

SOME EXAMPLES:

Maria is a college student who wanted to get into a highly competitive program offered by her school. One of her professors said that if she would engage in a sexual relationship with him, he could get her into the program. Maria turned him down, but she got into the program anyway.

This is sexual harassment. It does not matter that she got into the program. It would still have been sexual harassment if she had agreed to the sexual relationship in order to obtain the benefit.

Jackson is a black male high school student. He plays on a school sports team, and he is subjected to locker-room racial jokes and pranks from his teammates. He complains to the coach, who tells him they are just kidding around, and to ignore it.

Since Jackson has complained to the coach, the school is on notice of the harassment and may be liable. The school should investigate and take appropriate action to stop the harassment.

Louisa is transgender. She experiences taunts and assaults on the school bus because of her gender identity. The school district says it cannot control the school bus because transportation services are provided by a busing contractor.

It is the school's responsibility to ensure bullying is not permitted on the school bus.

A high school principal will not give permission for an LGBTQ student group to meet on the premises after school, despite the fact that various student interest groups hold such meetings.

Denial of permission because of the LGBTQ nature of the student group is unlawful discrimination.

Arthur's parents are told by a charter school that they cannot accept Arthur because of his autism.

A policy of rejecting all applicants with a disability, or a particular disability, is unlawful. The Division can investigate whether the rejection is discriminatory in Arthur's case.

FILING A COMPLAINT at the DIVISION

If you believe that you or your child has been discriminated against by an educational institution, you can file a complaint with the **New York State Division of Human Rights**. A complaint must be filed with the Division within one year of the alleged discriminatory act. To file a complaint:

- Visit the Division's website, at WWW.DHR.NY.GOV, and download a complaint form. Completed complaints should be signed before a notary public and returned to the Division by email, fax, postal mail or in person.
- Stop by a Division office in person.
- Contact one of the Division's offices, by telephone or by mail, to obtain a complaint form and/or other assistance in filing a complaint.

For more information or to find the regional office nearest to you visit the Division's website WWW.DHR.NY.GOV. You can also call the Division's toll-free **HOTLINE** at **1-888-392-3644**.

Your complaint will be investigated by the Division, and if the Division finds probable cause to believe discrimination has occurred, your case will be sent to a public hearing. There is no fee charged to you for these services.

If the Commissioner of Human Rights finds in your favor following the hearing, the relief awarded to you may include such remedies as a cease-and-desist order, requiring a change in practices, admittance, and/or monetary compensation for the harm you suffered.



Division of
Human Rights

EDUCATIONAL INSTITUTIONS: Your Rights Under the Human Rights Law as a Student or Applicant

ONE FORDHAM PLAZA
BRONX, NEW YORK 10458
1-888-392-3644
TTY: 718-741-8300
WWW.DHR.NY.GOV

Students in New York are protected from discrimination by educational institutions

Under Human Rights Law § 296.4, students and applicants of all ages are protected from unlawful discrimination by educational institutions.

What schools are covered?

Covered educational institutions include:

- Public school districts (pre-kindergarten through high school, and continuing education)
- Charter schools
- Boards of Cooperative Educational Services (BOCES)
- Public colleges and universities
- Universal Pre-K, Head Start or other publicly funded pre-kindergarten programs
- Private schools at all education levels (excluding those which are for profit, or run by a religious organization)

Private nursery schools, early education centers, preschools and child-care centers (including those run by religious organizations) may be covered under other provisions of the Human Rights Law. Some for-profit schools may also be covered by other provisions of the Law. Please contact the Division of Human Rights for more information on whether a particular school or service you believe has discriminated against you is covered by the Law.

Effective date for public schools

Division jurisdiction over the *public* educational institutions listed above is effective for events occurring on or after July 25, 2019, based on a 2019 amendment to the Human Rights Law.

What characteristics are protected?

Protected characteristics are **race, color, religion, disability, national origin, sexual orientation, gender identity or expression, military status, sex, age or marital status**. (Schools with a policy of educating persons of one sex exclusively may admit students of only one sex.)

What actions are discriminatory?

It is unlawful discrimination for an educational institution to take any of the following actions because of any protected characteristic:

- To refuse to admit an applicant to a school or an educational program, if that individual is otherwise qualified for the school or program
- To terminate a student from a school or an educational program, if that individual continues to be otherwise qualified for the school or program
- To permit the harassment of a student or applicant because of any protected characteristic
- To otherwise treat a student or applicant differently because of a protected characteristic

Harassment and bullying

Schools have a duty to prevent and to take prompt, effective, corrective action to address:

- Bullying or harassment of a student or applicant by another student because of any protected characteristic
- Any harassment of a student or applicant by a staff member because of any protected characteristic
- Sexual harassment, or any sexual misconduct towards a student or applicant by a teacher or other staff member

What is harassment or bullying?

Harassment or bullying because of any protected characteristics consists of words, signs, jokes, pranks, intimidation or physical violence, which are directed at an individual because of any protected characteristic. Harassment or bullying consists of actions which are offensive or objectionable to the recipient or cause the recipient discomfort or humiliation.

Sexual harassment can also be taunts or threats of a sexual nature, sexually discriminatory remarks, sexually explicit derogatory statements, or any verbal or physical sexual advances, touching or assaults.

Sexual harassment also occurs when any suggestion is made by a teacher or other person in authority that an advantage – such as a better grade or admittance into a program – can be obtained by the student or applicant agreeing to engage in sexual conduct. This is true whether or not the student or applicant agrees to or rejects the suggestion, and whether or not the grade or other benefit was affected. When the suggestion is made, the harassment has occurred.

Who can file a complaint?

Although all ages are protected, you must be 18 years or older to file a complaint. A parent, guardian or other person having legal authority to act in the child's interest must file on behalf of students under the age of 18.

Contact the Division of Human Rights for further information about your rights.