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The South Carolina Student Physical Privacy Act 152

Policy for Higher Education

The South Carolina Student Physical Privacy Act, S.C. Code Ann. § 59-23-510 et seq., (the “Act”) provides:

A public institution of higher learning (“Institution”) that violates any portion of the Act, as determined by the South Carolina Commission on Higher Education (“the Commission”), shall have twenty-five percent of the funds to be appropriated in the subsequent fiscal year by the General Assembly that are used to support the institution’s operations withheld until the institution is determined to be in compliance by the Commission. Should there be a judicial determination of non-compliance with the Act, the Commission will use that determination regarding the withholding of funds from an institution.

The Commission will require institutions annually to attest to and/or acknowledge the following:

- That the Institution has not used any funds to maintain or operate any restroom or changing facility on its premises that is not in compliance with the Act or facilitated any institution-authorized activity or event involving overnight lodging that is not in compliance with the Act.
- That the Institution has taken reasonable steps to ensure that all restrooms and changing facilities provide its users with privacy from members of the opposite sex.
- That the Institution has provided for a single-user restroom and changing facility or an accommodation. The single-user restroom and changing facility need not be two separate accommodations.



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- That the Institution maintains changing facilities that are designated for use only by members of one sex at a time, on either a permanent basis or temporary or event-based basis.
- That any restroom or changing facility designated for one sex on a temporary or event-based basis, are used only by members of that sex during the period of such designation.
- That during an institution of higher learning-authorized activity or event where students share overnight lodging, the Institution will not require a student to share a sleeping quarter or multioccupancy restroom or changing facility with a member of the opposite sex, unless such persons are members of the same family, such as a parent, legal guardian, sibling, or grandparent.
- That violations of the Act, as determined by the Commission, shall result in 25 percent of the funds to be appropriated in the subsequent fiscal year by the General Assembly that are used to support the Institution's operations will be withheld until the Institution is determined to be in compliance by the Commission.
- That no court or other tribunal has made a determination of a violation of the Act by the Institution.
- That the provisions of the Act do not apply:
 - to custodial or maintenance work when the restroom or changing facility is not being used or otherwise occupied by a member of the opposite sex.
 - to provide coaching or athletic training during athletic events by coaching staff in changing rooms when no individual is in a state of undress.
 - to a person or people rendering medical assistance.
 - during a natural disaster, emergency, or when use of the restroom or changing facility is necessary to prevent a serious threat to good order or student safety.
 - to policies necessary to accommodate disabled persons protected under the Americans with Disabilities Act, elderly persons requiring aid, or young children in need of physical assistance when using restrooms or changing facilities.
 - to the establishment of single-occupancy restrooms, changing facilities, or sleeping quarters, or family restrooms, changing facilities, or sleeping quarters.

Should the Commission receive a communication asserting an Institution is not in compliance with the Act, it shall contact the Institution and require the Institution to re-attest it is in compliance. Once received, the Commission will share that re-attestation with the party who had communicated with the Commission. If the Commission does not receive a re-attestation within thirty (30) days it must conclude the Institution is in violation of the Act, and the Commission will direct that twenty-five percent of the funds to be appropriated in the subsequent fiscal year by the General Assembly that are used to support the Institution's operations be withheld until the Institution is determined to be in compliance by the Commission.

Approved by the SC Commission on Higher Education: August 6, 2026