

DISCRIMINATION AT SCHOOL IS AGAINST THE LAW



Division of
Human Rights

DHR ENFORCES THE NYS HUMAN RIGHTS LAW

The NYS Human Rights Law protects students from unlawful discrimination by educational institutions. Discrimination in schools based on any protected characteristic (including age, disability, gender identity or expression, marital status, military status, national origin, race/color, religion, sex, or sexual orientation) is unlawful. DHR is the state agency empowered to investigate and adjudicate cases of alleged discrimination in public and private, non-religious school settings.

EXAMPLES OF DISCRIMINATION IN SCHOOLS

DENIAL OF RESOURCES

Denial of resources can involve denying admission, limiting or blocking access to classes, providing subpar instructional materials, and withholding scholarships, grants, or acceptance. For example, denying the use of facilities to an LGBTQ student group while allowing use by other groups.

HARASSMENT & BULLYING

Harassment/bullying may consist of words, signs, jokes, pranks, intimidation, physical violence, or other actions that are offensive or objectionable to the recipient and are directed at an individual because of a protected characteristic. It may involve a staff member, a fellow student, or an agent and can occur on social media or other online platforms.

BIASED POLICIES

Policies such as those that prohibit students from wearing braids, locks, twists, or other hairstyles historically associated with race are biased and against the law. Prohibiting a student from wearing a school uniform that is consistent with their gender identity is also unlawful.

DISPARATE DISCIPLINE

Educational institutions are prohibited from enacting disciplinary policies that have a disproportionate impact related to a protected characteristic. For example, a school district with a pattern of implementing longer suspensions for students of particular race/color may be in violation of the law.

HOSTILE ENVIRONMENT

A hostile environment exists when comments or physical treatment are offensive, insulting, threatening, or harmful to a student. This includes hitting, hateful or offensive displays, and insults or taunts based on race, disability, or another protected characteristic. This can occur in the classroom, during recess, or even on a school bus. A school can be held responsible for such actions by staff members, students or other persons acting as agents of the school, such as bus drivers.

SEXUAL HARASSMENT

Students should be able to obtain an education without experiencing sexual harassment. Remarks, taunts, threats, actions or requests of a sexual nature, whether from an administrator, a teacher, a student, or an agent, can be unlawful. For example, a teacher sending an inappropriate photo to a student may be sexual harassment.

COVERED EDUCATIONAL INSTITUTIONS

- Public schools: Pre-K through university
- Publicly supported Pre-K programs, incl. Universal Pre-K, Head Start
- Charter schools
- BOCES programs
- Private schools, Pre-K through university (other than those run by a religious organization)

OBLIGATIONS OF SCHOOLS

Schools must take corrective action to address discrimination, bullying, or harassment of a student or applicant by another student, a staff member, or other agents because of any protected characteristic. Schools must also redress sexual harassment, or any sexual misconduct towards a student or applicant, by a staff member, student, or agent.

CONTACT THE NYS DIVISION OF HUMAN RIGHTS

The information provided in this document is a snapshot of how the NYS Human Rights Law protects students against discrimination, bullying, and harassment based on protected characteristics. We encourage you to visit our website for more information, or to contact us with your questions. We are also available to help you file a complaint or if you would like to report a suspected case of discrimination to our Division Initiated Investigations Unit.

