

The ACLU of RI is actively fighting LGBTQ and gender discrimination in employment, housing, and public places. We're also challenging obstacles to changing gender markers on identification and fighting to protect the right of trans and nonbinary students to be treated fairly and equally at school. Below is some brief information about the rights of trans and nonbinary folks in Rhode Island.



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### ANTI-DISCRIMINATION LAWS IN RI

#### **Employment, Housing, Credit, and Public Accommodations**

Rhode Island law prohibits discrimination against a person on the basis of gender identity or expression in employment, housing, credit, and public accommodations. Therefore, most employers, government or private, cannot refuse to hire or give unequal compensation to a person solely because of their perceived gender identity or expression. Nor can most landlords refuse to rent, or charge different rent, to a person based on their gender identity or expression. A place of “public accommodation” is any place that is open to the public, including stores, restaurants, hotels, hospitals, retail stores, etc. They are not permitted to refuse, withhold, or deny a person services because of a person’s perceived or actual gender identity or expression. The Rhode Island Commission for Human Rights is the state agency tasked with investigating complaints about this type of discrimination, and taking legal action when necessary.

#### **At School**

Discrimination against students on the basis of their gender identity is illegal under federal and state laws. Schools cannot ignore or discount harassment you receive because of your gender identity or expression; they have a legal responsibility to respond to such claims. Additionally, all RI public school districts are required to have specific policies in place to protect the rights of transgender and nonbinary students. In particular, the policies must be consistent with state and national best practices, and address, at a minimum, such issues as: confidentiality and privacy, discipline and exclusion, staff training, access to school facilities, participation in school programs, dress codes, and official school records and use of preferred names and pronouns.

Among other things, these policies should make clear that school officials: have a plan for using a student's preferred name and pronoun; will not disclose information that reveals a student's transgender status unless authorized by the student or legally required; permit students the right to dress in accordance with their gender identity; allow students to access restrooms, locker rooms and changing facilities that correspond to their gender identity, and provide a non-stigmatizing alternative to a sex-segregated facility; and ensure that students can participate in athletics in a manner consistent with their gender identity.

## **CHANGING YOUR INFO IN RI**

### **Changing Your Name**

You do not need to undergo surgery prior to changing the name on your birth certificate. Name changes are done in the probate court of the town or city of your residence. Before going to probate court, you must first have a criminal background check ("BCI") done at the Attorney General's office. With the BCI and your original birth certificate in hand, go to the probate court and file the Petition for Name Change and pay a small fee. The court will then set a hearing date. The court may require you to advertise your name change in the local paper at least 10 days before your hearing. After your hearing, the probate court will give you a certificate of name change that you can use to change your name with the Social Security Administration.

### **Changing the Gender on Your DMV Identification**

You do not need to undergo surgery prior to changing the gender on your identification. Gender changes to your identification are done at any DMV office. To change your name on your ID, you will need a Social Security card with your new name, and a certificate from the probate court (see "Changing Your Name" above). To change your gender on your ID, you need to complete and sign a "Gender Designation" form, surrender your old identification, have a new picture taken, and pay for a new ID.

### **Changing the Gender Marker on Your Birth Certificate**

You do not need to undergo surgery prior to changing the gender marker on your birth certificate. Gender changes to your birth certificate are done at the RI Department of Health Division of Vital Records. To change your gender marker, you will need proof that you have undergone treatment for the purpose of gender transition. Any registered doctor, nurse practitioner, or physician's assistant who has treated or evaluated you can provide this in the form of a medical affidavit. To change your gender marker on your birth certificate, you will need an applicant affidavit and a medical provider affidavit. If you also wish to change your name on your birth certificate, see "Changing Your Name" above.

### **Nonbinary Gender Markers**

Both the RI DMV and the RI Department of Health allow for the nonbinary gender marker "X" on birth certificates and drivers licenses.

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