

**Policy 1302  
Equal Opportunity**

**Date of Current Revision: August 2014**

**Primary Responsible Officer: Director, Office of Equal Opportunity**

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**1. PURPOSE**

This policy represents a commitment by the university to support the practice, spirit and good-faith efforts regarding equal opportunity and diversity, beyond mere compliance with government regulations. A commitment to diversity is a commitment to all members of the university community. Diversity among staff, students and faculty offers the university an opportunity to realize its mission.

**2. AUTHORITY**

The Board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University. See Code of Virginia section 23-164.6; 23-9.2:3. The Board has delegated the authority to manage the university to the president.

**3. DEFINITIONS**

**Accommodation**

A waiver of a requirement, a provision of an aide or another method for providing assistance to an individual necessary to allow that person, regardless of disability or religion, to have equal access to the workplace, facilities and services provided by the university.

**Discrimination**

The unequal treatment of persons who are similarly situated. Discrimination occurs when an individual, group or office treats one or more people less favorably than others because of their age, color, disability, gender identity, genetic information, national origin, parental status, political affiliation, race, religion, sex, sexual orientation or veteran status, or in retaliation for a complaint made against the employer about any such treatment or for participating in an investigation or opposing discriminatory practices. It includes decisions based on stereotypes or assumptions about the abilities, traits or performance of individuals of a certain protected class, and denying opportunities to a person because of inclusion in a protected class. Discrimination includes harassment on the basis of any protected class, including instances of sexual violence. It also includes unreasonable failure to grant an accommodation for a disability.

**Employment matters and personnel actions**

Includes hiring, termination, compensation, assignment, classification, transfer, promotion, layoff, recall, advertisement, recruitment, testing, use of facilities, training, fringe benefits, pay, retirement plans, leave, or other terms and conditions of employment.

**Harassment**

A form of discrimination consisting of unwelcome or offensive physical, verbal or written conduct that shows aversion or hostility toward a person on the basis of age, color, disability, gender identity, genetic information, national origin, parental status, political affiliation, race, religion, sex, sexual orientation or veteran status in the following situations:

1. When submitting to or rejecting the conduct is made the basis for an evaluation, personnel action, or recommendation for a personnel action affecting an employee, or an evaluation, action or recommendation for an action affecting a student; or

2. When the conduct has the purpose or effect of unreasonably interfering with the performance of an employee or a student, and the conduct creates a hostile, intimidating or offensive learning or working environment.

Harassment specifically includes instances of sexual violence of any type perpetrated against a member of the university community.

### **Protected Class**

The term describes characteristics or factors which must not be targeted for discrimination or harassment. The characteristics considered "Protected Classes" at JMU are those listed in Section 5 of this policy.

### **Student matters**

Includes admission, retention, evaluation, grading, progression, registration, transfer, testing, use of facilities, access to official and extracurricular activities, discipline, or other terms and conditions of matriculation.

## **4. APPLICABILITY**

This policy applies to all applicants, employees, students, affiliates and visitors to the university. It applies to all discriminatory practices as defined herein, and to all employment and student matters as defined herein.

## **5. POLICY**

James Madison University does not discriminate and will not tolerate discrimination on the basis of age, color, disability, gender identity, genetic information, national origin, parental status, political affiliation, race, religion, sex, sexual orientation or veteran status. Conduct by a member of the university community that constitutes discrimination or harassment on the basis of any protected class is a violation of university policy and is sanctionable.

## **6. PROCEDURES**

Any applicant, employee, student, affiliate or visitor who feels that he or she has been the victim of discrimination or harassment by an employee, affiliate or visitor to the university may file a complaint about such discrimination or harassment with the Office of Equal Opportunity. See Policy [1324](#). Any member of the university community who feels that he or she has been the victim of discrimination or harassment by a student may file a complaint about such discrimination or harassment with the Office of Judicial Affairs.

Inquiries or requests for reasonable accommodations for disabilities may be directed to the activity coordinator, the Office of Disability Services, Human Resources or the Office of Equal Opportunity. See Policy [1331](#).

## **7. RESPONSIBILITIES**

University administrators, management, faculty, staff and students are responsible for supporting and following this policy. The Office of Equal Opportunity is responsible for monitoring the university's efforts regarding nondiscrimination and diversity.

## **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.

## **10. INTERPRETATION**

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

Previous version: April 2014

Approved by the President: August 2014