



GENDA & Educational Institutions Under the NYS Human Rights Law

What is the New York State Human Rights Law?

The NYS Human Rights Law prohibits discrimination at the workplace, in housing, at public places, and educational institutions among other areas. The law prohibits discrimination based on the following protected traits or characteristics:

- Age
- Arrest Record
- Creed/Religion
- Color
- Conviction Record
- Disability
- Domestic Violence Victim Status
- Familial Status
- Gender Identity or Expression
- Immigration Status or Citizenship Status
- Lawful Source of Income (in Housing Only)
- Marital Status
- Military Status
- National Origin
- Predisposing Genetic Characteristic
- Pregnancy-Related Condition
- Race
- Sex
- Sexual Orientation

What is GENDA?

In 2019, the NYS Human Rights Law was amended to explicitly include “gender identity or expression” as a protected category in all areas of jurisdiction, including educational institutions. This amendment is known as the Gender Expression Non-Discrimination Act (GENDA). **The passage of GENDA makes clear to all New Yorkers that discrimination based on gender identity or expression is against the law.**

What schools or educational institutions are covered by the law?

GENDA expressly prohibits discrimination by schools or educational institutions against students and applicants based on their actual or perceived sex and gender identity or expression – meaning their actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic, regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender.

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 run by a religious organization)
- For-profit non-sectarian colleges, universities, licensed career schools, or certified English as a second language schools

What is Unlawful Gender Identity Discrimination in Schools/Educational Institutions?

Unlawful discrimination because of gender identity or expression **in schools/educational institutions** can include:

- Questions about gender identity or expression, or assigned sex at birth;
- Denying equal access to a school;
- Denying the use of restrooms or other facilities consistent with a person's gender identity;
- Asking a transgender person to use a single-occupancy restroom because of someone else's concerns;
- Requiring individuals to show medical or other documents in order to use facilities, such as restrooms, locker rooms or residential facilities, consistent with their gender identity;
- Utilizing grooming, uniform or appearance standards based on sex stereotypes;
- Providing benefits or reasonable accommodations that differ based on gender;
- Refusing to use an individual's requested name or pronouns;
- Subjecting an individual to harassment.

What resources are available? Where can I learn more?

Visit the agency's GENDA website at dhr.ny.gov/genda or download DHR's guidance at <https://dhr.ny.gov/gender-identity-discrimination-guidance>.

Download DHR's brochures on gender identity discrimination (<https://dhr.ny.gov/gender-identity-trifold-brochure>) and protections against discrimination at educational institutions (<https://dhr.ny.gov/educational-institutions>).

What is DHR's Guidance on Gender Identity Discrimination?

DHR's guidance on gender identity discrimination explains how the agency enforces GENDA and the Human Rights Law.

This guidance explains the various areas in which gender identity discrimination can occur, including employment, housing, places of public accommodation and schools, and provides examples of discrimination.

It also provides information about how DHR can protect victims of gender identity discrimination.

DHR's guidance on gender identity discrimination is available online here: <https://dhr.ny.gov/gender-identity-discrimination-guidance>.

How Does the New York State Division of Human Rights Enforce GENDA?

Any person who feels they have suffered unlawful discrimination based on their gender identity/expression, or any other protected characteristic under the State Human Rights Law, may file a complaint with the New York State Division of Human Rights (DHR). Once a complaint has been filed, DHR will open an investigation. All procedures are free of charge, and the person filing the complaint does not need an attorney. You can learn more about the complaint process by visiting dhr.ny.gov/complaint.

DHR may also bring forward its own investigations, without an individual complaint.

What is the Penalty for Violating the NYS Human Rights Law's Educational Protections?

If the Commissioner of the New York State Division of Human Rights finds that discrimination has occurred, remedies may include:

- an order to cease the discriminatory policies;
- compensation for mental anguish and other damages;
- a requirement that training be conducted;
- civil fines and penalties;
- attorney's fees.



@NYSHUMANRIGHTS

DHR.NY.GOV
1-888-392-3644