freedom of Speech is a fundamental right on its own and a keystone enabling us to preserve all other rights. *Nelson v. McClatchy Newspapers, Inc.* 131 Wash.2d 523 (Wa. 1997). The state constitution provides even broader protection than the First Amendment to the United States Constitution. *JJR, Inc. v. City of Seattle, Inc.* 126 Wash. 1 (1995). Generally, the government may enforce a content-based exclusion on speech only if it can show that its regulation is necessary to serve a compelling state interest and that it is narrowly tailored to that end. *Sanders v. City of Seattle*, 160 Wa.2d 198 (2007).

Both the federal and state laws recognize that speech which constitutes harassment is subject to restriction. However, speech must be more than merely offensive and unwelcome to constitute harassment. For example, a Human Rights Commission brochure on sexual harassment correctly states:

[s]exual harassment is a form of illegal discrimination that violates the Washington State Law Against Discrimination, RCW 49.60, and Title VII of the Civil Rights Act of 1964. It is illegal for an employer to subject an employee to unwelcome sexual advances, comments or conduct when submission to such conduct is made an implicit or explicit term or condition of employment or used as the basis of employment decisions, or when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment."

[Emphasis added]

In contrast, the Human Rights Commission rule is extremely broad in scope and depend on the subjective experience of the person allegedly harassed. The rules provide in pertinent part:

WAC 162-32-040 Harassment.

(1) Harassment. Harassment based on an individual's sexual orientation or gender expression or gender identity is prohibited. **Sexual orientation or gender expression or gender identity harassment in employment is offensive and unwelcome behavior serious enough to affect the terms and conditions of employment and which occurred because of an individual's sexual orientation or gender expression or gender identity, and can be imputed to the employer.**

(2) Prohibited conduct. Prohibited conduct may include, **but is not limited to**, the following:

(a) **Asking unwelcome personal questions about an individual's sexual orientation, gender expression or gender identity, transgender status, or sex assigned at birth;**

(b) Intentionally causing distress to an individual by disclosing the individual's sexual orientation, gender expression or gender identity, transgender status, or sex assigned at birth against his or her wishes;

(c) Using offensive names, slurs, jokes, or terminology regarding an individual's sexual orientation or gender expression or gender identity;

(d) The deliberate misuse of an individual's preferred name, form of address, or gender-related pronoun (except on legally mandated documentation, if the individual has not officially obtained a name change);

(e) Posting offensive pictures or sending offensive electronic or other communications;

(f) Unwelcome physical conduct.

(3) Harassment in a place of public accommodation. Sexual orientation harassment or harassment based on gender expression or gender identity in a place of public accommodation is offensive and unwelcome behavior serious enough to alter the individual's experience at the place of public accommodation, or severe enough that the individual has no choice but to leave the place of public accommodation, which occurred because of the individual's sexual orientation or gender expression or gender identity, and can be imputed to the place of public accommodation. In schools, such harassment is offensive and unwelcome behavior serious enough to interfere with a child's access to educational opportunities, which occurred because of the child's sexual orientation or gender expression or gender identity, and can be imputed to the school. [Emphasis added].

These subjective standards for a violation are vague and do not serve a compelling state interest.

It is difficult for a person to know if a single instance of speech will be "unwelcome" by another person, and violates the First Amendment. A single instance could trigger an actionable violation which is contrary to legislative intent.

B. The rule violates the privacy rights of the state's citizens.

Several cases interpreting the United States Constitution recognize a right to privacy. The Washington State Constitution also recognizes under Article I, section 7, that "[n]o person shall be disturbed in his private affairs, or his home invaded, without authority of law." The state constitutional protection for the right to privacy is violated when the state unreasonably intrudes upon a person's private affairs. *State v. Jones*, 146 Wash. 2d 328 (2002). The State Constitution provides greater protection to individual privacy than the federal Constitution. *State v. Cheatam*, 150 Wash.2d 626

(2003). A statute cannot authorize the state to invade a person's otherwise private matters. *State v. Miles*, 160 Wash.2d 236 (2007). Although normally construed within the context of warrantless search and seizures, here the government intrusion occurs in a regulatory scheme that offers the potential for administrative fine or civil law suit for matters occurring within a locker room, bathroom, or shower.

There are few matters more private and fundamental to personal autonomy than undressing or attending to personal needs in a bathroom, locker room or shower. *Michenfelder v. Sumner*, 860 F.2d 328 (9th Cir. 1988) (Shielding one's unclothed figure from the view of strangers, particularly strangers of the opposite sex, is impelled by elementary self-respect and personal dignity). If the right to privacy does not extend to people in this context, the right is without meaning.

IV. The rule was not adopted according to all applicable provisions of law.

The rule should be repealed because the Human Rights Commission failed to comply with the Administrative Procedures Act. Administrative rules are invalid unless adopted in compliance with the Administrative Procedures Act. *Hillis v. State, Dept. of Ecology*, 131 Wash.2d 373 (1997). Moreover, RCW 34.05.375 provides that substantial compliance with the rulemaking procedures is required.

Given the broad scope of the rule and its controversial subject matter, the Human Rights Commission should have expected a great deal of public interest in its workgroups held in 2012. Instead, as noted above, the hearing notice was defective and resulted in sparsely attended hearings. Four hearings were held in 2012 in relatively remote locations with inadequate public notice. The "public hearing" occurred in Tacoma at the Oasis Youth Center, rather than in Olympia as identified on its CR-101 filed on October 13, 2014. Likewise, the notice relied upon by the commission identifies the June 24, 2015 meeting as a "commission meeting" instead of a "public hearing." See WSR 15-12-026 filed May 26, 2015 at 12:23 pm. Despite the wide-ranging impacts of the rule to businesses across the

state, public and government offices, and schools, a total of forty people were noted as attending that "hearing".

The Human Rights Commission also failed to post any information about the rule on its website from September 2014 through at least mid-January 2016.

RCW 34.05.270 states, in pertinent part:

The rule-making web site shall include **the complete text** of all proposed rules, emergency rules, and permanent rules proposed or adopted within the past twelve months, **or include a direct link to the index page on the Washington State Register web site** that contains links to the complete text of all proposed rules, emergency rules, and permanent rules proposed or adopted within the past twelve months by that state agency. **For proposed rules, the time, date, and place for the rule-making hearing and the procedures and timelines for submitting written comments and supporting data must be posted on the web site.** [Emphasis added.]

The Human Rights Commission website was taken down on or about January 22, 2016. Approximately one week later, the website was operable again and suddenly included information about the rule, including a Question and Answer document which contradicts the language of the rule.

The Human Rights Commission's blatantly disregarded the procedural and substantive due process concerns of the seven million citizens of the state impacted by the rule. The final order was adopted the day before Thanksgiving and took effect the day after Christmas - when the public is unlikely to be reviewing the latest filings on the Washington State Register.

V. Conclusion

The Human Rights Commission has adopted a rule that is unreasonable, unconstitutional and unworkable. It did so, either intentionally or negligently, and acted in violation of the most basic and fundamental principles of good governance. The only appropriate remedy is repeal of the rule, and defer to the Legislative Branch if additional clarification of Chapter 49.60 is deemed relevant and necessary.



STATE OF WASHINGTON

HUMAN RIGHTS COMMISSION

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Washington State Human Rights Commission Response to Petition to Repeal WAC 162-32-060

On February 18, 2016 Val Stevens, Joyce Mulliken, Gigi Talcott, and Lynn Schindler jointly submitted a Petition, per RCW 34.05.330, requesting repeal of WAC 162-32-060, the rule related to gender-segregated facilities. Petitioners argue that the rule is conflicts with other laws, was not adopted according to applicable provisions of law and is not within the intent of the Legislature.

The Commission wishes to thank the Petitioners for bringing forward these issues. This Petition will give the Commission the opportunity to clarify the record about several misconceptions about the rule, the timing of the adoption of the rule, and the procedures utilized during the rulemaking process.

General introductory arguments: Petitioners begin their petition by giving an introduction and summarizing the rule: they state that the rule requires people to ignore biology and safety, and state that penalties for violation of RCW are punishable by fine, civil suit, and criminal penalty.

Agency Response: The Legislature created a fairly broad definition of gender identity in RCW 49.60.040(26): "Gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth. There is no requirement of someone having a particular anatomy, medical procedures, or documentation in order to qualify as having a particular gender identity or expression.

There is no evidence that allowing transgender individuals to use the gender segregated facility with which they identify would create behavior or actions that would constitute a risk to property or other persons. There is no evidence that this type of rule has created an increased risk to public safety in any of the jurisdictions which have a similar rule.



The rule does not allow any type of inappropriate or illegal behavior to take place in gender segregated facilities. The rule does not protect someone who engages in inappropriate or illegal behavior, or protect anyone who might falsely claim to be transgender in order to gain access to a gender segregated facility. There are criminal laws in place to protect the public against inappropriate or illegal behavior.

There would be a risk presented if transgender individuals were forced to utilize gender segregated facilities that correspond to their sex assigned at birth. There is statistical and anecdotal evidence that when transgender individuals use the restroom that is inconsistent with their gender identity they are at increased risk of assault.

As far as penalties, RCW 49.60.250(5) lists the remedies in employment and public accommodation claims: they are hiring, reinstatement, backpay, membership admission or restoration, and damages for humiliation and mental suffering not to exceed \$20,000. There is no provision for the imposition of fines, and no authority to impose criminal penalties. Persons can choose to sue in state or federal court. Civil penalties only apply in State Employee Whistleblower cases under RCW 42.40 and in housing cases.

Conclusion: Because there is no requirement of certain physical characteristics in order to have the protections of non-discrimination law, the law compels that persons of all gender identities receive equal treatment. There is no evidence that this rule will impact safety. There are no fines or criminal sanctions imposed for a violation of this law.

Timing Argument: Petitioners point out that the final rule was filed the day before Thanksgiving and took effect the day after Christmas, and argue that public comment would be minimal.

Agency Response: The public input and formal public comment period were not held during the holidays. They were held in the middle of summer. There was no public comment period scheduled for anytime near Thanksgiving or Christmas. Further, the timing for the filing and publication of the final rule, and the effective date of the rule are set by statute, not by the Human Rights Commission. RCW 34.05.335(3) states that rules not adopted and filed with the code reviser within one hundred eighty days after publication of the text as last proposed in the register shall be regarded as withdrawn. The CR 102, notice of public comment period and publication of the draft rules, was published in the June 3, 2015 State Register. Pursuant to the Administrative Procedures Act, the Human Rights Commission received notice from the Statute Law Committee that the final rules had to be filed by November 30, 2015. To meet that deadline, the text was finalized during the last part of November and the final rules were filed on November 25, 2015. Pursuant to RCW 34.05.380, the rules became effective thirty days after the date of filing with the Office of Code Reviser, hence the December effective date.

Conclusion: No public comment period took place during the holidays, and the timing of the final rule and its effective date were dictated by the Administrative Procedures Act.

Argument 1: Petitioners argue that the rule conflicts with the free speech guarantees in the federal and state Constitutions, because it restricts an individual's ability to question the motives of a person entering sex-segregated facilities.

Agency Response: The Legislature passed, in 2006, the law which prohibits discrimination on the basis of sexual orientation and gender identity in the areas of employment, public accommodation, housing, credit and insurance. One legal theory of discrimination is harassment. Harassment based on protected class is prohibited under RCW 49.60. Harassment is clearly not protected speech. See *Meritor Savings Bank v. Vinson*, 477 U.S. 57 (1986), *Harris v. Forklift Systems, Inc.*, 510 U.S. 17 (1993), *Burlington Industries v. Ellerth*, 504 U.S. 742 (1998). Prohibition of harassment under Human Rights Commission rules is permissible.

Petitioners point to WAC 162-32-040, the WAC dealing with harassment, as being overly broad. Subsection (2) gives examples of what MAY constitute prohibited conduct (emphasis added). Included as examples are asking unwelcome personal questions about an individual's sexual orientation, gender expression or gender identity, transgender status, or sex assigned at birth; intentionally causing distress to an individual; using offensive language; deliberately misusing a name or pronoun; posting offensive pictures or transmitting offensive communications; or unwelcome physical conduct. This section is found directly following the definition of harassment in employment, and provides examples of harassment that would most often occur in an employment setting. A separate section (3) defines harassment in a place of public accommodation as offensive and unwelcome behavior serious enough to alter the individual's experience at the place of public accommodation, or severe enough that the individual has no choice but to leave the place of public accommodation. When these sections are read together, as intended, it is clear that the behavior must meet the definitions provided in order to be considered harassment. The Human Rights Commission uses the same standards, developed by court cases, to investigate harassment claims involving all protected classes, and the standards are actually fairly difficult to meet, and are analyzed on a case by case basis. The behavior must also be not only subjectively harassing, but objectively harassing as well, in order to be actionable.

The WAC does not exist in a vacuum. It must be read in conjunction with the applicable law, applicable court cases, and agency guidance. A single instance of any offensive language or behavior is usually not enough to trigger an actionable violation. Asking if a person is in the correct place certainly would not be a violation of the law, and nothing in the rules states that such a question pertaining to transgender status would be a violation. The Human Rights Commission's guidance has made this very clear.

In addition, only covered entities are covered by the law or rules. Covered entities are employers, businesses or other entities operating as places of public accommodation, housing providers, creditors, and insurers. Other patrons or customers in a business are not covered entities, and not subject to the provisions of the law. What this means is, for example, if a person who is a member of a health club, and is using a sex-segregated locker room, asks another patron

about their presence in that facility, aside from that not meeting the legal definition of harassment, there is nothing in the rule or law that covers that interaction because those two people do not have an employer/employee relationship or a business owner/customer relationship. Thus, there can be no claim of discrimination filed against the patron who asks the question in that situation. Thus, there is no restriction on that person's "speech".

Conclusion: The rule does not violate persons' right to free speech.

Argument 2: The rule violates privacy rights of state citizens.

Agency Response: The state is not compelling anyone to undress in a situation in which they feel uncomfortable. People have many options and can make decisions about what is in their best interests for their comfort level, and can exercise those options.

Furthermore, the rule encourages places of public accommodation to provide options for privacy, which can be as simple as putting up a curtain.

The petitioners cite privacy cases involving unlawful search of a purse, the lawful search and seizure of a pair of shoes, and subpoena authority to review bank records, all of which are inapplicable to this rule. They also cite a privacy case involving undressing in a prison, which involves involuntary incarceration in a state facility, which is not at all comparable to voluntary patronage of a gym or pool and voluntary use of its changing and shower facilities.

Conclusion: The rule does not violate persons' right to privacy.

Argument 3: The rule was not adopted according to all applicable provisions of the law: the Human Rights Commission failed to comply with the Administrative Procedures Act; the hearing notice was defective; the public work sessions were held at remote locations with inadequate public notice; the Public Hearing held in Tacoma was not held in Olympia as was on the Notice; the Public Hearing was identified as a Commission Meeting; and no information was posted on the website as required by the Administrative Procedures Act.

Agency Response: The CR-101, which is the rulemaking proposal, and the CR-102, which is the notice of proposed rulemaking, were properly filed within the specified time frames with the Office of Code Reviser and published in the State Register, and included all required information. It should be noted that the work sessions conducted in 2012 are not even a requirement under the Administrative Procedures Act, but the Human Rights Commission conducted them in order to receive as much public comment as possible before even drafting the rules.

The work sessions were not held in remote locations as Petitioners state. They were held in Seattle, the largest city in the state with over 650,000 people; in Spokane the second largest city

with 210,000 people, in the Tri-Cities, with over 193,000 people; and in Olympia, the state Capitol.

Public notice of the work sessions was in the CR-101. Further, the Human Rights Commission created a poster announcing the topic, times and places. This poster was on the website, and widely distributed via email to a variety of business groups, advocacy organizations, education organizations, and individuals, all of which is documented in the rulemaking file.

The CR-102, filed May 20, 2015 with the Office of Code Reviser, identified the event as a public hearing, described the topic, gave the location in Tacoma, the date on June 24, 2015 at 6PM, and provided the draft rules. The Washington State Register citation for this filing is WSR 15-11-104. This was all done in compliance with the Administrative Procedures Act.

The Public Hearing was not misidentified as a Commission Meeting. The Commission meeting, was properly identified as a Commission meeting, held in Tacoma, on June 24, 2015, at 5PM. The Register citation for this meeting was WSR 15-12-026. The Petitioners looked at the incorrect register filing when formulating this argument.

Petitioners cite RCW 34.05.270 when making the argument that the rulemaking was not published on the Human Rights Commission website, and quote part of the text. What they fail to quote is the very first line of the statute text which reads, “**Within existing resources**, each state agency shall maintain a web site that contains the agency’s rule-making information.” RCW 34.05.270 (emphasis added).

The poster for the work sessions was posted on the website.

Unfortunately, due to existing resources and unexpected circumstances, the agency was not able to post any additional material on the website. The agency does not have an IT department. This is an agency consisting of fewer than 30 employees total, most of whom are directly involved in enforcement – the investigation of discrimination complaints from Washington citizens. The agency budget has been cut 41% since 2009. We had a single IT5 up until September 11, 2014. No one else in the agency had a background in networks, servers or websites, and she did not provide anyone with information on how to access or work on the website before she departed. When she left, our IT2 was unable to access the website, so no information was changed or added after the IT5 left. This applied to all of the information on the website, not just the rules information. The last cut the agency received from the Legislature was to cut the budget for IT, so the agency was unable to hire a new computer and website expert.

The agency was able to contract with an external computer services company. It tried to access the website for the agency, and could not, due to problems with the software. The agency was able to find a website design firm, and contract with it to build an entirely new website. It was finished in July 2015, and our IT2 was then trained on how to utilize the software. Because of limited staff and staff having multiple other duties, content enough for the new website to go on

line was necessarily developed slowly. There were some additional difficulties encountered with the Department of Enterprise Systems in getting the new website to go live, but it finally did in January 2016.

Petitioners state that the website was taken down and one week later it was operable again, in January. The website was not made operable again. It was a completely new website, with new and updated content, and it continues to be updated as the agency has the time and resources. Since the new website went live, the agency has continued to update the rulemaking section of the website.

Conclusion: The Human Rights Commission fully complied with all provisions of the Administrative Procedures Act, the hearing notice was not defective, the work sessions and public hearing were not held in remote locations and had adequate public notice, the Notice for the Public Hearing indicated that it would be in Tacoma and was properly identified as a public hearing, and information was posted on the website as resources allowed.

Additional Argument in Letter but not in Petition: Petitioners make an additional argument in their cover letter that the rule is not within the intent of the legislature. They neglected to put this argument into the Petition itself, or to provide any reasoning behind this argument.

Agency Response: The Legislature passed, in 2006, the law which prohibits discrimination on the basis of sexual orientation and gender identity in the areas of employment, public accommodation, housing, credit and insurance. The law does not specifically address gender segregated facilities. The law, in RCW 49.60.030, does state that the right to be free from discrimination because of...sexual orientation...is recognized as and declared to be a civil right, and that this right shall include, but not be limited to, the right to obtain and hold employment without discrimination; the right to full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement; and the right to engage in real estate transactions without discrimination.

The Legislature also created a fairly broad definition of gender identity in RCW 49.60.040(26): "Gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth. There is no requirement of someone having a particular anatomy, medical procedures, or documentation in order to qualify as having a particular gender identity or expression.

When interpreting and enforcing the law that protects persons of any gender identity from discrimination, the Human Rights Commission relied upon this broad definition of gender identity, and the words found in RCW 49.60.020, which states that "the provisions of this chapter shall be construed liberally." The Human Rights Commission determined that an act of discrimination would include prohibiting persons from using the segregated facility with which


they identify. In other words, it would be discriminatory to prohibit a transgender man from using a men's facility or to prohibit a transgender woman from using a women's facility. Thus, covered entities are prohibited from discriminating against transgender individuals and cannot prohibit persons from using the gender segregated facility with which they identify. The Human Rights Commission has interpreted and enforced the law in this manner consistently since 2006, has created guidance consistent with this principle, and has provided technical assistance consistent with this interpretation.

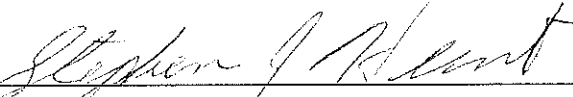
Conclusion: This rule is consistent with the intent of the legislature that all persons be free from discrimination based on protected class.

Additional Information

The Human Rights Commission has created a Frequently Asked Questions guidance paper to assist persons in understanding this rule, what it does and does not do, and what the rulemaking process was. This paper is available on the Human Rights Commission's website and will continue to be sent to anyone who has questions. The Human Rights Commission will continue to provide technical assistance in this area for anyone with questions.

For the above reasons, the Petition to Repeal Rule 162-32-060 is hereby denied.

Prepared by: 
Laura Lindstrand, Policy Analyst

Approved by: 
Steve Hunt, Commission Chair

March 4, 2016

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Washington State Human Rights Commission
Ms. Laura Lindstrand
711 South Capitol Way, Suite 402
PO Box 42490, Olympia, WA 98504-2490

MAR 08 2016

Human Rights Commission

RE: Petition

Dear Ms. Lindstrand:

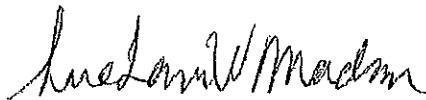
Attached is a petition to repeal Chapter 162-32-060 WAC. The Human Rights Commission adopted final rules regarding gender identity that became effective on December 26, 2015 and have already had unintended consequences. This petition is limited to the portions of Chapter 162-32 WAC which make reference to physical building facilities. The rule is clearly defective for the reasons outlined in the petition which include:

- It does not do what it was intended to do.
- It imposes unreasonable costs.
- It conflicts with another federal, state, or local law, i.e. Ch. 51-56-003 WAC
- It is physically impracticable to make accommodation in the manner prescribed by the rule.

The coordinated family of building codes, including the plumbing code, define quantity and types of restroom and locker facilities to be provided for various building types. The tables have been developed over many decades to reflect the needs and expectations of society. The codes are updated following a careful process to analyze changes in demand as society changes, updating quantities of fixtures and types of facilities as needed. They rely on historical demand patterns and do not make provision for multiple categories of gender identity.

In simple terms, stating that the person expressing discomfort should be directed to a separate facility is not practical, places an undue burden on facility managers and creates a problem for a majority of the population.

Sincerely,



Sue Lani W. Madsen

Encl.



PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE



In accordance with [RCW 34.05.330](#), the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <http://apps.leg.wa.gov/wac/default.aspx?cite=82-05>.

CONTACT INFORMATION *(please type or print)*

Petitioner's Name Sue Lani Madsen
Name of Organization _____
Mailing Address PO Box 107
City Edwall State WA Zip Code 99008
Telephone 509-236-2311 Email suelani.madsen@gmail.com

COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <http://www.leg.wa.gov/CodeReviser/Documents/RClst.htm>.

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: Human Rights Commission

NEW RULE - I am requesting the agency to adopt a new rule.

The subject (or purpose) of this rule is: _____

The rule is needed because: _____

The new rule would affect the following people or groups: _____

2. AMEND RULE - I am requesting the agency to change an existing rule.

List rule number (WAC), if known: _____

I am requesting the following change: _____

This change is needed because: _____

The effect of this rule change will be: _____

The rule is not clearly or simply stated: _____

3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.

List rule number (WAC), if known: Ch. 162-32-060 WAC

(Check one or more boxes)

It does not do what it was intended to do.

It is no longer needed because: _____

It imposes unreasonable costs: Requires duplicate facilities

The agency has no authority to make this rule: _____

It is applied differently to public and private parties: _____

It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: Ch. 51-56-003 WAC

It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: _____

Other (please explain): Conflicts with plumbing code basis of building design. Not coordinated.



PETITION FOR ADOPTION, AMENDMENT, OR REPEAL
OF A STATE ADMINISTRATIVE RULE

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Human Rights Commission

In accordance with RCW 34.05.330, the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

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CONTACT INFORMATION (please type or print)

Petitioner's Name RODERICK SMILONICH & BONNIE SMILONICH

Name of Organization _____

Mailing Address 13808 93^d AVE E.

City DUYALLUP State WA Zip Code 98373

Telephone _____ Email rodbonniesmilonich@gmail.com

COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <http://www.leg.wa.gov/CodeReviser/Documents/RClst.htm>.

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: _____

1. NEW RULE - I am requesting the agency to adopt a new rule.

The subject (or purpose) of this rule is: _____

The rule is needed because: _____

The new rule would affect the following people or groups: _____

2. AMEND RULE - I am requesting the agency to change an existing rule.

List rule number (WAC), if known: _____

I am requesting the following change: _____

This change is needed because: _____

The effect of this rule change will be: _____

The rule is not clearly or simply stated: _____

3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.

List rule number (WAC), if known: WAC 162-32-060

(Check one or more boxes)

It does not do what it was intended to do.

It is no longer needed because: _____

It imposes unreasonable costs: _____

The agency has no authority to make this rule: THIS TYPE OF CHANGE SHOULD

It is applied differently to public and private parties: ONLY HAPPEN BY CONSENT OF

It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: THE MAJORITY OF CITIZENS

It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: OF THE STATE

Other (please explain): GENDER (SEX) IS A PHYSICAL REALITY.
THIS RULE DEFIES REALITY, PROMOTES
PREDATORY BEHAVIOR, CONFUSES CHILDREN
AND IS WRONG.



STATE OF WASHINGTON

HUMAN RIGHTS COMMISSION

711 South Capitol Way, Ste. 402 • PO Box 42490 • Olympia, WA 98504-2490

(360) 753-6770 • 1-800-233-3247 • FAX (360) 586-2282

www.hum.wa.gov

Washington State Human Rights Commission Response to Petition to Repeal WAC 162-32-060

On March 9, 2016, Roderick and Bonnie Smilonich submitted a Petition, per RCW 34.05.330, requesting repeal of WAC 162-32-060, the rule related to gender-segregated facilities. Petitioner argues that the agency has no authority to make the rule, gender should be defined by physical characteristics, and the rule promotes predatory behavior and confuses children.

Argument 1: The agency has no authority to make this rule, and this type of change should only happen with the consent of the majority of the people.

Agency Response: The Legislature, a body elected by the people, passed, in 2006, the law which prohibits discrimination on the basis of sexual orientation and gender identity in the areas of employment, public accommodation, housing, credit and insurance. This law was signed by the Governor, also elected by the people. The law does not specifically address gender segregated facilities. The law, in RCW 49.60.030, does state that the right to be free from discrimination because of...sexual orientation...is recognized as and declared to be a civil right, and that this right shall include, but not be limited to, the right to obtain and hold employment without discrimination; the right to full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement; and the right to engage in real estate transactions without discrimination.

The Legislature also created a fairly broad definition of gender identity in RCW 49.60.040(26): "Gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth. There is no requirement of someone having a particular anatomy, medical procedures, or documentation in order to qualify as having a particular gender identity or expression.

When interpreting and enforcing the law that protects persons of any gender identity from discrimination, the Human Rights Commission relied upon this broad definition of gender identity, and the words found in RCW 49.60.020, which states that "the provisions of this chapter shall be construed liberally." The Human Rights Commission determined that an act of



discrimination would include prohibiting persons from using the segregated facility with which they identify. In other words, it would be discriminatory to prohibit a transgender man from using a men's facility or to prohibit a transgender woman from using a women's facility. Thus, covered entities are prohibited from discriminating against transgender individuals and cannot prohibit persons from using the gender segregated facility with which they identify. The Human Rights Commission has interpreted and enforced the law in this manner consistently since 2006, has created guidance consistent with this principle, and has provided technical assistance consistent with this interpretation.

RCW 49.60.120 grants rulemaking authority to the Human Rights Commission. The Human Rights Commission conducted this rulemaking with public input. There were four work sessions held across the state related to creating rules on the subjects of sexual orientation and gender identity. Persons who attended provided input, voiced their concerns and personal experiences, and discussed the issues that they wished to see in the rules. From the information gathered at the work sessions, the draft rules were derived. They were then published in the Washington State Register. A public hearing and public comment period were held regarding the draft rules. From the comments gathered during this public comment period, the final rules were completed, and published in the State Register. During the public comment period, there were no negative comments about transgender individuals using the gender segregated facility with which they identify. In fact, public comment was in favor of expanding the protections found in the draft rules on this issue.

Conclusion: This rule is consistent with the intent of the elected legislature that all persons be free from discrimination based on protected class, the Human Rights Commission has the authority to create rules, and this rule was created with public input.

Argument 2: Gender is defined by physical characteristics.

Agency Response: The Legislature created a fairly broad definition of gender identity in RCW 49.60.040(26): "Gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth. There is no requirement that an individual must have a particular anatomy, medical procedure, or documentation in order to qualify as having a particular gender identity or expression.

Conclusion: Because there is no requirement of certain physical characteristics in order to have the protections of non-discrimination law, the law compels that persons of all gender identities receive equal treatment.

Argument 3: This rule promotes predatory behavior and confuses children.

Agency Response: There is no evidence that allowing transgender individuals to use the gender segregated facility with which they identify would create behavior or actions that would constitute a risk to property or other persons. There is no evidence that this type of rule has created an increased risk to public safety in any of the jurisdictions which have a similar rule.

The rule does not allow any type of inappropriate or illegal behavior to take place in gender segregated facilities. The rule does not protect someone who engages in inappropriate or illegal behavior, or protect anyone who might falsely claim to be transgender in order to gain access to a gender segregated facility. There are criminal laws in place to protect the public against inappropriate or illegal behavior.

There would be a risk presented if transgender individuals were forced to utilize gender segregated facilities that correspond to their sex assigned at birth. There is statistical and anecdotal evidence that when transgender individuals use the restroom that is inconsistent with their gender identity they are at increased risk of assault.

Petitioner has provided no evidence that this rule confuses children.

Conclusion: There is no evidence that this rule promotes predatory behavior or confuses children.

For the above reasons, the Petition to Repeal Rule 162-32-060 is hereby denied.

Prepared by: Laura Lindstrand, Esq.
Laura Lindstrand, Policy Analyst

Approved by: Stephen Hunt
Stephen Hunt, Commission Chair



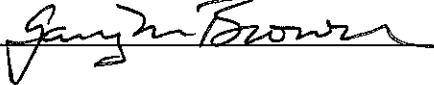
PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Print Form

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The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <http://apps.leg.wa.gov/wac/default.aspx?cite=82-05>.

CONTACT INFORMATION *(please type or print)*

Petitioner's Name Gary M Brown 
Name of Organization Self
Mailing Address 17920 150th AVE E
City Orting State WA Zip Code 98360
Telephone 360-893-5266 Email gmborting@comcast.net

COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <http://www.leg.wa.gov/CodeReviser/Documents/RClst.htm>.

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: Human Rights Commission

1. NEW RULE - I am requesting the agency to adopt a new rule.

The subject (or purpose) of this rule is: _____

The rule is needed because: _____

The new rule would affect the following people or groups: _____

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MAR 29 2016

Human Rights Commission

2. AMEND RULE - I am requesting the agency to change an existing rule.

List rule number (WAC), if known: _____

I am requesting the following change: _____

This change is needed because: _____

The effect of this rule change will be: _____

The rule is not clearly or simply stated: _____

3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.

List rule number (WAC), if known: 162-320-060 _____

(Check one or more boxes)

It does not do what it was intended to do.

It is no longer needed because: _____

It imposes unreasonable costs: _____

The agency has no authority to make this rule: _____

It is applied differently to public and private parties: _____

It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: _____

It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: _____

Other (please explain): _____
No public hearing were held on this rule. This makes children and others vulnerable to predators when they are in a place where there is an expectation of privacy and safety. No one deserves special rights.

Lindstrand, Laura (HUM)

From: Lindstrand, Laura (HUM)
Sent: Tuesday, March 29, 2016 2:41 PM
To: 'gmborting@comcast.net'
Subject: your Petition

We have received your Petition to repeal the rule 162-32-060.

Laura Lindstrand
Policy Analyst

Washington State Human Rights Commission
711 S. Capitol Way, Ste. 402, PO Box 42490
Olympia, WA 98504
(360) 359-4923
(800) 233-3247

This e-mail and related attachments and any response may be subject to public disclosure under state law.