

Examples of Prohibited Conduct

This Appendix provides a non-comprehensive list of examples of behavior that may constitute Prohibited Conduct under the Policy. This list is provided for informational purposes only and is not intended to describe all conduct that may violate the Policy, nor are all examples considered Policy violations in all circumstances. If you believe you have experienced Prohibited Conduct, please contact the Office of Equal Opportunity (OEO) to explore options that may be available to you, even if your experience does not appear in one of the examples below. In all instances, the OEO will provide resources and evaluate the reported conduct consistent with the threshold for action and the relevant definitions set out in the Policy. Specifically, all alleged conduct must meet the definitions of either discrimination or harassment (hostile environment or quid pro quo) to be considered Policy violations. Additionally, with respect to expressive conduct alleged to be harassment, the OEO will evaluate the reported conduct consistent with the Policy and with relevant law and other authority related to the First Amendment. When a question exists concerning whether the alleged discrimination or harassment is based in full or in part on a protected characteristic, the University will proceed in accordance with this Policy.

Understanding our Nondiscrimination Policy

It can be difficult to know what if something might be something that violates [NC State's Equal Opportunity and Nondiscrimination Policy 04.25.05](#). We've provided a guide that helps describe what "Prohibited Conduct" such as Discrimination, Harassment and Retaliation looks like for each Protected Category. This is not an exhaustive list, and whether a specific action or behavior is a policy violation depends on the unique context of the situation. While the list doesn't cover every possible scenario, it provides common examples of behavior that doesn't live up to our community standards and may violate our policy.

Reporting and Support

We encourage anyone who believes they have been treated unfairly to contact us. The OEO provides resources and investigates reports to determine if conduct meets the legal and policy definitions of discrimination or harassment.

You can submit a report by visiting equalopportunity.ncsu.edu/report-a-concern. You can also connect with the Office of Equal Opportunity either by emailing us at equalopportunity@ncsu.edu, or by calling 919.513.0574.

Age

Examples of conduct that could be considered discrimination or harassment based on age include, but are not limited to, acting on assumptions about an individual's ability to perform a work, educational, or extracurricular activity based on their age; acting on assumptions about an individual's ability to learn a skill based on their age; ignoring an individual's experience or contributions because of their age; and repeatedly using slurs associated with age.

Color

Examples of conduct that could be considered discrimination or harassment based on color include, but are not limited to, showing a preference in conferring employment or educational benefits towards individuals with lighter skin tones; comparing an individual's skin color to an undesirable object or substance (e.g., excrement, charcoal); or repeatedly using slurs based on an individual's skin color.

Disability

Examples of conduct that could be considered discrimination or harassment based on disability include, but are not limited to, failing to provide or implement reasonable accommodations to a qualified individual with a disability as directed by OEO/Disability Resource Office; taking adverse employment action based on assumptions that an individual with a disability is unable to work; teasing an individual based on or by taking advantage of their disability; and repeatedly using slurs associated with disability; treating an employee unfairly because of a family member's disability, such as firing someone for taking allowed leave to care for a disabled child; excluding employees from meetings, trainings, or social activities, or separating them from other workers.

Genetic Information

Examples of conduct that could be considered discrimination or harassment based on genetic information include, but are not limited to, refusing to hire an individual because of their family history of disease and related fear that the individual will develop the disease; searching for information about a prospective employee's family medical history; and making negative or offensive remarks about an individual's genetic information.

National Origin

Examples of conduct that could be considered discrimination or harassment based on national origin include, but are not limited to, repeatedly asking where a person of color "is really from;" telling a person to "go back where they came from," mocking an individual's accent or English-speaking ability; requiring individuals to speak English during work breaks, casual conversations, or other personal, non-business-related interactions; or blaming an actual or perceived member of a nation for actions taken by others of that national origin.

Race

Examples of conduct that could be considered race-based harassment or discrimination include, but are not limited to, repeatedly using racial slurs; criticism of hairstyles or textures or forms of dress generally associated with a particular race; assigning work based on assumptions about an individual's proclivity towards math or science based on their race; and segregating members of races in workplace or educational settings.

Religion

Examples of conduct that could be considered harassment or discrimination based on religion include, but are not limited to, failing to provide or implement reasonable accommodations for religious expression as directed by OEO; or engaging in adverse actions against an individual because they wear religious attire (e.g., a kippah, a hijab, a turban) or because they wear symbols or styles of dress associated with their religion (e.g., a cross or Star of David, modest forms of dress).

Sex

Examples of conduct that could be considered discrimination or harassment based on sex include, but are not limited to, taking adverse action against an employee based on their pregnancy; failing to provide or implement reasonable accommodations as provided in the Accommodations Policy; requiring different dress codes for men and women; repeatedly calling individuals sex-based nicknames (e.g., "sweetie," "hon," "sugar") or using sex-based slurs; and assigning work based on sex stereotypes.

Sexual Orientation

Examples of conduct that could be considered discrimination or harassment based on sexual orientation include, but are not limited to, repeatedly using anti-LGBTQIA slurs; asking invasive, personal questions about an individual's sex life or romantic partner(s); refusing to invite an LGBTQIA student's or employee's spouse or partner to an event when all other student's or employee's spouses or partners are included; and acting on assumptions about an individual's abilities in certain areas based on stereotypes about sexual orientation.

Veteran Status

Examples of conduct that could be considered discrimination or harassment based on veteran status include, but are not limited to, refusing to hire or failing to accommodate a protected veteran because of a service injury or disability; refusing to hire a protected veteran because of on-going reservist service obligations; and acting on assumptions about a protected veteran's work or educational ability due to prior military service.

Two or More Protected Statuses

The University also recognizes that discrimination and harassment may be based on a combination of interconnected protected statuses. A non-exhaustive list of examples of discrimination and harassment based on multiple statuses is below.

- Anti-Semitic discrimination or harassment can be a form of discrimination or harassment based on **religion, shared ancestry, ethnic characteristics** and/or **national origin**. Anti-Semitic discrimination or harassment may manifest as engaging in any of the following conduct against an individual because the individual is or is perceived to be Jewish or because the individual is or is perceived to be from Israel: repeatedly using anti-Semitic slurs; defacing an individual's property with a hateful symbol or word (e.g., a swastika); denying an individual access to or refusing to allow an individual to participate in any program sponsored or hosted by the University; using force or intimidation to obstruct the path of an individual; or refusing to grant an individual a benefit to which they are entitled (e.g., a letter of recommendation).. Evidence of an individual's perceived protected status may include, for example, association with Israel or with a Jewish organization, wearing religious attire (e.g., a kippah), or displaying a religious symbol associated with Judaism (e.g., a star of David).
- Islamophobic discrimination or harassment can be a form of discrimination or harassment based on **national origin** (from a Middle Eastern nation), **shared ancestry, ethnic characteristics** and/or **religion** (Muslim). Islamophobic discrimination or harassment may manifest as repeated incidents of slurs based on an individual's actual or perceived protected status; blaming an individual for actions of other individuals of their actual or perceived shared identity as Middle Eastern or Muslim (e.g., calling an individual a "terrorist"); forced removal of a person's hijab, or denying an individual access to or refusing to allow an individual to participate in any program sponsored or hosted by the University because of their actual or perceived protected status.
- Discrimination or harassment based on **age** and **disability** can be another form of discrimination or harassment based on multiple statuses, which may manifest as acting on assumptions about an individual's inability to work or participate in an educational activity based on their **age** and **disability** or using patronizing language toward an older individual with a disability, even when not engaging in similar behavior towards an older individual without a **disability** or younger individual with a **disability**.
- Discrimination or harassment based on **race** and **sex** can be another form of discrimination or harassment based on multiple statuses, which may manifest as applying different expectations for behavior to women of color or acting on stereotypes about characteristics of particular groups of women of color, even when not engaging in similar behavior towards men of color or white women.

Associational discrimination or harassment

Associational discrimination or harassment is discrimination or harassment directed at an individual based on the protected status of another individual with whom they have an association. Associational discrimination or harassment may be directed at an individual based on their family member's race, disability status, sexual orientation, or other protected status. Examples include refusing to hire an individual because their child has a disability and firing a white employee because they marry a non-white person. In evaluating reports of associational discrimination or harassment, the OEO will assess both whether there is an association with an individual who identifies as having a protected status and whether the alleged conduct is based on that individual's protected status.

Perception-based discrimination or harassment

Perception-based discrimination or harassment is when someone is treated unfairly based on a mistaken belief about their identity. Individuals are protected if they are treated poorly because they are *perceived* to belong to a protected class, even if that belief is wrong. Examples of such discrimination or harassment include but are not limited to:

- **Disability:** An employer denies a promotion to an employee because they mistakenly believe the employee's occasional migraines constitute a permanent brain condition that limits their productivity. A professor refuses to let a student join a demanding lab research team because they assume the student's use of a fidget spinner means they have a severe cognitive impairment and cannot focus.
 - **Religion:** A manager subjects an employee to anti-Muslim slurs and excludes them from team events because the employee wears a traditional head covering for cultural, rather than religious, reasons.
 - **Race/National Origin:** The Director of Graduate Programs in an academic department rejects a qualified candidate because their "ethnic-sounding" surname leads the DGP to assume the applicant is an undocumented immigrant.
 - **Sex/Sexual Orientation:** A supervisor harasses a male student worker because the student worker wears make-up and paints his fingernails and the supervisor assumes the student worker is gay.
 - **Genetic Information:** HR terminates an employee after learning their mother has Huntington's disease, fearing the employee will eventually develop the condition and increase the company's insurance costs.
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Retaliation

Applicants, employees and former employees, current students, and program participants are also protected from punishment or adverse action for seeking information about protections under the policy; filing a charge or complaint of discrimination or harassment; participating in a discrimination investigation or lawsuit, or opposing discrimination (for example, threatening to file a charge or complaint of discrimination), or for requesting an accommodation.