



# LGBTQ+ EDUCATOR RIGHTS

**GLSEN®**

**ACLU**



# IT'S OFFICIAL: THE US SUPREME COURT SAYS ANTI-LGBTQ+ DISCRIMINATION IS **ILLEGAL**.



No matter what you may have heard in the past, harassment and discrimination against LGBTQ+ employees—including educators and other school staff—are against the law. Unfortunately, many LGBTQ+ educators still experience them every day. Here's what you need to know.

# AS AN LGBTQ+ EDUCATOR, YOU HAVE THE RIGHT:

## TO BE OUT AT WORK.

You have the right to be out and proud, when and how you choose. You also have the right to keep your gender identity and sexual orientation private. Your school cannot punish you for sharing that you're LGBTQ+—including with students or their families—in an appropriate way.

## TO BE OPEN ABOUT YOUR RELATIONSHIPS AND FAMILY.

Your employer can't treat you, your partner, or your family differently because you're LGBTQ+, or from mentioning your family or relationships in an appropriate way or keeping family pictures at work.

## TO LIVE AS YOUR TRUE GENDER.

You have the right to dress, use school restrooms and changing rooms, and otherwise live according to your gender identity. If you're nonbinary and there are only men's and women's facilities, you have the right to say which option is most appropriate for you.

## NOT TO BE MISGENDERED OR HARASSED.

You have the right to be called by the name, pronouns, and titles that match who you are in every aspect of the school day, including gender-neutral pronouns (such as they) and title (such as Mx.). Your school is responsible for stopping harassment, including if coworkers intentionally and repeatedly misgender you.

## TO EXPRESS WHO YOU ARE AND WHAT YOU BELIEVE.

You have the right to express your identity through speech, clothes, and grooming. Schools cannot enforce dress codes that discriminate against LGBTQ+ staff or on the basis of sex stereotypes. Schools can limit how teachers discuss their personal views in the classroom, but cannot discriminate against LGBTQ+ staff or LGBTQ+ affirming views. Schools also cannot punish you for coming out at work, expressing your political views outside the classroom, or advocating for inclusion within your school or district.

## TO SUPPORT A STUDENT GROUP.

You have to help support, sponsor, or supervise a student group regardless of who you are, including a GSA or other LGBTQ+ affirming student group.

## TO REPORT DISCRIMINATION AND HARASSMENT.

Take notes of any incident of harassment or discrimination, whether against a student, a coworker, or yourself. Write down dates, people involved, and exactly what happened. Put your school on notice right away that it has to stop harassment or other discrimination.

**If you experience or witness any problems at school, first talk to your school administration. If they won't take action to address the problem, it's time to get help.**

# FILE A FEDERAL, STATE, OR LOCAL CIVIL RIGHTS COMPLAINT

If you have experienced harassment or other discrimination at work—or if you witnessed or heard about discrimination against a coworker—you can also file a complaint with your local school district, your state or local human rights agency, or the US Equal Employment Opportunity Commission (EEOC) today. You can file a complaint for workplace discrimination based on race, color, national origin, age, disability, sex, sexual orientation, gender identity, transgender status, or sex characteristics.

If you witnessed or heard about discrimination against a student, you can file a complaint with your local school district, your state education agency, or the U.S. Education Department today.

Things to know about filing a complaint:

### **You are entitled to file a claim.**

Nearly all public schools are covered by state and federal civil rights laws, which entitles you to file a bullying, harassment, or discrimination claim.

### **Time is of the essence.**

In many cases, a must be filed within 180 days (six months) of when the bullying, harassment, or discrimination occurred.

### **Your confidentiality is assured.**

Every complaint is confidential and won't be shared without permission.

### **You are protected from retaliation.**

It is illegal to punish against anyone who has made a civil rights complaint.

### **Someone else can file a complaint on your behalf.**

Another staff member, friend, family member, teacher, or school staff member or any other person can file a complaint on your behalf. You can also file a complaint on behalf of a student or colleague.

### **Make sure to fill out the entire form.**

You must complete the entire form in order for your complaint to be filed.

To file a charge of employment discrimination with the EEOC or a state or local agency, go to:

<https://www.eeoc.gov/filing-charge-discrimination>

If you are filing a complaint on behalf of a student, you can find information on where and how to file a civil rights complaint on the website of your state human rights commission or education agency, or the website of your local school district. If your state or your local school district do not have inclusive bullying, harassment, or discrimination laws or policies, you may file a complaint with the US Department of Education. Go to <http://www.ed.gov/about/offices/list/ocr/complaintintro.html> to file your complaint online. Read the instructions and click Continue to Complaint Form at the bottom of the page to get started.

# GET HELP

If you have questions on how to take action, please do not hesitate to contact us:

**GLSEN National:**

202-347-7780, [policy@glsen.org](mailto:policy@glsen.org),  
[www.glsen.org](http://www.glsen.org).

**PFLAG National:**

Diego Miguel Sanchez, APR, Director of Advocacy,  
Policy & Partnerships, 202-657-6997,  
[dsanchez@pflag.org](mailto:dsanchez@pflag.org), [www.pflag.org](http://www.pflag.org).

**For information on obtaining legal assistance  
contact the ACLU's National LGBT Project:**

[https://action.aclu.org/legal-intake/  
report-lgbtq-hiv-discrimination](https://action.aclu.org/legal-intake/report-lgbtq-hiv-discrimination).

**To connect with an attorney to address  
workplace harassment on the basis of sexual  
orientation or gender identity, contact:**

TIME'S UP Legal Defense Fund, operated and  
administered by the National Women's Law Center  
Fund: [www.nwlc.org/legal-assistance](http://www.nwlc.org/legal-assistance). Funding for  
attorney fees and court costs is available from the  
TIME'S UP Legal Defense Fund in select cases.