

Policy 1302
Equal Opportunity and Non-Discrimination

Date of Current Revision: April 2022
Responsible Officer: Director, Office of Equal Opportunity

1. PURPOSE

James Madison University is committed to providing equal opportunity, and a work, education, program, and activities environment that is free from any discrimination on the basis of a protected characteristic in compliance with applicable law.

2. AUTHORITY

The Board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University. See Code of Virginia section 23.1-1600; 23.1-1301. The Board has delegated the authority to manage the university to the president.

STATE OR FEDERAL STATUTE AND/OR REGULATION

The Civil Rights Act of 1964, Titles VI and VII; Title IX of the Education Amendments of 1972; Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990, as amended (42 USC §12131 et seq, 28 CFR Part 35); the Age Discrimination in Employment Act (42 USC §6101, 34 CFR Part 100); the Equal Pay Act; the Vietnam Era Veterans' Readjustment Assistance Act of 1974; Federal Executive Order 11246; Genetic Information Nondiscrimination Act of 2008 (GINA); Virginia Human Rights Act (CoV §2.2-3900 et seq.); Virginia Personnel Act (CoV §2.2-2900 et seq.); Virginia Executive Order(s) including Virginia Governor's Executive Order Number One (2018), and all other statutes, regulations, rules, and university policies that are applicable.

3. DEFINITIONS

Discrimination

Inequitable treatment that conditions any element of a person's employment, enrollment as a student, receipt of student financial aid, or participation in university programs or activities on that person's protected characteristics in violation of applicable law.

Protected Characteristic

Characteristics of an individual that are protected from discrimination in accordance with applicable law: age, color, disability, gender expression, gender identity, genetic information (including family medical history), marital status, military status (including veteran status), national origin (including ethnicity), parental status, political affiliation, pregnancy (including childbirth or related medical conditions), race, religion, sex, sexual orientation, or on any basis protected by law.

4. APPLICABILITY

This policy applies to all members of the university community, including applicants, employees, students, affiliates, visitors, vendors, and contractors to the university. This policy applies to all levels and areas of university operations, programs, and activities, including employment matters and student matters.

5. POLICY

5.1 University Statement on Non-Discrimination and Non-Retaliation

James Madison University does not discriminate and prohibits discrimination in its employment, programs, activities, and admissions on the basis of age, color, disability, gender expression, gender identity, genetic information (including family medical history), marital status, military status (including veteran status), national origin (including ethnicity), parental status, political affiliation, pregnancy (including childbirth or related medical conditions), race, religion, sex, sexual orientation, or on any basis protected by law, unless otherwise permitted or required by law.

5.2 Retaliation Prohibited

Intimidation, threat, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege under this policy, or because the individual has made a report or complaint, testified, assisted, or has participated in any manner with an investigation, proceeding, or hearing regarding alleged violations of this policy is prohibited and may result in sanctions separate from, and not dependent on, the outcome of any report or formal complaint under this policy.

5.3 Mandatory Employee Training

All employees are responsible for successfully completing the university's preventing discrimination and harassment training periodically pursuant to the schedule set by the university.

5.4 Applicable Procedures

If both Policy [1324](#) – Discrimination and Retaliation Complaint Procedures (Other than Title IX Sexual Harassment (Policy 1346) and Sexual Misconduct (Policy 1340)) and Policy [1340](#) – Sexual Misconduct and/or Policy [1346](#) – Title IX Sexual Harassment apply, the procedures in Policy [1340](#) or Policy [1346](#) as applicable, shall be utilized.

6. PROCEDURES

6.1 Complaints and Questions Regarding Discrimination on the Basis of Protected Characteristics other than Sexual Misconduct and Title IX Sexual Harassment

Complaints or questions regarding discrimination, harassment, or retaliation other than Sexual Misconduct and Title IX Sexual Harassment may be directed to:

Director of Equal Opportunity
Office of Equal Opportunity
[James Madison Admin Complex #2](#)

MSC 5802
1017 Harrison Street
Room A100
Harrisonburg, Virginia 22807
(540)568-6991
[OEO website](#)
Email: oeo@jmu.edu

See Policy [1324](#) - Discrimination and Retaliation Complaint Procedures (Other than Title IX Sexual Harassment (Policy 1346) and Sexual Misconduct (Policy 1340)) for specific definitions and procedures, except as described below in 6.3 and 6.4 for employees, visitors, and **affiliates**.

6.2 Complaints and Questions Regarding Sexual Misconduct and Title IX Sexual Harassment.

Complaints or questions regarding Sexual Misconduct (Policy [1340](#)) and Title IX Sexual Harassment (Policy [1346](#)) may be directed to

Title IX Coordinator
Madison Hall 4035
100 East Grace Street, MSC 7806
Harrisonburg, VA 22807
Title IX Office: (540) 568-5219
Email: titleix@jmu.edu

Sexual misconduct that falls under Sexual Misconduct, as defined by Policy [1340](#), shall be governed by university Policy [1340](#) – Sexual Misconduct.

Effective August 14, 2020, sexual misconduct that falls under Title IX Sexual Harassment, as defined by federal law and Policy [1346](#), shall be governed by university Policy [1346](#) - Title IX Sexual Harassment.

6.3 External Complaints

Complaints may also be filed with the [U. S. Department of Education Office for Civil Rights, Equal Employment Opportunity Commission, Commonwealth of Virginia Division of Human Rights](#), and the [Virginia Department of Human Resources Management](#).

6.4 Requests and Inquiries Regarding Reasonable Accommodations

Inquiries or requests for reasonable accommodations for disabilities may be directed to the Office of Disability Services for students, Human Resources for employees, the Office of Equal Opportunity for visitors or affiliates, or the event coordinator for members of the public participating in an activity of the university. See Policy [1331](#) – Disabilities and Reasonable Accommodations for specific definitions and procedures.

Inquiries or requests for accommodations for religious practice may be directed to the Dean of Students for students; Human Resources for employees; the Office of Equal Opportunity

for visitors or affiliates; or the event contact for members of the public participating in an activity/event of the university.

7. RESPONSIBILITIES

University administrators, management, faculty, staff, and students are responsible for implementing this policy.

The Office of Equal Opportunity is responsible for monitoring the university's compliance with applicable law regarding discrimination and retaliation. The Office of Equal Opportunity is responsible for receiving and processing complaints of discrimination or retaliation. The Office for Equal Opportunity is responsible for receiving and processing requests for accommodations for visitors. It is also responsible for monitoring the university's efforts and commitment to enhancing diversity in its staff, students and faculty.

The Title IX Office is responsible for receiving and processing complaints concerning sexual misconduct (Policy [1340](#)) and Title IX sexual harassment (Policy [1346](#)).

The Office of Human Resources is responsible for receiving and processing requests for reasonable accommodations for employees.

The Office of Disability Services is responsible for receiving and processing requests for reasonable accommodations for students. Academic Units and faculty are responsible for providing those accommodations in cooperation with the Office of Disability Services.

Offices sponsoring activities for the public are responsible for receiving and processing requests for accommodations for members of the public participating in those activities, with assistance from such other offices as are appropriate.

All departments, offices and employees that generate, receive, or maintain public records under the terms of this policy are also responsible for compliance with Policy [1109](#) – Records Management.

8. SANCTIONS

Sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment or expulsion.

9. EXCLUSIONS

This policy does not apply to legitimate decisions based on bona fide occupational qualifications in hiring or on an employee's, student's, or applicant's performance or ability to perform the essential functions of a job or to fulfill the essential components of an educational program.

This policy does not allow infringement, curtailment, or censorship of constitutionally protected expression or other civil rights.

10. INTERPRETATION

The authority to interpret this policy rests with the president, and is generally delegated to the Director of Equal Opportunity.

Previous version: August 2014

Approved by the president: August 2014