



What are your rights?

A Q&A form for students during the Day of Silence

At times students may face obstacles when organizing the Day of Silence. Below you will find a set of questions and answers based on general legal principles. The particular facts of your situation, however, may mean that these generalized rules do not apply to you. You should consult with a lawyer about your individual situation. This document was created by GLSEN, the American Civil Liberties Union (ACLU), and Lambda Legal. If you need additional legal advice or assistance contact:

Lambda Legal: 212-809-8585. Ask for the Day of Silence Help Desk.
Email: schoolhelp@lambdalegal.org
Web site: www.lambdalegal.org

ACLU lawyers: 212-549-2627;
Email: safeschools@aclu.org Web site: www.aclu.org/safeschools

What am I allowed to do for the Day of Silence?

• Can a public school student remain silent in school?

Sometimes. The right to freedom of speech includes a right not to speak. However, a school may in some ways restrict a student's freedom of speech during classes, in assemblies, or in school-sponsored activities. This means the school can regulate what students say at these times, and it can also insist that students respond to questions, make presentations, etc. During non-instructional time (e.g., between classes, at lunch), however, a school may not suppress a student's right to speak or remain silent, unless the speech or silence will interrupt or interfere with another student's learning. Students are encouraged to be as silent as possible and hand out "speaking cards" when in the halls, in the lunchroom, or in a safe environment.

- **Does a public school student need permission to organize a Day of Silence?**

No. However, GLSEN strongly recommends all students get administrative support. If you consult with school officials, they may be more likely to respect your freedom of speech. If they cooperate with the planning, there is less chance of disruption.

- **What if there are curriculum-related obstacles to a student being silent in class?**

Be reasonable. If you have a presentation, an oral exam, or something else that requires speaking, please speak. The Day of Silence is not about getting in trouble, it's about creating awareness of anti-LGBT bullying, harassment and name-calling in schools. If you need to speak, you might consider other ways of continuing your participation, such as wearing buttons or stickers that show your support of the Day of Silence and those participating. It is highly recommended that you speak with each of your teachers before the actual day to work out an arrangement of silent participation in each of their classes. You might decide to write a brief reaction to a reading or discussion that took place, ensuring your teachers know you did the work.

- **Does a student in a public school have a right to wear t-shirts, buttons, or stickers with messages or to wear arm bands or certain types of clothes as part of a protest?**

Yes. Students have the right to freedom of speech. A school can only limit student speech if it disrupts the school or interferes with the ability of other students to get an education.

- **Does a student in a public school have a right to hang posters or post fliers on school bulletin boards?**

No. Students have to get permission to hang posters or post flyers on school bulletin boards. However, if a school lets some student organizations that are not connected to courses hang posters or post flyers, it has to let all clubs do it. This is required by a federal law, the Equal Access Act, 20 U.S.C. § 4071. So a gay-straight alliance may have the right to post flyers if the school lets other groups post.

- **Can public school students sign or circulate petitions?**

Sure. That is part of freedom of speech. Of course, they can't sign petitions as voters unless they are over 18 and registered.

- **What if I can't organize an official Day of Silence but I still want to participate?**

Here are five alternative ways you may wish to participate if an official day-long silence isn't an option. Of course you may come up with other ideas that are specific to your school or community.

1. Ask some friends or school groups to join you and gather at a table or area for a silent lunch to recognize the Day of Silence. End this period by spending some time discussing how you feel LGBT students and their allies are silenced because of harassment, discrimination and abuse, and brainstorm ways you can help end the silence.

2. Ask a supportive teacher to let you talk for five minutes at the beginning of class about what the Day of Silence is, and why you think it's important.

3. If it is not prohibited, wear a ribbon, shirt, button, sticker or other graphic display of support for the Day of Silence. Each person you reach with the name and information about the project may be a supportive ally in organizing the project next year.

4. Write a letter to the editor for your school newspaper, explain your feelings about anti-LGBT discrimination, bullying, and harassment in your school, the Day of Silence, and why it's important to you.

5. Check out the Day of Silence "Resources" at <http://www.dayofsilence.org> and start talking to your teachers, classmates and friends about what the Day of Silence is, and why you think it's important. While participation may not be possible this year, starting to build a base of support will help you better next year towards creating a truly awesome Day of Silence in your school.

What do I do if I am bullied or harassed in school?

Have you experienced any of the following based on your status as an ally, or your real/perceived sexual orientation or gender identity/expression:

1. Verbally harassed (name calling, threats, etc)
2. Physically harassed (shoved, pushed, etc.)
3. Physically assaulted (punched, kicked, injured with a weapon)
4. The subject of rumors
5. Had your property vandalized or stolen
6. Received threatening or harassing emails or text messages

• What can a student do if other students are opposed to the Day of Silence?

Students have the right to oppose the Day of Silence, however they are not within legal rights to name-call, follow, bully, or otherwise harass supporters of the Day of Silence.

• What can a student do if they are the target of bullying, harassment, and name-calling in school during the day of Silence?

The first thing you want to do is immediately inform an administrator, teacher, advisor, or staff member. You should also give a written report or letter to the principal, assistant principal, or other administrator, and you should keep a copy of the report or letter for your records. You should report what happened even if you don't know the name of the harasser(s). It may be helpful to inform the school staff present at the time of the incident, however you may also find it helpful to contact other school staff that you have a good rapport with.

• What can a student do if they have contacted school staff about the bullying, harassment, and name-calling and the school staff is unresponsive?

If you have spoken with teachers, advisors, or school administrators and they are unresponsive then the next step is to contact **Lambda Legal's Help Desk** (toll free at 1-866-542-8336 or by email at schoolhelp@lambdalegal.org) or the ACLU (safeschools@aclu.org or 212-549-2627) for assistance. Remember, you have a right to learn in a school environment free of the bullying, harassment, or name-calling.