LGBTQI+ Educator Rights

Harassment and discrimination against LGBTQI+ employees — including educators and other school staff — are against the law. LGBTQI+ employees are protected by federal laws and the Equal Protection Clause of the U.S. Constitution. Despite this, many LGBTQI+ educators still experience harassment and discrimination every day. Here's what you need to know.

As an LGBTQI+ educator, you have the right under federal laws:

To Choose if and When 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 LGBTQI+ — including with students or their families — in an appropriate way. Nor can they disclose your sexual orientation, gender identity, or intersex status without your consent.

To be Open About Your Relationships and Family
Your employer can't treat you, your partner, or your family differently because you're LGBTQI+, or prohibit you from mentioning or displaying pictures of your family or relationships, as other school employees do at work. State censorship laws do not provide a license for schools to discriminate against LGBTQI+ employees.

To Live in Accordance With Your Gender Identity
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 Harrassed Because You are LGBTQI+
Harassment, including transphobic and homophobic remarks, creates a hostile work environment that your employer has a responsibility to stop.

Not to be Misgendered or Deadnamed
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 or deadname you.

To Express Who You are and What You Believe
You have the right to express your identity through speech, clothes, and appearance. Schools cannot enforce dress and appearance codes that discriminate against LGBTQI+ staff or that enforce sex stereotypes. Schools can limit how teachers discuss their personal views in the classroom, but cannot discriminate against LGBTQI+ staff or LGBTQI+ 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 the right to help support, sponsor, or supervise a student group regardless of who you are, including a GSA or other LGBTQI+ 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 — the more detail, the better. Put your school on notice right away that i t has to stop harassment or other discrimination.

Not to be Punished for Reporting Harassment or Discrimination
If you report harassment or discrimination or participate in an investigation of harassment or discrimination, you can't be threatened, mistreated, discriminated against, or otherwise punished by your school for doing so.

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

File A Federal 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 file a complaint with state and local Fair Employment Practices Agencies (FEPAs) and with the U.S. Equal Employment Opportunity Commission (EEOC) today. You can file a complaint for bullying, harassment, or discrimination based on race, color, national origin, age, disability, sex, sexual orientation, gender identity, transgender status, variations in sex characteristics (including intersex traits), and/or pregnancy and parental status.

If you witnessed or heard about discrimination against a student, you can file a complaint with a local Title IX Civil Rights Coordinator, or directly with the U.S. Department of Education today.

Things to know about filing a complaint:

You are Entitled to File a Claim
Nearly all K-12 schools are covered by state and federal civil rights laws, which entitles you to file a 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 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, review our LGBTQI+ Student Rights fact sheet:
https://www.glsen.org/activity/lgbtq-student-rights.

Get Help

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

For general questions:
GLSEN National
policy@glsen.org • **glsen.org**

PFLAG National:
Diego Miguel Sanchez, APR, Director of Advocacy, Policy & Partnerships
202-657-6997 • **dsanchez@pflag.org** • **www.pflag.org**

For legal advice or assistance:
ACLU's National LGBTQ Project **helplgbtq@aclu.org**

National Women's Law Center Fund's Legal Network for Gender Equity:
www.nwlc.org/legal-assistance

National Center for Lesbian Rights Legal Help Line:
(800) 528-6257 • **https://www.nclrights.org/get-help/**