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WHAT YOU SHOULD KNOW:

Using Names and Pronouns in
School-Sponsored Student Media



NOTICE

Matters surrounding preferred names and pronouns in student media can be very fact-specific, and the policy landscape is changing rapidly. We strongly encourage you to bring your questions to the SPLC's [free, confidential legal hotline](#). Content here is purely informational and should not be construed as legal advice.

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Executive Summary

The first question in any interview is supposed to be the easiest one: What is your name? For students — and student journalists — across the country, the answer to that question has become increasingly complicated. Student journalists have always interviewed students who use chosen names, whether that is because they use a nickname, an Anglicized name, or are transgender. Recent interventions by school officials and state legislatures have left many middle and high school student journalists unsure as to which names, pronouns, and other information they can use to identify other students in yearbooks, school newspapers, broadcast, and other forms of school-sponsored media. Some student journalists have been told there are laws or school policies mandating these decisions; others have been told it is the decision of a school administrator. In all cases, student journalists are dealing with complicated questions — and have questions of their own.

This mini-guide will answer some of these questions and provide some best practices for you to follow. The information in this guide is not intended to be comprehensive, but there are certain guidelines you can rely on as you make your editorial decisions.

Any student or adviser who has questions should contact the Student Press Law Center's [free, confidential legal hotline](#) to talk through your specific situation.

Among the information inside this document:

- The Student Press Law Center believes that decisions as to the use of names and pronouns in school-sponsored student media are primarily editorial in nature, and should be made by student editorial staff.
- All student media publications should develop a written editorial policy regarding the use of names, pronouns, and other identifying information in their publication. Whenever possible, advisers should not be involved in deciding those policies.
- As of December 2022, SPLC is aware of no state or federal law that mandates the name or pronoun by which a student is to be identified by another student in school-sponsored student media.
- Schools and school districts that treat some students differently than others because of their gender identity may be violating federal anti-discrimination laws.
- Any student journalist or adviser who is told there is a law, policy, or regulation mandating the use of a specific name or pronoun for a student should ask for a copy of that law, policy or regulation in writing.

The landscape regarding these questions is fact-specific, and in flux. Students at private schools may face additional restrictions. SPLC can help all student journalists and advisers with these and other student media questions. SPLC works with volunteer attorneys across the country to provide state-specific pro bono legal advice and intervention when necessary.

Write the story; we've got your back.

Best Practices in Journalism, Journalistic Ethics, and Education

Journalists make myriad decisions every single day about all sorts of tiny details. But journalists do not make them in a vacuum. Student media is bound by the tenets of good journalism, of journalistic ethics, and of good education. These guardrails are far less in flux than the policy landscape regarding student name and pronoun use. Thus, they may be helpful as you make your editorial decisions.

Style Guides

[AP Style Guide](#)

The AP Style Guide is the go-to guide for journalists to make uniform choices in everything from grammar and punctuation to the structure of an article (and, yes, how a person should be identified). You are likely already using AP Style in your newsroom.

The most recent AP Style Guide advises journalists to “use a transgender person’s previous name [i.e. “deadname”] very rarely and only if required to understand the news, or if requested by the person.” The guide also cautions against assuming a person’s pronouns, and using “they/them/their” pronouns when the person uses those pronouns.

[Diversity Style Guide](#)

Supported by the Society of Professional Journalists, the Diversity Style Guide is sourced from more than two dozen style guides and journalism organizations in order to help journalists navigate stories “with accuracy, authenticity and sensitivity.” The Diversity Style Guide advises journalists to “use the name and personal pronouns that are consistent with how the individual lives publicly. When possible, ask which term the source prefers.”

Several LGBTQ+ organizations, including groups of LGBTQ+ journalists, have also developed style guides in order to provide guidance when covering LGBTQ+ issues or individuals. These include:

[Stylebook on LGBTQ Terminology](#)

Put out by NLGJA: The Association of LGBTQ Journalists, this guidance includes: “[U]se the language and terminology your subjects use. They are the best source for how they would like to be identified.”

[Style Guide](#)

From the Trans Journalists Association, this guidance includes:

- “Don’t identify someone as trans unless it’s relevant,”
- “Don’t make a big deal about” someone’s gender or pronouns,
- “Never out your sources,” and
- “If a trans person contacts a newsroom or reporter asking for a story to be updated with their new name or to remove information that outs the person as trans, newsrooms

should always make those changes when possible.”

[GLAAD Media Reference Guide](#)

GLAAD’s guidance includes:

- “[Trans people] should be afforded the same respect for their chosen name as anyone else who uses a name other than their birth name (e.g., Lady Gaga, Demi Moore, Cardi B)” and,
- “If it is not possible to ask a transgender person which pronoun they use, use the pronoun that is consistent with the person’s gender expression.”

Ethics

Like style guides, codes of ethics provide uniform guardrails for the myriad ethical decisions journalists make in their work. Here the guidance is going to be less prescriptive, and allows for you as a journalist to weigh the nuances of every person’s experience and needs.

[Code of Ethics](#)

The most widely-referenced code of ethics comes from the Society of Professional Journalists. Among the core tenets of this Code of Ethics are to “minimize harm.”

Among other things, the Code of Ethics holds that ethical journalists:

- “treat[] sources, subjects, colleagues and members of the public as human beings deserving of respect,”
- “boldly tell the story of the diversity and magnitude of the human experience,” and
- “realize that private people have a greater right to control information about themselves than public figures ... weigh the consequences of publishing or broadcasting personal information.”

[Code of Ethics](#)

Scholastic journalism has its own complementary Code of Ethics, put out by the National Scholastic Press Association, that takes into account the unique ethical issues that arise when covering or interviewing students. This Code of Ethics also emphasizes minimizing harm, and requires that student journalists:

- “determine if full disclosure of information may jeopardize student welfare unnecessarily” and,
- “reject unreasonable intrusion by student media” in the lives of people in distress.

A note on the ethical requirement to minimize harm: The extent to which a name or pronoun choice may harm someone can seem different from person to person. But, as the GLAAD Media Guide notes: “[Research](#) from the Trevor Project shows that youth who reported having their correct pronouns used by the people they lived with had half the rate of attempted suicide compared to those who did not have their pronouns respected.” You can also learn more about studies from the Journal of Adolescent Health and Pediatrics at [ChildTrends](#).

Education

In general, media law is silent as to the names and pronouns you use to accurately identify people in media. These are and should be editorial decisions, guided by the best practices and ethics we have already discussed. But in the context of student media, there are some education laws and policies to consider. These will be particularly important as you think about the role a student media adviser should play in guiding or abiding by these editorial decisions, as they are paid employees of your school — and, if you are a public school, of the government.

Education law will be covered in more detail below. However, in June 2021 the federal Department of Education [published a resource](#) on supporting transgender students recommending, among other things, that schools adopt policies to “use the name a student goes by, which may be different from their legal name, and pronouns that reflect a student’s gender identity — and ... policies to safeguard students’ privacy.”

Federal, State and Local Education Laws

Title IX (20 U.S.C. ch. 38 § 1681 et seq.)

Title IX protects students from discrimination in public schools on the basis of sex, and that includes transgender students. Any situation where transgender or gender non-conforming students are treated differently than other students, including limiting the right to choose the name or pronoun listed in the yearbook to non-transgender students, may constitute discrimination under Title IX.

A [federal advisory](#) currently implemented in a majority of states, for instance, indicates that, in light of the Supreme Court's findings in [Bostock v. Clayton County](#), Title IX protections are affirmed for transgender students, prohibiting "discrimination on the basis of sex in any education program or activity offered by a recipient of Federal financial assistance." As a result, using a name other than that which a transgender student requests — especially when other nicknames and variations on names are allowed (see below) — may constitute a discriminatory practice under Title IX.

A 2021 federal advisory affirmed that prohibited sex-based discrimination in federally-funded schools includes discrimination on the basis of sexual orientation and gender identity, citing the Supreme Court's ruling in [Bostock vs. Clayton County](#). [The federal advisory](#) is implemented in all but twenty states, where implementation is currently paused due to a legal challenge. Student media editors in states where implementation is paused are free to adhere to the advisory.

Where the advisory is implemented, the Department of Education is actively [investigating complaints](#) of LGBTQ+-related discrimination. The conclusion of an ongoing Title IX rule-making is expected to [further cement nondiscrimination protections](#) for LGBTQ+ young people in schools in 2023.

Using a name other than that which a transgender student requests — especially when other

nicknames and variations on names are allowed (see below) — is discriminatory and may constitute a violation under Title IX or a state law (as discussed below).

All student media editors, regardless of home state, are free to make decisions as to what names and pronouns are used in student media and should craft an editorial policy to best support the goals of individual student media newsrooms and yearbook staff, all in the practice of ethical journalism.

FERPA (Family Education Rights and Privacy Act, (20 U.S.C. § 1232g)

The federal Family Education Rights and Privacy Act, among other things, prohibits schools from releasing confidential educational information to certain individuals. FERPA does NOT restrict or govern the use of names or pronouns in the yearbook or other student media. FERPA only creates rules for agents of the school district; students working on student-edited media are not bound by the rules of FERPA.

Yearbooks, in particular, are neither educational nor legal records covered by FERPA. They are [repositories of “directory information,”](#) which is “information that is generally not considered harmful or an invasion of privacy if released, [which] can also be disclosed to outside organizations without a parent’s prior written consent”.

If you are told that you must use a specific name or pronoun for a student because of FERPA, ask for the specific part of FERPA that your administration feels applies and contact the Student Press Law Center.

State and Local Laws

As of December 2022, we are aware of no state law governing the use of student names or pronouns in anything other than legal documents. Contact the SPLC’s [legal hotline](#) for the most accurate and up-to-date information.

There may be laws governing what names teachers can use to address students in the classroom, and this may extend to student media if the adviser has a heavy hand in creating the media.

If you are told that state law requires you to use a specific name or pronoun for a student, ask for a copy of that law AND the appropriate legal citation, and contact the Student Press Law Center.

Some student journalists have been told that there is state law under consideration that would require the use of certain names and pronouns, and that their schools are preparing to follow that law. A potential law is not the same thing as a law. Laws can take many years to pass, and go through many language changes before they are finalized. You are not required to follow laws that have not yet passed in your state.

Using a name other than that which a transgender student requests may constitute a violation of [state nondiscrimination laws](#), in addition to [federal laws](#).

School or School District Policies

Some school districts may have begun to pass policies regarding the use of names and pronouns in some situations. Generally, these situations have not included student-edited media.

If you are told there is a regulation or policy, you should be provided a citation to the regulation or given a copy of the written policy to see if it really impacts the decisions that you as a student-edited publication can make. At a public school, these policies are also public records and you can request them using the Student Press Law Center's [public records letter generator](#). If no policy exists that is responsive to your request, they have to tell you.

As with laws, you do not need to proactively follow a policy that has not yet been formally adopted by your school board.

Why You Should Have a Policy and How to Craft One

Having a written editorial policy in place is a great way for your student media to think through these issues before they happen, to codify what you have already done, to protect against allegations of bias or discrimination, and to save yourself tons of time and effort when these issues do come up. Passing these policies along from year to year also ensures that students whose chosen names differ from their legal names will know what to expect every time they pose for a yearbook photo.

An editorial policy does not have to be complicated. It should address any circumstances you may encounter, and ensure that all students are being treated equally.

For example, you may choose to adopt the following language:

"It is the policy of (student media name) that (student media) will ask the name and pronouns of each person interviewed, profiled or depicted. (Student media) will respect and use the name and pronouns by which a person so identifies. When there are questions as to the use of a name, (student media) will follow the guidelines put forth by the AP Style Guide, SPJ Code of Ethics and NSPA Code of Ethics."

You should have this discussion each school year as a newsroom, discuss any new questions that may have come up, and adopt them as a team. Whenever possible, student media advisers should not weigh in on these editorial policy decisions.

Important Considerations for Advisers

State law or local policy may restrict the names you — a school employee — are allowed to use for students. Decisions you make with regard to student names may constitute an action on behalf of the school and be used as evidence in any allegation by a student of discriminatory treatment. Contact the Student Press Law Center for help in determining what laws apply to you, and under what circumstances.

There are generally three models of editorial control when publishing student media in a public high school setting: **1) student-edited**; **2) school-edited** (e.g. a district policy indicating that the principal or another designee of the superintendent is content editor); and **3) hybrid-edited where editing duties may be shared**, requiring a deeper dive into the factual basis (the need to look at the full circumstances on the ground) for determining control. At a public school, the space your program inhabits among these three models can determine the [First Amendment protection available](#) to student editors who wish to challenge a district's preferred name or pronoun policy. (The legal protections for students at private schools are different and can vary significantly by school. You should contact the SPLC to discuss further.)

The Student Press Law Center is not aware of any law requiring student editors to use a student's "legal name" (eg, the name on their birth certificate or driving license) in student-edited media. It is primarily an editorial decision and whenever possible, students should have editorial independence to make these decisions and formulate newsroom policies.

The Student Press Law Center strongly encourages each student media newsroom, class or club to have an editorial policy in place. You can also discuss with your administration that student control over these decisions may protect your school from discrimination allegations down the line.

Whenever possible, the Student Press Law Center recommends that students — and not advisers or administrators — be the ones to determine the editorial policy of the yearbook or newspaper with regard to name and pronoun use.

If you are asked by your school to overrule any student decisions regarding name use, pronoun use or gender identification, get as much as you can in writing and keep notes on any verbal conversations you have. Contact the Student Press Law Center's legal hotline immediately with any questions or concerns.

Nicknames

Even if you have never had a student request to change their name or be identified by a different first name in school-sponsored student media, you have almost certainly encountered students asking to be identified by a nickname. You can use your prior editorial decisions regarding nicknames to guide your editorial decisions regarding chosen names.

Remember that nicknames may have included shortened versions of a person’s legal name (e.g. Jon for Jonathan), or entirely different names by which a student is generally known (e.g. Slay for Mike). Recall that both journalistic ethics and federal education law require you and your school to bring a viewpoint-neutral thought process to these decisions. If your school allows for the use of nicknames for students but restricts the use of a chosen name specifically for transgender students, they may face allegations of sex discrimination under federal law. Ensuring that all students are treated equally and that student journalists — not the school or school district — makes these editorial decisions may better protect everyone involved.

You may also have encountered students choosing or being required to use an Anglicized version of their name in the yearbook, newspaper, or other student media. Consider if there is a difference between how these name changes were addressed and what you are doing or being asked to do now.

Even if you do not have a formal editorial policy, it is a good idea to write down decisions you have made in the past or pull past examples of nickname use so that future student editors know what was done in the past and so you have evidence to support decisions you make in the future.

Parent Involvement

In some areas of the country, students and teachers have been told that parents must sign off on any changes to a child’s name in their educational or legal record, that they have veto power over their child’s name use, or that they are to be alerted if a student uses a name that differs from what is on their legal documents. Contact the Student Press Law Center’s legal hotline if you face any of these situations.

Students have the legal right to tell their own stories, even when they are minors and their parents disagree. Further, student-edited media are not educational or legal records, and student journalists are neither employees of nor extensions of the school.

Additionally, if you are not required to get parent permission every time any student is identified in student-edited media but are required to get permission before identifying trans students, your school may face allegations of discrimination under Title IX and other state anti-discrimination laws.

Further, the Student Press Law Center has both a [guide](#) to covering minors and a sample [interview consent form](#) you can use to ensure that all students are consenting to use whatever name they choose to use in your student media.

FAQS



Does state or federal law dictate what names and/or pronouns to use for students?

No. As of January 2023, we are aware of no state or federal laws that dictate what name and/or pronouns to use for students in a student-edited yearbook, newspaper, or other form of school-sponsored student media.



Is a student-edited yearbook a legal educational record?

Generally no. According to the Student Privacy Office with the US Department of Education, yearbooks are not legal educational records. It is likely more appropriate to consider student-edited yearbooks to be historical records.

There are some yearbooks — particularly in middle/elementary schools — that are entirely the creation of school employees and focus mostly on class photos and employee-captured images of school events. These might be considered educational records. Still, they are clearly not the same as student-edited yearbooks, where students have been given primary responsibility for their creation.



Are we violating FERPA by using a student's chosen name or preferred pronoun?

No. Student-edited yearbooks are not educational records, so nothing in them is covered by FERPA. Further, student yearbook staff are not agents of the school, and therefore cannot violate FERPA.



Can our school require us to use the name and/or pronoun listed on a student's education record or birth certificate?

Your school may have a policy governing the use of a student's names or pronouns. However, that policy may violate federal law, especially if the student has given their consent to be identified by a specific name. If you are told there is such a policy, you should ask for a written copy and contact the Student Press Law Center immediately.



If the law changes between now and when our yearbook is printed, can they make us reprint it?

It depends. If you are concerned about this happening, you should contact the Student Press Law Center immediately.

FAQS (CONT.)



Can a student's parents require us to use a specific name or gender?

Students have the legal right to truthfully tell their own stories even when parents object. And student editors should have the editorial right to tell those students' stories accurately. As mentioned above, however, legal protections against censorship can vary significantly from school to school.



We've previously printed student's nicknames at their request. Can we still do that, even if we're being told to use the name on their educational record?

This is a fact-specific question that may be influenced by the state you are in and other factors. If your school or district has a policy that allows for the printing of nicknames but singles out transgender or gender non-conforming students as needing to use the name on their educational record or birth certificate, that could be a violation Title IX and executive administration guidance.

If you would like to honor nicknames but have been told not to honor the certain students' chosen names, ask your school administrator if you are still permitted to print nicknames, and then contact the Student Press Law Center.



Can we be required by the school to use given names even if we want our editorial policy to be chosen names?

At a public school, the First Amendment always protects your right not to speak. Even where a student editor has been told they cannot publish a student's preferred name, they can never lawfully be forced to publish something they believe is inaccurate, unlawful or that they feel would cause harm to another student. Ask for the source of the directive — is there a board-passed policy, or is this coming from your principal alone? — and then contact the Student Press Law Center.



Can our editorial process allow for parents to approve a name different from what is on the educational record?

Yes. While it's not legally necessary in most cases, obtaining written parental consent shores up protections for your editorial decision and memorializes their intent. That could come in handy if you or the parent and student challenge any contrary policy issued by the district.

ADDITIONAL RESOURCES

- [AP Style Guide \(Associated Press\)](#)
- [Diversity Style Guide \(Society of Professional Journalists\)](#)
- [Stylebook on LGBTQ Terminology \(NLGJA: The Association of LGBTQ Journalists\)](#)
- [Style Guide \(The Trans Journalists Association\)](#)
- [Media Reference Guide \(GLAAD\)](#)
- [Code of Ethics \(Society of Professional Journalists\)](#)
- [Code of Ethics \(National Scholastic Press Association\)](#)

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ABOUT THE STUDENT PRESS LAW CENTER

The Student Press Law Center (SPLC) is a non-partisan 501c(3) which works at the intersection of law, journalism and education to promote, support and defend the First Amendment and press freedom rights of student journalists and their advisers at the high school and college level. SPLC uses the law to help students of all ages meaningfully participate in civic life and learn essential skills, ethics and values through the vehicle of journalism. SPLC provides information, training and legal assistance at no charge to student journalists and the educators who work with them.

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