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Non-Discrimination Policy

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University Policy Number 1201

Categorized: **General Policies** < <https://universitypolicy.gmu.edu/university-policies/general-policies/>>, **Human Resources** < <https://universitypolicy.gmu.edu/university-policies/human-resources/>>

Responsible Office: **Access, Compliance, and Community** < <https://universitypolicy.gmu.edu/responsible-office/access-compliance-community/>>

Policy Procedure:

- **[Policies and Procedures for Non-Discrimination](#)**

Related Law & Policy:

- **[Title VI of the Civil Rights Act of 1964](#)**
- **[Title VII of the Civil Rights Act of 1964](#)**
- **[Section 504 of the Rehabilitation Act of 1973](#)**
- **[Title IX of the Education Amendments Act of 1972](#)**
- **[Age Discrimination Act of 1975](#)**
- **[University Policy 1202: Sexual and Gender-Based Harassment and Other Interpersonal Violence](#)** < <https://universitypolicy.gmu.edu/policies/sexual-harassment-policy/>>
- **[University Policy 1203: Non-Discrimination and Reasonable Accommodations on the Basis of Disability](#)** < <https://universitypolicy.gmu.edu/policies/non-discrimination-and-reasonable-accommodation-on-the-basis-of-disability/>>
- **[Executive Order 13899 - Combating Anti-Semitism](#)** < <https://www.govinfo.gov/link/cpd/executiveorder/13899>>
- **[Chapter 471 of the 2023 Virginia Acts of Assembly](#)** < <https://law.lis.virginia.gov/uncodifiedacts/2023/session1/chapter471/>>

I. Scope

This policy applies to all George Mason University faculty, staff, students, university contractors, and visitors.

II. Policy Statement

George Mason University is committed to providing equal opportunity and an educational and work environment free from any discrimination on the basis of race, color, religion, ethnic national origin (including shared ancestry and/or ethnic characteristics), sex, disability, military status (including veteran status), sexual

orientation, gender identity, gender expression, age, marital status, pregnancy status, genetic information, or any other characteristic protected by law. George Mason shall adhere to all applicable state and federal equal opportunity/affirmative action statutes and regulations, including but not limited to: Titles VI and VII of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments Act of 1972; and the Age Discrimination Act of 1975.

It is a violation of University policy to engage in Prohibited Discrimination or Retaliation. Prohibited Discrimination and Retaliation are prohibited regardless of the protected characteristic(s) of the Complainant or Respondent. The University will take prompt action to remedy Prohibited Discrimination and Retaliation, and to prevent its reoccurrence and remedy its effects. This may include, but is not limited to, the University reviewing allegations to determine if prohibited discrimination exists that constitutes a possible hostile environment or other violations of this Policy. The University respects the wishes of a Complainant to determine if they would like to proceed with the Office for Access, Compliance, and Community procedures related to Prohibited Discrimination. However, the Office for Access, Compliance, and Community may review allegations even if a Complainant does not desire to move forward, if a possible hostile environment exists, or other forms of Prohibited Discrimination for others in the University community may be present.

In furtherance of creating a welcoming environment, the University is dedicated to ensuring access, fairness and equity for minorities, women, individuals with disabilities, and veterans (as covered by law) in its educational programs, related activities and employment. George Mason shall thus maintain a continuing affirmative action program to identify and eliminate discriminatory practices in every phase of university operations. The Office for Access, Compliance, and Community and Human Resources shall collectively work together to produce the affirmative action plan and utilize the information contained in the plan to assist the University in achieving its goals and objectives related to creating an inclusive and welcoming environment for all.

III. Definitions

Prohibited Discrimination: includes any form of discrimination described below:

Hostile Environment Discrimination: unwelcome conduct directed against a person based on one or more of that person's protected characteristics that is so severe or pervasive and objectively offensive that it interferes with, limits, or denies the ability of an individual to participate in or benefit from university educational or employment programs, services, opportunities, or activities. Unwelcome conduct can include oral, written, graphic, physical, or other conduct by an employee, a student, or a third party; as well as conduct that is physically threatening, harmful, or humiliating. Mere subjective offensiveness is not enough to constitute hostile environment discrimination.

Hostile Environment discrimination based on sex is not covered by this policy or definition and is covered (and investigated) under **University Policy 1202 < <https://universitypolicy.gmu.edu/policies/sexual-harassment-policy/>>**. Likewise, quid pro quo sexual harassment is covered (and investigated) under **University Policy 1202 < <https://universitypolicy.gmu.edu/policies/sexual-harassment-policy/>>**.

Disparate Treatment Discrimination: an adverse action(s) that treats an individual differently than similarly situated other individuals based on a protected characteristic(s)

For purposes of a disparate treatment claim, an adverse action is an action that adversely affects the terms, conditions, or benefits of the Complainant's education, employment, or other aspects of their experience at the University.

Retaliation: any Adverse Action taken against an individual because they engaged in Protected Activity.

Protected Activity: complaining about or reporting discrimination based on a protected characteristic (formally or informally) to any University employee or to any external government entity responsible for enforcing anti-discrimination laws, participating in or cooperating with the investigation of a complaint of discrimination or a related disciplinary process, or opposing in a reasonable manner an action reasonably believed to constitute a violation of this policy. Being accused of discrimination is not protected activity.

Adverse Action: for retaliation purposes, an adverse action is any action taken against a person that is harmful to the point that it could dissuade a reasonable person from making or supporting a complaint of discrimination.

Protected Characteristics: the various identities protected by University Policy 1201, including state and federal laws and regulations, including race, color, religion, ethnic or national origin (including shared ancestry and/or ethnic characteristics), sex, disability, military status (including veteran status), sexual orientation, gender identity, gender expression, age, marital status, pregnancy status, genetic information, or any other characteristic protected by law. The ACC office will consider the IHRA definition of anti-Semitism and examples (as set forth in U.S. Executive Order 13899 and Chapter 471 of the 2023 Virginia Acts of Assembly) to the extent that they might be useful as evidence of discriminatory intent, without diminishing or infringing any right protected under the Constitution and laws of the United States and the Commonwealth of Virginia.

Report: notification that puts the University on notice that an incident(s) of possible prohibited discrimination has occurred or is occurring. A report of prohibited discrimination triggers the Office for Access, Compliance, and Community to contact the Complainant.

Complaint: a request by a Complainant for the Office for Access, Compliance, and Community to engage in its formal or informal process to address allegations of prohibited discrimination through a formal investigation and/or informal resolution.

IV. Compliance

A. Assistant Vice President for Equity and Access Services and Associate Director of Equal Opportunity

The Assistant Vice President for Equity and Access Services within the Office for Access, Compliance, and Community is responsible for monitoring the University's compliance with federal and state civil rights laws and regulations and relevant University policies. The Associate Director of Equal Opportunity in the Office for Access, Compliance, and Community is responsible for receiving reports and/or complaints of alleged Prohibited Discrimination and/or Retaliation, and following the procedures outlined in University Policy 1201 Grievance Procedures. These two positions jointly have responsibilities for providing training to the University community regarding the prevention of discrimination, and may provide supportive measures to Complainants and/or Respondents as determined to be appropriate.

B. Other Resources

In addition to the Office for Access, Compliance, and Community, and individual roles identified above, the University provides other resources related to non-discrimination. This includes the University Ombudsperson, the Center for Culture, Equity, and Empowerment, and various affinity groups.

Concerns about the University's application of federal and state civil rights laws and regulations may be addressed to the United States Department of Education Office for Civil Rights (OCR@ed.gov or 800-421-3481) and/or the Equal Employment Opportunity Commission (info@eeoc.gov or 800-669-4000). Additionally, employees may have the right to appeal to the Virginia Department of Human Resources Management on issues associated with non-discrimination.

C. University Policy 1201 Grievance Procedures

University Policy 1201 Grievance Procedures outlines the procedures the University uses to address alleged Prohibited Discrimination and/or Retaliation. Questions about this procedure may be directed to the Assistant Vice President for Equity and Access Services and/or the Associate Director of Equal Opportunity (MasonEO@gmu.edu or 703-993-8730).

D. Responsibilities of Employees to Report Prohibited Discrimination or Retaliation

1. Confidential Employees

Confidential employees provide confidential support to campus community members. Confidential employees will not disclose information about Prohibited Discrimination or Retaliation reported to them by a student, faculty, staff, or other member of the George Mason community without that person's permission, unless there is a continuing threat of serious harm to the person or to others or there is a legal obligation to reveal such information. At George Mason, Confidential Employees are individuals who work at the following places:

- a. Student Support and Advocacy Center (SSAC)
- b. Counseling and Psychological Services (CAPS)
- c. Student Health Services
- d. University Ombudsperson

2. Non-Confidential Employees

All employees who are not confidential employees as described above are Non-Confidential employees of the University. While all employees have a responsibility to create and maintain a work and learning environment free of Prohibited Discrimination and Retaliation, if a Non-Confidential employee becomes aware of an incident that might reasonably be construed as constituting Prohibited Discrimination or Retaliation, the individual must promptly contact the Office for Access, Compliance, and Community. This obligation exists even if the Complainant requests that no action be taken, however, the Complainant may remain anonymous.

Non-Confidential employees, and anyone wishing to submit a report of Prohibited Discrimination or Retaliation may do so by completing an **Office for Access, Compliance, and Community Incident of Protected Class Discrimination Report Form** < https://masondei.guardianconduct.com/incident-reporting?incident_type=Equal%20Opportunity%20Report> or by emailing MasonEO@gmu.edu.

Further, Administrators and Supervisors are responsible for informing employees and students under their supervision of applicable university policies and procedures and of the Office for Access, Compliance, and Community contact information, as the sole office responsible for addressing complaints of Prohibited Discrimination and Retaliation. Reports made to individual college or unit Diversity Officers does not constitute a notification to the Office for Access, Compliance, and Community. Reports must be made to the Office for Access, Compliance, and Community, who may work with individual college or unit Diversity Officers to address the concerns raised in reports.

Administrators and Supervisors must consult with the Office for Access, Compliance, and Community if they become aware of Prohibited Discrimination or Retaliation to determine how to address the situation and discuss possible interim measures to prevent continued discrimination, unlawful harassment, or retaliation.

In accordance with applicable university policies, administrators and supervisors may be held accountable for failing to take necessary steps to prevent discrimination and unlawful harassment. It is not the responsibility of the Complainant to correct the situation. For guidance or questions related to these obligations, please contact the Office for Access, Compliance, and Community.

E. Mandatory Training for New Employees

The University is committed to an environment free of harassment and discrimination. The Office for Access, Compliance, and Community provides discrimination prevention training as well as Title IX related training for all new employees.

All new employees must complete discrimination prevention training within the first 90 days of employment, which is part of the Human Resources new hire orientation. In lieu of attending the new hire orientation, new employees may attend a non-discrimination, training offered by the Office for Access, Compliance, and Community.

Discrimination prevention training is mandatory for all new employees at the University (full-time and part-time faculty, full-time and part-time staff, and graduate assistants).

F. Continuing Mandatory Training for all Employees

Given the University's commitment to an environment free of harassment and discrimination, the Office for Access, Compliance, and Community provides continuing discrimination prevention training.

All employees must complete a non-discrimination training offered by the Office for Access, Compliance, and Community, such as "EO—A Fair Shake," biannually.

G. Supportive Measures

The University offers a range of Supportive Measures for students and employees, whether they are named as Complainants or Respondents, to provide support throughout the initiation, investigation, and resolution of a report and/or complaint of Prohibited Discrimination or Retaliation. The Assistant Vice President for Equity and Access Services and/or the Associate Director of Equal Opportunity are responsible for providing supportive measures, as deemed appropriate. Supportive measures act to protect continued access to University employment or education programs and activities. Supportive measures may be temporary or permanent and may include, but are not limited to no-contact directives, changes to workspace or living spaces (on-campus only), academic modifications and support, and/or work schedule modifications.

Supportive measures are available regardless of whether a Complainant pursues a formal complaint or investigation under this policy. Supportive measures are not punitive

and should not materially alter another individual's access to their education or employment, absent that person's consent.

V. Forms

- **Office of Access, Compliance, and Community Incident of Protected Class Discrimination Report Form** < https://masondei.guardianconduct.com/incident-reporting?incident_type=Equal%20Opportunity%20Report>
- **Title IX Incident Report** < <https://masondei.guardianconduct.com/conduct-incidents>>

VI. Dates

A. Effective Date:

This policy will become effective upon the date of approval by the President.

B. Date of Most Recent Review:

August 27, 2024

VII. Timetable for Review

This policy and any related procedures shall be reviewed biannually and/or as needed.

Approved:

 /S
Gregory N. Washington
President

Date approved: April 20, 2006

Revised: April 2, 2015, December 14, 2015

Revision Approved: October 9, 2017

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ALL TOGETHER DIFFERENT

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