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Protected Characteristics and Examples of Prohibited Conduct

Federal, state, and local laws protect a wide range of characteristics to ensure that every individual is treated with dignity and respect. These protections cover: age, shared ancestry, color, disability (including mental disorders, learning disabilities, and physical disabilities), gender, gender expression, gender identity, genetic information, marital status, military status, national origin, pregnancy, race, religion, sex, sexual orientation, veteran status, and any other status or classification recognized by law.

In this section, we explore what these protected characteristics mean and discuss how discriminatory attitudes and behaviors can manifest. For example, antisemitism may appear through harmful stereotypes, exclusionary practices, or overt hostility toward Jewish individuals or individuals perceived to be Jewish, while Islamophobia involves prejudice and bias that unfairly targets those of the Muslim faith or those perceived to be of the Muslim faith. By understanding these legal protections and the specific challenges posed by biases like antisemitism and Islamophobia, we can work together to create an environment that upholds the rights and dignity of every person.

Protected Characteristics at Tulane University



- **Age:** The number of years from the date of a person's birth. For employment, individuals who are forty (40) years of age or older are protected from discrimination and harassment based on age. There is no



- **Color:** An individual's skin pigmentation, complexion, shade, or tone.
- **Disability:** A physical or mental impairment that substantially limits one or more major life activities. A person with a disability is any person who has such an impairment, has a record of such impairment, or is regarded as having such an impairment. A qualified person with a disability must be able to perform the essential functions of the employment or volunteer position or the academic, athletic, or extra-curricular program, with or without reasonable accommodation. Temporary, non-chronic impairments that do not last long and have little or no long-term impact are usually not disabilities. The determination of whether an impairment is a disability is made on a case-by-case basis.
- **Ethnic or National Origin:** An individual's actual or perceived country or ethnicity of origin. Tulane prohibits discrimination or harassment against an individual because of their ancestor's place of origin; the individual's physical, cultural, or linguistic characteristics relating to a particular national origin group; the individual's marriage to or association with members of a particular national origin group; or because of the individual's name or spouse's name is associated with a particular national origin.
- **Gender:** An individual's socially constructed status based on the behavioral, cultural, or psychological traits typically associated with societal attribution of masculinity and femininity, typically related to one's assigned sex at birth.
- **Gender Expression:** How someone expresses gender through appearance, behavior, or mannerisms. A person's Gender Expression may or may not



Gender Identity: One's innermost concept of self as male, female, a blend of both, or neither – how individuals perceive themselves and what they call themselves. The Gender with which an individual identifies psychologically, regardless of what Gender was assigned at birth.

- **Genetic Information:** Information about: (a) an individual's genetic tests, (b) the genetic tests of family members of such individual, and/or (c) the manifestation of a disease or disorder in family members of such individual. Genetic Information includes, concerning any individual, any request for or receipt of genetic services, as well as participation in clinical research that includes genetic services by such individual or any family member of such individual.
- **Marital Status:** A person's state of being single, married, separated, divorced, or widowed.
- **Military and Veteran Status:** A person's past, current, or future membership, service, or obligation in a uniformed service. Uniformed services include the Army, Marine Corps, Navy, Army National Guard, Coast Guard, Air Force, Air National Guard, or Public Health Service commissioned corps. Certain disaster work also counts as uniformed service and qualifies an employee for protection under the Uniformed Services Employment and Reemployment Rights Act ("USERRA"). Covered Veterans include Disabled Veterans, Special Disabled Veterans, Veterans of the Vietnam era, and other protected Veterans as defined by federal and state law.
- **Pregnancy:** A person's state of being pregnant, having children, or having a medical condition related to pregnancy or childbirth. The Pregnancy Discrimination Act (PDA) forbids discrimination based on pregnancy when it comes to any aspect of employment, including hiring, firing, pay,



- **Race:** An individual's actual or perceived racial or ethnic ancestry or physical characteristics associated with a person, such as skin color, hair, facial features, height, and weight. In 2022, the Louisiana legislature passed its version of the CROWN Act, extending the definition of "race" to include traits historically associated with race, including but not limited to hair texture and protective hairstyles. Tulane recognizes and adheres to the CROWN Act and prohibits discrimination on account of one's natural, protective, or cultural hairstyles. Protective, natural, or cultural hairstyles include but are not limited to afros, dreadlocks, twists, locs, braids, cornrow braids, Bantu knots, and curls.
- **Religion:** Religion: All aspects of a sincerely held religious observance, practice, and belief.
- **Sex (Assigned at Birth):** A designation at birth (male, female, and intersex) generally based on the external appearance of sex organs; includes pregnancy, childbirth, and medical conditions related to pregnancy or childbirth. Conduct of a sexual nature is, by definition, based on Sex as a Protected Status.
- **Sexual Orientation:** One's sexual, romantic, physical, and/or emotional attraction (or lack of attraction) to others. The inclination or capacity to develop intimate emotional, spiritual, physical, and/or sexual relationships with people of the same sex or gender, a different sex or gender, or irrespective of sex or gender.
- **Shared Ancestry:** This occurs when a group of people share a common ancestor or set of ancestors. Shared Ancestry can be based on genetics, culture, or a combination of both. It goes beyond traditional notions of race or ethnicity, recognizing that discrimination can occur based on



region of same group might face discrimination even if they hold different nationalities.

Examples of Prohibited Conduct



- Adversely changing a Tulane employee's work responsibilities based on assumptions about the employee's ability to perform due to their age, disability, or genetic information.
- Excluding a student from a program or activity based on their complexion or hair texture associated with their race.
- Refusing to hire an applicant or admit a student applicant because of their race, religion, national origin, and/or shared ancestry.
- Targeting a student or employee because of their race, religion, national origin, and/or shared ancestry by electronically distributing personally identifying information.
- Denying an individual access to an educational program solely because of their military status.
- A supervisor subjecting an employee to repeated unwelcome questions about their sexual orientation.
- A professor subjecting a student to repeated unwelcome questions about their dating life and sexuality.
- Denying an applicant membership or benefits in a student group because of their Hindu religion or because they are perceived to be from India or



Refusing professional or learning opportunities to an individual because of their sexual orientation or gender expression.

- Antisemitism is a form of discrimination or harassment that is based on one's religion (Judaism) and/or national origin (e.g., an individual from a Jewish-majority country). Antisemitic conduct implicates the Policy and can manifest in the Tulane environment in many ways. Examples of antisemitic conduct that implicates this Policy include:
 - Repeated instances of antisemitic slurs directed toward an individual, regardless of whether that individual is Jewish.
 - Refusing to allow an individual to participate in any program sponsored or hosted by Tulane because they are perceived to be from Israel, are associated with a Jewish organization, wear religious attire, like a kippah, or display a religious symbol associated with Judaism, like a Star of David.
 - Defacing a Jewish employee's or student's property with a hateful symbol such as a swastika.
 - Using force or intimidation to obstruct the path of an employee or student because they are Jewish, perceived to be Jewish, or supportive of Jewish institutions or organizations.
 - Refusing to grant a student some expected benefit, such as a letter of recommendation, based on the perception that the student is Jewish, is associated with a Jewish organization, or because that student is perceived to be from Israel and/or is Zionist.
 - Making dehumanizing and/or stereotypical comments about Jewish employees or students.
- Islamophobia is a form of discrimination or harassment that is based on one's religion (Islam) and/or national origin (e.g., an individual from a Muslim-majority country). Islamophobia's conduct implicates the Policy



- Repeatedly referring to a Muslim individual or someone perceived to be a Muslim as a “terrorist”.
- Refusing to allow an individual to participate in any program sponsored or hosted by Tulane because they are perceived to be Muslim - like a Sikh person wearing a turban - or from a Muslim-majority country and are associated with a Muslim organization, wears religious attire, like a hijab, or displays a religious symbol associated with Islam, like the Crescent and Star.
- Removing a student from a Tulane program or activity based on the perception that the student is Muslim or perceived to be Muslim or is associated with a Muslim organization.
- Refusing professional or learning opportunities because an individual wears a hijab to work or in the classroom.
- Physically threatening an individual for wearing a religious symbol associated with Islam or a national symbol like a keffiyeh.

The examples listed above can also apply to situations involving other protected characteristics, such as age, shared ancestry, ethnic/national origin, color, disability, gender, gender expression, gender identity, gender information, marital status, military/veteran status, pregnancy, race, religion, sex, sexual orientation, or any other classification protected by applicable law.



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