

The Administrative Procedure Memorandum No. 3 -5
Prohibited Harassment and/Discrimination Policy
Protected Classes Definitions

1. Race – refers to a group of people united or classified together based on a common history, nationality or geography. It includes all races, not just members of a racial minority. Racial groups include American Indian, Alaska Native, Asian, Native Hawaiian, Pacific Islander, Black, African American, and White. Bi-racial designations are also recognized.
2. Sex – refers to male, female and pregnancy.
3. Gender – is the actual or perceived condition, status or acts of 1) identifying emotionally or psychologically with the sex other than one’s biological or legal sex at birth, whether or not there has been a physical change of the organs of sex; 2) presenting and/or holding oneself out to the public as a member of the biological sex that was not one’s biological or legal sex at birth; 3) lawfully displaying physical characteristics and/or behavioral characteristics and/or expressions which are widely perceived as being more appropriate to the biological or legal sex that was not one’s biological or legal sex at birth, as when a male is perceived as feminine or a female is perceived as masculine; and/or 4) being physically and/or behaviorally androgynous.
4. Religion – includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates an inability to reasonably accommodate an employee’s or prospective employee’s religious observance or practice without undue hardship on the conduct of the employer’s business.
5. Creed – any system or codification of belief or of opinion. An authoritative, formulated statement of the chief articles of Christian belief, as the Apostles' Creed, the Nicene Creed, or the Athanasian Creed.
6. Color – refers to a person’s skin color or pigmentation.
7. Age – applies to any person 18 and over.
8. Disability – an individual with a physical or mental impairment which substantially limits one or more of such person’s major life activities. The term also includes the term “handicap” as used in local, state and federal statutory, administrative or judicial case law.
9. Marital status – includes being married, separated, divorced, widowed, or single.
10. HIV status - Persons with HIV disease, both symptomatic and asymptomatic, have physical impairments that substantially limit one or more major life activities and are, therefore, protected by the law.
11. Source of income – is legally derived income that includes, but shall not be limited to, moneys received from public assistance, pension, and Supplementary Security Income (SSI).
12. Familial status – living with or having custody of children less than 18 years of age. Includes stepchildren and foster children. It also applies to expectant mothers.

13. Ancestry or National origin – national origin refers to a person’s, or his or her ancestor’s, country of birth or because a person has physical, cultural or linguistic characteristics of a national origin group.

Ancestry refers to the country, nation, tribe or other identifiable group of people from which a person descends. It can also refer to the physical, cultural or linguistic characteristics of the person’s ancestors.
14. Sexual orientation – is the sexual or loving attraction to another person or the complete absence thereof to any other person. This attraction can span a non-static continuum from same-sex attraction at one end to opposite-sex attraction to an absolute lack of attraction to any gender. This includes homosexual, heterosexual, bisexual, pansexual, polysexual, asexual etc.
15. Arrest record – includes, but is not limited to, information indicating that a person has been questioned, apprehended, taken into custody or detention, held for investigation, arrested, charged with, indicted or tried for any felony, misdemeanor or other offense pursuant to any law enforcement or military authority.
16. Conviction record – includes, but is not limited to, information indicating that a person has been convicted of a felony, misdemeanor or other offense, placed on probation, fined, imprisoned or paroled pursuant to any law enforcement or military authority.
17. Current or past military service - Employment discrimination because of military service includes an employer, labor organization, licensing agency, employment agency, or other person refusing to hire, employ, admit, or license an individual, barring or terminating an individual from employment, membership, or licensure, or discriminating against an individual in promotion, in compensation, or in the terms, conditions, or privileges of employment because the individual is or applies to be a member of the U.S. armed forces, the state defense force, the national guard of any state, or any reserve component of the U.S. armed forces or because the individual performs, has performed, applies to perform, or has an obligation to perform
18. Less than honorable discharge – means any general, undesirable, clemency, bad conduct or dishonorable discharge from the military service. It does not mean being terminated from a job for unfair reasons.
19. Use or non-use of lawful products off the employer’s premises during non-work hours.
20. Physical appearance – the outward appearance of a person including scars, tattoos, piercings, hair color or style, etc.
21. Political beliefs – opinions, manifested in speech or association, concerning the social, economic and governmental structure of society and its institutions.
22. Student – being denied employment, access, goods or services because you are enrolled in high school, college, university, technical college, accredited trade school or an apprenticeship program.