

Protected Class Definitions

Protected class is defined by federal law/executive order, federal agencies, or Pennsylvania state policy. The protected classes include: age, ancestry, color, disability, ethnicity, gender, gender identity or expression, genetic information, HIV/AIDS status, military status, national origin, pregnancy, race, religion, sex, sexual orientation, or veteran status, or any other bases under the law.

These definitions are for reference only, as people seek to understand what the protected classes are and how they relate to discrimination and harassment. When conduct is reported to the Office of Justice, Equity and Inclusion it will be assessed on an individualized basis.

Age: For purposes of these policies, age in the employment context means a person over the age of 40. For more information, visit: <https://www.eeoc.gov/statutes/age-discrimination-employment-act-1967>

Ancestry: A person's caste, country, nation, tribe, or other identifiable group of people from which a person descends. It can also refer to common physical, cultural or linguistic characteristics of an individual's ancestors. For more information, visit: <https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?txtType=HTM&yr=1955&sessInd=0&act=0222.&chpt=000.&subchpt=000.&sctn=000.&subsctn=000>

Color: Pigmentation, complexion, skin shade or tone. For more information, visit: <https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?txtType=HTM&yr=1955&sessInd=0&act=0222.&chpt=000.&subchpt=000.&sctn=000.&subsctn=000>

Disability: A physical or mental impairment that substantially limits one or more of the major life activities of an individual or a record of such impairment or being regarded as having such an impairment. The impairment can be a disability even if episodic or in remission. Examples of a major life activity that may be substantially limited may include but is not limited to walking, talking, seeing, hearing, or learning, or operation of a major bodily/mental function. For more information, visit: <https://www.eeoc.gov/disability-discrimination>

Ethnicity: Shared attributes of a group people who identify with each other that distinguish them from other groups such as a common set of traditions, ancestry, language, history, society, culture, nation, religion, or social treatment within their residing area. For more information, visit: <https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?txtType=HTM&yr=1955&sessInd=0&act=0222.&chpt=000.&subchpt=000.&sctn=000.&subsctn=000>

Gender/Gender Identity or Expression: Gender is the identity and expression of socially constructed characteristics often associated with men and women. Gender is on a spectrum, so there are other gender options than man and woman, such as agender, bigender, genderfluid, genderqueer, gender non-conforming, non-binary, questioning/unsure, trans man, trans woman, and two spirit. Gender identity is who a person knows themselves to be and how they identify. Gender expression is how a person presents gender to other people; it is outward-facing and how they present themselves to others/how others perceive them based on gender norms. For more information, visit: <https://www.pa.gov/en/agencies/phrc/legal-resources/policy-and-law.html>

Genetic information: Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members (i.e. family medical history). For more information, visit: <https://www.eeoc.gov/genetic-information-discrimination>

HIV/AIDS status: Having or being perceived to have human immunodeficiency virus or acquired immunodeficiency syndrome. For more information, visit: <https://www.aidslawpa.org/alpp-services/confidentiality-of-hiv-related-information/#:~:text=Pennsylvania's%20Confidentiality%20of%20HIV%2DRelated,permission%2C%20except%20in%20limited%20instances.>

Military Status: Any person who has past, current, or future membership, service, or obligation in a uniformed service. For more information, visit: <https://www.eeoc.gov/protections-against-employment-discrimination-service-members-and-veterans#:~:text=Two%20federal%20laws%20prohibit%20discrimination,past%2C%20and%20future%20military%20service.>

National origin: being from or perceived as from a particular country or part of the world. National origin also includes accent and language. For more information, visit: <https://www.eeoc.gov/laws/guidance/eeoc-enforcement-guidance-national-origin-discrimination>

Pregnancy: a person containing a developing embryo, fetus, or unborn offspring in the body. Pregnancy also includes childbirth, false pregnancy, termination of pregnancy, lactation, and related conditions as well as the recovery there from. For more information, visit: <https://www.pa.gov/en/agencies/phrc/legal-resources/policy-and-law.html>

Protected Veteran Status: As defined under the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA), someone who served in active military, discharged or released under conditions other than dishonorable, and meet one of the four groups: disabled veteran, recently separated veteran, active duty wartime or campaign badge veteran, and Armed Forces service medal veteran. For more information, visit: For more information, visit: <https://www.eeoc.gov/protections-against-employment-discrimination->

[service-members-and-veterans#:~:text=Two%20federal%20laws%20prohibit%20discrimination,past%2C%20and%20future%20military%20service.](#)

Race: physical characteristics associated with people regarded of the same ancestry (e.g. hair texture, skin color, or certain facial features). For more information, visit: <https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?txtType=HTM&yr=1955&sessInd=0&act=0222.&chpt=000.&subchpt=000.&sctn=000.&subsctn=000>

Religion: sincerely held religious (a system of faith or worship) beliefs or lack thereof, which may include particular clothing, holiday/prayer observation, or personal attributes based upon religion (e.g. tattoos, piercings, facial hair). Examples of religion include but are not limited to: Agnosticism, Atheism, Buddhism, Christianity, Hinduism, Islam, and Judaism. For more information, visit: <https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?txtType=HTM&yr=1955&sessInd=0&act=0222.&chpt=000.&subchpt=000.&sctn=000.&subsctn=000>

Sex: biological makeup, including genitalia, genetic differences, and sex characteristics. Typically, sex includes male, female, and intersex. Under the laws of discrimination and harassment, the phrase “because of sex” also includes gender or sexual orientation (see other terms). For more information, visit: <https://www.pa.gov/en/agencies/phrc/legal-resources/policy-and-law.html>

Sexual orientation: a person’s physical, romantic, sexual, and/or emotional attraction to others or lack thereof. Sexual orientation may include but is not limited to: gay, lesbian, bisexual, pansexual, asexual. For more information, visit: <https://www.pa.gov/en/agencies/phrc/legal-resources/policy-and-law.html>

Note: Some situations could involve behavior based on multiple protected classes.

Examples:

- Experiences of antisemitism could fall within protected classes such as religion, ethnicity, or national origin.
- Experiences of ablism could touch on disability, age, or veteran status.
- Experiences of transphobia could fall within sex, sexual orientation, gender, gender identity and/or expression, depending on the specific conduct.