

JAMES MADISON UNIVERSITY

2021
ANNUAL SECURITY
AND
FIRE SAFETY REPORT

Statistical Information
2018- 2019- 2020

Safety at James Madison University
HARRISONBURG, ANTWERP, FLORENCE, LONDON CAMPUS

“Your Right to Know”

October 1, 2021

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Annual Security Report and Fire Safety Report

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James Madison University does not discriminate on the basis of age, disability, race or color, national or ethnic origin, political affiliation or belief, religion, sex, sexual orientation, gender identity or expression, veteran status, parental status (including pregnancy), marital status, family medical or genetic information, in its employment, educational programs, activities, and admissions. JMU complies with all applicable federal and state laws regarding non-discrimination, affirmative action, and anti-harassment. The responsibility for overall coordination, monitoring and information dissemination about JMU’s program of equal opportunity, non-discrimination, and affirmative action is assigned to the Office of Equal Opportunity. Inquiries or complaints may be directed to the Office of Equal Opportunity (540)568-6991, OEO homepage, oeo@jmu.edu

JMU prohibits sexual and gender-based harassment including sexual assault and other forms of inter-personal violence. The responsibility for overall coordination, monitoring and information dissemination about JMU’s Title IX program is assigned to the Title IX Coordinator. Inquiries or complaints may be directed to the Title IX Coordinator: Amy Sirocky-Meck (540)568-5219, Title IX homepage, titleix@jmu.edu

Important Contact Information

James Madison University Police Department **540-568-6911**
Police Communications: All Emergencies

From campus telephones only **-6911**

Alternative Emergency Line (if campus phone lines are not working) 540-442-6911
General Information/Non-emergency/Escorts 540-568-6912
Police Communications Email pd_dispatch@jmu.edu
Support Services 540-568-6910
Safety Programs 540-568-6910
Silent Witness http://www.jmu.edu/publicsafety/silent_witness_form.shtml

Other James Madison University Departments

JMU Title IX 540-568-5214
JMU Counseling Center 540-568-6552
JMU Health Center 540-568-6178
JMU Health Promotions 540-568-8712
JMU Victim Advocacy Services 540-568-6251
JMU Parking Services 540-568-3300
JMU Office of Student Accountability and Restorative Practices 540-568-6218

Other contact information

Emergency Police Assistance Harrisonburg City/ Rockingham County
911

Harrisonburg Police Department 540-434-4436
<http://www.harrisonburgva.gov/police>
Rockingham County Sheriff's Department 540-564-3800
<http://www.rcso-va.com/>
Harrisonburg/Rockingham General District Court 540-564-3130
<http://www.courts.state.va.us/courts.gd.harrisonburg~rockingham.home.html>
The Collins Center 540-434-2272
<http://www.thecollinscenter.org>



Annual Security and Fire Safety Report

“Your Right to Know”
October 1, 2021

The Clery Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 commonly referred to as the “Clery Act,” requires all colleges and universities who receive federal funding to report specified crime statistics and safety and crime information to members of the campus community. It provides students and their families, as higher education consumers, with accurate, complete and timely information about the safety of the campus so that they can make informed decisions. This information is publicly accessible through the Annual Security and Fire Safety Report.

The Clery Act requires colleges and universities to:

- Publish an annual security report by October 1 containing safety and security related policy statements and crime statistics for the last three years which occurred on campus, public areas immediately adjacent to campus and certain non-campus facilities and distribute it to all current students and employees. Schools also must inform prospective students and employees about the availability of the report.
- Publish an annual fire safety report by October 1 containing policy statements as well as fire statistics associated with each on-campus student housing facility, including the number of fires, cause of fires, injuries, deaths and property damage. Schools must inform prospective students and employees about the availability of the report.
- Collect, classify and count crime reports and crime statistics regarding reported specified crimes committed on campus and at affiliated locations and submit statistics to the Department of Education.
- Issue campus alerts that provide the campus community with information necessary to make informed decisions about their health and safety. Timely warnings are issued for any *Clery Act* crime that represents an ongoing threat to the safety of students or employees. Emergency notifications are issued upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees.
- Institutions with a police or security department are required keep a daily crime log of alleged criminal incidents that is open to public inspection. It can be found at <https://www.jmu.edu/publicsafety/clerycompliance/daily-crime-log.shtml>.
- Institutions with on-campus student housing facilities are required to keep a daily fire log that records all fires occurring in on-campus housing facilities. It can be found at https://www.jmu.edu/publicsafety/clerycompliance/fire_log.shtml
- Institutions must provide educational programs and campaigns that promote the awareness of dating violence, domestic violence, sexual assault and stalking. All incoming students and new employees must be provided primary prevention and awareness programs and ongoing prevention and awareness campaigns must be provided for all students and employees.
- Procedures are required for institutional disciplinary action in cases of dating violence, domestic violence, sexual assault and stalking.
- Disclose missing student notification procedures that pertain to students residing in on campus housing which will aid in determining if a student is missing and in notifying law enforcement personnel.
- Provide procedures for reporting criminal activity or other emergencies.
- Provide Information on the security of, maintenance of, and access to campus facilities.
- Provide the authority of campus law enforcement and the monitoring and recording of off-campus criminal activities by students.
- Provide information on alcohol and drug education programs.
- Information on how to obtain information on sex offenders.

Policy for Reporting Annual Disclosure of Crime Statistics and Developing Information for this Report

The James Madison University Police Department through the Office of Public Safety is charged with the responsibility for collecting data and preparing and distributing the Annual Security and Fire Safety Report in consultation with other departments and entities to include but not limited to Student Affairs, Access and Enrollment Management, Administration and Finance to include Intercollegiate athletics, and Academic Affairs to include Center for Global Engagement. This report is prepared to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act.

To prepare this report, the Clery Compliance officer requests statistics from local law enforcement agencies to include but not limited to the Harrisonburg Police Department (HPD), the Rockingham Sheriff's Office (RCSO), the Virginia State Police (VSP) and the Virginia Alcoholic Beverage control Authority (ABC). Law enforcement agencies are provided with on campus and off campus addresses for which it is requested to provide statistics. Crime statistics are requested for the geographical categories, e.g., *main campus*, the *residence halls* subset, the streets and sidewalks immediately bordering campus (*public areas*) and *noncampus* (affiliates and remote university facilities). Police departments in the appropriate jurisdiction for other noncampus properties are also contacted to provide statistics. The Office of Student Accountability and Restorative Practice and the Office of Residence Life forward statistics for referrals on a continuing basis to the Clery Compliance officer for inclusion in the Annual Security and Fire Safety Report. Campus Security Authorities are identified and provided training and contacted at least annually to ensure data has been submitted. JMU Campus Security Authorities submit data utilizing an electronic report/survey form located on the JMU Police at website at http://www.jmu.edu/publicsafety/clerycompliance/clery_complaint_form.shtml#CSA_Form . The [Campus Security Clery Incident Report Form](#) available at <https://www.jmu.edu/publicsafety/clerycompliance/James%20Madison%20University%20Police%20Department%20Clery%20Compliant%20Form3.pdf> can also be submitted via fax machine, e-mail or conventional campus mail to Lisa Carickhoff Clery Compliance Officer 821 South Main Street MSC 6810 Harrisonburg, VA 22807 or by FAX to JMU Police Clery Compliance Officer at 540-568-7926 or email to clerycompliance@jmu.edu .

Statistical data received from these sources are aggregated and included in the Annual Security and Fire Safety Report and in reports available on the US Department of Education website. Requests for Clery reportable crimes were made in good faith; some agencies may not respond or could not provide the statistics as requested.

The Annual Security and Fire Safety Report is available electronically at <https://www.jmu.edu/publicsafety/clerycompliance/Annual-Security-and-Fire-Safety-Report.shtml> . Each year email notifications are sent to all enrolled students, employees and affiliates. Prospective student and employees are informed of the report and how it may be secured through the admissions process and human resources respectively. You can obtain a copy of this report by contacting the Office of Public Safety James Madison University Police Department, MSC 6810, James Madison University, Harrisonburg, VA 22807 or request that a copy be mailed to you by calling (540)568-6769/6913.

Clery Act reporting and disclosures maintains the confidentiality of the victim without the inclusion of personally identifying information about the victim and any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The JMU Police Department submits a report to the Virginia State Police's and the FBI's Incident Based Reporting Program (NIBRS) on a monthly basis for the Harrisonburg Campus.

The Clery act is constantly under review and revision. For the latest updates and information use this link to access Clery Center for Security on Campus at <http://clerycenter.org/> , the non-profit organization established by the Clery family to honor the memory of their daughter. Further information can also be located at the U. S. Department of Education website at <https://www2.ed.gov/admins/lead/safety/campus.html>.

Campus Safety: "A Shared Responsibility"

James Madison University is located in the city of Harrisonburg, nestled in the beautiful Shenandoah Valley of Virginia. Harrisonburg has a population of approximately 50,000 people and is home to many galleries, parks, museums and restaurants. In the center of Harrisonburg is JMU, a tight-knit community of 22,000 undergraduate and graduate students and 4,000 faculty and staff who come from across the country and around the world. You can obtain additional information about JMU by visiting: <https://www.jmu.edu/about/index.shtml>.

Education - the business of James Madison University - can only take place in an environment in which each student, employee and visitor feels safe and secure. JMU recognizes this need and works hard to help provide a safe and secure learning and working environment for everyone by employing a number of safety and security measures to help ensure the safety of its students, employees and visitors. A professionally trained and supervised police force and a closely screened and well-trained residence life staff work in concert with a campus community that is informed, aware, and alert;

all sharing the responsibility of making the JMU campus a safe place to study, work and live. Safety is our concern, but it must also be the concern of each student, employee and visitor – a shared responsibility.

The Individual's Responsibility

Although JMU works hard to ensure the safety of all individuals within its community, students along with employees and visitors must also take responsibility for their own personal safety and that of their personal belongings. Simple, common sense precautions are the most effective means of maintaining personal security.

Although JMU strives to maintain a safe campus, always be aware that you may be a potential victim of crime. Never take personal safety for granted. All members and guests of the university community while walking across campus or to/from parking lots at night should remember to use well-lighted paths and avoid isolation - walk with others whether male or female. Use the university cadet and police escort services available on campus. Utilize the emergency "blue light" and other courtesy phones. Stay alert and attuned to people and circumstances around you. Students living in residence halls should keep their room doors locked at all times and should never prop open external doors. A resident should escort all guests in residence halls at all times. Students and employees should notify the JMU Police of any individual present in a building or on campus that arouses suspicion in any way or appears to have no legitimate business in the area.

Remember, do not leave property unattended. Bicycles should be registered with the JMU Police and secured with a lock. Cars should be locked and parked in well-lit areas with valuable items removed from the vehicle or locked in the trunk.

Police Protection

James Madison University provides professional full-service police protection to the campus community utilizing the James Madison University Police Department through the Office of Public Safety. It is headed by the Chief of Police who reports to the Senior Vice President for Administration and Finance. The JMU Police Department is located at 821 S. Main Street, Harrisonburg, VA, Anthony Seeger Hall; telephone (540) 568-6911; and is operational 24 hours a day, seven days a week to serve the needs of the campus community.

The JMU Police Department has received accreditation from the Virginia Law Enforcement Professional Standards Commission after in-depth review of every aspect of the agency's organization, management, operations, and administration to assure the highest standards are practiced and has received reaccreditations. There are 42 sworn and commissioned police officers, which consist of 32 full-time officers augmented by 10 part-time special event officers. All JMU police officers have comprehensive arrest powers. The authority to make criminal arrests is derived from the Code of Virginia. As it relates to campus police officers, this statutory power is outlined in Virginia Code §23.1-809, which can be located by visiting: <https://law.lis.virginia.gov/vacode/title23.1/chapter8/section23.1-809/>. The JMU Police Department consists of an operations division, investigative division, a special events/support services division and a communications division. The support services division incorporates special events, outreach and engagement, clerical compliance, emergency management and part-time police officers. The operations division incorporates the patrol unit, public safety cadet unit and the JMU/HPD Joint Patrol Task Force. The investigative division incorporates investigations, forensics and evidence, and training coordination.

JMU police officers patrol campus 24 hours a day, seven days a week. They enforce federal and state statutes, local city ordinances (while in city jurisdiction), along with regulations and policies of JMU while protecting property, assisting the JMU community and responding to reported criminal incidents, emergencies, and traffic concerns. Two patrol officers and a corporal are members of the JMU/Harrisonburg Joint Patrol Task Force, which augments the Harrisonburg Police Department primarily in the surrounding off-campus student housing areas adjacent to campus. The public safety cadet unit consists of full-time students who work with the JMU Police providing a proactive presence on campus. They have no arrest or detention powers. They provide security safety escorts, assist with university events and other security related functions on the JMU main campus. They receive training in basic security services and practices. The forensic unit provides for evidence gathering response personnel that work in concert with investigators that handle reported cases that require in-depth follow-up investigations. Emergency management services is headed by the Emergency Management Coordinator who is responsible for the preparedness, training, and coordination of emergency response and recovery efforts for the JMU Police Department. Police communications coordination is headed by the Police Communications Manager. The Special Events/Support Services division provides outreach and education and special event coordination which integrates JMU full time police officers along with JMU part-time police officers and officers from outside police agencies augmented by contract private venue security personnel to ensure appropriate levels of supervision, personnel, security, and traffic control are provided to ensure safety at event venues. Special event police officers are primarily assigned to work special events but are subject to other assignments when necessary. Privately contracted security personnel work events and do not have arrest powers and serve as ushers.

The authority, responsibility and training of JMU police officers are the same as required of any police officer in Virginia. All police officers have completed a basic academy training program, and are required to complete 40 hours of in-service training biennially along with specialized in-house training. All are certified by the Virginia Department of Criminal Justice Services as police officers and are trained in all phases of law enforcement, including the use of firearms. Officers carry standard issue or approved firearms at all times and must maintain firearms proficiency through annual

classroom training, qualification, and certification at a firing range. JMU law enforcement personnel receive training and certification in many specialty areas. The JMU Police Department has many trained and certified officers to include general instructors, bike patrol officers, evidence technicians, breathalyzer operators and ASP baton instructors. The JMU Police Department has RAD instructors and trained crisis intervention and crime prevention specialists. Many officers are trained and are designated certified instructors in specialties areas to include defensive tactics, firearms and patrol rifle, First Aid/CPR/AED and blood borne pathogen, field training, active shooter, driving, and tactical shooting. All officers are trained in cultural diversity and sensitivity training.

The JMU Police Department utilizes Automatic External Defibrillators (AEDs) in the field. All officers are trained on the proper use of AEDs and basic life support techniques (Cardio-pulmonary Resuscitation - CPR) along with first responder first aid. AED units and first aid kits are deployed into the field each shift by officers on patrol and to events.

Law Enforcement Authority of Campus Police Personnel, Written Memorandums of Understanding (Mutual Aid and Concurrent Jurisdiction Agreements) and Investigation of Alleged Criminal Offenses

JMU Police have the authority to enforce all regulations and laws, both of the University and of the Commonwealth of Virginia along with federal statutes, within their primary jurisdiction that includes all university owned/controlled property of the core campus, and the adjacent streets and sidewalks. The JMU Police Department has entered into a Memorandum of Understanding with the Harrisonburg Police Department that allows duly sworn, on-duty officers employed by the James Madison University Police Department, jurisdiction to enforce city ordinances along with laws within the city limits of Harrisonburg. The JMU/Harrisonburg Joint Patrol Task Force augments the Harrisonburg Police Department primarily in the surrounding off-campus student housing areas adjacent to campus in the city of Harrisonburg. The JMU Police work closely and maintain a close working relationship with state and local police including but not limited to the Harrisonburg Police Department, the Rockingham County Sheriff's Department and the local contingent of the Virginia State Police on incidents that occur on and off campus. A Mutual Aid agreement with law enforcement and criminal justice agencies within and bordering Rockingham County is a reciprocal agreement for cooperation in furnishing police services and for the use of their joint police forces, their equipment and materials for their mutual protection, defense and maintenance of peace and good order. This agreement was amended in accordance with Virginia Code § 23.1-815 which can be found at <https://law.lis.virginia.gov/vacode/title23.1/chapter8/section23.1-815/>. In the event that any law enforcement agency covered by this agreement conducts an investigation that involves a felony criminal sexual assault occurring on campus, in or on a noncampus building or property, or on adjacent public property, that agency shall notify the local attorney for the Commonwealth of such investigation within 48 hours of beginning such investigation. This enables cooperation with the Harrisonburg Police Department, the Rockingham County Sheriff's Department and the local contingent of the Virginia State Police on incidents that occur on and off campus. Additionally, there is a Mutual Aid agreement has been enacted with the Department of State Police, for the use of their joint forces, both regular and auxiliary equipment, and materials when needed in the investigation of any felony criminal sexual assault or medically unattended death occurring on property owned/controlled by the institution of higher education or any death resulting from an incident occurring on such property. James Madison University, as an agency of the Commonwealth of Virginia, may request resources and assistance from the Virginia State Police in the emergency response to, investigation of, or prevention of any other crime occurring at JMU dependent on availability of resources. When a James Madison University student is involved in an offense located at an off campus location, the primary investigation will be conducted by police agency with primary jurisdictional control for documentation and investigation. JMU police officers may assist in the investigation in cooperation with local, county, state or federal law enforcement. The Harrisonburg Police Department and the JMU Police Department communicate on serious incidents occurring on-campus and/or in the immediate neighborhoods and business areas surrounding campus as many JMU students live in apartment complexes and neighborhoods surrounding the university. While the Harrisonburg Police Department exercises primary jurisdiction in areas off campus within the city of Harrisonburg, JMU police officers, primarily the JMU/HPD Joint Patrol Task Force, serve as force multipliers and can respond as first or primarily as secondary responders to student and non-student related incidents that occur in close proximity to campus at the request of the Harrisonburg Police Department. JMU officers have direct radio communication with the Harrisonburg Police Department and fire and rescue services to facilitate rapid response in any emergency. JMU students do not have recognized student organizations (fraternity or sorority) off campus.

The JMU Police Department, the Harrisonburg Police Department along with area fire departments and rescue squads train annually in active shooter/mass causality exercises to facilitate responses to incidents.

Reporting a Crime or Emergency

All crime, suspicious activity or emergencies that occur on the campus of James Madison University should be reported promptly to the James Madison University Police through the communications division for response and documentation and to assure incidents are assessed for potential ongoing threats to the University for evaluation for possible timely warning or emergency notification considerations. The JMU Police Department Communications Division supports the police department in emergency and non-emergency situations. The communication unit at JMU is staffed twenty-four hours a day, seven days a week and consists of 18 telecommunicators including an operations manager, a supervisor, eight full time and eight part-time employees. By mutual agreement with state and federal agencies, the JMU Police Department maintains a VCIN/NCIC (Virginia Crime

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Information Network /National Crime Information Center) communication terminal. All communicators are certified through NCIC/VCIN as full access operators and are responsible for staffing a terminal 24 hours a day with nationwide access to query criminal information and receive updates via teletype on in progress or recently occurred crimes. They are also responsible for monitoring alarm panels for all fire and intrusion alarms on campus, cameras, and allow vehicles access to campus via the campus gate system. All communicators are certified through the Virginia Department of Criminal Justice Services and the regional Criminal Justice Training Academy. Initially, they receive training in a Basic Communication Officer Academy as well as 80 hours of in house training with a certified communications trainer. Additionally, all communicators maintain the required certifications through NIMS/ICS to meet federal standards.

The JMU Police Department can be reached in person at Anthony-Seeger Hall, 821 South Main Street Harrisonburg, Va. or by telephone. The on-campus emergency number, 540-568-6911, directly connects to the JMU Police Department and should be used when fire, police, emergency or medical response is required. Courtesy telephones have this information on an attached label affixed to the telephone. **It should be noted that when using a cell phone to call the JMU Police, callers should dial 540-568-6911 as dialing 9-1-1 directly may route them to the Harrisonburg/Rockingham Emergency Communication Center.** If you should be routed to another agency, you need to advise them of your specific location at James Madison University so that they may relay this information to the JMU Police Department Communications Center. The JMU Police Department Communication Center can transfer information between the Harrisonburg/Rockingham Emergency Communication Center via telephone and utilizing direct access through the computer aided dispatch system (CAD) for fire and rescue services and other local police departments. Two 800 telephone numbers are available to the university and can be utilized during an emergency. These numbers will be provided at that time and may be used to disseminate recorded messages and/or to receive calls into a centralized call center so that the standard emergency phone lines will not be overwhelmed. The police department also utilizes another emergency number, 540-442-6911, that can be accessed if the JMU telephone network becomes disabled. For information, escort services and other non-emergencies; students, visitors, and employees should dial 540-568-6913. The telephone number for parking concerns is 540-568-3300. The JMU telephone number for general information is 540-568-6211.

There are telephones provided at the main entrance to each of the residence halls. There are interior courtesy telephones located in the hallways of residence halls. Areas of Rescue Assistance (ARA) phones are located in many stairwells that allows verbal communication directly to the communication division. Outdoor emergency "Blue Light" phones are located across campus to include parking lots and other remote areas. These telephones are housed in highly visible yellow call boxes and feature one-button speed dialing for instant communication with the JMU Police with location of the activated telephone automatically identified to the police communications officer. There are currently over 100 blue light phones located across campus.

<p style="text-align: center;">SEE IT! HEAR IT! REPORT IT!</p> <p style="text-align: center;">Crime Suspicious activity Emergencies</p> <p style="text-align: center;">JMU POLICE 540-568-6911</p> <p>What the problem is? When did it happen? Where did it happen? Description of suspect/victim. Any other pertinent details. Your name and phone number but it can be anonymous!</p>
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The JMU Police Communications Center can also be reached directly using the LiveSafe App. Information on the LiveSafe App can be found at http://www.jmu.edu/publicsafety/resources_livesafe.shtml. It can be downloaded onto a smart phone and allows users to share information, tips, and safety concerns with police via text messaging, including picture, video, and audio attachments, or even through live chat. Stay anonymous anytime, or send your caller ID and location to police immediately when you call or message for help, allowing faster response times.

If you are a witness, a victim, or have knowledge of a criminal activity, information can also be reported anonymously by utilizing the JMU Police Department's on-line "Silent Witness" program. The information is forwarded to the JMU communications center where it is reviewed. Based on the content of the information, a call for service entry will be created for documentation and/or the information will be forwarded to the appropriate entity for further review and follow-up. **However, if the situation is violent and in progress and there is imminent danger to others, please call the JMU police at 540-568-6911 for immediate assistance.** This information is forwarded to the Clery compliance officer for inclusion in crime statistics. For "Silent Witness" information to be included in crime statistics, however, enough information has to be given to determine a crime has occurred and the location. This can be accessed on line at http://www.jmu.edu/publicsafety/silent_witness_form.shtml.

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James Madison University encourages all members of the JMU community to report all crimes and other emergencies to the law enforcement entities responsible for safety and security in their respective jurisdictions. For incidents occurring off campus, in the city of Harrisonburg or Rockingham County, the Harrisonburg/ Rockingham Emergency Communication Center should be contacted for assistance by calling 911 or the non-emergency number 540-434-4436.

Reporting crimes to law enforcement helps protect the entire university community by ensuring that crimes are investigated and action is taken when appropriate. The JMU Police encourages accurate and prompt reporting of all crimes to the campus police and/or the appropriate police agency. This includes when the victim of a crime elects to or is unable to make such a report. The JMU Police will assist students in reporting crimes to other law enforcement agencies if requested. JMU police does not allow confidential reporting of crimes due to state open records laws. If a complainant files a report with JMU Police, the information may not be able to be kept confidential.

Response to a Crime or Emergency

The James Madison University Police Department is staffed year round twenty-four hours a day seven days a week to serve the needs of the campus community. Upon notification of a criminal activity, emergency, or request for assistance, the James Madison University Police Department has the responsibility of responding to, and summoning the necessary resources to assist, mitigate, investigate, and document the incident. The call will initiate a response from the JMU Police Department, immediate or otherwise, as dictated by the nature of the incident. The responding officer will assess the reported incident and will arrange for necessary resources to include but not be limited to crime investigation, victim services, medical services or the utilization of other available resources. Criminal actions will be thoroughly documented in an appropriate incident report. Incidents will be assessed for potential ongoing threats to the University for evaluation for possible timely warning or emergency notification considerations.

Reporting to other Campus Security Authorities

Although every institution wants its campus community to report criminal incidents to law enforcement, we know that this does not always happen. Even at institutions with a police department on campus, a student who is the victim of a crime may be more inclined to report it to someone other than the police. Although the university strongly encourages community members to report promptly all crimes and other emergencies directly to James Madison University Police Department, the JMU Police Department also recognizes that some individuals may prefer to report an incident to someone other than the police.

The Clery Act recognizes certain university officials and offices as “campus security authorities”. Individuals or offices in addition to the University Police that may have crimes reported to them. The university designates the following places where a university community member can report crimes or policy violations.

James Madison University Police Department	821 S. Main Street Anthony Seeger Hall	540-568-6911	pd_dispatch@jmu.edu
Title IX	Madison Hall room 4035	540-568-5219	titleix@jmu.edu
Office of Student Accountability and Restorative Practices	Student Success Center Suite 2122	540-568-6218	osarp@jmu.edu
Human Resources	752 Ott Street	540-568-6165	humanresources@jmu.edu

The Clery Act requires all institutions to collect crime reports from a variety of individuals and organizations that Clery considers “campus security authorities”. A campus security authority’s primary responsibility is to report to the official or office designated by the institution to collect crime report information, allegations of Clery Act crimes that are reported to them in their capacity as a Campus Security Authority (CSA) that have occurred in the institutions Clery geography. Data is collected from a wide variety of “Campus Security Authorities” to provide the most accurate crime statistics possible via electronic submission or submission of the Campus Security Clery Incident Report Form. This information is sent to the Clery Compliance officer at the JMU Police Department for collection. The Office of Student Accountability and Restorative Practice and the Office of Residence Life send reports to the Clery Compliance Officer on a continuing basis.

“Campus security authority” is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution: a campus police department or a campus security department of an institution; any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department; any individual or organization specified in an

institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses; and an official of an institution who has significant responsibility for student and campus activities.

The James Madison University Police Department encourages Campus Security Authorities to promptly and accurately report Clery reportable crimes to the JMU Police Clery Compliance officer on a continuing basis by filling out the Clery Incident Electronic form available at https://www.jmu.edu/publicsafety/clerycompliance/clery_complaint_form.shtml and submitting the information electronically or by submitting the Campus Security Clery Incident Report Form available at <https://www.jmu.edu/publicsafety/clerycompliance/James%20Madison%20University%20Police%20Department%20Clery%20Compliant%20Form3.pdf> to Lisa Carickhoff Clery Compliance Officer 821 South Main Street MSC 6810 Harrisonburg, VA 22807 or by FAX to JMU Police Clery Compliance Officer at 540-568-7926 or email to clerycompliance@jmu.edu. Student employees are directed to report all **non-emergency** criminal incidents to their supervisor or designated Clery coordinator for their area for submission.

"Pastoral Counselors" and "Professional Counselors", when acting in their role of a pastoral or professional counselor *are not* considered campus security authorities and are not required to report crimes for inclusion into the annual disclosure of crime statistics. This exemption is intended to protect the counselor-client role. At a minimum, this provides crime victims valuable counseling and referral information.

Pastoral Counselor

An employee (in the case of JMU, they are affiliates) of an institution who is associated with a religious order or denomination, recognized by that religious order or denomination as a person who provides confidential counseling and who functions within the **scope** of that recognition as a pastoral counselor.

Professional Counselor

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is also functioning within the **scope** of his/her license or certification.

The James Madison University Police Department does not allow voluntary confidential reporting. If a complainant files a report with the JMU Police Department, the information may not be able to be kept confidential. Crimes, however, may be reported anonymously by utilizing the JMU Police Department's "Silent Witness" portal located at http://www.jmu.edu/publicsafety/silent_witness_form.shtml. However, for this information to be included in crime statistics, enough information has to be given to determine a crime has occurred and the location. Counselors are encouraged to provide information, if and when they deem appropriate, that informs the persons they are counseling of silent witness which provides a voluntary confidential basis for inclusion of crimes in the annual disclosure of crime statistics.

In most cases, it is possible for a CSA to fulfill his or her responsibilities while still maintaining victim confidentiality. CSA reports are used by the institution to compile statistics for Clery Act reporting and to help determine if there is a serious or continuing threat to the safety of the campus community that would require a timely warning or emergency notification. A CSA report does not need to automatically result in the initiation of a police or disciplinary investigation if the victim does not want to pursue this action.

Emergency Notification System

The James Madison University Police Department will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees, and visitors, occurring on the campus, unless issuing a notification will compromise efforts to contain the emergency.

The institution will without delay, taking into account the safety of the community, determine the content of the notification and initiate the notification system unless **issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.** The comprehensive mass-communication system includes the following components that may be activated independently or in-conjunction with each other, based upon the circumstances, to notify the university community of the existence of an emergency and provide updated information as necessary throughout the duration of any incident. The JMU Police have main authority to activate the emergency notification system upon their confirmation of the emergency or dangerous situation and determine the content and scope of the notification with coordination and assistance from other personnel or organizations such as risk management, facilities management, health services and external sources.

The comprehensive mass-communication system includes the following components which may be activated independently or in-conjunction with each other based on the circumstances of the emergency to notify the university community of the existence of emergency and provide updated information as necessary throughout the duration of any incident. In the event of an immediate threat to the health or safety of students or employees occurring on campus, follow up information will generally be sent electronically through blast email or text messaging or web page banner.

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Emergency Notification Blast E-Mail - An e-mail will be distributed to the inbox of all members of the JMU community email accounts to warn them of a campus emergency. Blast email gives the university the ability to expeditiously reach the entire campus community with critical information in the event of an emergency. All JMU students, faculty, staff and affiliates are automatically enrolled; opting out of email notification is not an option.

Emergency Notification SMS Text Messaging -The JMU community can register to receive text and voice messages 15over their cell phone ensuring a campus emergency. Faculty, staff and students may register through MY Madison.

Students are required to complete a multistep check-in process using MyMadison. Incoming students complete the process as part of the Orientation OneBook. Returning students must complete registration before each Fall and Spring term. JMU students authorize JMU to send emergency notifications or may elect at this time not to receive cell phone emergency notifications during this process.

Faculty and staff after being hired will be prompted to complete an Emergency Notification step. They cannot access any other employee functionality until they complete this step. JMU faculty and staff authorize JMU to send emergency notifications or may elect at this time not to receive cell phone emergency notifications during this process. An employee can re-validate by navigating to the phone numbers page within the Employee tab.

JMU Web Page - University Web Page – A banner with information will appear on the JMU website.

Emergency Horns & Sirens -JMU currently utilizes two different systems that produce audible signals to warn students, staff, and visitors on campus of impending emergency situations or hazardous conditions.

Madison Alert - One component of the university's emergency communications system is Madison Alert Horn, Siren and Public Address system, a campus wide outdoor horn and public address system used to communicate with constituents in the open exterior areas of the campus. It can be activated to alert members of the university community of an imminent threat to public safety on campus. The following horns and sirens are used as part of this system:

Emergency Siren: This signal is intended to immediately get the attention of members of the JMU Community. When students, staff and visitors hear this siren they should immediately try to seek shelter in a secure location and/or following any verbal instructions that accompany this alarm.

All Clear Horn: This signal consists of three consecutive 5-second horn blasts and indicates that it is now safe to resume normal activities on campus.

James Madison University Lightening Prediction System - A second component of the University's emergency communications system is the Severe Weather Early Warning System. This separate system is completely automated and continuously monitors weather conditions in proximity to the university's main campus, Memorial Hall complexes, and Upark fields. When the system detects atmospheric conditions that have a high probability of producing an electrical storm (lightning) close to campus the system will activate a series of horns and strobe lights in designated areas on campus. The following horns are used as part of this system.

Red Alert Horn: - This signal consists of a single, 5-second horn blast that indicates that there is an imminent danger of a lightning strike on campus. When students, staff and visitors hear this horn they should immediately try to seek shelter in a safe location such as a building or vehicle away from water and electrical sources until the severe weather passes and the All Clear signal is given.

All Clear Horn: This signal consists of three consecutive 5-second horn blasts and indicates that it is now safe to resume normal activities on campus.

LiveSafe App - Receive notifications regarding important safety information in your community.

Fire Alarms - The fire alarm systems in buildings can be activated and utilized to evacuate a building due to a fire or other emergency situation.

Building Coordinators - through face-to-face contact - All building coordinators are periodically trained on how to respond to various emergencies on campus and may disseminate information within their buildings.

ORL Hall Directors and Resident Advisors - through face to face contact - All residence halls staff are periodically trained on how to respond to various emergencies on campus and may disseminate information within their buildings.

Phone Trees - Interdepartmental & building phone trees can be implemented.

Emergency Fax Notification - This is similar in concept to bulk e-mail only utilizing the campus fax machine network.

Police loudspeakers/public address systems located in patrol cars.

Programmable Mobile Traffic Signs - Mobile signs that can be positioned to provide information to specific areas.

In order to disseminate emergency information to the larger community, radio station AM1610 can be programmed to broadcast emergency information and local media will be contacted.

Radio AM1610 - In the event of campus emergency, information can be broadcast over the radio station AM1610.

Local media/Campus TV/Radio broadcasts.

The university conducts emergency response exercises each year, such as tabletop exercises, field exercises, and/or tests of the emergency notification systems on campus. Systematic tests of the Emergency Notification System will be conducted at least annually to include documentation of the exercise with the date, time and description of the test and whether the test was announced. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. Various drills are conducted throughout the year to familiarize students and faculty and staff with emergency procedures and individual roles.

JMU conducted a tabletop exercise on November 9th 2020. The test involved the policies and procedures at the Atlantic Union Bank Center auditorium to include emergency evacuation, fire watch procedures, command post and emergency notification in the facility using Madison Alert, LiveSafe, and siren. The policy and procedures were evaluated and assessed.

All members of the JMU community are instructed to notify the JMU police of any situation or incident on or near campus that involves a significant emergency or dangerous situation that may pose an immediate or on-going threat to health and safety.

Emergency Notifications

The James Madison University Police Department assumes the role of issuing emergency notifications to the campus community. The James Madison University Police Department with the assistance from other personnel or organizations such as risk management, facilities management, health services and external sources such as the National Weather Service and/or responding law enforcement or fire departments, will assess possible hazards to human health and the environment, considering both the direct and indirect effects. The JMU Police Department may coordinate an internal response and/or act as a liaison to external emergency responders or health agencies.

The James Madison University Police Department has the responsibility of responding to, and summoning the necessary resources to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation to the JMU community. In addition, the JMU Police Department has the responsibility to respond to such incidents to determine if the situation does, in fact, pose a threat to the community and notify the campus community or the appropriate segments of the community that may be affected by the situation utilizing appropriate measures to include emergency notification. An emergency notification to the campus community may include emergency evacuation, "shelter in place", "secure in place" or other measures deemed necessary using the National Incident Management System (NIMS) structure. In the event of an emergent situation, university police personnel will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. An emergency or dangerous situation that requires the activation of the Emergency Notification System will be identified and confirmed by appropriate JMU police administrative personnel prior to activating the system. Upon being notified or receiving information regarding an incident that may pose a threat to the campus community, it is the responsibility of the on duty police supervisor to review the available information and confirm that the emergency or dangerous situation exists, and in concert with administrative personnel determine which segment(s) of the campus community are effected and determine if the activation of the

Emergency Notification System (ENS) is appropriate. The JMU personnel who have authority to activate emergency measures upon their confirmation of the emergency or dangerous situation and determine the content and scope of the notification and activate the emergency notification system.

Chief of Police
Deputy Chief of Police
Supervisory Patrol Personnel
Emergency Management Coordinator
Communications Center Personnel
University Media Relations Staff
or appointed designee

JMU maintains an infectious disease response plan utilizing all divisions at the university. The plan emphasizes preparedness - actions and activities that develop public health response capabilities; response - actions and activities that are focused on saving lives, protecting the public health and stabilizing systems affecting health and medical issues; recovery - activities that assist systems return to normal operational levels that existed before an event; mitigation - actions or activities that reduce or eliminate hazards after an emergency event. In incidents of health related threats of infectious diseases, the primary notification and assessment comes from the Virginia Department of Health, Sentara Rockingham Memorial Hospital, the City of Harrisonburg/Rockingham County, or JMU becoming internally aware through case investigations and illness reports. Upon receiving information of the possible hazards to human health that may pose a threat to the community the campus community or the appropriate segments of the community that may be affected will be notified utilizing appropriate measures to include emergency notification.

The types of incidents that may cause an immediate threat to the campus community could include, but are not limited to, emergencies such as an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a tornado, a fire/explosion, suspicious death, structural damage to a university-owned/controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, criminal or terrorist activity, train wreck, or a possible infectious disease outbreak.

James Madison University primarily uses the Rave Emergency Notification System. This system allows text, emails and phone messages to be broadcast in case of emergencies. Templates have been created and can be used to facilitate expeditious messages to the JMU community. Communication staff practice daily dissemination of test messages. A banner on webpages with needed information may also be utilized.

If there is an immediate threat to the health or safety of students or employees occurring on campus, JMU must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed. If there is an immediate threat to the health or safety of students or employees occurring on campus follow-up information to the community can be provided using elements of the emergency notification system such as blast e-mail, text messaging, information on the JMU website banner, the LiveSafe App or local media broadcasts as deemed appropriate.

Building coordinators are utilized and are responsible for developing emergency evacuation plans and guidelines, contingency plans and continuity of operations plans for their designated areas of responsibility in conjunction with the Department of Public Safety Emergency Management coordinator. JMU Police personnel will, upon confirmation of an emergency that necessitates evacuations, will order an evacuation or if the situation warrants instructions to "shelter in place" or "secure in place" or other necessary procedures. Procedures are designed to establish a framework for James Madison University to both avoid preventable emergency situations and to respond effectively and safely to emergencies when they occur. This includes assessing an emergency situation, coordinating a response effort, minimizing adverse effects, and, most importantly, ensuring that individuals are informed, safely evacuated or sheltered and accounted for with reasonable assurance.

Emergency Response Information

The mission of the Office of Emergency Management is to provide an integrated, comprehensive emergency management program for James Madison university community. The office is responsible for the preparedness, training, and coordination of emergency response and recovery efforts at JMU. The Office of Emergency Management plans for natural, manmade, or technological hazards that could adversely affect all members and sustainable operations of the campus community.

Evacuation

Evacuation means moving all people from a threatened area to a safer place. In cases requiring the evacuation of one building, occupants should proceed to a designated meeting area as directed by the James Madison University Police, emergency personnel, or other university official designees. When orders are given to evacuate multiple buildings or large areas of the campus, university students, faculty, staff and visitors should

proceed to evacuate as directed by the JMU Police, emergency personnel or official designees, and/or the emergency notification system that may be utilized to notify the campus community if a protective action for evacuation is necessitated.

Evacuation drills are performed both live and in tabletop exercises. Evacuation drills for residence halls are coordinated by the JMU Police and the Office of Residence Life each semester. Students learn the location of the emergency exits in the building and are provided guidance about the direction they should travel when exiting each facility for a short-term evacuation. The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of fire or other emergency.

Shelter/Secure in Place

If an incident occurs and the building you are in is not damaged, stay inside - seeking an interior room - until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, JAC card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest university building quickly. If police or fire department personnel are on the scene, follow their directions.

How You Will Know to "Shelter-in-Place"

A shelter-in-place notification may come from several sources, including the JMU Police Department, Office of Residence Life, other university employees or emergency personnel and other authorities utilizing the university's emergency communications tools.

How to "Shelter-in-Place"

No matter where you are, the basic steps of shelter-in-place will generally remain the same but can be modified for specific situations. Should the need ever arise; follow these steps, unless instructed otherwise.

When sheltering-in-place, you will be safest by moving to the interior of a building area that protects you from the danger. Do not lock doors behind you as others may need to shelter -in-place.

- REMAIN CALM.
- Immediately seek shelter within the closest sturdy building. Act quickly - do not wait until the danger is readily apparent.
- Once inside, stay away from windows, glass, and objects that may fall. Stay put until the danger passes - resist the temptation to personally assess the situation.
- Whenever possible, seek shelter in interior rooms, corridors, and hallways.
- Avoid large freestanding rooms such as auditoriums and gymnasiums.
- DO NOT use elevators.
- Await instructions from JMU Alerts and emergency responders.
- DO NOT leave until an "All Clear" is received.

During a tornado, shelter in the lowest level possible. If necessary, consider crouching near the floor and seeking additional shelter under a sturdy table or desk, or cover your head with your hands.

In the event of hazardous material incidents requiring sheltering in place, close exterior windows and turn off heating, ventilation, and air conditioning (HVAC) systems.

Weather Definitions

Watch: Conditions are favorable for the development of severe weather. Closely monitor the situation in case it gets worse.

Warning: Severe weather has actually been observed. Listen closely to instructions provided by weather radios/emergency officials.

How Do I Secure-In-Place?

- REMAIN CALM.
- If outside during a secure-in-place emergency, seek shelter in the nearest unlocked building.
- If the buildings in your immediate area have locked exterior doors, continue to move away from the danger, seek cover, move to another unlocked building, or leave campus if safe to do so.
- Once inside, find an interior room and lock or barricade the door(s).
- To minimize vulnerability, turn off lights, silence phones, draw blinds, move away from windows, and minimize additional movement.

- Await further instructions from JMU Alerts or emergency responders.
- DO NOT leave until an "All Clear" is received.

What If Someone Wants to Enter a Secure Area?

USE GOOD JUDGMENT. If there are any doubts about the safety of those inside the room or building, the area should remain secure. Allowing someone to enter a secure area may endanger yourself and others.

If there are individuals outside the secured door who wish to enter, consider the following to determine safety:

- Can you see the area outside the door? Is someone lying in wait or creating a trap?
- If a physical description of the subject was given in the secure-in-place alert, consider similarities such as age, race, clothing description, height, weight, sex, and hair/eye color.

If the decision is made to allow entry to the individual, consider the following:

- Have the person leave anything he or she is carrying (a backpack, laptop case, package, etc.) on the ground and outside the secure area.
- Have the individual lift up his or her shirt/jacket/coat to expose their waistline and rotate 360 degrees to ensure no weapon is being concealed.

Hostile Intruder/ Run Hide Fight

RUN

- Have an escape route in mind? Leave your belongings behind. Evacuate regardless of whether others agree to follow.
- Help others escape if possible. Do not attempt to move the wounded. Prevent others from entering an area where the active shooter may be.

HIDE

- Hide in an area out of the shooters view. Lock door or block entry to your hiding place. Silence your cell phone (including vibrate) and remain quiet.

FIGHT

- Fight as a last resort only when your life is in imminent danger.
- Attempt to incapacitate the shooter.
- Act with as much physical aggression as possible.
- Improvise weapons or throw items at the shooter.
- Commit to your actions... Your life depends on it.

When Law Enforcement Arrives

- Remain calm and follow instructions.
- Drop items in hands. Raise hands and spread fingers. Keep hands visible at all times.
- Avoid quick movements toward officers such as holding on to them for safety.
- Avoid pointing, screaming or yelling.
- Do not ask questions when evacuating.

Active Shooter Video - What should you do? The video can be seen at <https://www.youtube.com/watch?v=9Z9zkU--FLO>

Hazardous Materials

If you are involved in or become aware of a hazardous material release in your building or area, take the following actions:

- Remain calm.
- Call Campus Police at **540-568-6911**.
- If the material release is outside of the building, remain inside.
- Evacuate the immediate area.

- If necessary, initiate EVACUATION PROCEDURES - Information can be located at http://www.jmu.edu/safetyplan/emergency_evacuations.shtml
- Remain upwind of the building.

In a chemical emergency, a hazardous amount of a chemical is spilled or released into the environment. If a chemical emergency occurs, officials will warn you via text, voice mail messages, or blast e-mail, or they may come to your door. If you witness or smell a chemical spill, or if there is a life-threatening emergency, **Dial 540-568-6911**.

During a chemical emergency

- Remain Calm
- If the material release is outside of the building, remain inside.
- If you are in the area or building of the chemical emergency, **evacuate the area immediately**.
- When officials say it is safe, open all doors and windows and turn on the air conditioning and ventilation systems to flush out any chemicals.
- Remember: a person or thing that has been exposed to a hazardous chemical might be contaminated and could contaminate others. Follow decontamination instructions from local officials.
- If you are outside during an incident, stay upstream, uphill and upwind. Gases and mists are generally heavier than air and hazardous materials can quickly be transported by water and wind. In general, try to go at least one-half mile (10 city blocks) from the danger area. However, for many incidents, you will need to go much farther.
- If you are in a motor vehicle, stop and find shelter in a permanent building if possible. If you must remain in your vehicle, keep the windows and vents closed and shut off the air conditioner and heater.
- Listen to JMU Alerts, local TV or radio for instructions on whether to evacuate or stay where you are.) Your life could depend on it.
- Local officials will tell you:
 - The type of health hazard.
 - The affected area.
 - How to protect yourself.
 - Evacuation routes, if necessary.
 - Shelter locations.
 - Type and location of medical facilities.
 - The phone numbers to call if you need extra help.

Additional information can be found at <http://www.jmu.edu/safetyplan/index.shtml> .

Lighting Detection

Listen for the JMU Lightning Detection System audible air horn alarms:

- SINGLE 15-second air horn blast - RED ALERT
- THREE 5-second air horn blasts - ALL CLEAR

Seek shelter inside a building until notified by University officials that it is safe to leave

If flooding occurs, seek higher ground and avoid walking through standing or moving water.

Fires

- Activate the nearest alarm pull station and call 540-568-6911 if possible and to report the location and cause of the fire if known.
- Everyone must leave immediately when a fire alarm is activated, even if there is no obvious signs of an emergency!
- Do not use the elevators!
- Remain calm and assist others in safely getting out.
- Confine fire by closing all doors and windows if possible.

- Extinguish the fire if you have been trained and it is safe to do so.
- Evacuate the building to a safe location away from the structure.
- Take any personal belongings you may need with you. (including wallets, purses, keys, cell phones, etc.)
- If circumstances permit, secure your area by closing doors and locking them if you would normally do so when you leave for the day.
- Follow directions given by emergency personnel and respond to the location designated by the building coordinator outside the structure to await further instructions and so that everyone can be easily accounted for before leaving the area.
- Do not re-enter the building until authorized to do so.

All members of the James Madison University community should notify the JMU Police Department of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students, employees or visitors on campus.

Timely Warnings/Community Alerts/Safety Announcements

In compliance with the "Timely Notice" provisions of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, the James Madison University Police Department is responsible for timely warning dissemination. The Clery Act requires you to alert the campus community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes. Although Clery doesn't define "timely," because the intent of a warning regarding a criminal incident(s) is to enable people to protect themselves this means that a warning should be issued as soon as the pertinent information is available. A timely warning is initiated when the James Madison University Police Department identifies a Clery Act reportable crime that occurs on Clery geography that poses an ongoing or serious threat to students, employees and/or visitors. Timely warning notifications are sent to notify the campus community in the event that a situation arises on Clery geography which encompasses the JMU campus, noncampus property (property owned/controlled by the university), and public property (roadway and sidewalks immediately adjacent to campus) that, in the judgment of the Chief of Police, Deputy Chief of Police or his designee, after reviewing the facts and circumstances of the incident, constitutes an ongoing or continuing threat to the campus community. Timely warnings are primarily triggered by Clery Act crimes (criminal homicide, sex offenses, robbery involving force or violence, aggravated assault, and major cases of arson). Timely Warnings may also be posted for other crime classifications, as deemed necessary. Timely Warnings are evaluated on a case-by-case basis depending on the facts of the case and the information known. The timely warning message content may include the following:

- A description of the incident.
- Possible connection to previous incidents, if applicable.
- Physical description of the suspect, if available.
- Photo or composite drawing of the suspect, if available.
- Date and time the bulletin was released.
- Other relevant and important information about the crime(s).
- Information about crime prevention, personal safety or other community safety resources.

JMU is not required by law to issue a timely warning for off-campus crimes; however, incidents occurring off campus will be evaluated on a case-by-case basis in conjunction with the lead law enforcement agency investigating the incident to determine if there is a crime that poses an ongoing or serious threat to the community, a community alert may be disseminated.

The chief of police, deputy chief of police or their designee will make the decision to issue a timely warning/community alert of crimes that may present a serious or ongoing threat or risk to members of the university. The on-duty police supervisor will inform the chief of police or their designee of any crime that may pose an ongoing or serious threat to the personal safety of students, faculty, staff and guests. The chief of police, deputy chief of police or designee will determine whether the crime requires a timely warning/community alert. The JMU personnel who have authority to develop the content of a timely warning/crime alert notification include the Chief of Police, Deputy Chief of Police, the Clery Compliance Officer, and University Media Relations staff or appointed designee. The authority to decimate the message includes the Clery Compliance Officer, University Media Relations staff, and communication personnel. Timely warnings and community alerts will be issued by means of rapid response mass-communication technology providing the JMU Community with immediate notification to students, faculty and staff through the issuance of:

- "Blast" bulk e-mailings originating from the James Madison Police Department to all student and employee e-mail accounts, and/or;

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- Text messaging to the campus community via cell phones.
- The JMU Police Department may also post a notice on the JMU Police website that is accessible via computer by all faculty, staff, students or visitors.

Anyone with information warranting a timely warning/community alert should report the circumstances to the JMU Police by phone (540-568-6911) or in person at the communication center within the JMU Police Department at 821 S. Main Street Anthony-Seeger Hall, located at the Southwest corner of West Grace and South Main Streets.

Timely Warnings and Community alerts for situations that may pose a threat to others can be generated from reports made to *Campus Security Authorities* as identified by James Madison University in addition to reports to the JMU Police and/or local police agencies. Timely Warnings and Community alerts are provided to students and employees in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences. JMU is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

The JMU Police may not issue Timely Notices/ Community Alerts for instances in which the perpetrators have been apprehended or the threat of imminent danger for members of the JMU community has been mitigated by law enforcement officials. The JMU Police Department may not issue timely warnings if they are not notified of the crime in a manner that would allow the department to post a “timely” warning for the community. Timely warnings are posted on the JMU Police website at <https://www.jmu.edu/publicsafety/safety.shtml> and will be updated as new crime information becomes available on the website.

Safety announcements encompass information of value to the community and are sent via electronic communication (blast email and text messaging). Safety announcements contain information that is used to promote general safety to the JMU community.

The JMU Police Department requests local police agencies keep the institution informed on an immediate basis of crimes that may require timely warnings or community alerts. We are committed to an open line of communication to enable us to routinely review incidents occurring in areas beyond our campus that could serve as a potential threat to members of our campus community especially those apartment complexes with heavy concentrations of off-campus resident students and places where students often frequent.

Notice of Availability – Annual Security and Fire Safety Report

James Madison University is committed to assisting all members of the JMU community in providing for their safety and security. Each year email notification is made to all enrolled students and employees providing the web site link to access these report. Prospective student and employees are informed of the report and how it may be secured via an email link listed on admissions and human resources website.

The Annual Security and Fire Safety Report contains information regarding campus security and personal safety including topics such as: crime prevention, the university police law enforcement authority, crime reporting policies, disciplinary procedures, protocols for the immediate notification of students and staff upon confirmation of a significant emergency on campus and other matters of importance related to security and safety. The report includes statistics for the most recent three-year period of reported crimes that have occurred on campus; in certain off-campus buildings or property owned or controlled by JMU or its affiliates; and on public property within or immediately adjacent to and accessible from the campus.

The Annual Security and Fire Safety Report includes campus housing fire statistics for the most recent three-year period, a description of each on-campus student housing facility fire safety system, the number of fire drills held during the previous calendar year, policies or rules on portable electrical appliances, smoking, and open flames in student housing; and procedures for student housing evacuation in the event of fire along with other fire safety information.

The JMU Annual Security and Fire Safety Report includes the Harrisonburg campus and the three overseas branch campuses; Florence, Antwerp, and London. It is available electronically at

<https://www.jmu.edu/publicsafety/clerycompliance/Annual-Security-and-Fire-Safety-Report.shtml>

You can obtain a copy of any of this report by contacting the Office of Public Safety, MSC 6810, James Madison University, Harrisonburg, VA 22807 or request that a copy be mailed to you by calling (540)568-6769/6913.

Clery Act reporting and disclosures maintains the confidentiality of the victim without the inclusion of personally identifying information about the victim and any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Clery Crimes

Under the Clery Act , JMU campuses must annually distribute statistics on the reported occurrences of the following Clery offenses at certain locations. These statistics are forwarded to the U. S. Department of Education.

Criminal Homicide

Murder– *The willful (non-negligent) killing of one human being by another.*

Manslaughter by Negligence – *The killing of another person through gross negligence.*

Sexual Assault – *An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) programs. Per the National Incident-Based Reporting Systems User Manual from the FBI UCR Programs, a sex offense is*

“any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”

Rape - *The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.*

Fondling - *The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.*

Incest – *Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.*

Statutory rape –*Sexual intercourse with a person who is under the statutory age of consent*

Dating Violence - *Violence committed by a person - who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship , and the frequency of interaction between the person involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse and does not include acts covered under the definition of domestic violence.*

Domestic violence –*A felony or misdemeanor crime of violence committed by; a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of jurisdiction in which the crime of violence occurred.*

Stalking - *Engaging in a course of conduct directed at a specific person that would cause a reasonable person to –fear for person’s safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition, course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly , or through third parties, by any action, method, device , or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property; reasonable person means a reasonable person under similar circumstances and with similar identities to the victim; and substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.*

Robbery - *The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.*

Aggravated Assault – *An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed. Aggravated assault includes poisoning (date rape drug, etc.)*

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- *Aggravated Assault is differentiated from simple assault, in addition to the weapon and intent considerations in the definition, by the extent of injury. Generally Broken Bones, Internal injuries, stiches, loss of teeth, severe laceration(s) or a loss of consciousness indicated an aggravated assault. Simple assault would result in injuries needing only minor first aid.*

Burglary – *The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.*

- *Structure for the purposes of burglary is defined as having four walls, a roof, and a door.*

Motor Vehicle Theft – *The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned-including joyriding.)*

Arson – *Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.*

Hate Crimes – *Any crime that manifests evidence that the victim was intentionally selected because of actual or perceived bias against race; gender; gender identity, religion; sexual orientation; ethnicity, national origin or disability. This includes the afore mentioned murder and nonnegligent manslaughter, negligent manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, and also larceny-theft, simple assault, intimidation, and destruction/damage/ vandalism of property.*

Simple Assault – An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness. (Currently, this crime category only applies to hate crimes.)

Larceny-Theft - The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. (Currently, this crime category only applies to hate crimes.)

Destruction/Damage/Vandalism of property- To willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it. (Currently, this crime category only applies to hate crimes.)

Intimidation - To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack. (Currently, this crime category only applies to hate crimes.)

The Clery Act also requires disclosure of statistics for liquor law violations, drug law violations, and weapons possession. Reports of these violations are made differently, and reflect the total number of individuals arrested or referred for campus disciplinary action, rather than total number of incidents.

Liquor Law Violation – *The violation of federal, state and local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.*

Drug Law Violation – *The violations of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.*

Weapon Law Violation – *The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives incendiary devices, or other deadly weapons.*

Disciplinary Referrals – *The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.*

These offenses must be reported according to their occurrence in the following Clery locations, or geographic categories:

Campus – *(i) any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (ii) any building or*

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property that is within or reasonably contiguous to the area identified in paragraph (i) of this definition, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or other retail vendor). **Controlled by** means that your institution (or an institution-associated entity as described below) directly or indirectly rents, leases or has some other type of written agreement (including an informal one, such as a letter or an e-mail) for use of a building or property, or a portion of a building or property. Even if there is no payment involved in the transaction, for Clery Act purposes, a written agreement for the use of space gives your institution control of that space for the time period specified in the agreement.

On-campus Student Housing Facility: Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility

Reasonably contiguous refers to a building or property your institution owns or controls that's in a location that you and your students consider to be, and treat as, part of your campus.

NonCampus/ Affiliated – (i) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (ii) any building or property owned or controlled by an institution that is used in direct support of, or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property –"public property" is defined by the Clery Act regulations as all public property including thoroughfares, streets, sidewalks, and parking facilities that is within the campus, or immediately adjacent to and accessible from the campus. Include the sidewalk across the street from your campus, but do not include public property beyond the sidewalk.

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OFFENSE	Year	ON CAMPUS	RESIDENTIAL FACILITIES (Subset of <i>On Campus</i>)	PUBLIC AREAS	Noncampus	
MURDER. NON-NEGLIGENT MANSLAUGHTER	2020	0	0	0	0	
	2019	0	0	0	0	
	2018	0	0	0	0	
MANSLAUGHTER by NEGLIGENCE	2020	0	0	0	0	
	2019	0	0	0	0	
	2018	0	0	0	0	
SEX OFFENSES Forcible Rape	2020	7	6	0	0	
	2019	9	9	0	0	
	2018	8	7	0	0	
	Fondling	2020	7	7	0	0
		2019	4	3	0	0
		2018	4	3	0	1
SEX OFFENSES Incest	2020	0	0	0	0	
	2019	0	0	0	0	
	2018	0	0	0	0	
	Statutory Rape	2020	0	0	0	0
		2019	0	0	0	0
		2018	0	0	0	0
ROBBERY	2020	0	0	0	0	
	2019	0	0	0	0	
	2018	0	0	1	1	
AGGRAVATED ASSAULT	2020	1	0	0	0	
	2019	1	1	0	0	
	2018	5	4	0	0	
BURGLARY	2020	11	2	0	0	
	2019	8	7	0	0	
	2018	7	6	0	1	
MOTOR VEHICLE THEFT****	2020	1	0	0	0	
	2019	0	0	0	0	
	2018	1	0	0	0	
ARSON	2020	0	0	0	0	
	2019	1	1	0	0	
	2018	0	0	0	0	
Domestic Violence*	2020	0	0	0	0	
	2019	1	0	0	0	
	2018	1	1	0	0	
Dating Violence*	2020	4	4	0	0	
	2019	9	6	0	0	
	2018	4	4	0	0	
Stalking*	2020	3	3	0	0	
	2019	6	3	0	0	
	2018	6	5	0	0	
LIQUOR LAW VIOLATIONS	2020	18	8	0	0	
	2019	30	16	1	0	
	2018	13	5	4	1	
LIQUOR LAW VIOLATIONS REFERRED FOR DISCIPLINARY ACTION **	2020	544	522	0	0	
	2019	579	542	0	0	
	2018	678	667	0	0	
DRUG ABUSE VIOLATIONS	2020	30	21	0	0	
	2019	75	52	2	0	
	2018	66	45	6	0	
DRUG ABUSE VIOLATIONS REFERRED FOR DISCIPLINARY ACTION **	2020	28	18	0	0	
	2019	42	39	0	0	
	2018	79	77	0	0	
WEAPONS LAW VIOLATIONS	2020	0	0	0	0	
	2019	0	0	0	0	
	2018	0	0	0	0	
WEAPONS LAW VIOLATIONS** REFERRED FOR DISCIPLINARY ACTION	2020	0	0	0	0	
	2019	0	0	0	0	
	2018	0	0	0	0	

* Crimes not reported by hierarchy.

**Includes referrals from both Office of Residence Life and Office of Student Accountability and Restorative Practice.

Hate Crimes

Involving crimes or incidents of homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, vandalism, and intimidation against persons characterized as and motivated by the actual or perceived bias, against race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, and/or disability.

Geographical Areas: On Campus, Residential Facilities, Non-Campus and Public Property

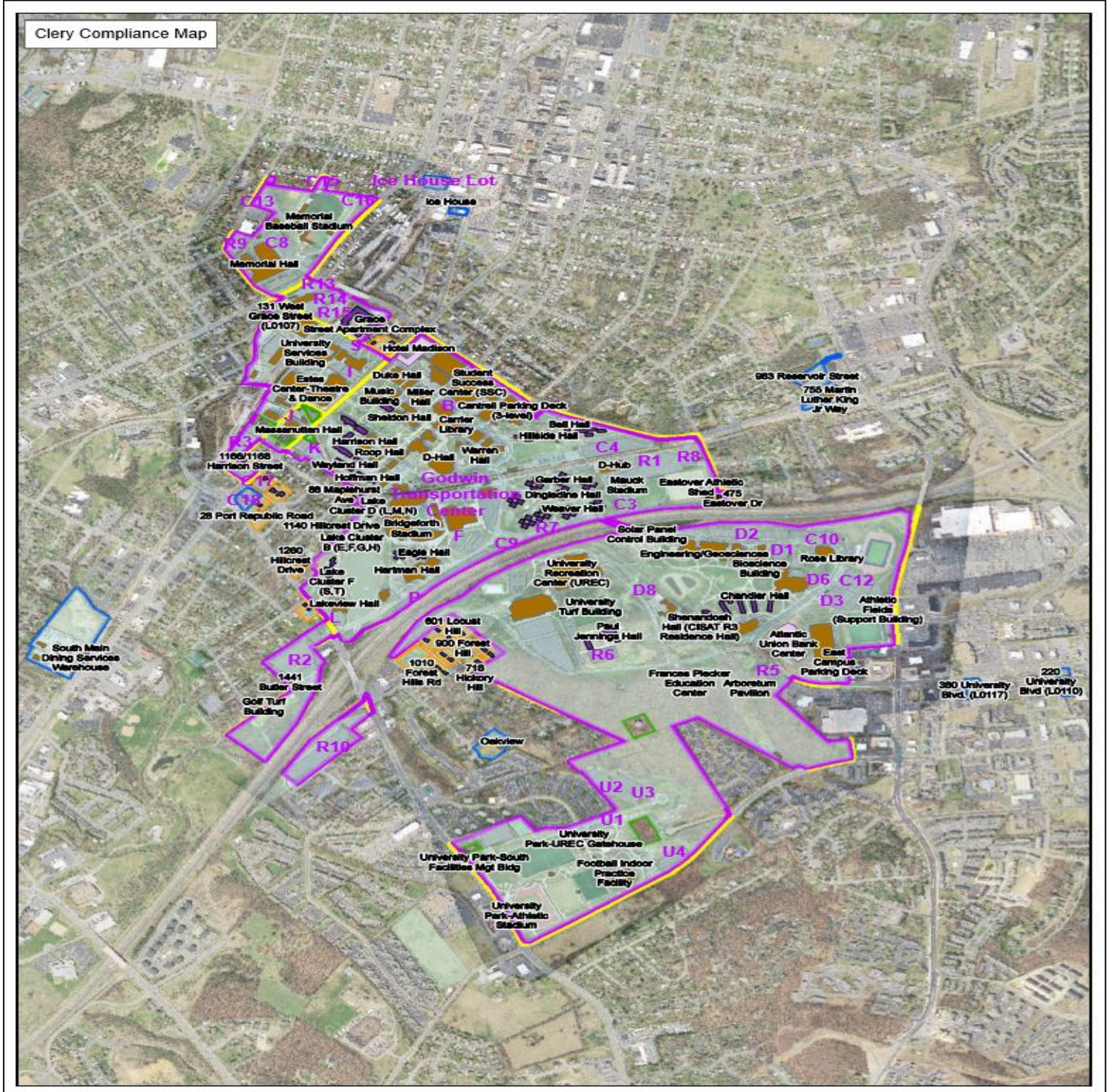
2020 - There were no reported bias motivated incidents.

2019 - There were no reported bias motivated incidents

2018 – There was one reported hate crime bias (sexual orientation) – Vandalism - a vehicle was damaged “keyed” on the bumper with the words “FAG” and “FUK U FAG” scratched onto the bumper while the vehicle was parked in an on campus parking lot.

There were no unfounded crimes in 2020. There were no unfounded crimes in 2019. One unfounded crime in 2018 - Report of robbery occurring on campus perpetrated by two females resulting in cash and a cell phone being taken after given alcohol by females. Investigation revealed to be false. Individual charged with making a false police report.

An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situations where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded”. Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with prosecution, and the failure to make an arrest do not “unfound” a crime report. This requirement began with 2014 statistics



Core Campus Boundary IMU Controlled Properties near Core Campus Leased property non-student related Public Residence Halls

Further information on Clery Geography can be viewed at

https://www.jmu.edu/publicsafety/clerycompliance/clery_geography.shtml

Detailed map can be viewed at <https://www.jmu.edu/publicsafety/clerycompliance/CleryMap2020.pdf>

University Sponsored Trips

Pursuant to the Clery Act, the university on an annual basis is required to disclose certain reported crime statistics that occur during university sponsored/ arranged student trips/activities. Community members who are administratively responsible for student trips are expected to report student trip/activity information to the Clery Compliance Officer for documentation.

Emergencies Involving Students or Faculty and Staff

For emergencies involving students, the JMU Police can call upon the services of the **Behavioral Assessment Team (BAT)** chaired by the Dean of Students with members from the Counseling Center, the Health Center, Office of Student Accountability and Restorative Practice, Public Safety, the Office of Residence Life, Disability Services, representatives from academic programs and representatives from other university offices on an as needed basis, to assess and intervene with students whose behavior may present a threat to themselves or the safety of the university community. JMU is committed to improving community safety through a proactive, coordinated, objective, and thoughtful approach to the identification, assessment, intervention, management, and prevention of situations that pose, or may reasonably pose, a threat to the safety and wellbeing of the campus community. Any member of the university community who is concerned about the behavior of a JMU student is encouraged to contact the Dean of Students Office at 540-568-6468, the JMU Counseling Center at 540-568-6552, the JMU Police at 540-568-6913 or other member of the BAT team.

For emergencies involving faculty and staff, the JMU Police can call upon the Faculty/Staff Assessment Team. The **Faculty/Staff Assessment Team (FSAT)** is charged with assessment and intervention with faculty and staff members whose behavior may present a threat to themselves or the safety of the university community. The FSAT is chaired by the Director of Human Resources, and constituted as an ad hoc committee that includes members from the Counseling Center, Human Resources, Public Safety, and other university offices as appropriate. Any member of the university community who is concerned about the behavior of an employee is encouraged to contact human resources at 540-568-7916.

The BAT and FSAT will meet as needed to assess and intervene with students or faculty and staff members whose behavior may present a threat to themselves or the safety of the university community. Any member of the university community who believes that the behavior of an individual who is on campus or who is a member of the community may present a threat to self or others in the university community should report the person to the appropriate team.

Police Crime Log Information

The Daily Crime Log at James Madison University contains entries of crimes or alleged crimes and some suspicious circumstances that have been reported directly to the JMU Police Department to include crimes or alleged crimes that occur on the core campus as well as the City of Harrisonburg in the extended patrol jurisdiction to include outside agency assists. It contains information regarding crimes or alleged crimes that the JMU Police Department has been made aware of through other sources to include Title IX, the Office of Student Accountability and Restorative Practice, the Office of Residence Life, third party reports, Silent Witness, and other Campus Security Authorities. The Daily Crime Log information appears on the JMU Police Department website at <http://www.jmu.edu/publicsafety/clerycompliance/daily-crime-log.shtml> and can be accessed electronically at any time and can be accessed at the JMU Police Department located in Anthony Seeger Hall.

According to Federal law, an institution may withhold any of the required fields of entry; the nature, date, time, location and/or disposition of the crime or alleged crime if any of the following conditions apply:

The disclosure is prohibited by law:

If disclosure would jeopardize the confidentiality of the victim;

If disclosure would jeopardize an ongoing criminal investigation or the safety of an individual;

If disclosure would cause a suspect to flee or evade detection;

If disclosure would result in the destruction of evidence.

The information temporarily withheld from the log for any of the aforementioned justifications will be posted once the possibility of adverse or harmful effects are no longer likely to occur.

In order to protect victim's confidentiality, personally identifying information will not be included in any publicly available record keeping to include the Daily Crime Log.

Fire Log information is incorporated into the Daily Crime Log and also can be found separately at https://www.jmu.edu/publicsafety/clerycompliance/fire_log.shtml

Maintenance/Security/Access of Campus Facilities

JMU students, faculty and staff have access to academic, recreational and administrative facilities on campus when the facilities are open and/or access may be gained by electronic card control or assigned key entry to secured areas. The general public may enter the public areas of the university to include recreational, administrative and academic facilities during hours when the facilities are open and to attend cultural, recreational and athletic events on campus. Health and safety restrictions may be enacted.

Facilities and landscaping at James Madison University are maintained in a manner that minimizes hazardous conditions and provides a safe and secure learning and working environment for its students, employees and visitors. Lighting and shrubbery tours are conducted at least once an academic year by representatives from many segments of the campus community. They include student government representatives along with staff from student affairs, facilities management and public safety. Safety and security concerns are identified and recommendations for improvements are made. In addition, the University Safety Coordinator makes regular safety and health inspections, serves as a liaison with public health and safety officials and schedules safety lectures and training and follows up on recommendations with appropriate departments.

The JMU Police actively patrol the campus. JMU police cadets employed by the police department through the Campus Police Cadet Program utilize carefully screened students who are employed to act as additional eyes and ears for the JMU Police. They alert the police of incidents for possible further investigation, provide services during special events, and provide building and campus security. They are in radio contact with the JMU police at all times. Cadets are mainly on duty in the evening and late night, patrolling their assigned areas providing security escort services to students walking across campus and to and from parking lots. Cadets also provide vehicular escorts from distant areas on campus. Following cadet duty hours, JMU police escort students as needed. Cadets are also responsible for patrolling and securing academic and administrative buildings on campus each evening. Cadets are primarily assigned to walking patrol of the campus and escorts during the fall and spring semesters. During the summer, cadets provide building lockup and security functions.

JMU police officers may serve verbal or written trespass notices on non-members of the university community present on campus and may make immediate arrests of persons in secure areas for which they have no legitimate business. If a person served with a prior trespass notice reappears on campus, or if a person is found in a posted facility with no legitimate purpose in that building, he or she is subject to immediate arrest.

Outdoor emergency "Blue Light" phones are located across campus to include parking lots and other remote areas. These telephones are housed in highly visible yellow call boxes and feature one-button speed dialing for instant communication with the JMU Police with location of the activated telephone automatically identified to the police communications officer. There are currently over 100 blue light phones located across campus.

A campus entry system consisting of 12 gates limit vehicular traffic access during selected time periods to reduce vehicular traffic.

Areas of Rescue Assistance (ARA) phones are located in many stairwells that allows verbal communication directly to the communication unit to summon help in an emergency.

Maintenance/Security/Access of Campus Housing

The Office of Residence Life at James Madison University is committed to designing and maintaining a caring environment that encourages academic success, respect, personal growth and responsibility to one's community. Approximately 6,500 undergraduate students reside in 45 residence halls on the JMU campus. All sororities are housed on-campus along with several fraternities. Freshmen are required to live on campus, with the exception of day student commuters. Upper-class students select residence hall assignments dependent upon availability.

Off-campus housing includes apartments, private homes, individual rooms or apartments within private homes, and off-campus fraternity houses. The university does not provide supervision for unaffiliated off-campus housing and relies on the external police response to criminal activity in off campus housing.

University housing provides coeducational housing for such lifestyle options as first year and upper class. There are also a number of [residential learning communities](#). These communities are facilitated by academic departments and include Haynes (STEM), Leadership, Sports and Recreation Management (SRM), The Honors Living and Learning Center, Madison International, Arts, College of Business (MadisonBiz) and Roop Teacher Education Learning Community and Trelawny. A Faculty in Residence (FIR) program was created to house a university professor in the residence halls in the hopes of increasing interaction between students and educators. Five [FIRs](#) have been created in Chesapeake Hall, Chandler Hall, Eagle Hall, Paul Jennings Hall, and Shenandoah Hall. Guests to all residence halls should be escorted by a hall resident at all times.

Health and safety restrictions may be enacted in regard to guest access and other restrictions. Access to on-campus housing by university employees is on an "as needed" basis and incorporates strict card key control procedures during hours of restricted access. Work orders are submitted promptly

for repairs and all university repair and maintenance personnel must be in uniform or wear a JMU photo ID to allow for easy identification by residents. Residence halls are staffed with hall directors and a number of resident advisers. These individuals, living in the halls and on call 9:00 p.m. to 8:00 a.m. daily, are members of the university's residence life staff and receive extensive training in the enforcement of residence hall security policies and Clery and Title IX requirements.

All residence hall doors accessing resident living areas remain locked 24 hours daily, seven days a week. Unrestricted access to certain administrative, dining service, public assembly, and meeting rooms in Huffman, and Frederikson Halls is permitted generally 7:30 a.m. to 5:00 p.m., weekdays. Interior doors separating public access from residential room areas remain locked at all times in these halls. Currently perimeter security to all university-owned residence halls is maintained by automated card access. A student who enters or leaves a residence hall is responsible for securing the door. Propping or otherwise preventing any door from being completely secure is a serious safety violation. A propped door alarm in many residence halls issues an alarm when the door is propped for a set time period.

There are telephones provided at the main entrance to each of the residence halls. There are interior courtesy telephones located in the hallways of residence halls. Areas of Rescue Assistance (ARA) phones are located in many stairwells that allows verbal communication directly to the communication unit.

The university's trespass policy enforced by the JMU Police and posted in **university housing** is as follows:

NO TRESPASSING

RESIDENTS AND AUTHORIZED JMU PERSONNEL ONLY
ALL VISITORS MUST BE ESCORTED BY A RESIDENT OF THE HALL
NO DOOR TO DOOR SOLICITATION OR INQUIRIES
VIOLATORS ARE SUBJECT TO CRIMINAL AND
UNIVERSITY JUDICIAL CHARGES

JMU police officers may serve verbal or written trespass notices on non-members of the University community present on campus and may make immediate arrests of persons in secure areas for which they have no legitimate business. If a person served with a prior trespass notice reappears on campus, or if a person is found in a posted facility with no legitimate purpose in that building, he or she is subject to immediate arrest.

Although residence halls are generally very safe environments they are not without crime. Therefore, we encourage students to be security conscious at all times.

Here are some useful tips that may keep you from falling victim to crime:

- Lock your door when sleeping or showering.
- Lock your room when leaving a roommate asleep inside.
- Lock your door when you leave, regardless of the length of time you plan to be gone.
- Be mindful of tailgating. Tailgating is following or walking closely behind a resident/person into a secured or locked facility without permission and without being identified.
- Keep small items of value, such as wallets, money and jewelry, out of plain view.
- Engrave all valuable items with a personal identifying code (your own lettering/numbering system).
- Keep a record and photograph of all valuables noting descriptions and serial numbers.
- Do not leave notes on your door announcing that no one is home.
- Do not take in overnight guests whom you do not know.
- Never lend your JAC card to anyone.
- Be suspicious of unknown persons loitering or checking doors in your hall. Note their descriptions and call the police immediately.

Resident hall staff includes professional and student staff members living in the halls that coordinate social and educational programs, and serve as resources for students with questions or concerns. They undergo extensive training sessions before each school year begins and participate in workshops on security issues, health concerns, crisis and personal counseling, fire evacuations, and other emergency-related topics. A resident director or adviser is on duty each evening in the office at the main entrance of each hall from 9 p.m. to 11 p.m. Sunday through Thursday and also from 9 p.m. to 2 a.m. the following morning both Friday and Saturday. This individual is in immediate telephone contact with JMU police, if necessary. Student staff are required to check their areas regularly and to provide assistance if needed. Following this desk assignment detail, the person on duty remains on call, with the office phone transferred to his or her apartment or room.

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All residence halls and on-campus sororities are closed during Thanksgiving, Spring Break and semester breaks. During low occupancy periods, such as the summer terms, students remaining on campus are moved into one concentrated area of the residence life complex to enhance security effectiveness. The JMU Police remain in service during all breaks. Over extended breaks, the doors of all vacated halls are secured from access by even the assigned residents by means of a temporary programming change in the card access software. Health and safety restrictions may be enacted.

Inspections are conducted periodically by representatives from residence life, facilities management, locksmiths shop, police and safety and engineering to survey the security and integrity of university housing and campus facilities. In addition, a committee of students meets monthly to discuss security concerns and to provide feedback to the residence life staff. Repairs are made promptly, locks quickly replaced when keys are lost or stolen, and reports of potential safety hazards, such as broken windows, receive immediate response using the work order submissions.

JMU students are expected to maintain a high level of maturity, responsibility and common sense regarding their behaviors and actions and follow residence hall policies which can be found at <http://www.jmu.edu/orl/policies/index.shtml>. In addition, students are responsible for understanding policies, rules and regulations contained in their JMU Residential Contract, the JMU Student Handbook which can be located at <http://www.jmu.edu/osarp/handbook/index.shtml>, the JMU Honor Code and information from residence hall staff members. Students may contact their resident adviser or hall director if they have questions. The following are possible disciplinary actions that might be taken after a student violates the residence hall policies, rules or regulations.

Office of Residence Life Disciplinary Actions

Residence hall incident documentation	Follow-up discussion with a staff member	Fines
Behavior contracts or agreements	Educational assignments, special projects or flexible sanctions	Accountability referral
Referral to other campus agencies	Payment for damages/restitution	Referral to the Office of Student Accountability and Restorative Practices
Restriction from a specific residence hall or building for a specified time period	ORL Official Letter of Warning	

Missing Student

At James Madison University each student living in an on-campus student housing facility will be given the option to register a confidential contact person(s) whom the institution shall notify if the student is determined missing by the JMU Police for 24 hours. Residents of on-campus student housing will register this contact information with the Office of Residence Life upon moving into university housing where it will be maintained electronically. Resident students are advised that contact information will be considered confidential, accessible only to authorized campus officials and law enforcement and will not be disclosed outside of a missing person investigation. University officials must notify a custodial parent or guardian when the student is under 18 years of age and not emancipated and is determined to be missing, in addition to any additional contact person designated by the student. If a member of the JMU community has reason to believe that a student is missing, whether or not the student resides on campus, all possible efforts are made to locate the student to determine his or her state of health and well-being through the collaboration of the JMU Police, the Office of Student Affairs and other appropriate law enforcement agencies. Anytime a member of the university community has reason to believe that a student who resides in on-campus housing is missing, he or she should **immediately** notify the JMU Police Department to initiate an investigation. There is no time minimum period for reporting a person. If the student is an on-campus resident, the JMU Police will secure authorization from Student Affairs officials to make a welfare entry into the student's room and the Office of Residence life will be contacted to provide missing person emergency contact information in furtherance of a missing person investigation. If an off-campus student resident, the university police will informally enlist the aid of the neighboring police agencies having jurisdiction. Concurrently university officials will endeavor to determine the student's whereabouts through contact with friends, associates, and/or employers of the student. Information gathered to include whether or not the student has been attending classes, labs, recitals, and scheduled organizational or academic meetings; or appearing for scheduled work shifts will be investigated. If located, verification of the student's state of health and intention of returning to campus will be determined. A referral will be made to the JMU Counseling Center and/or the University Health Center if appropriate. Notification of a custodial parent or guardian or failing that any other available family member within 24 hours of receiving the initial report is made to determine if they know of the whereabouts of the student in addition to contact information provided by the student. If the student is an off-campus resident, appropriate family members or associates are encouraged to make an official missing person report to the law enforcement agency within the appropriate jurisdiction. The JMU Police will cooperate, aid, and assist the primary investigative agency in all ways prescribed by law. The JMU Police Department is an active participant partnering in the Rockingham County/Harrisonburg City/James Madison University Mutual Aid Compact. If the student is an on-campus resident, the JMU Police will open an official investigation and retain status as the primary investigative unit. All pertinent law enforcement agencies, be they neighboring municipal, county, or state; those located along suspected travel corridors; or place of original domicile, will be notified and

requested to render assistance, through direct telephone contact, email, in person visit, Virginia Crime Information Network (VCIN) message, and/or radio transmission with a comprehensive BOL message based on the totality of up-to date information. *Suzanne's Law* requiring local police to notify the National Crime Information Center (NCIC) when someone between 18 and 21 is reported missing was signed into law by President George W. Bush in the Spring of 2003 as part of the national "Amber Alert" Bill. The federal law is named after Suzanne Lyall, a State University of New York at Albany student who has been missing since 1998. The law is intended to impel police to initiate prompt investigations of young persons who have gone missing.

Upon closure of the missing person investigation, all parties previously contacted will be advised of the status of the case.

To summarize, when a student who resides in an on-campus student housing facility is determined to have been missing for 24 hours, the university is legally obligated, if the student has designated a contact person, to notify that contact person within 24 hours; if the student is under 18 years of age and is not emancipated, university officials must notify the student's custodial parent or guardian and any other designated contact person within 24 hours; and inform the university police that the student is missing within 24 hours.

Greek Life

Student Affairs maintains contact with recognized fraternity and sorority organizations through the efforts of the Coordinator for Fraternity and Sorority (Greek) Life. JMU Police provide law enforcement services to on campus chapters. James Madison University does not have off campus fraternity/sorority residences. Further information on fraternity and Sorority Life can be accessed at <http://info.jmu.edu/fsl/>.

Hazing

JMU is an institution of higher learning devoted to excellence in teaching, research and service to the people of the Commonwealth and the nation. The university is committed to developing students through academic and co-curricular activities. Hazing is an unproductive and hazardous custom that is incongruous with this responsibility and has no place in college life, either on or off campus. No individual student or recognized student organization may engage in or plan any activity that may be defined as hazing. In addition, no individual nor recognized organization may by physical or mental stress or by subtle or covert technique, impair, make captive, or destroy an individuals' freedom of thought and choice. In addition, no individual nor recognized organization my by physical or mental stress or by subtle or covert technique impair, make captive, or destroy an individual's freedom of thought and choice. As members of the JMU community, we have a legal and moral obligation to promote an atmosphere that is free of hazing - the Office of Fraternity & Sorority Life contributes to this directive through a variety of policies, procedures, and programs.

Section 18.2-56 of the Code of Virginia declares hazing illegal, establishes conditions for civil and criminal liability, and outlines the duties of the university when a student has been found guilty of hazing in civil or criminal court. Hazing, under Virginia law, is defined as activities for the initiation or induction into an organization which include calisthenics or other strenuous physical activity; exposure to inclement weather; consumption of food, liquid, beverage, drug or other substance; confinement in any room or compartment; spraying, painting or pelting with any substance; burying in any substance; burning, branding or tattooing or another activity which may result in physical injury or endanger the health or life of the individual being hazed.

Reporting Hazing

The Office of Fraternity & Sorority Life takes all hazing allegations seriously. We will follow-up and investigate hazing allegations to the fullest extent of our capabilities and the law. There are several options to report hazing:

- If you feel that an individual is in immediate danger, please contact the James Madison University Police Department by calling [\(540\) 568-6911](tel:540-568-6911).
- Contact the Office of Fraternity & Sorority Life by calling (540) 568-4195 or submitting an email to fsl@jmu.edu.
- Contact the Office of Student Accountability and Restorative Practices by calling [\(540\) 568-6218](tel:540-568-6218).

[Accountability Policy Hazing](#)

The university prohibits hazing, including any activity or behavior that creates emotional distress, physical discomfort, embarrassment, shame, harassment, malicious amusement, or ridicule in connection with or the purpose of initiation, admission into, or affiliation with or as a condition for continued membership in a club, organization, or association, regardless of whether the student effected participates voluntarily in the relevant activity. Students directing, engaging in, aiding, or participating in, actively or passively, the forcing, compelling, requiring, encouraging, or expecting, whether direct or implied, of individuals to participate in hazing activities shall be considered in violation of this policy.

It is impossible to anticipate every situation that could involve hazing. Behavior listed below does not and cannot encompass every circumstance that can be categorized as hazing, but this policy does in some circumstances prohibit activities beyond those outlined by the State Council on Higher Education in Virginia's model hazing policy. Further, this policy is not intended to prohibit customary athletic events, contests, competitions, or trainings that are sponsored by the University, the organized and supervised practices associated with such events, or activity or conduct that furthers the goals of a legitimate curriculum or program as approved by the University.

Hazing activities shall include, but not be limited to, forcing, compelling, requiring, encouraging, or expecting, whether direct or implied, any individual to participate in any of the following actions or activities: paddling; kidnapping; all forms of physical activity which are used to harass, punish, or harm an individual; excursions or road trips; confinement; spraying, painting, or pelting with any substance; burying in any substance; nudity with the intent to cause embarrassment; servitude; exposure to uncomfortable elements; verbal abuse; wearing, in public, of apparel which is conspicuous and/or indecent; forcing consumption of alcohol or any other substance, legal or illegal; depriving students of sufficient sleep (six consecutive hours per day is normally considered to be a minimum); burning, branding, or tattooing any part of the body; psychological hazing, defined as any act which is likely to: (a) Compromise an individual's dignity; (b) Cause an individual embarrassment or shame; (c) Cause an individual to be the object of malicious amusement or ridicule; or (d) Cause an individual emotional distress; interrogating an individual in an intimidating or threatening manner; misleading prospective members in an effort to convince them that they will not become members unless they complete tasks, follow instructions, or act in a certain way; misleading prospective members into believing that they will be hurt during induction or initiation; carrying any items (shields, paddles, bricks, hammers, etc.) that serve no constructive purpose or that are designed to punish or embarrass the carrier; blindfolding and parading individuals in public areas, blindfolding and transporting in a motor vehicle, or privately conducting blindfolding activities that serve no constructive purpose; binding or restricting an individual in any way that would prohibit them from moving on their own; and requiring or suggesting that an individual obtain or possess items or complete tasks in an unlawful manner (i.e. for a scavenger hunt). Hazing also includes soliciting, directing, aiding, or otherwise participating actively or passively in the above acts.

An individual cannot consent to being hazed*; a victim's voluntary or willful participation in hazing activities will not be considered evidence that a violation of this policy did not occur.

Drug Free Schools and Communities Act

[The Drug-Free Workplace Act of 1988 \(US Code Title 41, Chapter 10, Section 701\)](#), and the [Department of Human Resources Management's Policy 1.05 -Alcohol and Other Drugs](#), requires the university, as an institution of higher education receiving federal funds, must comply with the requirements of federal regulations concerning drug and alcohol abuse prevention. See US Code Title 20, Chapter 28, Subchapter 1, Part B, Section 1011i. The law requires that, as a condition of receiving funds or any other form of financial assistance under any federal program, including participation in any federally funded or guaranteed student loan program, an institution of higher education must certify that it has adopted and has implemented a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees that, at a minimum, includes: The annual communication to each student and employee of:

- Standards of Conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on the institution's property or as part of any of the institution's activities;
- a description of the applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- a description of the health-risks associated with the use of illicit drugs and the abuse of alcohol;
- a description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students; and
- a clear statement that the institution will impose sanctions on students and employees (consistent with local, state, and federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct; and

A biennial review by the institution of the institution's program to:

- determine the program's effectiveness and implement changes to the program if the changes are needed; and ensure that the required sanctions mentioned above are consistently enforced.

This Information in full can be found at <https://www.jmu.edu/osarp/handbook/OSARP/alcoholanddruginfo.shtml> on the [The Drug-Free Workplace Act of 1988 \(US Code Title 41, Chapter 10, Section 701\)](#), and the [Department of Human Resources Management's Policy 1.05 -Alcohol and Other Drugs](#).

Alcohol and Drugs

The impact of alcohol and other drugs is a concern that JMU recognizes affects the health and safety of all members of the campus community. Alcohol, if misused, can endanger your well-being, and have serious legal, health, and academic consequences. The abuse of alcohol can increase the risk of accidents due to impaired judgment and coordination, can damage the brain, liver and heart, create physical and psychological dependence, and lead to unwanted sexual activity. It can also cause social relations to quickly deteriorate, or exacerbate or induce psychological and behavioral problems.

JMU hopes all community members stay safe and act responsibly if they choose to drink. Remember, the legal drinking age is 21. Underage drinking puts you at risk for both criminal and accountability sanctions. Set your own alcohol limit and stick to it. You should pace your consumption of alcoholic beverages. Designate a nondrinker in your group to watch out for potential problems. Don't leave your group of friends and don't put yourself at risk by leaving with a new acquaintance. Monitor your drink at all times.

Alcohol Policies

JMU is committed to working against the illicit use of drugs and alcohol among students and employees. All members of the JMU community are expected to know and follow state and federal laws regarding alcohol and drugs. Community members who violate local, state or federal law concerning substance abuse/university standards of conduct will be subject to the imposition of university sanctions and referral for prosecution under the statutes of the Commonwealth of Virginia. JMU police officers enforce Federal, Virginia State laws, Harrisonburg city ordinances, and university policies concerning the purchase, possession, consumption, use, sale and storage of alcoholic beverages and drugs, including the following:

Alcohol Policies – Office of Accountability and Restorative Practices

Individuals must be 21 years of age to buy, possess or consume alcoholic beverages. Examples of possession and consumption include, but are not limited to, holding, drinking a beverage containing alcohol or having alcohol in an area under the responsibility of the student. Areas of responsibility for a student may include, but not be limited to backpacks, refrigerators, residence hall rooms, personal belongings, private rooms, common spaces, and/or vehicles.

Alcoholic beverages may not be sold or furnished to any person who at the time of sale or exchange is underage or visibly under the influence of alcohol.

Falsely representing one's age for the purpose of purchasing, possessing, or consuming alcohol is against university Standards of Conduct.

Drunkenness and/or possession of open containers of alcohol are prohibited in public areas as defined by state and local laws/ordinances or university policy.

Alcoholic beverages may not be possessed, distributed or consumed at events open to the general university community and held on university property except when specific written approval has been obtained for the event in advance. Sponsors are responsible for assuring that all persons in attendance at an event comply with state alcohol law and university alcohol policy.

Kegs or other large containers with alcohol are prohibited on campus unless previously approved by JMU Special Events and Catering Services. All kegs, events, possession, and service of alcohol on or off campus must comply with Virginia's Department of Alcoholic Beverage Control rules and regulations.

Students shall not misuse or abuse alcohol regardless of their age. This includes but is not limited to; driving under the influence, providing alcohol to those underage, or consuming alcohol to the point of hospitalization.

Criminal Sanctions – Alcohol

Virginia's Alcohol Beverage Control Act contains a variety of laws governing the possession, use and consumption of alcoholic beverages. The Act applies to the students and employees of this institution. As required by the Federal Drug-Free Schools and Communities Act of 1989, the pertinent laws, including sanctions for their violation, are summarized below:

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- It is unlawful for any person under age 21 to purchase or possess any alcoholic beverage. Violation of the law expose the violator to a misdemeanor conviction for which the punishment is either confinement in jail for up to 12 months, a fine up to \$2500 or both. Additionally such person's Virginia driver's license may be suspended for a period of not more than one year.
- It is unlawful for any person to sell alcoholic beverages to persons under the age of 21. Violation of the law exposes the violator to a misdemeanor conviction for which the punishment is either confinement in jail for up to 12 months, a fine up to \$2,500 or both.
- It is unlawful for any person to purchase alcoholic beverages for another when, at the time of the purchase, they know or has reason to know that the person for whom the alcohol is being purchased is under the legal drinking age. Violation of the law exposes the violator to a misdemeanor conviction for which the punishment is either confinement in jail for up to 12 months, a fine up to \$2,500 or both.
- It is unlawful for any person, regardless of age, to consume alcoholic beverages in unlicensed public places. Violation of the law, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is a fine up to \$250.
- It is unlawful for any person under the age of 21 to use or to attempt to use an altered or fictitious I.D. to purchase alcoholic beverages. Punishment is confinement in jail for up to 12 months and a fine of \$2500, either or both. Driving privileges shall also be revoked for at least 6 months or up to 1 year.**
- It is illegal to drive while under the influence of alcohol. Individuals are considered impaired if their blood alcohol content (BAC) exceeds .08. Person's under the age of 21 who drive with a BAC of at least .02 but less than .08 may be fined up to \$500 and have their driver's license suspended for up to six months. Persons with a BAC of .08 or higher or persons refusing a breath test will have their driver's license automatically revoked.
- It is unlawful for any person under 21 to operate any motor vehicle after illegally consuming alcohol. Violation of the law is a misdemeanor for which the punishment is loss of driver's license for 6 months and up to \$500 fine.
- See also Code of Virginia 18.2-251; First Offender Status for Substance Charges which can be found at <https://law.lis.virginia.gov/vacode/title18.2/chapter7/section18.2-251/>

Convictions for violations of these laws could result in fines, loss of driver's license and imprisonment. University sanctions could include penalties ranging from completion of sanctions required by the courts, restorative practices, disciplinary probation, educational programs, substance education programs, restorative practices, restitution, removal from university housing, special assignments/restrictions, suspension, expulsion and fines.

Further information concerning sanctions for students found responsible for violating university policy can be found at

<https://www.jmu.edu/osarp/handbook/OSARP/sanctions.shtml>

Drug Policies

JMU is committed to working against the illicit use of drugs and alcohol among students and employees. All members of the JMU community are expected to know and follow state and federal laws regarding alcohol and drugs. Community members who violate local, state or federal law concerning substance abuse/university standards of conduct will be subject to the imposition of university sanctions and referral for prosecution under the statutes of the Commonwealth of Virginia. University police officers enforce all federal, Virginia State laws, Harrisonburg city ordinances, and university policies concerning the purchase, possession, use, consumption, sale and storage of alcoholic beverages and drugs including the following:

Drug Policies – Office of Student Accountability and Restorative Practices

No student shall use or ingest, possess, sell, distribute, or provide to another a drug. Drugs include both illegal drugs as defined by the Drug Control Act of the Commonwealth of Virginia, prescription medications used by an individual other than the person for whom the drugs are prescribed, legal drugs used outside of their recommended directions, and/or other substances used as drugs. Examples of possession and use includes, but are not limited to, ingesting a drug, or having a drug in an area under the responsibility of the student. Areas of responsibility for a student may include, but not be limited to backpacks, refrigerators, residence hall rooms, personal belongings, private rooms, common spaces, and/or vehicles.

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No student shall use, possess, sell, or distribute drug paraphernalia. Examples include but are not limited to equipment, products, and materials which are designed for or used to manufacture or consume marijuana, controlled substances, or other drugs. An example of possession includes, but is not limited to, having paraphernalia in an area under the responsibility of the student. Areas of responsibility for a student may include, but not be limited to backpacks, refrigerators, residence hall rooms, personal belongings, private rooms, common spaces, and/or vehicles.

Students shall not misuse or abuse illicit drugs. This includes but is not limited to driving under the influence, public intoxication, or consuming drugs to the point of hospitalization.

Note: The Drug Free Schools and Communities Act prohibits the possession and/or use of marijuana on college campuses which receive federal funding, such as JMU. Therefore, JMU will continue to address unlawful possession, use, or distribution of marijuana on its property or as part of any of its activities, in accordance with this Act, regardless of changing state or local laws. . As such, OSARP will continue to address all types of illegal marijuana possession within its jurisdiction, as described in the Student Handbook.

Criminal Sanctions – Drugs

The unlawful possession, distribution and use of controlled substances and illicit drugs, as defined by the Virginia Drug Control Act, are prohibited in Virginia. Controlled substances are classified under the act into schedules ranging from Schedule I - Schedule VI, as defined in sections 54.1-3446 through 54.1-3456 of the Code of Virginia (1950), as amended. As required by the Federal Drug-Free Schools and Communities Act of 1989, the pertinent laws, including sanctions for their violation, are summarized below:

- Possession of a controlled substance classified in Schedules I or II of the Drug Control Act, upon conviction, exposes the violator to a felony conviction for which the punishment is a term of imprisonment ranging from one to ten years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for up to twelve months and a fine up to \$2500 either or both.
[\(Link to Code of Virginia - Schedule I substances\)](#)
[\(Link to Code of Virginia - Schedule II substances\)](#)
- Possession of a controlled substance classified in Schedule III of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to twelve months and a fine up to \$ 2500, either or both.
[\(Link to Code of Virginia - Schedule III substances\)](#)
- Possession of a controlled substance classified in Schedule IV of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to six months and a fine up to \$1000, either or both.
[\(Link to Code of Virginia - Schedule IV substances\)](#)
- Possession of a controlled substance classified in Schedule V of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is a fine up to \$500.
[\(Link to Code of Virginia - Schedule V substances\)](#)
- Possession of a controlled substance classified in Schedule VI of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is a fine up to \$250.
[\(Link to Code of Virginia - Schedule VI substances\)](#)
- Possession of a controlled substance classified in Schedule III, IV, or V of the Drug Control Act with the intent to sell or otherwise distribute, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is either confinement in jail for up to one year, a fine up to \$2500, or both.

- Possession of a controlled substance classified in Schedules I or II of the Drug Control Act with the intent to sell or otherwise distribute, upon conviction, exposes the violator to a felony conviction for which the punishment is a term of imprisonment from five to forty years and fine up to **\$500,000**. Upon a second conviction, the violator must be imprisoned for not less than five years but may suffer life imprisonment, and fined up to **\$500,000**. For a third or subsequent offense, a mandatory five-year prison sentence is imposed.

See also Code of Virginia 18.2-251; First Offender Status for Substance Charges which can be found at <https://law.lis.virginia.gov/vacode/title18.2/chapter7/section18.2-251/>

Convictions for violations of these laws could result in fines, loss of driver's license and imprisonment. University sanctions could include penalties ranging from completion of sanctions required by the courts, restorative practices, disciplinary probation, educational programs, substance education programs, restorative practices, restitution, removal from university housing, special assignments/restrictions, suspension, expulsion and fines. Further information concerning sanctions for students found responsible for violating university policy can be found at <https://www.jmu.edu/osarp/handbook/OSARP/sanctions.shtml>

Health Risks

Substance	Risk of Dependency?	Possible Effects	When Used in Combination with Alcohol	Withdrawal Symptoms
Alcohol	Yes	euphoria; drowsiness; respiratory depression; constricted pupils; nausea	Symptoms of an Alcohol Overdose: Breathing is slow, shallow or has stopped; skin is cold, clammy, or blue; vomiting while passed out; loss of consciousness/unresponsive	irritability; sweating; tremors; nausea; anxiety; difficulty sleeping; in severe circumstances: seizures and/or hallucinations
Cannabis (marijuana)	Yes	enhanced sensory perception and euphoria followed by drowsiness/relaxation; slowed reaction time; problems with balance and coordination; increased heart rate and appetite; problems with learning and memory; anxiety	Increased heart rate; blood pressure; further slowing of mental processing and reaction time	Irritability; trouble sleeping decreased appetite; anxiety
Cocaine	Yes	euphoria; increased energy and alertness; anxiety; restlessness; erratic behavior; heart rhythm problems; seizure; increased body temperature, heart rate and blood pressure; headache; abdominal pain and nausea; panic attacks; stroke coma	increased risk of cardiac toxicity (damage to the heart by harmful chemicals) than from use of cocaine or alcohol on its own	severe cravings; depression; tiredness; increased appetite; insomnia; vivid unpleasant dreams; slowed thinking and movement; restlessness
DXM (dextromethorphan) - (Robitussin®, NyQuil®)	Yes	cough relief; euphoria; slurred speech; increased heart rate and blood pressure; dizziness; nausea; vomiting	nausea; problems with breathing, greatly increased depressant effects	insomnia; anxiety; tremors; sweating; increased heart rate and blood pressure; psychotic thoughts
Gammahydroxybutyrate (GHB)	Yes	euphoria; drowsiness; nausea; vomiting; confusion; memory loss; loss of consciousness; slowed heart rate and breathing; lower body temperature; seizures; coma; death	nausea; problems with breathing, greatly increased depressant effects	insomnia; anxiety; tremors; sweating; increased heart rate and blood pressure; psychotic thoughts
Hallucinogens:				

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Ayahuasca, DMT, Khat, Salvia	Unknown	numbness; disorientation and confusion; dizziness, nausea, and vomiting; changes in sensory perception; hallucinations; feelings of detachment from self and environment; increase in blood pressure, heart rate, respiration, and body temperature	Unknown	Unknown
Ketamine	Yes		increased risk of adverse effects	Unknown
LSD, Mescaline (Peyote), Phencyclidine (PCP)	No		Unknown	Unknown
Heroin	Yes	euphoria; dry mouth; itching; nausea; vomiting; inability to feel pain (analgesia); slowed breathing and heart rate	Dangerous slowing of heart rate and breathing; coma; death	severe cravings; restlessness; muscle and bone pain; insomnia; diarrhea; vomiting; cold flashes with goose bumps
Inhalants	Yes	confusion; nausea; slurred speech; lack of coordination; euphoria; dizziness; drowsiness; disinhibition; lightheadedness; hallucinations; headaches; sudden sniffing death due to heart failure; death from asphyxiation or suffocation; brain damage from lack of oxygen	Unknown	nausea; tremors; irritability; problems sleeping; mood changes
Kratom	Yes	nausea; dizziness; itching; sweating; dry mouth; constipation; increased urination; loss of appetite; hallucinations with long term high dose usage	Unknown	muscle aches; insomnia; irritability; hostility; aggression; emotional changes; runny nose; jerky movements
MDMA (Ecstasy/Molly)	Unknown	lowered inhibition; enhanced sensory perception; increased heart rate and blood pressure; muscle tension; nausea; faintness; chills or sweating; sharp rise in body temperature could lead to kidney failure or death	MDMA decreases some of alcohol's effects; alcohol can increase plasma concentrations of MDMA, which may increase the risk for neurotoxic effects (damage to the brain and nervous system)	fatigue; loss of appetite; depression; trouble concentrating
Methamphetamine	Yes	increased wakefulness and physical activity; decreased appetite; increased breathing, heart rate, blood pressure, and temperature; irregular heartbeat; insomnia; confusion; anxiety; erratic behavior; hallucinations	Masks the depressant effect of alcohol, increasing the risk of alcohol overdose; may increase blood pressure	depression; anxiety; tiredness
Prescription Central Nervous System Depressants:				
Barbiturates: Pentobarbital (Nembutal®), Phenobarbital	Yes	drowsiness; slurred speech; poor concentration; confusion; dizziness; problems with movement and memory;	Further slows heart rate and breathing, which can lead to death	seizures; shakiness; anxiety; agitation; insomnia; overactive reflexes; increased heart rate, blood pressure, and temperature with sweating; hallucinations; severe cravings

Benzodiazepines: Xanax®, Librium®, Valium	Yes	lowered blood pressure; slowed breathing		
Sleep Medications: Lunesta®, Sonata®, Ambien	Yes			
Prescription Opioids: codeine, fentanyl, Vicodin® (hydrocodone), Dilaudid®, Demerol®, methadone, morphine, OxyContin® and Percocet® (Oxycodone), Opana®	Yes	pain relief; drowsiness; nausea; constipation; euphoria; slowed breathing; death	dangerous slowing of heart rate and breathing, leading to coma or death	restlessness; muscle and bone pain; insomnia; diarrhea; vomiting; cold flashes with goosebumps; leg movements
Prescription Stimulants:				
Adderall® (Amphetamine)	Yes	Increased alertness, attention, energy; increased blood pressure and heart rate; narrowed blood vessels; increased blood sugar; opened-up breathing passages.	masks the depressant effect of alcohol, increasing the risk of alcohol overdose; may increase blood pressure	depression; tiredness; sleep problems
Ritalin®, Concerta® (Methylphenidate)	Yes			
Psilocybin (Magic mushrooms)	Unknown	hallucinations; altered perception of time; inability to distinguish fantasy from reality; panic; muscle relaxation or weakness; problems with movement; enlarged pupils; nausea; vomiting; drowsiness	may decrease the perceived effects of alcohol	Unknown
Rohypnol® (Flunitrazepam)	Yes	Drowsiness, sedation, sleep; amnesia, blackout; decreased anxiety; muscle relaxation, impaired reaction time and motor coordination; impaired mental functioning and judgment; confusion; aggression; excitability; slurred speech; headache; slowed breathing and heart rate.	severe sedation, unconsciousness, slowed heart rate and breathing, which can lead to death	Headache; muscle pain; extreme anxiety, tension, restlessness, confusion, irritability; numbness and tingling of hands or feet; hallucinations, delirium, convulsions, seizures, or shock.
Steroids (Anabolic)	Yes	improved athletic performance; acne; fluid retention; oily skin; kidney and liver damage; high blood pressure; increased risk of stroke or heart attack; increased aggression and extreme mood swings	increased risk of violent behavior	Mood swings; tiredness; restlessness; loss of appetite; insomnia; lowered sex drive; depression, sometimes leading to suicide attempts.
Synthetic Cannabinoids (ex. K2, Spice)	Yes	Mood swings; tiredness; restlessness; loss of appetite; insomnia; lowered sex drive; depression, sometimes leading to suicide attempts.	Unknown	Headaches, anxiety, depression, irritability.

Synthetic Cathinones (bath salts)	Yes	Increased heart rate and blood pressure; euphoria; increased sociability and sex drive; paranoia, agitation, and hallucinations; violent behavior; sweating; nausea, vomiting; insomnia; irritability; dizziness; depression; panic attacks; reduced motor control; cloudy thinking.	Unknown	Depression; anxiety; tremors; problems sleeping; paranoia
Tobacco and Nicotine (cigarettes, eCigarettes/Juul, chewing tobacco)	Yes	increased blood pressure, breathing, and heart rate; increased risk of cancer and heart disease; emphysema (Whether use of eCigarettes/Juuls leads to an increased risk of cancer is currently unknown.) irritability; attention and sleep problems; depression; increased appetite	Unknown	irritability; attention and sleep problems; depression; increased appetite

[1] National Institute on Drug Abuse, "Commonly Abused Drugs Charts," National Institutes of Health, last modified July 2, 2018, <https://www.drugabuse.gov/drugs-abuse/commonly-abuseddrugs-charts>.

Resources and Treatment

JMU offers the following resources for students:

- Substance Misuse Coaching Substance Misuse Coaching is a unique conversation. It is an opportunity for students to explore their expectations around alcohol, cannabis, nicotine or other drugs, as well as the potential risks. Coaching sessions are confidential and available to all JMU students. Our team of facilitators believe your opinions and experiences are important and valuable. We believe that you are the expert on you. Together we can discuss if and how alcohol, cannabis or other drugs may fit into your life moving forward.
- Mentor Experience This program is used for students who have violated university policy and lack a personal understanding of their mission, values, and goals. Through participation in one-on-one meetings with a faculty, staff, or graduate student mentor, students develop a relationship of mutual respect and trust. The Mentor Experience includes attendance at 8, 10, 12, or 15 hour mentor meetings and submission of a final reflection paper.
- By the Numbers This two-hour program examines the reason for the establishment of community standards. An overview of VA laws and university policies is given. Students discuss personal values, community resources, and risk-reduction strategies for avoiding negative consequences of alcohol use. This short course was designed for minor alcohol violations.
- Calling the Shots This three-week, 6 hour, program guides students towards making future decisions more consistent with their values and in compliance with the law. Harrisonburg and/or JMU police participate in this program to answer students' questions and address risk-reduction strategies. This program was designed for students who violated alcohol policy.

The resources that Harrisonburg offers for employees/students include but are not limited to:

- RMH Life Recovery Program: The LIFE Recovery Program at Sentara RMH Behavioral Health is a comprehensive treatment program focusing on freedom from chemicals for those suffering with alcohol or drug problems. Services offered range from individual therapy to group therapy to intensive group therapy, and even aftercare services. Visit: <http://www.rmhonline.com/Main/AddictionServices.aspx>

- [Al-Anon Virginia](https://www.vaanon.org/districts/district-6%2%A0%2%A0central-valley) A support group, Al-Anon defines itself as an independent fellowship with the stated purpose of helping relatives and friends of alcoholics. Al-Anon, as a program, recognizes that the friends and families of alcoholics are often traumatized themselves, and in need of emotional support and understanding. Visit: <https://www.vaanon.org/districts/district-6%2%A0%2%A0central-valley>
- [Alcoholics Anonymous in Harrisonburg](http://alcoholicsanonymous.com/aa-meetings/virginia/harrisonburg/) An internationally recognized program, AA states that its primary purpose is "to stay sober and help other alcoholics achieve sobriety". Visit: <http://alcoholicsanonymous.com/aa-meetings/virginia/harrisonburg/>
- **Narcotics Anonymous (NA):** This organization describes itself as a "nonprofit fellowship or society of men and women for whom drugs had become a major problem. NA uses a traditional 12-step model that has been expanded and developed for people with varied substance abuse issues [Shenandoah Valley Area Narcotics Anonymous](http://www.shevana.org/) Visit: <http://www.shevana.org/>

Sanctions: Types of Sanctions

Any student found responsible for violating any of the regulations or policies of JMU may be subject to one or more of the following sanctions.

Completion of Sanctions required by the Courts

A sanction indicating that the Office of Student Accountability and Restorative Practices expects that the student meet or complete any and all requirements assigned as the result of decisions made in the criminal or civil court process. Failure to meet any such requirements may be grounds for additional policy violations in the Office of Student Accountability and Restorative Practices.

Disciplinary Probation

The university reserves the right to impose a more severe sanction if the student is found responsible for violating an additional university policy while on disciplinary probation.

Educational Programs

Education provided by OSARP on a specific topic relevant to the student and/or case. Educational programs may include, but are not limited to:

Mentor Experience

This program is used for students who have violated university policy and lack a personal understanding of their mission, values, and goals. Through participation in one-on-one meetings with a faculty, staff, or graduate student mentor, students develop a relationship of mutual respect and trust. The Mentor Experience includes attendance at 8, 10, 12, or 15 weekly mentor meetings and submission of a final reflection paper

Values in Action

This 3 hour program encourages participants to explore their personal values, act with integrity, and practice ethical decision-making. In addition, students are challenged to set personal goals for increased positive community engagement. This program was designed for students whose actions in a particular incident may not have been in line with their personal values or the values of the institution. A \$50 fee will be due upon completion of the program and receipt of invoice.

Substance Education

By the Numbers

This two-hour program examines the reason for the establishment of community standards. An overview of VA laws and university policies is given. Students discuss personal values, community resources, and risk-reduction strategies for avoiding negative consequences of alcohol use. This short course was designed for minor alcohol violations. A \$50 fee will be due upon completion of the program and receipt of invoice.

Calling the Shots

This three-week, 6 hour program guides students towards making future decisions more consistent with their values and in compliance with the law. Harrisonburg and/or JMU police participate in this program to answer students' questions and address risk-reduction strategies. This program was designed for students who violated alcohol policy. A \$50 fee will be due upon completion of the program and receipt of invoice.

Wellness Coaching – Substance Abuse

University Recreation “UREC” coordinates Wellness Coaching with a focus on substance misuse. This program is designed to help students explore their expectations around alcohol, cannabis and/or other substances as well as the potential risks. Wellness Coaching with a focus on substance misuse is comprised of up to two 50-minute sessions with a specialized program facilitator. During these sessions, students may take a self-evaluation that provides the comprehensive feedback and an opportunity to discuss and process. Wellness Coaching is an empathic, confidential, and non-judgmental service open to all JMU students. Wellness Coaching with a focus on substance misuse is not an addiction treatment program. Referral to appropriate community resources is available.

Conversations about Conflict

A one session, 2-hour program. It is meant for students to reflect on how they deal with conflict in their relationships with friends, roommates, family members, professors, university staff, strangers, and even themselves. Through this one-on-one workshop, students will be given the opportunity to assess their own conflict style, discuss how their community is impacted by conflict, and develop skills for future engagement in conflict. Upon completion of the workshop, students submit a reflection paper.

Restorative Circle

OSARP may sanction directly to a Restorative Circle that is focused on a specific topic for students who have been found responsible for similar types of policy violations (e.g. DUI circle). This specific Restorative Circle involves all parties coming together to share their perspective and learn more about harms created, effects of harms, and ways to repair the harms on the specified topic. Participants assigned to participate in a circle should plan to be there for about 2 hours and will participate with 4 or more other individuals. Additionally, an intake appointment prior to the circle process is a requirement for a restorative circle. In a circle process, participants are encouraged to be open and honest about their perspectives about the conflict, how they have been harmed, how they think others might have been harmed, and to come up with their own solutions on how to fix the harm created. These solutions may result in a written formal agreement which the Responding Party agrees to complete as a result of the Restorative Circle sanction. Often, support persons and community members can also be present to provide their input as well.

Restorative Intake and Outcomes

When a situation creates harms experienced by others and there is a need for the Responding Party to repair the harms created by their conduct, they may be required to complete an intake meeting with staff members in OSARP. This intake meeting will explore the means by which the harms will be addressed based on the needs of the community and the harmed party, as well as the willingness of the harmed party to participate. The Responding Party will be expected to follow through on any outcomes stemming from the intake with the staff member including, but not limited to a facilitated dialogue, restorative conference, or a restorative circle. If the situation is not appropriate for a face-to-face process, OSARP staff may facilitate an alternative approach such as an apology letter or reflection paper.

Restitution

Required reimbursement by the student to the university to cover the cost of damage or loss of property. The Office of Student Accountability and Restorative Practices may recommend restitution to members of the university community or other appropriate parties.

Fines

Fines shall be no less than \$25 and no greater than \$100 (depending on the severity of the infraction.) All payments are to be made to the University Business Office upon receipt of invoice.

Removal from University Housing

The student loses the privilege of living in or visiting anyone in university housing for a specified length of time or permanently. If the student is not permanently removed from university housing, the student may reapply for university housing provided there is space available. If the student enters a residence hall during their suspension, they will be subject to arrest for trespassing and additional alleged policy violations in the Office of Student Accountability and Restorative Practices.

Removal from University Housing

The student is permanently separated from the university. A student who is expelled may never attend classes, enter or live in residence halls, or enter property owned or leased by James Madison University, or be employed to work on campus without permission from Director of OSARP or designee. If a student withdraws from JMU prior to the conclusion of the Accountability Process but after a Case Administrator or University Case Administrator has informed the student of their decision to expel the

student, the terms of the expulsion remain in place and the student may not attend classes, enter or live in residence halls, or enter property owned or leased by James Madison University without permission from Director of Office of Student Accountability and Restorative Practices or designee. If the student does come to the campus, they will be subject to arrest for trespassing.

For any student who receives an immediate suspension or expulsion, regardless of academic year, the immediate suspension or expulsion will be deemed effective for the most recent semester the student attended, which may mean a loss of academic credits for that semester. Further, after a final decision in the case has been rendered, the effective date of an immediate expulsion will be the date of the initial Case Review. The campus ban associated with a decision of immediate expulsion does not go into effect until the decision in the case is final, unless the Responding Party is under an Interim Suspension Status or Sexual Misconduct Interim Suspension Status that provides for this ban until the final decision in the case.

Conditional Sanctions

Conditional sanctions are statements provided by OSARP to students about what may or what will occur if they are found responsible for a particular policy violation(s) in the future. For example, a student who has already received two strikes for minor violations may have a conditional sanction provided by OSARP that states the following: "Outcomes may include suspension or expulsion from JMU if you are found responsible, in a future case, for another violation of the Alcohol or Drug policy."

Special Assignments/Restrictions

In certain cases, special assignments or restrictions may be imposed as a sanction. These may include, but are not limited to:

Removal or restriction of a student's parking privileges.

Removal or restriction of a student's privilege of attending athletic events.

Removal or restriction of a student's ability to use specific campus facilities or other student privileges.

Removal or restriction of eligibility for extracurricular activities

Requiring a student to have no direct or indirect contact with the reporting party of the violation(s), a responding party is found responsible for , including but not limited to verbal or nonverbal contact in person, through electronic means, or through a third party. Failure to comply or noncompliance with this restriction can result in additional violations and immediate suspension.

No trespassing on the JMU Campus for a defined period of time. Failure to comply or noncompliance with this restriction can result in additional violations and criminal trespassing charges

Suspension

The student is dismissed from JMU for a specified length of time, after which they are allowed to return to the university. During their suspension, a suspended student may not attend classes, enter or live in residence halls, or enter property owned or leased by James Madison University without permission from Director of OSARP or designee. If a student withdraws from JMU prior to the conclusion of the Accountability Process but after a Case Administrator or University Case Administrator has informed the student of their decision to suspend the student, the terms of the suspension remain in place and the student may not attend classes, enter or live in residence halls, or enter property owned or leased by James Madison University without permission from Director of OSARP or designee. If the student does come to the campus during their suspension, they will be subject to arrest for trespassing and additional alleged policy violation(s) in OSARP. Suspended students may not serve as volunteers for or be employed by JMU, may not function as a member of, leader of, or volunteer for a Club or Organization recognized by JMU, nor attend sponsored events of a Club or Organization recognized by JMU while suspended, even if the involvement occurs off campus. If a student is suspended due to violation(s) of [Physical Force or Attempted Physical Force](#) or [Sexual Misconduct](#), or Title IX Sexual Harassment the Reporting Party in the case will be informed when the Responding Party re-enrolls at JMU if the Reporting Party is enrolled at that time.

For any student who receives an immediate suspension or expulsion, regardless of academic year, the immediate suspension or expulsion will be deemed effective for the most recent semester the student attended, which may mean a loss of academic credits for that semester. Further, after a final decision in the case has been rendered, the effective date of an immediate suspension will be the date of the initial Case Review. The campus ban associated with a decision of immediate suspension does not go into effect until the decision in the case is final, unless the Responding Party is under an Interim Suspension Status or Sexual Misconduct Interim Suspension Status that provides for this ban until the final decision in the case.

Students seeking to return to JMU following a suspension must submit Undergraduate re-entry forms to the Office of the Registrar. The deadlines for submission of these forms are typically several months before the start of the semester in which the student is planning to return. For information relevant to re-entry, suspended students are encouraged to refer to the Academic Student Services website at jmu.edu/acstudserv/reentry.shtml.

Expulsion

The student is permanently separated from the university. A student who is expelled may never attend classes, enter or live in residence halls, or enter property owned or leased by James Madison University, or be employed to work on campus without permission from Director of OSARP or designee. If a student withdraws from JMU prior to the conclusion of the Accountability Process but after a Case Administrator or University Case Administrator has informed the student of their decision to expel the student, the terms of the expulsion remain in place and the student may not attend classes, enter or live in residence halls, or enter property owned or leased by James Madison University without permission from Director of OSARP or designee. If the student does come to the campus, they will be subject to arrest for trespassing.

For any student who receives an immediate suspension or expulsion, regardless of academic year, the immediate suspension or expulsion will be deemed effective for the most recent semester the student attended, which may mean a loss of academic credits for that semester. Further, after a final decision in the case has been rendered, the effective date of an immediate expulsion will be the date of the initial Case Review. The campus ban associated with a decision of immediate expulsion does not go into effect until the decision in the case is final, unless the Responding Party is under an Interim Suspension Status or Sexual Misconduct Interim Suspension Status that provides for this ban until the final decision in the case.

NOTE: University departments may also consider a student's case history in OSARP, if they receive permission for access from the student, for the purpose of university employment or for admission into experiences including but not limited to certain academic programs, supplemental learning opportunities, or studies abroad.

Sanctions: Range and Guidelines

Taking into consideration the totality of the circumstances surrounding the case and all evidence provided at the time of the Case Review or Appeal Review, OSARP, the Accountability Board, Sexual Misconduct Board, Appeal Board, or the University Case Administrator may assign any sanction listed in the Types of Sanctions section of the JMU Student Handbook. Suspension or expulsion from the university may only be assigned if the case was deemed eligible for that potential outcome when the Responding Party received the email notification of the alleged violation(s).

Guidelines for Assigning Sanctions

To maintain fairness and consistency in the assignment of sanctions for policy violation(s), policy violation(s) have been classified as either major, minor, or flexible. Depending on the severity of the incident, a flexible violation can be classified as major or minor. Typically, major violations will carry more severe sanctions than solely a minor violation. A student's violation(s) will be classified as either major, flexible, or minor by OSARP.

To balance consistency and fairness in sanctioning, guidelines have been developed as a starting point for Case Administrators, Board Members, and University Case Administrators to consider when determining sanctioning for a student found responsible for a first time violation. However, the totality of the evidence, the severity of the incident, previous case history, and the perspectives of the students involved may result in the severity of the sanction being higher or lower than the guidelines listed below. Case Administrators, Board Members, or University Case Administrators have the ability to increase or decrease the severity of the sanction when making a decision in a case; however, suspension or expulsion from the university may only be assigned if the case was deemed eligible for that potential outcome when the email notification of alleged policy violation(s) was sent to the Responding Party/Respondent.

- Sanctions resulting from first time minor policy violations typically include disciplinary probation and educational programs
- Sanctions resulting from first time major policy violations can include probation, educational programs, fines, special assignments, special restrictions, and removal from housing. Suspension or expulsion from the university may be an outcome of first-time major policy violations if the case was deemed eligible for that potential outcome when the email notification of alleged policy violation(s) was sent to the Responding Party.
- Sanctions resulting from first time flexible policy violations when classified as minor typically include disciplinary probation and educational programs.
- Sanctions resulting from first time flexible policy violations when classified as major can include probation, educational programs, fines, special assignments, special restrictions, and removal from housing. Suspension or expulsion from the university may be an outcome of first-time flexible policy violations when classified as major if the case was deemed eligible for that potential outcome when the notification of alleged policy violation(s) was sent to the Responding Party.
- Sanctions resulting from cases not representing a first-time minor, major, or flexible policy violation(s) can include probation, educational programs, fines, special assignments, special restrictions, and removal from housing. Suspension or expulsion from the university may be an outcome of cases not representing a first-time minor, major, or flexible policy violation(s) if

the case was deemed eligible for that potential outcome when the email notification of alleged policy violation(s) was sent to the Responding Party.

- When applicable, disciplinary decisions made by the University Honor Council , University Policy 1324 process and a Case Administrator, Board Members, or University Case Administrators will occur concurrently.

The Big Four Alcohol/Drug Strategies

In 1997, five college students died from alcohol or alcohol related injuries on five separate Virginia college campuses. In 1998 the Virginia Attorney General passed an extensive list of recommendations to fight binge drinking on Virginia's college and university campuses. In response, JMU put together a task force made up of students, faculty, and staff to implement strategies in line with the Attorney General's recommendations. The JMU task force came up with three initial strategies to comply with the recommendations in 1998, the fourth being added in 2012 as a result of efforts by the Student Government Association.

Three Strikes

Students will receive a strike if found responsible for an incident involving alcohol and/or drugs. Students may be suspended for a minimum of one semester upon their receipt of a third strike; strikes are cumulative over a student's career at JMU. However, students may be suspended prior to a third strike for violations which pose health or safety concerns to the student or the community. Examples of health and safety concerns include, but are not limited to distribution of drugs, supplying alcohol to those who are underage, hospitalizations due to alcohol or drug use, DUIs, and keg registration violations.

Philosophy:

JMU feels that learning can occur after an initial alcohol or drug incident, but takes the matter seriously.

Parental/Guardian Notification

If a student is under the age of 21 at the conclusion of the Accountability Process and is found responsible for an alcohol or drug violation(s), parents/guardians will be notified.

Philosophy:

JMU is seeking to partner with parents/guardians in helping students be successful at the university.

OFF-CAMPUS ADJUDICATION

Alcohol, drug, or felony violations, violations of state or federal law, and other student behavior that occurs off-campus within the City of Harrisonburg or Rockingham County may be addressed by the Office of Student Accountability and Restorative Practices in accordance with university policies and procedures. Student behavior that is against the mission of the institution, may be addressed by the Office of Student Accountability and Restorative Practices regardless of the location in which it occurred.

Enlightened Citizen Amnesty Process (ECAP)

James Madison University is committed to preparing students to be enlightened citizens. Among the characteristics of an enlightened citizen are the ability to make responsible decisions about one's personal welfare and the ability to make ethical decisions in regard to the welfare of others. The Enlightened Citizen Amnesty Process (ECAP) is created to encourage students to make responsible and ethical decisions for themselves and others.

The ECAP shall grant amnesty from strikes for students affected by medical emergencies as a result of alcohol or other drugs, on or off campus, when help is voluntarily sought by the Affected Party or a bystander. ECAP does not mean that the student will be found not responsible; it only means that the student will not receive a strike if they are found responsible for violating alcohol or drug policy. Additionally, amnesty will not be granted to the Affected Party in circumstances where responding medical personnel deem transportation to the hospital is necessary and transport is refused by the Affected Party.

For Affected Parties that qualify for ECAP, the strike will not be assigned but educational sanctions may still be required. All cases will be examined for amnesty eligibility on a case-by-case basis. Further, if an Affected Party receives amnesty and is found responsible for additional alcohol or drug violations at a later point in their career at JMU, the strike from their initially granted amnesty may be re-assigned.

The ECAP shall grant amnesty from a finding of responsibility for alleged alcohol or drug policy violations in the case of student bystanders who voluntarily seek out medical attention for another person, stay with the affected party, if safe to do so, until appropriate medical personnel arrive, and cooperate with the responding authorities. Bystanders will still receive notification of an alleged policy violation and a request to schedule an Administrative Case Review. If the Case Administrator determines that the student meets the criteria of the ECAP, the bystander will receive a finding of "Dropped – Amnesty". A student with this finding will not be considered to have a university disciplinary record. A finding of "Dropped – Amnesty" will be accompanied by an instruction from the Case Administrator for the bystander to complete an educational program. The appropriate educational program for the bystander will be determined by the Case Administrator on a case-by-case basis and there will be no fee charged for the program. If the bystander does not complete the assigned educational program, they may receive an alleged policy violation of the J21-100 Noncompliance policy. A student may appeal a Case Administrator's decision not to grant amnesty for a case in writing to the Director of OSARP or designee. After a review of the case and appeal, the Director or designee will inform the student of the final decision on granting or denying amnesty for a case; this will be a final decision on amnesty. ECAP does not apply in circumstances where medical attention is requested by JMU staff members, police, or emergency personnel while performing their job duties. ECAP does not provide protection against legal or civil suits resulting from the incident.

JMU Alcohol and Drug Strategies for Employees

[University Policy #1110](#)

To comply with relevant laws related to the abuse of alcohol and controlled substances and help provide for a healthy and safe university community for employees, students, the local community and campus visitors. In addition, it is the intent of the university to offer support and possible solutions to employees who are struggling with alcohol or other drug-related problems. The following acts by employees are prohibited:

- the unlawful or unauthorized manufacture, distribution, dispensation, possession, or use of alcohol or other drugs in the workplace;
- impairment in the workplace from the use of alcohol or other drugs);
- The criminal conviction for a :
 - *violation of any criminal drug law, based on conduct occurring either on or off the workplace; or
 - *violation of any alcoholic beverage control law, or law that governs driving while intoxicated, based on conduct occurring either on or off the workplace; or
- The employee's failure to report an arrest for any offense related to criminal drug laws or alcoholic beverage control laws or laws that govern driving while intoxicated, based on conduct occurring on or off the workplace to his/her supervisor or designee in writing and within 72 hours of an arrest.
- The employee's failure to report a conviction for any offense related to criminal drug laws or alcoholic beverage control laws or laws that govern driving while intoxicated, based on conduct occurring on or off the workplace to his/her supervisor or designee in writing and within five calendar days of a conviction.

This policy is applicable to all employees of the university. Any employee who commits any prohibited act shall be subject to the full range of disciplinary actions pursuant to applicable disciplinary policies, up to and including, termination, e.g., the Standards of Conduct and Performance policy. See JMU Policy [1317](https://www.jmu.edu/JMUpolicy/policies/1317.shtml) at <https://www.jmu.edu/JMUpolicy/policies/1317.shtml>

The resources that Harrisonburg offers for employees include but are not limited to:

- Employee Assistance Program (EAP)
A confidential assessment, referral, and short-term problem-solving service available to eligible employees and family members. Enrollment in the EAP is automatic as part of the health plan coverage. The EAP helps participants deal with problems affecting personal and work life, such as conflicts within the family and workplace, personal and emotional concerns, alcohol and substance abuse, financial and legal problems, elder and child care, career concerns and other challenges

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- [RMH Life Recovery Program](http://www.rmhonline.com/Main/AddictionServices.aspx): The LIFE Recovery Program at RMH Behavioral Health is a comprehensive treatment program focusing on freedom from chemicals for those suffering with alcohol or drug problems. Services offered range from individual therapy to group therapy to intensive group therapy, and even aftercare services. For more information, visit: <http://www.rmhonline.com/Main/AddictionServices.aspx>.
- Alcoholics Anonymous: visit: <https://www.aa.org/>
- Narcotics Anonymous: visit: <http://www.drugstrategies.org/NA-Meetings/Virginia/Harrisonburg/>

A biennial review by the institution of the institution's program is used to determine the program's effectiveness and implement changes to the program if the changes are needed; and ensure that the required sanctions are consistently enforced.

Crime Prevention and Personal Safety Programs

Through a cooperative effort between the Office of Public Safety's Crime Prevention Unit, the Health Center, the JMU Counseling Center Victim Advocacy, JMU Health Promotion, the Office of Residence Life and the Office of Student Accountability and Restorative Practice programs on personal safety and security, rape prevention and response, date rape, substance abuse, self-defense and resistance to burglary, larceny and vandalism are conducted regularly throughout the school year.

Programs requested from the JMU Police for 2020 include:

Date	Class Name	Location	Attendance
1/6/2020	Run Hide Fight	Police Station	
1/9/2020	Security Assessment	Madison Union	
1/27/2020	Run Hide Fight	Young Children's Program	
1/28/2020	Calling the Shots	OSARP	
1/29/2020	RAD	Police Station	
1/30/2020	Calling the Shots	OSARP	
2/3/2020	Poverty Simulation	Festival	100
2/3/2020	Calling the Shots	OSARP	7
2/3/2020	Presentation	Festival	75
2/4/2020	Poverty Simulation	Festival	100
2/5/2020	Poverty Simulation	Festival	100
2/7/2020	Honor Counsel	Duke	
2/14/2020	Sexual Assault Taskforce	Student Success Center	
2/14/2020	Restorative Circle	OSARP	
2/15/2020	Choices	UREC	
2/18/2020	Safety meeting	Festival	3
2/18/2020	Calling the Shots	Student Success Center	10
2/24/2020	Calling the Shots	Student Success Center	9

(Some collaborative with other offices)

Restorative Circle - Bicycle – Program that gives students with bike violations information on state and campus laws.

Life In A State Of Poverty - Program that simulates a town in poverty for students majoring in Nursing and Education. Officers act/portray the fictional Police Department.

Choices Showcase – Set up a display case, educating parents and students, on campus resources that intertwine with the Police Department.

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Restorative Circle – Quad Bricks - Program that educates and informs students who have stolen quad bricks. Discusses state laws and university violations.

Safe Rides: Don't Blow It – Presentation for Safe Ride Drivers. Explaining Alcohol violations and responsibilities.

Spring Break Safety Tips – Handed out Flyers during class changes at Madison Union, before Spring Break regarding safety.

Live Safe – Handed out pamphlets at Madison Union explaining the Live Safe App.

Alcohol Safety Tips – Hand out information (Pamphlet) on consuming alcohol responsibly

Lightening Tour – Touring Campus on lightening assessment, using CPTED principles and locating non-working Lights

Understanding Law Enforcement – Answering questions for Greek Life about police interactions after several National Police Shootings

Sping Board Training – Orientation program for new Hall Staff and transfer students. Police answer questions on university policies and explain future encounters over alcohol violations

Camp Still Meadow – Friendly cop for disabled residents. Police Show and Tell

Resident Advisor Training – Police Safety presentation for current RA's. Topics included marijuana identification, explanation of alcohol encounters and violations, etc.

Frog Training- Police safety orientation on what frogs (volunteer JMU students) may encounter during JMU events

Handouts With HPD, Knock and Talks W/ HPD – Educating off Campus students on city ordinances and state law, passing out pamphlets

Transfer Student Fair- Set up a display case, educating parents and students, on campus resources that intertwine with the Police Department.

Poverty Simulation - Program that simulates a town in poverty for students majoring in Nursing and Education. Officers act/portray the fictional Police Department.

Suicide Awareness- Tips on identifying possible suicide amongst peers and possible resources on campus

Hazing – Presentation for Greek Life explaining law and University policy regarding Hazing

Gus Bus: Reading Road Show – Police Show and Tell with Elementary students

Police Brutality Collaboration - Answering questions for Greek Life about police interactions after several National Police Shootings

Crisis Intervention Training – Teaching CIT to new Officers from local jurisdictions and being role players for simulated training

Generations Transitions – University Workshop explaining characteristics between baby boomers and Generation X, etc.

Restorative Circle - Generic Presentation for trespassing on East Campus Dining Rooftop. Explain state laws and university policy.

WXJM Security Assessment – Safety assessment, using CPTED and Crime Prevention Principles, in making the property safer for students at night.

Restorative Process - Program that gives students, with trespass violations, information on state and campus laws.

Restorative Circle – DUI - Program that gives students, with DUI violations, information on state and campus laws.

Communicating Across Generations - University Workshop explaining characteristics between baby boomers and Generation X, etc. and tips in dealing with the elderly

Open House - Set up a display case, educating parents and students, on campus resources that intertwine with the Police Department.

Alcohol and Drug Prevention Forum – Presentation for students, regarding alcohol education and Virginia Law

Transfer Student Orientation - -- Orientation program for new Hall Staff and transfer students. Police answer questions on university policies and explain future encounters over alcohol violations

Safety Assessment – Safety assessment, using CPTED and Crime Prevention Principles, in making changes to the day care facility, per Fire Marshall.

Drug Identification Program - A program provided to help hall staff identify drugs and possible drug use.

Advanced CERT - This course covers basic resources available to students and staff at JMU. It covers the notification process, basic crime prevention and response to critical incidents. These incidents included fire, weather, hazmat or criminal events.

Calling the Shots - Accountability sanctioned students for minor and major alcohol and minor drug violations attend a three week, two hours each week program which addresses alcohol and drug use and decision making. A JMU police officer attends one of the three classes in a session to discuss risk reduction strategies, laws, and consequences for the Office of Student Accountability and Restorative Practices.

Rape Aggression Defense (RAD) Training - A self-defense class presented by a certified RAD instructor/trainer. This is a 15-hour program designed specifically for women and is nationally recognized course that provides women the skills they need to prevent and survive a physical attack. It covers educational aspects of self-defense and physical hands on training of defense techniques. . Students can register for the class by contacting Lt. John Campbell at 568-6910 or by email at campbej@jmu.edu

Active Shooter Hall Program - Program giving tips and information on what to do in an active shooter incident.

Internet Safety Class – A program stressing safety on internet.

Student Services Fair - A program consisting of crime prevention tips and basic information about the JMU Police Department.

Criminal Justice Club Talk – Overview of Virginia crime scene processing techniques and Virginia statute's.

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General Safety Program – This program is given to college residents detailing University safety procedures. Outlined in the program are subjects such as dorm safety, safety while on campus, off campus safety, personal property safety, fire alarm procedures. Also given in this program are resource guides in case of sexual assault.

SGA Safety Week – This is a promotional interaction with students in cooperation with the Student Government association. Students are given the opportunity to speak with a police officer and ask questions about law enforcement in addition to being able to closely examine some of the equipment used by law enforcement.

Admissions Orientation Program – This program is given to acclimate both newly admitted students and transfer students to many of the law enforcement and safety related situations they may encounter after arriving to the University.

Alcohol Awareness Program – This program is given to students to explain the effects alcohol has on the body and how irresponsible drinking can affect the life of a college student.

National Night Out – campaign involving citizens, law enforcement agencies, civic groups, businesses, neighborhood organizations and local officials designed to heighten crime and drug prevention awareness; generate support for, and participation in, local anti-crime programs; strengthen neighborhood spirit and police-community partnerships; and send a message to criminals that neighborhoods are organized and fighting back.

OFFICE OF RESIDENCE LIFE (ORL)

Personal safety programs held in residence halls for calendar year 2020

Month	Type of Program	Number of Programs	Audience
January	Alcohol & Drug Awareness Healthy Relationships Safety and Security	0 0 0	JMU Residential Students
February	Alcohol & Drug Awareness Healthy Relationships Safety and Security	7 2 10	JMU Residential Students
March	Alcohol & Drug Awareness Healthy Relationships Safety and Security	7 8	JMU Residential Students
April	Alcohol & Drug Awareness Healthy Relationships Safety and Security	0 0 0	JMU Residential Students
May	Alcohol & Drug Awareness Healthy Relationships Safety and Security	Graduation 2020	JMU Residential Students
June/July	Alcohol & Drug Awareness Healthy Relationships Safety and Security	Summer session	JMU Residential Students
August/September	Alcohol and Drug Awareness Healthy Relationships Safety and Security	0 0 0	JMU Residential Students
October	Alcohol & Drug Awareness Healthy Relationships Safety and Security	3 2 1	JMU Residential Students
November	Alcohol & Drug Awareness Healthy Relationships Safety and Security	0 7 4	JMU Residential Students
December	Alcohol & Drug Awareness Healthy Relationships Safety and Security	0 0 0	JMU Residential Students

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Alcohol & other Drug Education - includes programs on good and bad experiences with alcohol, the judicial process, smart "party" behaviors, date rape, drugs, and things to do that do not involve alcohol. Each residence hall community is required to present one program on the topic of alcohol and drug awareness each semester. Target audience is residential students.

Healthy Relationships -. Includes programs on behaviors considered as sexual misconduct, issues with Title IX, etc. Each residence hall community is required to present one program on the topic of sexual misconduct awareness each semester. Target audiences were resident students.

Safety & Security - (topics included self-defense, learning specifically about safety on campus, locking your room, etc.). Each residence hall community is required to present multiple programs on the topic of personal safety awareness each semester. Target audiences were resident students.

Office of Student Accountability and Restorative Practices – Sanctioned Programs

**Office of Student Accountability and Restorative Practices
2020 – Sanctioned Programs**

PROGRAM	PRESENTING OFFICE	AUDIENCE	DATES PRESENTED		ATTENDANCE
By the Numbers	Office of Student Accountability and Restorative Practices	Sanctioned attendance for students found responsible for minor alcohol violations	January February March April May June July August September October November December	3 Sessions 9 Sessions *5 Deadlines 2 Deadlines 0 Deadlines 0 Deadlines 0 Deadlines 0 Deadlines 2 Deadlines 6 Deadlines 4 Deadlines 2 Deadlines	30 Students 49 Students 7 Completed 28 Completed 0 Completed 0 Completed 0 Completed 0 Completed 14 Completed 130 Completed 87 Completed 19 Completed
Calling the Shots	Office of Student Accountability and Restorative Practices	Sanctioned attendance for students found responsible for minor or major alcohol violations	January February March April May June July August September October November December	3 Sessions 2 Sessions *0 Sessions 2 Deadlines 0 Deadlines 0 Deadlines 0 Deadlines 0 Deadlines 0 Deadlines 0 Deadlines 0 Deadlines 0 Deadlines	16 students 9 students 0 students 8 Completed 0 Completed 0 Completed 0 Completed 0 Completed 0 Completed 0 Completed 0 Completed 0 Completed
Reflections Alcohol Early Intervention Program (formerly known as BASICS)	University Health Center – Alcohol and Other Drug Abuse Prevention & Early Intervention Program	Sanctioned attendance for students found responsible for minor or major alcohol or drug violations	January February March April May June July August September October November December	6 Appointments 21 Appointments 2 Appointments 18 Appointments 9 Appointments 0 Appointments 0 Appointments 2 Appointments 3 Appointments 16 Appointments 7 Appointments 4 Appointments	6 students 21 students 2 students 18 students 9 students 0 students 0 students 2 students 3 students 16 students 7 students 4 students
Reflections Cannabis Early Intervention Program (formerly known as High Expectations)	University Health Center – Alcohol and Other Drug Abuse Prevention & Early Intervention Program	Sanctioned attendance for students found responsible for minor or major alcohol or drug violations	January February March April May June July August	3 Appointments 10 Appointments 5 Appointments 9 Appointments 3 Appointments 0 Appointments 0 Appointments 0 Appointments	3 students 10 students 5 students 9 students 3 students 0 students 0 students 0 students

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			September	4 Appointments	4 students
			October	6 Appointments	6 students
			November	2 Appointments	2 students
			December	1 Appointments	1 students
UHC Consultation	University Health Center – Consultation	Sanctioned attendance for students found responsible for minor or major alcohol or drug violations	January	1 Appointments	1 students
			February	2 Appointments	2 students
			March	0 Appointments	0 students
			April	0 Appointments	0 students
			May	0 Appointments	0 students
			June	0 Appointments	0 students
			July	0 Appointments	0 students
			August	0 Appointments	0 students
			September	0 Appointments	0 students
			October	0 Appointments	0 students
			November	1 Appointments	1 students
			December	0 Appointments	0 students

(Some collaborative with other offices)

By the Numbers*

This two-hour program examines the reason for the establishment of community standards. An overview of VA laws and university policies is given. Students discuss personal values, community resources, and risk-reduction strategies for avoiding negative consequences of alcohol use. This short course was designed for minor alcohol violations. Due to COVID-19, By the Numbers was shifted in March to a virtual, asynchronous format that included a video and workbook for students to complete. This allowed students completing this program to explore and reflect on the same information that was previously covered within the synchronous, in-person program.

Calling the Shots*

This two-hour, three-session program examines the reason for the establishment of community standards. An overview of VA laws and university policies is given. Students discuss personal values, community resources, and risk-reduction strategies for avoiding negative consequences of alcohol use. This short course was designed for repeated minor alcohol violations or more major alcohol violations. Due to COVID-19, Calling the Shots was temporarily paused and not sanctioned for students. Instead, students were sanctioned into the Reflections Alcohol Early Intervention Program.

Reflections Alcohol Early Intervention Program*

The University Health Center’s Alcohol and Other Drug Abuse Prevention & Early Intervention Program coordinates Reflections Alcohol Early Intervention Program (formerly known as BASICS). Reflections is an early-intervention program designed to help students explore their expectations around alcohol as well as the potential risks. Due to COVID-19, in late March 2020 Reflections Alcohol Early Intervention Program shifted to a virtual one session format. Students received and completed their intake inventories prior to the session, and the facilitator compiled a comprehensive feedback report prior to the session. During the session facilitators provided students with the individualized comprehensive feedback report which guided the discussion. Reflections is an empathic, confidential, and non-judgmental program open to all JMU students.

[Reflections Cannabis Early Intervention Program*](#)

The University Health Center’s Alcohol and Other Drug Abuse Prevention & Early Intervention Program coordinates Reflections Cannabis Early Intervention Program (formerly known as High Expectations). Reflections is an early-intervention program designed to help students explore their expectations around cannabis as well as the potential risks. Due to COVID-19, in late March 2020 Reflections Cannabis Early Intervention Program shifted to a virtual one session format. Students received and completed their intake inventories prior to the session, and the facilitator compiled a comprehensive feedback report prior to the session. During the session facilitators provided students with the individualized comprehensive feedback report which guided the discussion. Reflections is an empathic, confidential, and non-judgmental program open to all JMU students.

University Health Center Consultation:

This one on one program relies on motivational interviewing techniques and is a non-confrontational, non-judgmental, non-authoritarian, and non-labeling intervention, consisting of one, one hour meeting. Students are prompted to change their drug use patterns by identifying the motivations that they have to change their behavior. This program is used to address the use of drugs other than marijuana or alcohol. Due to COVID-19 consultations moved to a virtual format in late March 2020.

*BTN: All in-person classes in March were canceled and moved to virtual due to COVID-19

*CTS: In March, all students previously sanctioned to Calling the Shots were switched to Reflections – Alcohol.

JMU constantly strives to enhance the safety of the JMU community through safety and security initiatives and services. All residents are required to attend hall meetings on personal safety. Resident advisers in each hall are required to offer a number of programs throughout the year to students in their areas on varying topics of personal safety. At least one lock check per semester is conducted late at night in each residence hall to ensure that student room doors are properly secured. In addition to programming throughout the year, the University annually sponsors outreach events related to alcohol another drug abuse that is most prevalent during National Recovery Month each September.

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<p>Employee Training</p>	
<p>Alcohol and Other Drugs (employee module)</p>	<p>JMU has a responsibility to provide a work environment free from the adverse effects of alcohol and other drugs and to provide training and resources to university employees. During this module, you will learn about:</p> <ul style="list-style-type: none"> • Recognizing violations of JMU Policy 1110 • Your responsibilities as an employee of the Commonwealth of Virginia and JMU • Available resources for help
<p>Preventing Workplace Violence</p>	<p>JMU has a responsibility to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior and to provide training and resources to university employees. During this module, you will learn the definition of workplace violence and be able to identify:</p> <ul style="list-style-type: none"> • Prohibited conduct • Warning signs of violence • How and to whom to report potential violence • What to do in a violent situation
<p>Terrorism and Security Awareness</p>	<p>JMU has a responsibility to provide training and resources to enable university employees to be more personally and professionally security-conscious while continuing to provide the highest quality customer service. During this module, you will learn about:</p> <ul style="list-style-type: none"> • What terrorism is and why it exists • An understanding of the different types of terrorist threats • How to reduce the risk of becoming a victim of crime and/or terrorism • How to report and respond to suspicious conditions and situations
<p>Workplace Dispute Resolution</p>	<p>All newly hired employees, within 30 days of hire, are required to complete the online Workplace Dispute Resolution training module and quiz created by JMU's Office of Human Resources and the Virginia Department of Human Resource Management (DHRM). During this module, you will learn about:</p> <ul style="list-style-type: none"> • AdviceLine - Available to all employees • Conflict Resolution Training - Available to all employees • Mediation - Available to all employees and facilitated by JMU's HR Consulting Services • Grievance Procedure (for non-probationary, classified employees only)
<p>Title IX</p>	<p>All employees complete an online training that focuses on preventing and responding to all forms of harassment and discrimination in the workplace. This training is included as part of the onboarding process for new employees. This training is accessed through MyMadison. Please refer to the FAQ sheet for more information. If you have specific questions related to the Office of Equal Opportunity or Title IX, please reach out to those offices about content, resources, or support. FAQs for Online Training</p>

Safety Workshops for employees

Safety workshops are designed for individuals that would like to increase awareness and understanding of safety at JMU and are given during the year.

- [Campus Risk Management & Safety Update](#)
- [Dealing With Distressed, Disruptive and Dangerous Students](#)
- [How to Prepare for an Active Shooter Event](#)

JMU Safety Initiatives

Safety Escorts -Escorts provided between campus buildings and parking lots for any student, faculty and staff member upon request by calling the JMU Police at 568- 540-6913 or from any emergency telephone.	Safe Rides – A program providing safe and reliable service within the Harrisonburg community by providing free rides to intoxicated students to prevent drunk driving and/or to students who are rendered incapable of transportation due to other circumstances.
Outdoor Emergency telephones - There are telephones provided on the exterior at the main entrance to each of the residence halls and outdoor emergency “Blue Light” phones located across campus to include parking lots and other remote areas and feature one-button speed dialing for instant communication with the JMU Police with location of the activated telephone automatically identified to the Police Communications Officer.	Multijurisdictional Training exercises – Exercises conducted in cooperation with local and state agencies to include the Harrisonburg Fire Department, Harrisonburg Police Department, Virginia State Police, and Virginia Department of Emergency Management along with other local agencies to prepare for emergencies and critical incidents to include active shooter, fire, hazmat incidents and extreme weather related incidents.
Residence Hall Telephones - There are interior courtesy telephones located in the hallways of residence halls.	Operation ID – Program which provides engraving services for valuable personal property. Engraving equipment is made available for loan.
Campus Cadets -Cadets are employed to act as additional eyes and ears for the JMU Police alerting police of incidents for possible further investigation, providing services during special events, and building and campus security. They are in radio contact with the JMU police at all times.	James Madison University Lightening Prediction System When the system detects atmospheric conditions that have a high probability of producing an electrical storm (lightning) close to campus the system will activate a series of horns and strobe lights.
Door Prop Alarms – Alarms on residence hall doors that activate when the door has remained open too long.	Traffic Calming Devices – Lighted crosswalks, speed humps, and the campus gate system provided to provide safer transportation on campus.
Bicycle Registration – Members of the university community can register their bicycle with JMU Parking Services or the JMU Police Department and receive a registration decal to affix to the bicycle to help deter theft and aid in the recovery.	Training/Programs for Students and Faculty – Crime prevention and personal safety classes provided by the JMU Police Department to include the RAD program for self-defense along with general safety instructional programs including a video on bike and pedestrian safety.
Police Substations – Police substations in academic buildings and residence halls to provide for additional police presence throughout campus.	Motorist Assistance – The James Madison University Police provide assistance in unlocking and jump starting vehicles.

Through comprehensive awareness programs, members of the University community learn more about the University's efforts to enhance their safety and become aware of their personal stake in their own security and that of others.

Campus Sex Crimes Prevention Act and Sex Offender Registry and Access

Incarceration may remove a sex offender from the streets but it does nothing to prevent the offender from committing another crime when released.

The Federal Campus Sex Crimes Prevention Act (CSCPA) (section 1601 of Public Law 106-386) is a law that provides for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education, or working or volunteering on campus. The law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, to the appropriate state agency, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student.

The CSCPA amended the *Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act*, the *Jeanne Clery Act* and the *Family Educational Rights and Privacy Act of 1974*. The CSCPA covers not only individuals actually employed by an institution, but also those who are

employed at an institution such as third party contractors (food service, custodial, etc.) through outsourcing.

This act provides special requirements relating to registration and community notification for sex offenders who are enrolled in or work at institutions of higher education. CSCPA also amended the Clery Act, an annual crime reporting law, and the Family Educational Rights and Privacy Act of 1974 to allow the disclosure of this information regarding students. As provided in the Wetterling Act, any person required to register under a state sex offender registration program must notify the state regarding each institution of higher education in the State of which the person is employed, carries on a vocation, or is a student and must also alert the state of any change in enrollment or employment status.

In the Commonwealth of Virginia convicted sex offenders must register with the Sex Offender and Crimes against Minors Registry. The purpose of the Sex Offender and Crimes against Minors Registry shall be to assist the efforts of law-enforcement agencies and others to protect their communities and families from repeat sex offenders and to protect children from becoming victims of criminal offenders by helping to prevent such individuals from being allowed to work directly with children.

The web site address for securing related information in the Commonwealth of Virginia is: http://sex-offender.vsp.virginia.gov/sor.policy.html?original_requestUrl=http%3A%2F%2Fsex-offender.vsp.virginia.gov%2Ffor%2FzipSearch.html&original_request_method=GET&original_request_parameters for the neighboring West Virginia site go to: <http://www.city-data.com/so/West-Virginia.html>. The National Sex Offender Registry Web site maintained by the U.S. Department of Justice is found at <https://www.nsopw.gov/>

The JMU Office of Residence Life Housing Contract provides for the cancellation of the housing contract of a sex offender, or any other convicted person, who is disruptive to the educational environment of the residence hall.

Weapons

In an effort to provide a safe and secure learning and working environment for its students, employees and visitors, possession or carrying of any weapon by any person, except a police officer, is prohibited on university property in any buildings or any outdoor areas to which access is restricted to members of the university community and invited guests, or while attending any university events or university sanctioned events. Entry upon the aforementioned university property in violation of this prohibition is expressly forbidden.

No faculty or staff member, student, affiliate or contracted service representative shall carry, maintain or store a weapon, concealed or otherwise, on any property owned, leased or controlled by the university, except as provided herein. No visitor shall carry, maintain or store a weapon, concealed or otherwise, in any controlled space owned, leased or controlled by the university or at any university event. Items that are used as weapons on property owned or operated by the university, whether or not they fit the definition above, will also subject the user to discipline or removal.

This applies to all university faculty, staff, students, affiliates and contracted service representatives, as well as all visitors attending events (whether or not requiring a ticket) or entering buildings or controlled spaces on campus and to all property owned, leased, operated or controlled by the university.

Weapons include, but are not limited to

1. any gun, bow, crossbow or other weapon designed or intended to propel a missile or projectile of any kind, including any pistol, revolver, rifle, musket, long gun or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material;
2. any stun weapon, including any device that emits a momentary or pulsed output, which is electrical, audible, optical or electromagnetic in nature and which is designed to temporarily incapacitate a person;
3. any knife, including any dirk, bowie knife, switchblade knife, ballistic knife, machete or razor, except a pocket knife having a folding metal blade of less than three inches;
4. any slingshot, spring stick, metal knucks or blackjack;
5. any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken or fighting chain;
6. any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart;
7. any frame, receiver, muffler, silencer, missile, projectile or ammunition designed for use with a dangerous weapon, including any cartridge, pellet, ball, missile or projectile adapted for use in a firearm;
8. any explosive substance or explosive device, if such substance or device is intended to be used as a weapon;
9. any tear gas, mustard gas, phosgene gas or other noxious or nauseating gases or mixtures of chemicals designed to, and capable of, producing vile, injurious or nauseating odors or gases, if such gas or chemical is intended to be used as a weapon; and
10. any weapon of like kind as those enumerated.

This policy does not apply to law enforcement officials duly authorized to carry such weapons. Also excepted are military drills, honor guards and color guards utilizing facsimile or functionally disabled weapons, and archery classes, team practice and competition utilizing target bows and arrows.. Provisions for storage of firearms and other weapons such as hunting bows and arrows can be made with the JMU Police by students for short-term purposes, such as hunting off campus in approved areas. Weapons will be secured at the JMU Police Department. Strict sign-in and sign-out procedures are followed.

The JMU weapons policy can be accessed at <https://www.jmu.edu/JMUpolicy/policies/1105.shtml> .

Programming and Services

Prevention, intervention and education programs addressing sexual violence, dating violence, domestic violence, and stalking are regularly sponsored by a variety of organizations at James Madison University. JMU uses comprehensive, intentional and integrated programming, initiatives, strategies and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome and consider environmental risk and protective factors as they occur on the individual , relationship, institutional community and societal levels.

Programs to prevent dating violence, domestic violence sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees; and ongoing prevention and awareness campaigns directed at students and employees. Ongoing prevention and awareness campaigns consist of programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault and stalking, using a range of strategies with audiences throughout the institution. Primary prevention programs include programming, initiatives, and strategies informed by research or assessed for value effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe direction.

Sexual Assault Prevention for Undergraduates by Everfi is a program first implemented in 2013 (under the name of Haven) and Sexual Assault Prevention for Graduate Students was implemented in 2020 and are important part of JMU's comprehensive approach to sexual assault prevention. It is an evidence-based mandatory online program designed to educate first –year students about domestic violence, sexual assault, relationship or dating violence and stalking while empowering them to develop strategies to serve as effective bystanders and make decisions for themselves about healthy relationships. Sexual Assault Prevention for Undergraduates provides key definitions, reflective and personalized content, bystander skill and confidence-building strategies, and campus-specific policies procedures and resources. It is designed to foster positive attitudes and perceptions about healthy relationships. At JMU, Sexual Assault Prevention for Undergraduates is completed by incoming first-year students and transfer students prior to move-in and then a follow up portion is completed approximately one month after completing part 1. This program includes: a statement that the institution of higher education prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking; student handbook definitions of dating violence, domestic violence, sexual assault and stalking; the definition of “dating violence,” “domestic violence,” “sexual assault,” and “stalking” in the applicable jurisdiction; the definition of consent, in reference to sexual activity, in the applicable jurisdiction; a description of safe and positive options for bystander intervention and information on risk reduction

Mandatory training for new and ongoing employees is provided in coordination with the Title IX Office and Human Resources. Upon hiring and as part of their onboarding process, new employees are enrolled by university information technology in a Canvas course which consists of a series of videos covering the topics of domestic violence, sexual assault, relationship or dating violence and stalking with an emphasis on developing strategies to serve as effective bystanders and providing risk reduction strategies. This program includes information about applicable university policy which provides a statement that James Madison University prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking; the definition (from VAWA) of dating violence, domestic violence, sexual assault and stalking; the definition of “dating violence,” “domestic violence,” “sexual assault,” and “stalking” in the applicable jurisdiction; the definition of consent, in reference to sexual activity, in the applicable jurisdiction; a description of safe and positive options for bystander Intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual; and information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks. Employees also receive information on Title IX responsibilities and on-campus and off-campus resources and services available to employees and students. Upon completion of the videos, employees must complete a brief assessment to test their knowledge of the topics covered in the Canvas course. Employees may watch the videos and take the assessment as many times as needed until achieving a perfect score. The Title IX office is responsible for tracking and recording the successful completion of the course and assessment by employees. The videos that make up the course are also available on the Title IX Website on an ongoing basis so that employees may access them at any-time to booster and refresh their knowledge base. Additionally, the Title IX office conducts regular trainings and educational programs for university departments and offices on the topics covered in the videos. The Title IX Office tracks this information for the university.

The use of the Canvas course for employee training is being phased out in 2020 and replaced by a series of online training modules titled “Preventing Harassment and Discrimination with Title IX and Clery” that was developed by the company EverFi. Employees will be required to complete six

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modules and employees who have supervisory responsibility will be required to complete three additional modules. The modules will be available to employees on an ongoing basis as the links to the modules will be housed in their My Madison portal. Human Resources is responsible for tracking and recording successful completion of all modules by employees. After the initial launch, newly hired employees will be required to complete the modules upon hiring and as part of their onboarding process. The university will also require ongoing employees to complete boosters of the modules periodically. The modules include assessments to test employee knowledge and they may take the assessments as many times as needed to achieve a perfect score.

The modules cover the topics of domestic violence, sexual assault, relationship or dating violence and stalking with an emphasis on developing strategies to serve as effective bystanders and providing risk reduction strategies. This program includes information about applicable university policy which provides a statement that James Madison University prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking; the definition (from VAWA) of dating violence, domestic violence, sexual assault and stalking; the definition of “dating violence,” “domestic violence,” “sexual assault,” and “stalking” in the applicable jurisdiction; the definition of consent, in reference to sexual activity, in the applicable jurisdiction; a description of safe and positive options for bystander Intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual; and information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks. Employees also receive information on Title IX responsibilities and on-campus and off-campus resources and services available to employees and students.

Awareness programs are community-wide or audience specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration. Ongoing prevention and awareness campaigns means programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution. Primary prevention programs are programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy mutually respectful relationships and sexuality, encourage safe bystander intervention and seek to change behavior and social norms in healthy and safe direction.

The JMU Health Center, JMU Victim Advocacy Services, Human Resources, UREC Health Promotions, the Counseling Center, Title IX, Office of Student Accountability and Restorative Practice and the Office of Residence Life are among the entities that provide programs throughout the year.

Sexual Violence, Dating Violence, Domestic Violence, Stalking Programming and Services

Description	Program	Notes
<p>Online education program. Teaches content such as: consent, resources, bystander intervention (3Ds), JMU sexual misconduct policy. Implied mandate for first-year and transfer students.</p>	<p>Everfi - Sexual Assault Prevention for Undergraduates.</p>	<p>First-year/transfer programs offered prior to arrival and within 1st 4 weeks of classes in Fall</p>
<p>Online education program. Teaches content such as: consent, resources, bystander intervention (3Ds), JMU sexual misconduct policy. Implied mandate for first-year and transfer students.</p>	<p>Everfi - Sexual Assault Prevention for Graduate Students</p>	<p>First-year/transfer programs offered prior to arrival and within 1st 4 weeks of classes in Fall</p>

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<p>Online education program provided to all first-year students during their first Fall Semester. Program is an implied mandate. Participants choose between multiple interactive content pieces that explore topics related to healthy relationships and self-autonomy in relationships. This online learning program is designed to help students assess their own level of understanding with regard to sexual and/or romantic relationship behaviors that create healthful or harmful relationships (harmful behaviors are associated with higher risk for dating violence, stalking, and sexual assault). This online learning program accomplishes its learning objectives through a narrated video that explains the Power & Control Wheel as the foundation of harmful relationships is imbalance of power. After watching the video students will have the option to complete 1 of 3 quizzes and receive feedback about their answers and information about campus-based resources.</p>	<p>#RelationshipGoals First-Year Program</p>	<p>First-year/transfer programs offered prior to arrival and within 1st 4 weeks of classes in Fall</p>
<p>Video discussing consent, sexual violence definitions, campus resources.</p>	<p>International Students Program</p>	<p>First-year/transfer programs offered prior to arrival and within 1st 4 weeks of classes in Fall</p>
<p>Virtual Panel Event. Learning Outcomes:</p> <ul style="list-style-type: none"> • Increase awareness of services offered by The Well and University Health Center. • Increase awareness of perceived susceptibility to contracting an STI <ul style="list-style-type: none"> • Recall at least two characteristics of healthy sexual health practices/behaviors • Identify two campus resources related to sexual health care. 	<p>Sex Ed for the College Bed: Sexpert Edition</p>	<p>First-year/transfer programs offered prior to arrival and within 1st 4 weeks of classes in Fall</p>
<p>Approximately 75 minutes in length. <i>After attending the overview, participants will:</i> Understand key components of the Green Dot Strategy. Understand the dynamics of culture change. Feel empowered and equipped to be a part of meaningful culture change on campus as it pertains to domestic/dating violence, sexual violence and stalking. Have the knowledge and tools they need to contribute to positive norms pertaining to power-based personal violence. Have the knowledge and tools they need to make positive contributions to campus safety.</p>	<p>Green Dot Student overview</p>	
	<p>Workshops and Podcast Episodes</p>	
<p>Virtual panel style event.</p> <ul style="list-style-type: none"> • Increase self-efficacy in accessing information and resources pertaining to sexual health • Identify two campus resources related to sexual health care. 	<p>Sex Ed for the College Bed: Debunking Myths</p>	
<p>Virtual panel style event</p> <ul style="list-style-type: none"> • Identify three common forms of contraception. • Identify at least three parts of the reproductive anatomy. • Identify two campus resources related to sexual health care. 	<p>Sex Ed for the College Bed: Birth Control and Contraception</p>	

<p>Virtual Panel Style Event.</p> <ul style="list-style-type: none"> •Recall at least two ways pleasure can be experience in a non-sexual way. •Identify at least 2 components of a healthy relationship •Identify at least 2 behaviors that may indicate a harmful relationship •Identify two campus resources related to sexual health care. 	<p>Sex Ed for the College Bed: Sex and Relationships Edition</p>	
<p>Podcast episode.</p> <p>Topics Covered: STIs, how safer sex supplies can help prevent them, and what resources we have at JMU regarding safer sex</p>	<p>Well Dukes Podcast Episode 3: STIs and Safer Sex Supplies</p>	
<p>Podcast episode. Topics Covered: an introduction into sexual citizenship, sexual projects, and sexual geographies (covering the book Sexual Citizens: A Landmark Study of Sex, Power, and Assault on Campus by Hirsch & Khan)</p>	<p>Well Dukes Podcast Episode 4: Sexual Citizenship</p>	
<p>Podcast episode. Topics Covered: Dr. Ezzell’s research on pornography consumption in college, its effects on ourselves as sexual beings, and the general impact on society</p>	<p>Well Dukes Podcast Episode 7: Pornography</p>	
<p>Podcast episode. Topics Covered: What is Green Dot, an overview of bystander intervention, and how to apply basic bystander intervention skills to real life</p>	<p>Well Dukes Podcast Episode 8: Green Dot</p>	
<p>Podcast episode. Topics Covered: stalking awareness, cyber stalking, how media like the show “You” portray stalking behaviors</p>	<p>Well Dukes Podcast Episode 17: Stalking</p>	
<p>Podcast episode. Topics Covered: how COVID benefited masturbation and pleasure, how orgasms happen, different types</p>	<p>Well Dukes Podcast Episode 18: Masturbation & Orgasms</p>	
<p>Podcast episode. Topics Covered: facts and stats, differences between HSV 1 & 2, debunking transmission myths</p>	<p>Well Dukes Podcast Episode 20: Herpes</p>	
<p>Podcast episode. Topics Covered: different categories of public school sex education, personal experiences of sex education and the importance of comprehensive sex education and why it’s necessary for young adults</p>	<p>Well Dukes Podcast Episode 25: Sex Education</p>	

Podcast episode. Topics Covered: What is survivor advocacy, who and how The Well supports a student in need of advocacy, how it differs from Title IX	Well Dukes Podcast Episode 27: What is Advocacy	
Podcast episode. Topics Covered: how to support a friend that is a survivor of sexual violence, including resources	Well Dukes Podcast Episode 29: Supporting Survivors	
	Events/Campaigns	
Educating and raising awareness about on-campus advocacy services	Meet the Advocate Campaign	
Social media posts increasing the awareness of sexual violence. Associated events such as Take Back the Night, Men and Violence Panel.	SAAM	
Take Back the Night is an annual event that has 2 components, a speak out and flower release. After attending the speak out, students will express an increased sense of community support for survivors. After attending the flower release component of TBTN, students will identify an increased sense of trauma healing and resilience.	Take Back the Night	
This event occurs annually with a panel of men from various faculty/staff departments and included facilitated dialogue. <i>After attending the panel, students will be able to:</i> Identify the intersections of gender, privilege, power, and violence. Critique the concept of masculinity and other rigid gender norms. Engage in self-reflection of their own beliefs and behaviors regarding sexual violence. Recall multiple ways in which men can be active bystanders in preventing and intervening in rape culture. List at least 3 ways in which men can support all survivors of sexual violence.	Men and Violence Panel Discussion	

Crimes of Violence: Sexual Assault, Domestic Violence, Dating Violence and Stalking

James Madison University prohibits domestic violence, dating violence, sexual assault and stalking.

James Madison University is concerned about the safety and

well-being of its students and employees. Individuals who report they have been a victim of

domestic violence, dating violence, sexual assault or stalking, whether it occurred on or off-campus, will be provided support, an explanation of his or her rights and options and the procedures for addressing the violation.

Assistance will be provided by the university when the victim of such crime elects or is unable to make a report.

Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. Sec. 1681, et seq., prohibits discrimination based on sex (including sexual harassment and sexual violence) at any federally funded education program or activity. The university must respond to complaints concerning Title IX and due to this mandate, please note that your confidentiality cannot be guaranteed. but efforts will be made to provide confidentiality of victims

to the extent permissible by law. Furthermore, no officer, employee, or agent of an institution shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under the under the Jeanne Clery

Disclosure of Campus Policy and Campus Crime Statistic Act or Title IX.

As a victim of sexual assault, dating violence, domestic violence or stalking, you will be provided written explanation of the procedures to be followed upon a report of sexual assault, domestic violence, dating violence, and/or stalking. These procedures include your right to file criminal charges as well as the availability of medical, counseling and support services. It will include additional remedies available to prevent contact between a reporter and an accused party, such as a temporary or permanent changes in housing, academic, transportation and working conditions, if reasonably available; information regarding sanctions and interim and/or long-term protective measures that James Madison University may impose following a report and the discipline process from the beginning through to the final determination will be explained.

If you would like more information regarding any process or procedure, or if you'd like to make a report, ask questions, or need to request an accommodation to your living or working arrangements regardless of whether or not you chose to report the crime to law enforcement, contact the University's Title IX Office at 540 568-5219 or in person at Madison Hall Room 4035 100 East Grace Street MSC 7806 Harrisonburg, VA 22807.

Sex Offenses - Victim Resources and Assistance Contact Information

JMU Counseling Center	540-568-6552	724 S Mason St, Harrisonburg, VA 22801
JMU Health Center	540-568-6178	724 S Mason St, Harrisonburg, VA 22801
JMU Victim Advocacy Services	540-568-6251 victimadvocacy@jmu.edu	724 S Mason St, Harrisonburg, VA 22801
JMU Substance Abuse Prevention	540-568-3317	724 S Mason St, Harrisonburg, VA 22801
JMU Office of Student Accountability and Restorative Practice	540-568-6218	724 S Mason St, Harrisonburg, VA 22801
First Step-Domestic Violence	540-434-0295	129 Franklin St, Harrisonburg, VA 22801
JMU Human Resources	540-568-6165	Wine Price Building
Collins Center	540-434-2272	217 S Liberty St #205, Harrisonburg, VA 22801
Center for Marriage and Family Counseling	540-433-1546	96 Campbell St, Harrisonburg, VA 22801
Community Services Board (CSB) Offers domestic and violence/anger control groups and visitation assistance	540-434-1941	1241 N Main St, Harrisonburg, VA 22802
Harrisonburg/Rockingham's Victim /Witness Program Victim/Witness e-mail address is	540-564-3350 nterrell@rockinghamcountyva.gov	53 Court Square 210, Harrisonburg, VA 22801
General District Court	540-564-3130	53 Court Square Room 132, Harrisonburg, VA 22801

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Juvenile and Domestic Relations Court	540-564-3370	53 Court Square, Suite 214 Harrisonburg, VA 22801
Magistrate's Office	540-564-3848	25 S Liberty Street, Harrisonburg, VA 22801
JMU Financial Aid	540-568-7820	724 South Mason Street Harrisonburg, VA 22801
Circuit Court	540-564-3118	80 Court Square, Harrisonburg, VA 22802
JMU Police	Emergency 540-568-6911 Business 540-568-6913	821 S Main St, Harrisonburg, VA 22807
Harrisonburg Police Department	Emergency 911, Business 540-434-4436	101 N Main St, Harrisonburg, VA 22802
Harrisonburg/Rockingham ASAP and Driver Improvement	540-434-0154	350 North Main St, Harrisonburg, VA 22802
Sentara RMH	540-689-1000	2010 Health Campus Drive, Harrisonburg, VA, 22801
JMU Title IX	540-568-5214	Madison Hall Suite 4020 , JMU Harrisonburg, VA 22807
Blue Ridge Legal Services	540-433-1830	204 N High St, Harrisonburg, VA 22802
New Bridges Immigrant Resource Center	540-438-8295	64 W. Water St. Harrisonburg, VA 22801
Virginia Crime Victim Assistance INFO-LINE	1-888-887-3418	
Virginia Family Violence and Sexual Assault Hotline	1-800-838-8238	
RAINN (Rape, Abuse & Incest National Network)	1-800-656-HOPE online.rainn.org	

Title IX Officers		
Title IX Coordinator Amy Sirocky-Meck	540-568-5214	sirockam@jmu.edu
Title IX Assistant Coordinator Barbara Hetzel	540-568-7704	hetzelbe@jmu.edu
Jennifer Phillips Title IX Officer for Athletics	540-568-7834	phill2jr@jmu.edu
Andrea Kiser	540-568-7834	kiserar@jmu.edu
Paula Maxwell Title IX for Faculty	540-568-8872	maxwelpj@jmu.edu

Sexual Violence - You Have Choices- An overview

James Madison University strongly encourages students, faculty and staff to report all Crimes of Violence- Sexual Assault, Domestic Violence, Dating Violence and Stalking to the JMU Police Department or Title IX Coordinator as promptly as possible so the University can investigate and respond effectively.

Options for health-related resources:

- [Victim Advocacy Services](#) – victimadvocacy@jmu.edu; 540-568-6251; Student Success Center 3rd Floor
 - On-campus victim advocacy, support, & accompaniment services

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- Available for assistance with both on- and off-campus resources
- Available during regular business hours, Monday – Friday 8:00am – 5:00pm. For more immediate assistance from an advocate after hours or when the university is closed, contact the Collins Center, listed below.
- [University Health Center](#) - 540-568-6178, Student Success Center
 - Emergency contraception
 - Medical examination/STD testing
 -
- [Counseling Center](#) - 540-568-6552, Student Success Center
 - Counseling, advocacy, and consultation
 - [Sexual trauma empowerment program](#)
- [Sentara RMH Emergency Department](#) – up to 5 days from the sexual assault a Physical Evidence Recovery Kit (PERK) can be performed - the following people will be called:
 - Sexual Assault Nurse Examiner (SANE Nurse)
 - Police department investigator from where the assault occurred
 - Advocate from the [Collins Center](#)
- [Collins Center & Child Advocacy Center](#) - 540-432-6430, 217 South Liberty Street #205, Harrisonburg VA
 - Off-campus crisis counseling, support, and advocacy

Options for campus adjudication and criminal resources:

- [JMU Police](#) (on-campus assault) 540-568-6911, Anthony Seeger Hall
- [Harrisonburg Police](#) (off-campus assault) call 911 or 540-434-4436 101 North Main Street Harrisonburg, VA
- Rockingham County Sheriff's Office – 540-564-3800 25 Liberty Street Harrisonburg, VA
- [Office of Student Accountability & Restorative Practices](#) (those involved must be current JMU students) 540-568-6218, Student Success Center
- [Title IX](#) Coordinator Amy Sirocky-Meck 540-568-5214
In Person: Title IX Office
Madison Hall 4023, 4033 and 4035
100 East Grace Street
Harrisonburg, VA 22807
Over the Phone: Title IX Office at (540) 568-5219
Email: Title IX [Inbox](#)

James Madison University takes the issue of sexual violence seriously and sexual violence includes a broad spectrum of behavior. The JMU Police Department recognizes the fact that sex offenses are personal violent crimes that have great psychological and physical effects on the victims. It is the policy of the JMU Police Department to assist victims of sexual violence in a supportive manner, using appropriate crisis intervention skills while providing resources for the victim. Due to the seriousness of these offenses and the delicate nature of the investigations involved, it is important for the department to undertake diligent investigations in order to increase the reporting of these crimes. Reducing recidivism and serial criminal offenses through the apprehension and prosecution of the assailants is a department priority. Although the university strongly encourages all members of its community to report sexual violence to law enforcement, you also have the option **not** to make a report with law enforcement. State law, however, requires the University to conduct a review of reports of sexual violence to determine whether for health or safety reasons a report should be made to law enforcement and the Commonwealth's Attorney and the issuing of incident notifications known as Timely Warnings or Community Alerts in accordance with federal law.

Reporting to the Title IX Office does not preclude an individual from also reporting an alleged criminal incident to law enforcement. A victim can also choose to meet with a Title IX Coordinator(s) to explain possible remedies and resources. Once Title IX receives a report, the University must respond to complaint. The University will conduct an initial assessment, a threat assessment, and take any immediate action that may be necessary to protect the health and safety of individuals and the university community. Written information will be provided explaining and providing information on existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid along with other services available for victims, both within the institution and in the community. This information will also include options for and available assistance to victims for changing academic, living, transportation and working situations if requested by the victim and reasonably available. Depending on the nature and severity of the conduct reported, the University may be required to share known information, including names, with law enforcement. The University is committed to protecting the safety of the broader university community, which includes

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reporting crime statistics and, in some cases, issuing incident notifications known as Timely Warnings or Community Alerts in accordance with federal law. All JMU faculty, staff, and student employees (including RAs) are responsible for reporting disclosures of sexual violence or harassment to the Title IX Coordinator. Required reporting to the Title IX coordinator ensures victims are made aware of available resources and options for filing a complaint. Federal and state law, however, requires the University to conduct a review of reports of sexual violence to determine whether for health or safety reasons a report should be made to law enforcement and the Commonwealth's Attorney. When such reports will be made, the university Title IX Coordinator will advise the complainant.

Another option is to seek advocacy services from a victim advocate. Services are provided to students in a supportive way helping them navigate their options and resources. Advocacy services are guided by and individualized to each student's needs and may include, but are not limited to:

- Assistance accessing on-campus and off-campus support services regarding sexual assault, dating violence, domestic violence and stalking.
- Information about criminal reporting options, campus reporting options, medical care, counseling services, and on- and off-campus resources.
- Assistance accessing accommodations through Title IX.
- Accompaniment services for survivors, including:
 - Accompaniment through the OSARP student misconduct process
 - Accompaniment during law enforcement interviews
 - Court accompaniment (protective orders and criminal proceedings)
 - Hospital accompaniment during business hours
- With student's permission, can help explain resources to family members

There are a variety of reasons why students may seek advocacy services. When meeting with an advocate, you can share as much or as little as you want. We will listen and help you explore options and resources, both on- and off-campus, to meet your needs. You may or may not wish to report the incident; either way, the decision will remain in your hands. There are also many additional resources outside of reporting that our advocates can help you understand and access. Regardless of your needs, our advocates can be a source of information and support as you navigate what feels best for you. Survivor advocacy services are located on the third floor in the Student Success Center or at 540-568-6552 (ask for an advocate).

Another option is for a victim to go the JMU Counseling Center. The Counseling Center's [Sexual Trauma Empower Program \(STEP\)](#) offers free and confidential short and long-term individual, group, and emergency sexual trauma counseling services for JMU students. Clinicians may also assist with medical, accountability process, and legal consultation and referrals. Consultation around Title IX and other issues for faculty, staff, family members, and friends of survivors of sexual trauma is also available. During the initial assessment appointment, a counselor will help a student decide which service(s) would be the most beneficial given their specific circumstances, which may include speaking with a victim advocate or receiving treatment at JMU's Health Center (if a student) and/or Sentara Rockingham Memorial Hospital (SRMH). Clinicians at the JMU Counseling Center are exempt from Title IX reporting requirements, and communications with clients are privileged by law; therefore, Title IX implications will be discussed with faculty, staff, family members, and students as needed, and clinicians serve as a confidential resource for students directly impacted by sexual trauma.

Another option is to adjudicate the allegation through the Sexual Misconduct Accountability Process in the Office of Student Accountability and Restorative Practices. The Sexual Misconduct Accountability Process can be pursued in lieu of/or concurrent with legal prosecution and is used when the person alleged to have committed the behavior that violates the JMU Sexual Misconduct policy and is a student. The Sexual Misconduct Accountability Process will provide a prompt, fair, and impartial resolution conducted by faculty and staff who receive annual training on issues related to sexual assault, domestic violence as well as dating violence and stalking. The Office of Student Accountability and Restorative Practice is able to place charges against an Accused Student upon receipt of the completed Title IX investigation. Except in circumstances that are a threat to the safety of the campus and the community, the Office of Student Accountability and Restorative Practices will not place charges against an Accused Student without authorization from the Reporting Party. To begin a university accountability action, a student, faculty member or staff member who feels he or she has been a victim of sexual violence can meet with a [Title IX Coordinator\(s\)](#) to explore options. Victims will be provided assistance and have the option to change their academic, living, transportation, and working situations after an alleged incident, if such changes are reasonably available. Accommodations or protective measures provided to the victim will be maintained as confidential to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures. The institution will, upon written request, disclose to the victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for these purposes.

Legal Requirements

Virginia passed legislation [Virginia Code §23.1-806](#) which aims to aid survivors of sexual assault and protect students on college campuses. The University is required to report information about certain allegations of sexual violence to the law enforcement agencies and the prosecuting authorities who would be responsible, respectively, for investigating and prosecuting such allegations.

Legislation requires that law enforcement notify the local attorney for the Commonwealth within 48 hours of beginning any investigation involving felony criminal sexual assault occurring on campus property or other property related to the institution of higher education. Additionally, it requires any responsible employee of a public or private nonprofit institution of higher education who in the course of his employment obtains information that an act of sexual violence has been committed against a student on campus property or other property related to the institution to report such information to the Title IX coordinator for the institution as soon as practicable. The legislation requires the Title IX coordinator to report such information to a review committee, which shall meet within 72 hours of the receipt of information of an alleged act of sexual violence and which shall include the Title IX coordinator, a representative of law enforcement, and a student affairs representative. If the review committee determines that disclosure of the information regarding the alleged act of sexual violence is necessary to protect the health and safety of the victim or other individuals, the representative of law enforcement on the review committee shall disclose the information, including personally identifiable information, to the law-enforcement agency responsible for investigating the alleged act. In cases involving a felony sexual assault, the representative of law enforcement on the review committee, or in certain situations, another committee member, shall consult with the local attorney for the Commonwealth or other prosecutor responsible for prosecuting the alleged act of sexual violence.

JMU has composed a Sexual Violence Review Committee (SVRC). This committee is composed of a representative of the Title IX administration, a member of the university's police department and a member of the university's student affairs administration. The SVRC reviews information related to acts of sexual violence, including information reported to the Title IX officers to fulfill this requirement.

Additionally, the legislation also stipulated the formalization of a Memorandum of Understanding between entities providing trauma informed services to student and employee victims of sexual violence with the shared goal of preventing sexual assault on campus and in the community and responding appropriately to students and employees who have been victimized. James Madison University has built a partnership with the Collins Center to provide these services to the JMU community.

Pursuant to the Clery Act, JMU includes statistics about certain offenses in its Annual Fire Safety and Security Report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires the university to issue timely warnings to the university community about certain crimes that have been reported and may continue to pose a serious or continuing threat to students and employees. Consistent with the Clery Act, JMU withholds the names and other personally identifying information of complainants when issuing timely warnings or emergency notifications to the university community, and in maintaining the daily crime log. JMU will also maintain as confidential any accommodations or protective measures provided to the complainant, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Bystander Intervention

The JMU Police along with the JMU community is committed to ending sexual violence in our community by encouraging its community members to be a courageous bystander with safe and positive options for bystander interventions to prevent harm or intervene. JMU Dukes Step Up is a program to encourage fellow students to become more aware of their surroundings, and to develop the skills necessary to intervene in situations involving hazing, intimate partner violence, or alcohol before they become emergencies.

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Bystander intervention recommendations include:

- **Notice the event and interpret it as an emergency.**
We often choose to ignore the situation, look away, or call it something else. It is important to remember that no one has a right to be violent, even if two people are dating.
- **Take Responsibility for acting.**
- **Decide How to Act.**
In a situation potentially involving sexual assault, relationship violence, or stalking approach everyone as a friend, do not be antagonistic and avoid using violence. Be honest and direct whenever possible. If you or

- someone else is in immediate danger, call 6911 on campus or 911 off campus.
- **Choose to Act.**

Risk Reduction

Risk reductions entails options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

While you can never completely protect yourself from sexual violence, there are some things you can do to help reduce your risk of being assaulted. Avoid dangerous situations by:

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cash money.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together.
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.

Date rape drugs are colorless, tasteless, and odorless substances that can be placed in any drink, not just alcohol, undetected. They are strong relaxants the effects of which can be felt as soon as fifteen minutes after ingestion. The side effects of date rape drugs include possible blackouts, coma, impaired judgment, memory impairment, dizziness, headaches, confusion and loss of coordination. Alcohol can intensify these side effects. Date rape drugs often cause memory loss. Some date rape drugs remain in the system for as little as 6-8 hours, making immediate testing imperative.

Common date rape drugs are rohypnal, GHB, ketamine, and alcohol. Alcohol remains the most commonly used date rape drug both on and off college campuses. Today it remains the substance most frequently associated with date rape, and the most easily accessible sedating substance. When large enough quantities are consumed alcohol can have a tremendous sedating effect leaving anyone vulnerable to assault.

If you suspect or suspect someone you know has been drugged and/or assaulted, first, go to a safe place; call the JMU police at 540-568-6911 or the local police if off campus by dialing 911. Go to the University Health Center and /or the local hospital's emergency room for immediate treatment and testing.

***Most importantly, remember that whether you follow these tips or not, if someone sexually assaults you, it is not your fault. You are never to blame for someone else's actions.
No one deserves or wants to be raped.***

Sexual Violence

James Madison University defines sexual violence: Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the person's age, mental state or use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent).

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All acts of Sexual Misconduct are covered by the terms of this policy providing that the Reporting Party reasonably believes they have been subjected to sexual misconduct by a current student, as defined by the Student Handbook, the behavior is not covered by [JMU Policy 1346](#), any limitations set forth by [JMU Policy 1340](#), and one or more of the following apply:

- A substantial portion of the alleged sexual misconduct occurred on university-controlled, university owned, or university leased property.
- The alleged sexual misconduct had a significant connection to or effect on official university programs or activities.
- The alleged sexual misconduct had a significant connection to or effect on the learning or working environment at JMU of the Reporting Party.

If there is evidence included in the Investigative Report regarding the personal consumption of drugs or alcohol, where such disclosure is made in conjunction with a good faith report made to the Title IX Office by the Reporting Party, a Reporting Party Witness, or a Responding Party Witness, OSARP will not initiate the Accountability Process and pursue alleged violations of these policies against these parties. Reporting Parties and Responding Parties should review JMU Policy 1340 for their roles in the investigation of an allegation and the OSARP Sexual Misconduct Accountability Process for their roles in the adjudication of an allegation. Both parties will be assigned a Guide in OSARP to explain the Sexual Misconduct Accountability Process.

The Title IX Office at James Madison University receives, responds to, and address reports of sexual misconduct which includes, sexual assault, sexual violence, sexual harassment, dating violence, domestic violence, relational violence, sexual exploitation, stalking, and all other forms of misconduct Title IX Staff will explore options for the investigation and adjudication of the allegation in accordance with JMU Policy. The following behavior is prohibited at JMU:

Sexual Assault: Any nonconsensual physical contact of a sexual nature that is forced on another person, including unwelcome sexual touching of any kind. This includes engaging, attempting to engage, or completing any kissing; sexual intercourse (oral, anal, or vaginal); penetration, however slight, with any object or body part; intentional touching of oneself or another person's body part in a sexual manner, directly or through clothing; forcing a person to touch oneself or another person's body part in a sexual manner, directly or through clothing.

Sexual Exploitation: Taking sexual advantage of another person without that individual's consent. Examples include but are not limited to prostituting another person; causing or attempting to cause the incapacitation of another person for a sexual purpose; recording, photographing, creating, or transmitting sexual utterances, sounds or images, whether real or fake, of another person without that person's consent; allowing a Third Party to observe sexual activity without the consent of the participants; knowingly transmitting sexually transmitted infections or other diseases without the knowledge of the person's sexual partner; inducing another to expose his/her body for sexual purposes; intentionally altering, removing, or sabotaging contraceptive or prophylactic measures without the knowledge of the other party, including but not limited to condoms and/or birth control measures; and viewing another person's sexual activity, intimate body parts or nakedness in a place where that person would have a reasonable expectation of privacy without that person's consent.

Sexual Harassment: A form of sex discrimination consisting of unwelcome or offensive sexual advances, requests for sexual favors, or other conduct of a sexual nature including verbal (e.g., specific demands for sexual favors, sexual innuendos, sexually suggestive comments, jokes of a sexual nature, sexual propositions, or sexual threats); non-verbal (e.g., sexually suggestive emails, other writings, articles, or documents; objects or pictures; graphic commentaries; suggestive or insulting sounds or gestures, leering, whistling; or obscene gestures); or physical (e.g., touching, pinching, or brushing the body; or any unwelcome or coerced sexual activity). Sexual harassment may include the following:

- Term or condition of employment or education ("quid pro quo"). This type of sexual harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment, or participation in a university activity are conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting that individual's employment, education, living environment, or participation in a university program or activity.
- Hostile environment. Acts of sexual harassment that create a hostile environment, as defined herein. A hostile environment may be created by oral, written, graphic, or physical conduct that is sufficiently severe, persistent, or pervasive, and objectively offensive in a manner that interferes with, limits, or denies the person the ability to participate in or benefit from the institution's educational programs, services, opportunities, or activities or the individual's employment access, benefits or opportunities. Mere subjective offensiveness is not enough to create a hostile environment. In determining whether conduct is severe, persistent, or pervasive and thus creates a hostile environment, the following factors will be considered: (a) the degree to which the conduct affected one or more individuals' education or employment; (b) the nature, scope, frequency, duration, and location of the incident(s); (c) the

identity, number, and relationships of persons involved; (d) the perspective of a “reasonable person” in the same situation as the person subjected to the conduct; and (e) the nature of higher education.

Dating Violence: A form of sexual violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with another person, where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship.
- The type of relationship.
- The frequency of interaction between the persons involved in the relationship.

Domestic Violence: Crimes of violence committed by any of the following:

- A current or former spouse or intimate partner of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the Commonwealth of Virginia
- Any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the Commonwealth of Virginia

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.

Non-Consensual Relationship: A sexual relationship between members of the university community is prohibited if it is influenced by any form of fear or coercion, such that it causes one party to believe that they must submit to unwelcome sexual conduct in order to accept or continue employment, achieve an employment or educational benefit, or participate in a program or activity. A sexual relationship is prohibited between individuals where a power differential would imply or raise the inference of exploitation or raise the inference that an educational or employment decision will be based on whether or not there is submission to coerced sexual conduct.

In adjudicating allegations of violating Sexual Misconduct the following definitions will be applied:

Consent: An outward demonstration through understandable words or actions that convey a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force that is express or implied, coercion, intimidation, threats or duress. Consent cannot be obtained by ignoring or acting in spite of the objections of another, by previous consent or by taking advantage of another person’s incapacitation or physical helplessness where one knows or reasonably should have known of such incapacitation or helplessness. An individual who is incapacitated because of age, disability, voluntary activity or through the acts of others cannot give consent. Silence or absence of resistance does not imply consent. Consent is voluntary and may be withdrawn at any time by communicating the withdrawal through an outward demonstration of understandable words or actions.

Hostile Environment: A hostile environment may be created by oral, written, graphic or physical conduct that is sufficiently severe, persistent or pervasive and objectively offensive in a manner that it interferes with, limits or denies the person the ability to participate in or benefit from the institution’s educational programs, services, opportunities, or activities or the individual’s employment access, benefits or opportunities. Mere subjective offensiveness is not enough to create a hostile environment. In determining whether conduct is severe, persistent or pervasive, and thus creates a hostile environment, the following factors will be considered: (a) the degree to which the conduct affected one or more individuals’ education or employment; (b) the nature, scope, frequency, duration, and location of the incident(s); (c) the identity, number, and relationships of persons involved; (d) the perspective of a “reasonable person” in the same situation as the person subjected to the conduct, and (e) the nature of higher education.

Incapacitation: Physical or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts, unconsciousness, and the inability to make such decisions due to the voluntary or involuntary use of alcohol or drugs. Incapacitation may occur because of age, disability, voluntary activity or through the acts of others.

Sexual Violence: Physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g., due to the person’s age, mental state or use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion. Sexual violence is a form of sex discrimination and harassment, and is not limited by gender, gender identity or sexual orientation of the Reporter or the Respondent.

Sexual Assault

Sexual assault includes offenses that meet the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) Program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense "is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

- Rape – the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim;
- Fondling - the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity;
- Incest - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law;
- Statutory rape - Sexual intercourse with a person who is under the statutory age of consent.

Virginia defines sexual assault as offenses involving sexual penetration or sexual contact with any person by force or threat of force, fear, intimidation, ruse, or through the use of a person's mental incapacity or physical helplessness, or any other attempt to force sexual penetration/contact on any person. Sexual Assault offenses meet the definition of rape, fondling, incest, or statutory rape. The Code of Virginia under Article 7 Criminal Sexual Assault which can be accessed at <http://law.lis.virginia.gov/vacodefull/title18.2/chapter4/article7/> provides additional information regarding Virginia law listed below.

Section: Criminal Sexual Assault

[18.2-61](#) Rape

A. If any person has sexual intercourse with a complaining witness, whether or not his or her spouse, or causes a complaining witness, whether or not his or her spouse, to engage in sexual intercourse with any other person and such act is accomplished (i) against the complaining witness's will, by force, threat or intimidation of or against the complaining witness or another person; or (ii) through the use of the complaining witness's mental incapacity or physical helplessness; or (iii) with a child under age 13 as the victim, he or she shall be guilty of rape.

18.2-63 Carnal knowledge of child between 13 and 15 years of age.
 18.2-64.1 Carnal knowledge of certain minors.

18.2-67.1 Forcible sodomy

A. An accused shall be guilty of forcible sodomy if he or she engages in cunnilingus, fellatio, anilingus, or anal intercourse with a complaining witness whether or not his or her spouse, or causes a complaining witness, whether or not his or her spouse, to engage in such acts with any other person, and

1. The complaining witness is less than 13 years of age; or
2. The act is accomplished against the will of the complaining witness, by force, threat or intimidation of or against the complaining witness or another person, or through the use of the complaining witness's mental incapacity or physical helplessness.

18.2-67.2 Object sexual penetration

A. An accused shall be guilty of inanimate or animate object sexual penetration if he or she penetrates the labia majora or anus of a complaining witness, whether or not his or her spouse, other than for a bona fide medical purpose, or causes such complaining witness to so penetrate his or her own body with an object or causes a complaining witness, whether or not his or her spouse, to engage in such acts with any other person or to penetrate, or to be penetrated by, an animal, and

1. The complaining witness is less than 13 years of age; or
2. The act is accomplished against the will of the complaining witness, by force, threat or intimidation of or against the complaining witness or another person, or through the use of the complaining witness's mental incapacity or physical helplessness.

18.2-67.2:1 Marital sexual assault.
 18.2-67.3 Aggravated sexual battery.

18.2-67.4 Sexual battery

A. An accused is guilty of sexual battery if he sexually abuses, as defined in § 18.2-67.10, (i) the complaining witness against the will of the complaining witness, by force, threat, intimidation, or ruse, (ii) within a two-year period, more than one complaining witness or one complaining witness on more than one occasion intentionally and without the consent of the complaining witness, (iii) an inmate who has been committed to jail or convicted and sentenced to confinement in a state or local correctional facility or regional jail, and the accused is an employee or contractual employee of, or a volunteer with, the state or local correctional facility or regional jail; is in a position of authority over the inmate; and knows that the inmate is under the jurisdiction of the state or local correctional facility or regional jail, or (iv) a probationer, parolee, or a pretrial defendant or post trial offender under the jurisdiction of the Department of Corrections, a local community-based probation services agency, a pretrial services agency, a local or regional jail for the purposes of imprisonment, a work program or any other parole/probationary or pretrial services or agency and the accused is an employee or contractual employee of, or a volunteer with, the Department of Corrections, a local community-based probation services agency, a pretrial services agency or a local or regional jail; is in a position of authority over an offender; and knows that the offender is under the jurisdiction of the Department of Corrections, a local community-based probation services agency, a pretrial services agency or a local or regional jail.

18.2-67.5 Attempted rape, forcible sodomy, object sexual penetration, aggravated sexual battery, sexual battery.

Consent is not defined by the Commonwealth of Virginia in state criminal law. To constitute lack of consent, acts must be committed by force, intimidation or through use of the victim's mental incapacity or physical helplessness. Intoxication may indicate an inability to give consent.

James Madison University defines consent: An outward demonstration through understandable words or actions that convey a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent cannot be obtained by physical or verbal coercion that is express or implied, which includes the use of intimidation, threats, force or duress. Consent cannot be obtained by ignoring or acting in spite of the objections of another, by previous consent or by taking advantage of another person's incapacitation or physical helplessness where one knows or reasonably should have known of such incapacitation or helplessness. An individual who is incapacitated because of age, disability, voluntary activity or through the acts of others cannot give consent. Silence or absence of resistance does not imply consent. Consent is voluntary and may be withdrawn at any time by communicating the withdrawal through an outward demonstration of understandable words or actions.

James Madison University defines incapacitation: Physical or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts, unconsciousness, and the inability to make such decisions due to the voluntary or involuntary use of alcohol or drugs. Incapacitation may occur because of age, disability, voluntary activity, or through the acts of others.

What to do if sexually assaulted

If a sex offense should occur, the victim should consider following actions:

Seek help:

- The victim is urged to go to a safe place and contact a friend or family member for support.
- After an incident of sexual assault, the victim should begin considering seeking medical attention. You can go to the emergency room at the hospital, tell them you were sexually assaulted. Sentara RMH Hospital will be able to examine and treat you after an assault, whether or not you choose to report the assault to police.
- JMU students may also seek medical attention at the JMU Health Center, [University Health Center](#) - 540-568-6178, located at the Student Success Center. They can help with emergency contraception, medical exam, and STD testing.
- JMU Victim Advocacy services act as a safe, **confidential**, welcoming, and inclusive resource for JMU students impacted by sexual violence, relationship abuse, stalking, or other crimes of interpersonal violence and can be contacted at the Victim Advocacy office - SSC 3rd Floor, Suite 3200 or call [\(540\) 568-6251](#) or email victimadvocacy@jmu.edu
- UREC Health Promotion helps, provide students a supportive way to navigate their options and resources. To meet with an advocate, contact Veronica Jones, Interim Director for Health Promotion & Well-Being at jonesvw@jmu.edu or 540-568-3407
- [Counseling Center](#) - 540-568-6552, Student Success Center - counseling, advocacy, and consultation
- Consider the Collins Center & Child Advocacy Center - 540-432-6430, 217 South Liberty Street #205, Harrisonburg VA, an off-campus crisis counseling, support, and advocacy center.
- Contact JMU Title IX Coordinator, [Title IX](#) Amy Sirocky-Meck 540-568-5214 Madison Hall Suite 4020, JMU Harrisonburg, VA 22807.
- You may also notify law enforcement, call the JMU Police Department if the incident occurred on campus at 540-568-6911; if the incident happened in the City of Harrisonburg or surrounding area call the Emergency 911, or business 540-434-4436 for assistance. Although the university strongly encourages all members of its community to report violations to law enforcement, it

is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police and/or be assisted by campus authorities in notifying law enforcement if the victim chooses.

Retain Evidence

- As with any crime, it is important to preserve evidence. Preserving evidence may assist in proving that the alleged criminal offense occurred and/or may be helpful in obtaining a protection order. If the offense occurred within the past 72 hours, evidence of criminal activity may be preserved and may be collected even if you chose not to make a report to law enforcement. The evidence collected can be held until a decision is made about pursuing legal action. In instances where the victim wishes to remain anonymous, the evidence collected at the hospital will be forwarded to the Division of Consolidated Laboratory Service of the Virginia Department of General Services as an anonymous physical evidence recovery kit where it will be stored for two years. During this time the victim may choose to release the kit to law enforcement.
- Do not destroy the physical evidence that may be found in the vicinity of the crime. If the crime occurred in the victim's home, the victim should not clean or straighten until the police have had an opportunity to collect evidence if contacted. Again, preservation of evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order.
- Do not shower, bathe, or douche. Do not urinate, if possible. Do not eat, drink liquids, smoke or brush teeth if oral contact took place.
- Keep the clothes worn during the offense. If clothes are changed, place clothes in a paper bag (evidence deteriorates in plastic).
- Write down everything you can remember about the assailant and the assault.

Go to the Hospital

- Get medical attention immediately. Going to the emergency room after a sexual assault can be a scary and confusing experience. In Virginia evidence may be collected even if you chose not to make a report to law enforcement. The evidence collected can be held until a decision is made about pursuing legal action. Sentara RMH Hospital can assist with collecting evidence with a physical evidence recovery kit. When you arrive at the emergency room, you will be checked in at the triage desk where you will be registered. At this time, a Collins Center advocate will be called as well as a specialized nurse called a SANE nurse (Sexual Assault Nurse Examiner). If the victim is a student, the SANE nurse requests of the victim that they allow the nurse to call a professional counselor from the university to let them know of the assault. Students can also call the JMU Health Center's The Well at 540-568-2831 to request a member to accompany them if they desire. The SANE nurses are bound by the limits of confidentiality, however, and may be able to only let the counselor know that an assault occurred on a student, but be unable to name that student if the victim wishes not to be named.
- The Sexual Assault Nurse Examiner's program, otherwise known as SANE, is a program set up specifically to gather forensic evidence from victims of sexual assault. SANE nurses are on call for duties to be performed at the Sentara RMH Emergency Room. Police investigators suggest that victims receive an exam by a SANE nurse if they are interested in pressing charges. SANE exams are administered to walk-in victims. SANE nurses are trained in examination techniques, forensic practice, how to collaborate with law enforcement officers, and how to present evidence as an expert witness in the courtroom. The SANE exam is an evidentiary exam, not a diagnostic one. There is a SANE nurse available 24/7 and exams are done for both adult and pediatric victims.
- For the exam, the SANE nurse obtains a brief medical history and may ask some detail about the assault that will help to know what areas of physical examination are most important for a thorough collection of forensic evidence. Blood, hair, and specific body fluids will be collected and packaged in a manner prescribed by the Virginia State Crime Laboratory. Specimens are labeled in detail and then sealed in a box that is remitted to law enforcement, following the rules of chain-of-custody. The investigating agency is then responsible for carrying the sealed evidence to the crime lab. (The Virginia Supreme Court can pay expenses related to the PERK kit exam, the Criminal Injuries Compensation Fund applies, per Virginia Code Section 19.2-368.18). In instances where the victim wishes to remain anonymous, the evidence will be forwarded to the Division of Consolidated Laboratory Service of the Virginia Department of General Services as an anonymous physical evidence recovery kit and where it will be stored for two years. During this time the victim may choose to release the kit to law enforcement.
- At the completion of the exam, the victim is offered prophylaxis for sexually transmitted diseases (STDs) and pregnancy and is given follow-up instructions depending on any findings during the exam. Follow-up can be through a private physician, the University Health Center, and/or the Public Health Department of Rockingham/Harrisonburg.
- If possible, tell someone all the details remembered about the assault and write everything down you remember as soon as possible.

Report the Assault

- If the victim requests notification to law enforcement, call the police department in the jurisdiction where the crime occurred. Call the JMU police Department if the incident occurred on campus at 540-568-6911; if the incident happened in the City of Harrisonburg or Rockingham County call the Emergency 911, or Business 540-434-4436 for assistance. Assistance will be provided to help the victim notify the appropriate law enforcement authorities if requested. The responding officer's primary responsibility will be the victim's physical well-being and emergency medical needs. An investigation will follow to include the obtaining preliminary statements, preserving the crime scene, and collection of evidence. An investigator trained in sexual assault will respond and continue the investigation. If the assault occurred within 5 days, at the hospital, the victim will be encouraged to allow an examination by a sexual assault nurse examiner to obtain evidence (Physical Evidence Recovery Kit). Law enforcement will help obtain an emergency protective order for the victim if applicable and provide guidance through the criminal complaint process.
- Individuals may also report sex offenses to the JMU Title IX Coordinator, Title IX Amy Sirocky-Meck 540-568-5214 Madison Hall Suite 4020, JMU Harrisonburg, VA 22807. You will be provided with written notification, both students and employees, about victim services within the institution and in the community. Information provided will include information on existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid along with other services available for victims, both within the institution and in the community and how to request accommodations and protective measures. This information will include options for and available assistance to victims for changing academic, living, transportation and working situations if requested by the victim and reasonably available and explanation of the procedures for institutional disciplinary action. The institution must make such accommodations or provide such protective measures if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement. University accountability action is an option that can be pursued in lieu of/or concurrent with legal prosecution. To begin a university accountability action, a student, faculty member or staff member who feels he or she has been a victim of sexual assault can meet with a Title IX coordinator(s) to explore options. Accountability proceedings will provide a prompt, fair, and impartial investigation and resolution conducted by officials who receive annual training on issues related to sexual assault, domestic violence as well as dating violence and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The JMU Student Accountability and Restorative Practices Accountability response to referral(s) related to act(s) of sexual violence can result in a charge of "Sexual Misconduct" against the accused.
- The Counseling Center offers is a resource that provides free and confidential short and long-term individual, group, and emergency sexual trauma counseling services for JMU students. They can also provide advocacy services for survivors, including assistance with medical, accountability, and legal referrals; and also consultation services, including consultation around Title IX, for faculty, staff, family members, and friends of survivors of sexual trauma. During the initial assessment appointment, a counselor will help students decide which service(s) would be the most beneficial. Title IX of the Education Amendments of 1972 requires university employees to report disclosures of sexual harassment and sexual assault to the Office of Equal Opportunity in an effort to foster and maintain an environment free from sex discrimination, and so that the university can provide a prompt and effective response. Most JMU faculty, staff, and student employees must abide by these requirements. Staff members of the Counseling Center are exempt from Title IX reporting requirements, and communications with clients are privileged by law; therefore, allowing the discussion of Title IX implications with faculty, staff, family members, and students as needed, and they can serve as clinicians for students directly impacted by sexual trauma. The Counseling Center is a safe and confidential environment for discussion of sexual harassment and assault.

The University must respond to complaints concerning Title IX to the extent of the victim's cooperation and consent. University offices to include the Office of Equal Opportunity, Title IX, the Office of Student Accountability and Restorative Practices, the JMU Health Promotion, and the University Counseling Center and JMU Victim Advocacy, will work cooperatively to ensure that the victim's health, physical safety, work and academic status are protected, pending the outcome of a university investigation of the complaint. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating, adjudicating the complaint or delivering resources or support services to the victim to the extent permissible by law. Any accommodations or protective measures provided to the victim will remain confidential to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures. The University does not publish the name of crime victims nor identifiable information regarding victims in the campus police departments Daily Crime Log or in Timely Warning notifications or Community Crime Alerts. Publicly available recordkeeping, including Clery Act reporting and disclosures, will be conducted without the inclusion of personally identifying information about the victim. Reports of all domestic violence, dating violence, sexual assault and stalking made to the JMU Police Department will automatically be referred to the Title IX Coordinator for investigation and services regardless if the victim chooses to pursue criminal charges.

Additionally, a Mutual Aid agreement with the Department of State Police, for the use of their joint forces, both regular and auxiliary, equipment, and materials when needed in the investigation of any felony criminal sexual assault or medically unattended death occurring on property owned or

controlled by the institution of higher education or any death resulting from an incident occurring on such property has been enacted.

Following any incident, victims are encouraged to make a report to JMU Police Department or local police if they have not done so previously. Remember, this action does not obligate prosecution, but it does make legal action possible if the decision to prosecute is made at a later date. Police have unique legal authority to seek and execute search warrants, to collect forensic evidence that may have been left at the scene or at other relevant locations, and to make an arrest when supported by probable cause to believe a crime has been committed. The earlier an incident is reported, the easier it is to collect valuable evidence and investigate the incident and obtain protective orders. JMU police will help victims with obtaining protection orders.

The institution will, upon written request, disclose to the victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for these purposes.

Law enforcement in concert with other entities such as Title IX, the JMU Health Center, Sentara RMH Hospital, and the Office of Student Accountability and Restorative Practices, along with the JMU UREC Health Promotion and the JMU Counseling Center will help coordinate medical, counseling and support services for students. Sentara RMH Hospital and the Collins Center along with the Harrisonburg Rockingham Victim Witness Program will coordinate for non-student victims.

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Bystander interventions can include speaking up when you hear threatening language. Confront people who seclude, hit on, and try to make out with or have sexual contact or penetration against someone who is incapacitated. Hold people accountable for their actions. Respectfully challenge comments that degrade women. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are OK.

Risk reductions entails options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. Risk reduction consists of options to address violence before it happens. With no intent to victim blame and in recognizing that only rapists are responsible for rape, there are some things you can do to help reduce your risk of being assaulted. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Don't allow yourself to be isolated with someone you don't trust or someone you don't know. Trust your intuition. If a particular situation makes you feel uncomfortable or unsafe, remove yourself from the situation. Don't be afraid to follow your instincts. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.

Domestic Violence

Domestic abuse “any threat or act of violence, including forceful detention which results in physical injury or places one in reasonable apprehension of bodily injury and which is committed by a person against such person’s family or household member”. In essence, domestic violence is any violent or controlling behavior by a person toward a spouse or partner. Although the partner is the primary target, domestic abuse also affects the children in the household, extended family members, and even the community at large.

The Virginia the statute for domestic violence is § 18.2-57.2. Assault and battery against a family or household member; penalty.

- Any person who commits an assault and battery against a family or household member is guilty of a Class 1 misdemeanor.
- Upon a conviction for assault and battery against a family or household member, where it is alleged in the warrant, petition, information, or indictment on which a person is convicted, that such person has been previously convicted of two offenses against a family or household member of (i) assault and battery against a family or household member in violation of this section, (ii) malicious wounding or unlawful wounding in violation of § [18.2-51](#), (iii) aggravated malicious wounding in violation of § [18.2-51.2](#), (iv) malicious bodily injury by means of a substance in violation of § [18.2-52](#), (v) strangulation in violation of § [18.2-51.6](#), or (vi) an offense under the law of any other jurisdiction which has the same elements of any of the above offenses, in any combination, all of which occurred within a period of 20 years, and each of which occurred on a different date, such person is guilty of a Class 6 felony.

The VAWA term “domestic violence” includes felony or misdemeanor crimes of violence committed:

1. By a current or former spouse or intimate partner of the victim;

2. By a person with whom the victim shares a child in common;
3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
5. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
(42 U.S.C. 13925(a))

Consent is not defined by the Commonwealth of Virginia in state criminal law. To constitute lack of consent, acts must be committed by force, intimidation or through use of the victim's mental incapacity or physical helplessness. Intoxication may indicate an inability to give consent.

James Madison University defines consent: An outward demonstration through understandable words or actions that convey a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent cannot be obtained by physical or verbal coercion that is express or implied, which includes the use of intimidation, threats, force or duress. Consent cannot be obtained by ignoring or acting in spite of the objections of another, by previous consent or by taking advantage of another person's incapacitation or physical helplessness where one knows or reasonably should have known of such incapacitation or helplessness. An individual who is incapacitated because of age, disability, voluntary activity or through the acts of others cannot give consent. Silence or absence of resistance does not imply consent. Consent is voluntary and may be withdrawn at any time by communicating the withdrawal through an outward demonstration of understandable words or actions.

James Madison University defines incapacitation: Physical or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts, unconsciousness, and the inability to make such decisions due to the voluntary or involuntary use of alcohol or drugs. Incapacitation may occur because of age, disability, voluntary activity, or through the acts of others.

What to do in an incident of domestic violence

If an incident of domestic violence should occur, the victim should consider following actions:

Seek help/Obtain medical attention

- The victim is urged to go to a safe place and contact a friend or family member for support.
- After an incident of domestic violence, the victim should begin considering seeking medical attention if needed. You can go to the emergency room at the hospital. Sentara RMH Hospital will be able to examine and treat you after an assault, whether or not you choose to report the assault to police.
- JMU students may also seek medical attention at the JMU Health Center, [University Health Center](#) - 540-568-6178, located at the Student Success Center.
- JMU Victim Advocacy services act as a safe, [confidential](#), welcoming, and inclusive resource for JMU students impacted by sexual violence, relationship abuse, stalking, or other crimes of interpersonal violence and can be contacted at the Victim Advocacy office - SSC 3rd Floor, Suite 3200 or call [\(540\) 568-6251](#) or email victimadvocacy@jmu.edu
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- [Counseling Center](#) - 540-568-6552, Student Success Center - counseling, advocacy, and consultation
- Consider the Collins Center & Child Advocacy Center - 540-432-6430, 217 South Liberty Street #205, Harrisonburg VA , an off-campus crisis counseling, support, and advocacy center.
- Helpful information can be found at this link <https://www.dss.virginia.gov/community/dv/>
- Virginia Crime Victim Assistance INFO-LINE (1-888-887-3418) and the Virginia Family Violence and Sexual Assault Hotline (1-800-838-8238).
- Contact JMU Title IX Coordinator, [Title IX](#) Amy Sirocky-Meck 540-568-5214 Madison Hall Suite 4020, JMU Harrisonburg, VA 22807.
- You may also notify law enforcement, call the JMU Police Department if the incident occurred on campus at 540-568-6911; if the incident happened in the City of Harrisonburg or surrounding area call the Emergency 911, or business 540-434-4436 for assistance. Although the university strongly encourages all members of its community to report violations to law enforcement, again, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police and/or be assisted by campus authorities in notifying law enforcement if the victim chooses.

Retain Evidence

- As with any crime, it is important to preserve evidence. The thorough, complete and accurate collection of evidence is a vital and often key requirement for the successful investigation and prosecution of domestic assault. Preserving evidence may assist in proving that the alleged criminal offense occurred and/or may be helpful in obtaining a protection order. Do not destroy the physical evidence that may be found in the vicinity of the crime. If the crime occurred in the victim's home, the victim should not clean or straighten until the police have had an opportunity to collect evidence if contacted.
- Physical evidence can include injuries of the victim, evidentiary articles that substantiate an attack and the crime scene itself. Photographs of injuries and the crime scene showing a struggle occurred can be invaluable.

Report the Assault

- If the victim requests notification to law enforcement, call the police department in the jurisdiction where the crime occurred. Call the JMU police Department if the incident occurred on campus at 540-568-6911; if the incident happened in the City of Harrisonburg call the Emergency 911, or Business 540-434-4436 for assistance. Victims will be assisted by campus authorities, if requested, in notifying law enforcement if the victim so chooses but may also decline to notify law enforcement. Due to the seriousness of these offenses and the delicate nature of the investigations involved, it is important for police to undertake diligent investigations in order to increase the reporting of these crimes. Reducing recidivism and serial criminal offenses through the apprehension and prosecution of the assailants is a priority. The responding officer's primary responsibility will be the victim's physical well-being and emergency medical needs with an investigation to follow to include the obtaining preliminary statements, preserving evidence, and documentation. This action does not obligate prosecution, but it does make legal action possible if the decision to prosecute is made at a later date. Police have unique legal authority to seek and execute search warrants, to collect forensic evidence that may have been left at the scene or at other relevant locations.

Police will arrest the aggressor when probable cause exists by the totality of the circumstances which may include:

1. Evidence that any of the parties acted in self-defense.
2. A history of violence (prior assault convictions) of the parties involved, including history of calls for service.
3. The relative severity of injuries inflicted on all parties, plus consideration whether the injuries were offensive or defensive.
4. The relative size, bulk, and strength of the parties involved.
5. Evidence from persons involved in or witnesses to the incident.
6. The likelihood of future injury to any party.
7. Current or previous protection orders filed against either party.

Individuals may also report an incident of domestic violence to the JMU Title IX Coordinator, [Title IX](#) Amy Sirocky-Meck 540-568-5214 Madison Hall Suite 4020, JMU Harrisonburg, VA 22807. You will be provided with written information providing information on existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance along with other services available for victims, both within the institution and in the community. This information will also include options for and available assistance to victims for changing academic, living, transportation and working situations if requested by the victim and reasonably available. University accountability action is an option that can be pursued in lieu of/or concurrent with legal prosecution. To begin a university accountability action, a student, faculty member or staff member who feels he or she has been a victim of domestic violence can meet with a Title IX coordinator(s) to explore options. Accountability proceedings will provide a prompt, fair, and impartial investigation and resolution conducted by officials who receive annual training on issues related to sexual assault, domestic violence as well as dating violence and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The JMU Student Accountability and Restorative Practices Accountability response to referral(s) related to act(s) of domestic violence can result in a charge of "Sexual Misconduct" against the accused.

The Counseling Center offers is a resource that provides free and confidential short and long-term individual, group, and emergency sexual trauma counseling services for JMU students. They can also provide advocacy services for survivors, including assistance with medical, accountability, and legal referrals; and consultation services, including consultation around Title IX, for faculty, staff, family members, and friends of survivors of sexual trauma. During the initial assessment appointment, a counselor will help students decide which service(s) would be the most beneficial. Title IX of the Education Amendments of 1972 requires all university employees to report disclosures of sexual harassment and sexual assault in an effort to foster and maintain an environment free from sex discrimination, and so that the university can provide a prompt and effective response. Most JMU faculty, staff, and student employees must abide by these requirements. Staff members of the Counseling Center are exempt

from Title IX reporting requirements, and communications with clients are privileged by law; therefore, allowing the discussion of Title IX implications with faculty, staff, family members, and students as needed, and they can serve as clinicians for students directly impacted by sexual trauma. The Counseling Center is a safe and confidential environment for discussion of sexual harassment and assault.

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Law enforcement in concert with other entities such as Title IX, the JMU Health Center, Sentara RMH Hospital, and the Office of Student Accountability and Restorative Practices, along with the JMU UREC Health Promotion and the JMU Counseling Center will help coordinate medical, counseling and support services for students. Sentara RMH Hospital and the Collins Center along with the Harrisonburg Rockingham Victim Witness Program will coordinate for non-student victims.

The institution will, upon written request, disclose to the victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for these purposes.

Some cues or red flags that might indicate an abusive relationship:

Do you...

- Feel afraid of your partner most of the time?
- Feel that you can't do anything right?
- Get embarrassed by your partner's behavior toward you?
- Believe that you deserve to be hurt or mistreated?
- Avoid topics or situations out of fear of angering your partner?

Does your partner...

- Humiliate, criticize or yell at you?
- Blame you for his behavior?
- Threaten to hurt you?
- Threaten to take your kids away?
- Threaten to harm your kids or pets?
- Force you to have sex?
- Act jealous and possessive?
- Keep you from seeing friends and family?
- Limit your access to money or necessities?
- Keep you from getting a job or going to school?
- Constantly check up on you?
- Threaten to kill or hurt himself if you leave?

Risk reductions entails options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. Pay attention to "red flags" and trust your instincts. Survivors of domestic violence frequently report that their instincts told them that there was something wrong early on but they

disregarded the warning signs and didn't know that these signs were indicative of an abusive relationship. Always take time to get to know a potential partner and watch for patterns of behavior in a variety of settings. Keeping in touch with your support system and participating in good self-care can lower your risk of being involved in an abusive relationship.

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Bystander interventions can include speaking up when you hear threatening language. Hold people accountable for their actions. Respectfully challenge comments that degrade women. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are OK.

Dating Violence

James Madison University is committed to providing security, education, training, and victim services to combat violence against all persons.

Virginia does not have a statute specifically making dating violence criminal, but it is a form of assault and battery, §§ 18.2-52, 18.2-57 which is criminal behavior defined as an intentional act by one person that creates an apprehension in another of an imminent harmful or offensive contact and/or inflicts physical injury on another. Under Virginia's laws, if the defendant inflicts bodily injury on the victim based on the victim's race, religion, color, or national origin, then the crime may be charged as a felony.

The VAWA term for "**dating violence**" means:

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim

1. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
2. For the purposes of this definition—
 - A. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - B. Dating violence does not include acts covered under the definition of domestic violence.
3. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Consent is not defined by the Commonwealth of Virginia in state criminal law. To constitute lack of consent, acts must be committed by force, intimidation or through use of the victim's mental incapacity or physical helplessness. Intoxication may indicate an inability to give consent.

James Madison University defines consent: An outward demonstration through understandable words or actions that convey a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force that is express or implied, coercion, intimidation, threats or duress. Consent cannot be obtained by ignoring or acting in spite of the objections of another, by previous consent or by taking advantage of another person's incapacitation or physical helplessness where one knows or reasonably should have known of such incapacitation or helplessness. An individual who is incapacitated because of age, disability, voluntary activity or through the acts of others cannot give consent. Silence or absence of resistance does not imply consent. Consent is voluntary and may be withdrawn at any time by communicating the withdrawal through an outward demonstration of understandable words or actions.

James Madison University defines incapacitation: Physical or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts, unconsciousness, and the inability to make such decisions due to the voluntary or involuntary use of alcohol or drugs. Incapacitation may occur because of age, disability, voluntary activity, or through the acts of others.

What to do in an incident of dating violence

If an incident of dating violence should occur, the victim should consider following actions:

Seek help/Obtain medical attention

- The victim is urged to go to a safe place and contact a friend or family member for support.

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- After an incident of dating violence, the victim should begin considering seeking medical attention if needed. You can go to the emergency room at the hospital. Sentara RMH Hospital will be able to examine and treat you after an assault, whether or not you choose to report the assault to police.
- JMU students may also seek medical attention at the JMU Health Center, [University Health Center](#) - 540-568-6178, located at the Student Success Center.
- JMU Victim Advocacy services act as a safe, [confidential](#), welcoming, and inclusive resource for JMU students impacted by sexual violence, relationship abuse, stalking, or other crimes of interpersonal violence and can be contacted at the Victim Advocacy office - SSC 3rd Floor, Suite 3200 or call [\(540\) 568-6251](#) or email victimadvocacy@jmu.edu
- [Counseling Center](#) - 540-568-6552, Student Success Center - counseling, advocacy, and consultation
- Consider the Collins Center & Child Advocacy Center - 540-432-6430, 217 South Liberty Street #205, Harrisonburg VA, an off-campus crisis counseling, support, and advocacy center.
- Contact JMU Title IX Coordinator, [Title IX](#) Amy Sirocky-Meck 540-568-5214 Madison Hall Suite 4020, JMU Harrisonburg, VA 22807.
- You may also notify law enforcement, call the JMU Police Department if the incident occurred on campus at 540-568-6911; if the incident happened in the City of Harrisonburg or surrounding area call the Emergency 911, or business 540-434-4436 for assistance. Although the university strongly encourages all members of its community to report violations to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police and/or be assisted by campus authorities in notifying law enforcement if the victim chooses.
- Helpful information can be found at this link <https://www.dss.virginia.gov/community/dv/>
- Virginia Crime Victim Assistance INFO-LINE (1-888-887-3418) and the Virginia Family Violence and Sexual Assault Hotline (1-800-838-8238).

Retain Evidence

- As with any crime, it is important to preserve evidence. The thorough, complete and accurate collection of evidence is a vital and often key requirement for the successful investigation and prosecution of dating violence. Preserving evidence may assist in proving that the alleged criminal offense occurred and/or may be helpful in obtaining a protection order. Do not destroy the physical evidence that may be found in the vicinity of the crime. If the crime occurred in the victim's home, the victim should not clean or straighten until the police have had an opportunity to collect evidence if contacted.
- Physical evidence can include injuries of the victim, evidentiary articles that substantiate an attack and the crime scene itself. Photographs of injuries and the crime scene showing a struggle occurred can be invaluable.

Report the Assault

- If the victim requests notification to law enforcement, call the police department in the jurisdiction where the crime occurred. Call the JMU police Department if the incident occurred on campus at 540-568-6911; if the incident happened in the City of Harrisonburg call the Emergency 911, or Business 540-434-4436 for assistance. Victims will be assisted by campus authorities, if requested, in notifying law enforcement if the victim so chooses but may also decline to notify law enforcement. The responding officer's primary responsibility will be the victim's physical well-being and emergency medical needs with an investigation to follow to include the obtaining preliminary statements, preserving evidence, and documentation. This action does not obligate prosecution, but it does make legal action possible if the decision to prosecute is made at a later date. Police have unique legal authority to seek and execute search warrants, to collect forensic evidence that may have been left at the scene or at other relevant locations.
- Individuals may also report an incident of dating violence to the JMU Title IX Coordinator, [Title IX](#) Amy Sirocky-Meck 540-568-5214 Madison Hall Suite 4020, JMU Harrisonburg, VA 22807. You will be provided with written notification, both students and employees, about victim services within the institution and in the community. Information provided will include information on existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid along with other services available for victims, both within the institution and in the community and how to request accommodations and protective measures. This information will include options for and available assistance to victims for changing academic, living, transportation and working situations if requested by the victim and reasonably available and explanation of the procedures for institutional disciplinary action. The institution must make such accommodations or provide such protective measures if they are reasonably available, regardless of whether the victim chooses to report the crime to campus

police or local law enforcement. University accountability action is an option that can be pursued in lieu of/or concurrent with legal prosecution. To begin a university accountability action, a student, faculty member or staff member who feels he or she has been a victim of dating violence can meet with a Title IX coordinator(s) to explore options. Accountability proceedings will provide a prompt, fair, and impartial investigation and resolution conducted by officials who receive annual training on issues related to sexual assault, domestic violence as well as dating violence and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The JMU Student Accountability and Restorative Practices Accountability response to referral(s) related to act(s) of dating violence can result in a charge of "Sexual Misconduct" against the accused.

The institution will, upon written request, disclose to the victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for these purposes.

The university must respond to complaints concerning Title IX to the extent of the victim's cooperation and consent, University offices to include the Office of Equal Opportunity, Title IX, the Office of Student Accountability and Restorative Practices, the JMU Health Promotion, and the University Counseling Center and JMU Victim Advocacy, will work cooperatively to ensure that the victim's health, physical safety, work and academic status are protected, pending the outcome of a university investigation of the complaint. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating, adjudicating the complaint or delivering resources or support services to the victim to the extent permissible by law. The University does not publish the name of crime victims nor identifiable information regarding victims in the campus police departments Daily Crime Log or in Timely Warning notifications or community crime alerts. Reports of all domestic violence, dating violence, sexual assault and stalking made to the JMU Police Department will automatically be referred to the Title IX Coordinator for investigation and services regardless of if the victim chooses to pursue criminal charges

Law enforcement in concert with other entities such as Title IX, the JMU Health Center, Sentara RMH Hospital, and the Office of Student Accountability and Restorative Practices, along with the JMU Health Promotion and the JMU Counseling Center and JMU Advocacy Services will help coordinate medical, counseling and support services for students. The JMU Counseling Center offers support and counseling for individuals who have experienced dating violence. That support may be through individual or group counseling. Counseling is also available for friends and partners of people who have experienced this kind of violence. Additionally, the JMU Counseling Center offers counseling, advocacy, and consultation. JMU students may also seek medical attention at the JMU Health Center, University Health Center - 540-568-6178, located at the Student Success Center. JMU Victim Advocacy services act as a safe, confidential, welcoming, and inclusive resource for JMU students impacted by sexual violence, relationship abuse, stalking, or other crimes of interpersonal violence and can be contacted at the Victim Advocacy office - SSC 3rd Floor, Suite 3200 or call (540) 568-6251 or email victimadvocacy@jmu.edu Sentara RMH Hospital and the Collins Center (540-434-2272) along with the Harrisonburg Rockingham Victim Witness Program will coordinate for non-student victims. Other resources include the Virginia Crime Victim Assistance INFO-LINE (1-888-887-3418) and the Virginia Family Violence and Sexual Assault Hotline (1-800-838-8238).

Red flags in a relationship might include your partner:

- Always wanting to know where you are and who you are with.
- Not wanting you to spend time with others.
- Getting angry if you do not answer a call or text immediately.
- Always blaming you for their mistakes.
- Calling you names or constantly putting you down.
- Yelling constantly, throwing or punching objects.
- Pressuring you to do more sexually than you are ready for.

Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. Pay attention to the "red flags" and "trust your instincts." Instincts may have told them that there was something wrong early on but they disregarded the warning signs and didn't know that these signs were indicative of an abusive relationship. Understand barriers to getting help such as fear of being judged, embarrassment and not wanting to admit that it's a real problem. Always take time to get to know a potential partner and watch for patterns of behavior in a variety of settings. Keeping in touch with your support system and confide in them. Participating in good self-care can lower your risk of being involved in an abusive relationship.

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence. It includes recognizing situations of potential harm, understanding institutional structures and cultural conditions

that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are OK. If you or someone else is in immediate danger, dial 911 campus or 568-6911 on campus. This could be when a person is yelling at or being physically abusive toward another and it is not safe for you to interrupt.

Stalking

Stalking is traumatic. You may experience nightmares, lose sleep, get depressed or feel like you are no longer in control of your life.

Stalking is a crime that Virginia defines as § 18.2-60.3 “Any person who engages in conduct directed at another person with the intent to place or when he/she knows or reasonably should know that the conduct places that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person’s family or household member.”

The VAWA definition of stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - A. Fear for the person’s safety or the safety of others; or
 - B. Suffer substantial emotional distress.
- ii. For the purposes of this definition—
 - A. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
 - B. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - C. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling

Consent is not defined by the Commonwealth of Virginia in state criminal law. To constitute lack of consent, acts must be committed by force, intimidation or through use of the victim’s mental incapacity or physical helplessness. Intoxication may indicate an inability to give consent.

James Madison University defines consent: An outward demonstration through understandable words or actions that convey a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent cannot be obtained by physical or verbal coercion that is express or implied, which includes the use of intimidation, threats, force or duress. Consent cannot be obtained by ignoring or acting in spite of the objections of another, by previous consent or by taking advantage of another person’s incapacitation or physical helplessness where one knows or reasonably should have known of such incapacitation or helplessness. An individual who is incapacitated because of age, disability, voluntary activity or through the acts of others cannot give consent. Silence or absence of resistance does not imply consent. Consent is voluntary and may be withdrawn at any time by communicating the withdrawal through an outward demonstration of understandable words or actions.

What to do in an incident of domestic violence

If an incident of stalking should occur, the victim should consider following actions:

Seek help

- The victim is urged to go to a safe place and contact a friend or family member for support. Assess immediate safety needs.
- Consider advocacy services available through the Well at the University Health Center, which helps, provide students a supportive way to navigate their options and resources. . To meet with an advocate, contact Veronica Jones, Interim Director for Health Promotion & Well-Being at jonesvw@jmu.edu or 540-568-3407.
- [Counseling Center](#) - 540-568-6552, Student Success Center - counseling, advocacy, and consultation
- Consider the Collins Center & Child Advocacy Center - 540-432-6430, 217 South Liberty Street #205, Harrisonburg VA, an off-campus crisis counseling, support, and advocacy center.
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- You may also notify law enforcement, call the JMU Police Department if the incident occurred on campus at 540-568-6911; if the incident happened in the City of Harrisonburg or surrounding area call the Emergency 911, or business 540-434-4436 for assistance. Although the university strongly encourages all members of its community to report violations to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police and/or be assisted by campus authorities in notifying law enforcement if the victim chooses.
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- Virginia Crime Victim Assistance INFO-LINE (1-888-887-3418) and the Virginia Family Violence and Sexual Assault Hotline (1-800-838-8238).

Retain Evidence

- As with any crime, it is important to preserve evidence. The thorough, complete and accurate collection of evidence is a vital and often key requirement for the successful investigation and prosecution of stalking. Preserving evidence may assist in proving that the alleged criminal offense occurred and/or may be helpful in obtaining a protection order. Do not destroy the physical evidence that may be found in the vicinity of the crime. If the crime occurred in the victim's home, the victim should not clean or straighten until the police have had an opportunity to collect evidence if contacted.
- Physical and evidentiary articles that substantiate the crime such as text messages, voicemails, videos, letters, photos, cards, unwanted items or gifts and emails should be saved. You should also write down the times, places and dates all the incidents occurred. You should include the names and contact information of people who witnessed what happened and provide this information to the police.

Report the Incident

- If the victim requests notification to law enforcement, call the police department in the jurisdiction where the crime occurred. Call the JMU police Department if the incident occurred on campus at 540-568-6911; if the incident happened in the City of Harrisonburg call the Emergency 911, or Business 540-434-4436 for assistance. Victims will be assisted by campus authorities, if requested, in notifying law enforcement if the victim so chooses but may also decline to notify law enforcement. The responding officer's primary responsibility will be the victim's physical well-being and assess safety needs with an investigation to follow to include the obtaining preliminary statements, preserving evidence, and documentation. This action does not obligate prosecution, but it does make legal action possible if the decision to prosecute is made at a later date. Police have unique legal authority to seek and execute search warrants, to collect forensic evidence that may have been left at the scene or at other relevant locations.
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confidential and only shared with persons with a specific need to know who are investigating, adjudicating the complaint or delivering resources or support services to the victim to the extent permissible by law. The University does not publish the name of crime victims nor identifiable information regarding victims in the campus police departments Daily Crime Log or in Timely Warning notifications or community crime alerts. Reports of all domestic violence, dating violence, sexual assault and stalking made to the JMU Police Department will automatically be referred to the Title IX Coordinator for investigation and services regardless of if the victim chooses to pursue criminal charges.

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Law enforcement in concert with other entities such as Title IX, the JMU Health Center, Sentara RMH Hospital, and the Office of Student Accountability and Restorative Practices along with the JMU Health Center, JMU Health Promotions and the JMU Counseling Center and JMU Advocacy Services will help coordinate medical, counseling and support services for students. Sentara RMH Hospital and the Collins Center (540-434-2272) along with the Harrisonburg Rockingham Victim Witness Program will coordinate for non-student victims).

Stalking behaviors can include:

- Showing up at your home or place of work unannounced or uninvited.
- Sending you unwanted text messages, letters, emails and voicemails.
- Leaving unwanted items, gifts or flowers.
- Constantly calling you and hanging up.
- Use social networking sites and technology to track you.
- Spreading rumors about you via the internet or word of mouth.
- Making unwanted phone calls to you.
- Calling your employer or professor.
- Waiting at places you hang out.
- Damaging your home, car or other property

Anyone can become a victim of stalking. The following are suggestions as to what you can do if someone is stalking you:

- Keeps a log of incidents including the date, time, what happened, and the names of any witnesses. Even if you decide not to pursue prosecution, you may change your mind and it will be helpful to have documentation of every incident.
- If you have a protection order, make several copies, and carry a copy with you at all times.
- Save any packages, letters, messages, or gifts from the stalker. They may be important if you decide to report to the police.
- To keep your address confidential, get a post office box and use it on all correspondence. Put this address on your checks. If you are being sent something from Federal Express or another company that won't mail to P.O. Boxes, change "P.O. Box" to "Apartment" when giving your address.
- Use an answering machine to screen calls. Save all voicemail messages from the stalker, or record them to a tape recorder and save the tapes.
- You can have your phone reject calls from anonymous or unknown callers by contacting your local telephone service provider.
- Acquaint yourself with 24-hour stores and other public, highly populated areas in your neighborhood.
- If someone is following you, never go home.
- Inform security at your place of employment that you are being stalked.
- Inform friends, family, neighbors, and other people you know that you are being stalked so that the stalker cannot get information about you from them.

- If you have a picture of your stalker, give one to people you know at the places you frequent.

Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. If you feel threatened on campus or in nearby areas, look for a blue-light emergency phone or call 540-568-6911 for police assistance on campus and 911 for police assistance off campus. Trust your intuition - it's right most of the time. If someone is making you feel uncomfortable, take steps to remove yourself from the situation. Make sure your cell phone is with you and charged.

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of stalking. It includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Bystander intervention can be as simple as calling the police if you witness a serious situation in progress. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are OK.

Protective Orders/No Contact Orders

Protective orders are civil court orders meant to protect victims who have experienced or are reasonably in fear of physical violence, sexual assault or stalking by another individual. The JMU Police Department will explain and provide assistance in the process of obtaining protective orders. An emergency protective order (EPO) aims to protect the health or safety of any person regardless of a decision to arrest. The patrol officer may request an emergency protective order for the victim for any act involving violence, force, or threat that results in bodily injury, OR places one in reasonable apprehension of death, sexual assault, or bodily injury. Such acts include, but are not limited to, any forceful detention, stalking, or criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, OR any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. An emergency protective order is issued by a judge or magistrate, upon request of a law enforcement officer or an alleged victim. To obtain an emergency protective order, the alleged victim must have been subjected to an act of violence, force, or threat, and the judge or magistrate finds that (i) there is probable danger of a further such act being committed by the respondent against the alleged victim or (ii) a petition or warrant for the arrest of the respondent has been issued for a criminal offense resulting from the commission of an act of violence, force, or threat.

An emergency protective order can:

1. Prohibit acts of violence, force, or threat or criminal offenses resulting in injury to person or property,
2. Prohibit contacts by the respondent with the petitioner or the petitioner's family or household members, and
3. Grant other conditions that the judge or magistrate deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by the respondent.

This remains in effect for 72 hours unless the 72 hour period expires at a time that Court is not in session. In that case, the order is extended until 5:00 p.m. on the next business day that the Court is in session. The victim may request a preliminary protective order, within a reasonable period of time following the incident, through the general district court. A preliminary protective order (PPO) is issued by a judge, upon request of an alleged victim or law enforcement officer. To obtain a preliminary protective order, the alleged victim must have been subjected to an act of violence, force, or threat, or a petition or warrant has been issued for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of an act of violence, force, or threat. An alleged victim must appear before a judge in person to request a preliminary protective order.

A preliminary protective order can:

1. Prohibit acts of violence, force, or threat or criminal offenses that may result in injury to person or property,
2. Prohibit contacts by the respondent with the petitioner or the petitioner's family or household members, and
3. Grant other conditions that the court deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by the respondent.

A Preliminary Protective Order is valid for 15 days, or until the date of the next hearing scheduled at the time of issuance of the preliminary protective order for a permanent or full protective order. A full protective is issued by a judge, following a hearing at which both the petitioner and respondent are present.

A full protective order can:

1. Prohibit acts of violence, force, or threat or criminal offenses that may result in injury to person or property,
2. Prohibit contacts by the respondent with the petitioner or the petitioner's family or household members, and
3. Grant other conditions that the court deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by the respondent.

A Protective Order is valid for any period of time up to a maximum of two years. It is very important to keep a copy of the protective order with you at all times. Show these to the police officer, magistrate, prosecutor, or judge if he/she violates the order.

A special kind of Protective Order, called a Family Abuse Protective Order, exists for victims who have experienced or are in fear of physical threat or violence, sexual assault or stalking by a family member. Regardless of whether an arrest is made, if the responding officer has probable cause to believe that a danger of acts of family abuse exists, the officer shall seek an emergency protective order on behalf of the victim. Family abuse includes any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. An abused family household member may petition the Juvenile and Domestic Relations Court for a Preliminary Protective Order (PPO). After an ex parte hearing and based on immediate and present danger of family abuse or evidence sufficient to establish probable cause that family abuse has recently occurred, the court may issue a PPO (protecting the petitioner or his or her family, or both). At the hearing where the PPO is issued, a hearing date for a permanent or full protective order shall be set. The PPO is valid for up to 15 days. In addition to the restrictions and prohibitions placed in a PPO, the full protective order may require an abuser to pay for the victim and children to live elsewhere, and for the abuser to receive treatment or counseling. The victim must attend a protective order hearing at the Juvenile and Domestic Relations Court. The abuser must have notice and opportunity to attend the hearing. The full order is valid for up to two years.

If you are not able to obtain a family abuse protective order you may still be able to obtain a general emergency protective order (EPO) which aims to protect the health or safety of any person regardless of a decision to arrest.

If you are a student or an employee victim, please inform the JMU Police of any protection orders. Officers shall enforce protective orders from other states or possessions of the United States as if they were issued in the Commonwealth of Virginia. More information on protective orders can be found at http://www.courts.state.va.us/forms/district/info_sheet_protective_order_stalking.pdf.

No contact orders through the university can also be put in place. When students are informed of their alleged violations, they may also be instructed to have "no direct or indirect contact" with the specific members of the university community involved in the case. **This includes, but is not limited to, verbal or non-verbal contact in person, through electronic means, or through a third party.** A violation of this instruction may result in an additional alleged policy violation(s) of [Non-compliance with a University Official](#) and/or [Interference with or Retaliation for Exercising or Participating in the Title IX process and/or Accountability, Honor Council, or other University Conduct Process](#).

Crime Victim and Witness Rights

The Victim/Witness Assistance Program, established through a cooperative effort between the Commonwealth Attorney's Office, the JMU Police, Harrisonburg and Rockingham County law enforcement agencies, the State police, and the Harrisonburg-Rockingham Community Services Board, is designed to lessen the impact of criminal acts on victims and witnesses of crimes and to ensure that such individuals receive fair treatment while participating in the criminal justice system. The JMU police can help arrange assistance from the Victim/Witness coordinator and also provides a brochure outlining Virginia's Crime Victim and Witness Rights Act information.

As a victim or witness of a crime, individuals have certain rights under Virginia's Crime Victim and Witness Rights Act. The telephone number is 540-564-3350. There are specific steps one needs to take in order to receive these rights. The Victim/Witness program at the Commonwealth Attorney's Office has been implemented for the benefits of victims and witnesses of crime. A victim is defined as a person who has suffered physical, psychological, or economic harm as a direct result of a crime.

As a **victim** one may be entitled to information about:

- Financial Assistance and Social Services
- Address and telephone confidentiality

- Closed preliminary hearing or use of closed-circuit television, if one was the victim of a sexual offense
- Separate waiting area during court proceedings
- The right to remain in the courtroom during a criminal trial or proceeding

As a **victim** one may also be entitled to assistance in:

- Obtaining protection from further harm or threats of harm
- Obtaining property obtained by law enforcement agencies
- Obtaining financial assistance from the Criminal Injuries Compensation Fund
- Intercession services with one's employer and/or school
- Obtaining advanced notice of court proceedings
- Receive the services of an interpreter
- Preparing a victim impact statement prior to the defendant's sentencing
- Seeking restitution for damages or loss

As a **victim** one may also be entitled to notification of:

- Case status information
- Changes in court dates
- Changes in the status of the defendant and release information

As the **witness** to a crime, one may be entitled to information about:

- Protection from harm or threats of harm
- Address and telephone number confidentiality
- A separate waiting area during court proceedings

As a **witness** one may also be entitled to assistance with:

- Receiving intercession services with one's employer or school
- Receiving the services of an interpreter

A crime victim or witness is subject to receiving a subpoena, which is a court document requiring them to be present in court at the time and place stated.

Steps one takes to receive confidentiality, notification, or release of information if they are a crime victim:

- **Confidentiality:** To request confidentiality, the crime victim must file a Request for Confidentiality by Crime Victim Form (DC-301) with the Magistrate, court, commonwealth's attorney, or law enforcement agency in the locality where the crime occurred.
- **Silent Witness:** If you have any information you feel would be helpful in an investigation but wish to remain anonymous, you have the option to report it through **Silent Witness** at: https://www.jmu.edu/publicsafety/silent_witness_form.shtml. Please note: If the location of the incident is not provided, the University's *Clergy* Act Compliance Coordinator will be unable to count the related statistic in the annual *Clergy* Campus Crime Disclosure and Policy Report.
- **Court Dates:** A crime victim must give the Commonwealth's Attorney their current name, address, and phone number, in writing, if they wish to be notified in advance of the scheduled court dates in their case.
- **Information about release or status of defendant:** The crime victim must give the sheriff, jail superintendent, or Department of Corrections their current name, address, telephone number and defendant name, in writing, if they wish to be notified about the changes in the status of the defendant or inmate.

Title IX at JMU

The Title IX Office at James Madison University receives, responds to, and address reports of sexual misconduct which includes, sexual assault, sexual violence, sexual harassment, dating violence, domestic violence, relational violence, sexual exploitation, stalking, and all other forms of misconduct on the basis of or because of a reporter’s sex, sexual orientation, gender, or gender identity, involving members of the university community. Title IX also oversees and supports university efforts to prevent and eliminate sexual misconduct and other forms of sex- and gender-based discrimination.

Title IX does this by responding to individual incidents to provide support and resources to those who have experienced harm; providing education and training to faculty, staff, and students focused on supporting a healthy, affirming community; Increasing overall community knowledge about resources and options; preventing re-occurrences and future occurrences by assuring that all members of the university community know what behaviors are prohibited and the options that exist for reporting and addressing issues of sex-based discrimination.

Office of Equal Opportunity covers discrimination based on a person's age, color, disability, gender identity, genetic information, national origin, parental status, political affiliation, race, religion, sex, sexual orientation or veteran status.

JMU currently has three policies that address sexual misconduct, harassment and discrimination that apply to all students and employees.

[Policy 1324 Discrimination and Harassment](#) covers discrimination based on a person's age, color, disability, gender identity, genetic information, national origin, parental status, political affiliation, race, religion, sex, sexual orientation or veteran status. The Office of Equal Opportunity is where you would report an incident or concern pertaining to this policy.

[Policy 1346 Title IX Sexual Harassment](#) covers sexual harassment, sexual assault, dating violence, domestic violence, and stalking that occurs within university programs and activities in the United States. The Title IX Office is where you would report an incident or concern pertaining to this policy.

[Policy 1340 Sexual Misconduct](#) covers sexual harassment, sexual assault, dating violence, domestic violence, stalking, and non-consensual relationships that do not fall within the scope of Policy 1346. The Title IX Office is where you would report an incident or concern pertaining to this policy.

POLICY NUMBER	POLICY 1324	POLICY 1346	POLICY 1340
POLICY TITLE	DISCRIMINATION AND HARASSMENT	TITLE IX SEXUAL HARASSMENT	SEXUAL MISCONDUCT
WHAT DOES THE POLICY COVER	DISCRIMINATION BASED ON A PERSON'S AGE, COLOR, DISABILITY, GENDER IDENTITY, GENETIC INFORMATION, NATIONAL ORIGIN, PARENTAL STATUS, POLITICAL AFFILIATION, RACE, RELIGION, SEX, SEXUAL ORIENTATION OR VETERAN STATUS	SEXUAL HARASSMENT, SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, STALKING THAT OCCURS WITHIN UNIVERSITY PROGRAMS AND ACTIVITIES IN THE USA	SEXUAL HARASSMENT, SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, STALKING, AND NON-CONSENSUAL RELATIONSHIPS THAT DO NOT FALL WITHIN THE SCOPE OF POLICY 1346
WHERE DO I REPORT AN INCIDENT OR CONCERN	OFFICE OF EQUAL OPPORTUNITY	TITLE IX OFFICE	TITLE IX OFFICE
WHO IS COVERED	STUDENTS AND EMPLOYEES	STUDENTS AND EMPLOYEES	STUDENTS AND EMPLOYEES

How to Report an Incident

JMU strives as a community to be free from harassment and discrimination in all its forms. The University provides support and assistance to any student or employee who has experienced harm. There are three ways to report sexual misconduct, harassment and discrimination.

1. The Title IX Office is where you can report an incident of sexual harassment, sexual assault, dating violence, domestic violence, and stalking that occurs within University programs within the United States. Policy 1346 covers this.
2. The Title IX Office is also where you can report an incident of sexual misconduct such as sexual harassment, sexual assault, dating violence, domestic violence, stalking and non-consensual relationships that do not fall within the scope of Policy 1346. Policy 1340 covers this.
3. The Office of Equal Opportunity is where you can report an incident of harassment and/or discrimination based on age, color, disability, gender identity, gender information, national origin, parental status, political affiliation, race, religion, sex, sexual orientation, or veteran status.

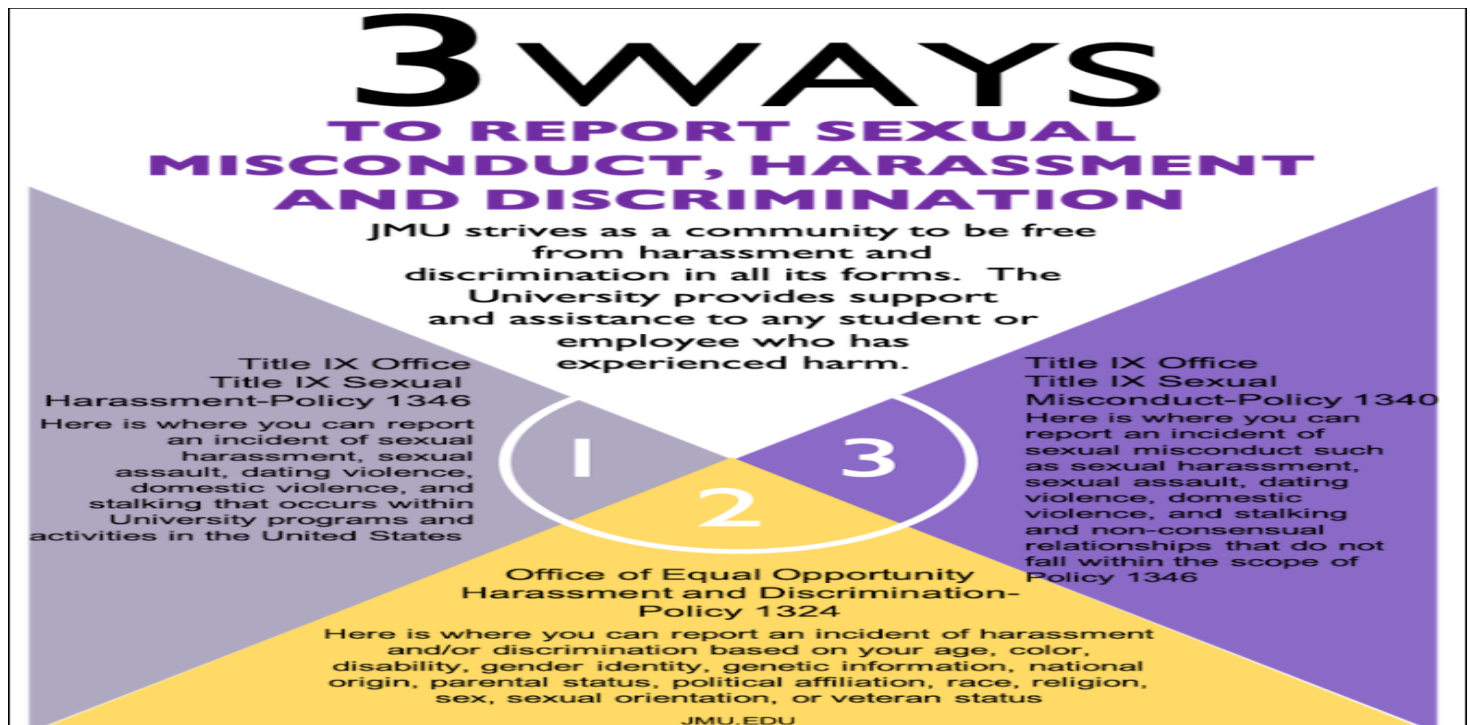
Report an incident of sexual harassment or sexual misconduct for yourself or another JMU community member to the Title IX Office using one of these options...

In Person: Title IX Office
Madison Hall 4023, 4033 and 4035
100 East Grace Street
Harrisonburg, VA 22807
Over the Phone: Title IX Office at (540) 568-5219
Email: Title IX [Inbox](#)

Remember:

Reporting to the Title IX Office does not preclude an individual from also reporting an alleged criminal incident to law enforcement.

Responsible Employees should only report what they know about an alleged incident of sexual harassment or sexual misconduct to Title IX and should let the person know that Title IX will be reaching out with information about resources and options.



How to Report a Formal Complaint

A complainant may file a formal complaint alleging sexual harassment, as defined in Policy 1346, or sexual misconduct, as defined in Policy 1340, against a respondent who is currently employed by or a student of the institution, and requesting that the university investigate the allegation, directly with the Title IX Office. This can happen electronically, 24 hours a day, 7 days a week, by emailing the formal complaint to titleix@jmu.edu, or by mailing the formal complaint to Title IX Office, Attn: Title IX Coordinator, MSC 7806, James Madison University, Harrisonburg, VA 22807. A complainant may also submit their written formal complaint to the Title IX Office in person during regular business hours. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in an educational program or activity at the time of filing a formal complaint.

Information to Include in the Formal Complaint

The formal complaint must include the complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint. In addition to the complainant's name, the formal complaint document that is filed should include:

- The name of the respondent
- The approximate date, time, and location of the alleged incident
- A description of the incident that the complainant would like the university to investigate

The **Formal Complaint Investigation Process** is covered in four simple steps.

1. **Formal Complaint Submitted and Notice of Allegation Sent:** After receiving a formal complaint, the Title IX Office promptly contacts the complainant to verify that the complainant filed a formal complaint and then sends written notice of the allegation to the respondent and complainant.
2. **Investigation Conducted:** The investigator contacts the complainant, respondent, and witnesses and gathers and collects evidence for the investigative report. The investigator drafts an investigative report that fairly summarizes all relevant evidence.
3. **Investigative Report Review:** The investigative report is made available to the complainant, respondent, and their advisor of choice. The complainant and respondent have 10 days upon receipt of the investigative report to submit a final response to the investigator for inclusion in the investigative report.
4. **Investigation Complete:** The investigative report, with the complainant and respondent's final statements, is provided to the complainant and respondent and their advisors of choice and transferred to the university authority responsible for the adjudication of the formal complaint.

The university encourages anyone who directly experiences or becomes aware of sexual harassment or sexual misconduct involving JMU community members, or that occurs during a university program or activity, or occurs on university-owned or university-leased property to report the incident immediately to the [Title IX Office](#).

Formal Complaint Investigation Process

Click [Formal Complaint Investigation Process](#) to open a PDF of the full document.

General Information

Title IX Office

The Title IX Office is responsible for conducting prompt and equitable investigations of formal complaints of Title IX sexual harassment as defined in Policy 1346, or sexual misconduct, as defined in Policy 1340. The presumption is that no policy violation has occurred unless proven otherwise by a preponderance of the evidence in an adjudication process.

The Title IX Office, including coordinators and investigators, receive training on how to serve impartially, including by avoiding pre-judgment of facts at issue, conflicts of interest, and bias. Title IX personnel who conduct investigations also receive training on issues of relevance and how to create an investigative report that fairly summarizes relevant evidence. Materials used to train the Title IX Office including coordinators and investigators can be found on the Title IX Website at <https://www.jmu.edu/access-and-enrollment/titleIX/training-and-classes/traininglog.shtml>

Deadlines and Extensions Anticipated timelines, deadlines, restrictions, or procedures detailed here will not be altered except in necessary or extreme circumstances, for good cause, in order to uphold the intent of the process, as determined by the Title IX Office. If an extension is granted, the

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complainant and respondent in a formal complaint will be informed of the reason for the extension. Complainants and respondents may request extensions for good cause under these procedures. The determination regarding whether or not an extension will be granted rests with the Title IX Coordinator.

Communication and Meetings The Title IX Office communicates with university students and employees using the university student or employee's assigned JMU email address. As laid out in Policy 1209, university community members are responsible for regularly checking and maintaining their assigned email accounts.

Email correspondence including notifications sent by the Title IX Office are considered received 24 hours after the date and time the correspondence was sent.

Meetings under these procedures will generally be scheduled during regular university business hours, which are Monday-Friday, 8:00 AM – 5:00 PM, unless the university is closed. If the Title IX Office assigns a meeting time and date to a party participating in these procedures, such meetings for students will be set around the student's academic schedule. Such meetings for employees will be scheduled to take place during regular university business hours.

Guidelines

Reporting to Law Enforcement

Filing a formal complaint with the Title IX Office does not restrict the complainant's ability to also report criminal conduct to law enforcement and to pursue both options simultaneously or not at all. Individuals who have experienced or become aware of sexual misconduct or Title IX sexual harassment are encouraged to report incidents directly to law enforcement.

Freedom of Speech and Academic Freedom

These formal complaint investigation procedures do not restrict or impair:

- The exercise of rights protected under the United States Constitution such as the right to free speech.
- The ability of the complainant and respondent to discuss the allegations that are the focus of a formal complaint investigation or to gather evidence for the purpose of the investigation.
- The rights of faculty members and students of the institution to academic freedom.

Good Faith

All individuals participating in procedures under Policy 1346 or Policy 1340 are presumed to be acting in good faith. Failure to act in good faith in bringing an allegation under Policy 1346 or Policy 1340, failure to act in good faith in participating during any proceedings under Policy 1346 or Policy 1340, or in any other capacity concerning Policy 1346 or Policy 1340 constitutes a form of misconduct and may result in sanctions separate from, and not dependent on, the outcome of any report or formal complaint under Policy 1346 or Policy 1340.

Prohibition on Retaliation

The university prohibits retaliation against a group or individual exercising rights under and/or participating in, or refusing to participate in, any procedures under Policy 1346 or Policy 1340. Retaliation constitutes a form of misconduct and may result in sanctions separate from, and not dependent on, the outcome of any report or formal complaint filed under Policy 1346 or Policy 1340. Complaints of alleged retaliation are not handled under these procedures and if received by the Title IX Office, are referred directly to the university authority responsible for adjudicating claims of retaliation.

Amnesty

The university generally will not pursue alleged policy violations of personal consumption of alcohol or drugs for complainants, respondents, and witnesses in procedures under Policy 1346 or Policy 1340.

Voluntary Participation

Participation in the formal complaint investigation and hearing process is voluntary for the complainant, respondent, and witnesses and the university has no mechanism for compelling individuals to participate. However, if the complainant, respondent, or witnesses chooses not to submit to cross examination during a hearing, the board may not rely on any statements of that party in reaching a determination regarding responsibility.

Application of Policy 1340 and 1346

Pursuant to Policy 1340 6.9.8 Application of Policy 1340 and 1346, If conduct is within the scope and jurisdiction of both Policy 1340-Sexual Misconduct and Policy 1346- Title IX Sexual Harassment, Policy 1346-Title IX Sexual Harassment will govern. However, if a complaint or portions thereof are dismissed under Policy 1346-Title IX Sexual Harassment, they may still be investigated and adjudicated under Policy 1340-Sexual Misconduct if the allegations remain within the scope of Policy 1340.

Some incidents may involve conduct that is prohibited under Policy 1346-Title IX Sexual Harassment, and other conduct that is prohibited under Policy 1340-Sexual Misconduct. When both policies apply for different conduct arising out of the same incident or pattern of incidents, the university may investigate and adjudicate all allegations simultaneously under each policy. If the university consolidates the investigation and adjudication under both policies, then the adjudication procedures applicable to Policy 1346-Title IX Sexual Harassment will apply. Alternatively, the university may choose to investigate and adjudicate the conduct separately under each policy.

Formal complaints alleging (1) sexual harassment on the basis of hostile environment under Policy 1340- Sexual Misconduct (conduct that is sufficiently severe, persistent, or pervasive, and objectively offensive in a manner that interferes with, limits, or denies the person the ability to participate in or benefit from the institution's education programs or activities) and (2) sexual harassment under Policy 1346-Title IX Sexual Harassment on the basis of unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's education program or activity, may be investigated and adjudicated simultaneously under both policies. If the university consolidates the investigation and adjudication under both policies, then the adjudication procedures applicable to Policy 1346-Title IX Sexual Harassment will apply. The decision maker will make a decision on the allegations under both Policies 1340 and 1346, providing a written rationale for allegations under each policy. Alternatively, the university may choose to investigate and adjudicate the conduct separately under each policy.

Withdrawal of Complaint, Dismissals, and Adaptable Resolution

Withdrawal of Complaint, Dismissals

The complainant may withdraw a formal complaint at any time during the investigation and hearing, prior to the determination of an outcome, by notifying the Title IX Coordinator in writing. Such notification may result in discretionary dismissal under Policy 1346 or 1340 as applicable.

Circumstances that may lead to mandatory or discretionary dismissal of a formal complaint of Title IX Sexual Harassment may be found in Policy 1346. Circumstances that may lead to mandatory or discretionary dismissal of a formal complaint of sexual misconduct may be found in Policy 1340. The Title IX Office is responsible for informing the complainant and respondent of a dismissal of a formal complaint under Policy 1340 or 1346 as applicable.

Alternative Resolution

The university does not require complainants and respondents to initiate or participate in an alternative resolution process. In certain cases, after the filing of a formal complaint, an alternative resolution process may be available in lieu of the formal complaint process. Complainants or respondents interested in pursuing an alternative resolution process may contact the Title IX Office for more information.

Emergency Removal Pending Outcome and Transcript Notation

Emergency Removal Pending Outcome

Pending the outcome of a formal complaint process, a respondent may be temporarily suspended from attendance and enrollment, suspended from any other education program or activity including employment, and/or issued a no-trespass banning the person from campus. Refer to Policy 1346 or Policy 1340 as applicable for more information on the circumstances that may prompt a consideration for emergency removal and the procedures used by the university in such circumstances.

Transcript Notation

If a student Respondent withdraws while under investigation for an allegation of sexual violence, defined as physical sexual acts perpetrated against a person's will or against a person incapable of giving consent, a notation will be placed on the student respondent's transcript until a final decision in the case is rendered. In cases where a student respondent is found responsible and suspended or expelled for sexual violence a notation will be placed on the student respondent's transcript for the duration of the suspension or expulsion.

Such notations will read, as applicable:

- Withdrew while under investigation for violation of Student Standards of Conduct
- Expelled for violation of Student Standards of Conduct
- Suspended for violation of Student Standards of Conduct

Student respondents receiving a transcript notation for a suspension will have it automatically removed by the Office of the Registrar once the suspension period has ended. After a period of three years, students may contact the Office of Student Accountability and Restorative Practices to request removal of a notation for good cause shown.

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Supportive Measures and Resources

Reasonably available supportive measures and resources are available to JMU students and employee complainants and respondents and may include but are not limited to the following:

Supportive Measures Available through the Title IX Office:

- Issuance of a two way no contact order if both parties are current JMU students and/or employees.
- Assistance connecting to law enforcement and other on-campus and off-campus resources.
- For students: Communication to instructors regarding absences and requests for academic assistance. Assistance with temporary on-campus housing changes.
- For Employees: Referral to Human Resources to learn about resources available through benefits package.

On Campus Resources for Students and Employees

James Madison University Police Department: General information and assistance (540-568-6912), on-campus emergencies (540-568-6911), campus safety escorts (540-568-6913).

Confidential On Campus Resources for Students

- Confidential victim advocacy, safety planning, accompaniment, assistance with obtaining protective orders: Victim Advocacy, 3rd Floor Student Success Center, 540-568-6552 (ask for advocate).
- Confidential personal and group counseling: JMU Counseling Center, 3rd Floor Student Success Center, 540-568-6552.
- Confidential medical care, STD testing, urgent care services: University Health Center, 1st Floor SSC, 540-568-6178.

On Campus Resources for Employees

- Human Resources, Wine Price Building, 540-568-6165
- For Faculty: Faculty Ombudsperson, available by appointment. For contact information, go to the JMU Faculty Ombudsperson webpage.

Community Resources available for Students and Employees

- Confidential survivor advocacy, medical accompaniment, confidential group and individual counseling, assistance with obtaining protective orders, 24 HR crisis hotline: The Collins Center, 540-432-6430.
- Medical care, SANE exams, STI testing, mental health counseling, emergency health services: Sentara RMH Medical Center, 2010 Health Campus Drive, Harrisonburg, 22801.
- To report criminal activity or assistance obtaining a protective order in the City of Harrisonburg: Harrisonburg Police Department, Emergencies (911), Non-Emergency and assistance with protective orders (540-434-4436).
- To report criminal activity or receive assistance obtaining a protective order in Rockingham County: Rockingham County Sheriff's Office, Emergencies (911), Non-Emergency and assistance with protective orders (540-564-3800).

Filing a Formal Complaint

How to File a Formal Complaint

A complainant may file a formal complaint alleging sexual harassment, as defined in Policy 1346, or sexual misconduct, as defined in Policy 1340, against a respondent who is currently employed by, an affiliate, or a student of the institution, and requesting that the university investigate the allegation, directly with the Title IX Office electronically, 24 hours a day, 7 days a week, by emailing the formal complaint to titleix@jmu.edu, or by mailing the formal complaint to Title IX Office, Attn: Title IX Coordinator, MSC 7806, James Madison University, Harrisonburg, VA 22807. A complainant may submit their written formal complaint to the Title IX office in person during regular business hours. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the educational program or activity of the university.

Information to Include in the Formal Complaint

The formal complaint must include the complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint. In addition to the complainant's name, the formal complaint document that is filed should include:

- The name of the respondent
- The approximate date, time, and location of the alleged incident
- A description of the incident that the complainant would like the university to investigate.

Please Note: When the written notice of allegation is sent, the respondent will be invited to inspect and review the formal complaint before the respondent would be expected to participate in any investigation interviews or respond in any way to the investigation.

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Assistance with Filing

The filing of a formal complaint is meant to be an accessible process without barriers. The Title IX Office invites complainants who may not be able, for any reason, to file a formal complaint in the format recommended in these procedures to contact the Title IX Office for assistance. Such assistance is not to be in any way construed as pressure to file a formal complaint or a presumption on the part of the Title IX Office that a violation of policy has occurred.

Special Circumstances In cases where there is an increased risk to individual or community safety, the university may instruct the Title IX Coordinator to sign a formal complaint in order to initiate an investigation, even if the complainant does not wish to move forward. In those cases, the Title IX office will promptly contact the complainant in accordance with these procedures and the complainant will maintain their right to participate fully as outlined in the written notice of allegation. The signing of a formal complaint by the Title IX Coordinator does not mean the Title IX Coordinator will be participating in the process as the complainant.

Title IX Actions upon Receipt of a Formal Complaint

Upon receipt of the formal complaint, The Title IX Coordinator or another member of the Title IX Office staff, will promptly contact the complainant to verify that the complainant completed and submitted the formal complaint, verify that the complainant is authorizing the Title IX Office to investigate the formal complaint, review the procedures that will be used to investigate the formal complaint, including the right to bring an advisor of choice to any formal complaint meeting and proceedings, and discuss reasonably available supportive measures.

Written Notice of the Allegation

The Title IX Office will then send written notice of the allegation of the formal complaint to the respondent. The complainant will also receive a copy of the written notification of the allegation. The notification shall generally state and include:

- The date, time, and location of the alleged incident and the names, if known, of the complainant and respondent.
- The specific policy alleged to have been violated and that if other allegations are uncovered during the course of an investigation, The Title IX Office will send a separate written notification of allegation.
- Information regarding formal complaint investigation procedures and adjudication procedures.
- Information about reasonably available supportive measures.
- The right of the complainant and respondent to bring an advisor of their choice to any meetings and proceedings and information on the role of the advisor in the investigation procedures.
- The presumption that no policy violation has occurred unless proven otherwise by a preponderance of the evidence in an adjudication process and that in conducting the investigation the Title IX Office serves fairly and impartially.
- The right of the respondent to inspect and review the formal complaint submitted by the complainant, before participating in an investigative interview or submitting a response.
- The name of the individual assigned to conduct the formal complaint investigation.
- The equal opportunity of both parties to have sufficient time to prepare before participating in investigative interviews.
- The equal opportunity of both parties to submit relevant evidence and inspect and review evidence submitted.
- The equal opportunity of the complainant and respondent to have 10 days upon receipt of notification from the investigator to submit a response to the evidence collected before the investigator drafts the investigative report.
- The equal opportunity of the complainant and respondent to have 48 hours to submit a response to the investigative report, upon receipt of the report
- The prohibition against retaliation for parties participating in procedures under Policy 1346 and 1340.
- That parties are instructed to preserve any potentially relevant evidence in any format.
- That the formal complaint investigation is the only opportunity prior to a hearing for the complainant and respondent to submit evidence and statements.
- That the formal complaint investigation is the only opportunity prior to a hearing for witnesses to be interviewed.
- How to access information about options that may exist for alternative resolution.
- How to schedule an appointment with the Title IX Office to ask questions regarding the procedures and discuss supportive measures.

The Title IX Office is required to make reasonable efforts to contact and discuss procedures and supportive measures with the respondent and to make the formal complaint document submitted by the complainant available to the respondent before the respondent is expected to participate in any investigation proceedings. However, the decision as to whether or not to participate, rests with the respondent.

Formal Complaint Investigation

The assigned investigator will generally follow the procedures listed here and will attempt to make contact with the complainant, respondent, and witnesses for the purpose of interviewing them and collecting evidence for the investigation. The complainant and respondent may have an advisor of their choice at any meetings under these proceedings. The complainant, respondent, and witnesses are invited to participate in investigation interviews and may submit any information, including their own written statement, they would like to submit for the investigation with the

understanding that the complainant, respondent, and their advisors will have full access to all materials collected by and submitted to the investigator for the formal complaint investigation.

Evidence Collection and Submission

The Title IX Office is responsible for gathering evidence for the investigation. The complainant and respondent are also welcome to submit any and all relevant evidence for the investigation prior to the drafting of the investigative report. Evidence submitted for the investigative report by any party will be made available to the complainant, respondent, and their advisors for inspection and review.

The Title IX Office does not have a mechanism for compelling individuals or agencies to share documents, video, and audio that may be relevant to the investigation of a formal complaint including but not limited to medical reports, educational records, correspondence (either electronic or mailed) that may have taken place between parties involved, surveillance video, police reports, personal text messages, phone records, other electronic communication, pictures, video, maps, room layouts, etc. If the university is unable to obtain such information, parties who wish to include any such information, may submit it directly to the investigator.

The Title IX Office cannot access, accept, consider, disclose or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional or paraprofessional's capacity, or assisting in that capacity, and which are made or maintained in connection with the provision of treatment to the party, unless the party voluntarily, provides written consent to the Title IX Office to include the information in the investigation.

The Title IX Office will exclude from the investigative report any information that pertains to the sexual predisposition of the complainant and respondent. The Title IX Office will also exclude from the investigative report any information about the complainant or respondent's prior sexual behavior unless such information is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if it concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and is offered to prove consent.

Role of the Advisor of Choice

The role of the advisor of choice is to serve as a support person to the party they are serving as advisor for. The advisor of choice may speak directly with the party they are providing support for and may ask clarifying questions about policy and procedure of the Title IX Office and the investigator. However, an advisor of choice may not speak for the party they are supporting during the investigation of the formal complaint. The complainant and respondent may need to provide written permission for their respective advisor of choice to directly receive the investigative report.

Witnesses

For the purpose of these procedures, a witness is an individual who has information about the alleged incident(s) that is (are) the focus of the formal complaint investigation.

Generally, the investigator will identify witnesses to contact for the investigation of the formal complaint. The complainant and respondent may also identify witnesses.

The complainant and respondent may also elect to submit statements they have gathered independently from witnesses for the investigation. Though, any such statements will be accepted for the investigation, the investigator will still attempt to make contact with the witness for the purpose of conducting an interview.

While the investigator will make reasonable attempts to reach out to all potential witnesses, there is no mechanism for Title IX Office to compel witnesses to be interviewed.

Investigative Report

The general timeframe for evidence collection will be 20 business days. The evidence collected will then be made available to the complainant, respondent, and their respective advisors of choice for inspection and review. The complainant and respondent will have up to ten calendar days to submit a response to the evidence, after which the investigator will not be required to accept late submissions.

Upon receipt of the complainant and respondent's written response to the evidence, the investigator will have up to 10 business days to write an investigative report that fairly summarizes all relevant evidence, takes into account the written responses submitted by the complainant and respondent, and includes a timeline of procedural steps taken from receipt of the formal complaint forward. The investigative report will not contain any finding or recommendations. Alternatively, the investigator may provide the parties with written notice extending the investigation and explain the reasons for the extension. The Title IX Office will exclude from the investigative report any information that pertains to the sexual predisposition of the complainant and respondent.

The Title IX Office will also exclude from the investigative report any information about the complainant or respondent's prior sexual behavior unless such information is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if it concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and is offered to prove consent.

Final Response and Completion of the Investigation

The investigative report will be provided to the complainant, respondent, and their advisors of choice. The complainant and respondent will have 48 hours from the time the investigative report is made available to them, to submit to the investigator a written response to the investigative report. Once received, the Title IX Office will make the responses submitted available to the complainant, respondent, and their advisors of choice.

The Title IX office will also transfer the Investigative report with all relevant evidence, the responses to the investigative report submitted by the complainant and respondent, and all evidence that was made available to the complainant, respondent, and their advisors of choice for inspection and review to the university entity responsible for conducting the adjudication phase of the process. All such materials will continue to be available through the Title IX Office to the complainant, respondent, and their advisors of choice. This does not preclude the university entity responsible for the adjudication process from also making the materials available to the complainant, respondent, and their advisors of choice. The Title IX Office will retain a copy of the investigative report for a period of at least seven years. If there is a two way no contact order issued by the Title IX Office in effect, it will remain in effect until the established expiration date. The Title IX Office will continue to provide reasonably available supportive measures and referrals for supportive measures available through other university offices and the community to the complainant and respondent. The investigator who conducted the formal complaint investigation may be asked by the university entity responsible for the adjudication phase of the process to appear at a hearing as an administrative witness to answer questions regarding the investigative

Adjudication for Faculty

Title IX seeks to reduce or eliminate barriers to educational opportunity caused by sex discrimination. Within the Division of Academic Affairs, issues related to Title IX are handled by the Title IX Officer for Faculty.

Contact Information

Title IX Officer for Faculty: Paula Maxwell

Title IX Coordinator for the University: Amy Sirocky-Meck Title IX Officer for Faculty: [Paula Maxwell](#)

Title IX Coordinator for the University: [Amy Sirocky-Meck](#)

Adjudication Process for Faculty Title IX

1. Introduction

1.1 The sections below outline the steps involved in the adjudication process for alleged violation(s) of Title IX sexual harassment within the Division of Academic Affairs, as referenced in university policy 1346, Title IX Sexual Harassment, section 6.6.3 Adjudication Process for Formal Complaints against Instructional Faculty and A&P Faculty with Tenure.

1.2 This process begins after the Title IX Office has conducted an investigation and completed an investigative report. Any statements or information collected by other offices will be delivered to the Title IX Office during the collection and investigation phase.

2. Formal Adjudication Process

2.1 The process for handling a formal complaint of Title IX sexual harassment alleged against a faculty member will be a hearing conducted by a trained hearing board.

2.2 Review by a Hearing Board

2.2.1. Upon receipt of the final investigative report from the Title IX Coordinator concerning a violation of Policy 1346 by an instructional or tenured A&P faculty member, the Title IX Officer for Faculty will set a date for a hearing based on the availability of the complainant, respondent, hearing board members, and administrative witness(es); assemble a hearing board; and refer the case to that hearing board. The hearing board will normally convene to hear a case within 15 business days after the case has been referred for a hearing. This timeframe will be extended for good cause shown by a party for an extension. Hearings may extend from a few hours to several days, depending on the nature of the circumstances, number of witnesses, and extent of cross-examination.

2.2.2. The Title IX Officer for Faculty will select three individuals to hear the case and one alternate from the pool of trained hearing board members who are not members of the college of either the respondent or complainant. The complainant and respondent will be simultaneously notified of the members of the hearing board and the alternate. Either party may request in writing within two business days to the Title IX Officer for Faculty the removal of any member for conflict of interest or bias. The decision on removal rests with the Title IX Officer for Faculty.

2.2.2.1 *The alternate will review all evidence made available to the hearing board, will be present for the hearing, and will be called upon to take the place of a hearing board member in the event that one is unable to continue as a member for family, medical, or other unforeseen circumstances. All members of the hearing board, including the alternate, are required to be present during all testimony. The alternate will be excused from the board prior to the deliberation phase.*

2.2.3. *The Title IX Officer for Faculty will name the chair of the hearing board who will run the hearing. The chair will convene the hearing; explain the procedures to the complainant, respondent, advisers, and any witnesses; receive all evidence presented during the hearing; determine whether a witness called by either party is appropriate and will be heard; determine relevance of questions during cross-examination; ensure procedures are followed; maintain the recording of the proceedings; coordinate the drafting of the report containing the decision, rationale and, if applicable, any remedies and sanctions of the hearing board; and deliver the report to the Title IX Officer for Faculty.*

2.2.4. *In the hearing, neither party is required to be present; however, if a party is not present for live cross-examination, the evidence gathered from that party cannot be used in the decision-making process.*

2.2.4.1 *Neither the complainant nor the respondent shall be allowed to cross-examine the other party directly; cross examination occurs through the parties' advisers only.*

2.2.5. *Hearings may be conducted in-person or virtually, depending on factors such as the availability of participants or the need for continued physical distancing. The determination of mode of delivery for the hearings will be determined by the Title IX Officer for Faculty. When hearings are scheduled in-person, either party may opt to participate virtually in the hearing. Such remote access must be requested at least two business days in advance of the hearing to allow the Title IX Officer for Faculty to make appropriate arrangements for technology. All hearings, whether in-person or remote, must have video and audio capabilities for all participants.*

2.2.6. *The hearing will be closed to all but the parties, each party's adviser, the hearing board's members, and witnesses. Witnesses will only attend the portion of the hearing in which they testify and will not be present for other witnesses' testimony.*

2.2.7. *Prior to the hearing, both the complainant and respondent will have had timely access to documents and information considered by the hearing board. During the hearing, equal opportunity shall be given to the complainant and the respondent to present opening and closing statements, testimony, witnesses, and evidence.*

2.2.8. *Both parties may have access to an advisor of their choice who may be present with the party at any meetings or proceedings related to the formal complaint. Either party may choose to have an attorney present as the advisor during the hearing. If either party does not have an advisor, an advisor will be provided for the purpose of cross-examination. The advisor will be trained in Title IX proceedings. The name of the advisor will be given to the party at least five business days prior to the hearing when possible. If either party needs an advisor provided for them, they must notify the Title IX Officer for Faculty in writing at least five business days prior to the hearing.*

2.2.9. *Participation of the advisor is restricted to cross-examination only. With the exception of cross-examination, the hearing board will communicate with the parties directly, not through the advisor, and with the exception of cross-examination, the advisor may not address the hearing board directly or on behalf of the party.*

2.2.9.1 *During cross-examination, the advisors ask questions for response by the other party, administrative witnesses, or other party's witnesses. The Hearing Chair will determine relevancy of each question; if the question is deemed relevant, the party will be allowed to respond. If the question is deemed not relevant, rationale for that decision will be provided.*

2.2.9.2 *Cross-examination must be done in a manner that:*

- *Probes a party's narrative in order to give the decision maker the fullest view possible of the evidence relevant to the allegations at issue.*
- *Is expected to be respectful and avoid unnecessary use of inflammatory language or commentary*
- *Is not intended to embarrass, blame, humiliate, or emotionally berate a party.*
- *Is not duplicative.*

2.2.10. *Each party is responsible for requesting any witnesses to be present to testify on behalf of that party. Failure of a witness to appear as requested by a party is not grounds for postponement of the hearing. The hearing board may allow virtual testimony during the hearing. If a witness is not available for cross-examination, the testimony cannot be used in the decision-making process. Whether or not to allow the testimony of any witnesses is to be determined by the hearing board chair on a case-by-case basis. Either party intending to call witnesses*

shall notify the Title IX Officer for Faculty in writing at least two business days in advance of the hearing by giving the name and title of each witness and the subject matter of the testimony of each witness. The hearing board may call additional witnesses, as it deems appropriate.

2.2.11. In the hearing, information concerning the complainant's or respondent's sexual predisposition is never allowed, nor are questions about the complainant's or respondent's sexual history permitted, unless the question or evidence is used to prove that someone other than the respondent committed the alleged sexual harassment, or the question or evidence concerns sexual behavior between the complainant and the respondent and is offered to prove consent.

2.2.12. All testimony given before the hearing board will be audio-recorded. At the conclusion of the hearing, this recording will be placed on file in the Office of the Title IX Officer for Faculty. Upon request, copies of the recording will be made available for review by either party.

2.2.13. All persons performing responsibilities under this policy will respect and maintain the strict confidentiality of all relevant documents and deliberations. The privacy of all parties involved will be protected by the university within the context of all state and federal laws, and university policies, and the First Amendment rights of all parties will not be restricted.

2.2.14. The evidentiary standard for hearings is preponderance of the evidence. The respondent is presumed to be not responsible unless sufficient evidence is presented to prove a violation of the policy has occurred.

2.2.15. The deliberations of the hearing board will not be recorded, and the hearing board members shall keep the deliberations confidential. The decision of the hearing board shall be by majority vote, but the vote of individual members and the number of votes for each side shall not be reported, and no minority or dissenting report will be issued.

2.2.16. Only if the hearing board finds that the respondent has violated the policy will the board consider potential sanctions against the respondent.

2.2.17. The hearing board has three business days after the hearing to deliver its decision and rationale for responsibility, and, if appropriate, its decision and rationale for sanctions, to the Title IX Officer for Faculty.

2.2.18. The Title IX Officer for Faculty will share the report of the hearing board with the complainant, respondent, and Title IX office within two business days of receipt of the decision from the hearing board. This written notification includes the outcome of the process, including whether the respondent was found responsible for violating the policy, rationale, any remedies, any sanctions, any appeal procedures, and the date the decision becomes final.

3. Appeal

3.1 The appeal option below applies for outcomes decided by a hearing board.

3.1.1. Upon receipt of the decision of the hearing board, both the complainant and respondent have five business days to submit an appeal in writing to the Title IX Officer for Faculty.

3.1.2. If no appeals are submitted, the process ends, and the hearing board's decision is final. The decision becomes final the next calendar day after the appeal deadline. The Title IX Officer for Faculty notifies the complainant, respondent and Title IX office within three business days of the appeal deadline. In addition, if the respondent is found responsible, the Provost, the respondent's dean and Human Resources are notified of the decision of responsible and, if applicable, of the sanctions. If sanctions are imposed, the AUH/supervisor is also notified.

3.1.3. If a written appeal is submitted by either party, it must provide the grounds for the appeal and a summary of the arguments and any new documentary evidence the party wishes the appeal committee to review. This submission must include the entirety of the appeal.

3.1.4. An appeal may only be granted under one or more of the following grounds: (A) procedural irregularity that affected the outcome of the matter; (B) new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter, and (C) The Title IX Coordinator, investigator(s) or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

3.1.5. The Title IX Officer for Faculty must notify the other party in writing that an appeal has been filed within one business day.

3.1.6. Title IX Officer for Faculty determines if the appeal is based on one or more of the permissible grounds for appeal within two business days. If the appeal is not based on permissible grounds for an appeal, the process ends, and the initial decision of the hearing board is final and reported to the parties listed above. If the appeal is authorized, the appeal process is initiated.

3.1.7. The Title IX Officer for Faculty will share the appeal of one party with the other party at the end of the two-day period.

3.1.8. If either or both parties appeal, the other party has five business days to respond to the appeal. Neither may file an additional appeal at this point but may only respond to the appeal received.

3.2 Appeal Review Process

3.2.1. Upon determining that the case meets the criteria for appeal, the Title IX Officer for Faculty coordinates and schedules the appeal review within 10 business days.

3.2.2. Review by an Appeal Board

3.2.2.1 The Title IX Officer for Faculty will assign a three member Appeal Board from a pool of Academic Affairs deans and Academic Affairs associate deans.

3.2.2.2 The Appeal Board will consist of one Academic Affairs dean and two associate deans.

3.2.2.3 The dean and associate deans assigned will be individuals selected from a pool of trained Title IX members; the dean and associate deans will be members of colleges outside the complainant's and respondent's discipline or supervision.

3.2.2.4 The complainant and respondent will be simultaneously notified in writing of the dean and associate deans assigned to the appeal. Either party may object in writing to an assignment of dean or associate dean on the basis of conflict of interest or bias and may request that the Title IX Officer for Faculty assign a replacement. The decision on reassignment rests with the Title IX Officer for Faculty.

3.2.3. Review by an Appeal Board

3.2.3.1 Appeal Board members will have full access in advance to all appeal documents submitted; the case file, including the decision of the hearing board; and any recordings.

3.2.3.1 The Appeal Board will meet to thoroughly review the appeal documents. Upon review of all documents and recordings, the Appeal Board will elect one of three pathways to proceed:

- The decision is made to deny the appeal. The Appeal Board submits the decision with rationale to the Title IX Officer for Faculty within three business days of the Appeal Board's meeting.
- The decision is made, based on the nature of the appeal, to make a determination based on the information provided in the written appeal, previously-submitted documentation, and hearing recordings without the need for additional cross-examination. The Appeal Board submits the outcome of their review with rationale to the Title IX Officer for Faculty within three business days of the Appeal Board's meeting.
- The decision is made to gather additional information through a second hearing process in order to come to a conclusion on the appeal. The Appeal Board submits a request to postpone their final decision until a hearing can be scheduled. The Appeal Board will hear the case.

3.2.3.3 If a second hearing is requested by the Appeal Board, the Appeal Board will indicate if they will hear all information again or if the hearing will be limited solely to the new information received. This decision will be based on the nature of the appeal and the type of information received for the appeal.

3.2.3.4 If a second hearing is requested, the hearing will proceed according to hearing process listed in section 2.2. The second hearing will be conducted within 15 business days of the request to hold a second hearing.

3.2.3.5 Upon completion of the appeal hearing, the Appeal Board has three business days after the hearing to deliver its decision and rationale to either uphold or alter the original decision, and, if appropriate, its decision and rationale for sanctions, to the Title IX Officer for Faculty.

3.3 Final Decision: Reporting and Monitoring

3.3.1. Once the final decision is reached, the Title IX officer for Faculty will notify the complainant, respondent, and the Title IX Office within one business day of receipt of the final decision. If the respondent is found responsible, the Provost, the respondent's dean and Human Resources are notified of the decision of responsible and, if applicable, of the sanctions and remedies. If sanctions or remedies have been rendered, the respondent's AUH/supervisor will also be notified.

3.3.2. Once the appeal decision has been reported by the Appeal Board to the Title IX Officer for Faculty, the decision is final. No additional appeals will be accepted.

3.3.3. During the period of any assigned sanctions, the AUH/supervisor will monitor, on a regular basis, the progress of the assigned sanctions to ensure sanctions are upheld.

4. Informal Resolution

4.1 After a formal complaint has been filed, the complainant and respondent may agree to enter an informal resolution process that does not involve a full investigation and adjudication process. The informal resolution process may be initiated at any time prior to reaching a determination regarding responsibility.

4.1.1. The informal resolution process is purely voluntary, requires written consent, and cannot be required. Both parties must agree to an informal resolution process.

4.1.2. Cases in which an employee is alleged to have sexually harassed a student are not eligible for an informal resolution process.

4.2 Either party may withdraw from informal resolution at any time prior to agreeing to a resolution and resume the formal grievance process.

4.3 The informal resolution process is a method of resolving sexual harassment allegations in a less adversarial manner than the investigation and adjudication process of a formal grievance process. In the informal resolution process, witnesses may be contacted but are not called to formally testify before a board, nor does live cross-examination occur.

4.4 Informal resolutions are conducted by a dean from Academic Affairs. The dean is selected by the Title IX Officer for Faculty from a pool of trained individuals. The dean assigned to the case will typically not be the dean from either the complainant's or respondent's college. Both parties will be allowed to express concerns of bias and request that the Title IX Officer for Faculty assign a different dean. The final decision to replace the assigned dean lies with the Title IX Officer for Faculty.

4.4.1. There may be unique situations in which an outside mediator is necessary. The Title IX Officer for Faculty reserves the right to bring in a trained mediator to work with the case.

4.5 The dean works with both the complainant and the respondent. The initial meeting of the dean with the complainant and the respondent will take place separately. For subsequent meetings, the parties may or may not be in the same room or virtual session at the same time, depending on the circumstances, comfort, and preferences of both parties.

4.5.1. The exact structure of the informal process may take on various forms, the format of which will be decided by the dean after speaking to the complainant and respondent in their initial individual meetings. Variables that will determine the type of informal resolution may include but are not limited to the following:

- Goals of each party regarding resolution
- Type of scenario the case involves
- Current relationship or tenor between the two parties
- Status regarding acceptance of responsibility or acknowledgement of wrongdoing or harm caused as a result of the respondent's actions.

4.5.2. The potential informal process may include:

- Formal grievance process minus the live witness testimony, live cross-examination or cross-examination by anyone other than the dean hearing the case.

- Mediation
- Arbitration

- Restorative practice
- Combination of any of the above

4.6 The complainant and respondent may be asked to provide names of witnesses and the type of information each witness would provide.

4.7 The dean decides if witnesses will be contacted according to relevancy of the information they may provide.

4.7.1. If witnesses are contacted, the dean will contact each witness to speak directly with the witness. No cross-examination occurs between parties or between the parties and witnesses; the dean is the only person to ask parties or witnesses for clarifying information.

4.8 The informal process must be completed within 15 business days of the decision to enter an informal process unless both parties and the dean agree to an extension.

4.9.1. If the parties cannot come to a mutually agreed upon resolution within the 15 business day timeframe, without coercion or undue pressure, and without approval of extension, the case will be returned to a formal resolution process.

4.10 Once an agreement has been reached and the dean approves, both parties will sign a resolution agreement that includes the outcome and, if applicable, the remedies and sanctions reached in the process.

4.10.1. Informal resolution may result in disciplinary actions or sanctions up to and including termination of employment.

4.11 Once the agreement is signed by both parties, the decision is final; the decision cannot be appealed nor can parties request a formal hearing after that point.

4.12 The final, signed agreement will be submitted to the Title IX Officer for Faculty no later than three business days after the resolution has been reached.

4.13 The Title IX Officer for Faculty will provide the report to the Title IX Office within three business day of receipt of the report. If remedies and sanctions are rendered, the outcome of the resolution will also be reported to Human Resources and the respondent's AUH or direct supervisor.

Adjudication for Staff

Human Resources has created the Title IX Sexual Harassment Adjudication Process for Wage, Classified, A&P Faculty without Tenure and Affiliates to adhere to the grievance procedure outlined in the Title IX regulations.

Contact Information

Title IX Officer for Staff: Andrea Kiser

Title IX Coordinator for the University: Amy Sirocky-Meck

Adjudication Process for Classified, Wage Employees, A&P Faculty without Tenure and Affiliates Title IX Sexual Harassment Cases

1. Introduction

1.1. The sections below outline the steps involved in the adjudication process for alleged violation(s) Title IX sexual harassment, as referenced in university policy 1346 Title IX Sexual Harassment, section 6.6.2 Adjudication Process for Formal Complaints against Classified and Wage Employees, A&P Faculty without Tenure and Affiliates.

1.2. This process begins after the Title IX Office has conducted an investigation and completed an investigative report. Any statements or information collected by other offices will be delivered to the Title IX Office during the collection and investigation phase.

2. Formal Adjudication Process for Classified, Wage Employees, A&P Faculty without Tenure and Affiliates

2.1. The process for adjudicating a formal complaint of Title IX sexual harassment against a classified or wage employee, A&P faculty member without tenure, or affiliate will be through a hearing conducted by a trained hearing board.

2.2. Review by a Hearing Board

Upon receipt of the final investigative report from the Title IX Coordinator concerning a violation of Policy 1346, the Title IX Officer for Staff will set a date for a hearing based on the availability of the complainant, respondent, hearing board members, and witness(es); assemble a hearing board; and refer the case to that hearing board. The hearing board will normally convene to hear a case within 15 business days after the case

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has been referred for a hearing. This timeframe will be extended for good cause shown by a party for an extension. Hearings may extend from a few hours to several days, depending on the nature of the circumstances, number of witnesses, and extent of cross-examination.

The Title IX Officer for Staff will select three individuals to hear the case and one alternate from the pool of trained hearing board members. The complainant and respondent will be simultaneously notified of the members of the hearing board and the alternate. Either party may request in writing within two business days to the Title IX Officer for Staff the removal of any member for conflict of interest or bias. The decision on removal and replacement rests with the Title IX Officer for Staff.

The alternate will review all evidence made available to the hearing board, will be present for the hearing, and will be called upon to take the place of a hearing board member in the event that one is unable to continue as a member for family, medical, or other unforeseen circumstances. All members of the hearing board, including the alternate, are required to be present during all testimony. The alternate will be excused from the board prior to the deliberation phase.

The Title IX Officer for Staff will name the chair of the hearing board who will run the hearing. The chair will convene the hearing; explain the procedures to the complainant, respondent, advisors, and any witnesses; receive all evidence presented during the hearing; determine whether a witness called by either party is appropriate and will be heard; determine relevance of questions during cross-examination; ensure procedures are followed; maintain the recording of the proceedings; coordinate the drafting of the report containing the decision, rationale and, if applicable, any remedies and sanctions of the hearing board; and deliver the report to the Title IX Officer for Staff.

In the hearing, neither party is required to be present; however, if a party is not present for live cross-examination, the evidence gathered from that party cannot be used in the decision-making process.

Neither the complainant nor the respondent shall be allowed to cross-examine the other party directly; cross examination occurs through the parties' advisors only.

Hearings may be conducted in-person or virtually, depending on factors such as the availability of participants or the need for continued physical distancing. The determination of mode of delivery for the hearings will be determined by the Title IX Officer for Staff. When hearings are scheduled in-person, either party may opt to participate virtually in the hearing. Such remote access must be requested at least two business days in advance of the hearing to allow the Title IX Officer for Staff to make appropriate arrangements for technology. All hearings, whether in-person or remote, must have video and audio capabilities for all participants.

The hearing will be closed to all but the parties, each party's advisor, the hearing board's members, and witnesses. Witnesses will only attend the portion of the hearing in which they testify and will not be present for other witnesses' testimony.

Prior to the hearing, both the complainant and respondent will have had timely access to documents and information considered by the hearing board. During the hearing, equal opportunity shall be given to the complainant and the respondent to present opening and closing statements, testimony, witnesses, and evidence.

Both parties may have access to an advisor of their choice who may be present with the party at any meetings or proceedings related to the formal complaint. Either party may choose to have an attorney present as the advisor during the hearing. If either party does not have an advisor, an advisor will be provided for the purpose of cross-examination. The advisor will be trained in Title IX proceedings. The name of the advisor will be given to the party at least five business days prior to the hearing when possible. If either party needs an advisor provided for them, they must notify the Title IX Officer for Staff in writing at least five business days prior to the hearing.

Participation of the advisor is restricted to cross-examination only. With the exception of cross-examination, the hearing board will communicate with the parties directly, not through the advisor, and with the exception of cross-examination, the advisor may not address the hearing board directly or on behalf of the party.

During cross-examination, the advisors ask questions for response by the other party, administrative witnesses, or other party's witnesses. The Hearing Chair will determine relevancy of each question; if the question is deemed relevant, the party will be allowed to respond. If the question is deemed not relevant, rationale for that decision will be provided.

Cross-examination must be done in a manner that:

Probes a party's narrative in order to give the decision maker the fullest view possible of the evidence relevant to the allegations at issue.

Is not intended to embarrass, blame, humiliate, or emotionally berate a party.

Is not duplicative.

Each party is responsible for requesting any witnesses to be present to testify on behalf of that party. Whether or not to allow the testimony of any witness is to be determined by the hearing board chair on a case-by-case basis. Failure of a witness to appear as requested by a party is not grounds for postponement of the hearing. The hearing board may allow virtual testimony during the hearing. If a witness is not available for cross-examination, the testimony cannot be used in the decision-making process. Either party intending to call witnesses shall notify the Title IX Officer for Staff in writing at least two business days in advance of the hearing by giving the name

and title of each witness and the subject matter of the testimony of each witness. The hearing board may call additional witnesses, as it deems appropriate.

In the hearing, information concerning the complainant's or respondent's sexual predisposition is never allowed, nor are questions about the complainant's or respondent's sexual history permitted, unless

the question or evidence is used to prove that someone other than the respondent committed the alleged sexual harrasment, or

the question or evidence concerns sexual behavior between the complainant and the respondent and is offered to prove consent.

All testimony given before the hearing board will be audio-recorded. At the conclusion of the hearing, this recording will be placed on file in the Office of the Title IX Officer for Staff. Upon request, copies of the recording will be made available for review by either party.

All persons performing responsibilities under this policy will respect and maintain the strict confidentiality of all relevant documents and deliberations. The privacy of all parties involved will be protected by the university within the context of all state and federal laws, and university policies, and the First Amendment rights of all parties will not be restricted.

The evidentiary standard for hearings is preponderance of the evidence. The respondent is presumed to be not responsible unless sufficient evidence is presented to prove a violation of the policy has occurred.

The deliberations of the hearing board will not be recorded, and the hearing board members shall keep the deliberations confidential. The decision of the hearing board shall be by majority vote, but the vote of individual members and the number of votes for each side shall not be reported, and no minority or dissenting report will be issued.

Only if the hearing board finds that the respondent has violated the policy will the board consider potential sanctions against the respondent.

The hearing board has three business days after the hearing to deliver its written decision and rationale for responsibility, and, if appropriate, its decision and rationale for sanctions, to the Title IX Officer for Staff.

The Title IX Officer for Staff will share the report of the hearing board with the complainant, respondent, and Title IX office within two business days of receipt of the decision from the hearing board. This written notification includes the outcome of the process, including whether the respondent was found responsible for violating the policy, rationale, any sanctions, any remedies, any appeal procedures, and the date the decision becomes final.

3. Appeal

3.1. The appeal option below applies for outcomes decided by a hearing board. ☐

Upon receipt of the decision of the hearing board, both the complainant and respondent have five business days to submit an appeal in writing to the Title IX Officer for Staff.

If no appeals are submitted, the process ends, and the hearing board's decision is final. The decision becomes final the next calendar day after the appeal deadline. The Title IX Officer for Staff notifies the complainant, respondent and Title IX office within three business days of the final decision date of the final outcome of the formal complaint. In addition, if the respondent is found responsible, the Vice President, the respondent's AVP, Director and Human Resources are notified of the decision of responsible and, if applicable, of the sanctions. If sanctions are imposed, the director/supervisor is also notified.

If a written appeal is submitted by either party, it must provide the grounds for the appeal and a summary of the arguments and any documentary evidence the party wishes the Appeal committee to review. This submission must include the entirety of the appeal.

An appeal may only be granted on one or more of the following grounds:

- a) procedural irregularity that affected the outcome of the matter;
- b) new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- c) The Title IX Coordinator, investigator(s) or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The Title IX Officer for Staff must notify the other party in writing that an appeal has been filed within one business day.

Title IX Officer for Staff determines if the appeal is based on one or more of the permissible grounds for appeal within two business days. If the appeal is not based on permissible grounds, the process ends, and the initial decision of the hearing board is final and reported to the parties listed above. If the appeal is authorized, the appeal process is initiated.

The Title IX Officer for Staff will share the appeal of one party with the other party at the end of the two-day period.

If either or both parties appeal, the other party has five business days to respond to the appeal. Neither may file an additional appeal at this point but may only respond to the appeal received.

3.2. Appeal Review Process

Upon determining that the case meets the criteria for appeal, the Title IX Officer for Staff coordinates and schedules the appeal review within 10 business days.

Review by an Appeal Board

The Title IX Officer for Staff will assign a three-member Appeal Board from a pool of trained Administrative and Professional (A&P) and classified staff.

The Appeal Board assigned will consist of individuals selected from a pool of trained Title IX members; will be members of departments outside the complainant's and respondent's Unit, department, or supervision.

The complainant and respondent will be simultaneously notified in writing of the Appeal Board members assigned to the appeal. Either party may object, in writing, to an appeal board member on the basis of conflict of interest or bias. The decision on reassignment rests with the Title IX Officer for Staff.

Review by an Appeal Board

Appeal Board members will have full access in advance to all appeal documents submitted; the case file, including the decision of the hearing board; and any recordings.

The Appeal Board will meet to thoroughly review the appeal documents. Upon review of all documents and recordings, the Appeal Board will elect one of three pathways to proceed:

The decision is made to deny the appeal. The Appeal Board submits the decision with rationale to the Title IX Officer for Staff within three business days of the Appeal Board's meeting.

The decision is made, based on the nature of the appeal, to make a determination based on the information provided in the written appeal, previously-submitted documentation and hearing recordings without the need for additional cross-examination. The Appeal Board submits the outcome of their review with rationale to the Title IX Officer for Staff within three business days of the Appeal Board's meeting.

The decision is made to gather additional information through a second hearing process in order to come to a conclusion on the appeal. The Appeal Board submits a request to postpone their final decision until a hearing can be scheduled. The Appeal Board will hear the case.

If a second hearing is requested by the Appeal Board, the Appeal Board will indicate if they will hear all information again or if the hearing will be limited solely to the new information received. This decision will be based on the nature of the appeal and the type of information received for the appeal.

If a second hearing is requested, the hearing will proceed according to the hearing process listed in section 2.2. The second hearing will be conducted within 15 business days of the request to hold a second hearing.

Upon completion of the appeal hearing, the Appeal Board has three business days after the hearing to deliver its decision and rationale to either uphold or alter the original decision, and, if appropriate, its decision and rationale for sanctions and remedies, to the Title IX Officer for Staff.

3.3. Final Decision: Reporting and Monitoring

Once the final decision is reached, the Title IX Officer for Staff will notify the complainant, respondent and the Title IX office within one business days of receipt of the final decision. If the respondent is found responsible, the VP, the respondent's AVP, Director, and Human Resources are notified of the decision of responsible and, if applicable, of the sanctions. If sanctions have been rendered, the respondent's AUH/supervisor will also be notified.

Once the appeal decision has been reported by the Appeal Board to the Title IX Officer for Staff, the decision is final. No additional appeals will be accepted.

During the period of any assigned sanctions, the director or supervisor will monitor, on a regular basis, the progress of the assigned sanctions to ensure sanctions are upheld.

4. Informal Resolution

4.1 *After a formal complaint has been filed, the complainant and respondent may agree to enter an informal resolution process that does not involve a full investigation and adjudication process. The informal resolution process may be initiated at any time prior to reaching a determination regarding responsibility.*

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- 4.1.1. *The informal resolution process is purely voluntary, requiring written consent, and cannot be required. Both parties must agree to an informal resolution process.*
- 4.1.2 *Cases in which an employee is alleged to have sexually harassed a student are not eligible for an informal resolution process.*

4.2. *Either party may withdraw from informal resolution at any time prior to agreeing to a resolution, and resume the formal grievance process.*

4.3 *The informal resolution process is a method of resolving sexual harassment allegations in a less adversarial manner than the investigation and adjudication process of a formal grievance process. In the informal resolution process, witnesses may be contacted but are not called to formally testify before a board, nor does live cross-examination occur.*

4.4 *Informal resolutions are conducted by a trained A&P or classified staff member from a unit/department different than either the complainant's or the respondent's home unit/department. The designated A&P or classified staff member is selected by the Title IX Officer for Staff from a pool of trained individuals. The designated A&P or classified staff member assigned to the case will typically not be the designated A&P or classified staff member from either the complainant's or respondent's unit. Both parties will be allowed to express concerns of bias and request assignment of a different designated A&P or classified staff member. The final decision to replace the assigned designated A&P or classified staff member lies with the Title IX Officer for Staff.*

4.4.1 *There may be unique situations in which an outside mediator is necessary. The Title IX Officer for Staff reserves the right to bring in a trained mediator to work with the case.*

4.5 *The designated A&P or classified staff member works with both the complainant and the respondent. The initial meeting of the designated A&P or classified staff member with the complainant and the respondent will take place separately. For subsequent meetings, the parties may or may not be in the same room or virtual session at the same time, depending on the circumstances and comfort and preferences of both parties.*

4.5.1 *The exact structure of the informal process may take on various forms, the format of which will be decided by the designated A&P or classified staff member after speaking to the complainant and respondent in an initial meeting. Variables that will determine the type of informal resolution may include but are not limited to the following:*

Goals of each party regarding resolution

Type of scenario the case involves

Current relationship or tenor between the two parties

Status regarding acceptance of responsibility or acknowledgement of wrongdoing or harm caused as a result of the respondent's actions.

4.5.2 *The potential informal process may include:*

Formal grievance process minus the live witness testimony, live cross-examination or cross-examination by anyone other than the designated A&P or classified staff member hearing the case.

Mediation

Arbitration

Restorative practice

Combination of any of the above

4.6 *The complainant and respondent may be asked to provide names of witnesses and the type of information each witness would provide.*

4.7 *The designated A&P or classified staff member decides if witnesses will be contacted according to relevancy of the information they may provide.*

4.7.1 *If witnesses are contacted, the designated A&P or classified staff member will contact each witness to speak directly with the witness.*

4.8 *No cross examination occurs between parties or between the parties and witnesses; the designated A&P or classified staff member is the only person to ask parties or witnesses for clarifying information.*

4.9 *The informal process must be completed within 15 business days of the decision to enter an informal process unless both parties and the designated A&P or classified staff member agrees to an extension.*

4.9.1 *If the parties cannot come to a mutually agreed upon resolution within the 15 business day timeframe, without coercion or undue pressure, and without approval of extension, the case will be returned to a formal resolution process.*

4.10 *Once an agreement has been reached and the designated A&P or classified staff member approves, both parties will sign an agreement, agreeing to the outcome and, if applicable, the remedies and sanctions reached in the process.*

4.10.1 *Informal resolution may result in disciplinary actions or sanctions.*

- 4.11 *Once the agreement is signed by both parties, the decision is final; the decision cannot be appealed nor can parties request a formal hearing after that point.*
- 4.12 *The final, signed agreement will be submitted to the Title IX Officer for Staff no later than three business days after the resolution has been reached.*
- 4.13 *The Title IX Officer for Staff will provide the report to the Title IX Office within three business day of receipt of the report. If remedies and sanctions are rendered, the outcome of the resolution will also be reported to Human Resources and the respondent's Director or direct*

Student – Sexual Misconduct Process/Adjudication

Information applicable for those participating in the Sexual Misconduct Accountability Process as a result of alleged violation(s) of the [Sexual Misconduct policy](#).

James Madison University prohibits sexual misconduct. Sexual misconduct encompasses sexual assault, sexual violence, sexual harassment, relational violence, sexual exploitation, stalking, and non-consensual relationships. Sexual Misconduct can involve persons of the same or different sex, sexual orientation, gender, or gender identity.

All acts of Sexual Misconduct are covered by the terms of this policy, provided that the Reporting Party reasonably believes they have been subjected to sexual misconduct by a current student, as defined by the Student Handbook, the behavior is not covered by [JMU Policy 1346](#), any limitations set forth by [JMU Policy 1340](#), and one or more of the following apply:

- A substantial portion of the alleged sexual misconduct occurred on university-controlled, university owned, or university leased property.
- The alleged sexual misconduct had a significant connection to or effect on official university programs or activities.
- The alleged sexual misconduct had a significant connection to or effect on the learning or working environment at JMU of the Reporting Party.

If there is evidence included in the Investigative Report regarding the personal consumption of drugs or alcohol, where such disclosure is made in conjunction with a good faith report made to the Title IX Office by the Reporting Party, a Reporting Party Witness, or a Responding Party Witness, OSARP will not initiate the Accountability Process and pursue alleged violations of these policies against these parties. Reporting Parties and Responding Parties should review JMU Policy 1340 for their roles in the investigation of an allegation and the OSARP Sexual Misconduct Accountability Process for their roles in the adjudication of an allegation. Both parties will be assigned a Guide in OSARP to explain the Sexual Misconduct Accountability Process.

The following behavior is prohibited at JMU:

1. **Sexual Assault:** Any nonconsensual physical contact of a sexual nature that is forced on another person, including unwelcome sexual touching of any kind. This includes engaging, attempting to engage, or completing any kissing; sexual intercourse (oral, anal, or vaginal); penetration, however slight, with any object or body part; intentional touching of another person's body part in a sexual manner, directly or through clothing; forcing a person to touch oneself or another person's body part in a sexual manner, directly or through clothing.

Sexual Assault: A sexual act committed against another person without consent. For purposes of this policy, sexual assault includes any of the following offenses:

Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Attempts to commit rape are included.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim.

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in the Commonwealth of Virginia is 18 years old.

2. **Sexual Exploitation:** Taking sexual advantage of another person without that individual's consent. Examples include, but are not limited to, prostituting another person; causing or attempting to cause the incapacitation of another person for a sexual purpose; recording, photographing, creating, or transmitting sexual utterances, sounds, or images, whether real or fake, of another person without that person's consent; allowing a Third Party to observe sexual activity without the consent of the participants; knowingly transmitting sexually transmitted infections or other diseases without the knowledge of the person's sexual partner; inducing another to expose his/her body for sexual purposes; intentionally altering, removing, or sabotaging contraceptive or prophylactic measures without the knowledge of the other party, including but not limited to condoms and/or birth control measures; and viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy without that person's consent.
3. **Sexual Harassment:** A form of sex discrimination consisting of unwelcome or offensive sexual advances, requests for sexual favors, or other conduct of a sexual nature that can be verbal (e.g., specific demands for sexual favors, sexually suggestive comments, sexual propositions, or sexual threats); non-verbal (e.g., sexually suggestive emails or other writings; objects or pictures; suggestive, obscene or insulting sounds or gestures); or physical (e.g., unwanted touching or other physical contact; or any unwelcome or coerced sexual activity), and that meets at least one of the following definitions:
 - Term or condition of employment or education ("quid pro quo"). This type of sexual harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment, or participation in a university activity are conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting that individual's employment, education, living environment, or participation in a university program or activity.
 - Hostile environment. Acts of sexual harassment that create a hostile environment, as defined here: A hostile environment may be created by oral, written, graphic, or physical conduct that is sufficiently severe, persistent, or pervasive, and objectively offensive in a manner that interferes with, limits, or denies the person the ability to participate in or benefit from the institution's educational programs, services, opportunities, or activities or the individual's employment access, benefits or opportunities. Mere subjective offensiveness is not enough to create a hostile environment. In determining whether conduct is severe, persistent, or pervasive and thus creates a hostile environment, the following factors will be considered: (a) the degree to which the conduct affected one or more individuals' education or employment; (b) the nature, scope, frequency, duration, and location of the incident(s); (c) the identity, number, and relationships of persons involved; (d) the perspective of a "reasonable person" in the same situation as the person subjected to the conduct; and (e) the nature of higher education.
4. **Dating Violence:** A form of sexual violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with another person, where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship.
 - The type of relationship.
 - The frequency of interaction between the persons involved in the relationship.
5. **Domestic Violence:** Crimes of violence committed by any of the following:
 - A current or former spouse or intimate partner of the victim
 - A person with whom the victim shares a child in common
 - A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
 - A person similarly situated to a spouse of the victim under the domestic or family violence laws of the Commonwealth of Virginia
 - Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the Commonwealth of Virginia
6. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.
7. **Non-Consensual Relationship:** A sexual relationship between members of the university community is prohibited if it is influenced by any form of fear or coercion, such that it causes one party to believe that they must submit to unwelcome sexual conduct in order to accept or continue employment, achieve an employment or educational benefit, or participate in a program or activity. A sexual relationship is prohibited between individuals where a power differential would imply or raise the inference of exploitation or raise the inference that an educational or employment decision will be based on whether or not there is submission to coerced

sexual conduct.

In adjudicating allegations of violating *Sexual Misconduct* the following definitions will be applied:

Consent: An outward demonstration through understandable words or actions that convey a knowing and voluntary agreement to engage in mutually agreed upon sexual activity. Consent cannot be obtained by physical or verbal coercion that is express or implied, which includes the use of intimidation, threats, force, or duress. Consent cannot be obtained by ignoring or acting in spite of the objections of another, by previous consent, or by taking advantage of another person's incapacitation or physical helplessness where a person knows or a reasonable person should have known of such incapacitation or helplessness. An individual who is incapacitated because of age, disability, voluntary activity, or through the acts of others cannot give consent. Silence or absence of resistance does not imply consent. Consent is voluntary and may be withdrawn at any time by communicating the withdrawal through an outward demonstration of understandable words or actions.

Incapacitation: Physical or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts, unconsciousness, and the inability to make such decisions due to the voluntary or involuntary use of alcohol or drugs. Incapacitation may occur because of age, disability, voluntary activity, or through the acts of others.

Sexual Violence: Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the person's age, mental state, use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent).

Steps in the Student Sexual Misconduct Accountability Process

Sexual Misconduct Accountability Process: Participants' Roles, Rights, and Restrictions

Responding & Reporting Party - Responsibilities and Rights - Sexual Misconduct

Procedural Responsibilities of the Office of Student Accountability and Restorative Practices

1. OSARP will provide a fair and impartial process with unbiased decision-makers that presumes the Respondent not responsible for violating policy.
2. OSARP will use a preponderance of the evidence standard to determine if a Respondent is responsible for violating policy.
3. OSARP will notify the Reporting Party of the outcomes of the case related to the alleged violation(s) of the Sexual Misconduct policy

Rights Granted in the Sexual Misconduct Accountability Process

Responding Parties and Reporting Parties in the Sexual Misconduct Accountability Process have the following rights:

1. The right to receive notification of the alleged violation(s) of the Sexual Misconduct policy and the behavior(s) leading to those alleged policy violation(s) via their official JMU email address.
2. The right to be notified of the date, time, and location of the Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, at least three days prior to the Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable.
3. The right for one Support Person of their choice to accompany them at any meetings in OSARP, provided that Support Person's schedule allows them to attend. A Support Person attending a Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, may not communicate for or speak on behalf of a party, but may provide support or advice on how to present their case. At the party's request, OSARP may copy one Support Person on electronic communication pertaining to the party's case; the Support Person must agree to adhere to guidelines and restrictions related to confidential information as set forth by OSARP.
4. Upon request, the right to have reasonable safety measures, including but not limited to a partition or police presence, in place during the Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, if the parties are physically present in the same geographic location.
5. The parties may request the process be conducted in person, which will be granted or denied at the discretion of the Director of OSARP or designee. If a party is unable to secure a private location for their virtual Sexual Misconduct Case Review or requires an in-person case review as an accommodation, the party should contact OSARP immediately upon receiving the notification email to let OSARP know of the concern and request, which will be granted or denied at the discretion of the Director of OSARP or designee.

6. The right to receive an electronic copy of and respond to all information in the Case File during the Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable.
7. The right to participate in the entire Sexual Misconduct Case Review, as outlined in the Sexual Misconduct Accountability Process.
8. The right to relate their account of the alleged incident and the right to share information during the Sexual Misconduct Case Review to be used in the adjudication of the case; the right to not answer questions or provide information to be used in the adjudication of the case.
9. The right to have witnesses who provided information in the Sexual Misconduct Formal Complaint Investigation Process participate at the Sexual Misconduct Case Review, provided the witness is willing and able to attend.
10. The right to question all witnesses who make statements regarding the allegation at the Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable; parties will be permitted to ask questions of the other party and witnesses called by the other party in the case through the Board Chair.
11. The right to exclude questions and evidence about the party's sexual predisposition, current sexual behavior, or prior sexual behavior from discussion during the Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, unless such questions and evidence about the party's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Reporting Party, or if the questions and evidence concern specific incidents of the Reporting Party's prior sexual behavior with respect to the Respondent and are offered to prove consent.
12. The right to not be asked questions that attempt to elicit information from conversations protected by a legal privilege. Relationships providing legal privilege include, but are not limited to attorney-client, doctor-patient, clergy-confessional, etc. A party may share their own privileged conversations. If a party provides information during the Sexual Misconduct Case Review or Sexual Misconduct Appeal Review (if applicable) that is from privileged conversations, this information is able to be questioned by the Board Members and by the other party.
13. If a party has a written closing statement they intend to read, but is unable to do so, the statement may be read aloud for the record by the Board Chair.
14. The right for the Respondent's previous disciplinary history in OSARP and/or sanctions imposed not be disclosed during the Sexual Misconduct Case Review or deliberation unless the Board finds the Respondent is responsible for violating policy in order to determine their recommended sanctions. The Respondent may elect to share previous violations or sanctions with the Board Members as a part of their own statements.
15. The right to be notified via email on the third business day after the date of the Sexual Misconduct Case Review with the determination of responsibility and, if applicable, sanctions rendered at the Sexual Misconduct Case Review. This will include the Board Members' rationale for each finding of responsibility.
16. The right to submit a written appeal of the decisions rendered as a result of the Sexual Misconduct Case Review within four days of OSARP sending notification of the Board's decision on any of the following grounds:

Procedural irregularity that affected the outcome of the matter.

New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.

The Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Reporting Parties or Responding Parties generally or the individual Reporting Party or Respondent that affected the outcome of the matter.

17. In Appeal Reviews granted on the grounds of new evidence, the right to attend, present the new evidence or respond to the new evidence.
18. The right to have access to a recording of the Sexual Misconduct Case Review solely for the purposes of preparing an appeal or response to an appeal upon request.
19. When a Sexual Misconduct Appeal Review is granted, the right to receive final decision, order for a new Sexual Misconduct Formal Complaint Investigation Process, or order for a new Sexual Misconduct Case Review rendered by the Appeal Board in writing. If the Appeal Board renders finding and

sanctions, this notification is the final decision in the case and will include whether or not the Appeal Board found the Respondent responsible for the relevant violation(s), the Board's rationale and, if applicable, the relevant sanction(s). The notification will be sent by OSARP via email on the fourth business day after the date of the Sexual Misconduct Appeal Review.

Responding Party

A Responding Party is a student who receives notification of an alleged policy violation(s), including at least one alleged violation of Sexual Misconduct, and is afforded rights and a Sexual Misconduct Accountability Process by OSARP to respond to all of the alleged policy violation(s). Responding Parties participate in the Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, as outlined in the Handbook. The availability of a Responding Party is reasonably considered when OSARP schedules a Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, as outlined in the Handbook. OSARP confers the rights outlined in the Responding & Reporting Party - Responsibilities and Right – Sexual Misconduct to those who meet this definition.

Reporting Party

A Reporting Party is a person who reports that they experienced alleged behavior committed by a JMU student that is covered by the Sexual Misconduct policy. A Sexual Misconduct Reporting Party presents information regarding alleged policy violation(s) to the Title IX Office in a Formal Complaint, and it is their interaction with a Responding Party that led to an alleged policy violation(s) being placed by OSARP. Reporting Parties participate in the Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, as outlined in the Handbook. The availability of a Reporting Party is reasonably considered when OSARP schedules a Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, as outlined in the Handbook. OSARP confers the rights outlined in the Responding & Reporting Party - Responsibilities and Rights- Sexual Misconduct to those who meet this definition.

Administrative Witness

Administrative Witnesses are not called as a witness by a Responding Party or Reporting Party but are determined by OSARP as having relevant information necessary for the adjudication of the case. Administrative Witnesses do not present against a Responding Party, but it is often their interaction with a Responding Party and/or Reporting Party that led to an alleged policy violation(s) being placed by OSARP. The availability of an Administrative Witness is reasonably considered when OSARP schedules a Sexual Misconduct Case Review. Administrative Witnesses do not have the right to be accompanied by a Support Person at a Sexual Misconduct Case Review.

Reporting Party Witness

A Reporting Party Witness is a person who provides a report, statement, evidence, or other information to the Title IX Office during their Sexual Misconduct Formal Complaint Investigation Process and who is called by a Reporting Party to participate in the OSARP Sexual Misconduct Accountability Process. A Reporting Party Witness may provide their information to the Board Members in accordance with any restrictions as listed in the Student Handbook. During a Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, a Reporting Party Witness can provide information relevant to the case, including what they know directly about the alleged incident or behavior and/or what they have been told about the alleged incident or behavior. A Reporting Party Witness may not provide their perspective on what they feel the appropriate decision or sanction(s) in the case should be at any time during the process. The availability of a Reporting Party Witness is reasonably considered when OSARP schedules a Sexual Misconduct Case Review and/or a Sexual Misconduct Appeal Review, if applicable. OSARP confers the rights outlined in the Reporting Party Witness Rights to those serving in this role.

Reporting Party Witness Rights

A witness called by a Reporting Party to participate in the OSARP Sexual Misconduct Accountability Process has the following rights:

1. The right to be notified of the date, time, and place of the Sexual Misconduct Case Review at least three days prior to the case review via email.
2. When a Reporting Party Witness is called to present at a Sexual Misconduct Appeal Review, the right to be notified of the date, time, and place of the Sexual Misconduct Appeal Review at least three days prior to the Sexual Misconduct Appeal Review via email.

3. The right to share information relevant to the case, including what they know directly about the alleged incident or behavior and/or what they have been told about the alleged incident or behavior; the right to not answer questions or provide information to be used in the adjudication of the case.
4. The right for one Support Person to attend the Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, in accordance with the restrictions outlined in the Sexual Misconduct Accountability Process. The Support Person for a Reporting Party Witness may not also serve as a witness in the case.

Responding Party Witness

A Responding Party Witness is a person who provides a report, statement, evidence, or other information to the Title IX Office during their Sexual Misconduct Formal Complaint Investigation Process and who is called by a Respondent to participate in the OSARP Sexual Misconduct Accountability Process. A Respondent Witness may provide their information to the Board Members in accordance with any restrictions as listed in the Student Handbook. During a Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, a Respondent Witness can provide information relevant to the case, including what they know directly about the alleged incident or behavior and/or what they have been told about the alleged incident or behavior. A Respondent Witness may not provide their perspective on what they feel the appropriate decision or sanction(s) in the case should be at any time during the process. The availability of a Respondent Witness is reasonably considered when OSARP schedules a Sexual Misconduct Case Review and/or a Sexual Misconduct Appeal Review, if applicable. OSARP confers the rights outlined in the Responding Party Witness Rights to those serving in this role.

Responding Party Witness Rights

A witness called by a Respondent to participate in the OSARP Sexual Misconduct Accountability Process has the following rights:

1. The right to be notified of the date, time, and place of the Sexual Misconduct Case Review at least three days prior to the case via email.
2. When a Respondent Witness is called to present at a Sexual Misconduct Appeal Review, the right to be notified of the date, time, and place of the Sexual Misconduct Appeal Review at least three days prior to the Sexual Misconduct Appeal Review via email.
3. The right to share information relevant to the case, including what they know directly about the alleged incident or behavior and/or what they have been told about the alleged incident or behavior; the right to not answer questions or provide information to be used in the adjudication of the case.
4. The right for one Support Person to attend the Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, in accordance with the restrictions outlined in the Sexual Misconduct Accountability Process. The Support Person for a Respondent Witness may not also serve as a witness in the case.

Support Person

Reporting Parties, Responding Parties, Reporting Party Witnesses, and Respondent Witnesses participating at a Sexual Misconduct Case Review and/or Sexual Misconduct Appeal Review may be accompanied by one Support Person. In the Sexual Misconduct Accountability Process:

1. Participants may bring one Support Person of their choosing to any meeting, the Sexual Misconduct Case Review, and Sexual Misconduct Appeal Review, if applicable. Attorneys may serve as the Support Person, provided they follow the guidelines outlined in the Sexual Misconduct Accountability Process. The University does not provide those participating in the Sexual Misconduct Accountability Process with a Support Person. It is the participant's responsibility to determine a Support Person and coordinate their participation.
2. OSARP reasonably considers the availability of the Support Person when scheduling meetings, the Sexual Misconduct Case Review, or the Sexual Misconduct Appeal Review, if applicable. OSARP cannot compel a Support Person to attend. It is the participant's responsibility to coordinate their Support Person's attendance.
3. A Support Person may not also serve as a witness at the Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, for the case.
4. Prior to a Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, one Support Person may help the participant prepare for the case, which may include reviewing the Case File with the Respondent or Reporting Party. A Support Person may also communicate with

OSARP about the case and/or procedures with the permission of the Respondent or Reporting Party. At the party's request, OSARP may copy a Support Person on electronic communication directed to the party pertaining to the party's case; the Support Person must agree to adhere to guidelines and restrictions related to confidential information as set forth by OSARP.

5. OSARP will provide an electronic copy of the Case File to the Support Person prior to the Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, after they agree to guidelines and restrictions related to confidential information as set forth by OSARP.

6. During a Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, a Support Person accompanying a participant may not communicate for or speak on behalf of the participant. Responding Parties, Reporting Parties, and witnesses must present their statements or information themselves.

7. During a Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, one Support Person may consult with the participant on how to present their statements or information by whispering, providing notes, electronically sending messages, or taking notes as long as it does not disrupt the adjudication of the case.

8. During a Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, one Support Person may provide support by taking breaks with or requesting breaks on behalf of the participant they are accompanying.

OSARP Process Guide

1. An OSARP Process Guide is a full-time OSARP staff member or designee assigned to a Reporting Party or Respondent to provide procedural information and respond to questions about the Sexual Misconduct Accountability Process. The OSARP Process Guide solely provides procedural information and does not provide the party with advice on how to present their case.

2. This position will be referred to as "OSARP Guide" throughout the Sexual Misconduct Accountability Process.

Receipt of Title IX Report, Alleged Policy Violation(s) Notification, and Preparation for the Sexual Misconduct Case Review

The Sexual Misconduct Accountability Process is the process used to adjudicate alleged violations of the Sexual Misconduct policy. Sexual misconduct includes a broad spectrum of behavior. JMU reserves the right to impose any sanction, ranging from probation and educational sanctions up to and including suspension or expulsion, for any act of sexual misconduct. JMU considers acts of sexual violence to be the most serious and therefore typically imposes the most severe sanctions when a Respondent is found responsible for such offenses, including suspension or expulsion. However, suspension and expulsion are potential outcomes for any case.

In cases where a Respondent is found responsible and suspended or expelled for sexual violence, defined as physical sexual acts perpetrated against a person's will or against a person incapable of giving consent, a notation will be placed on the Respondent's transcript for the duration of the suspension or expulsion. If a Respondent withdraws while under investigation for an allegation of sexual violence, a notation will be placed on the Respondent's transcript until a final decision in the case is rendered. Such notations will read, as applicable:

- Expelled for violation of Student Standards of Conduct
- Suspended for violation of Student Standards of Conduct
- Withdrew while under investigation for violation of Student Standards of Conduct

Students receiving a transcript notation for a suspension will have it automatically removed by the Office of the Registrar once the suspension period has ended. After a period of three years, students may contact OSARP to request removal of a notation for good cause shown.

In order for OSARP to adjudicate a case involving student behavior that allegedly violates the Sexual Misconduct policy, the Title IX Office must complete the Sexual Misconduct Formal Complaint Investigation Process and provide their investigation materials to OSARP. The Sexual Misconduct Formal Complaint Investigation Process conducted by the Title IX Office is the only opportunity for the Reporting Party and

Respondent to submit evidence, information, personal statements, names of witnesses, and witness statements in the Sexual Misconduct Accountability Process.

The investigation materials received from the Title IX Office at the conclusion of the Sexual Misconduct Formal Complaint Investigation Process will indicate the alleged policy violation(s) to be adjudicated in the case. The Sexual Misconduct Accountability Process is initiated to adjudicate all alleged policy violations resulting from the investigation materials received from the Title IX Office at the conclusion of the Sexual Misconduct Formal Complaint Investigation Process when the Respondent is a student as defined in the Student Handbook and the Reporting Party meets the criteria required by JMU Policy 1340. During the last three weeks of the semester, the decision to proceed or postpone the Sexual Misconduct Accountability Process will be determined by OSARP. The student's diploma and/or official transcripts may be withheld pending the conclusion of the Sexual Misconduct Accountability Process and/or the completion of any outstanding sanctions as determined by the Director of OSARP or designee. If a Respondent receives a sanction of an immediate suspension or expulsion, the immediate suspension or expulsion will be deemed effective for the most recent semester the Respondent attended regardless of the Respondent's academic year, which may mean a loss of academic credits for that semester. Further, after a final decision in the case has been rendered, the effective date of an immediate suspension or expulsion will be the date of the initial Case Review. The campus ban associated with a decision of immediate suspension or expulsion does not go into effect until the decision in the case is final, unless the Respondent is under an Emergency Removal status that provides for this ban until the final decision in the case.

In circumstances where the Title IX Coordinator signed the Formal Complaint without the authorization of the Reporting Party, OSARP will initiate the Sexual Misconduct Accountability Process. In these cases, OSARP may alter the Sexual Misconduct Accountability Process and adjudication procedures as necessary to allow for a fair adjudication of the case. In addition, the Sexual Misconduct Accountability Process may be altered to allow for multiple Reporting Parties if OSARP receives a consolidated Formal Complaint Report with multiple Reporting Parties where the allegations of sexual misconduct arise out of the same facts or circumstances.

Further, if the investigation materials received from the Title IX Office at the conclusion of the Sexual Misconduct Formal Complaint Investigation Process indicates alleged policy violations other than Sexual Misconduct, OSARP reserves the right to initiate the Accountability Process to adjudicate these violations even if the Sexual Misconduct Formal Complaint is dismissed.

If a Respondent receives notice of other alleged policy violation(s) in addition to Sexual Misconduct as a result of the investigation materials received from the Title IX Office at the conclusion of the Sexual Misconduct Formal Complaint Investigation Process and information provided during the Sexual Misconduct Formal Complaint Investigation Process, all alleged policy violations will be adjudicated through the Sexual Misconduct Accountability Process. This Sexual Misconduct Accountability Process is separate and distinct from the Accountability Process.

If there is evidence included in the investigation materials received from the Title IX Office at the conclusion of the Sexual Misconduct Formal Complaint Investigation Process regarding the personal consumption of drugs or alcohol, where such disclosure is made in conjunction with a good faith report made to the Title IX Office by the Reporting Party, a Reporting Party Witness, or a Respondent Witness, OSARP will not initiate the Accountability Process and pursue alleged violations of these policies against these parties. The rights of a Respondent and Reporting Party participating in the Sexual Misconduct Accountability Process are delineated in the Responding & Reporting Party - Responsibilities and Rights – Sexual Misconduct.

OSARP may initiate the Sexual Misconduct Accountability Process in accordance with the procedures listed in the Student Handbook. The Sexual Misconduct Accountability Process will typically be conducted virtually in a manner in which participants simultaneously see and hear each other; instructions will be provided via email for accessing the Sexual Misconduct Case Review. Parties may request the process be conducted in person, which will be granted or denied at the discretion of the Director of OSARP or designee. If a party is unable to secure a private location for their virtual Sexual Misconduct Case Review or requires an in-person case review as an accommodation, the party should contact OSARP immediately upon receiving the notification email to let OSARP know of the concern and request, which will be granted or denied at the discretion of the Director of OSARP or designee. Anticipated timelines, deadlines, restrictions, or procedures listed within the Sexual Misconduct Accountability Process will not be altered except in necessary or extreme circumstances in order

to uphold the intent of the process, as determined by the Director of OSARP or designee. If an extension is granted at the request of a party and that impacts the other party, OSARP will communicate the reason for the extension to both parties. OSARP reserves the right, for cause, to postpone the Sexual Misconduct Accountability Process and return the investigation materials received from the Title IX Office at the conclusion of the Sexual Misconduct Formal Complaint Investigation Process to the Title IX Office for further investigation under the Sexual Misconduct Formal Complaint Investigation Process.

Both parties will simultaneously be notified of the beginning of the Sexual Misconduct Accountability Process to adjudicate the alleged policy violations.

In accordance with JMU Policy 1209, proper notification shall consist of an email to the student's official JMU e-mail address. The notice will be considered received the day after the notice is sent via email. This notification will include the allegation(s), including sufficient details such as date and location of the alleged violation(s), and the contact information of the party's OSARP Guide. This notice will inform parties that suspension and expulsion are potential outcomes for violations of the Sexual Misconduct policy in circumstances where the Respondent is found responsible; additionally, rights afforded to parties as a result of the potential for these two outcomes will be included. This notification will also include the date, time, and location of the initial appointment with their OSARP Guide.

Parties will be notified of OSARP No Contact Orders

When Responding Parties are notified of their alleged policy violation(s), the Respondent and Reporting Party will also be notified to have no direct or indirect contact with specific members of the university community including but not limited to the other party and the Board Members involved in the case. Prohibited contact includes but is not limited to verbal or non-verbal contact in person, through electronic means, or through a third party.

A violation of this notice may result in an alleged policy violation for parties that meet the definition of a JMU student as listed in the Student Handbook, of Noncompliance and/or Interference or Retaliation in a University Process, which may result in immediate suspension or expulsion.

OSARP will not pursue alleged violations of a no contact order issued by the University when the contact occurs through a third party for the purposes of conducting lawful activity during a pending criminal or civil case, or other specific extenuating circumstances as determined by OSARP, unless the contact may have violated policy Interference or Retaliation in a University Process or other policies as listed in the Student Handbook.

OSARP reserves the right to pursue alleged violations for any reported alleged behavior by the student Reporting Party, the Respondent, or other students directed at a Reporting Party, Respondent, Reporting Party Witness, Respondent Witness, Administrative Witness, or Support Person that may violate Interference or Retaliation in a University Process or other policies as listed in the Student Handbook. OSARP may pursue an alleged violation of Interference or Retaliation in a University Process if it receives information that a student Reporting Party or Respondent discusses the case before the Sexual Misconduct Case Review with a Board Member(s) involved in the case.

A Respondent or Reporting Party in the Sexual Misconduct Accountability Process is not prohibited from discussing their case with a person they are calling as a witness or Support Person; contact is also not prohibited through third parties for purposes of conducting lawful activity during a pending criminal or civil case, or other specific extenuating circumstances as determined by OSARP.

These OSARP No Contact Orders will remain in place until a final decision is rendered as outlined in the Sexual Misconduct Accountability Process.

OSARP Guides will be assigned, and a Guide appointment will be set for both parties.

- Both Reporting Parties and Responding Parties will be assigned separate OSARP Guides to explain the Sexual Misconduct Accountability Process, to serve as a point of contact in OSARP, and to help them understand the rights afforded to them. An OSARP Guide does not help either party prepare how to

present their case; OSARP Guides are employed and/or designated by OSARP.

- OSARP will set the time of the Guide appointment around the academic schedule(s) of the Responding Party and Reporting Party if they are enrolled in classes at JMU. If the Respondent and/or Reporting Party are not enrolled in classes at JMU, their availability will be considered, and reasonable efforts will be made to ensure the Guide appointment is at a time they can participate. At the Guide appointment, the Reporting Party and Respondent will meet individually with their OSARP Guide to ensure that they understand the Sexual Misconduct Accountability Process and the rights afforded to them. Responding Parties and Reporting Parties may have one Support Person of their choice accompany them to this Guide appointment if the Support Person's schedule permits their attendance.

Witnesses will be determined by OSARP and/or submitted by either party.

OSARP will determine the Administrative Witnesses to be called in the case; both the Respondent and Reporting Party will be informed of the Administrative Witnesses being called in the case. Administrative Witnesses may not also serve as a Support Person at the Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable.

The Respondent or Reporting Party may submit to OSARP any person they intend to have speak as a witness at the Sexual Misconduct Case Review via formal submission up to four days after their initial Guide appointment. Persons are not considered a witness for either party until they are formally submitted to OSARP as a witness; only persons who directly provided information during the Sexual Misconduct Formal Complaint Investigation Process conducted by the Title IX Office are eligible to serve as witnesses in the Sexual Misconduct Accountability Process.

- The guidelines for formal witness submission will be communicated to the Respondent and Reporting Party when they are notified of the beginning of the Sexual Misconduct Accountability Process.
- Once the deadline for formal witness submission has passed, the Respondent and Reporting Party will be informed of the witnesses submitted to the Sexual Misconduct Accountability Process.
- Witnesses who speak at the Sexual Misconduct Case Review can provide a verbal statement about the alleged incident or behavior. Witnesses who speak at the Sexual Misconduct Case Review may not provide their perspective on what they feel the appropriate decision or sanction(s) in the case should be, or information that violates the rights of either party. Witnesses may not also serve as a Support Person at the Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable.

OSARP reserves the right to pursue alleged violations for any reported alleged behavior by the student Reporting Party, the Respondent, or other students directed at a Reporting Party, Respondent, Reporting Party Witness, Respondent Witness, Administrative Witness, or Support Person that may violate Interference or Retaliation in a University Process or other policies as listed in the Student Handbook. OSARP may pursue an alleged violation of Interference or Retaliation in a University Process if it receives information that a student Reporting Party or Respondent discusses the case before the Sexual Misconduct Case Review or Sexual Misconduct Appeal Review with a Board Member(s) involved in the case.

Both parties will have access to the Case File.

- Both parties will be granted access by the Title IX Office to the investigation materials from the Sexual Misconduct Formal Complaint Investigation Process. No redactions will be made by OSARP to this information unless necessary to protect rights within the OSARP process.
- The Case File to be used by OSARP in the adjudication of the case consists of all investigation materials received from the Title IX Office at the conclusion of the Sexual Misconduct Formal Complaint Investigation Process, excluding information redacted during the Sexual Misconduct Formal Complaint Investigation Process and any redactions done in accordance with the OSARP process. It should be noted that the Case File will include investigation materials even if they were not deemed relevant by the Title IX Office during the Sexual Misconduct Formal Complaint Investigation Process.
- Prior to the Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, the Respondent, Reporting Party, and Board Members will be provided an electronic version of the Case File.
- The party may request their respective Support Person be given access to an electronic version of the

Case File.

OSARP will schedule the Sexual Misconduct Case Review.

- Typically, OSARP schedules the Sexual Misconduct Case Review to occur within twenty business days of the Respondent's Guide appointment in OSARP. However, the circumstances surrounding the case may make it necessary for the university to shorten or extend that timeline.
- OSARP reasonably schedules the Sexual Misconduct Case Review around the availability of Board Members, OSARP Staff, and the Administrative Witnesses. If the Sexual Misconduct Case Review is to occur when the Respondent and/or Reporting Party are enrolled in classes at JMU, the Sexual Misconduct Case Review will reasonably be scheduled around their academic schedule(s). If the Sexual Misconduct Case Review is to occur when the Respondent and/or Reporting Party are not enrolled in classes at JMU, their availability will be considered, and reasonable efforts will be made to ensure they are able to participate. The availability or academic schedules of witnesses called by either party or a Support Person for either party will reasonably be considered in scheduling the Sexual Misconduct Case Review.
- OSARP has no mechanism to compel any party or witness of any type to attend and/or participate in the Sexual Misconduct Case Review. If a party does not attend, the Sexual Misconduct Case Review will proceed based on the information included in the Case File and information shared at the Sexual Misconduct Case Review by the participants in attendance. It is the responsibility of the Responding Party or Reporting Party to ensure their witnesses and Support Person attend the Sexual Misconduct Case Review.
- The decision to postpone a Sexual Misconduct Case Review is solely at the discretion of the Director of OSARP or designee.

The Sexual Misconduct Accountability Process involves the objective evaluation of all relevant evidence and utilizes a preponderance of evidence standard to determine whether a student is responsible or not responsible for a violation(s).

The definition of relevant evidence used is:

Evidence is relevant if it has any tendency to make a fact more or less probable than it would be without the evidence, and the fact is of consequence in determining the outcome of the case. Relevant evidence includes evidence concerning the credibility of a party or witness.

The definition of preponderance of the evidence used is:

Preponderance of the evidence means that there is greater than a fifty percent likelihood that the Respondent violated the policy.

Sexual Misconduct Case Review

Responding Parties and Reporting Parties may request that reasonable safety measures be put in place during the Sexual Misconduct Case Review, including but not limited to partitions or police presence. Requests for safety measures will be coordinated by their OSARP Guide.

In Sexual Misconduct Case Reviews, Responding Parties and Reporting Parties have a right to one Support Person of their choice, provided that person is willing and able to attend the scheduled Sexual Misconduct Case Review. A Support Person attending a Sexual Misconduct Case Review may not communicate for or speak on behalf of a party but may provide support or give advice on how to present their party's case. A person who serves as a Support Person at a Sexual Misconduct Case Review may not also serve as a witness at the Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable.

The Sexual Misconduct Case Review will be conducted by a Board of three voting faculty or staff members. One staff member from OSARP will serve as a voting Board Chair and two faculty or staff members of the Accountability Board will serve as voting Board Members. Board Members are to have no conflict of interest or bias for or against Reporting Parties or Responding Parties generally or an individual Reporting Party or Respondent. If a member of the Board feels that their previous contact with the case or the parties involved will prevent them from rendering a fair decision, the Board Member must request that they not be

assigned to the Sexual Misconduct Case Review. Responding Parties and Reporting Parties will be informed of the Board Members assigned to their case. Upon receiving notification of the assigned Board Members, a Respondent or Reporting Party may request that a Board Member be replaced if the student can show a bias on the part of the Board Member. To make such a request, a Respondent or Reporting Party must contact the Director of OSARP or designee immediately, setting forth their reasons in writing. The Director of OSARP or designee will review all requests. Any decision to remove a Board Member is at the discretion of the Director of OSARP or designee.

If a Respondent, Reporting Party, Respondent Witness, or Reporting Party Witness fails to participate at a Sexual Misconduct Case Review after being properly notified of its date and time, the Sexual Misconduct Case Review will proceed; the decision of whether or not the Respondent is responsible for violating policy will be rendered on the basis of the Case File and the information provided by those in attendance at the Sexual Misconduct Case Review. If an Administrative Witness fails to participate at a Sexual Misconduct Case Review, the Sexual Misconduct Case Review will generally proceed without the Administrative Witness. The decision to postpone a Sexual Misconduct Case Review to accommodate a necessary or extreme circumstance is at the discretion of the Director of OSARP or designee and will be communicated to each party.

Sexual Misconduct Case Reviews will be audio and/or video recorded; the Board Members' closed deliberation will not be recorded. No party may make their own recordings of the Sexual Misconduct Case Review. A Sexual Misconduct Case Review will proceed in accordance with the procedures below; however, Board Members may ask additional questions at any time. Any participant, including the Board, may request a break at any point during the Sexual Misconduct Case Review. Additionally, the phrase "through the Board Chair" used throughout the Sexual Misconduct Case Review procedures refers to the Board Chair confirming or denying a Reporting Party, Respondent, Reporting Party Witness, or Respondent Witness' ability to respond to a question; this confirmation or denial may be verbal or non-verbal. The Board Chair has the authority to prohibit information from being shared that violates the rights of a party, is not allowed by the Sexual Misconduct Accountability Process, or bears no relevancy to the adjudication of the case. The Board Chair also has the authority to instruct Board Members to disregard information that violates the rights of a party, is prohibited by the Sexual Misconduct Accountability Process, or bears no relevancy to the adjudication of the case. Any participant may be removed by the Board Chair if they violate the Rules of Decorum, adjudication procedures, or procedures outlined in the Student Handbook.

1. The Board Members and participants are introduced.
2. The statement of the alleged policy violation(s) is presented by the Board Chair.
3. Procedures for the Sexual Misconduct Case Review are explained; participants state any questions they have concerning rights or procedures.
4. The Reporting Party is allotted 3 minutes to make an opening statement that outlines the main points of their allegations.
5. The Respondent is allotted 3 minutes to make an opening statement that outlines the main points of their response to the allegations.
6. Administrative Witnesses will be called individually and provided an opportunity to share a verbal statement regarding the allegations.
 - o The Board will ask questions they have for each Administrative Witness.
 - o The Reporting Party will be allotted time to question each Administrative Witness.
 - o The Respondent will be allotted time to question each Administrative Witness.
 - o The Board may request that an Administrative Witness return at a later point in the Case Review for further clarification.
7. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
8. The Reporting Party is allotted time to share a full verbal statement which may include information regarding the allegations in this case. This is also the Reporting Party's opportunity to respond to any information or evidence included in the Case File or that has been shared up until this point in the case review.
9. The Respondent is allotted time to share a full verbal statement which may include information regarding the allegations in this case. This is also the Respondent's opportunity to respond to any information or evidence included in the Case File or that has been shared up until this point in the case review.
10. A scheduled 10-minute break will occur unless all parties agree to continue without a break.
11. The Board Members will ask any questions they have for either the Respondent or the Reporting Party.

12. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
13. The Respondent will be allotted time to question the Reporting Party through the Board Chair.
14. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
15. The Reporting Party will be allotted time to question the Respondent through the Board Chair.
16. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
17. The Reporting Party will call their witnesses individually.
 - o Each witness called by the Reporting Party will be allotted time to make a verbal statement regarding the alleged incident or behavior.
 - o At the conclusion of the statement shared by the Reporting Party's witness, the Reporting Party will be allotted time to question their witness.
 - o At the conclusion of the Reporting Party's questions for their witness, the Respondent will be allotted time to question the Reporting Party's witness through the Board Chair.
 - o At the conclusion of the Respondent's questions for each witness called by the Reporting Party, the Board will ask any questions they have of the witness.
 - o Witnesses called by the Reporting Party can provide information relevant to the case, including what they know directly about the alleged incident or behavior and/or what they have been told about the alleged incident or behavior. Witnesses called by the Reporting Party may not provide their perspective on what they feel the appropriate decision or sanction(s) in the case should be.
 - o The Board may request that a witness for the Reporting Party return at a later point in the Case Review for further clarification.
18. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
19. The Respondent will call their witnesses individually.
 - o Each witness called by the Respondent will be allotted time to make a verbal statement regarding the alleged incident or behavior.
 - o At the conclusion of the statement shared by the Respondent's witness, the Responding Party will be allotted time to question their witness.
 - o At the conclusion of the Respondent's questions for their witness, the Reporting Party will be allotted time to question the Respondent's witness through the Board Chair.
 - o At the conclusion of the Reporting Party's questions for each witness called by the Responding Party, the Board will ask any questions they have of the witness.
 - o Witnesses called by the Respondent can provide information relevant to the case, including what they know directly about the alleged incident or behavior and/or what they have been told about the alleged incident or behavior. Witnesses called by the Responding Party may not provide their perspective on what they feel the appropriate decision or sanction(s) in the case should be.
 - o The Board may request that a witness for the Respondent return at a later point in the Case Review for further clarification.
20. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
21. The Reporting Party will be allotted time to make a statement that responds to anything shared by the Respondent in the Case File or during the Sexual Misconduct Case Review.
22. The Respondent will be allotted time to make a statement that responds to anything shared by the Reporting Party in the Case File or during the Sexual Misconduct Case Review.
23. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
24. The Respondent will be allotted time for final questions of the Reporting Party through the Board Chair.
25. The Reporting Party will be allotted time for final questions of the Respondent through the Board Chair.
26. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
27. The Board will ask any final questions they have for either the Respondent or the Reporting Party.
28. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
29. The Reporting Party will be allotted 10 minutes to make a closing statement.
 - o A closing statement is not permitted to introduce new evidence or information but is an opportunity to summarize what the Reporting Party has already shared, their final thoughts, their thoughts moving forward, and any impact on the Reporting Party related to the allegation(s) of Sexual Misconduct.
 - o If the Reporting Party has a written closing statement they intend to read, but is unable to do so, the statement may be read aloud for the record by the Board Chair.
30. The Respondent will be allotted 10 minutes to make a closing statement.
 - o A closing statement is not permitted to introduce new evidence or information but is an opportunity to summarize what the Responding Party has already shared, their final thoughts, their thoughts moving forward, and any impact on the Responding Party related to the allegation(s) of Sexual Misconduct.

- o If the Responding Party has a written closing statement they intend to read, but is unable to do so, the statement may be read aloud for the record by the Board Chair.
- 31. The Board will enter closed deliberation to determine their decisions. Decisions are based on a preponderance of the evidence and determined by a majority vote.
 - o The Board will first vote to find the Responding Party responsible or not responsible for each alleged policy violation.
 - o If the Board finds the Responding Party responsible for violating the Sexual Misconduct policy, they will determine sanctions to be rendered for the case.
 - o If the Board votes to find the Respondent not responsible for violating policy, they will not assign any sanctions.

OSARP will concurrently contact the Respondent and Reporting Party via email on the third business day after the date of the Sexual Misconduct Case Review with the findings and, if applicable, sanctions rendered at the Sexual Misconduct Case Review. This will include the Board Members' rationale for each finding on the Sexual Misconduct policy.

Once the Board has rendered a decision at the conclusion of the Sexual Misconduct Case Review, the Sexual Misconduct Accountability Process will continue through to the conclusion of any appeal process, if applicable, regardless of enrollment status of either party.

If neither party submits an appeal of the Board's determination within the timeline set by the procedures listed in the Student Handbook, the Board's decision in the case is final. OSARP will communicate that final decision simultaneously to both parties.

OSARP may initiate the Accountability Process if a student knowingly provides falsified or misleading information at a Sexual Misconduct Case Review for alleged violation of the Interference or Retaliation in a University Process policy. An employee may be charged with misconduct under relevant university policies. OSARP may initiate the Accountability Process against a Reporting Party or Respondent if it receives information that a party discusses the case with a Board Member prior to the Sexual Misconduct Case Review for alleged violation of the Interference or Retaliation in a University Process policy. An employee may be charged with misconduct under the relevant university policies.

Sexual Misconduct Case Reviews are closed meetings; the University will maintain confidentiality of all information related to the case, unless legally required or allowed by law to disclose the information. The Respondent and Reporting Party shall receive notice of all rights they are guaranteed through the Sexual Misconduct Accountability Process. In Sexual Misconduct Case Reviews, the technical rules of evidence applicable in civil and criminal cases do not apply.

Appealing A Sexual Misconduct Case Review

Responding Parties and Reporting Parties have the right to submit a written appeal of the decision rendered at a Sexual Misconduct Case Review within four days of receiving the decision rendered at the Sexual Misconduct Case Review. Responding Parties and/or Reporting Parties must directly submit their written appeal.

Once the Board has made a decision at the conclusion of the Sexual Misconduct Case Review, the Sexual Misconduct Accountability Process will continue through the final decision regardless of the enrollment status of either party.

Either party may submit an appeal of the decision made at a Sexual Misconduct Case Review on one or more of the following grounds:

- Procedural irregularity that affected the outcome of the matter.
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.
- The Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Reporting Parties or Responding Parties generally or the individual Reporting Party or Respondent that affected the outcome of the matter.

If either party submits an appeal, the other party will be notified in writing that the appeal was submitted. The Associate Vice President for Career, Experiential Learning, and Transitions or designee will evaluate the

submitted appeal and determine if a Sexual Misconduct Appeal Review will be granted; appeals that do not meet these grounds will be denied. Typically, this evaluation by the Associate Vice President for Career, Experiential Learning, and Transitions or designee takes place within ten business days of the deadline for submission of a written appeal. However, the circumstances surrounding the case may make it necessary for the university to shorten or extend that timeline. The determination made by the Associate Vice President for Career, Experiential Learning, and Transitions or designee to grant or deny an appeal submission is considered final. There is no mechanism for a Respondent or Reporting Party to appeal the determination made by the Associate Vice President for Career, Experiential Learning, and Transitions or designee to grant or deny an appeal submission. The Sexual Misconduct Accountability Process will proceed as outlined in the process based on the determination made regarding the appeal submission.

If an appeal is submitted by the Respondent and/or Reporting Party and neither party is granted a Sexual Misconduct Appeal Review by the Associate Vice President for Career, Experiential Learning, and Transitions or designee, then the Board's decision in the case is final. OSARP will communicate that final decision simultaneously to both parties.

If a Sexual Misconduct Appeal Review is granted, the Appeal Board will make a decision, including rationale, and provide it to OSARP within three business days of the Sexual Misconduct Appeal Review. OSARP will concurrently notify the Respondent and the Reporting Party of the final decision and any sanctions rendered. This will include the Appeal Board's rationale.

OSARP reserves the right to redact information from the submitted appeal to be used by the Appeal Board that is prohibited by the Sexual Misconduct Accountability Process, is not relevant to the arguments granted by the Associate Vice President for Career, Experiential Learning, and Transitions or designee, or that violates the rights of either party. The party that submitted the appeal may challenge these redactions to the Director of OSARP or designee within two days of their receipt of the granted appeal to be used by the Appeal Board.

If the Associate Vice President for Career, Experiential Learning, and Transitions or designee grants a Sexual Misconduct Appeal Review, the other party is notified in writing that the appeal was granted and provided four days to submit a response to the appeal after all challenges to redactions have been resolved or the deadline to challenge redactions has passed.

OSARP reserves the right to redact information from the response submitted that is prohibited by the Sexual Misconduct Accountability Process, is not relevant to the arguments granted by the Associate Vice President for Career, Experiential Learning, and Transitions or designee, or that violates the rights of either party. The party that submitted the response may challenge these redactions to the Director of OSARP or designee within two days of their receipt of the submitted response to be used by the Appeal Board Members.

If a Sexual Misconduct Appeal Review is granted by the Associate Vice President for Career, Experiential Learning, and Transitions or designee as stated in the Sexual Misconduct Accountability Process, OSARP typically schedules the Sexual Misconduct Appeal Review to occur within ten days of notifying the parties in a case that a Sexual Misconduct Appeal Review has been granted. However, the circumstances surrounding the case may make it necessary for the university to shorten or extend that timeline.

The Sexual Misconduct Appeal Review will be conducted by a Board of three voting faculty or staff members of the Accountability Board. One of the faculty or staff members, in addition to being a voting member, will also serve as the Board Chair. The faculty or staff members serving on the Appeal Board will not be the Title IX Coordinator, Investigator(s) in the case, or any member of the Board from the Sexual Misconduct Case Review. If any member of the Board feels that their previous contact with the case or the parties involved will prevent them from rendering a fair decision, the Board Member must request that they not be assigned to the Sexual Misconduct Appeal Review. Responding Parties and Reporting Parties will be informed of the Board Members assigned to the Sexual Misconduct Appeal Review. Upon receiving notification of the assigned Appeal Board Members, a Respondent or Reporting Party may request that a Board Member be replaced if the student can show a bias on the part of the Board Member. In order to make such a request, a Respondent or Reporting Party must contact the Director of OSARP or designee immediately, setting forth their reasons in writing. The Director of OSARP or designee will review all requests. Any decision to remove a Board Member and/or to postpone a Sexual Misconduct Appeal Review for cause is at the discretion of the Director of OSARP or designee.

OSARP may initiate the Sexual Misconduct Accountability Process in accordance with the procedures listed in the Student Handbook. The Sexual Misconduct Appeal Review for New Evidence will typically be conducted virtually in a manner in which participants simultaneously see and hear each other; instructions will be provided via email for accessing the Sexual Misconduct Appeal Review. Parties may request the process be conducted in person, which will be granted or denied at the discretion of the Director of OSARP or designee. If a party is unable to secure a private location for their virtual Sexual Misconduct Appeal Review or requires an in-person case review as an accommodation, the party should contact OSARP immediately upon receiving the notification email to let OSARP know of the concern and request, which will be granted or denied at the discretion of the Director of OSARP or designee.

Responding Parties and Reporting Parties may request reasonable safety measures, including but not limited to police presence, be put in place during the Sexual Misconduct Appeal Review, if the parties are physically present in the same geographic location; such request will be implemented at the university's discretion.

The Appeal Board will review the Case File, a recording of the Sexual Misconduct Case Review, the portions of the submitted appeal granted by the Associate Vice President for Career, Experiential Learning, and Transitions or designee, any responses submitted to the portions of the appeal granted, and, when applicable, the information provided by those in attendance at the Sexual Misconduct Appeal Review.

The decisions rendered at a Sexual Misconduct Appeal Review are based on a preponderance of the evidence and determined by a majority vote of the Appeal Board Members. During the Sexual Misconduct Appeal Review the Board Chair has the authority to prohibit information from being shared that violates the rights of a party, is not allowed by the Sexual Misconduct Accountability Process, or bears no relevancy to the granted appeal. The Board Chair also has the authority to instruct Board Members to disregard information that violates the rights of a party, is prohibited by the Sexual Misconduct Accountability Process, or bears no relevancy to the granted appeal. Any participant may be removed by the Board Chair if they violate the Rules of Decorum, adjudication procedures, or procedures outlined in the Student Handbook.

In cases where both the Reporting Party and Respondent are granted a Sexual Misconduct Appeal Review, there will be one Sexual Misconduct Appeal Review to render decisions considering the arguments raised in both appeals. When both parties are granted an appeal on procedural irregularity and/or conflict of interest or bias that affected the outcome, the Appeal Board will review the appeal submissions in the order they were received by OSARP.

If an appeal is granted by the Associate Vice President for Career, Experiential Learning, and Transitions or designee based on procedural irregularity that affected the outcome, either in its entirety or with appropriate redactions, for one or both parties, the Sexual Misconduct Appeal Review will follow the procedures listed in "Procedures – Sexual Misconduct Appeal Review: Procedural Irregularity." Neither the Reporting Party nor the Respondent may participate or attend a Sexual Misconduct Appeal Review granted on the grounds of procedural irregularity that affected the outcome.

If an appeal is granted by the Associate Vice President for Career, Experiential Learning, and Transitions or designee on grounds that the Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Reporting Parties or Responding Parties generally or the individual Reporting Party or Respondent, either in its entirety or with appropriate redactions, for one or both parties, the Sexual Misconduct Appeal Review will follow the procedures listed in "Procedures – Sexual Misconduct Appeal Review: Conflict of Interest or Bias." Neither the Reporting Party nor the Responding Party may participate or attend a Sexual Misconduct Appeal Review granted on the grounds that the Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Reporting Parties or Responding Parties generally, or the individual Reporting Party or Respondent, that affected the outcome of the case.

If an appeal is granted by the Associate Vice President for Career, Experiential Learning, and Transitions or designee based on new evidence that was not reasonably available at the time the determination of responsibility was made (i.e. Sexual Misconduct Case Review) that could affect the outcome of the case, either in its entirety or with appropriate redactions, for one or both parties, the Sexual Misconduct Appeal Review will follow the procedures listed in "Procedures – Sexual Misconduct Appeal Review: New Evidence." The party or parties granted an appeal on the grounds of new evidence that was not reasonably available at the

time the determination of responsibility was made (i.e. Sexual Misconduct Case Review) that could affect the outcome of the case may choose to present the evidence to the Appeal Board; the other party or parties may choose to present their response to the new evidence to the Appeal Board.

If an appeal is granted by the Associate Vice President for Career, Experiential Learning, and Transitions or designee based on grounds of new evidence and either or both the grounds of procedural irregularity and conflict of interest or bias, either in its entirety or with appropriate redactions, to one or both parties, one Sexual Misconduct Appeal Review will be held and follow the procedures listed in "Procedures - Sexual Misconduct Appeal Review: New Evidence and Other Grounds for Appeal." The party or parties granted an appeal on the grounds of new evidence may choose to present the evidence to the Appeal Board; the other party or parties may choose to present their response to the new evidence to the Appeal Board. Neither party will present their argument or response regarding procedural irregularity or conflict of interest or bias.

The Respondent and the Reporting Party will be notified via email of the outcome of the Sexual Misconduct Appeal Review simultaneously by OSARP on the fourth business day after the date of the Sexual Misconduct Appeal Review. This notification will be to inform them that a new Sexual Misconduct Formal Complaint Investigation Process has been ordered, a new Sexual Misconduct Case Review has been ordered, or of the final decision in the case.

The Sexual Misconduct Appeal Review will generally follow the procedures below based on the reason(s) for appeal. Adaptations to the process may be made to ensure the fair review of cases including, but limited to, if OSARP initiated the Sexual Misconduct Accountability Process without the authorization of the Reporting Party or to allow for multiple Reporting Parties; if this occurs, Reporting Party(s) and the Respondent will be notified of the adaptations prior to the Sexual Misconduct Case Review.

Procedures – Sexual Misconduct Appeal Review: Procedural Irregularity

Responding Parties and Reporting Parties are not present for and do not participate in Sexual Misconduct Appeal Reviews granted based on procedural irregularity. If both parties were granted a Sexual Misconduct Appeal Review based on procedural irregularity, then each appeal submission and its response will be reviewed separately using the following procedures. When both parties are granted an appeal on procedural irregularity, the Appeal Board will review the appeal submissions in the order they were received by OSARP. The Respondent and the Reporting Party will be notified of the outcome of the Sexual Misconduct Appeal Review in accordance with the procedures listed in the Sexual Misconduct Accountability Process.

1. For the first, or only, granted appeal and response, the Appeal Board will determine whether a violation(s) of procedural irregularity occurred by considering the arguments made in the granted appeal and any response submitted.
 - If the Appeal Board determines that no violation(s) of procedural irregularity occurred, the decision rendered at the Sexual Misconduct Case Review will stand.
 - If the other party in the case was also granted a Sexual Misconduct Appeal Review based on procedural irregularity, then the Appeal Board will proceed to Step 3.
2. If the Appeal Board determines that a violation(s) of procedural irregularity occurred, the Board will then determine if the violation(s) of procedural irregularity can reasonably be said to have affected the outcome of the case for the first, or only, party granted the Sexual Misconduct Appeal Review.
 - If the Appeal Board determines that the violation of procedural irregularity cannot reasonably be said to have affected the outcome of the case for of the first party granted the Sexual Misconduct Appeal Review on the basis of the procedural irregularity that occurred, the decision rendered at the Sexual Misconduct Case Review will stand.
 - If the other party in the case was also granted a Sexual Misconduct Appeal Review based on alleged violation(s) of procedural irregularity, then the Appeal Board will proceed to Step
 - If the Appeal Board determines that the violation of procedural irregularity can reasonably be said to have affected the outcome of the case for the first party granted the appeal on the basis of the procedural irregularity that occurred, the Appeal Board will order that a new Sexual Misconduct Case Review be conducted to render a decision for the case.
 - If a new Sexual Misconduct Case Review is ordered after review of the first granted appeal in a Sexual Misconduct Appeal Review where a second appeal had been granted to the other party, the Appeal Board will not review the second submission since the case will be re-heard.

3. For the second granted appeal and response, the Appeal Board will determine whether a violation(s) of procedural irregularity occurred by considering the arguments made in the granted appeal and any response submitted.
 - If the Appeal Board determines that no violation(s) of procedural irregularity occurred, the decision rendered at the Sexual Misconduct Case Review will stand.
4. If the Appeal Board determines that a violation(s) of procedural irregularity occurred, the Board will then determine if the violation(s) of procedural irregularity can reasonably be said to have affected the outcome of the case for the second party granted the Sexual Misconduct Appeal Review.
 - If the Appeal Board determines that the violation of procedural irregularity cannot reasonably be said to have affected the outcome of the case for the second party granted the Sexual Misconduct Appeal Review on the basis of the procedural irregularity that occurred, the decision rendered at the Sexual Misconduct Case Review will stand.
 - If the Appeal Board determines that the violation of procedural irregularity can reasonably be said to have affected the interests of the second party granted the appeal on the basis of the procedural irregularity that occurred, the Appeal Board will order that a new Sexual Misconduct Case Review be conducted to render a decision for the case.

Procedures – Sexual Misconduct Appeal Review: Conflict of Interest or Bias

Responding Parties and Reporting Parties are not present for and do not participate in Sexual Misconduct Appeal Reviews granted based on grounds that the Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Reporting Parties or Responding Parties generally, or the individual Reporting Party or Respondent, that affected the outcome of the case. If both parties were granted a Sexual Misconduct Appeal Review based on grounds that the Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Reporting Parties or Responding Parties generally, or the individual Reporting Party or Respondent, that affected the outcome of the case, then each appeal submission and its response will be reviewed separately using the following procedures. When both parties are granted an appeal on grounds that the Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Reporting Parties or Responding Parties generally, or the individual Reporting Party or Respondent, that affected the outcome of the case, the Appeal Board will review the appeal submissions in the order they were received by OSARP. The Respondent and the Reporting Party will be notified of the outcome of the Sexual Misconduct Appeal Review in accordance with the procedures listed in the Sexual Misconduct Accountability Process.

1. For the first, or only, granted appeal and response, the Appeal Board will determine whether a violation(s) of conflict of interest or bias occurred by considering the arguments made in the granted appeal and any response submitted.
 - If the Appeal Board determines that no violation(s) of conflict of interest or bias occurred, the decision rendered at the Sexual Misconduct Case Review will stand.
 - If the other party in the case was also granted a Sexual Misconduct Appeal Review based on alleged conflict of interest or bias, then the Appeal Board will proceed to Step 3.
2. If the Appeal Board determines that a violation(s) of conflict of interest or bias occurred, the Board will then determine if the violation(s) of conflict of interest or bias affected the outcome of the case for the first, or only, party granted the Sexual Misconduct Appeal Review.
 - If the Appeal Board determines that the violation of conflict of interest or bias did not affect the outcome of the case for the first party granted the Sexual Misconduct Appeal Review on the basis of the conflict of interest or bias that occurred, the decision rendered at the Sexual Misconduct Case Review will stand.
 - If the other party in the case was also granted a Sexual Misconduct Appeal Review based on alleged violation(s) of conflict of interest or bias, then the Appeal Board will proceed to Step 3.
 - If the Appeal Board determines that the violation of conflict of interest or bias affected the outcome of the case for the first party granted the appeal on the basis of the conflict of interest or bias that occurred, the Appeal Board will either send the case to the Title IX Coordinator's supervisor or designee (for bias by the investigator(s) or Title IX Coordinator) or to the OSARP Case Manager or designee (for bias of a board member). For cases that are sent to the Title IX Coordinator's supervisor or designee, the Sexual Misconduct Formal Complaint Investigation Process will be re-conducted. For cases that are sent to the OSARP Case Manager or designee, OSARP will conduct a new Sexual Misconduct Sexual Harassment Case Review.
 - If the case is sent to the Title IX Coordinator's supervisor or designee or the OSARP Case

Manager or designee after review of the first granted appeal in a Sexual Misconduct Appeal Review where a second appeal had been granted to the other party, the Appeal Board will not review the second submission since either the case will be re-heard or the investigation will be re-conducted, resulting in a case being re-heard.

3. For the second granted appeal and response, the Appeal Board will determine whether a violation(s) of conflict of interest or bias occurred by considering the arguments made in the granted appeal and any response submitted.

- If the Appeal Board determines that no violation(s) of conflict of interest or bias occurred, the decision rendered at the Sexual Misconduct Case Review will stand.

4. If the Appeal Board determines that a violation(s) of conflict of interest or bias occurred, the Board will then determine if the violation(s) of conflict of interest or bias affected the outcome of the case for the second party granted the Sexual Misconduct Appeal Review.

- If the Appeal Board determines that the violation of conflict of interest or bias cannot reasonably be said to have materially affected the outcome of the case for the second party granted the Sexual Misconduct Appeal Review on the basis of the conflict of interest or bias that occurred, the decision rendered at the Sexual Misconduct Case Review will stand.
- If the Appeal Board determines that the violation of conflict of interest or bias affected the outcome of the case for the second party granted the appeal on the basis of the conflict of interest or bias that occurred, the Appeal Board will either send the case to the Title IX Coordinator's supervisor or designee (for bias by the investigator(s) or Title IX Coordinator) or to OSARP Case Manager or designee (for bias of a board member). For cases that are sent to the Title IX Coordinator's supervisor or designee, the Sexual Misconduct Formal Complaint Investigation Process will be re-conducted. For cases that are sent to the OSARP Case Manager or designee, OSARP will conduct a new Sexual Misconduct Sexual Harassment Case Review.

Procedures – Sexual Misconduct Appeal Review: New Evidence

OSARP reasonably schedules the Sexual Misconduct Appeal Review on grounds of new evidence around the availability of Responding Parties, Reporting Parties, Board Members, OSARP Staff, Support Persons, and Witnesses. If the Sexual Misconduct Appeal Review is to occur when the Respondent, and/or Reporting Party are enrolled in classes at JMU, the Sexual Misconduct Appeal Review will reasonably be scheduled around their academic schedule(s). If the Sexual Misconduct Appeal Review is to occur when the Responding Party and/or Reporting Party are not enrolled in classes at JMU, it will be reasonably scheduled around their availability. The availability or academic schedules of witnesses called by either party or a Support Person for either party will not be considered in scheduling the Sexual Misconduct Appeal Review.

In Sexual Misconduct Appeal Reviews, Responding Parties and Reporting Parties have a right to a Support Person in accordance with the restrictions stated in the Sexual Misconduct Accountability Process.

If a Respondent, Reporting Party, Respondent Witness, or Reporting Party Witness fails to appear at a Sexual Misconduct Appeal Review after being properly notified of its date and time, the Sexual Misconduct Appeal Review will proceed. The decision to postpone a Sexual Misconduct Appeal Review for cause is at the discretion of the Director of OSARP or designee and will be communicated to each party.

Sexual Misconduct Appeal Reviews on the grounds of new evidence will be audio and/or video recorded; the Board Members' closed deliberation will not be recorded. No party may make their own recordings of the Sexual Misconduct Appeal Review.

A Sexual Misconduct Appeal Review will proceed in accordance with the procedures below; however, Appeal Board Members may ask additional questions at any time. Any participant, including the Board, may request a break at any point during the Sexual Misconduct Case Review. The Appeal Board Chair has the authority to prohibit information from being shared that violates the rights of a party, is not allowed by the Sexual Misconduct Accountability Process, or bears no relevancy to the adjudication of the case. The Appeal Board Chair also has the authority to instruct Board Members to disregard information that violates the rights of a party, is prohibited by the Sexual Misconduct Accountability Process, or bears no relevancy to the adjudication of the case.

Adaptations to the process may be made for cases including, but limited to, if OSARP initiated the Sexual

Misconduct Accountability Process without the authorization of the Reporting Party or to allow for multiple Reporting Parties; if this occurs Reporting Party(s) and the Respondent will be notified of the adaptations prior to the Sexual Misconduct Case Review.

If only the Respondent was granted a Sexual Misconduct Appeal Review based on new evidence, then Steps 6-9 will be eliminated in the procedures below. If only the Reporting Party was granted a Sexual Misconduct Appeal Review based on new evidence, then Steps 2-5 will be eliminated in the procedures below. If both parties were granted a Sexual Misconduct Appeal Review based on new evidence, then each appeal submission and its response will be reviewed separately using the entirety of the following procedures. The Respondent and the Reporting Party will be notified of the outcome of the Sexual Misconduct Appeal Review in accordance with the procedures listed in the Sexual Misconduct Accountability Process.

1. The Board Members and participants are introduced.
2. Information is presented by the Respondent solely about the new evidence presented in their appeal.
 - The Board Members may ask questions about the new evidence presented in the Respondent's appeal.
 - The Reporting Party, through the Board Chair, will be allotted time to question the Responding Party about the new evidence presented in the Respondent's appeal.
3. If applicable, the Respondent will call their witnesses individually.
 - Each witness called by the Respondent will be allotted time to make a verbal statement regarding the alleged incident or behavior.
 - At the conclusion of the statement shared by the Respondent's Witness, the Responding Party will be allotted time to question the Respondent's Witness.
 - At the conclusion of the Respondent's questions for their witness, the Reporting Party, through the Board Chair, will be allotted time to question the Respondent's Witness.
 - At the conclusion of the Reporting Party's questions for each witness called by the Responding Party, the Board will ask any questions they have of the witness.
 - Witnesses called by the Respondent may provide what they know directly about the alleged incident or behavior and/or what they have been told about the alleged incident or behavior. Witnesses called by the Respondent may not provide their perspective on what they feel the appropriate decision or sanction(s) in the case should be.
 - The Board may request that a witness for the Respondent return at a later point in the Appeal Review for further clarification.
4. Information is presented by the Reporting Party solely about their response to the new evidence presented by the Respondent's appeal.
 - The Board Members may question the Reporting Party about their response to the new evidence presented by the Respondent's appeal.
 - The Respondent, through the Board Chair, will be allotted time for questions of the Reporting Party.
5. If applicable, the Reporting Party will call their witnesses individually.
 - Each witness called by the Reporting Party will be allotted time to make a verbal statement regarding the alleged incident or behavior.
 - At the conclusion of the statement shared by the Reporting Party's Witness, the Reporting Party will be allotted time to question the Reporting Party's Witness.
 - At the conclusion of the Reporting Party's questions for their witness, the Respondent, through the Board Chair, will be allotted time to question the Reporting Party's Witness.
 - At the conclusion of the Respondent's questions for each witness called by the Reporting Party, the Board will ask any questions they have of the witness.
 - Witnesses called by the Reporting Party may provide what they know directly about the alleged incident or behavior and/or what they have been told about the alleged incident or behavior. Witnesses called by the Reporting Party may not provide their perspective on what they feel the appropriate decision or sanction(s) in the case should be.
 - The Board may request that a witness for the Reporting Party return at a later point in the Appeal Review for further clarification.
6. Information is presented by the Reporting Party solely about the new evidence presented in their appeal.
 - The Board Members may ask questions about the new evidence presented in the Reporting Party's appeal.

- The Respondent, through the Board Chair, will be allotted time for questions of the Reporting Party.
7. If applicable, the Reporting Party will call their witnesses individually.
- Each witness called by the Reporting Party will be allotted time to make a verbal statement regarding the alleged incident or behavior.
 - At the conclusion of the statement shared by the Reporting Party's Witness, the Reporting Party will be allotted time to question the Reporting Party's Witness.
 - At the conclusion of the Reporting Party's questions for their witness, the Respondent, through the Board Chair, will be allotted time to question the Reporting Party's Witness.
 - At the conclusion of the Respondent's questions for each witness called by the Reporting Party, the Board will ask any questions they have of the witness.
 - Witnesses called by the Reporting Party may provide what they know directly about the alleged incident or behavior and/or what they have been told about the alleged incident or behavior. Witnesses called by the Reporting Party may not provide their perspective on what they feel the appropriate decision or sanction(s) in the case should be.
 - The Board may request that a witness for the Reporting Party return at a later point in the Appeal Review for further clarification.
8. Information is presented by the Respondent solely about their response to the new evidence presented by the Reporting Party's appeal.
- The Board Members may question the Respondent about their response to the new evidence presented by the Reporting Party's appeal.
 - The Reporting Party, through the Board Chair, will be allotted time for questions of the Respondent.
9. If applicable, the Respondent will call their witnesses individually.
- Each witness called by the Respondent will be allotted time to make a verbal statement regarding the alleged incident or behavior.
 - At the conclusion of the statement shared by the Respondent's Witness, the Responding Party will be allotted time to question the Respondent's Witness.
 - At the conclusion of the Respondent's questions for their witness, the Reporting Party, through the Board Chair, will be allotted time to question the Respondent's Witness.
 - At the conclusion of the Reporting Party's questions for each witness called by the Responding Party, the Board will ask any questions they have of the witness.
 - Witnesses called by the Respondent may provide what they know directly about the alleged incident or behavior and/or what they have been told about the alleged incident or behavior. Witnesses called by the Respondent may not provide their perspective on what they feel the appropriate decision or sanction(s) in the case should be.
 - The Board may request that a witness for the Respondent return at a later point in the Appeal Review for further clarification.
10. The Board Members may ask final questions of the Respondent and/or Reporting Party.
11. The Respondent, Reporting Party, and Support Persons will leave; the Appeal Board will enter closed deliberation.
12. The Appeal Board will vote to determine if the new evidence and any response(s) presented by both parties as a part of the appeal is significant enough to alter the decisions made at the Sexual Misconduct Case Review, considering the totality of the evidence.
- If the Appeal Board determines that the totality of the evidence, including the new evidence and response(s) presented by both parties, is not significant enough to alter the decision made at the Sexual Misconduct Case Review, the decision rendered at the Sexual Misconduct Case Review will stand.
 - If the Appeal Board determines that the totality of the evidence, including the new evidence and response(s) presented, is significant enough to alter the decision made at the Sexual Misconduct Case Review, the Appeal Board will render their decisions of whether or not the Respondent is responsible for violating policy and proceed to step 13.A or 13.B.
13. A. If the Appeal Board finds the Respondent not responsible for violating all policies, they will proceed to Step 15.
B. If the Appeal Board finds the Respondent responsible for violating policy, they will proceed to step 14.
14. The Appeal Board will render sanctions and remedies for the case. If only a Respondent was granted a Sexual Misconduct Appeal Review, the Appeal Board may not assign more severe sanctions than those assigned at the Sexual Misconduct Case Review.
15. The Respondent and the Reporting Party will be notified of the outcome of the Sexual Misconduct Appeal Review in accordance with the procedures listed in the Sexual Misconduct Accountability Process.

Procedures – Sexual Misconduct Appeal Review: New Evidence and Other Grounds for Appeal

OSARP reasonably schedules a Sexual Misconduct Appeal Review that includes grounds of new evidence around the availability of Responding Parties, Reporting Parties, Board Members, OSARP Staff, Support Persons, and Witnesses. If the Sexual Misconduct Appeal Review is to occur when the Respondent, and/or Reporting Party are enrolled in classes at JMU, the Sexual Misconduct Appeal Review will reasonably be scheduled around their academic schedule(s). If the Sexual Misconduct Appeal Review is to occur when the Respondent and/or Reporting Party are not enrolled in classes at JMU, it will be reasonably scheduled around their availability. The availability or academic schedules of witnesses called by either party or a Support Person for either party will not be considered in scheduling the Sexual Misconduct Appeal Review.

In Sexual Misconduct Appeal Reviews involving grounds of new evidence, Responding Parties and Reporting Parties have a right to a Support Person in accordance with the restrictions stated in the Sexual Misconduct Accountability Process.

If a Respondent, Reporting Party, Respondent Witness, or Reporting Party Witness fails to appear at a Sexual Misconduct Appeal Review after being properly notified of its date and time, the Sexual Misconduct Appeal Review will proceed. The decision to postpone a Sexual Misconduct Appeal Review for cause is at the discretion of the Director of OSARP or designee and will be communicated to each party.

Sexual Misconduct Appeal Reviews on the grounds of new evidence will be audio and/or video recorded; the Board Members' closed deliberation will not be recorded. No party may make their own recordings of the Sexual Misconduct Appeal Review.

The Appeal Board Chair has the authority to prohibit information from being shared that violates the rights of a party, is not allowed by the Sexual Misconduct Accountability Process, or bears no relevancy to the adjudication of the case. The Appeal Board Chair also has the authority to instruct Board Members to disregard information that violates the rights of a party, is prohibited by the Sexual Misconduct Accountability Process, or bears no relevancy to the adjudication of the case.

Adaptations to the process may be made for cases including, but limited to, if OSARP initiated the Sexual Misconduct Accountability Process without the authorization of the Reporting Party or to allow for multiple Reporting Parties; if this occurs Reporting Party(s) and the Respondent will be notified of the adaptations prior to the Sexual Misconduct Case Review.

If only the Respondent was granted a Sexual Misconduct Appeal Review based on new evidence, then Steps 10-13 will be eliminated in the procedures below. If only the Reporting Party was granted a Sexual Misconduct Appeal Review based on new evidence, then Steps 6-9 will be eliminated in the procedures below. If both parties were granted a Sexual Misconduct Appeal Review based on new evidence, then each appeal submission and its response will be reviewed separately using all of Steps 6-13 to review the new evidence submitted.

The portions of the appeal(s) granted on alleged violation(s) procedural irregularity and/or conflict of interest or bias will be considered first. Responding Parties and Reporting Parties are not present for and do not participate in the part of the Sexual Misconduct Appeal Review granted based on alleged violation(s) of procedural irregularity and/or conflict of interest or bias. If both parties were granted a Sexual Misconduct Appeal Review based on alleged violation(s) of procedural irregularity and/or conflict of interest or bias, then each appeal submission and its response will be reviewed separately using the procedures provided. When both parties are granted an appeal on alleged violation(s) of procedural irregularity and/or conflict of interest or bias, the Appeal Board will review the appeal submissions in the order they were received by OSARP.

A Sexual Misconduct Appeal Review granted to either or both parties on both grounds of new evidence and alleged violation(s) of procedural irregularity and/or conflict of interest or bias will proceed in accordance with the procedures below; however, Board Members may ask additional questions at any time. Any participant, including the Board, may request a break at any point during the Sexual Misconduct Case Review.

The Respondent and the Complainant will be notified of the outcome of the Sexual Misconduct Appeal Review in accordance with the procedures listed in the Sexual Misconduct Accountability Process.

1. The Board Members and participants are introduced.
2. For the first, or only, granted appeal and response, the Appeal Board will determine whether or not a violation(s) of procedural irregularity and/or conflict of interest or bias occurred by considering the arguments made in the granted appeal and any response submitted.
 - If the Appeal Board determines that a violation(s) of procedural irregularity and/or conflict of interest or bias occurred, then the Appeal Board will proceed to Step 3.
 - If the Appeal Board determines that no violation(s) of procedural irregularity and/or conflict of interest or bias occurred, and the other party in the case was also granted a Sexual Misconduct Appeal Review based on alleged violation(s) of procedural irregularity and/or conflict of interest or bias, then the Appeal Board will proceed to Step 4.
 - If the Appeal Board determines that no violation(s) of procedural irregularity and/or conflict of interest or bias occurred, and the other party in the case was not granted a Sexual Misconduct Appeal Review based on alleged violation(s) of procedural irregularity and/or conflict of interest or bias, then the Appeal Board will proceed to Step 6.
3. Based on their determination that a violation(s) of procedural irregularity and/or conflict of interest or bias standards occurred, the Appeal Board will then determine if the violation(s) of procedural irregularity and/or conflict of interest or bias can reasonably be said to have affected the outcome of the case for the first, or only, party granted the Sexual Misconduct Appeal Review.
 - If the Appeal Board determines that the violation of procedural irregularity and/or conflict of interest or bias cannot reasonably be said to have affected the outcome of the case for the first party granted the Sexual Misconduct Appeal Review on the basis of the procedural irregularity and/or conflict of interest or bias that occurred, the Appeal Board will proceed in one of the following ways:
 - If the other party in the case was also granted a Sexual Misconduct Appeal Review based on alleged violation(s) of procedural irregularity and/or conflict of interest or bias, then the Appeal Board will proceed to Step 4.
 - If the other party in the case was not granted a Sexual Misconduct Appeal Review based on alleged violation(s) of procedural irregularity and/or conflict of interest or bias, then the Appeal Board will proceed to Step 6.
 - If the Appeal Board determines that the violation of procedural irregularity and/or conflict of interest or bias can reasonably be said to have affected the outcome the case for the first party granted the appeal on the basis of the procedural irregularity and/or conflict of interest or bias that occurred, the Appeal Board will either send the case to the Title IX Coordinator's supervisor or designee (for bias by the investigator(s) or Title IX Coordinator) or to the OSARP Case Manager or designee (for bias of a board member or procedural irregularity). For cases that are sent to the Title IX Coordinator's supervisor or designee, the Sexual Misconduct Formal Complaint Investigation Process will be re-conducted. For cases that are sent to the OSARP Case Manager or designee, OSARP will conduct a new Sexual Misconduct Sexual Harassment Case Review.

If the case is sent to the Title IX Coordinator's supervisor or designee or the OSARP Case Manager or designee after review of the first granted appeal in a Title IX Sexual Harassment Appeal Review where a second appeal had been granted to the other party, the Appeal Board will not review the second submission since either the case will be re-heard or the investigation will be re-conducted, resulting in a case being re-heard.

In addition, the Appeal Board will not review any submissions on new evidence since the case will be re-heard. Any new evidence that was granted on appeal and any response(s) to it will be given to the Title IX Coordinator's supervisor or designee to be added to the new investigation or given to the OSARP Case Manager or designee to be added the Case File to be used in the new Sexual Misconduct Case Review. The Respondent, Reporting Party, Respondent Witnesses, Reporting Party Witnesses, Advisors of choice, and witness Support Persons will leave and wait to be notified about the new Sexual Misconduct Formal Complaint Investigation Process or the new Sexual Misconduct Case Review. The Responding Party and Reporting Party will be formally notified of the outcome of the Sexual Misconduct Appeal Review in accordance with the procedures listed in the Sexual Misconduct Accountability Process.
4. For the second granted appeal and response, the Appeal Board will determine whether or not a violation(s) of procedural irregularity and/or conflict of interest or bias occurred by considering the

arguments made in the granted appeal and any response submitted.

- If the Appeal Board determines that a violation(s) of procedural irregularity and/or conflict of interest or bias occurred, then the Appeal Board will proceed to Step 5.
- If the Appeal Board determines that no violation(s) of procedural irregularity and/or conflict of interest or bias occurred, then the Appeal Board will proceed to Step 6.

5. If the Appeal Board determines that a violation(s) of procedural irregularity and/or conflict of interest or bias occurred, the Board will then determine if the violation(s) of procedural irregularity and/or conflict of interest or bias can reasonably be said to have affected the outcome of the case for the second party granted the Sexual Misconduct Appeal Review.

- If the Appeal Board determines that the violation of procedural irregularity and/or conflict of interest or bias cannot reasonably be said to have affected the outcome of the case for the second party granted the Sexual Misconduct Appeal Review on the basis of the procedural irregularity and/or conflict of interest or bias that occurred, then the Appeal Board will proceed to Step 6.

- If the Appeal Board determines that the violation of procedural irregularity and/or conflict of interest or bias can reasonably be said to have affected the outcome of the case for the second party granted the appeal on the basis of the procedural irregularity and/or conflict of interest or bias that occurred, the Appeal Board will either send the case to the Title IX Coordinator's supervisor or designee (for bias by the investigator(s) or Title IX Coordinator) or to the OSARP Case Manager or designee (for bias of a board member or procedural irregularity). For cases that are sent to the Title IX Coordinator's supervisor or designee, the Sexual Misconduct Formal Complaint Investigation Process will be re-conducted. For cases that are sent to the OSARP Case Manager or designee, OSARP will conduct a new Sexual Misconduct Sexual Harassment Case Review.

If the case is sent to the Title IX Coordinator's supervisor or designee or the OSARP Case Manager or designee after review of the second granted appeal in a Sexual Misconduct Appeal Review, the Appeal Board will not review any submissions on new evidence since the case will be re-heard. Any new evidence that was granted on appeal and any response(s) to it will be given to the Title IX Coordinator's supervisor or designee to be added to the new investigation or given to the OSARP Case Manager or designee to be added the Case File to be used in the new Title IX Sexual Harassment Case Review. The Respondent, Reporting Party, Respondent Witnesses, Reporting Party Witnesses, Advisors of choice, and witness Support Persons will leave and wait to be notified about the new Sexual Misconduct Formal Complaint Investigation Process or the new Sexual Misconduct Case Review. The Reporting Party and Respondent will be formally notified of the outcome of the Sexual Misconduct Appeal Review in accordance with the procedures listed in the Sexual Misconduct Accountability Process.

6. Information is presented by the Respondent solely about the new evidence presented in their appeal.

- The Board Members may ask questions about the new evidence presented in the Responding Party's appeal.
- The Reporting Party, through the Board Chair, will be allotted time for questions of the Responding Party.

7. If applicable, the Respondent will call their witnesses individually.

- Each witness called by the Respondent will be allotted time to make a verbal statement regarding the alleged incident or behavior.
- At the conclusion of the statement shared by the Respondent's Witness, the Responding Party will be allotted time to question the Respondent's Witness.
- At the conclusion of the Respondent's questions for their witness, the Reporting Party, through the Board Chair, will be allotted time to question the Respondent's Witness.
- At the conclusion of the Reporting Party's questions for each witness called by the Responding Party, the Board will ask any questions they have of the witness.
- Witnesses called by the Respondent may provide what they know directly about the alleged incident or behavior and/or what they have been told about the alleged incident or behavior. Witnesses called by the Respondent may not provide their perspective on what they feel the appropriate decision or sanction(s) in the case should be.
- The Board may request that a witness for the Respondent return at a later point in the Appeal Review for further clarification.

8. Information is presented by the Complainant solely about their response to the new evidence presented by the Respondent's appeal.

- The Board Members may question the Reporting Party about their response to the new evidence presented by the Respondent's appeal.

- The Respondent, through the Board Chair, will be allotted time for questions of the Reporting Party.
9. If applicable, the Reporting Party will call their witnesses individually.
- Each witness called by the Reporting Party will be allotted time to make a verbal statement regarding the alleged incident or behavior.
 - At the conclusion of the statement shared by the Reporting Party's Witness, the Reporting Party will be allotted time to question the Reporting Party's Witness.
 - At the conclusion of the Reporting Party's questions for their witness, the Respondent, through the Board Chair, will be allotted time to question the Reporting Party's Witness.
 - At the conclusion of the Respondent's questions for each witness called by the Reporting Party, the Board will ask any questions they have of the witness.
 - Witnesses called by the Reporting Party may provide what they know directly about the alleged incident or behavior and/or what they have been told about the alleged incident or behavior. Witnesses called by the Reporting Party may not provide their perspective on what they feel the appropriate decision or sanction(s) in the case should be.
 - The Board may request that a witness for the Reporting Party return at a later point in the Appeal Review for further clarification.
10. Information is presented by the Reporting Party solely about the new evidence presented in their appeal.
- The Board Members may ask questions about the new evidence presented in the Reporting Party's appeal.
 - The Respondent, through the Board Chair, will be allotted time for questions of the Reporting Party.
11. If applicable, the Reporting Party will call their witnesses individually.
- Each witness called by the Reporting Party will be allotted time to make a verbal statement regarding the alleged incident or behavior.
 - At the conclusion of the statement shared by the Reporting Party's Witness, the Reporting Party will be allotted time to question the Reporting Party's Witness.
 - At the conclusion of the Reporting Party's questions for their witness, the Respondent, through the Board Chair, will be allotted time to question the Reporting Party's Witness.
 - At the conclusion of the Respondent's questions for each witness called by the Reporting Party, the Board will ask any questions they have of the witness.
 - Witnesses called by the Reporting Party may provide what they know directly about the alleged incident or behavior and/or what they have been told about the alleged incident or behavior. Witnesses called by the Reporting Party may not provide their perspective on what they feel the appropriate decision or sanction(s) in the case should be.
 - The Board may request that a witness for the Reporting Party return at a later point in the Appeal Review for further clarification.
12. Information is presented by the Respondent solely about their response to the new evidence presented by the Reporting Party's appeal.
- The Board Members may question the Respondent about their response to the new evidence presented by the Reporting Party's appeal.
 - The Reporting Party, through the Board Chair, will be allotted time for questions of the Responding Party.
13. If applicable, the Respondent will call their witnesses individually.
- Each witness called by the Respondent will be allotted time to make a verbal statement regarding the alleged incident or behavior.
 - At the conclusion of the statement shared by the Respondent's Witness, the Responding Party will be allotted time to question the Respondent's Witness.
 - At the conclusion of the Respondent's questions for their witness, the Reporting Party, through the Board Chair, will be allotted time to question the Respondent's Witness.
 - At the conclusion of the Reporting Party's questions for each witness called by the Responding Party, the Board will ask any questions they have of the witness.
 - Witnesses called by the Respondent may provide what they know directly about the alleged incident or behavior and/or what they have been told about the alleged incident or behavior. Witnesses called by the Respondent may not provide their perspective on what they feel the appropriate decision or sanction(s) in the case should be.
 - The Board may request that a witness for the Respondent return at a later point in the Appeal Review for further clarification.
14. The Board Members may ask final questions of the Respondent and/or Reporting Party.

15. The Respondent, Reporting Party, and Support Persons will leave; the Appeal Board will enter closed deliberation and complete steps 16-19, as applicable.

16. The Appeal Board will vote to determine if the new evidence and any response(s) presented by both parties as a part of the appeal are significant enough to alter the decisions made at the Sexual Misconduct Case Review, considering the totality of the evidence.

- If the Appeal Board determines that the totality of the evidence, including the new evidence and response(s) presented by both parties, is not significant enough to alter the decision made at the Sexual Misconduct Case Review, the decision rendered at the Sexual Misconduct Case Review will stand.
- If the Appeal Board determines that the totality of the evidence, including the new evidence and response(s) presented, is significant enough to alter the decision made at the Sexual Misconduct Case Review, the Appeal Board will render their decisions of whether or not the Respondent is responsible for violating policy and proceed to step 17.A. or 17.B.17.

A. If the Appeal Board finds the Respondent responsible for violating policy, they will proceed to step 18.

B. If the Appeal Board finds the Respondent not responsible for violating all policies, they will proceed to Step 19.

18. The Appeal Board will render sanctions and remedies for the case. If only a Respondent was granted a Sexual Misconduct Appeal Review, the Appeal Board may not assign more severe sanctions than those assigned at the Sexual Misconduct Case Review.

19. The Respondent and the Reporting Party will be notified of the outcome of the Sexual Misconduct Appeal Review in accordance with the procedures listed in the Sexual Misconduct Accountability Process.

Sexual Misconduct Policies

All proceedings in JMU disciplinary action of cases of alleged dating violence, domestic violence and sexual assault, or stalking will include a prompt, fair and impartial process from the initial investigation to the final result that will be completed with reasonably prompt timeframes including the allowance for the extension of timeframes for good cause with written notice to the accuser and the accused of the delay and reason for the delay. All proceedings will be conducted in a manner that is consistent with JMU policies and transparent to the accuser and accused; include timely notice of meetings at which the accuser or accused, or both, may be present; and provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings. Proceedings will be conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused and who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The standard of evidence used in determination of being held responsible will be the preponderance of the evidence presented. The proceedings will provide the accuser and accused with the same opportunities to have others present during any institutional proceeding including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice and not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional. JMU may establish restrictions regarding the extent to which the advisor may participate in the in the proceedings as long as the restrictions apply equally to both parties. JMU will require simultaneous notification, in writing, to both the accuser and the accused, of the result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault or stalking. This includes any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters with the institution. The result must include any sanctions imposed by the institution and the rationale for the result and the sanctions. There will be simultaneous notification, in writing to both the accuser and the accused, of procedures for the accused and the victim to appeal the result of the institutional proceeding. Procedures will provide simultaneous notification, in writing, to both the accuser and the accused, of any change to the result and when such results become final. Each type of institutional disciplinary proceeding will include the steps, anticipated timelines, and decision-making process for each of disciplinary proceedings. Each type of institutional disciplinary proceeding will include how to file a complaint and how the institution determines which type of proceeding to use based on the circumstances of the allegations. Procedures will list all possible sanctions that the institution may impose following the results of an institutional disciplinary procedure and the range of protective measures that the institution may offer to the victim. The institution will, upon written request, disclose to the victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for these purposes.

James Madison University prohibits sexual misconduct. Sexual misconduct includes sexual assault, sexual violence, sexual harassment, dating violence, domestic violence, relational violence, sexual exploitation, stalking, and all other forms of misconduct on the basis of or because of a Reporter's sex, sexual orientation, gender, or gender identity. Reporting parties who want to report they are victims of sexual misconduct, or are

unsure if behavior constitutes sexual misconduct, can meet with Title IX Staff to explore their options for the investigation and adjudication of the allegation in accordance with JMU Policy 1346 and/or JMU Policy 1340.

Policy 1346

Title IX Sexual Harassment

Date of Current Revision: August 2021

Responsible Office: Title IX Office

1. PURPOSE

This policy sets out the university's commitment to providing a workplace and learning environment free from sexual harassment pursuant to Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.). The policy and procedures concerning sexual misconduct outside the scope of this policy on Title IX Sexual Harassment may be found in Policy 1340 Sexual Misconduct. The policy and procedures concerning all forms of discrimination other than sexual harassment and sexual misconduct may be found in Policy 1324 Discrimination and Harassment (other than sexual harassment and misconduct). Sexual harassment is a form of sex discrimination, and it is not limited by gender, gender identity, or sexual orientation of the complainant or the respondent.

2. AUTHORITY

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

STATE OR FEDERAL STATUTE AND / OR REGULATION

This policy is written in accordance with Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.) and Title IX Regulations (34 CFR Part 106), the Clery Act (20 U.S.C. § 1092(f)), the Violence Against Women Act (42 U.S.C. § 13701), and §§ 23.1-806-808 of the Code of Virginia. Some behavior prohibited by this policy is also criminal activity under Title 18.2 of the Code of Virginia.

3. DEFINITIONS

Advisor of Choice

A person who the complainant or respondent chooses to provide support for them while they are participating in procedures under this policy.

Complainant

An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Confidential Resources

University employees who are exempt from responsible employee reporting obligations under this policy. Confidential Resources include employees who provide or support the provision of counseling, advocacy, health, mental health, or sexual assault-related services to members of the university community who have experienced sexual harassment. These include campus victim advocates, mental health counselors, social workers, psychologists, health center employees, and any other person with a professional license requiring confidentiality or an employee in the office who is supervised by such a person. Confidential Resources include affiliates who are pastoral or religious counselors. Confidential Resources also include undergraduate student employees, with the exception of Office of Residence Life staff.

Consent

An outward demonstration through understandable words or actions that convey a knowing and voluntary agreement to engage in mutually agreed upon sexual activity. Consent cannot be obtained by physical or verbal coercion that is express or implied, which includes the use of intimidation, threats, force, or duress. Consent cannot be obtained by ignoring or acting in spite of the objections of another, by previous consent, or by taking advantage of another person's incapacitation or physical helplessness where one knows or a reasonable person should have known of such

incapacitation or helplessness. An individual who is incapacitated because of age, disability, voluntary activity, or through the acts of others cannot give consent. Silence or absence of resistance does not imply consent. Consent is voluntary and may be withdrawn at any time by communicating the withdrawal through an outward demonstration of understandable words or actions.

Dating Violence

A form of sexual violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with another person, where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

Day

A calendar day. When a substantial portion of a specified period of days falls during a period of time when the university is closed, that portion of the time period shall not be counted, and the time period shall be extended by the number of days falling on days when the university is closed. Weekends are not considered substantial periods of time and will not be added to extend a deadline. If a time period is set to end on a day when the university is closed, the time period shall be extended to end on the next scheduled day when the university reopens. Examples: A specified time period will not end during winter break or on any day when the university is closed for inclement weather. A five-day time period set to begin on the first day of winter break will be extended by the number of days for the scheduled winter break, so that the time will actually begin to run upon the first day after winter break. A deadline that falls on a day when the university is closed for inclement weather will be extended until the next day the university opens for business. This extension does not apply to deadlines for electronic submissions.

Domestic Violence

Crimes of violence committed by any of the following:

- A current or former spouse or intimate partner of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the Commonwealth of Virginia
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the Commonwealth of Virginia

Education Programs or Activities

All of the operations of the university.

Formal Complaint

A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the university investigate the allegation of sexual harassment. A "document filed by a complainant" means a document or electronic submission that includes the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. The complainant must be participating in or attempting to participate in an education program or activity at the time of filing a formal complaint.

Good Faith

Actions taken in the honest, sincere, and reasonable belief in the truth of the matters alleged and without any malice or the desire to defraud or maliciously harm others. An allegation made or testimony given in a proceeding is not in good faith if made with knowing or reckless disregard for the truth.

Incapacitation

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Physical or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts, unconsciousness, and the inability to make such decisions due to the voluntary or involuntary use of alcohol or drugs. Incapacitation may occur because of age, disability, voluntary activity, or through the acts of others.

Official with Authority

For purposes of this policy, an individual who has the authority to institute corrective measures on behalf of the university. The university has identified the following individuals as officials with authority to institute corrective measures: President, Provost and Senior Vice President for Academic Affairs, Senior Vice President for Administration and Finance, Vice President for Access and Enrollment, Vice President for University Advancement, Vice President for Student Affairs, Dean of the College of Arts and Letters, Dean of the College of Business, Dean of the College of Education, Dean of the College of Health and Behavioral Studies, Dean of the College of Integrated Science and Engineering, Dean of the College of Science and Mathematics, Dean of the College of Visual and Performing Arts, Dean of University Studies, Dean of the Graduate School, Dean of the Honors College, Dean of Libraries, Dean of Professional and Continuing Education, Dean of Students, Director of the Office of Student Accountability and Restorative Practices, Director of Human Resources, and Director of Athletics. An official with authority has a duty to disclose to the Title IX Office all reports of sexual harassment that they receive.

Preponderance of Evidence

Preponderance of the evidence will be the standard of proof used to make determinations for all alleged policy violation(s) of sexual harassment for both the student and employee processes. Preponderance of the evidence means that there is greater than a fifty-percent likelihood that the respondent violated the policy.

Relevant Evidence

Evidence is relevant if it has any tendency to make a fact more or less probable than it would be without the evidence, and the fact is of consequence in determining the outcome of the case. Relevant evidence includes evidence concerning the credibility of a party or witness.

Remedies

Measures implemented after a finding of responsibility in a formal complaint procedure under this policy that are designed to restore or preserve equal access to the university's education program or activity for the Complainant and may include the same individualized services described as supportive measures.

Report

An oral or written allegation received by the Title IX Office that describes an alleged instance of sexual harassment by a student, employee, affiliate, or visitor, whether or not a complainant or respondent is identified by name. A report of an alleged incident that is received by the Title IX Office may be actionable under this policy and may lead to the initiation of a formal complaint process.

Respondent

A person who has been reported to be the perpetrator of conduct that could constitute sexual harassment. Responsible Employee University employees who have a duty to disclose to the Title IX Office all reports of sexual harassment that they receive within the course of their employment. All university employees (except Confidential Resources as defined in this policy) are Responsible Employees.

Retaliation

Intimidation, interference, threats, 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, or has participated or refused to participate in any manner under this policy, constitutes retaliation. Retaliation also includes bringing charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege under this policy.

Sexual Assault

A sexual act committed against another person without consent. For purposes of this policy, sexual assault includes any of the following offenses:

(1) Rape

Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Attempts to commit rape are included.

(2) Fondling

The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim.

(3) Incest

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

(4) Statutory rape

Sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in the Commonwealth of Virginia is 18 years old.

Sexual Harassment

Conduct on the basis of sex that satisfies one or more of the following:

(1) Quid pro quo - An employee conditioning the provision of an aid, benefit, or service of the university on an individual's participation in unwelcome sexual conduct;

(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's education program or activity; or

(3) Sexual assault, dating violence, domestic violence, or stalking.

Sexual Violence

Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the person's age, mental state, use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent).

Sexual Violence Review Committee (SVRC)

A committee composed, at a minimum, of a representative of the university's Title IX Office, a member of the university's police department, and a member of the university's student affairs administration. The SVRC reviews information related to alleged acts of sexual violence reported to the Title IX Office to determine appropriate reports to be made to law enforcement units outside of the university. The SVRC is responsible for carrying out the university's obligations under Virginia Code § 23.1-806.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.

Supportive Measures

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Measures or interventions which may be taken by the university upon receipt of a report or formal complaint of sexual harassment to ensure a safe environment for the parties and/or the university community. These may include, but are not limited to, no contact orders between the complainant and the respondent; modifications of assignments, classes, schedules, or jobs; changes to university-provided housing; transportation options; or any other measure that would provide a safe work and/or learning environment for both parties.

Title IX Coordinator

The individual designated by the university who is responsible for coordinating the university's compliance with Title IX, including overseeing the effective implementation of supportive measures and remedies. The Title IX Coordinator serves impartially, avoiding prejudgment of facts at issue, conflicts of interest, and bias.

Title IX Office

Refers to the individuals who are employed in the Title IX Office, including the university's Title IX Coordinator. The Title IX Office is responsible for receiving and responding to reports of sexual harassment, investigating formal complaints of sexual harassment in accordance with this policy, and identifying any patterns or systemic problems revealed by such reports and formal complaints. The office serves impartially, including by avoiding prejudgment of facts at issue, conflicts of interest, and bias. The office participates in the coordination of the institution's compliance with Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.) through tracking the university's compliance efforts and consulting with and providing support to the university's various Title IX Officers. Contact information for the Title IX Office is available on the Title IX website. Email for the Title IX Office is titleix@jmu.edu.

Title IX Officers

The individuals within the university who act as liaisons with the Title IX Office. Title IX Officers serve impartially and may be designated to carry out any of the following: conduct trainings, coordinate hearing procedures, or consult on provision of resources for involved parties.

4. APPLICABILITY

This policy prohibits sexual harassment within an education program or activity. For purposes of this policy, sexual harassment within an education program or activity includes locations, events, or circumstances over which the university exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the university. This policy only applies to conduct occurring within the United States of America. Any complainant participating in, or attempting to participate in, an education program or activity, including applicants for employment or admission, may file formal complaints under this policy.

Policy 1340 Sexual Misconduct addresses sexual misconduct outside the scope of this policy, including sexual misconduct occurring during study abroad programs.

5. POLICY

5.1 Prohibition on Title IX Sexual Harassment

Sexual harassment is prohibited within any education program or activity.

The university does not discriminate on the basis of sex in its education programs and activities, and it is required by Title IX not to discriminate in such a manner. Sexual harassment constitutes discrimination on the basis of sex. Questions regarding Title IX may be referred to the university's Title IX Coordinator at titleix@jmu.edu or 540-568-5219 or to the United States Department of Education's Office for Civil Rights.

The university will promptly respond to known allegations of sexual harassment in a manner that is not deliberately indifferent. The university acts with deliberate indifference only if its response is clearly unreasonable in light of the known circumstances. The university is deemed to have knowledge of allegations of sexual harassment under this policy if they are reported to the Title IX Coordinator or to an official with authority as defined in this policy.

5.2 Confidentiality

The university will respect and maintain confidentiality in carrying out procedures under this policy within the context of all applicable state and federal laws and university policies. The university does not restrict the First Amendment rights of participants in procedures under this policy. A request for confidentiality regarding sexual harassment that does not include sexual assault or sexual violence will be honored by the university, unless there is a valid reason for setting aside this request. A valid reason includes circumstances that suggest there is an increased risk to the safety of the university community, or if necessary in order to provide appropriate supportive measures.

Other factors that will be considered in assessing a request for confidentiality include whether the incident involved the presence or threat of a weapon, the age or vulnerability of the complainant, and whether the university possesses other means to obtain relevant evidence.

5.3 Good Faith

The university presumes individuals participating in procedures under this policy are acting in good faith. Failure to act in good faith in bringing an allegation under this policy, failure to act in good faith in participating during the proceedings (i.e. intentionally providing false or misleading evidence), or in any other capacity concerning this policy constitutes a form of misconduct and may result in sanctions separate from, and not dependent on, the outcome of any report or formal complaint filed under this policy.

5.4 Reporting Obligations for Responsible Employees

All responsible employees must disclose any reports of sexual harassment that they receive within the course of their employment to the Title IX Office using the procedures outlined in this policy.

Employees who are identified as confidential resources and who receive information in the course of their employment about sexual harassment are not required to make such disclosures to the Title IX Office. Nothing in this policy, however, relieves Campus Security Authorities (CSAs) from crime reporting obligations pursuant to the Clery Act.

5.4.1 Exceptions to Responsible Employee Reporting Obligations

The reporting obligation does not apply to information disclosed at public events such as "Take Back the Night" rallies, personal accounts included in class assignments, or other similar instances where circumstances of the responsible employee's receipt of information would not be reasonably expected to trigger the employee's disclosure responsibilities under this policy. The reporting obligation does not apply when the information is disclosed to the responsible employee outside of the context of their employment.

5.5 Anonymous Reporting

Individuals may make anonymous reports but may not file anonymous formal complaints.

5.6 Reporting of Alleged Sexual Violence

Upon receipt of a report alleging sexual violence, the Title IX Office will notify the Sexual Violence Review Committee (SVRC) of the existence of the report. The SVRC will convene to determine appropriate actions in accordance with Virginia Code § 23.1-806.

5.7 Timeliness of Reporting

There is no time limit for reporting an alleged incident of sexual harassment under this policy, but the breadth of options and resources available to the complainant may be impacted by the amount of time that has lapsed between when an alleged incident occurred and when it is reported to the Title IX Office.

5.8 Reporting to Law Enforcement and Filing Criminal Charges

A complainant may choose to make a report to the Title IX Office and may also choose to make a report to law enforcement. A complainant may pursue either or both of these options at the same time. A complainant who wishes to pursue criminal action should contact law enforcement directly. No responsible employee will dissuade complainants from exercising their right to report to law enforcement. The existence of criminal proceedings will not unnecessarily delay or interrupt the procedures outlined in this policy, unless the law enforcement agency or prosecution advises that the university procedures be suspended, in which case the university will determine whether and for how long to suspend its procedures.

Evidence and information gathered during the university's investigation of a formal complaint may be shared with law enforcement agencies as permissible by law.

5.9 Supportive Measures

The university will offer appropriate and reasonably available supportive measures to assist and protect the complainant, the respondent and other members of the university community. Supportive measures may be implemented upon receipt of a report and will be reassessed on an ongoing basis. The Title IX Coordinator will coordinate the implementation of supportive measures.

5.10 Prohibition on Retaliation

The university prohibits retaliation against a group or individual exercising rights under and/or participating in, or refusing to participate in, any procedures under this policy. Retaliation constitutes a form of misconduct and may result in sanctions separate from, and not dependent on, the outcome of any report or formal complaint filed under this policy. Claims of retaliation will be adjudicated under procedures that are prompt and equitable.

Alleged claims of retaliation against students will be referred to the Office of Student Accountability and Restorative Practices (OSARP). If adjudicated, OSARP will use the Accountability Process. Procedures for the Accountability Process are published on OSARP's website in the Student Handbook section.

Alleged claims of retaliation against classified and wage employees, A&P faculty without tenure, and affiliates will be adjudicated through Human Resources according to procedures published on the Human Resources website.

Alleged claims of retaliation against instructional faculty and A&P faculty with tenure will be adjudicated according to procedures set forth in section III.A.26 of the Faculty Handbook.

5.11 Academic Freedom and Freedom of Speech

This policy does not restrict the rights of faculty members and students of the institution to academic freedom or impair the exercise of rights protected under the United States Constitution such as the right to free speech. See Faculty Handbook, Section III.A.1. Academic freedom carries with it responsibilities, including the responsibility to refrain from harassment, discrimination, and misconduct. See Faculty Handbook, Section III.A.8 and Academic

Affairs Policy 12, Disruption of Class.

5.12 Amnesty

The university will not pursue alleged policy violations of personal consumption of alcohol or drugs against students who are reporting sexual harassment on their own behalf or against students who participate as witnesses in procedures under this policy, even if these substances were involved. (Va. Code Ann. § 23.1-808(B)) The university will not pursue alleged policy violations for personal consumption of alcohol or drugs against employees, affiliates, or visitors where such disclosure is made in conjunction with a good faith report of an act of sexual violence. (Va. Code Ann. § 23.1-808(B))

5.13 Resources

Any JMU community member who reasonably believes they have been subjected to sexual harassment may contact the Title IX Office to inquire about resources and supportive measures that may be available through the university such as counseling, medical services, academic assistance, and survivor advocacy. The opportunity to inquire about resources and options is available to any JMU community member, regardless of eligibility to file a formal complaint.

6. PROCEDURES

6.1 Making a Report and/or Filing a Formal Complaint

Any person may report alleged sexual harassment that occurred within the university's education programs or activities. For purposes of this policy, sexual harassment that occurs within an education program or activity is limited to locations, events, or circumstances over which the university exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the university. This policy only applies to conduct occurring within the United States of America.

A complainant must be participating in or attempting to participate in an education program or activity at the time of filing a formal complaint under this policy.

6.1.1 Reporting Allegations of Sexual Harassment

Reports of alleged sexual harassment under this policy should be reported directly to the Title IX Office as soon as practicable. Reporting to the Title IX Office does not preclude an individual from reporting an alleged incident to law enforcement.

6.1.2 Filing a Formal Complaint

Formal complaints are filed directly with the Title IX Office. Filing a formal complaint with the Title IX Office does not preclude an individual from reporting an alleged incident to law enforcement.

6.2 Responsible Employee Reporting Procedures

All responsible employees must inform any individual who has disclosed information concerning an alleged incident of sexual harassment that as a responsible employee, they cannot keep the information confidential and are required to disclose the information to the Title IX Office. If the complainant or third party reporter is requesting confidentiality or to remain anonymous, the responsible employee can share that request with the Title IX Office but cannot withhold the identity of the complainant or third party reporter from the Title IX Office.

Referring an individual to confidential resources or reporting the incident to police does not relieve the employee of their duty to report the information to the Title IX Office.

Any responsible employee receiving information concerning alleged sexual harassment under this policy must provide the Title IX Office with all relevant information concerning the report as soon as practicable. If possible, the responsible employee is encouraged to take appropriate steps to address the immediate needs of the person making the report.

Relevant information includes all details about the alleged incident that the complainant or third party reporter has shared and that the Title IX Office will need to make an initial assessment, such as the names of the respondent, the complainant, and other individuals who are potential witnesses and the date, time, and location of any incidents that were disclosed to the responsible employee.

The responsible employee will not investigate allegations or pressure the complainant to disclose information not freely given to the responsible employee. Generally, the transfer of information will fulfill the obligations of the responsible employee.

6.3 Initial Actions upon Receipt of Report

Upon receipt of a report, the Title IX Office will contact the complainant to discuss the availability of supportive measures and to explain the process for filing a formal complaint, should the complainant so choose. The Title IX Office will also identify any immediate health or safety concerns raised by the report. The Title IX Office is not assessing or determining responsibility. The presumption is that no policy violation has occurred unless proven otherwise in a campus adjudication process by a preponderance of the evidence.

If the report alleges sexual violence, then the Title IX Office will immediately inform the Sexual Violence Review Committee (SVRC). The SVRC will convene within 72 hours to determine if disclosure of the information, including personally identifiable information, to the law enforcement agency responsible for investigating and/or the attorney for the commonwealth responsible for prosecuting the alleged incident of sexual violence, is necessary to protect community safety and comply with state law. The provision will not apply if the law enforcement agency responsible for

investigating the alleged act of sexual violence is located outside the United States. If a disclosure to law enforcement and/or the attorney for the commonwealth is deemed necessary, the Title IX Office representative on the SVRC will notify the complainant of the disclosure.

If the report alleges another form of conduct prohibited by university policy and/or law, the Title IX Office may refer the report directly to the university authority responsible for receiving and responding to those reports and/or law enforcement. The Title IX Office will ensure that the complainant is informed of any referrals. The Title IX Office will not discourage the filing of a formal complaint under this policy.

The Title IX Office will attempt to notify the complainant of resources and supportive measures potentially available to the complainant through the university and community, the right to contact law enforcement or to decline to contact law enforcement, the right to seek medical treatment, the importance of preserving evidence, the right to bring an advisor of their choice to meetings, the university's prohibition on retaliation, and contact information for the Title IX Office.

- The notification will include the option and procedures for filing a formal complaint and the process the university uses for adjudicating formal complaints.
- If the complainant is a student, the notification will also include information about amnesty.

Generally, the complainant will not be obligated to respond to the notification from the Title IX Office and the decision about what if any resources and options to utilize will rest with the complainant.

If the alleged report of sexual misconduct involves a university employee as the complainant and/or respondent, the Title IX Office may request assistance from the Office of Human Resources.

The Title IX Office or the Office of Human Resources will generally not contact a respondent until a formal complaint is filed unless a supportive measure is implemented that directly affects the respondent.

6.4 Formal Complaints

The decision to initiate a formal complaint will generally rest with the complainant. If the university determines there is an elevated risk to individual or campus safety, the university may elect to override the preference of a complainant and instruct the Title IX Coordinator to move forward with initiating a formal complaint and to conduct an investigation. In those circumstances, the complainant, if known, will be informed of the decision of

the university and provided the opportunity to participate in the investigation and any subsequent campus adjudication proceedings.

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the university.

In cases where a formal complaint is signed by the Title IX Coordinator instead of a complainant, the university will send parties notice of the allegations, including the identities of the parties, if known. The Title IX Coordinator may sign a formal complaint even if the identity of the complainant is unknown.

6.4.1 Formal Complaint Investigation Procedures

Investigations of formal complaints alleging sexual harassment are generally carried out by the Title IX Office. The specific procedures for investigating formal complaints of sexual harassment can be found on the Title IX website.

6.5 Dismissal of Formal Complaints

6.5.1 Mandatory Dismissal

If conduct alleged in a formal complaint meets any of the following criteria, the complaint must be dismissed as to that conduct:

- The alleged conduct, even if true, would not constitute sexual harassment under the definition in this policy;

- The alleged conduct did not occur in the university's education program or activity; or
- The alleged conduct did not occur against a person in the United States.

If a formal complaint, or a portion thereof, is dismissed pursuant to this section, the Title IX Coordinator or designee will promptly send written notice of the dismissal, including the reason for the dismissal, to both parties. A mandatory dismissal under this section does not preclude action under another university policy for that conduct. If such conduct would constitute a violation of another university policy, the parties and/or university may proceed under the applicable policy and procedures.

Both parties have the opportunity to appeal a mandatory dismissal in accordance with Section 6.8 of this policy.

6.5.2 Discretionary Dismissal

The university may dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing:

- A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled or employed by the university; or
- Specific circumstances prevent the university from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If a formal complaint, or a portion thereof, is dismissed pursuant to this section, the Title IX Coordinator or designee will promptly send written notice of the dismissal, including the reason for the dismissal, to both parties.

Both parties have the opportunity to appeal a discretionary dismissal in accordance with Section 6.8 of this policy.

6.6 Adjudication of Formal Complaints

A live hearing will be conducted to adjudicate formal complaints.

Cross-examination will be conducted by each party's advisor of choice. If a party does not have an advisor, the university will appoint an advisor for the purpose of conducting cross-examination. Only relevant cross-examination and other questions may be asked of a party or witness. A question is relevant if it seeks information within the scope of the definition of relevant evidence.

Upon reaching a determination, the decision maker(s) will issue a written rationale for the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the university imposes on the respondent and any remedies designed to preserve or restore equal access to the university's education program and activities for the complainant. The Title IX Coordinator oversees effective implementation of remedies.

6.6.1. Adjudication Process for Formal Complaints against Students

Adjudication of alleged violation(s) of this policy for student respondents will be handled under the Title IX Sexual Harassment Adjudication Process in the Office of Student Accountability and Restorative Practices (OSARP). Procedures for OSARP's Title IX Sexual Harassment Adjudication Process are published on OSARP's website in the Student Handbook section.

6.6.2 Adjudication Process for Formal Complaints against Classified and Wage Employees, A&P Faculty without Tenure, and Affiliates

Adjudication of alleged violations of this policy for respondents who are classified and wage employees, A&P faculty without tenure, and affiliates will be handled under procedures published on the Human Resources website.

6.6.3 Adjudication Process for Formal Complaints against Instructional Faculty and A&P Faculty with Tenure

Adjudication of alleged violations of this policy for faculty respondents will be handled under procedures published on the Academic Affairs website.

6.7 Disciplinary Actions

6.7.1 A classified employee who is found to have violated this policy may be disciplined or discharged pursuant to Policy 1317-Standards of Conduct and Performance for Classified Employees.

6.7.2 A wage employee who is found to have violated this policy may be disciplined or discharged pursuant to Policy 1325-Wage Employment.

6.7.3 An A&P faculty member without tenure who is found to have violated this policy may be disciplined or discharged pursuant to Policy 1335-Terms and Conditions of Employment for Administrative & Professional Faculty.

6.7.4 An affiliate who is found to have violated this policy may have his/her status as affiliate removed pursuant to Policy 1337-Affiliates.

6.7.5 A faculty member who is found to have violated this policy may be disciplined or discharged pursuant to the Faculty Handbook, Section III.A.25.

6.7.6 A student who is found to have violated this policy may be disciplined, including suspension or expulsion, under the terms of the Student Handbook.

6.8 Appeals

Either party may appeal a determination regarding responsibility, or dismissal of a formal complaint, on any of the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Procedures for appeal in cases where a student is the respondent are published in the Title IX Sexual Harassment Adjudication Process in the Student Handbook section of the OSARP website.

Procedures for appeal in cases where a faculty member is the respondent are published on the Academic Affairs website.

Procedures for appeal in cases where a wage or classified employee, A&P faculty without tenure, or affiliate is the respondent are published on the Human Resources website.

6.9 Other Provisions

6.9.1 Exceptions to Provisions

A formal complaint procedure should substantially comply with the provisions of this policy. The Title IX Office, the appropriate vice president organizationally over the respondent, or the appropriate office to whom the case is referred may make exceptions to the provisions (including time deadlines) of this policy, provided that any exception is intended to bring about a just outcome and does not unreasonably or adversely affect another participant in the process.

6.9.2 Education

The Title IX Office will provide educational materials to appropriate university officials and community members to enable them to better fulfill their responsibilities under this policy.

6.9.3 Emergency Removal

A respondent may be temporarily suspended from attendance and enrollment, suspended from any other education program or activity including employment, and/or issued a no-trespass notice banning the person from campus. Emergency removal is justified when the university determines there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment. The university will undertake an individualized safety and risk analysis to make this determination. For students, this analysis and determination will be made by a subset of members of the Behavioral Assessment Team (BAT). For employees and affiliates, this analysis and determination will be made by a subset of the Faculty Staff Assessment Team (FSAT) and the respondent's immediate supervisor, or a subset of the FSAT and another individual in the respondent's supervisory reporting structure if the immediate supervisor is the complainant.

A respondent will receive post-removal notice and an opportunity to challenge the decision. Students may challenge the decision in writing to the Vice President for Student Affairs. Instructional faculty members or A&P faculty members with tenure may challenge the decision in writing to the Provost. Wage or classified employees, A&P faculty members without tenure, or affiliates may challenge the decision in writing to their respective Vice President. Written challenges to an emergency removal must be filed within three calendar days.

6.9.4 Administrative Leave

A non-student employee respondent may be placed on paid or unpaid administrative leave pending the completion of a formal complaint process. Administrative leave does not constitute an emergency removal pending outcome. This decision will be made by the respondent's immediate supervisor, or another individual in the respondent's supervisory reporting structure if the immediate supervisor is the complainant.

Instructional faculty members and A&P faculty members with tenure may challenge this decision in writing to the Provost. Wage or classified employees, A&P faculty members without tenure, or affiliates may challenge this decision in writing to their respective Vice President.

6.9.5 Record Keeping

Records and such information shall be maintained by the university as confidential information not to be disclosed, except as permitted by law. The university may use any information obtained in carrying out procedures under this policy to defend itself against any claims, complaints, or allegations brought against it. Records shall be maintained for a period of at least seven years.

6.9.6 Legally Mandated Consequences for Students

In cases where a student respondent is found responsible and suspended or expelled for sexual violence, defined as physical sexual acts perpetrated against a person's will or against a person incapable of giving consent, a notation will be placed on the student respondent's transcript for the duration of the suspension or expulsion. If a student respondent withdraws while under investigation for an allegation of sexual violence, a notation will be placed on the student respondent's transcript until a final decision in the case is rendered. Such notations will read, as applicable:

- Expelled for violation of Student Standards of Conduct
- Suspended for violation of Student Standards of Conduct
- Withdrew while under investigation for violation of Student Standards of Conduct

Student respondents receiving a transcript notation for a suspension will have it automatically removed by the Office of the Registrar once the suspension period has ended. After a period of three years, students may contact OSARP to request removal of a notation for good cause shown.

6.9.7 Alternative Resolution

The University does not require complainants or respondents to initiate or participate in an alternative resolution process. In certain cases, after the filing of a formal complaint, parties may elect to participate in an alternative resolution process in lieu of the formal complaint process to resolve allegations that are within the scope of this policy. Both parties must provide voluntary, written consent in order to participate in an alternative

resolution process. Either party has the right to withdraw from an alternative resolution process and resume a formal complaint process at any time before agreeing to a resolution. Additionally, approval for the parties to participate in an alternative resolution process instead of a formal complaint process is at the discretion of the university and will be decided on a case-by-case basis. An alternative resolution process is not available when the complainant is a student and the respondent is an employee. The university's decision to deny the use of an alternative resolution process in a case is not appealable.

7. RESPONSIBILITIES

University community members and visitors are responsible for abiding by the terms of this policy. Responsible Employees are responsible for reporting information on conduct that would constitute sexual harassment to the Title IX Office.

The Title IX Coordinator is responsible for overseeing the Title IX compliance of the university and maintaining the accuracy of this policy.

The Office of Student Accountability and Restorative Practices, in dealing with respondents who are students, is responsible for following the terms of adjudication as dictated by this policy and specified in the Title IX Sexual

Harassment Adjudication Process.

The Office of Human Resources, in dealing with respondents who are classified or wage employees, A&P faculty members without tenure, and affiliates is responsible for administering the adjudication process for formal complaints as dictated by this policy and specified on the Human Resources website.

The Title IX Officer for Faculty or designee, in dealing with respondents who are instructional faculty members and A&P faculty members with tenure, are responsible for administering the adjudication process for formal complaints as dictated by this policy and specified on the Academic Affairs website.

The sponsoring department is responsible for determining whether an affiliate's status should be revoked for a violation of this policy.

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 employee discipline up to and including termination of employment, student sanctions up to and including suspension or expulsion, and affiliate sanctions up to and including removal of affiliate status.

9. EXCLUSIONS

This policy does not apply to discrimination or harassment on the basis of other legally protected classifications, which are covered in Policy 1324-Discrimination and Harassment (Other than Sexual Harassment and Misconduct). This policy does not cover other acts of sexual misconduct, which are covered in Policy 1340 –Sexual Misconduct.

10. INTERPRETATION

The authority to interpret this policy rests with the president and is generally delegated to the Title IX Office.

Previous Version: August 2020

Approved by the President: August 202

Policy 1340
Sexual Misconduct
Date of Current Revision: August 2021
Responsible Office: Title IX Office

1. PURPOSE

This policy sets out the university's commitment to providing a workplace and learning environment free from sexual misconduct.

The policy on nondiscrimination may be found in Policy 1302-Equal Opportunity. The policy on Title IX sexual harassment may be found in Policy 1346-Title IX Sexual Harassment. The policy concerning all forms of discrimination other than sexual misconduct and Title IX sexual harassment may be found in Policy 1324-Discrimination and Harassment (other than sexual harassment and misconduct). Sexual misconduct is not limited by gender, gender identity, gender expression, or sexual orientation of the complainant or the respondent.

2. AUTHORITY

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

STATE OR FEDERAL STATUTE AND / OR REGULATION

This policy is written in accordance with Title VII of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000e), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.) and its implementing regulations (34 CFR Part 106), the Clery Act (20 U.S.C. § 1092(f)), the Violence Against Women Act (42 U.S.C. § 13701), the Virginia Human Rights Act (Code of Virginia § 2.2-3900 et seq.) and §§ 23.1-806-808 of the Code of Virginia. Some behavior prohibited by this policy is also criminal activity under Title 18.2 of the Code of Virginia.

3. DEFINITIONS

Advisor of Choice

A person who the complainant or respondent chooses to provide support for them while they are participating in procedures under this policy. For purposes of this policy, an Advisor of Choice may also be referred to as a Support Person.

Complainant

An individual who is alleged to be the victim of conduct that could constitute sexual misconduct.

Confidential Resources

University employees who are exempt from responsible employee reporting obligations under this policy. Confidential Resources include employees who provide or support the provision of counseling, advocacy, health, mental health, or sexual assault-related services to members of the university community who have experienced sexual misconduct. These include campus victim advocates, mental health counselors, social workers, psychologists, health center employees, and any other person with a professional license requiring confidentiality or an employee in the office who is supervised by such a person. Confidential Resources also include affiliates who are pastoral or religious counselors. Confidential Resources also include undergraduate student employees, with the exception of Office of Residence Life staff.

Consent

An outward demonstration through understandable words or actions that convey a knowing and voluntary agreement to engage in mutually agreed upon sexual activity. Consent cannot be obtained by physical or verbal coercion that is express or implied, which includes the use of intimidation, threats, force, or duress. Consent cannot be obtained by ignoring or acting in spite of the objections of another, by previous consent, or by taking advantage of another person's incapacitation or physical helplessness where one knows or reasonably should have known of such incapacitation or helplessness. An individual who is incapacitated because of age, disability, voluntary activity, or through the acts of others cannot give consent. Silence or absence of resistance does not imply consent. Consent is voluntary and may be withdrawn at any time by communicating the withdrawal through an outward demonstration of understandable words or actions.

Dating Violence

A form of sexual violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with another person, where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship.
- The type of relationship.
- The frequency of interaction between the persons involved in the relationship.

Day

A calendar day. When a substantial portion of a specified period of days falls during a period of time when the university is closed, that portion of the time period shall not be counted, and the time period shall be extended by the number of days falling on days when the university is closed. Weekends are not considered substantial periods of time and will not be added to extend a deadline. If a time period is set to end on a day when the university is closed, the time period shall be extended to end on the next scheduled day when the university reopens.

Examples: A specified time period will not end during winter break or on any day when the university is closed for inclement weather. A five-day time period set to begin on the first day of winter break will be extended by the number of days for the scheduled winter break, so that the time will actually begin to run upon the first day after winter break. A deadline that falls on a day when the university is closed for inclement weather will be extended until the next day the university opens for business. This extension does not apply to deadlines for electronic submissions.

Domestic Violence

Crimes of violence committed by any of the following:

- A current or former spouse or intimate partner of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the Commonwealth of Virginia
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the Commonwealth of Virginia

Education Programs or Activities

All of the operations of the university.

Formal Complaint

A document filed by a complainant or signed by the Title IX Coordinator alleging sexual misconduct against a respondent and requesting that the university investigate the allegation of sexual misconduct. A "document filed by a complainant" means a document or electronic submission that includes the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. The complainant must be participating in or attempting to participate in an education program or activity at the time of filing a formal complaint.

Good Faith

Actions taken in the honest, sincere, and reasonable belief in the truth of the matters alleged and without any malice or the desire to defraud or maliciously harm others. An allegation made or testimony given in a proceeding is not in good faith if made with knowing or reckless disregard for the truth.

Hostile Environment

A hostile environment may be created by oral, written, graphic, or physical conduct that is sufficiently severe, persistent, or pervasive, and objectively offensive in a manner that interferes with, limits, or denies the person the ability to participate in or benefit from the institution's education programs or activities, including employment access, benefits or opportunities. Mere subjective offensiveness is not enough to create a hostile environment. In determining whether conduct is severe, persistent, or pervasive, and objectively offensive, and thus creates a hostile environment, the following factors will be considered: (a) the degree to which the conduct affected one or more individuals' education or employment; (b) the nature, scope, frequency, duration, and location of the incident(s); (c) the identity, number, and relationships of persons involved; (d) the perspective of a "reasonable person" in the same situation as the person subjected to the conduct; and (e) the nature of higher education.

Incapacitation

Physical or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts, unconsciousness, and the inability to make such decisions due to the voluntary or involuntary use of alcohol or drugs. Incapacitation may occur because of age, disability, voluntary activity, or through the acts of others.

Non-Consensual Relationships

A sexual relationship between members of the university community is prohibited if it is influenced by any form of fear or coercion, such that it causes one party to believe that they must submit to unwelcome sexual conduct in order to accept or continue employment, achieve an employment or educational benefit, or participate in a

program or activity. A sexual relationship is prohibited between individuals where a power differential would imply or raise the inference of exploitation or raise the inference that an educational or employment decision will be based on whether or not there is submission to coerced sexual conduct. The university prohibits sexual relationships between faculty members and students in their classes or under their supervision, e.g., teaching or graduate assistants.

Preponderance of Evidence

Preponderance of the evidence will be the standard of proof used to make determinations for all alleged policy violation(s) of sexual misconduct for both the student and employee processes. Preponderance of the evidence means that there is greater than a fifty-percent likelihood that the respondent violated the policy.

Relevant Evidence

Evidence is relevant if it has any tendency to make a fact more or less probable than it would be without the evidence, and the fact is of consequence in determining the outcome of the case. Relevant evidence includes evidence concerning the credibility of a party or witness.

Report

An oral or written allegation received by the Title IX office that describes an alleged instance of sexual misconduct by a student, employee, affiliate, or visitor, whether or not a complainant or respondent is identified by name. A report of an alleged incident that is received by the Title IX office may be actionable under this policy and may lead to the initiation of a formal complaint process.

Respondent

A person who has been reported to be the perpetrator of conduct that could constitute sexual misconduct.

Responsible Employee

University employees who have a duty to disclose to the Title IX Office all reports of sexual misconduct that they receive within the course of their employment. All university employees (except Confidential Resources as defined in this policy) are Responsible Employees.

Retaliation

Intimidation, interference, threats, 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, or has participated or refused to participate in any manner under this policy, constitutes retaliation. Retaliation also includes bringing charges against an individual for code of conduct violations that do not involve sex discrimination or sexual misconduct, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege under this policy.

Sexual Assault

A sexual act committed against another person without consent. For purposes of this policy, sexual assault includes any of the following offenses:

(1) Rape

Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Attempts to commit rape are included.

(2) Fondling

The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim.

(3) Incest

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

(4) Statutory rape

Sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in the Commonwealth of Virginia is 18 years old.

For purposes of this policy, sexual assault also includes any nonconsensual physical contact of a sexual nature that is forced on another person, including unwelcome sexual touching of any kind. This includes engaging,

attempting to engage, or completing any kissing; intentional touching of another person's body part in a sexual manner, directly or through clothing; or forcing a person to touch oneself or another person's body part in a sexual manner, directly or through clothing.

Sexual Exploitation

Taking sexual advantage of another person without that individual's consent. Examples include, but are not limited to, prostituting another person; causing or attempting to cause the incapacitation of another person for a sexual purpose; recording, photographing, creating, or transmitting sexual utterances, sounds, or images, whether real or fake, of another person without that person's consent; allowing a third party to observe sexual activity without the consent of the participants; knowingly transmitting sexually transmitted infections or other diseases without the knowledge of the person's sexual partner; inducing another to expose their body for sexual purposes; intentionally altering, removing, or sabotaging contraceptive or prophylactic measures without the knowledge of the other party, including but not limited to condoms and/or birth control measures; and viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy without that person's consent.

Sexual Harassment

Conduct consisting of unwelcome or offensive sexual advances, requests for sexual favors, or other conduct of a sexual nature that can be verbal (e.g., specific demands for sexual favors, sexually suggestive comments, sexual propositions, or sexual threats); non-verbal (e.g., sexually suggestive emails or other writings; objects or pictures; suggestive, obscene or insulting sounds or gestures); or physical (e.g., unwanted touching or other physical contact; or any unwelcome or coerced sexual activity), and that meets at least one of the following definitions:

- Term or condition of employment or education ("quid pro quo"). This type of sexual harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment, or participation in a university activity are conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual advances or requests for sexual activity, or such submission or rejection is a factor in decisions affecting that individual's employment, education, living environment, or participation in a university education program or activity.
- Hostile environment. Acts of sexual harassment that create a hostile environment, as defined herein.

Sexual Misconduct

Sexual misconduct encompasses sexual assault, sexual violence, sexual harassment, sexual exploitation, stalking, dating violence, domestic violence, and non-consensual relationships. Sexual misconduct can involve persons of the same or different sex, sexual orientation, gender, or gender identity.

Sexual Violence

Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the person's age, mental state, use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent).

Sexual Violence Review Committee (SVRC)

A committee composed, at a minimum, of a representative of the university's Title IX Office, a member of the university's police department, and a member of the university's student affairs administration. The SVRC reviews information related to alleged acts of sexual violence reported to the Title IX Office to determine appropriate reports to be made to law enforcement units outside of the university. The SVRC is responsible for carrying out the university's obligations under Virginia Code § 23.1-806.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.

Supportive Measures

Measures or interventions which may be taken by the university upon receipt of a report or formal complaint of sexual misconduct to ensure a safe environment for the parties and/or the university community. These may include, but are not limited to, no contact orders between the complainant and the respondent; modifications of assignments, classes, schedules, or jobs; changes to university-provided housing; transportation options; or any

other measure that would provide a safe work and/or learning environment for both parties.

Title IX Coordinator

The individual designated by the university who is responsible for coordinating the university's compliance with Title IX, including overseeing the effective implementation of supportive measures. The Title IX Coordinator serves impartially, avoiding prejudgment of facts at issue, conflicts of interest, and bias.

Title IX Office

Refers to the individuals who are employed in the Title IX Office, including the university's Title IX Coordinator. The Title IX Office is responsible for receiving and responding to reports of sexual misconduct, investigating formal complaints of sexual misconduct in accordance with this policy, and identifying any patterns or systemic problems revealed by such reports and formal complaints. The office participates in the coordination of the institution's compliance with Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.) through tracking the university's compliance efforts and consulting with and providing support to the university's various Title IX Officers. Contact information for the Title IX Office is available on the Title IX website. Email for the Title IX Office is titleix@jmu.edu.

Title IX Officers

The individuals within the university who act as liaisons with the Title IX Office. Title IX Officers may be designated to carry out any of the following: conduct trainings, coordinate hearing procedures, or consult on provision of resources for involved parties.

4. APPLICABILITY

This policy prohibits sexual misconduct by any current student, employee, or affiliate against any current student, employee, affiliate, or applicant for admission or employment.

This policy applies on and off campus, including during study abroad programs.

At the time of filing a formal complaint, a complainant must be participating in, or attempting to participate in, a university education program or activity.

5. POLICY

5.1 Prohibition on Sexual Misconduct

This policy sets out the university's commitment to providing a workplace and learning environment free from sexual misconduct. The university prohibits sexual misconduct by or against any member of the university community.

5.2 Confidentiality

The university will respect and maintain confidentiality in carrying out procedures under this policy within the context of all applicable state and federal laws and university policies. The university does not restrict the First Amendment rights of participants in procedures under this policy.

A request for confidentiality regarding sexual misconduct that does not include sexual assault or sexual violence will be honored by the university, unless there is a valid reason for setting aside this request. A valid reason includes circumstances that suggest there is an increased risk to the safety of the university community, or if necessary in order to provide appropriate supportive measures.

Other factors that will be considered in assessing a request for confidentiality include whether the incident involved the presence or threat of a weapon, the age or vulnerability of the complainant, and whether the university possesses other means to obtain relevant evidence.

5.3 Good Faith

The university presumes individuals participating in procedures under this policy are acting in good faith. Failure to act in good faith in bringing an allegation under this policy, failure to act in good faith in participating during the proceedings (i.e. intentionally providing false or misleading evidence), or in any other capacity concerning this policy constitutes a form of misconduct and may result in sanctions separate from, and not dependent on, the outcome of any report or formal complaint filed under this policy.

5.4 Reporting Obligations for Responsible Employees

All responsible employees must disclose any reports of sexual misconduct that they receive within the course of

their employment to the Title IX Office using the procedures outlined in this policy.

Employees who are identified as confidential resources and who receive information in the course of their employment about sexual misconduct are not required to make such disclosures to the Title IX Office. Nothing in this policy, however, relieves Campus Security Authorities (CSAs) from crime reporting obligations pursuant to the Clery Act.

5.4.1 Exceptions to Responsible Employee Reporting Obligations

The reporting obligation does not apply to information disclosed at public events such as “Take Back the Night” rallies, personal accounts included in class assignments, or other similar instances where circumstances of the responsible employee’s receipt of information would not be reasonably expected to trigger the employee’s disclosure responsibilities under this policy. The reporting obligation does not apply when the information is disclosed to the responsible employee outside of the context of their employment.

5.5 Anonymous Reporting

Individuals may make anonymous reports but may not file anonymous formal complaints.

5.6 Reporting of Alleged Sexual Violence

Upon receipt of a report alleging sexual violence, the Title IX Office will notify the Sexual Violence Review Committee (SVRC) of the existence of the report. The SVRC will convene to determine appropriate actions in accordance with Virginia Code § 23.1-806.

5.7 Timeliness of Reporting

There is no time limit for reporting an alleged incident of sexual misconduct under this policy, but the breadth of options and resources available to the complainant may be impacted by the amount of time that has lapsed between when an alleged incident occurred and when it is reported to the Title IX Office.

5.8 Reporting to Law Enforcement and Filing Criminal Charges

A complainant may choose to make a report to the Title IX Office and may also choose to make a report to law enforcement. A complainant may pursue either or both of these options at the same time. A complainant who wishes to pursue criminal action should contact law enforcement directly. No responsible employee will dissuade complainants from exercising their right to report to law enforcement.

The existence of criminal proceedings will not unnecessarily delay or interrupt the procedures outlined in this policy, unless the law enforcement agency or prosecution advises that the university procedures be suspended, in which case the university will determine whether and for how long to suspend its procedures. Evidence and information gathered during the university’s investigation of a formal complaint may be shared with law enforcement agencies as permissible by law.

5.9 Supportive Measures

The university will offer appropriate and reasonably available supportive measures to assist and protect the complainant, the respondent and other members of the university community. Supportive measures may be implemented upon receipt of a report and will be reassessed on an ongoing basis. The Title IX Coordinator will coordinate the implementation of supportive measures.

5.10 Prohibition on Retaliation

The university prohibits retaliation against a group or individual exercising rights under and/or participating in, or refusing to participate in, any procedures under this policy. Retaliation constitutes a form of misconduct and may result in sanctions separate from, and not dependent on, the outcome of any report or formal complaint filed under this policy. Claims of retaliation will be adjudicated under procedures that are prompt and equitable.

Alleged claims of retaliation against students will be referred to the Office of Student Accountability and Restorative Practices (OSARP). If adjudicated, OSARP will use the Accountability Process. Procedures for the Accountability Process are published on OSARP’s website in the Student Handbook section.

Alleged claims of retaliation against classified and wage employees, A&P faculty without tenure, and affiliates will be adjudicated through Human Resources according to procedures published on the Human Resources website.

Alleged claims of retaliation against instructional faculty and A&P faculty with tenure will be adjudicated according to procedures set forth in section III.A.26 of the Faculty Handbook.

5.11 Academic Freedom and Freedom of Speech

This policy does not restrict the rights of faculty members and students of the institution to academic freedom or impair the exercise of rights protected under the United States Constitution such as the right to free speech. See Faculty Handbook, Section III.A.1.

Academic freedom carries with it responsibilities, including the responsibility to refrain from harassment, discrimination, and misconduct. See Faculty Handbook, Section III.A.8 and Academic Affairs Policy 12, Disruption of Class.

5.12 Amnesty

The university will not pursue alleged policy violations of personal consumption of alcohol or drugs against students who are reporting sexual misconduct on their own behalf or against students who participate as witnesses in procedures under this policy, even if these substances were involved. (Va. Code Ann. § 23.1-808(B))
The university will not pursue alleged policy violations for personal consumption of alcohol or drugs against employees, affiliates, or visitors where such disclosure is made in conjunction with a good faith report of an act of sexual violence. (Va. Code Ann. § 23.1-808(B))

5.13 Resources

Any JMU community member who reasonably believes they have been subjected to sexual misconduct may contact the Title IX Office to inquire about resources and supportive measures that may be available through the university such as counseling, medical services, academic assistance, and survivor advocacy. The opportunity to inquire about resources and options is available to any JMU community member, regardless of eligibility to file a formal complaint.

6. PROCEDURES

6.1 Making a Report and/or Filing a Formal Complaint

6.1.1 Reporting Allegations of Sexual Misconduct

Reports of alleged sexual misconduct under this policy should be reported directly to the Title IX Office as soon as practicable. Reporting to the Title IX Office does not preclude an individual from reporting an alleged incident to law enforcement.

Any person may report alleged sexual misconduct. A report is not a formal complaint.

6.1.2 Filing a Formal Complaint

Formal complaints are filed directly with the Title IX Office. If a university employee is the respondent in the formal complaint, then the formal complaint can instead be filed directly with the Office of Human Resources. Filing a formal complaint with the Title IX Office or the Office of Human Resources does not preclude an individual from reporting an alleged incident to law enforcement.

A complainant must be participating in or attempting to participate in an education program or activity at the time of filing a formal complaint under this policy.

6.2 Responsible Employee Reporting Procedures

All responsible employees must inform any individual who has disclosed information concerning an alleged incident of sexual misconduct that as a responsible employee, they cannot keep the information confidential and are required to disclose the information to the Title IX Office. If the complainant or third party reporter is requesting confidentiality or to remain anonymous, the responsible employee can share that request with the Title IX Office but cannot withhold the identity of the complainant or third party reporter from the Title IX Office.

Referring an individual to confidential resources or reporting the incident to police does not relieve the employee of their duty to report the information to the Title IX Office.

Any responsible employee receiving information concerning alleged sexual misconduct under this policy must

provide the Title IX Office with all relevant information concerning the report as soon as practicable. If possible, the responsible employee is encouraged to take appropriate steps to address the immediate needs of the person making the report.

Relevant information includes all details about the alleged incident that the complainant or third party reporter has shared and that the Title IX Office will need to make an initial assessment, such as the names of the respondent, the complainant, and other individuals who are potential witnesses and the date, time, and location of any incidents that were disclosed to the responsible employee.

The responsible employee will not investigate allegations or pressure the complainant to disclose information not freely given to the responsible employee. Generally, the transfer of information will fulfill the obligations of the responsible employee.

6.3 Initial Actions Upon Receipt of Report

Upon receipt of a report, the Title IX Office will contact the complainant to discuss the availability of supportive measures and to explain the process for filing a formal complaint, should the complainant so choose. The Title IX Office will also identify any immediate health or safety concerns raised by the report. The Title IX Office is not assessing or determining responsibility. The presumption is that no policy violation has occurred unless proven otherwise in a campus adjudication process by a preponderance of the evidence.

If the report alleges sexual violence, then the Title IX Office will immediately inform the Sexual Violence Review Committee (SVRC). The SVRC will convene within 72 hours to determine if disclosure of the information, including personally identifiable information, to the law enforcement agency responsible for investigating and/or the attorney for the commonwealth responsible for prosecuting the alleged incident of sexual violence, is necessary to protect community safety and comply with state law. The provision will not apply if the law enforcement agency responsible for investigating the alleged act of sexual violence is located outside the United States. If a disclosure to law enforcement and/or the attorney for the commonwealth is deemed necessary, the Title IX Office representative on the SVRC will notify the complainant of the disclosure.

If the report alleges another form of conduct prohibited by university policy and/or law, the Title IX Office may refer the report directly to the university authority responsible for receiving and responding to those reports and/or law enforcement. The Title IX Office will ensure that the complainant is informed of any referrals. The Title IX Office will not discourage the filing of a formal complaint under this policy.

The Title IX Office will attempt to notify the complainant of resources and supportive measures potentially available to the complainant through the university and community, the right to contact law enforcement or to decline to contact law enforcement, the right to seek medical treatment, the importance of preserving evidence, the right to bring an advisor of their choice to meetings, the university's prohibition on retaliation, and contact information for the Title IX Office.

- The notification will include the option and procedures for filing a formal complaint and the process the university uses for adjudicating formal complaints.
- If the complainant is a student, the notification will also include information about amnesty.

Generally, the complainant will not be obligated to respond to the notification from the Title IX Office and the decision about what if any resources and options to utilize will rest with the complainant.

If the alleged report of sexual misconduct involves a university employee as the complainant and/or respondent, the Title IX Office may request assistance from the Office of Human Resources.

The Title IX Office or the Office of Human Resources will generally not contact a respondent until a formal complaint is filed unless a supportive measure is implemented that directly affects the respondent.

6.4 Formal Complaints

The decision to initiate a formal complaint will generally rest with the complainant. If the university determines there is an elevated risk to individual or campus safety, the university may elect to override the preference of a complainant and instruct the Title IX Coordinator to move forward with initiating a formal complaint and to

conduct an investigation. In those circumstances, the complainant, if known, will be informed of the decision of the university and provided the opportunity to participate in the investigation and any subsequent campus adjudication proceedings.

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the university.

In cases where a formal complaint is signed by the Title IX Coordinator instead of a complainant, the university will send parties notice of the allegations, including the identities of the parties, if known. The Title IX Coordinator may sign a formal complaint even if the identity of the complainant is unknown.

6.4.1 Formal Complaint Investigation Procedures

Investigations of formal complaints alleging sexual misconduct are generally carried out by the Title IX Office or Human Resources. The specific procedures for investigating formal complaints of sexual misconduct can be found on the Title IX website and the Human Resources website.

HR Procedures for Handling Reports & Complaints Alleging Sexual Misconduct

Upon receipt of a report alleging sexual misconduct, the HR Consultant will make an initial assessment of the reported information to determine eligibility as defined in Policy 1340 – Title IX: Sexual Misconduct and identify any immediate health or safety concerns raised by the report. The HR Consultant is not assessing or determining responsibility. The presumption is that no policy violation has occurred unless proven otherwise in HR adjudication process described herein.

Initial Assessment Procedures

In addition to determining eligibility and identifying any immediate health and safety concerns, the HR Consultant's initial assessment includes:

Ascertaining whether the information contained in the report alleges sexual misconduct as defined in Policy 1340. If the report alleges another form of conduct prohibited by university policy and/or law, the HR Consultant will ascertain which policy the alleged incident could be addressed under.

Ascertaining if the report provides names and/or any other information that personally identifies the Reporter, Respondent, any Incident Witnesses, and/or any third party with knowledge of the alleged incident.

Ascertaining the ages of the Reporter and Respondent, if known, and, if either is a minor, contacting the appropriate authorities if required by the nature of the reported incident.

Notifying the Reporter:

Of resources available to the reporter at the university and in the local community.

Of The Reporter's right to, at any time, report alleged criminal activity to law enforcement and the right to decline to contact law enforcement.

Of interim measures that may be implemented in order to limit contact between the Reporter and the Respondent.

The decision to move forward with a Formal Complaint will rest with the Reporter, except in situations where the university has determined there is an elevated risk to community and individual safety and/or the university has determined that not addressing the incident as alleged in the report would interfere with the safe and orderly operation of the university, its people, and its property.

Following the HR Consultant's initial assessment of the report and in conjunction with notification to the Reporter of available resources and options, the HR Consultant will promptly forward to the Director of HR or designee and the Title IX Office, all information then known about the alleged incident of sexual misconduct.

The Title IX Office, the Director of HR or designee, and the HR Consultant will convene to determine whether the reported information indicates that the alleged conduct would constitute sexual misconduct as defined by policy 1340 and whether the reported information or any other available information provides a rational basis for concluding there is a threat to individual or university safety, and/or interferes with the safe and orderly operation of the university, its people, and its property.

The Human Resources Consultant, the Director of HR or designee, and the Title IX Office are not assessing or determining responsibility. They are assessing and determining what, if any, course of action may be taken to address the alleged incident based on the information then known. The presumption is that no policy violation has occurred unless proven otherwise. The HR Consultant, Title IX Coordinator or designee, and the Director of HR or designee will convene as many times as necessary as new information is obtained.

If the HR Consultant, Director of HR or designee, and the Title IX Office determines that the information in the report alleges sexual misconduct as defined by Policy 1340 and provides a rational basis for concluding there is a threat to individual or university safety, and/or interferes with the safe and orderly operation of the university, its people, or its property, then a Formal Complaint Process will be initiated by Human Resources. The HR Consultant will ensure the Reporter is informed that Human Resources will be moving forward with a Formal Complaint process and will invite the Reporter to participate.

If the HR Consultant, the Director of HR or designee, and the Title IX Staff determine that the information in the report does not allege sexual misconduct as defined in Policy 1340 but alleges another form of conduct prohibited by university policy, the HR Consultant and Director of HR or designee will determine what policy and procedures apply to address the alleged incident. The HR Consultant will ensure the Reporter is informed of what policy the allegation will be addressed under and what, if any, role the Reporter may have in the procedures.

Formal Complaint Process

Human Resources will use these procedures to administer the investigation of a Formal Complaint of sexual misconduct. Refer to Policy 1340 for information on what types of reports of alleged sexual misconduct are eligible for the filing of a Formal Complaint.

The HR Consultant who has responsibility for the Reporter and Respondent's department(s) will not be assigned to investigate formal complaints of sexual misconduct. Instead, the HR Director will assign another HR Consultant or HR employee to investigate the Formal Complaint. The role of the HR Consultant or designee who is assigned to investigate a Formal Complaint of sexual misconduct is to serve as a neutral fact finder and not to make determinations about whether or not a policy violation has occurred.

Outline of Formal Complaint Investigation

The Reporter initiates the Formal Complaint process by signing a Formal Complaint Form. In cases where Human Resources is initiating the Formal Complaint Process, the HR Consultant who received the report will fill out and sign the Formal Complaint form.

The Director of Human Resources or designee will appoint an investigator. The investigator will be an employee of Human Resources who was not involved in receiving the initial report or providing resources to the reporter or respondent.

The HR Consultant will notify the Respondent and the Respondent's supervisor of the existence of the Formal Complaint. The HR Consultant will meet with the Respondent for an Initial Advising Meeting to explain the procedures that will be used to investigate the formal complaint.

The assigned investigator will make contact with the Reporter and Respondent to schedule a time to meet with them separately to collect their statements, evidence, and the names and contact information of Incident Witnesses.

The assigned Investigator will collect statements from Incident Witnesses. All investigative work will be conducted as quickly as possible, but may be impacted by evidence collection, witness statements, etc. as necessary to ensure a thorough investigation.

The assigned investigator will compile all information into an Initial Investigation Report.

The Reporter and Respondent will be provided an opportunity to review the Initial Investigation Report and submit additional evidence, statements, and additional Incident Witness contact information provided such information is submitted to the assigned Investigator within five business days after the receipt of the Initial Investigation Report.

The assigned investigator will compile a Final Investigation Report that will consist of the Initial Investigation Report, any materials submitted by the Reporter and Respondent after their review of the Initial Investigation Report, provided such materials were submitted by the established deadlines, and any additional witness interviews or statements collected by the Investigator.

The Reporter and Respondent will be provided an opportunity to review the Final Investigation Report and submit a Final Response, which will be added to the Final Investigation Report, provided the Final Response is submitted to the Investigator within three business days after the receipt of the Final Investigation Report.

The Investigator will then transfer the Final Investigation Report to the Human Resources Consultant assigned to the Respondent's work unit. If the Respondent is an Instructional Faculty Member or A&P Faculty Member with Tenure, the HR Consultant will transfer the Final Investigation Report to the Title IX Staff for Faculty who will determine next steps, including whether the case will be adjudicated through the Faculty Sexual Misconduct Accountability Process (see b).

Adjudication Process for Faculty Title IX Sexual Harassment Cases

1. Introduction

1.1 The sections below outline the steps involved in the adjudication process for alleged violation(s) of Title IX sexual harassment within the Division of Academic Affairs, as referenced in university policy 1346, Title IX Sexual Harassment, section 6.6.3 Adjudication Process for Formal Complaints against Instructional Faculty and A&P Faculty with Tenure.

1.2. This process begins after the Title IX Office has conducted an investigation and completed an investigative report. Any statements or information collected by other offices will be delivered to the Title IX Office during the collection and investigation phase.

2. Formal Adjudication Process

2.1 The process for handling a formal complaint of Title IX sexual harassment alleged against a faculty member will be a hearing conducted by a trained hearing board.

2.2. Review by a Hearing Board

2.2.1. Upon receipt of the final investigative report from the Title IX Coordinator concerning a violation of Policy 1346 by an instructional or tenured A&P faculty member, the Title IX Officer for Faculty will set a date for a hearing based on the availability of the complainant, respondent, hearing board members, and administrative witness(es); assemble a hearing board; and refer the case to that hearing board. The hearing board will normally convene to hear a case within 15 business days after the case has been referred for a hearing. This timeframe will be extended for good cause shown by a party for an extension. Hearings may extend from a few hours to several days, depending on the nature of the circumstances, number of witnesses, and extent of cross-examination.

2.2.2. The Title IX Officer for Faculty will select three individuals to hear the case and one alternate from the pool of trained hearing board members who are not members of the college of either the respondent or complainant. The complainant and respondent will be simultaneously notified of the members of the hearing board and the alternate. Either party may request in writing within two business days to the Title IX Officer for Faculty the removal of any member for conflict of interest or bias. The decision on removal rests with the Title IX Officer for Faculty.

2.2.2.1. The alternate will review all evidence made available to the hearing board,

will be present for the hearing, and will be called upon to take the place of a hearing board member in the event that one is unable to continue as a member for family, medical, or other unforeseen circumstances. All members of the hearing board, including the alternate, are required to be present during all testimony. The alternate will be excused from the board prior to the deliberation phase.

2.2.3. The Title IX Officer for Faculty will name the chair of the hearing board who will run the hearing. The chair will convene the hearing; explain the procedures to the complainant, respondent, advisers, and any witnesses; receive all evidence presented during the hearing; determine whether a witness called by either party is appropriate and will be heard; determine relevance of questions during cross-examination; ensure procedures are followed; maintain the recording of the proceedings; coordinate the drafting of the report containing the decision, rationale and, if applicable, any remedies and sanctions of the hearing board; and deliver the report to the Title IX Officer for Faculty.

2.2.4. In the hearing, neither party is required to be present; however, if a party is not present for live cross-examination, the evidence gathered from that party cannot be used in the decision-making process.

2.2.4.1. Neither the complainant nor the respondent shall be allowed to crossexamine the other party directly; cross examination occurs through the parties' advisers only.

2.2.5. Hearings may be conducted in-person or virtually, depending on factors such as the availability of participants or the need for continued physical distancing. The determination of mode of delivery for the hearings will be determined by the Title IX Officer for Faculty. When hearings are scheduled in-person, either party may opt to participate virtually in the hearing. Such remote access must be requested at least two business days in advance of the hearing to allow the Title IX Officer for Faculty to make appropriate arrangements for technology. All hearings, whether in-person or remote, must have video and audio capabilities for all participants.

2.2.6. The hearing will be closed to all but the parties, each party's adviser, the hearing board's members, and witnesses. Witnesses will only attend the portion of the hearing in which they testify and will not be present for other witnesses' testimony.

2.2.7. Prior to the hearing, both the complainant and respondent will have had timely access to documents and information considered by the hearing board. During the hearing, equal opportunity shall be given to the complainant and the respondent to present opening and closing statements, testimony, witnesses, and evidence.

2.2.8. Both parties may have access to an advisor of their choice who may be present with the party at any meetings or proceedings related to the formal complaint. Either party may choose to have an attorney present as the advisor during the hearing. If either party does not have an advisor, an advisor will be provided for the purpose of cross-examination. The advisor will be trained in Title IX proceedings. The name of the advisor will be given to the party at least five business days prior to the hearing when possible. If either party needs an advisor provided for them, they must notify the Title IX Officer for Faculty in writing at least five business days prior to the hearing.

2.2.9. Participation of the advisor is restricted to cross-examination only. With the exception of cross-examination, the hearing board will communicate with the parties directly, not through the adviser, and with the exception of cross-examination, the advisor may not address the hearing board directly or on behalf of the party.

2.2.9.1 During cross-examination, the advisors ask questions for response by the other party, administrative witnesses, or other party's witnesses. The

Hearing Chair will determine relevancy of each question; if the question is deemed relevant, the party will be allowed to respond. If the question is deemed not relevant, rationale for that decision will be provided.

2.2.9.2 Cross-examination must be done in a manner that:

- *Probes a party's narrative in order to give the decision maker the fullest view possible of the evidence relevant to the allegations at issue.*
- *Is expected to be respectful and avoid unnecessary use of inflammatory language or commentary*
- *Is not intended to embarrass, blame, humiliate, or emotionally berate a party.*
- *Is not duplicative.*

2.2.10. Each party is responsible for requesting any witnesses to be present to testify on behalf of that party. Failure of a witness to appear as requested by a party is not grounds for postponement of the hearing. The hearing board may allow virtual testimony during the hearing. If a witness is not available for cross-examination, the testimony cannot be used in the decision-making process. Whether or not to allow the testimony of any witnesses is to be determined by the hearing board chair on a case-by-case basis. Either party intending to call witnesses shall notify the Title IX Officer for Faculty in writing at least two business days in advance of the hearing by giving the name and title of each witness and the subject matter of the testimony of each witness. The hearing board may call additional witnesses, as it deems appropriate.

2.2.11. In the hearing, information concerning the complainant's or respondent's sexual predisposition is never allowed, nor are questions about the complainant's or respondent's sexual history permitted, unless the question or evidence is used to prove that someone other than the respondent committed the alleged sexual harassment, or the question or evidence concerns sexual behavior between the complainant and the respondent and is offered to prove consent.

2.2.12. All testimony given before the hearing board will be audio-recorded. At the conclusion of the hearing, this recording will be placed on file in the Office of the Title IX Officer for Faculty. Upon request, copies of the recording will be made available for review by either party.

2.2.13. All persons performing responsibilities under this policy will respect and maintain the strict confidentiality of all relevant documents and deliberations. The privacy of all parties involved will be protected by the university within the context of all state and federal laws, and university policies, and the First Amendment rights of all parties will not be restricted.

2.2.14. The evidentiary standard for hearings is preponderance of the evidence. The respondent is presumed to be not responsible unless sufficient evidence is presented to prove a violation of the policy has occurred.

2.2.15. The deliberations of the hearing board will not be recorded, and the hearing board members shall keep the deliberations confidential. The decision of the hearing board shall be by majority vote, but the vote of individual members and the number of votes for each side shall not be reported, and no minority or dissenting report will be issued.

2.2.16. Only if the hearing board finds that the respondent has violated the policy will the board consider potential sanctions against the respondent.

2.2.17. The hearing board has three business days after the hearing to deliver its decision and rationale for responsibility, and, if appropriate, its decision and rationale for

sanctions, to the Title IX Officer for Faculty.

2.2.18. The Title IX Officer for Faculty will share the report of the hearing board with the complainant, respondent, and Title IX office within two business days of receipt of the decision from the hearing board. This written notification includes the outcome of the process, including whether the respondent was found responsible for violating the policy, rationale, any remedies, any sanctions, any appeal procedures, and the date the decision becomes final.

3. Appeal

3.1 The appeal option below applies for outcomes decided by a hearing board.

3.1.1. Upon receipt of the decision of the hearing board, both the complainant and respondent have five business days to submit an appeal in writing to the Title IX Officer for Faculty.

3.1.2. If no appeals are submitted, the process ends, and the hearing board's decision is final. The decision becomes final the next calendar day after the appeal deadline. The Title IX Officer for Faculty notifies the complainant, respondent and Title IX office within three business days of the appeal deadline. In addition, if the respondent is found responsible, the Provost, the respondent's dean and Human Resources are notified of the decision of responsible and, if applicable, of the sanctions. If sanctions are imposed, the AUH/supervisor is also notified.

3.1.3. If a written appeal is submitted by either party, it must provide the grounds for the appeal and a summary of the arguments and any new documentary evidence the party wishes the appeal committee to review. This submission must include the entirety of the appeal.

3.1.4. An appeal may only be granted under one or more of the following grounds:

- (A) procedural irregularity that affected the outcome of the matter;
- (B) new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter, and
- (C) The Title IX Coordinator, investigator(s) or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

3.1.5. The Title IX Officer for Faculty must notify the other party in writing that an appeal has been filed within one business day.

3.1.6. Title IX Officer for Faculty determines if the appeal is based on one or more of the permissible grounds for appeal within two business days. If the appeal is not based on permissible grounds for an appeal, the process ends, and the initial decision of the hearing board is final and reported to the parties listed above. If the appeal is authorized, the appeal process is initiated.

3.1.7. The Title IX Officer for Faculty will share the appeal of one party with the other party at the end of the two-day period.

3.1.8. If either or both parties appeal, the other party has five business days to respond to the appeal. Neither may file an additional appeal at this point but may only respond to the appeal received.

Appeal Review Process

3.2.1. Upon determining that the case meets the criteria for appeal, the Title IX Officer for

Faculty coordinates and schedules the appeal review within 10 business days.

3.2.2. Review by an Appeal Board

3.2.2.1 The Title IX Officer for Faculty will assign a three member Appeal Board from a pool of Academic Affairs deans and Academic Affairs associate deans.

3.2.2.2. The Appeal Board will consist of one Academic Affairs dean and two associate deans.

3.2.2.3. The dean and associate deans assigned will be individuals selected from a pool of trained Title IX members; the dean and associate deans will be members of colleges outside the complainant's and respondent's discipline or supervision.

3.2.2.4. The complainant and respondent will be simultaneously notified in writing of the dean and associate deans assigned to the appeal. Either party may object in writing to an assignment of dean or associate dean on the basis of conflict of interest or bias and may request that the Title IX Officer for Faculty assign a replacement. The decision on reassignment rests with the Title IX Officer for Faculty.

3.2.3. Review by an Appeal Board

3.2.3.1. Appeal Board members will have full access in advance to all appeal documents submitted; the case file, including the decision of the hearing board; and any recordings.

3.2.3.2. The Appeal Board will meet to thoroughly review the appeal documents. Upon review of all documents and recordings, the Appeal Board will elect one of three pathways to proceed:

- The decision is made to deny the appeal. The Appeal Board submits the decision with rationale to the Title IX Officer for Faculty within three business days of the Appeal Board's meeting.*
- The decision is made, based on the nature of the appeal, to make a determination based on the information provided in the written appeal, previously-submitted documentation, and hearing recordings without the need for additional cross-examination. The Appeal Board submits the outcome of their review with rationale to the Title IX Officer for Faculty within three business days of the Appeal Board's meeting.*
- The decision is made to gather additional information through a second hearing process in order to come to a conclusion on the appeal. The Appeal Board submits a request to postpone their final decision until a hearing can be scheduled. The Appeal Board will hear the case.*

3.2.3.3 If a second hearing is requested by the Appeal Board, the Appeal Board will indicate if they will hear all information again or if the hearing will be limited solely to the new information received. This decision will be based on the nature of the appeal and the type of information received for the appeal.

3.2.3.4. If a second hearing is requested, the hearing will proceed according to hearing process listed in section 2.2. The second hearing will be conducted within 15 business days of the request to hold a second hearing.

3.2.3.5. Upon completion of the appeal hearing, the Appeal Board has three business days after the hearing to deliver its decision and rationale to either uphold or alter the original decision, and, if appropriate, its decision

and rationale for sanctions, to the Title IX Officer for Faculty.

Final Decision: Reporting and Monitoring

3.3.1. Once the final decision is reached, the Title IX officer for Faculty will notify the complainant, respondent, and the Title IX Office within one business day of receipt of the final decision. If the respondent is found responsible, the Provost, the respondent's dean and Human Resources are notified of the decision of responsible and, if applicable, of the sanctions and remedies. If sanctions or remedies have been rendered, the respondent's AUH/supervisor will also be notified.

3.3.2. Once the appeal decision has been reported by the Appeal Board to the Title IX Officer for Faculty, the decision is final. No additional appeals will be accepted.

3.3.3. During the period of any assigned sanctions, the AUH/supervisor will monitor, on a regular basis, the progress of the assigned sanctions to ensure sanctions are upheld.

4. Informal Resolution

4.1 After a formal complaint has been filed, the complainant and respondent may agree to enter an informal resolution process that does not involve a full investigation and adjudication process. The informal resolution process may be initiated at any time prior to reaching a determination regarding responsibility.

4.1.1. The informal resolution process is purely voluntary, requires written consent, and cannot be required. Both parties must agree to an informal resolution process.

4.1.2. Cases in which an employee is alleged to have sexually harassed a student are not eligible for an informal resolution process.

4.2. Either party may withdraw from informal resolution at any time prior to agreeing to a resolution and resume the formal grievance process.

4.3 The informal resolution process is a method of resolving sexual harassment allegations in a less adversarial manner than the investigation and adjudication process of a formal grievance process. In the informal resolution process, witnesses may be contacted but are not called to formally testify before a board, nor does live cross-examination occur.

4.4. Informal resolutions are conducted by a dean from Academic Affairs. The dean is selected by the Title IX Officer for Faculty from a pool of trained individuals. The dean assigned to the case will typically not be the dean from either the complainant's or respondent's college. Both parties will be allowed to express concerns of bias and request that the Title IX Officer for Faculty assign a different dean. The final decision to replace the assigned dean lies with the Title IX Officer for Faculty.

4.4.1. There may be unique situations in which an outside mediator is necessary. The Title IX Officer for Faculty reserves the right to bring in a trained mediator to work with the case.

4.5. The dean works with both the complainant and the respondent. The initial meeting of the dean with the complainant and the respondent will take place separately. For subsequent meetings, the parties may or may not be in the same room or virtual session at the same time, depending on the circumstances, comfort, and preferences of both parties.

4.5.1. The exact structure of the informal process may take on various forms, the format of which will be decided by the dean after speaking to the complainant and respondent in their initial individual meetings. Variables that will determine the type of informal resolution may include but are not limited to the following:

- Goals of each party regarding resolution

- *Type of scenario the case involves*
- *Current relationship or tenor between the two parties*
- *Status regarding acceptance of responsibility or acknowledgement of wrongdoing or harm caused as a result of the respondent's actions.*

4.5.2. *The potential informal process may include:*

- *Formal grievance process minus the live witness testimony, live cross-examination or cross-examination by anyone other than the dean hearing the case.*
- *Mediation*
- *Arbitration*
- *Restorative practice*
- *Combination of any of the above*

4.6. *The complainant and respondent may be asked to provide names of witnesses and the type of information each witness would provide.*

4.7. *The dean decides if witnesses will be contacted according to relevancy of the information they may provide.*

4.7.1. *If witnesses are contacted, the dean will contact each witness to speak directly with the witness.*

4.8. *No cross examination occurs between parties or between the parties and witnesses; the dean is the only person to ask parties or witnesses for clarifying information.*

4.9. *The informal process must be completed within 15 business days of the decision to enter an informal process unless both parties and the dean agree to an extension.*

4.9.1. *If the parties cannot come to a mutually agreed upon resolution within the 15 business day timeframe, without coercion or undue pressure, and without approval of extension, the case will be returned to a formal resolution process.*

4.10. *Once an agreement has been reached and the dean approves, both parties will sign a resolution agreement that includes the outcome and, if applicable, the remedies and sanctions reached in the process.*

4.10.1. *Informal resolution may result in disciplinary actions or sanctions up to and including termination of employment.*

4.11. *Once the agreement is signed by both parties, the decision is final; the decision cannot be appealed nor can parties request a formal hearing after that point.*

4.12. *The final, signed agreement will be submitted to the Title IX Officer for Faculty no later than three business days after the resolution has been reached.*

4.13. *The Title IX Officer for Faculty will provide the report to the Title IX Office within three business day of receipt of the report. If remedies and sanctions are rendered, the outcome of the resolution will also be reported to Human Resources and the respondent's AUH or direct supervisor.*

Formal Adjudication Procedures for Wage, Classified, and A&P Faculty without Tenure

The HR Consultant will convene with the Respondent's Associate Vice President or designee to review the Final Investigation Report. The Respondent's AVP or designee will determine, based on a preponderance of the evidence if a policy violation occurred. This may involve the Respondent's AVP or designee meeting individually with the Reporter and Respondent for them to share their perspectives. In cases where an employee is found responsible, the AVP or designee over the Respondent will collaborate with the HR Consultant to determine an appropriate sanction.

The Respondent's AVP or designee will simultaneously notify the Reporter and Respondent regarding his/her decision, which may include the rationale for the decision and any applicable appeal procedures. In cases where a Respondent is found responsible, the Respondent will receive notification of the sanction recommended by the AVP or designee, which may include the rationale for the sanction. In accordance with state law regarding privacy of personnel information, the Reporter will only be informed of any sanctions and rationale for sanctions that directly affect the Reporter.

The Reporter and Respondent may appeal the decision of the Respondent's AVP or designee on the grounds of procedural error or new evidence that was not available at the time of the investigation. The deadline for submitting an appeal to the Vice President will be five days after the Reporter and Respondent were notified of the AVP or designee's decision. If one or both parties submit an appeal, the other party will be provided an opportunity to view the appeal and submit a response to the appeal. The deadline for submitting a response will be five days after the party received notification of the existence of the appeal.

The VP will have 10 business days to review the Final Investigation Report, the decision of the AVP or designee, the submitted appeals and response to the appeal to make a final determination in the case. The VP will inform the Reporter and Respondent in writing of the final decision. The VP's decision will be final for cases involving Respondents who are Wage and A&P Faculty without tenure. Respondents who are classified may appeal the decision of the VP through the grievance process afforded to classified employees through DHRM.

Formal Complaint & Adjudication Procedures for Affiliates

If a complaint alleging sexual misconduct is made against an affiliate, the initial assessment and investigative process as outlined above will be followed.

The HR Consultant will meet with the head of the affiliate's sponsoring department, along with the associated AVP to review the Final Investigation Report. The head of the department and AVP will determine, based on a preponderance of the evidence, if a policy violation occurred. This decision is final and cannot be appealed.

An affiliate who is found in violation of Policy 1340 may have his/her affiliate status removed under the terms of Policy 1337 – Affiliates.

6.5 Dismissal of Formal Complaints

6.5.1 Mandatory Dismissal

If conduct alleged in a formal complaint, even if true, would not constitute sexual misconduct under the definition in this policy, the complaint must be dismissed as to that conduct.

If a formal complaint, or a portion thereof, is dismissed pursuant to this section, the Title IX Coordinator or designee will promptly send written notice of the dismissal, including the reason for the dismissal, to both parties. A mandatory dismissal under this section does not preclude action under another university policy for that conduct. If such conduct would constitute a violation of another university policy, the parties and/or university may proceed under the applicable policy and procedures.

Both parties have the opportunity to appeal a mandatory dismissal in accordance with Section 6.8 of this policy.

6.5.2 Discretionary Dismissal

The university may dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing:

- A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled or employed by the university; or
- Specific circumstances prevent the university from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If a formal complaint, or a portion thereof, is dismissed pursuant to this section, the Title IX Coordinator

or designee will promptly send written notice of the dismissal, including the reason for the dismissal, to both parties.

Both parties have the opportunity to appeal a discretionary dismissal in accordance with Section 6.8 of this policy.

6.6 Adjudication of Formal Complaints

Upon reaching a determination, the decision maker(s) will issue a written rationale for the result as to each allegation, including a determination regarding responsibility, and any disciplinary sanctions the university imposes on the respondent.

6.6.1. Adjudication Process for Formal Complaints against Students

Adjudication of alleged violation(s) of sexual misconduct for student respondents will be handled under the Sexual Misconduct Accountability Process in the Office of Student Accountability and Restorative Practices (OSARP). Procedures for OSARP's Sexual Misconduct Accountability Process are published on OSARP's website in the Student Handbook section.

6.6.2 Adjudication Process for Formal Complaints against Classified and Wage Employees, A&P Faculty without Tenure, and Affiliates

Adjudication of alleged violations of sexual misconduct for respondents who are classified or wage employees, A&P faculty without tenure, and affiliates will be handled under procedures published on the Human Resources website.

6.6.3 Adjudication Process for Formal Complaints against Instructional Faculty and A&P Faculty with Tenure

Adjudication of alleged violations of sexual misconduct for faculty respondents will be handled under procedures published on the Academic Affairs website.

6.7 Disciplinary Actions

6.7.1 A classified employee who is found to have violated this policy may be disciplined or discharged under the terms of Policy 1317-Standards of Conduct and Performance for Classified Employees.

6.7.2 A wage employee who is found to have violated this policy may be disciplined or discharged under the terms of Policy 1325-Wage Employment.

6.7.3 An A&P faculty member without tenure who is found to have violated this policy may be disciplined or discharged under the terms of Policy 1335-Terms and Conditions of Employment for Administrative & Professional Faculty.

6.7.4 An affiliate who is found to have violated this policy may have his/her status as affiliate removed under the terms of Policy 1337-Affiliates.

6.7.5 A faculty member who is found to have violated this policy may be disciplined or discharged under the terms of the Faculty Handbook, Section III.A.25.

6.7.6 A student who is found to have violated this policy may be disciplined, suspended or expelled under the terms of the Student Handbook.

6.8 Appeals

Either party may appeal a determination regarding responsibility, or dismissal of a formal complaint, on any of the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Procedures for appeal in cases where a student is the respondent are published in the Sexual Misconduct

Accountability Process in the Student Handbook section of the OSARP website.

Procedures for appeal in cases where a faculty member is the respondent are published on the Academic Affairs website.

Procedures for appeal in cases where a wage or classified employee, A&P faculty without tenure, or affiliate is the respondent are published on the Human Resources website.

6.9 Other Provisions

6.9.1 Exceptions to Provisions

A formal complaint procedure should substantially comply with the provisions of this policy. The Title IX Office, the appropriate vice president organizationally over the respondent, or the appropriate office to whom the case is referred may make exceptions to the provisions (including time deadlines) of this policy, provided that any exception is intended to bring about a just outcome and does not unreasonably or adversely affect another participant in the process.

6.9.2 Education

The Title IX Office will provide educational materials to appropriate university officials and community members to enable them to better fulfill their responsibilities under this policy.

6.9.3 Interim Suspension Pending Outcome

After the filing of a formal complaint and pending the outcome of a sexual misconduct investigation and adjudication process, any member of the university community under investigation for sexual misconduct may be temporarily suspended from employment, suspended from attendance and enrollment, and/or issued a no-trespass notice banning the person from campus.

6.9.4 Emergency Removal

If, after receiving a report and prior to the filing of a formal complaint, the university determines there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual misconduct, a respondent may be temporarily suspended from attendance and enrollment, suspended from any other education program or activity including employment, and/or issued a no-trespass notice banning the person from campus. The university will undertake an individualized safety and risk analysis to make this determination. For students, this analysis and determination will be made by a subset of members of the Behavioral Assessment Team (BAT). For employees and affiliates, this analysis and determination will be made by a subset of the Faculty Staff Assessment Team (FSAT) and the respondent's immediate supervisor, or a subset of the FSAT and another individual in the respondent's supervisory reporting structure if the immediate supervisor is the complainant.

A respondent will receive post-removal notice and an opportunity to challenge the decision. Students may challenge the decision in writing to the Vice President for Student Affairs. Instructional faculty members or A&P faculty members with tenure may challenge the decision in writing to the Provost. Wage or classified employees, A&P faculty members without tenure, or affiliates may challenge the decision in writing to their respective Vice President. Written challenges to an emergency removal must be filed within three calendar days.

6.9.5 Record Keeping

Records and such information shall be maintained as confidential information not to be disclosed, except as permitted by law. The university may use any information obtained in carrying out procedures under this policy to defend itself against any claims, complaints, or allegations brought against it.

6.9.6 Legally Mandated Consequences for Students

In cases where a student respondent is found responsible and suspended or expelled for sexual violence, defined as physical sexual acts perpetrated against a person's will or against a person incapable of giving consent, a notation will be placed on the student respondent's transcript for the duration of the suspension or expulsion. If a student respondent withdraws while under investigation for an allegation of sexual violence, a notation will be placed on the student respondent's transcript until a final decision in the case is rendered. Such notations will read, as applicable:

- Expelled for violation of Student Standards of Conduct
- Suspended for violation of Student Standards of Conduct
- Withdrew while under investigation for violation of Student Standards of Conduct

Student respondents receiving a transcript notation for a suspension will have it automatically removed by the Office of the Registrar once the suspension period has ended; notations in cases of expulsion are permanent.

6.9.7 Alternative Resolution

The University does not require complainants to initiate or participate in an alternative resolution process. In certain cases, parties may elect to participate in an alternative resolution process in lieu of the formal complaint process to resolve allegations that are within the scope of this policy. The availability of an alternative resolution process is at the discretion of University. A decision regarding the availability of an alternative resolution process is not appealable.

6.9.8 Application of Policy 1340 and Policy 1346

If conduct is within the scope and jurisdiction of both Policy 1340-Sexual Misconduct and Policy 1346-Title IX Sexual Harassment, Policy 1346-Title IX Sexual Harassment will govern. However, if a complaint or portions thereof are dismissed under Policy 1346-Title IX Sexual Harassment, they may still be investigated and adjudicated under Policy 1340-Sexual Misconduct if the allegations remain within the scope of this policy.

Some incidents may involve conduct that is prohibited under Policy 1346-Title IX Sexual Harassment, and other conduct that is prohibited under Policy 1340-Sexual Misconduct. When both policies apply for different conduct arising out of the same incident or pattern of incidents, the university may investigate and adjudicate all allegations simultaneously under each policy. If the university consolidates the investigation and adjudication under both policies, then the adjudication procedures applicable to Policy 1346-Title IX Sexual Harassment will apply. Alternatively, the university may choose to investigate and adjudicate the conduct separately under each policy.

Formal complaints alleging (1) sexual harassment on the basis of hostile environment under Policy 1340-Sexual Misconduct (conduct that is sufficiently severe, persistent, or pervasive, and objectively offensive in a manner that interferes with, limits, or denies the person the ability to participate in or benefit from the institution's education programs or activities) and (2) sexual harassment under Policy 1346-Title IX Sexual Harassment on the basis of unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's education program or activity, may be investigated and adjudicated simultaneously under both policies. If the university consolidates the investigation and adjudication under both policies, then the adjudication procedures applicable to Policy 1346-Title IX Sexual Harassment will apply. The decision maker will make a decision on the allegations under both Policies 1340 and 1346, providing a written rationale for allegations under each policy. Alternatively, the university may choose to investigate and adjudicate the conduct separately under each policy.

7. RESPONSIBILITIES

University community members and visitors are responsible for abiding by the terms of this policy.

Responsible Employees are responsible for reporting information on conduct that would constitute sexual misconduct to the Title IX Office.

The Title IX Office is responsible for overseeing the Title IX compliance of the university and maintaining the accuracy of this policy.

The Office of Student Accountability and Restorative Practices, in dealing with respondents who are students, is responsible for following the terms of adjudication as dictated by this policy and specified in the Sexual Misconduct Accountability Process.

The Office of Human Resources, in dealing with respondents who are classified or wage employees or AP faculty members without tenure, is responsible for administering the process for formal complaints as dictated by this

policy and specified on the Human Resources website.

The Title IX Officer for Faculty or designee, in dealing with respondents who are instructional faculty members and AP faculty members with tenure, are responsible for administering the process for formal complaints as dictated by this policy and specified on the Academic Affairs website.

The sponsoring department is responsible for determining whether an affiliate's status should be revoked for violation of this policy.

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 employee discipline up to and including termination of employment, student sanctions up to and including suspension or expulsion, and affiliate sanctions up to and including removal of affiliate status.

9. EXCLUSIONS

This policy only applies to discrimination or harassment in the form of sexual misconduct. For other claims of discrimination or harassment on the basis of legally protected classifications, see Policy 1324-Discrimination and Harassment (Other than Sexual Harassment and Misconduct) and Policy 1346-Title IX Sexual Harassment.

10. INTERPRETATION

The authority to interpret this policy rests with the president and is generally delegated to the Title IX Office.

Previous Version: August 2020

Approved by the President: May 2020

Discrimination and Harassment (Other Than Sexual Harassment and Misconduct) Office of Equal Opportunity

Office of Equal Opportunity
Tel. (540)568-6991 or (540)568-6991 TDD
FAX (540) 568-7992
James Madison University
Harrisonburg, VA 22807

The Office of Equal Opportunity administers JMU's commitment to providing an equitable and safe environment for the JMU community. JMU adheres to a strict policy that prohibits discrimination of any kind in JMU's hiring practices, admissions, academics, or programs involving JMU employees or students. The Office of Equal Opportunity is a resource for all university community members to ensure the protections and rights provided in the non-discrimination policy and other university policies and/or state and federal laws.

The responsibility for overall coordination, monitoring and information dissemination about JMU's program of equal opportunity, non-discrimination, and affirmative action is assigned to the Office of Equal Opportunity. The Office of Equal Opportunity also monitors JMU's compliance with federal and state laws.

Any university community member who believes they have been subjected to discrimination due to age, color, disability, gender identity, genetic information, national origin, parental status, political affiliation, race, religion, sex, sexual orientation or veteran status may file a complaint with the Office of Equal Opportunity. Our office investigates complaints of discrimination and harassment and provides preliminary findings.

Harassment of on the basis of a person's sex, sexual orientation, gender or gender identity is considered sexual harassment. The Title IX Office investigates all complaints of sexual harassment and misconduct

Policy 1324 Discrimination and Harassment (Other than Sexual Harassment and Misconduct)

1. PURPOSE

This policy sets out the university's commitment to providing a workplace and learning environment free from illegal discrimination and harassment. The university's nondiscrimination policy is in Policy 1302. This policy also provides procedures for university community members and visitors to file internal complaints alleging discrimination or harassment against any employee or affiliate of the university, or against any visitor whose discrimination or harassment interferes with the complainant's workplace or learning environment. The policy and procedures for complaints concerning harassment and misconduct on the basis of sex, sexual orientation, gender and gender identity, including sexual assault, sexual misconduct, and sexual violence, can be found in Policy 1340. Procedures for complaints filed against students can be found in the JMU Student Handbook

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; 23-9:3. The Board has delegated the authority to manage the university to the president.

STATE OR FEDERAL STATUTE AND / OR REGULATION This policy is written in accordance with Title VI and Title VII of the Civil Rights Act of 1964 (42 U.S.C. §§2000d and e), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681, et seq.), the Age Discrimination in Employment Act (29 U.S.C. § 621 et seq.), the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.) the ADA Amendments Act of 2008 (ADAAA) (42 U.S.C. § 12,101 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 USC section 791, et seq.), the Equal Pay Act 929 U.S.C. § 206 et seq.), as well as the Virginia Human Rights Act (Code of Virginia §2.2-3900 et seq).

3. DEFINITIONS

Affiliate: An individual who has a formal affiliation with the university under the terms of Policy 1337.

Complainant: A university community member or visitor who has been subjected to alleged discrimination or harassment, or who files a formal complaint under this policy.

Complaint: The signed and written document used to file a formal complaint under this policy.

Complaint Commencement Date: The date on which the complainant files the written and signed complaint under this policy.

Day: A calendar day. When a substantial portion of a specified period of days falls on a weekend or during a period of time when the university is closed, that portion of the time period shall not be counted, and the time period shall be extended by the number of days falling when the university is closed. Weekends are not considered substantial periods of time, and will not be added to extend a deadline. If a time period is set to end on a day when the university is closed, the time period shall be extended to end when the university reopens. Examples: A specified time period will not end during winter break or when the university is closed for inclement weather. A five day time period set to begin the first day of winter break will be extended by the number of days for the scheduled winter break, so that the time will actually begin to run upon the first day after winter break. A deadline that falls on a day when the university is closed for inclement weather will be extended until the next day the university opens for business.

Director of Equal Opportunity (DEO): The person designated by the University to review claims of discrimination and harassment, other than complaints of sexual harassment and misconduct (which are reviewed by the University's Title IX Office). The University's ADA Coordinator and Section 504 Coordinator is the Director of the Office of Equal Opportunity.

Discrimination: An adverse action or unequal treatment when such action deprives a person of a privilege or right (such as a benefit, an equitable evaluation, a grade, a position or a promotion) or otherwise adversely affects the person on the basis of a protected classification. For the purposes of this policy, discrimination also includes retaliation for filing a complaint and harassment on the basis of a protected classification. It also includes denial of a reasonable accommodation for a disability. For the policy on sexual harassment and misconduct, see Policy 1340.

Faculty Member: An instructional or Administrative and Professional (A&P) faculty member employed by the university.

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Harassment: For the purposes of this policy, a form of discrimination consisting of unwelcome or offensive physical, oral or written conduct that shows aversion or hostility toward a person on the basis of age, color, disability, genetic information, national origin, parental status, political affiliation, race, religion, or veteran status. Harassment may also include behavior directed toward stereotypical notions of how a person in a protected classification should appear or behave, or a failure to conform to stereotypes. Harassment is prohibited in the following situations:

1. Term or condition of employment or education. This type of harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a university activity are conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome conduct, or such submission or rejection is a factor in decisions affecting that individual's employment, education, living environment, or participation in a university program or activity.

2. Hostile environment. This type of harassment occurs when the actions of another create a hostile environment, as defined herein.

Hostile Environment: A hostile environment is created by oral, written, graphic or physical conduct that is sufficiently severe, persistent or pervasive and objectively offensive that it interferes with, limits or denies the ability of a person to participate in or benefit from the institution's educational programs, services, opportunities, or activities or the individual's employment access, benefits or opportunities. Mere subjective offensiveness is not enough to create a hostile environment. In determining whether conduct is severe, persistent or pervasive, and thus creates a hostile environment, the following factors will be considered: (a) the degree to which the conduct affected one or more individuals' education or employment; (b) the nature, scope, frequency, duration, and location of the incident(s); (c) the identity, number, and relationships of persons involved; (d) the perspective of a "reasonable person" in the same situation as the person subjected to the conduct, and (e) the nature of higher education. A hostile environment for a member of the university community can be created by the actions of an employee, a student, an affiliate or a visitor.

Protected Classification: A person's age, color, disability, gender identity, genetic information, national origin, parental status, political affiliation, race, religion, sex, sexual orientation or veteran status. See Policy 1302.

Respondent: An employee or affiliate of the university or visitor who is accused of discrimination or harassment, or against whom a complaint under this policy is filed.

Retaliation: Overt or covert acts of discrimination, harassment, interference, intimidation, penalty, reprisal or restraint against a group or individual exercising rights under this policy. Retaliation shall be deemed to constitute harassment and, therefore, will be considered a separate violation of this policy.

Staff Member: A full or part-time classified employee or wage employee.

University Community Member An individual employed or affiliated with the university in one or more of the following full-or part-time capacities:

- *Administrative and Professional (A&P) faculty member*
- *Classified employee or other employee (such as wage or part-time)*
Instructional faculty member
- *Affiliate*
- *Student (graduate or undergraduate)*

Visitor: For the purposes of this policy, a person who is not enrolled at, compensated by, or an affiliate of the university, but is engaged in a university-sponsored or contracted working or learning activity.

4. APPLICABILITY

This policy applies when a member of the university community or visitor reasonably believes that he or she has been subjected to harassment or discrimination by an employee or affiliate of the university, or a member of the university community reasonably believes that he or she has been subjected to harassment or discrimination by a visitor. All acts of discrimination are covered under this policy, and all acts of harassment, other than on the basis of sex, sexual orientation, gender and gender identity, are also covered, provided that at least a substantial portion of the alleged wrongful behavior either occurred on university-controlled, university-leased or university-owned property or otherwise had a significant connection to or effect on the activities of the university or the learning or working environment for the complainant. Sexual harassment and misconduct is covered under Policy 1340.

A person who is no longer a member of the university community or a visitor, but who was when at least a substantial portion of the alleged wrongful behavior occurred, is eligible to file a complaint. A complaint filed by a complainant who has no further connection with the university or against a respondent who has no further connection with the university may be dismissed by the DEO if the

university has no means to take appropriate steps to eliminate the harassment, prevent its recurrence, or address its effects.

This policy applies to any student acting in the capacity of a university employee. Any allegation of harassment or discrimination against a student (except in the student's capacity as a university employee) should be reported to the Office of Student Accountability and Restorative Practices for disposition pursuant to the Student Accountability Process as set forth in the JMU Student Handbook. Any allegation of harassment or misconduct on the basis of sex, sexual orientation, gender or gender identity should be addressed under the terms of Policy 1340.

5. POLICY

The university is committed to providing a work and learning environment that is free from discrimination or harassment based on protected criteria. The university does not discriminate and will not tolerate discrimination or harassment 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 or a visitor that constitutes discrimination or harassment on the basis of any protected class is a violation of university policy and is sanctionable.

This policy applies in the employment relationship, including job application procedures, hiring, advancement, discharge, compensation, job training, or other terms and conditions of employment. It applies in the educational relationship with students, including application procedures, admissions, grades, discipline, dismissal, or other terms and conditions of matriculation. It applies in services that are provided by the university to students or other individuals, including visitors. It is also a violation of this policy to retaliate against or harass an individual who files charges or participates in proceedings under this policy.

Any member of the university community or visitor who is subjected to discrimination by an employee, affiliate or visitor on the basis of any protected classification may bring a complaint under this policy to address the situation. Any member of the university community or visitor who is subjected to harassment by an employee, affiliate or visitor on the basis of any protected classification other than sex, sexual orientation, gender or gender identity may bring a complaint under this policy to address the situation. Complaints concerning harassment or misconduct on the basis of sex, sexual orientation, gender or gender identity may be brought under policy 1340.

6. PROCEDURES

6.1 Informal Resolution Attempts

6.1.1. Before bringing a complaint to the DEO, the complainant is encouraged to discuss the complaint with the respondent to attempt to resolve it. If the complainant does not feel comfortable discussing the matter directly with the respondent, the complainant is encouraged to discuss the matter promptly with any of the following university resources, who may assist with an informal resolution:

- *The DEO □ The complainant's supervisor*
- *Human Resources staff member*
- *The respondent's supervisor*

Additionally, the following university offices may provide information to the complainant, although they are not equipped to assist with an informal resolution:

- *A Counseling and Student Development Center staff member*
- *The faculty ombudsperson*
- *The student ombudsperson*

Any university official contacted by a complainant is encouraged to communicate the general nature of the matter to the DEO to assist the DEO in developing effective campus educational programs and assessing the campus climate. If necessary, the identities of parties involved may be withheld.

6.1.2. If the complainant meets informally with any university official and asks that the information disclosed be kept confidential, the university official contacted informally by the complainant must determine whether to keep the information confidential or whether it must be communicated to the DEO to protect the university. The official is encouraged to contact the DEO, who can assist the official in that determination. The official should give the complainant information about support resources available to him or her

6.1.3. If any discussions between the complainant and the respondent or between the complainant and any other university official do not lead to a resolution that is satisfactory to the complainant or if the complainant does not pursue such discussions, the complainant should contact the DEO not later than 30 days after the last date of behavior that constitutes discrimination or harassment. Failure to make a timely report to the DEO may impede the university's ability to effectively investigate the charge, but such failure will not prohibit the complainant from filing a formal complaint, as long as such complaint is timely filed under 6.2.1.

When the complainant contacts the DEO, that person will discuss with the complainant the procedures that will be followed with respect to any ensuing investigation, resolution attempts and referral for a potential hearing. The DEO will advise the appropriate vice president (organizationally above the respondent) of the existence of the complaint, whether it is formal or informal. If the respondent is a visitor, the DEO will advise the vice president over the university-sponsored or contracted working or learning activity in which the visitor is engaged.

6.1.4. If the complainant decides not to file a formal complaint of discrimination, the DEO will advise the appropriate vice president that no complaint was filed, and the matter will be closed.

6.1.5. If an investigation into potential discrimination or harassment reveals information that indicates that the policy applies and that the evidence justifies a preliminary finding of a violation of the policy, the DEO will advise the complainant, respondent, and the respondent's supervisor or sponsoring department of the preliminary finding. The appropriate vice president (organizationally above the respondent) will also receive notice of the finding. If the respondent is a visitor, the DEO will advise the vice president over the university-sponsored or contracted working or learning activity in which the visitor is engaged.

6.1.6. If the investigation into potential discrimination or harassment reveals information that indicates that the policy does not apply or that the evidence does not justify a preliminary finding of a violation of the policy, the DEO will advise the respondent's supervisor or sponsoring department that the informal complaint will be dismissed. The DEO will inform the complainant and the respondent that the informal charge is dismissed. This decision is final and may not be appealed.

6.1.7. If the complainant decides to file a formal complaint, the DEO may, with the permission of the complainant, contact the respondent and attempt to help bring about a resolution. The DEO may suggest that the complainant and the respondent participate in mediation, but participation is not mandatory. Mediation is entirely voluntary, and failure to participate in mediation shall not be considered adversely against either the complainant or the respondent in any ensuing investigation or hearing.

6.2 Complaint Process

6.2.1. The formal complaint must be filed by the complainant not later than 180 days after the last date of discriminatory or harassing behavior by providing the DEO with a signed, written document detailing the allegations, naming the respondent and providing as much detail as possible about the charges. The DEO may extend this period to no more than 300 days if an informal resolution procedure under 6.1.6 is in progress. A formal complaint may not be filed anonymously or on behalf of another person. The DEO will confirm the complaint commencement date with the complainant in writing and will notify the respondent and the DEO, supplying both with a copy of the complaint.

6.2.2. Upon receipt of the complaint, the DEO shall determine whether this policy applies and will dismiss a complaint if the policy does not apply. The DEO will notify the complainant, the respondent and the respondent's supervisor in writing of the dismissal. A decision by the DEO that this policy does not apply is final and may not be appealed.

By way of example, the DEO may find that this policy does not apply upon determining any of the following:

- 1) That even if the complainant's allegations are true, the respondent's conduct would not constitute harassment or discrimination as defined in this policy.*
- 2) That the alleged conduct did not occur on university-owned, university-leased or university-controlled property, or did not otherwise have a significant connection to the activities of the university or the working or learning environment for the complainant.*
- 3) That the complainant or respondent is not a university community member or a visitor with whom the university has any continuing relationship or over whom the university has any control.*
- 4) That the complaint was not timely filed.*
- 5) That the complainant was not the party harmed by the discrimination or harassment, and the party harmed cannot be identified or has no interest in pursuing the matter.*

This list is not exclusive, and other situations may result in the DEO determining that the policy does not apply.

6.2.3. If the DEO determines that this policy applies, the DEO shall conduct an investigation of the complaint in any manner the DEO deems appropriate. All members of the university community are required to cooperate in the investigation.

6.2.4. Not later than 60 days after the complaint commencement date, the DEO shall provide the appropriate office with authority over the respondent (i.e., the supervisor for an employee or the sponsoring department for an affiliate or a visitor) with a confidential written report of the DEO's preliminary findings, with a copy to the appropriate vice president organizationally above the respondent. If the respondent reports under the president's office rather than under a vice president, the president will be notified. If the respondent is a visitor, the DEO

will advise the vice president over the university sponsored or contracted working or learning activity in which the visitor is engaged. For sufficient cause, this date may be extended, and failure to complete the investigation or the report shall not serve as a dismissal of the complaint. The DEO will report to the appropriate office his or her preliminary finding by the DEO on whether the respondent violated this policy. Any such preliminary finding by the DEO shall be based on a preponderance of the evidence available. Such a preliminary finding is not binding on the fact-finders in any subsequent misconduct hearing or procedure. Its function is entirely advisory to the appropriate office concerning the office's subsequent handling of the allegations in the appropriate process. It is then up to the appropriate office to determine what steps to take, including whether to institute disciplinary procedures against the respondent for misconduct, subject to review by the appropriate vice president.

6.2.5. The university may take appropriate interim steps before any formal misconduct charges, such as separating the complainant and the respondent, providing counseling for the complainant and/or respondent, or issuing no contact orders to both parties.

6.2.6. A classified staff member may be disciplined or discharged for violation of this policy under the Policy 1317-Standards of Conduct and Performance for Classified Employees. A wage employee may be disciplined or discharged for violation of this policy under the terms of Policy 1325-Wage Employment. An A&P faculty member may be disciplined or discharged for violation of this policy under the terms of Policy 1335 -Administrative & Professional Faculty - Terms and Conditions of Employment. An affiliate may have his/her status as affiliate removed for violation of this policy under the terms of Policy 1337-Affiliates. An instructional faculty member may be disciplined or discharged for violation of this policy under the terms of the Faculty Handbook, Section III.A.25. A visitor may be issued a no-trespass order for a violation of this policy, based on a decision by the vice president over the university-sponsored or contracted working or learning activity in which the visitor is engaged.

6.2.7. If the DEO finds by a preponderance of the evidence available that the evidence does not justify such a preliminary finding of violation, the DEO will dismiss the complaint and will send a notice of such dismissal to the complainant, the respondent, the DEO and the appropriate vice president organizationally above the respondent. If the respondent reports under the president's office rather than under a vice president, the president will be notified. The DEO's decision to dismiss the complaint is final and may not be appealed.

6.2.8. If the DEO finds that the evidence justifies a preliminary finding of violation, the DEO will notify the appropriate vice president organizationally above the respondent, the complainant and the respondent that he or she is referring the complaint to the appropriate office for potential further proceedings. If the respondent reports under the president's office rather than under a vice president, the president will be notified. If the respondent is a visitor, the DEO will advise the vice president over the university-sponsored or contracted working or learning activity in which the visitor is engaged.

6.2.9. The DEO will serve as a resource for any hearing officer or body who is charged with conducting a hearing or reaching a decision on the issue of the respondent's misconduct under the terms of this policy. Upon request, the DEO may serve in an advisory capacity in any such hearing or meeting.

6.3 Other Provisions:

6.3.1. Exceptions to Provisions. It is not intended that the outcome of a complaint be determined by a procedural violation that does not unduly prejudice the complainant or the respondent. Therefore, the DEO, the appropriate vice president organizationally above the respondent or the appropriate office to whom the case is referred may make exceptions to the provisions (including time deadlines) of this policy provided, however, that any exception is intended to bring about a just outcome and does not unreasonably adversely affect another participant in the process. If the respondent reports under the president's office rather than under a vice president, the president may make appropriate exceptions.

6.3.2. Confidentiality, Other Consequences. All participants in all proceedings under this policy will observe confidentiality to the extent reasonably possible. However, in the event of any final determination of a violation of this policy, the appropriate vice president organizationally above the respondent will provide information about the final determination to appropriate university officials and to the complainant and respondent. If the respondent reports under the president's office rather than under a vice president, the president will provide this information. The university may also use any information obtained in the proceedings to defend itself against any claims, complaints or allegations brought against it.

6.3.3. Education. The DEO may provide educational materials to appropriate university officials and community members in order to enable them to better fulfill their responsibilities under this policy.

6.3.4. Suspension Pending Outcome. Pending the outcome of any investigation and pending the completion of the procedures in this policy and in the policies concerning misconduct referenced herein, any member of the university community charged with discrimination or harassment may be temporarily suspended from employment and/or issued a no-trespass notice banning the person from campus.

Additionally, any person charged through a formal or informal complaint under this policy will be notified that retaliation is prohibited and may result in a separate charge under the policy.

6.3.5. Attorneys in Procedures. The complainant and the respondent have the right to obtain advice of private counsel concerning this policy and the procedures in it. However, the role of counsel is purely advisory in this policy and procedure, and absent exceptional circumstances attorneys are not to be active participants in the process. The DEO, the administrators involved in the decisions, and any committees operating under this policy and procedures shall have access to advice from the Legal Services Office for the university.

7. RESPONSIBILITIES

University community members and visitors are responsible for behaving in a nondiscriminatory and non-harassing manner toward other university community members and visitors, and are responsible for abiding by the terms of this policy.

The DEO is responsible for accepting and investigating complaints under this policy, determining the applicability of this policy to specific complaints, investigating complaints and making preliminary determinations of violations, notifying the appropriate vice president (organizationally above the respondent) of complaints, making recommendations, and disseminating information as provided in this policy.

The employee respondent's supervisor is responsible for determining whether a report and recommendation under this policy should be handled through the misconduct procedures for an employee.

The sponsoring department is responsible for determining whether an affiliate's status should be revoked for violation of this policy.

The vice presidents are responsible for making final decisions concerning referral of all complaints filed against members of the university community under their division. If the respondent is a visitor, the vice president over the university-sponsored or contracted working or learning activity in which the visitor is engaged is responsible for making a determination concerning an alleged violation of this policy. If the respondent reports under the president's office rather than under a vice president, the president will be responsible for making the final decision.

8. SANCTIONS

Sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment, removal of affiliate status, exclusion from future learning or working opportunities at the university, and/or issuance of a no-trespass notice.

9. EXCLUSIONS

9.1. This policy does not provide procedures for complaints filed against students. Any member of the university community who is subjected to alleged harassment by a student may bring a complaint under the terms of the Student Code of Conduct. See J16-100 Harassment and/or Bullying.

9.2 This policy does not provide procedures for complaints filed concerning sexual harassment or misconduct. Any member of the university community who is subjected to alleged sexual harassment or misconduct may bring a complaint under the terms of Policy 1340.

9.3. Even if an allegation of harassment or discrimination is one of the exclusions from the scope of this policy, any affected person may discuss it with the DEO.

10. INTERPRETATION

The authority to interpret this policy rests with the president and is generally delegated to the DEO.S

The university will provide reasonable accommodation to qualified individuals with documented disabilities to ensure equal access and equal opportunities with regard to university employment, university educational opportunities, and the university's programs and services. Inquiries or requests for reasonable accommodations may be directed to the [Office of Disability Services](#) or the [Office of Equal Opportunity](#).

JMU Main Campus Fire Safety Report

Fire Safety Oversight

While fire safety is the responsibility of each of us as members of the campus community, the oversight of fire prevention rests with the Office of Risk Management. The safety coordinator working through the Office of Risk Management provides consistent monitoring and compliance enforcement of all applicable fire and safety laws, codes, best work practices and standards in all campus facilities and on the campus grounds. The Safety Coordinator is a liaison with other departments, outside agencies, and the University community and is responsible for compliance and reporting of the Annual Fire Safety Report. The Safety Coordinator ensures that all constituencies have been properly informed as to correct safety measures and reporting procedures and maintains Fire Safety Plans. The Safety Coordinator tracks pending Fire Safety oriented state and federal legislation and prepares, schedules, and conducts compliance awareness sessions for appropriate senior campus officials on matters pertaining to fire safety and schedules, coordinates and conducts semi-annual fire safety inspection of all campus facilities in cooperation with the State Fire Marshal's representative.

Reporting of Fires

All fire-related incidents should be reported to the James Madison University Police Department Communications Division for response and documentation. The communication unit is maintained 24 hours a day, seven days a week and is responsible for monitoring all fire alarms. Fire alarm panels monitoring all residence halls are located in the communication center. If a fire occurs in any building, community members should immediately notify the JMU Police Communication Center by dialing -6911 from any on-campus telephone or (540-568-6911) from any cell phone or off-campus telephone. Upon receipt of a need for a response, a call for service entry is initiated into the computer aided dispatch system providing direct access to Harrisonburg/Rockingham Emergency Services for local fire and rescue services to summon a response.

If a member of the JMU community finds evidence of a fire that has been extinguished, the community member should immediately notify JMU Police Department Communications to document the incident and begin the process of investigation.

Evacuation

The JMU campus fire alarm systems alert community members of potential hazards. Community members are required to heed an activated fire alarm system and/or upon notification by JMU Police or a building coordinator to evacuate the building immediately. The fire alarm system provides audible and visible notification. A loud buzzer and flashing strobe lights notify occupants that the fire alarm system has been activated.

If you become aware of a dangerous situation that warrants an evacuation, activate the fire alarm by using a manual pull station. If you are unable to activate the fire alarm, notify the building occupants of the dangerous situation and contact the university police immediately. Notify University Police by dialing 6911 from a university phone or (540) 568-6911 from a cell phone and report the situation and associated details if known

When the fire alarm activates, all occupants should ensure that nearby persons are aware of the emergency, quickly proceed from their current location to a marked EXIT.

1. When the building evacuation alarm is activated during an emergency, leave by the nearest marked exit and alert others to do the same.
2. Feel doors for heat – don't open doors that are warm to touch. If you cannot exit due to fire and/or smoke place items around door openings to prevent smoke from entering the area and call 568-6911 and give your exact location.
3. Assist the handicapped into an "AREA OF RESCUE" in the building.
4. If you must exit through smoke stay low and crawl – the air at floor level is less hot and cleaner.
5. All occupants should know where primary and alternative exits are located, and be familiar with the various evacuation routes available. Floor plans with escape routes, alternate escape routes, exit locations and designated meeting sites are posted in conspicuous locations throughout the building.

6. Elevators must NOT be used to evacuate the building in the event of an emergency. Occupants should use the stairs to evacuate the building. If you are caught in the elevator, push the emergency phone button. The emergency phones in elevators on campus connect to the JMU Police Communication Center.
7. Exit the building and proceed to designated meeting sites. Once outside, proceed to a clear area that is at least 500 feet away from the affected building. Keep streets, fire lanes, hydrant areas and walkways clear for emergency vehicles and personnel. Know your area assembly points. Stay there until an accurate head count attendance is taken and assist in the accounting for all building occupants.
8. Do NOT re-enter the building until directed to do so by university police or fire department personnel.

Designated assembly areas have been identified for all university buildings. Designated assembly areas are to be utilized when a building has been evacuated. These designated areas are a safe distance from the building, and keep building occupants safe while allowing emergency response personnel to access the building. In the event that a designated assembly area is inaccessible or inappropriate for the current situation, the following guide lines should be taken into consideration when choosing a more appropriate place:

- At least 50 feet away from the building.
- Upwind from the building to avoid any possible smoke/fume inhalation.
- Sheltered, if possible, to protect against the elements.
- Away from fire lanes or other areas that must remain unobstructed to allow emergency response personnel and vehicle access to the building.

Regulations/Policy

Smoking Regulations

Smoking is not permitted within buildings, facilities, structures, or vehicles owned, leased or rented by the university, including parking garages, covered walkways, temporary enclosed structures, trailers, and tents as well as structures placed on state-owned property by contractors or vendors. This includes individual offices. Smoking is permitted outdoors on university grounds, plazas, sidewalks, malls and similar open pedestrian-ways, unless such areas are designated as non-smoking areas, provided smokers are 25 feet or more in distance away from an entrance or exit of any facility, including parking garages. Smokers are required to use ash urns to dispose of their smoking material waste, and are prohibited from littering state-owned property with smoking material waste.

Candles, Incense and Open Flames

Candles, incense and other items producing an open flame or ember may not be burned in residence halls, offices or public assembly areas. Open flames are permissible in lab settings, during performances and to complete maintenance as long as the proper safety precautions are taken

Electrical Appliances

To prevent fire hazards, the State Fire Marshal's Office and the Office of Public Safety established the following policies to reduce the possibility of electrical-related fires. These appliances and items are prohibited in residence halls:

- Air conditioners
- Any appliances with an open heating element
- Bed risers with electrical outlets or USB ports built-in
- Candle warmers & wax burners
- Ceiling fans
- Coffee makers without automatic shut-off
- Desk lamps with electrical outlets or USB ports built-in
- Electrical cords under carpets
- Extension cords, Cube adaptors (includes any item that serves as an extension cord such as lamps or bed risers with electrical outlets)
- Fuel-powered equipment
- Gasoline, propane, flammable liquids or gases
- Halogen lamps

- Hot plates
- Hover boards and their chargers
- Keg refrigeration devices
- Microwave ovens
- Refrigerators larger than 5 cubic feet total capacity
- Sandwich grills
- Space heaters
- Toaster ovens
- *Wireless routers

Any appliance with a heavy electrical draw, such as a hair dryer, an iron, a television or a refrigerator, is to be plugged directly into an outlet. Circuit protected power strips (with reset button) must be plugged directly into the wall, not into another power strip. Only UL approved multi-plug surge protectors with an integrated circuit breaker may be used. Power strips are not permitted to be hung /supported by their own cord. Power strips need to be on a flat surface or secured so the cord is not stressed. Extension cords are strictly prohibited and this includes any item that serves as an extension cord such as lamps or bed risers with electrical outlets on them.

Curtains

Any curtains or drapes in student rooms must be fire treated or made from fabric that is fire retardant. If curtains are fire treated, students must have proof of treatment. This proof can be an attached manufacturers tag, a receipt for professional treatment or the can of spray treatment used. No draperies should be hung at or near doorways. Hanging or suspending any type of paper or fabric from the ceiling, overhead lights, smoke detector or sprinkler head is prohibited.

Training

Hall Directors and Resident Advisors are assigned to each residence hall. These individuals receive training from the Office of Public Safety at the beginning of each school year outlining fire and emergency evacuation procedures. Hall Directors and Resident Advisors also participate in a training program provided by the Harrisonburg Fire Department providing hands on training stressing fire safety as part of their orientation process.

On the day students move into their on-campus residence halls, they are required to attend a community meeting with their Resident Advisers (RA). At that one-hour meeting, the RA outlines fire and emergency evacuation procedures, distributes a fire safety instructional brochure, and discusses policies and procedures regarding electrical appliances, smoking, and open flames. Students also receive a copy of the ORL Guidebook Calendar that contains policies and procedures regarding fire and personal safety.

Fire Drills

A fire drill is a “supervised practice of a mandatory evacuation of a building for a fire”. Properly conducted fire drills can help minimize problems if an actual fire emergency occurs. Fire evacuation diagrams are posted on each residence hall floor and an education program is conducted during the first week of each semester.

Each residence hall must hold a pre-announced, walk-through fire drill during the first few days of each semester. During each pre-announced fire drill, staff members will be required to open doors to all residence hall rooms to ensure evacuation and check for possible safety issues. JMU mandates at least one unannounced fire drill in every residence hall every eight weeks.

Residence hall staff members may make a room-by-room check to ensure that all occupants leave the building in the event of any fire alarm. Residents are not permitted to re-enter the building until authorized to do so by JMU Police or the fire department. Students may be held responsible for violations found during fire alarms or room inspections.

Violations

False Alarms

Residence halls are completely evacuated for all fire alarms. No student may activate any alarm or attempt to manipulate any electrical or mechanical device for the purpose of creating a false fire alarm. This is a violation of law and can result in judicial action and/or a fine and/or criminal prosecution.

Failure to Evacuate

No student may disregard a fire alarm signal or refuse to evacuate a building or a section of a building where a fire alarm is sounding. This is a violation of law and can result in judicial action and/or a fine and/or criminal prosecution.

Tampering with Fire Safety Equipment or Devices

No student may operate or tamper with any firefighting equipment without authorization. In addition, no student may tamper with or otherwise misuse any fire detection or early warning device, emergency lighting, evacuation systems, or emergency telephones. Tampering with or misusing such items is a violation of the law and can result in judicial action and/or a fine and or criminal prosecution.

Obstruction of Fire Evacuation Routes

Due to fire safety regulations, students may not store loft bed construction materials, boxes, trash, bicycles, furniture or other items in hallways or other public areas or within 18 inches of the ceiling in a sprinkled building and 24 inches of the ceiling in a non-sprinkled building. No student may purposefully prevent someone from swiftly and safely evacuating a building. No student may enter or exit from a fire escape except during a fire drill or in the case of an actual fire.

Fireworks, Explosives and Flammable Substances

Possessing, storing or using any fireworks or explosives or flammable substances (including charcoal and lighter fluid) is strictly prohibited. Use or possession of such materials may result in judicial action and/or a fine and/or criminal prosecution.

Definitions

Fire:

Rapid oxidation of combustible material accompanied by heat, light and smoke of combustible material, which is found outside of its normal appliance, whether or not it is extinguished prior to arrival of emergency; any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Fire related Deaths:

Number of persons who were fatalities because of a fire incident, including death resulting from a natural or accidental cause while involved in fire control, attempting a rescue, or persons escaping from the fire scene (an individual who dies within one (1) year of injuries sustained as a result of a fire.

Fire-related injury:

Number of person(s) receiving injuries from fire-related incidents, including an injury from a natural or accidental cause who received medical treatment at a local medical facility. This includes first responders attempting to control the fire, attempting a rescue, or persons escaping from the fire scene. Persons may include students, faculty, staff, visitors, firefighters, or any other individual.

Fire drill:

A supervised practice of a mandatory evacuation of a building for a fire.

Cause of fire:

The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

Value of property damage:

The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

Fire safety system:

Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

On-campus Student Housing Fire Safety Systems

Any student housing facility that is owned or controlled by the institution, or is located on property that is owned/controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

James Madison University Harrisonburg On-Campus Student Housing Fire Safety Systems

RESIDENCE HALL	ADDRESS	FIRE ALARM PANEL TYPE	SPRINKLER SYSTEM	SPRINKLER SYSTEM COVERAGE	Location Placards	FIRE EXTINGUISHERS	FIRE DRILLS 2020
Darcus Johnson Hall (formally Valley Hall (formally Ashby Hall))	50 Bluestone Dr.	Simplex 4100ES	Fully	100.00%	Yes	Y	4
Bell Hall	401 Martin Luther King Jr. Way	Simplex 4100ES	Partial	Trash and mechanical rooms	Yes	Y	4
Chappelear Hall	360 Carrier Dr.	Siemens FireFinder XLS	Partial	Trash rooms only	Yes	Y	4
Chesapeake Hall	1651 Carrier Dr.	Simplex 4100ES	Fully	100.00%	Yes	Y	4
Converse Hall	30 Bluestone Dr.	Simplex 4100ES	Fully	100.00%	Yes	Y	4
Dingledine Hall	221 Ikenberry Service. Dr.	Siemens FireFinder XLS	Partial	Trash rooms only	Yes	Y	4
Eagle Hall	231 Champions Drive	Simplex 4100U	Fully	100.00%	Yes	Y	4
Frederikson Hall	980 Frederickson Serv. Dr.	Siemens FireFinder XLS	Partial	Trash rooms only	Yes	Y	4
Garber Hall	201 Ikenberry Serv. Dr.	Siemens FireFinder XLS	Partial	Trash rooms only	Yes	Y	4
Gifford Hall	20 Bluestone Dr.	Simplex 4010	Fully	100.00%	Yes	Y	4
Hanson Hall	350 Carrier Dr.	Siemens FireFinder XLS	Partial	Trash rooms only	Yes	Y	4
Hillside Hall	290 East Grace Street	Simplex 4100ES	Partial	Trash and mechanical rooms	Yes	Y	4
Hoffman Hall	71 Bluestone Dr.	Simplex 4100U	Fully	100.00%	Yes	Y	4
Huffman Hall	200 Huffman Service Dr.	Simplex 4100U	Partial	Trash rooms only	Yes	Y	4
Ikenberry Hall	210 Ikenberry Service Dr.	Simplex 4100U	Partial	Trash rooms only	Yes	Y	4

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Gamma Phi Beta	1201-D Greek Row	Simplex 4100ES	Partial	Trash and mechanical rooms	Yes	Y	4
Phi Sigma Sigma	1201-C Greek Row	Simplex 4100ES	Partial	Trash and mechanical rooms	Yes	Y	4
Alpha Delta Phi	1201-B Greek Row	Simplex 4100ES	Partial	Trash and mechanical rooms	Yes	Y	4
Phi Mu	1201-A Greek Row	Simplex 4100ES	Partial	Trash and mechanical rooms	Yes	Y	4
Alpha Phi	1190-D Greek Row	Simplex 4100ES	Partial	Trash and mechanical rooms	Yes	Y	4
Sigma Sigma Sigma	1190-C Greek Row	Simplex 4100ES	Partial	Trash and mechanical rooms	Yes	Y	4
Zeta Tau Alpha	1190-B Greek Row	Simplex 4100ES	Partial	Trash and mechanical rooms	Yes	Y	4
Alpha Sigma Alpha	1190-A Greek Row	Simplex 4100ES	Partial	Trash and mechanical rooms	Yes	Y	4
Delta Gamma	1150-B Greek Row	Simplex 4100ES	Partial	Trash and mechanical rooms, restroom	Yes	Y	4
Kappa Alpha Theta	1150-A Greek Row	Simplex 4100ES	Partial	Trash and mechanical rooms, restroom	Yes	Y	4
Delta Delta Delta	1100-C Greek Row	Simplex 4100ES	Partial	Trash and mechanical rooms, restroom	Yes	Y	4
Sigma Kappa	1100-B Greek Row	Simplex 4100ES	Partial	Trash and mechanical rooms	Yes	Y	4
Alpha Sigma Tau	1100-A Greek Row	Simplex 4100ES	Partial	Trash and mechanical rooms, restroom	Yes	Y	4
Willow House	1291-B Greek Row	Simplex 4100ES	Partial	Trash and mechanical rooms, restroom	Yes	Y	4
Oak House	1291-A Greek Row	Simplex 4100ES	Partial	Trash and mechanical rooms, restroom	Yes	Y	4
Magnolia House	1251-B Greek Row	Simplex 4100ES	Partial	Trash and mechanical rooms, restroom	Yes	Y	4
Sigma Nu	1251-A Greek Row	Simplex 4100ES	Partial	Trash and mechanical rooms, restroom	Yes	Y	4
Logan Hall	70 Bluestone Dr.	Siemens MXL	Fully	100.00%	Yes	Y	4
McGraw-Long Hall	421 Martin Luther King Jr. Way	Simplex 4100ES	Partial	Trash and mechanical rooms	Yes	Y	4

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Paul Jennings Hall (opened 9/2019)	831 University Blvd.	Simplex 4100ES	Fully	100.00%	Yes	Y	NA
Chandler Hall	1621 Carrier Dr.	Simplex4100ES	Fully	100.00%	Yes	Y	6
Shenandoah Hall	1671 Carrier Dr.	Simplex 4100U	Fully	100.00%	Yes	Y	4
Shorts Hall	440 Lakeside Service Dr.	Simplex 4100ES	Partial	Trash rooms only	Yes	Y	4
Spotswood Hall	51 Alumnae Dr.	Simplex 4100ES	None	100.00%	Yes	Y	4
Grace Street Apartment Complex Occupied 8/2015	42 W. Grace St.	Simplex4100ES	Fully	100.00%	Yes	Y	4
Wampler Hall	10 Bluestone Dr.	Simplex 4100U	Fully	100.00%	Yes	Y	4
Wayland Hall	51 Bluestone Dr.	Simplex 4100ES	Partial	Trash rooms only	Yes	Y	4
Weaver Hall	400 Carrier Dr.	Siemens FireFinder XLS	Partial	Trash rooms only	Yes	Y	4
White Hall	480 Carrier Dr.	Siemens FireFinder XLS	Partial	Trash rooms only	Yes	Y	4

Fire Log

The Office of Public Safety maintains the James Madison University Daily Fire Log and posts specific incidents within two (2) business days of receiving a report of an incident and reserves the right to exclude reports from a log in certain circumstances as permitted by law. The Fire Log is kept electronically and can be found on site at the James Madison University Police Department located in Anthony Seeger Hall for public inspection, upon request, during normal business hours.

The Daily Fire Log contains:

1. The number and cause of each fire in an on-campus student housing facility.

Unintentional Fire - A fire that does not involve an intentional human act to ignite or spread into an area where the fire should not be.

- Cooking - grease fire on stove top, oven or a microwave fire.
- Smoking materials – discarded lit cigarette butt.
- Open flames- candles.
- Electrical- electrical arcing overheated electrical motor.
- Heating equipment- heating stoves, space heaters, fireplaces, furnaces and water heaters.
- Hazardous products- spontaneous combustion or chemical reactions.
- Machinery/Industrial- heat from friction (e.g. fan belts) or cutting and welding.
- Natural – fires that result from natural phenomenon such as lightning, tornadoes, and earthquakes
- Other- fireworks, paper caps, party poppers, sunlight (usually magnified through glass or a bottle).

Intentional Fire – A fire that is ignited, or that results from the deliberate action, in circumstances where the person knows there should not be a fire.

Undetermined Fire – A fire in which the cause cannot be determined

2. The number of deaths related to the fire in an on-campus student housing facility.
3. The number of injuries related to a fire in an on-campus student housing facility that resulted in treatment at a medical facility.
4. The value of property damage related to the fire.

Fire Statistics
Harrisonburg On-campus Student Housing Facilities

James Madison University continually strives to make the James Madison University campus safe and secure and seeks to constantly to improve this mission in the area of fire safety through self-evaluation, training, and the utilization of best practices.

On Campus Residence Halls	Address		Number of Fires	Date/Time of Fire	Cause of Fire	Number of Deaths	Number of Injuries	Value of Property Damaged
Darcus Johnson Hall (formally) Valley Hall (formally Ashby Hall)	50 Bluestone Dr.	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Bell Hall	401 Martin Luther King Jr. Way.	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Chandler Hall	1621 Carrier Dr.	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Chappelear Hall	360 Carrier Dr.	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Chesapeake Hall	1651 Carrier Dr.	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Converse Hall	30 Bluestone Dr.	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Dingledine Hall	221 Ikenberry Service Dr.	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Eagle Hall	231 Champions Dr.	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Frederickson Hall	980 Frederickson Serv. Dr.	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Garber Hall	201 Ikenberry Serv. Dr.	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Gifford Hall	20 Bluestone Dr.	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Apartment on Grace	42 West Grace Street	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Hanson Hall	350 Carrier Dr.	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Hillside Hall	290 East Grace St.	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Hoffman Hall	71 Bluestone Dr.	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Huffman Hall	200 Huffman Serv. Dr.	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA

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Ikenberry Hall	210 Ikenberry Serv. Dr.	2020	0	NA	NA	0	0	NA
		2019	1	1/10/2019	Alarm Activated Piece of charred paper freshly burned found Intentional	0	0	NA
		2018	0	NA	NA	0	0	NA
Gamma Phi Beta (formerly Spruce House)	1201-D Greek Row	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Phi Sigma Sigma (formerly Maple House)	1201-C Greek Road	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Alpha Delta Pi (formerly Poplar House)	1201-B Greek Row	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Phi Mu	1201-A Greek Row	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2016	0	NA	NA	0	0	NA
Alpha Phi	1190-D Greek Row	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Sigma Sigma Sigma	1190-C Greek Row	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Zeta Tau Alpha	1190-B Greek Row	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Alpha Sigma Alpha	1190-A Greek Row	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Cedar House (formerly Delta Gamma)	1150-B Greek Row	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Kappa Alpha Theta	1150-A Greek Row	2020	0	NA	NA	0	0	MA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA

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Delta Delta Delta	1100-C Greek Row	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Sigma Kappa	1100-B Greek Row	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Alpha Sigma Tau	1100-A Greek Row	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Willow House	1291-B Greek Row	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Oak House	1291-A Greek Row	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Magnolia House	1251-B Greek Row	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Sigma Nu (formerly Dogwood House)	1251-A Greek Row	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Logan Hall	70 Bluestone Dr.	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
McGraw-Long Hall	421 Martin Luther King Jr. Way.	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Paul Jennings Hall	831 University Blvd.	2020	0	NA	NA	0	0	NA
		Open 9/2019	0	NA	NA	0	0	NA
Chandler Hall (formally Potomac Hall)	1621 Carrier Dr.	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Rockingham Hall**	605 Port Republic Road	Demolished 2016	0	NA	NA	0	0	NA
Shenandoah Hall	1671 Carrier Dr.	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Shorts Hall	440 Lakeside Service Drive	2020	0	NA	NA	0	0	0
		2019	0	NA	NA	0	0	0
		2018	1	10/22/2018 22:10	Pumpkin seeds roasting in over ignited into small fire	0	0	<100.00
Spotswood Hall	51 Alumnae Dr.	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Wampler Hall	10 Bluestone Dr.	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA

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Wayland Hall	51 Bluestone Dr.	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
Weaver Hall	400 Carrier Dr.	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA
White Hall	480 Carrier Dr.	2020	0	NA	NA	0	0	NA
		2019	0	NA	NA	0	0	NA
		2018	0	NA	NA	0	0	NA

** Residence Hall demolished

Center for Global Engagement The Semesters in Washington DC, London, Antwerp and Florence

The Center for Global Engagement is committed to the principle that international experiences and perspectives are essential to any undergraduate and graduate education. To that end, we promote and encourage a critical awareness of world issues; knowledge of and an appreciation for other cultures, languages, and belief systems; a sense of global community; and a commitment to engagement at the international level, that we may educate active and responsible global citizens.

The [Center for Global Engagement](#) serves as the central university office concerning international education, with oversight of the Washington Campus, all James Madison University and non-JMU study abroad programs; visa and reporting processes for international students and scholars; and the development of curricula, faculty experiences and programs that address international issues. The Center for Global Engagement provides several options for overseas study to include Semester Abroad, Short Term and Exchange opportunities.

The Semester in Washington DC is considered noncampus. The Semester in [London](#) (UK), [Antwerp](#) (Belgium) and [Florence](#) (Italy) are designated as branch campuses. The crime statistics and other safety/security information specific to these programs are prepared by the branch coordinator and encompassed into this report. The programs: Semester in Salamanca, Spain; and Edinburg St Andrew, Scotland are not considered branch campuses.

Short-term programs generally run in the summer and occasionally during spring break. Depending on the program parameters, these programs may fall in noncampus reporting requirements.

In exchange programs, students study at one of our partner institutions in Argentina, Australia, England, Egypt, France, Indonesia, Italy, Japan, South Korea, Spain, Sweden, or Taiwan while being immersed in the cultures of some of the world's most exciting and provocative cities. While participating in a JMU exchange program, you will pay room & board to the overseas institution. There is no reporting requirement for these programs.

Study Abroad and COVID-19

JMU Study Abroad sent nearly 100 students abroad during the fall 2019 semester and 196 during the spring. Due to the rapid spread of COVID-19, we decided to close all JMU operations abroad in February and March and bring our spring semester students back to the US to complete the remainder of their respective programs online.

JMU Study Abroad then made the unfortunate decision to cancel all summer 2020 programs – both international and domestic due to COVID-19 and ever-changing travel regulations around the world.

In-country operations remain suspended through both the fall 2020 and spring 2021 semesters. We are hopeful to return to regular, in-person operations (when it is safe to do so) for the summer 2021 term. We have not had any students living in our abroad facilities since March of 2020.

**SAFETY AT JAMES MADISON UNIVERSITY'S SEMESTER IN WASHINGTON PROGRAM
(Noncampus)
(Policies and Information Specific to Washington Program)
Dr. David Jones**

Fall 2020 and Spring 2021 update re: COVID-19: In response to the COVID-19 pandemic, the Washington Semester program was 100% virtual for fall 2020 and spring 2021. Students pursued virtual internships and completed their coursework remotely. None of the students lived in the JMU-arranged housing in the District of Columbia. Instead, they lived either at home or in their off-campus apartments in Harrisonburg.

The Washington Semester Program is not considered a branch campus. It is considered noncampus for purposes of annual reporting relative the federal *Clery Act*.

The Washington Semester program enables students to explore the wealth of political and cultural opportunities available in the Washington, D.C. area. The program includes semester-length internships, courses taught on-site, panel discussions by people in various professions, cultural activities, and networking opportunities with JMU alumni working in the DC area. This program is open to all majors and is offered every semester.

Although some JMU Washington Semester students secure their own housing or live at home, most program participants are housed in the Avalon at Gallery Place (<http://www.avaloncommunities.com/district-of-columbia/washington-apartments/avalon-at-gallery-place>), an apartment building in the Chinatown section of DC. The building has front-desk security 24 hours a day and a key fob entry system. Each apartment has two bedrooms and two bathrooms, holding a maximum of four students. Apartments are fully furnished, including laundry equipment. The building address is 770 5th Street, NW, Washington, DC 20001. The housing arrangement is managed by TurnKey Housing Solutions, a corporate housing company (contact: JJ Hershey, JJ@TKHousing.com, 703-659-7540). Classes are held at the JMU Washington Center at 1400 16th Street, NW, Suite 320.

The Avalon (student housing) is located within the Metropolitan Police Department's 1st District in Police Service Area (PSA) 102. The 1st District station is located at 101 M Street, SW, Washington, DC 20024; telephone: (202) 698-0555. For more information and map of the 1st district, go to <http://mpdc.dc.gov/page/welcome-first-district>. The Washington Center (classroom and office) is located within the 2nd District in PSA 208. The 2nd District Station is located at 3320 Idaho Ave., NW, Washington, DC 20016; Telephone: (202) 715-7300, Fax: (202) 715-7382. For more information and map of the 2nd District go to <http://mpdc.dc.gov.page/welcome-second-district>.

Emergency Notification

The JMU Washington Semester program is committed to the immediate notification of the program participants, without delay, upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or staff occurring on or near either facility, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The Metropolitan Police Department's 1st District in Police Service Area (PSA) 101 located at 101 M Street, SW, Washington, DC 20024; telephone: (202) 698-0555 or by calling 911 should be contacted immediately if an emergency or dangerous situation exists for response and mitigation of the emergency along with the Faculty-Member-in-Residence (FMIR). The JMU Washington Semester Faculty-Member-in-Residence (FMIR) upon confirmation of an emergency, can initiate the notification system and will concurrently or contemporaneously inform the JMU Police and the Washington Semester academic program officials (Political Science Department at JMU's main Harrisonburg campus) that an emergency is at hand and will provide the justification for the dissemination of the related notification.

The FMIR officials have four methods of notifying the students within the building: text-messaging, email, telephone and word of mouth. These components which may be activated independently or in-conjunction with each other based on the circumstances to notify the University community of the existence of an emergency, and updated information and as necessary throughout the duration of any incident.

All members of the JMU community are instructed to notify the Metropolitan Police Department's 1st District in Police Service Area (PSA) 102 located at 101 M Street, SW, Washington, DC 20024; telephone: (202) 698-0555 and the semester Faculty-Member-in-Residence (FMIR) immediately if an emergency or dangerous situation exists for response, mitigation, and documentation of the emergency.

Timely Warning

In compliance with the "Timely Notice" provisions of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, the James Madison University is required to give a timely notice for *Clery Act* crime that occurs on Clery geography. Timely warning notifications are sent to notify the campus community in the event that a situation arises on the Clery geography which encompasses the JMU campus, noncampus property (property owned or controlled by the University or a recognized student organization not on the main campus), and public property (property within or immediately adjacent to campus). In regards to the Semester in Washington, for *Clery Act* crime that, in the judgment of

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FMIR's or designee, after reviewing the facts and circumstances of the incident, constitutes an ongoing or continuing threat to the campus community necessitates a timely warning. Timely warnings are primarily triggered by Clery Act crimes (criminal homicide, sex offenses, robbery involving force or violence, aggravated assault, and major cases of arson). Timely notices may also be posted for other crime classifications, as deemed necessary. Timely Warnings are evaluated on a case by case basis depending on the facts of the case and the information known.

Preparation and Training

WASHINGTON SEMESTER PROGRAM CRIME PREVENTION AND PERSONAL SAFETY CLASSES PROVIDED IN ACADEMIC YEAR 2020

PROGRAM	AUDIENCE	DATES PRESENTED	PROGRAM DESCRIPTION
Washington Semester Orientation	Washington Semester students	January 12, 2020	As part of Washington Semester program orientation, students were given an overview of safety and crime issues in the student housing, the neighborhood, and DC in general. Housing staff described building security procedures. Because the fall 2020 program was virtual, the orientation did not cover crime and safety issues.

Missing Student

If a member of the JMU Community has reason to believe that a student is missing, all possible efforts are made to locate the student to determine his or her state of health and well-being through the collaboration of the Metro Police and the Washington Semester FMIR. A police report must be made when someone between 18 and 21 is reported missing.

Safety and Security for the Washington Semester

1. A car in Washington can be a burden and very costly. Parking is difficult due to limited availability and when found can be very expensive.
2. It's safer to travel in groups. It is especially important for students to stick together after dark. In Washington, it is generally safe to travel alone during the day if one knows the area. One always should know their route. You should be cognizant of those about you. Take precautions! Do not expose yourself to additional risk by being intoxicated or alcohol impaired. Students will be advised to avoid going to or through any location or area where it may be dangerous.
3. Always lock your doors.
4. Report any situation that appears to constitute a threat to the proper authorities.
5. The number one rule is to have confidence! It is recommended that one should act like they belong in Washington. It is recommended that students ask questions if they are lost, but not stand on a street corner with a confused look on their face. Projecting confidence, being comfortable, keep one's shoulders back, and dressing up to the occasion or the area will go a long way to helping the student fit right in.
6. Experience has shown that students may benefit from security briefings or advisories offered by the Metro and Capitol Police for their public service area (PSA). Such communications will assist students reinforcing the message to the students that going into questionable neighborhoods should be avoided.
7. Students should know the common courtesies that will help one get around. They should ask directions of merchants, waiters, policemen, bus drivers and so on. If someone offers advice, students should thank that person but do not accept an offer to be led to their destination. One should not leave things unattended. One should not be obvious with money, cameras, expensive phones, etc. One should not use ATMs in lonely and poorly lighted areas after dark. The main places where people can be robbed are near deserted metro stations after hours, crowded streets, at nightspots and open markets. Generally, those appearing to be homeless are harmless, but one should be on guard. Muggings are rare, but again, pick pocketing and purse snatching can occur so, one should keep track of purses and wallets. One should never leave them on a cafe table or bench, and hang on to them securely while on public transport. A pouch worn beneath blouse or shirt is recommended. It should be used for extra money, traveler's checks, passport, and ATM/credit cards. When traveling, one should wear this at night.

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8. Safe places to meet friends are restaurants, pubs and other public places (during peak hours).
9. Taking unknown guests back to your Washington Semester residence has the potential to endanger you and the other residents. BE CAREFUL, you can never be too cautious when dealing with those with who you are newly acquainted.
10. One should always avoid the neighborhoods known for prostitution and other forms of vice. Those intent on preying on the unwary are known to wait out on the street for them to depart such establishments.
11. Most important, one should never give out their Washington Semester address to people they do not know well. Students will be advised on the security procedures related to general safety and security, keys, guests, and fire/safety regulations. They are asked to observe the same common sense about travel and strangers that one would take at home.
12. Students participating in internships are strongly urged to have hospitalization and medical insurance. It is also advisable for participants to secure a renters policy to cover personal property losses due to theft, fire or other damage.
13. Students participating in JMU's internship programs are bound by all tenets of the JMU Honor and Accountability Systems. They are subject to all regulations in place on the JMU campus that pertain to every student enrolled in university-sponsored educational programs.

Preparation for and Response to Crisis Related to Short-Term Internship Programs

With the responsibility of leading a JMU Internship Program the director is aware that it is possible that an emergency may occur involving one or more of the students in the group. Students can and do become ill, suffer accidents, are the victims of muggings and assaults, find themselves caught up in potentially violent political situations, or fail to return on time to programs at the end of long weekends. While it is of course impossible to plan for all contingencies involving our student interns, the FMIR is trained to follow sound recommended practices when emergencies do arise. The FMIR works individually and together with public officials to provide for the safety and well-being of our student interns.

JMU has, therefore, developed a series of specific procedures designed to safeguard the welfare of program participants. The students are informed about these procedures during their on-site orientations.

What is an emergency?

An emergency is any circumstance that poses a genuine risk to, or that has already disturbed, the safety and well-being of program participants. Emergencies will include, though not be confined to, the following types of events and incidents:

- Physical assault
- Disappearance or kidnapping of a student
- Robbery
- Sexual assault or rape
- Serious illness, physical or emotional
- Significant accident and/or injury
- Hospitalization for any reason
- Terrorist threat or attack
- Local political crisis that could affect the students' safety or well-being
- Arrest or questioning by the police
- Any legal action (lawsuit, deposition, trial, etc.) involving a student

Medical Facilities

[Urgent / primary care](#)

For COVID testing, primary care, and most non-emergency medical treatment needs.

GW Immediate & Primary Care <https://gwdocsipc.com/location/rhode-island-ave>

1101 15th Street, NW

Phone: 202-798-0100

Office hours: Mo-Fri 7am-7pm; Sat 8am-4pm

AllCare Family Medicine <https://allcarefamilymed.com/washington-dc>

1710 Rhode Island Ave., NW

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Phone: 202-787-1979
Office hours: Mo-Fri 8am-8pm; Sa-Sun 9am-2pm

One Medical / Metro Center
1001 G Street, NW, Suite 200 East
Online registration required to make appointment: <https://www.onemedical.com/>
Office hours: Mo, Tu, Th 8am-6pm; Wed 8am-4pm

Farragut Medical and Travel Care <https://www.farragutmedical.com/>
815 Connecticut Ave., NW
Phone: 202-775-8500
Office hours: Mo-Fri 10am-5pm

Minute Clinic (CVS) <https://www.cvs.com/minuteclinic>
655 K Street, NW
Go to web site to make appointment: <https://www.cvs.com/minuteclinic>
Office hours: Mo-Fri 8:30am-2pm, 3-7:30pm

Pharmacies near the Avalon
Walgreens – 801 7th Street, NW; Phone: 202-789-5345
CVS – 400 Massachusetts Ave, NW; 202-289-2236

Hospitals / emergency rooms

For emergencies and urgent medical treatment during off hours (evenings and weekends)

George Washington University Hospital <https://www.gwhospital.com/>
900 23rd Street, NW
Phone: 202-715-4000

Medstar Georgetown University Hospital <https://www.medstargeorgetown.org/>
3800 Reservoir Road, NW
Phone: 202-444-2000

Counseling Facilities

Parkhurst Associates Mental Health Services <http://www.parkhurstassociates.com>
1755 S Street, NW
Phone: 202-234-7738
Email: admin@parkhurstassociates.com
Parkhurst will provide mental health services to JMU Washington Semester participants. The program will cover the costs of up to three appointments; billing will be anonymous to protect patient confidentiality.

Police

Metropolitan Police Department's 1st District in Police Service Area (PSA) 102 The 1st District station is located at 101 M Street, SW, Washington, DC 20024; telephone: (202) 698-0555

Emergency Contact

Dr. David Jones 202-422-6161

Anyone who is a victim of sexual assault, domestic violence, dating violence, or stalking while attending the Semester in Washington is encouraged to seek support and assistance and to report the incident. Available support may include resources available to any JMU student through the Title IX coordinator, Office of Student Accountability and Restorative Justice and the JMU Counseling Center if requested and reasonably available. Those within the campus community who are found to be responsible for sexual violence are subject to University sanctions and may be subject to criminal

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prosecution. Individuals are encouraged to contact DC Metro Police Department, by dialing 9-1-1 or 202-727-9099 to report the incident fully and completely to the DC Metro Police but there are options, including the right to file no report. However, to pursue criminal options, it is important to preserve evidence. Whether or not a victim chooses to report an incident to the police, the victim should report the incident to the FMIR. Personnel will assist the victim in notifying local authorities and receiving the necessary medical treatments and tests, help with obtaining protection orders through the appropriate court, if applicable, and assist in obtaining resources for the victim if the victim so requests. Sexual Harassment and incidents of sexual violence will be investigated by the Title IX coordinator. Incidents will be conducted confidentially consistent with applicable legal requirements and safety considerations.

Resources in DC for sexual violence can be found at DC Rape Crisis Center located at 5321 1st P1 NE, Washington, DC (202) 232-0789. Counseling services are available at Parkhurst Associates.

What is done to prepare for emergencies?

Students are instructed that they are required to inform the FMIR about any medical emergency. The FMIR in turn is required to contact the Head of the Political Science Department. The students are informed that this information will be treated with the strictest confidentiality, and that it will be shared on a "need to know" basis only. If the crisis involving the student is grave enough to jeopardize his or her safety or wellbeing, the emergency contact they have provided at the time of registration will be informed. During the orientation on-site, the students will be provided with:

- The local telephone number(s) the students should use to contact emergency services, such as "911" that we use throughout the United States, which provides access to police, fire and emergency medical services);
- A written list of reputable local medical clinics or hospitals.

How do FMIR's respond to emergencies?

1. In an emergency, the first responsibility for the FMIR is to safeguard the safety and wellbeing of program participants. Whatever is necessary is done to assure this, whether this means obtaining prompt and appropriate medical attention, police intervention or protection.
2. The FMIR will report all perceived emergencies to the Department Head. The conversation between the FMIR and the Department Head will determine whether or not the Executive Assistant to the President should be notified. In the event that the Department Head is not available, the Assistant Department Head will be contacted. If neither department-level colleague is available, the FMIR will contact the Executive Assistant to the President. If that office cannot be reached, then the JMU Chief of Police will be contacted. The FMIR will notify the Metro Police about the situation, if this is appropriate; the FMIR will then follow the procedures the police may require of them or the student.
3. During an ongoing crisis, the FMIR will keep the academic department head informed on a regular basis, through telephone, fax, or E-mail messages, about the evolution of the crisis, until it has passed.
4. In the event of a crisis, it is important that all concerned not overreact or panic. The FMIR will help the students to get through a difficult time. The Dean of Students has experience dealing with crises in the past and will be ready to assist the FMIR during and after any type of event or incident. If the situation suggests that it would prove useful, a recommendation that students obtain counseling services might become part of the response plan.
5. If a JMU student or JMU employee is involved in an incident, the FMIR will NOT speak with the media. Instead, the FMIR will refer any media inquiry to University Communications. Upon receiving a media inquiry regarding an incident, the FMIR will notify the Executive Assistant to the President and the Department Head regarding the media inquiry. The Executive Assistant to the President will liaise with University Communications and other relevant JMU personnel to coordinate a response to the media inquiry. Only upon receiving specific authorization from the university would the FMIR reply to media inquiries.
6. After the academic department head is informed about an emergency, and after university officials consult with the FMIR and other appropriate individuals on site, those officials may, depending on the acuteness of the crisis, fax or e-mail a description of the course of action that the FMIR and the students will need to follow. All program participants will be required to sign a statement acknowledging that they have received, read and understood this response plan; after all of the participants have signed, the FMIR will fax the aforementioned university officials the signed acknowledgments.
7. It is highly unlikely that participants would need to be evacuated from the program site, even post September 11. However, JMU would of course bring interns home if a situation were to deteriorate to the point where the degree of risk to participants was

deemed unacceptable. If this unlikely event were to happen, university officials, in consultation with the FMIR plus the university's Chief of Police at the Harrisonburg campus, will develop an evacuation plan in as much detail as possible. This plan will be transmitted to the FMIR in confidence, and the university's public safety will continue to work closely with the FMIR throughout the process.

8. In the event of a significant crisis, individual interns have the option of returning to Harrisonburg or their home. Every reasonable effort will be made to allow them to continue their academic program on campus, and to be housed appropriately as well. Refund policies are outlined in the faculty handbook for the FMIRs; withdrawals and grades will conform to JMU policies as well.

Observing the procedures outlined here will help our students have the distinctive educational experience afforded by the Washington Semester program.

**SAFETY AT JAMES MADISON UNIVERSITY'S SEMESTER IN LONDON PROGRAM
(Policies and Information Specific to London Program)
Kevin Chamberland**

Police Protection

Safety on the JMU London campus, Madison House, is a high priority. Madison House (located on Bedford Place, Bloomsbury ward, in the borough of Camden) is under the jurisdiction of the Holborn Police Precinct. The Metropolitan Police maintains a facility in Camden which serves as Madison House's local police office. The Holborn precinct headquarters are located at 10 Lambs Conduit Street WC1N 3NR (tel: 020-8733-6520 if in the UK; 011-44-208-733-6520 if calling from the USA).

Both the Holborn and Marylebone communities enjoy a noticeable and reassuring level of police presence. The general area has the reputation of being a relatively safe locale in central London. But, as always one should always be vigilant and take precautions to minimize becoming a victim of a criminal act. All statistics at the close of this document are supplied by the resident manager of Madison House. Madison House and environs have not been made available by the Holborn Precinct Police. But, an excellent source of crime statistics and crime prevention information for the London Borough of Camden is published by the office of the Chief Executive, London Borough of Camden, Camden Town Hall, Judd Street, London WCH1H 9JE. It is entitled Camden's Crime and Disorder Audit. To obtain this document you may also contact the Camden Senior Community Safety Officer 011.44.20.7974.2729 (International) 020.7974.2729 (Local – Camden). They will provide the booklet upon request.

In addition to normal police protection, Madison House and the Semester in London Program have enjoyed and fostered a good working relationship with Police Sergeant Gareth Dowling. Each semester, Dowling gives a lecture on "Safety in London" to the students and faculty during which security issues are discussed. We have relied on his advice and expertise in securing our facility over the years. We feel fortunate that this special relationship continues.

General Security Procedures

Students are made aware from their very first day in London that no one is to be admitted into Madison House unless those persons are personally known to them or have been met by the Resident Manager. Officially, the Resident Manager is asked to be on duty during the normal working hours (8:30 a.m. – 4:30 p.m., weekdays). The resident manager lives two doors away and is on call 24 hours a day seven days a week. The Faculty Member in Residence for each semester lives in northern London, but has office facilities in Madison House. The health and well-being of all students is one of their primary responsibilities. Both attending JMU faculty and all attending students participate in rigorous orientation sessions before their London semester and during the first few days in London, where security issues, UK law, emergency procedures and the rules and regulations set forth here are thoroughly discussed with the Director of the Semester in London Program, Professor Rustin Greene. Much of this information is included in handbooks prepared for the students and the attending faculty. On-site orientation materials, given to students upon their arrival in London, provide further emergency information.

Emergency Telephone Number

At the initial on-site orientation to Madison House, students are informed of the emergency number in the UK (999). The students are provided with mobile phones that receive incoming calls even if they have paid for pay-as-call service. Each student's mobile phone number is distributed to Resident Managers, fellow Semester in London (SIL) students and the program Faculty Member in Residence. As part of their orientation materials, each student is provided a pocket-sized card which includes, amongst other important numbers, the numbers for emergencies. Students also are advised to alert the Madison House Resident Managers of any suspicious persons or activities in and around Madison House.

Emergencies	999(UK)
Information and emergencies	020-7323-5884(Resident Managers) or 07946760467
Madison House from the USA	011-44-207-323-5884 or 44 7946 760 467 (Programme Coordinator Mobile)
Information and concerns-	
JMU Faculty Member in Residence Office	020-8883-3189 or 07980988676
Faculty Member in Residence from the USA	011-44-208-883-3189
Office of International Programs at JMU	540-568-6419

The web address for the Center for Global Engagement - <https://www.jmu.edu/global/>

Security in University Housing

While in Belgium, a JMU faculty member will function as Faculty Member in Residence (FMIR). The FMIR has overall responsibility for the semester, but will not be teaching any courses. The FMIR, in conjunction with the Director of the Semester in Antwerp experience and logistic coordinator plan the semester excursions. Participants will get to know the FMIR very well, as they will be spending much more time with her/him than participants would with a typical professor at JMU in Harrisonburg (state side). The program director and Faculty Member in Residence (FMIR) have always been and continue to be security conscious, and review personal and fire safety procedures with all of the students in the spring and fall semesters. On-going security evaluations are periodically done by the FMIR and Director.

Students are informed, at their first orientation session about safety. They are reminded of their responsibilities in maintaining a safe secure building and premises.

General Advice

Although JMU works hard to ensure the safety of all individuals within its community, students and employees themselves must take responsibility for their own personal safety and that of their personal belongings. Simple, common sense precautions are the most effective means of maintaining personal security.

1. Students should know the phrases that will help one get around. They should ask directions of merchants, waiters, policemen, bus drivers and so on. If someone offers advice, students should thank them but do not accept an offer to be led to their destination.
2. The number one rule is to have confidence! It is recommended that one should act like they belong in London. Students live there for a period of time, so they should not be mistaken for a tourist. It is recommended that students ask questions if they are lost, but not stand on a street corner with their map out and a confused look on their face. Dressing and acting like a native is the watchword. Projecting confidence, being comfortable, keeping one's shoulders back, and dressing up to the occasion or the area will go a long way to helping the student fit right in.
3. It's safer to travel in groups. It is especially important for students to stick together after dark. One always should know their route.
4. Knowing where one is going is recommended. One should not leave things unattended. One should not be obvious with money, cameras, expensive IPODs, etc. One should not use ATMs in lonely and poorly lighted areas after dark. The main places where people can be robbed are in metro or tube stations, crowded streets and open markets. Generally, homeless people and gypsies are harmless, but one should be on guard. Muggings are rare, but again, pick pocketing and purse-lifting have been honed to a fine art and are commonplace. So, one should keep track of purses and wallets. One should never leave them on a café table or bench, and hang on to them securely while on public transport.
5. When traveling it is recommended that one:
 - a. Not go into a train compartment alone.
 - b. Sleep in public only with money, passport, etc. in inside pockets.
 - c. Use locks on suitcases, purses whenever possible.
 - d. Protect valuables in the hostel/hotel safes.
6. Safe places to meet friends are restaurants, pubs and other public places (during peak hours).
7. One should never appear drunk in public. Pickpockets and pick-up artists will take an intoxicated person as easy prey. Most natives regard drunkenness as self-inflicted and are therefore likely to be unsympathetic with someone who has made oneself vulnerable. One should always stay sharp.
8. One should be extra careful about giving out personal details such as a mobile number, Facebook ID, London address or personal email address. There have been instances where students received unwanted messages from people that they met briefly at a club. When making new friends in London, plan to meet them in person during the day, in a safe place, along with other students from our program, waiting until a friendship and trust is established before revealing alternate ways to contact you.

9. Finally, one should not carry their passport unless needed. In the London handbook information pertaining to health, safety and security issues can be found at: <http://search.camden.gov.uk/search?q=Health%2C+...>. For further information related to safety and security in the borough of Camden, go to the Camden main page at www.camden.gov.uk.

Emergency Notification

James Madison University's London program is committed to the immediate notification of the London campus community, without delay, upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or staff occurring on campus, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The Program Director and Resident Manager enjoy autonomous authority on activation upon confirmation, message content and messaging and takes into account the safety of the community while determining the content of the notification before initiating the notification system. Concurrently or contemporaneously, the official initiating the Emergency Notification will inform the Directors of JMU's Offices of Residence Life and International Education of the emergency at hand and the justification for the dissemination of the related notification. The London program officials regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities. Systematic tests of the Emergency Notification will be conducted annually.

The means and methods of Emergency Notification includes the following components which may be activated independently or in-conjunction with each other based on the circumstances to notify the university community of the existence of an emergency, and updated information and as necessary throughout the duration of any incident. Anyone with information warranting a timely warning should report the circumstances to the Madison House staff, by phone (020-7323-5884 - Resident Manager) or in person.

The Resident Manager at Madison House has three methods of notifying the students within the hall; posting fliers, email, and word of mouth. The Madison House Resident Manager lives on premises. Therefore, the manager has easy access to knock on each door and notify students of any immediate issue.

All members of the JMU community are instructed to notify the Program Director or Resident Manager of any situation or incident on or near campus that involves a significant emergency or dangerous situation that may pose an immediate or on-going threat to the health and safety of students, staff and visitors to the campus.

Timely Warning

In compliance with the "Timely Notice" provisions of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, the James Madison University is required to give a timely notice for Clery Act crime that occurs on Clery geography. Timely warning notifications are sent to notify the campus community in the event that a situation arises on the Clery geography which encompasses the JMU campus, noncampus property (property owned or controlled by the University or a recognized student organization not on the main campus), and public property (property within or immediately adjacent to campus). In regards to the Semester in London, for Clery Act crime that, in the judgment of FMIR's or designee, after reviewing the facts and circumstances of the incident, constitutes an ongoing or continuing threat to the campus community necessitates a timely warning. Timely warnings are primarily triggered by Clery Act crimes (criminal homicide, sex offenses, robbery involving force or violence, aggravated assault, and major cases of arson). Timely notices may also be posted for other crime classifications, as deemed necessary. Timely Warnings are evaluated on a case by case basis depending on the facts of the case and the information known.

Alcohol and Drug Policies -Alcohol

JMU students traveling abroad may be studying in countries where the legal age for alcohol consumption is different than in the United States. Thus, while overseas, it is the responsibility of the student to know the relevant country and local laws concerning the possession, use, and abuse of alcohol. If students who are of legal age choose to consume alcohol while abroad, they are expected to drink and behave responsibly. The illegal or excessive consumption of alcohol or misconduct due to alcohol consumption will not be tolerated and will result in disciplinary action, including dismissal from the program and follow-up through the JMU Accountability system. If any student is observed in an intoxicated state and if that student's actions are deemed abusive by the Program Director or other program representatives in authority, the student is subject to disciplinary actions which may include suspension from the program and return to the U.S. As with all honor or accountability cases, the student has the right of appeal. The Executive Director for International Programs will serve as the appellate officer in all such cases.

Alcohol and Drug Policies -Drugs

Illegal drug use in any form is not tolerated. JMU students traveling abroad may be studying in countries where drugs that may be legally possessed and used in the United States are prohibited by law. Thus, while overseas, it is the responsibility of the student to know the relevant country and local laws concerning the possession and use of drugs. Most foreign criminal systems are considerably less accommodating than those within the

United States; student possession or use of illegal drugs may be punishable by fine, imprisonment, and/or deportation. Study abroad participants found using or possessing illegal drugs in any form are subject to immediate dismissal from the program and/or follow-up through the JMU Accountability system. If any student is observed in an intoxicated state and if that student's actions are deemed abusive by the Program Director or other program representatives in authority, the student is subject to disciplinary actions which may include suspension from the program and return to the U.S. As with all honor or accountability cases, the student has the right of appeal. The Executive Director for International Programs will serve as the appellate officer in all such cases.

Medical Emergencies

Madison House is located about a 20-minute walk or a 10-minute cab ride from the Accidents and Emergencies Department (emergency room) of the University College Hospital. If a student requires assistance, they are accompanied to the hospital by the Resident Manager whenever possible. In addition to the close proximity of the Accidents and Emergencies Department, students have access to the team of General Practitioners at local Medicentres 80 Cheapside, + 44 (0) 20 7510 0310 and Paddington Station, +44 (0) 20 7510 0312) or the Museum Practice at 58 Great Russell Street, London, WC1B 3BA +44 (0) 20 7405 2739. JMU London students can maintain contact with the home campus of JMU while away through phone, fax, internet and e-mail, and have at their disposal the normal services on campus, including the JMU counseling center and the Sexual Assault Advocate. Additionally, the Resident Manager and attending faculty of the London Program have ready access to similar counseling services in London. All Semester-in-London students have hospitalization and medical insurance through a U.S. policy that JMU's Office of International Programs (OIP) provides. Students are advised to have access to enough money, through a credit card for example, to be able to pay for any medical services they might need.

Missing Student

Each student living in Madison House will be given the option in advance to identify a contact person(s) whom the Resident Manager and/or Program Director shall notify if the student is determined missing by the Holborn Precinct Police.

Such resident students shall be advised that contact information will be considered to be confidential, accessible only to authorized campus officials and law enforcement and will not be disclosed outside of a missing person investigation. Likewise, students under 18 years of age and not emancipated, James Madison University officials must notify a custodial parent or guardian when the student is determined to be missing, in addition to any additional contact person designated by the student.

It is suggested that reports should be made directly to the Madison House Resident Manager and/or the London Semester Program Director that a student has been missing for 24 hours; the official to whom the report was made, shall make a direct report immediately to the Precinct Police.

If a member of the Madison House Community has reason to believe that a Semester in London student is missing for 24 hours, all possible efforts are made to locate the student to determine his or her state of health and well-being through the collaboration of the Holborn Precinct Police and the Office of International Programs. The Holborn Precinct Police will be given immediate authorization from the London Semester officials to make a welfare entry into that student's room. If, by chance a student participant resides off site in a flat or other location, the aid of the appropriate Precinct Police or neighboring police agency having jurisdiction will be elicited. Concurrently university officials will endeavor to determine the student's whereabouts through contact with friends and associates of the student. Whether or not the student has been attending classes, labs, recitals, and scheduled organizational or academic meetings; or appearing for scheduled work shifts, will be established.

If located, verification of the student's state of health and intention of returning to Madison House is made. When and where appropriate, if the need is determined, a referral will be made to professional counselor(s) and/or medical practitioners. If warranted a referral will be made to the JMU Counseling Center and/or the University Health Center on the main Harrisonburg campus.

If not located, notification of a custodial parent or guardian or failing that any other available family member within 24 hours of receiving the initial report is made to determine if they know of the whereabouts of the student. The London Semester officials will cooperate, aid, and assist investigative agency in all ways prescribed by prevailing law. The Madison House officials will remain at the disposal and cooperate thoroughly with the official investigation by the primary investigative unit.

All pertinent law enforcement agencies, be they neighboring precinct, borough, or municipal; those located along suspected travel corridors; or place of original domicile wherever it might be, will be notified and requested to render assistance, through direct telephone contact or visit, electronic data (teletype) message, and/or radio transmission with a comprehensive BOL message based on the totality of up-to-date information.

Upon closure of the missing person investigation, all parties previously contacted will be advised of the status of the case.

To reiterate, when a student who resides in Madison House is determined to have been missing for 24 hours, the University through its London Semester Program officials are legally obligated, if the student has designated a contact person, to notify that contact person within 24 hours; if the student is under 18 years of age and is not emancipated, the aforementioned officials must notify the student's custodial parent or guardian and any other designated contact person within 24 hours; and within 24 hours inform, the Precinct Police that the student is missing.

Sex Offender Registry and Access to Related Information

The United Kingdom has a sex offender registry but an individual's past criminal history is not made available to the public in the United Kingdom.

Sexual Violence

Anyone who is a victim of sexual assault, domestic violence, dating violence, or stalking while attending the Semester in London is encouraged to seek support and assistance and to report the incident. Resources and support are available to any JMU student through the Title IX coordinator, Office of Student Accountability and Restorative Practice and the JMU Counseling Center. Individuals are encouraged to contact police but have the right not to file a report. However, to pursue criminal options, it is important to preserve evidence. Whether or not a victim chooses to report an incident to the police, the victim should report the incident to the FMIR. Personnel will assist the victim in notifying local authorities, help with obtaining protection orders through the appropriate court, if applicable, and assist in obtaining resources for the victim if the victim so requests. Sexual Harassment and incidents of sexual violence will be investigated by the Title IX coordinator. Incidents will be conducted confidentially consistent with applicable legal requirements and safety considerations.

Definitions :

Rape is a statutory offence in England and Wales. According to the law, rape occurs when one person penetrates another with their penis without the consent of the person being penetrated. If a victim is forcefully penetrated with an object, this is classed as "Assault by Penetration" (section 2).

Statutory Rape is a statutory offence in England and Wales. According to the law, rape occurs when one person penetrates another with their penis without the consent of the person being penetrated. If a victim is forcefully penetrated with an object, this is classed as "Assault by Penetration" (section 2).

Fondling: to touch gently and in a loving way, or to touch in a sexual way

Domestic violence: any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to: psychological, physical, sexual, financial and/or emotional.

Dating violence: falls under domestic violence.

Stalking: There is no strict legal definition of 'stalking', section 2A (3) of the PHA 1997 sets out examples of acts or omissions which, in particular circumstances, are ones associated with stalking. For example, following a person, watching or spying on them or forcing contact with the victim through any means, including social media.

Harassment: In this legal guidance, the term harassment is used to cover the 'causing alarm or distress' offences under section 2 of the Protection from Harassment Act 1997 as amended (PHA), and 'putting people in fear of violence' offences under section 4 of the PHA. The term can also include harassment by two or more defendants against an individual or harassment against more than one victim.

If a sexual offense should occur, the victim should take the following actions:

- Go to a safe place. Call the local police and notify the London Semester staff no matter where the event occurred. The London Semester staff will then contact appropriate counseling professionals and medical practitioners.
- Contact a friend or family member.
- Do not bathe or douche.

- Do not urinate, if possible.
- Do not eat, drink liquids, smoke or brush teeth if oral contact took place.
- Keep the clothes worn during the offense. If clothes are changed, place clothes in a paper bag (evidence deteriorates in plastic).
- Get prompt medical attention.
- Do not destroy the physical evidence that may be found in the vicinity of the crime. If the crime occurred in the victim's home, the victim should not clean or straighten until the police have had an opportunity to collect evidence.
- Tell someone all details remembered about the assault.
- Write down all details remembered as soon as possible.
- Visitors, faculty and students living in London at Madison House and other university managed facilities are informed that they may report any incident to the staff of our local clinic and/or hospital, where provision is made to refer them to appropriate counseling and legal authorities.

Resources For Support and Assistance

Bank Medicentre (80 Cheapside)	020 7510 0310
University College Hospital (London)	08451555000
JMU Counseling Center (JMU main campus)	
JMU Health Center (JMU main campus)	540-568-6178
JMU Victim Advocacy Services	540-568-6251
JMU Office of Student Accountability and Restorative Practice (JMU main campus)	540-568-6218

Safety Programs

Full Madison House Orientation	Jan 2020	Topics include: fire safety, personal safety, rules of Madison House, alcohol and drug policies, and Madison House security.
Safety in London Talk – Sargent Gareth Dowling	Jan 2020	Safety tips while staying in London and at Madison House
Full Madison House Orientation	May 2020	Topics include: fire safety, personal safety, rules of Madison House, alcohol and drug policies, and Madison House security.
Safety in London Talk – Sargent Gareth Dowling	May 2020	Safety tips while staying in London and at Madison House

Preparation for and Response to Crisis Related to Short-Term International Programs

With the responsibility of leading a JMU study abroad program, Program Directors are aware that it is possible that an emergency may occur involving one or more of the students in the group. Students can and do become ill, suffer accidents, are the victims of muggings and assaults find themselves caught up in potentially violent political situations, or fail to return on time to programs at the end of long weekends. While it is of course impossible to plan for all contingencies involving our students abroad, Program Directors are trained to follow sound recommended practices when emergencies do arise. They work individually and together to provide for the safety and well-being of our students.

JMU has therefore developed a series of specific procedures designed to safeguard the welfare of program participants. The Office of International Programs (OIP) takes responsibility for coordinating the University's management of emergencies affecting participants in JMU study abroad programs. The students are informed about these procedures during their on-site orientations.

What is an emergency?

An emergency is any circumstance that poses a genuine risk to, or that has already disturbed, the safety and well-being of program participants. Emergencies will include, though not be confined to, the following types of events and incidents:

- Physical assault
- Disappearance or kidnapping of a student
- Robbery
- Sexual assault or rape
- Serious physical or emotional illness
- Significant accident and/or injury
- Hospitalization for any reason
- Terrorist threat or attack
- Local political crisis that could affect the students' safety or well-being
- Arrest or questioning by the police or other security forces
- Any legal action (lawsuit, deposition, trial, etc.) involving a student

What is done to prepare for emergencies?

Students are instructed that they are required to inform Program Directors about any medical emergency. Program Directors in turn are required to contact the OIP as soon as possible in order to inform the OIP Executive Director or Administrative Coordinator about the emergency. The students are informed that this information will be treated with the strictest confidentiality, and that it will be shared on a "need to know" basis only. If the crisis involving the student is grave enough to jeopardize his or her safety or well-being, the emergency contact they have provided at the time of registration will be informed. The Executive Director is Dr. Lee G. Sternberger, JMU Office of International Programs, Office: 540-568-6419 & 540-568-7002. The Administrative Coordinator is Ms. Jackie Ciccone, Office 540-568-7004.

1. During the orientation on-site, the students will be provided with
 - a. the local telephone number(s) the students should use to contact emergency services (i.e. the equivalent of the "911" that we use in the U.S., which provides access to police, fire and emergency medical services);
 - b. a written list of reputable local medical clinics or hospitals.
2. During the on-site orientation by the Program Directors, students will be informed of the exact location of the U.S. Embassy. Semester In London students are registered at the US Embassy by OIP staff in Harrisonburg. The students will be strongly encouraged to stop in at the Embassy or Consulate before and during their travels away from your site in order to get updated information about each country they plan to visit. The students will be advised to avoid travel to or through any location where tensions exist and travel may be dangerous. Experience has shown that students may benefit from a security briefing offered at U.S. Embassies abroad; such briefings will assist in reinforcing the message to the students that travel to dangerous areas should be avoided.

How Program Directors respond to emergencies

1. In an emergency, the first responsibility for a Program Director is to safeguard the safety and well-being of program participants. Whatever is necessary is done to assure this, whether this means obtaining prompt and appropriate medical attention, Embassy intervention or police protection.
2. When all that can be reasonably done to assure the student's welfare, the Program Director will immediately contact the OIP and brief the Executive Director, Administrative Coordinator or his/her representative, in a detailed way, about the situation. Every effort will be made to reach the Executive Director or Administrative Coordinator by telephone,

rather than e-mail or fax for the opportunity to fully discuss the situation.

3. The Program Director will notify the local U.S. Embassy or Consulate about the crisis, and follow whatever procedures they may require; if there is a continuing risk to the welfare of the students (during a terrorist threat, for example), the Program Director will ask the appropriate Embassy or Consulate Officer to provide advisory information on a regular basis about the evolution of the crisis and about how the students should respond. In any other sort of emergency, the Program Director will notify the local police about the situation - if the Program Director and the Embassy believe this is appropriate - the Program Director will then follow the procedures the police may require of them or the student.
4. During an ongoing crisis, the Program Director will keep the OIP informed on a regular basis, through telephone, fax, or E-mail messages, about the evolution of the crisis until it has passed.
5. In the event of a crisis, it is important that all concerned not overreact or panic. The Program Director will help the students to get through a difficult time. The OIP staff members have experience dealing with crises in the past and are ready to assist the Program Directors during and after any type of event or incident.
6. After the OIP is informed about an emergency, and after OIP personnel consult with the Program Director and other appropriate individuals on site, the OIP may, depending on the acuteness of the crisis, fax a description of the course of action that the Program Director and the students will need to follow. All program participants will be required to sign a statement acknowledging that they have received, read and understood this response plan; after all of the participants have signed, the Program Directors will fax the OIP the signed acknowledgments.
7. During a political crisis or some other emergency during which foreigners in general or U.S. citizens in general may be at risk, the Program Directors will request that the students keep a low profile. The students will be told to avoid demonstrations, confrontations or situations where they could be in danger; to avoid behavior that could call attention to themselves; to avoid locales where foreigners or Americans are known to congregate; and to take down signs, avoid using luggage tags and wearing clothes that would label them as Americans.
8. It is highly unlikely that participants would need to be evacuated from a site abroad; of the hundreds of U.S. institutions operating programs abroad when the Gulf War and Iraq Wars broke out, only a handful concluded that events indicated that they should bring their students home. However, JMU would of course bring faculty members and students home if a situation were to deteriorate to the point where the degree of risk to participants was deemed unacceptable. If this unlikely event were to happen, the Executive Director, in consultation with the Program Director(s), the U.S. Embassy and State Department, plus appropriate individuals on the home campus, will develop an evacuation plan in as much detail as possible. This plan will be transmitted to the Program Director(s) in confidence, and the Office of International Programs will continue to work closely with the Program Director(s) throughout the process.
9. In the event of a significant crisis, individual students have the option of returning to the U.S. Every reasonable effort will be made to allow them to continue their academic program on campus, and to be housed appropriately as well. Refund policies are outlined in the faculty handbook for the Program Directors; withdrawals and grades will conform to JMU policies as well.

2021 James Madison University Annual Security and Fire Safety Report

2020 Crime Statistics for JAMES MADISON UNIVERSITY'S SEMESTER IN LONDON PROGRAM							
OFFENSE	Year	ON CAMPUS	RESIDENTIAL FACILITIES (Subset of <i>On Campus</i>)	PUBLIC AREAS	Noncampus	TOTAL	
MURDER, NON-NEGLIGENT MANSLAUGHTER	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
MANSLAUGHTER by NEGLIGENCE	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
SEX OFFENSES	Forcible Rape	2020	0	0	0	0	
		2019	0	0	0	0	
		2018	0	0	0	0	
	Fondling	2020	0	0	0	0	0
		2019	0	0	0	0	0
		2018	0	0	0	0	0
SEX OFFENSES	Incest	2020	0	0	0	0	
		2019	0	0	0	0	
		2018	0	0	0	0	
	Statutory Rape	2020	0	0	0	0	0
		2019	0	0	0	0	0
		2018	0	0	0	0	0
ROBBERY	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
AGGRAVATED ASSAULT	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
BURGLARY	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
MOTOR VEHICLE THEFT****	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
ARSON	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
Domestic Violence*	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
Dating Violence*	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
Stalking*	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
LIQUOR LAW VIOLATIONS	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
LIQUOR LAW VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
DRUG ABUSE VIOLATIONS	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
DRUG ABUSE VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
WEAPONS LAW VIOLATIONS	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
WEAPONS LAW VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	

* Crimes not reported by hierarchy.

Hate Crimes

Involving crimes or incidents of homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, vandalism, and intimidation against persons characterized as and motivated by the actual or perceived bias, against race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, and/or disability.

Geographical Areas: On Campus, Residential Facilities, Non-Campus and Public Property

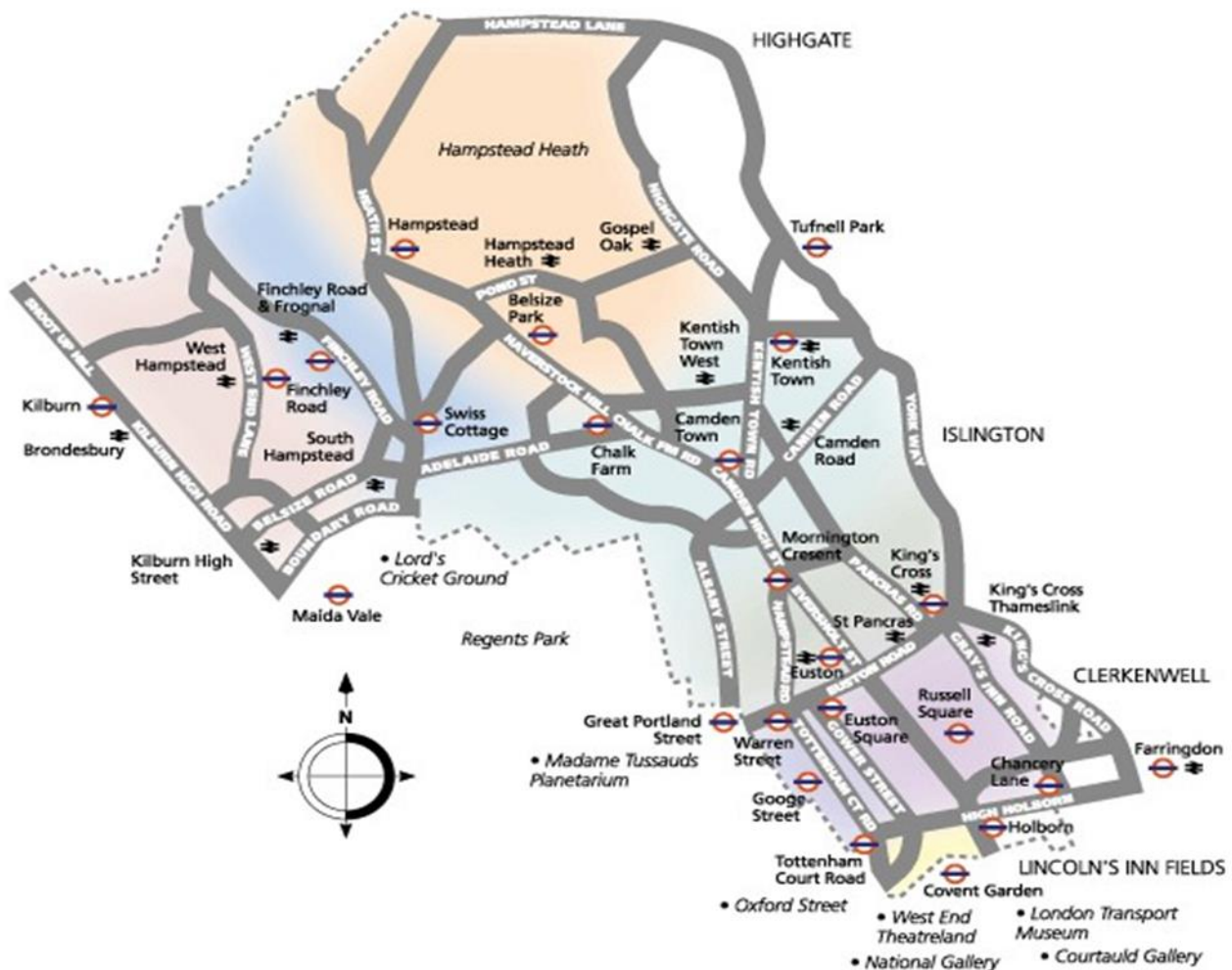
2020 – There were no reported bias motivated incidents.

2019 – There were no reported bias motivated incidents.

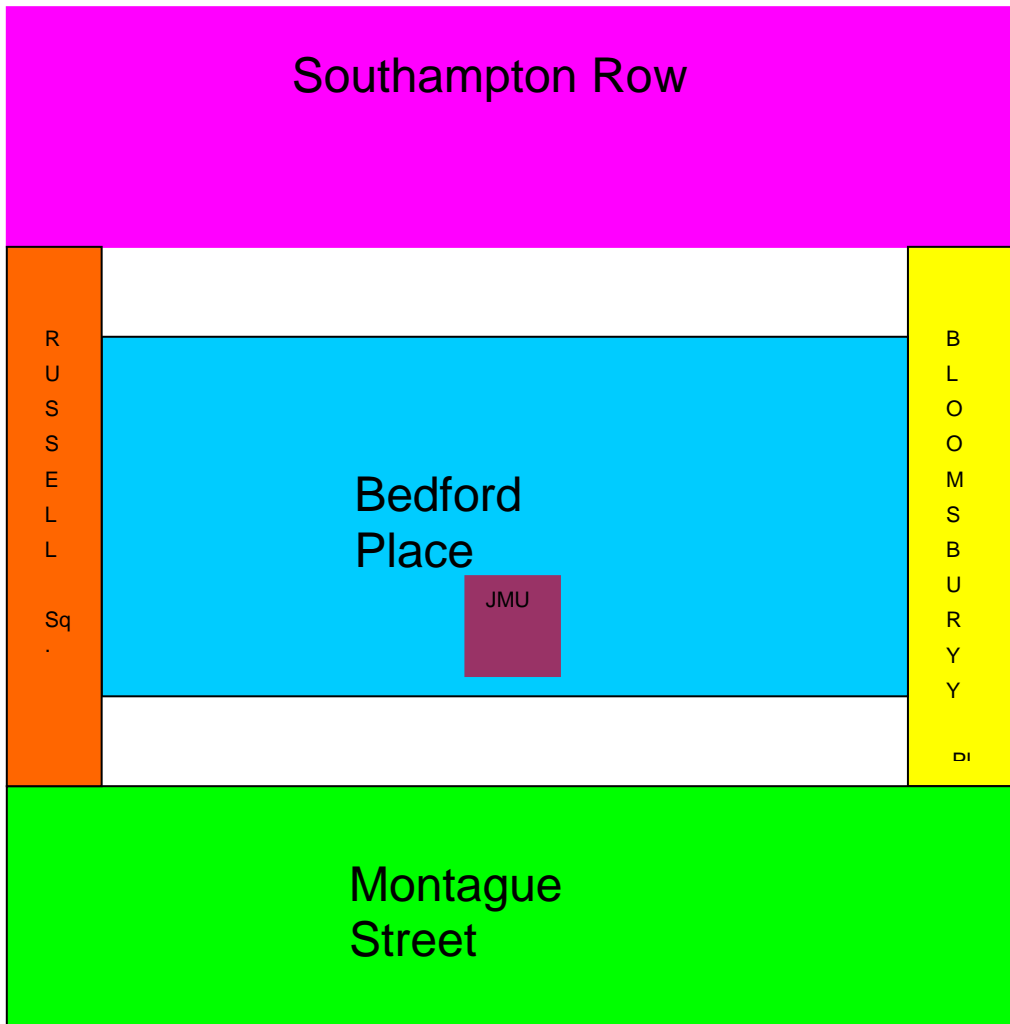
2018 – There were no reported bias motivated incidents.

There were 0 unfounded crimes in 2018, 2019 and 2020

An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situations where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded”. Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with prosecution, and the failure to make an arrest do not “unfound” a crime report. This requirement began with 2014 statistics



This map represents the public areas included in the crime statistics. They include but are not limited to the immediate area surrounding Madison House. The London Police were unable to limit the results of the survey to just the block bordering Madison House.



Fire Safety

Madison House is the residential and operating premises of the JMU Semester in London program. Madison House is a nonsmoking facility consisting of five floors. There is a fire alarm detection system on each floor and inside each of the five apartments. This is tested quarterly by the landlord, Acorn of London Ltd. There is also an Acorn of London Ltd. Security Guard at Building 19 (five doors up from Madison House) on Bedford Place who patrols through the building several times between the hours of 5 pm and 8 am.

Reporting a Fire

Fires should be reported to the Fire Service at 999, to the Staff or Security Guard at No. 19 Bedford Place and also to the Resident Manager.

Evacuation

If the fire alarm system activates, the following procedures should be followed:

1. When the building evacuation alarm (fire alarm) is activated during an emergency, leave by the nearest marked exit and alert others to do the same.
2. Feel doors for heat – don't open doors that are warm to touch. If you cannot exit due to fire and/or smoke place items around door openings to prevent smoke from entering the area and call the resident manager and give your exact location.
3. Assist the handicapped in the building.
4. If you must exit through smoke stay low and crawl – the air at floor level is less hot and cleaner.
5. All occupants should know where primary and alternative exits are located, and be familiar with the various evacuation routes available.
6. Exit the building and proceed to designated meeting sites. Once outside, proceed to a clear area that is at least 500 feet away from the affected building. Keep streets, fire lanes, hydrant areas and walkways clear for emergency vehicles and personnel. Know your area assembly points. Stay there until an accurate head count attendance is taken and assist in the accounting for all building occupants.

Fire Related Policies

Madison House is a nonsmoking facility. Open flames and candles are prohibited. Electrical appliances from the United States need to be checked by the resident manager before use. Hair dryers are supplied to each bedroom.

JMU SEMESTER IN LONDON SEMESTER PROGRAM-On-Campus University Sponsored Housing

RESIDENCE HALL	FIRE ALARM PANEL TYPE	SPRINKLER SYSTEM	SPRINKLER SYSTEM COVERAGE	FIRE EXTINGUISHERS	FIRE DRILLS 2020
Madison House	Yes	None	None	Y	2
The landlord, Acorn of London Ltd, manages fire drills and has one a semester. In addition, Acorn tests the fire alarms every Tuesday.					

JMU SEMESTER IN LONDON SEMESTER PROGRAM-On-Campus University Sponsored Housing Fire Log

On Campus Residence Halls	Year	Number of Fires	Date/Time of Fire	Cause of Fire	Number of Deaths	Number of Injuries	Value of Property Damaged
Madison House	2020	0	NA	NA	0	0	NA
	2019	0	NA	NA	0	0	NA
	2018	0	NA	NA	0	0	NA

SAFETY AT JAMES MADISON UNIVERSITY'S SEMESTER IN ANTWERP PROGRAM
(Policies and Information Specific to Antwerp Program)
Program Coordinator: Laura Scobey

Police Protection

Safety on the JMU Antwerp campus, Montpellier Hall, is a high priority. The Montpellier Hall is under the jurisdiction of the Antwerp Police Department. The police station is a 20-minute walk <http://goo.gl/maps/n5NM3> from the Montpellier Hall as well as the nearby East entrance to the campus. The address of this police station is:

Politie West Zone
Oudaan 5
B-2000 AntwerpenBelgie
Telephone (from Belgium) 03 338 55 11
<https://www.politieantwerpen.be/>
Local Cop: Emmanuel Jacobs (from Belgium) 03 338 56 80

The emergency police telephone number in Belgium is 101 (fire is 100). The United States 9-1-1 equivalent in Europe is 1-1-2. The non-emergency number for the Politie West Zone, if calling from Belgium, is 03 338 55 11; it is 011 32 3 338 55 11 if calling from the USA.

The B-2000 community enjoys a noticeable and reassuring level of police presence. The general area has the reputation of being a relatively safe locale in this University of Antwerp section of the city of Antwerp. But, as always one should always be vigilant and take precautions to minimize becoming a victim of a criminal act.

As far as an official security presence at the University of Antwerp, there are no campus police or security departments similar to campus communities in the United States. Rather than law enforcers or first responders to emergencies familiar to Americans the members of the University of Antwerp security force are more a combination of receptionists and persons who lock and unlock doors, check the assigned building after hours, and generally serve as building monitors. If they become aware of a problem requiring police powers (law enforcement, crime reporting, emergency response), they call the local "stad" (city) police force.

The person responsible for security at the University is Mr. Jan Claessens. He can be reached by calling 03/220 4427 in Antwerp or 011-32-3/220 4427 from the United States. He does not speak English.

General Security Procedures

Students are made aware from their very first day in Antwerp that no one is to be admitted into Montpellier Hall. Officially, the Program Coordinator is asked to be on duty during the normal working hours (10:00 a.m. – 6:00 p.m., weekdays). The Coordinator lives in an apartment directly across the street from Montpellier Hall and is easily accessible to students in case of emergency outside of normal working hours. The FMIR for each semester also lives in the B-2000 sector about a 10-minute walk from Montpellier Hall. The health and well-being of all students is one of their primary responsibilities. Both attending JMU faculty and all attending students participate in rigorous orientation sessions before their Antwerp semester and during the first few days in Antwerp where security issues, Belgian law, emergency procedures and the rules and regulations set forth here are thoroughly discussed with the Director of the Semester in Antwerp Program. Much of this information is included in handbooks prepared for the students and the attending faculty. On-site orientation materials, given to students upon their arrival in Antwerp, provide further emergency information

Additional security measures were installed in March of 2020, two security cameras to monitor student behavior within the building as well as a new key fob system for students. One camera faces the front gate and the other covers the courtyard of the building. Both the cameras and the key fobs are managed through security software. Every semester the fobs for the incoming group so the names are kept current. If a fob is lost, I can easily cancel access for the individual fob so it no longer works in the building and assign a new fob to the student(s).

Emergency Telephone Number

At the initial on-site orientation to Montpellier Hall, students are informed of the emergency number in the Antwerp (101). The students are provided with SIM cards for a local Belgian mobile number. They are responsible for bringing a compatible cell phone or purchasing one in Antwerp.. As part of their orientation materials, each student is provided a pocket-sized card which includes, amongst other important numbers, the numbers for emergencies. Students also are advised to alert the Montpellier Hall Program Coordinator of any suspicious persons or activities in and around Montpellier Hall. Ms. Laura Scobey is the Program Coordinator. Her email address is

scobeyle@jmu.edu. The Program Coordinator assists Antwerp Program students with anything they might need concerning the building, certain student issues, and anything else that might involve the program.

Important Numbers

FMIR Mobile: 0499 187 270
 FMIR Assistant Mobile 0485 66 54 71
 Program Coordinator Mobile 0491 31 45 47
 Evie Gryson 0474 06 42 10
 Antwerp Taxi 03 238 3838
 Star Taxi 03 216 1616

Additional Emergency Numbers

Emergencies – Police	101 (Antwerp)
Emergencies – Fire	100 (Antwerp)
Campus Security – University of Antwerp	03/220 4427 (Antwerp) 011-32-3/220 4427 (From US)
Anti Poison Center	070/245 245 (Antwerp)
Burn Center	03/217 7595 (Antwerp)
Card Stop for lost/stolen debit/credit cards	070/344 344 (Antwerp)
US Embassy in Brussels, 27, Boulevard du Regent Hours 9a.m. to 6p.m. Monday through Friday	Voice Phone: 02/508 2111 Fax: 02/511 2725
Center for Global Engagement at JMU	00-1-540-568-1697
Program Director at JMU (Dean Molly Brown)	00-1-540-568-3020
Telephone Country Codes	Belgium 32 Denmark 45 France 33 Germany 49 Italy 39 Netherlands 31 Norway 47 United Kingdom 44 United States 1
Emergency, anywhere in the EU	112

The web address for the Center for Global Engagement : <http://www.jmu.edu/international/>

Security in University Housing

All Semester in Antwerp students reside in Montpellier Hall. Overseeing the security of Montpellier Hall is the Program Coordinator (PC). PC’s reside in a separate flat, located at Rodestraat 1 Box 2, B-2000 Antwerp, Belgium. The Program Coordinator maintains an office in Montpellier Hall. The Faculty Member in Residence (FMIR) also maintains an office in Montpellier Hall. FMIRs reside at the JMU faculty flat, located at MEIR 107 Apartment 4.1, B-2000 Antwerpen, Belgium.

There are 9 two-person apartments, 2 three-person apartments, 2 four-person apartments and 1 five-person apartments in Montpellier Hall. Each apartment has its own kitchen and bathroom facility. Each room contains a small refrigerator with freezer compartment, an armoire, a desk, chair, bed, mattress, sheets, towels, pillows, and other amenities. There are no telephones in the apartments, but each student will receive a SIM card with a local Belgian number upon arrival. Participants are expected to abide by all apartment policies, and

obey directives from the Program Coordinator (PC). Program participants are issued two keys: a plastic access key FOB to open the front entrance gate to Montpelier Hall as well as the Common Room and a key to their room. Students are expected to keep their keys in a secure place and not lose them. If they do lose their keys, they will be charged €75 for a replacement set. The Program Coordinator will have to go to the key smith to have new keys made and that may take a few days. If more than two or three sets of keys are lost, the Program Coordinator will have to request new locks and keys from the landlord so the room will be re-keyed entailing much expense.

If one locks him/herself out, the Program Coordinator (PC), if available, will let residents into the building. There is a €50 fine for all requests to enter the building between 10:00 p.m. and 8:00 a.m. No visitors are allowed into Montpelier Hall. If a participant is found with a visitor, he/she will be fined €150 and will be subject to immediate dismissal from the program. If a participant has visiting family member(s) and would like to take them to their apartment, they are to contact the Program Coordinator and arrange for the Program Coordinator to give the family member(s) a tour of the building.

Montpelier Hall has an official JMU policy that if a student violates the rules outlined in the orientation review, her or his conduct will be reviewed by the Program Coordinator, FMIR, and Director and disciplinary action will be taken, including removal from the program. Examples of misconduct include violating the visitor policy, abusing alcohol in the building, coming into the building drunk if your drunken behavior impacts other students and guests in the building, damage to property, threatening or striking a staff member or another student, and violating the rules of the house. JMU's Semester in Antwerp coursework is held in classrooms rented from the University of Antwerp, Prinsstraat 13, B-2000, Antwerp, Belgium. The University of Antwerp is about a two-minute walk from Montpelier Hall. The inner city of Antwerp has approximately half a million inhabitants. About a million people live in greater Antwerp. The province of Antwerp is part of Flanders, and the official language of Flanders is Dutch. Since residents of Flanders speak Dutch with a different accent than residents of the Netherlands, they call their dialect of the Dutch language "Flemish." The Flemish and the Dutch have no trouble understanding each other. Most people also speak English and French. If participants do not speak Dutch, it is highly recommended that they speak English, even if they also know how to speak French.

General Advice

Although JMU works hard to ensure the safety of all individuals within its community, students and employees themselves must take responsibility for their own personal safety and that of their personal belongings. Simple, common sense precautions are the most effective means of maintaining personal security.

- The number one rule is to have confidence! It is recommended that one should act like they belong in Belgium. Students live there for a period of time, so they should not be mistaken for a tourist. It is recommended that students ask questions if they are lost, but not stand on a street corner with their map out and a confused look on their face. Dressing and acting like a native is the watchword. Projecting confidence, being comfortable, keeping one's shoulders back, and dressing up to the occasion or the area will go a long way to helping the student fit in.
- Students should know the phrases that will help one get around. They should ask directions of merchants, waiters, policemen, bus drivers and so on. If someone offers advice, students should thank them, but do not accept an offer to be led to their destination.
- It's safer to travel in groups. It is especially important for students to stick together after dark. However, in Antwerp it is okay to travel alone during the day, if one knows the area. One always should know their route.
- Knowing where one is going is recommended. One should not leave things unattended. One should not be obvious with money, cameras, expensive phones or electronics, etc. One should not use ATMs in lonely and poorly lighted areas after dark. The main places where people can be robbed are in metro or tube stations, crowded streets and open markets. Generally, bums and gypsies are harmless, but one should be on guard. Muggings and violent crimes are very, very rare, but again, pick pocketing and purse-snatching have been honed to a fine art and are commonplace since time immemorial. So, one should keep track of purses and wallets. One should never leave them on a café table or bench, and hang on to them securely while on public transport. A pouch worn beneath a blouse or shirt is recommended. It should be used for extra money, traveler's checks, passport, and Visa card. When traveling, one should wear this at night.
- When traveling it is recommended that one:
 - Not go into a train compartment alone.
 - Sleep in public only with money, passport, etc. in inside pockets.
 - Use locks on suitcases, purses whenever possible.
 - Protect valuables in the hostel/hotel safes.
- Safe places to meet friends are restaurants, pubs and other public places (during peak hours).
- Keep your dorm room locked when you are not in it, even when you shower or use the bathroom.

- One should never appear drunk in public. Pickpockets and pick-up artists will take an intoxicated person as easy prey. Most natives regard drunkenness as deliberate stupidity and are therefore likely to be unsympathetic with someone who has made oneself vulnerable and dull-witted. One should always stay sharp.
- Carry a card in your purse, wallet, or backpack that says, "In case of problems, please call FMIR phone number." If you have a chronic medical condition (e.g., type I diabetes), list this information on the card, too. Always carry the card issued to you that contains the emergency phone numbers.
- Make copies of all of your credit cards, passport, and other ID's, and leave one at home for your parents and bring a set with you. When a recent participant lost her VISA, it was easy to get a new one because she had all pertinent information on hand.
- Clothing - Belgians and Europeans dress differently than Americans do. It is relatively easy to spot Americans in Europe, because they wear shorts, sandals, baseball caps, and shirts or sweatshirts with university logos on them. Participants will notice that Belgian fashion is quite different. Europeans do not wear shorts and sandals; participants may want to follow their lead. Belgians wear closed-toed shoes except perhaps in August. It is cold in Belgium, so this helps to keep feet warm. In general, Belgians will dress much better than the average American. So if participants want to blend in, it is suggested they bring some nice things to wear.
- Public Restrooms - There are few public restrooms in Belgium, and the ones that are available will cost participants money, usually €0.40, to use; though some American based fast food chains still have free toilets. Unlike the United States, one cannot just go into a restaurant and expect to use their toilets. Those are reserved for paying customers only.
- Often when participants do find a public restroom in Belgium, such as in a train station, they will usually find an attendant just inside the entrance. There will usually be a sign somewhere with the price, usually €0.50 to €1.00. This is the price one is expected to pay either upon leaving or upon entering.
- Participants are cautioned to be careful about how much liquid they ingest. There are very few public drinking fountains in Belgium, so some students make the mistake of carrying bottled water, drinking it all, and being unable to find a restroom. Participants are cautioned to monitor their hydration carefully.

Emergency Notification

James Madison University's Antwerp program is committed to the immediate notification of the Antwerp campus community, without delay, upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or staff occurring on campus, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The Program Director and Program Coordinator enjoy autonomous authority on activation upon confirmation, message content and messaging and takes into account the safety of the community while determining the content of the notification before initiating the notification system. Concurrently or contemporaneously, the official initiating the emergency notification will inform the Directors of JMU's Offices of Residence Life and International Education of the emergency at hand and the justification for the dissemination of the related notification. The Antwerp program officials regularly schedule drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.

The means and methods of emergency notification includes the following components which may be activated independently or in-conjunction with each other based on the circumstances to notify the University community of the existence of an emergency, and updated information and as necessary throughout the duration of any incident. Anyone with information warranting a timely warning should report the circumstances to the Montpelier Hall staff.

The Program Coordinator at Montpelier Hall has four methods of notifying the students within the hall; sending text messages to cell phones, posting fliers, email, and word of mouth. There are two main points within the building where fliers are posted; the entrance gate and the entrance into the tower. All students have to enter and exit the building through the entrance gate. There are only 14 rooms in the residence hall.

Systematic tests of the emergency notification will be conducted annually. All members of the JMU community are instructed to notify the Program Director or Program Coordinator of any situation or incident on or near campus that involves a significant emergency or dangerous situation that may pose an immediate or on-going threat to the health and safety of students, staff and visitors to the campus.

Timely Warning

In compliance with the "Timely Notice" provisions of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, the James Madison University is required to give a timely notice for Clery Act crime that occurs on Clery geography.

Timely warning notifications are sent to notify the campus community in the event that a situation arises on the Clery geography which encompasses the JMU campus, non-campus property (property owned or controlled by the University or a recognized student organization not on the main campus), and public property (property within or immediately adjacent to campus). In regards to the Semester in Antwerp, for Clery Act crime that, in the judgment of FMIR's or designee, after reviewing the facts and circumstances of the incident, constitutes an ongoing or continuing threat to the campus community necessitates a timely warning. Timely warnings are primarily triggered by Clery Act crimes (criminal homicide, sex offenses, robbery involving force or violence, aggravated assault, and major cases of arson). Timely notices may also be posted for other crime classifications, as deemed necessary. Timely Warnings are evaluated on a case by case basis depending on the facts of the case and the information known.

Alcohol and Drug Policies -Alcohol

JMU students traveling abroad may be studying in countries where the legal age for alcohol consumption is different than in the United States. Thus, while overseas, it is the responsibility of the student to know the relevant country and local laws concerning the possession, use, and abuse of alcohol. If students who are of legal age choose to consume alcohol while abroad, they are expected to drink and behave responsibly. The illegal or excessive consumption of alcohol or misconduct due to alcohol consumption will not be tolerated and will result in disciplinary action, including dismissal from the program and follow-up through the JMU Accountability system. As with all honor or accountability cases, the student has the right of appeal. The Executive Director for International Programs will serve as the appellate officer in all such cases. The legal drinking age in Belgium is 16. Belgium is known for its many varieties of beer. However, participants should be aware that Belgian Beer often contains 9-12% alcohol, much higher than the levels in American beer. Hence, if one drinks five or six beers at one sitting, one will have significantly more alcohol in his/her system than if one consumed the same number of beers in America. As long as you behave responsibly, and do not disrupt the Montpelier Hall community, you may consume alcohol (beer and wine only) in the hall. Drinking parties, drinking games, kegs, or anything else that violates the spirit of this policy are explicitly prohibited at Montpelier Hall. Storing more alcohol than one might safely and reasonably consume in one evening is prohibited. Any person or persons found to be violating these rules will receive a fine of €150 and face accountability action from JMU when they return to the Harrisonburg campus. If residents are not behaving in a responsible manner, the privilege of consuming alcohol will be discontinued at Montpelier Hall.

Alcohol and Drug Policies -Drugs

Illegal drug use in any form is not tolerated. JMU students traveling abroad may be studying in countries where drugs that may be legally possessed and used in the United States are prohibited by law. Thus, while overseas, it is the responsibility of the student to know the relevant country and local laws concerning the possession and use of drugs. Most foreign criminal systems are considerably less accommodating than those within the United States; student possession or use of illegal drugs may be punishable by fine, imprisonment, and/or deportation. Study abroad participants found using or possessing illegal drugs in any form are subject to immediate dismissal from the program and/or follow-up through the JMU Accountability system. If any student is observed in an intoxicated state and if that student's actions are deemed abusive by the Program Director or other program representatives in authority, the student is subject to disciplinary actions which may include suspension from the program and return to the U.S. As with all honor or accountability cases, the student has the right of appeal. The Executive Director for International Programs will serve as the appellate officer in all such cases.

Medical Emergencies

Insurance

Students enrolled in James Madison University Study Abroad programs will be covered by a medical insurance policy administered by Cultural Insurance Services International (CISI) for the period of time that they are participating in the JMU program. This is basic health coverage of up to \$250,000 and covers medical evacuation. More information concerning the insurance plan will be distributed with your orientation materials. Insurance cards and information regarding your plan will be sent via email before your program begins. Additional information and support services can be found by using the CISI Client Portal. [Click here for portal access information](#). Cancelling your current U.S. policy is not advised. Disruption of coverage could cause problems when reinstating.

In addition, students are encouraged to research and decide if travel and trip cancellation insurance would be beneficial to them. Often this type of insurance provides monetary support for non-refundable expenses and service charges imposed by public carriers and travel suppliers, including baggage loss or delay. Be sure to note within the policy any omissions to the coverage offered.

Physicians

It is best to make an appointment to go to the doctor in Antwerp. Below are some options for weekdays and on weekends and holidays. Most doctors will speak some English even if it is not their primary language. Students will need to take their passport and CISI Abroad Insurance card with you. In most cases, students will need to pay up front for the visit and any prescriptions. Students should always take cash with them in case the doctor doesn't accept credit cards. Students will need to save any receipts and submit a claim to CISI Abroad for reimbursement. CGE will send students an email prior to departure with a copy of their card and instructions on submitting claims.

Below are two doctor's offices located within a 7-12-minute walk from Montpelier Hall. Students can also search this website for a list of all the English Speaking Doctors in Antwerp & Belgium:

<https://be.usembassy.gov/wp-content/uploads/sites/191/2016/12/Doctorlist.pdf>

raktijkhuis Korte Klaren (*Monday-Friday ONLY*)

Address: Korte Klarenstraat 9A | 2000 Antwerpen

Tel: 03/233 46 64

Website: <http://www.korteklaren.be/>

Hours: M-F 08:00-17:00

Huisartsen Opera (*Monday-Friday ONLY*)

Address: Italielei 106A | 2000 Antwerpen

Tel: 03/231 33 20

Website: www.huisartsenopera.be

Hours: M-F 08:00-20:00

If students need to see a doctor on the weekend or a holiday, they can go to the after hours physician. Serious injuries can be treated at the hospitals any day of the week and on holidays.

Huisartsenwachtpost BRABO (*Weekend and Holidays ONLY*)

Address: Lange Leemstraat 187 | 2018 Antwerpen

Tel: 09/001 05 12

Website: <https://www.hwbrabo.be/?lang=en>

Hours: Friday from 19:00 through Monday at 08:00

Hospitals

St. Vincentius Hospital

Sint-Vincentiusstraat 20, 2018 Antwerpen

Phone: [03 285 20 00](tel:032852000)

University Hospital

Wilrijkstraat 10, B 2650 Edegem

Day phone: 03 821 3806

Night phone: 03 821 3088

Pharmacies

There are several pharmacies or 'Apotheek's' near Montpelier Hall. They are always designated by a large illuminated green cross hanging out above the entrance. All apothekes in Antwerp have exactly the same hours: 9:00 am to 12:30 pm, and 2:00 pm to 6:30 pm, Monday to Friday. Apothekes are normally closed Saturdays and Sundays, with one exception: each part of town will have one apothek that is open during the weekends. This is known as the "apotheek van wacht", and it changes each weekend. Exactly which apothek is "van wacht" each weekend is usually posted on the door of each apothek, easily visible from the outside. The address and usually the phone number are mentioned on the list.

Many medicines available in the United States without prescription do require a doctor's prescription in Belgium. And some that require a prescription in the United States are available over the counter in Belgium. Most medicines be they prescription or over the counter, are only available at an apothek, and not in a supermarket, or other similar outlet. No apothekes are self-service, which means the pharmacist must help you, and they are usually rather small in size. The American concept of the large, self-service, "super" discount drugstore is unknown in Belgium. It is possible, however, to find such items as toothpaste, shampoo, and other similar toiletries in grocery stores or at Kruidvat, which

is like a CVS, but without medicines. If you take a particular brand of over the counter medication like tylenol or aleve, bring a good supply with you as those specific brands are usually not readily available in Belgium.

Apotheek Krols

Address: Paardenmarkt 38/40, 2000 Antwerpen, Belgium
Tel: 03/226 05 34
Hours: M-F 9:00-18:30

Apotheek Sint Jacob

Address: Sint-Jacobsmarkt 98, 2000 Antwerpen, Belgium
Tel: 03/231 93 74
Hours: M-F 9:00-18:30 | Sat 10:30-17:30

Apotheek Van Briel

Address: Keizerstraat 73, 2000 Antwerpen, Belgium
Tel: 03/233 22 37
Hours: M-F 9:00-12:30 | 14:00-18:30

Psychological and Emotional Needs

JMU Antwerp students can maintain contact with the home campus of JMU while away through phone, fax and e-mail, and have at their disposal the normal services on campus.

JMU Counseling Center	540-568-6552
JMU Health Center	540-568-6178
JMU Health Promotions	540-568-8712
JMU Victim Advocacy Services	540-568-6251
JMU Office of Student Accountability and Restorative Practices	540-568-6218

Missing Student

Each student living in Montpelier Hall will be given the option in advance to identify a contact person(s) whom the Program Coordinator and/or Program Director shall notify if the student is determined missing by the Antwerp Police Department.

Such resident students shall be advised that contact information will be considered to be confidential, accessible only to authorized campus officials and law enforcement and will not be disclosed outside of a missing person investigation. Likewise, students under 18 years of age and not emancipated, James Madison University officials must notify a custodial parent or guardian when the student is determined to be missing, in addition to any additional contact person designated by the student.

It is suggested that reports should be made directly to the Montpelier Hall Program Coordinator and/or the Antwerp Semester Program Director that a student has been missing for 24 hours; the official to whom the report was made, shall make a direct report immediately to the Antwerp Police Department.

If a member of the Semester in Antwerp community has reason to believe that a Semester in Antwerp student is missing for 24 hours, all possible efforts are made to locate the student to determine his or her state of health and well-being though the collaboration of the University of Antwerp Security, the Antwerp Police and the Center for Global Engagement. If the student is an in-house resident, the Antwerp Police will be given immediate authorization from the JMU Semester in Antwerp officials to make a welfare entry into that student's room. If, by chance a student participant resides off site in a flat or other location, the aid of the appropriate Antwerp Police office or neighboring police agency having jurisdiction will be elicited. Concurrently university officials will endeavor to determine the student's whereabouts through contact with friends and associates of the student. Whether or not the student has been attending classes, labs, recitals, and scheduled organizational or academic meetings; or appearing for scheduled work shifts, will be established.

If located, verification of the student's state of health and intention of returning to Montpelier Hall is made. When and where appropriate if the need is determined a referral will be made to professional counselor(s) and/or medical practitioners. If warranted a referral will be made to the JMU Counseling Center and/or the University Health Center on the main Harrisonburg campus.

If not located, notification of a custodial parent or guardian or failing that any other available family member within 24 hours of receiving the initial report is made to determine if they know of the whereabouts of the student. The Semester in Antwerp officials will cooperate, aid, and assist investigative agency in all ways prescribed by prevailing law. The Semester in Antwerp officials will remain at the disposal and cooperate thoroughly with the official investigation by the primary investigative unit.

All pertinent law enforcement agencies, be they neighboring precinct, borough, or municipal; those located along suspected travel corridors; or place of original domicile wherever it might be, will be notified and requested to render assistance, through direct telephone contact or visit, electronic data (teletype) message, and/or radio transmission with a comprehensive BOL message based on the totality of up-to-date information.

Upon closure of the missing person investigation, all parties previously contacted will be advised of the status of the case.

To reiterate, when a student who resides in Montpelier Hall is determined to have been missing for 24 hours, the University through its Antwerp Semester Program officials are legally obligated, if the student has designated a contact person, to notify that contact person within 24 hours; if the student is under 18 years of age and is not emancipated, the aforementioned officials must notify the student's custodial parent or guardian and any other designated contact person within 24 hours; and within 24 hours inform, the Antwerp Police that the student is missing.

Sex Offender Registry and Access to Related Information

When questioned about a sex offender registry, a University of Antwerp official informed the Antwerp program staff that Belgium does not maintain a sex offender registry, as this would violate European Union privacy laws.

Sexual Violence

Anyone who is a victim of sexual assault, domestic violence, dating violence, or stalking while attending the Semester in Antwerp is encouraged to seek support and assistance and to report the incident. Resources and support are available to any JMU student through the Title IX coordinator, Office of Student Accountability and Restorative Practice and the JMU Counseling Center. Individuals are encouraged to contact police but have the right not to file a report. However, to pursue criminal options, it is important to preserve evidence. Whether or not a victim chooses to report an incident to the police, the victim should report the incident to the FMIR. Personnel will assist the victim in notifying local authorities, help with obtaining protection orders through the appropriate court, if applicable, and assist in obtaining resources for the victim if the victim so requests. Sexual Harassment and incidents of sexual violence will be investigated by the Title IX coordinator. Incidents will be conducted confidentially consistent with applicable legal requirements and safety considerations.

If a sexual offense should occur, the victim should take the following actions:

- Go to a safe place. Call the local police and notify the Antwerp Semester staff no matter where the event occurred. The Antwerp Semester staff will then contact appropriate counseling professionals and medical practitioners.
- Contact a friend or family member.
- Do not bathe or douche.
- Do not urinate, if possible.
- Do not eat, drink liquids, smoke or brush teeth if oral contact took place.
- Keep the clothes worn during the offense. If clothes are changed, place clothes in a paper bag (evidence deteriorates in plastic).
- Get prompt medical attention.
- Do not destroy the physical evidence that may be found in the vicinity of the crime. If the crime occurred in the victim's home, the victim should not clean or straighten until the police have had an opportunity to collect evidence.
- Tell someone all details remembered about the assault.
- Write down all details remembered as soon as possible.
- Visitors, faculty and students living in Antwerp at Montpelier Hall and other university managed facilities are informed that they may report any incident to the staff of our local clinic and/or hospital, where provision is made to refer them to appropriate counseling and legal authorities.

Definitions of Sexual Crimes in Belgium

Sexual Assault - Indecent assault is defined in terms of use of violence or threats for adults.

Legal Source: Criminal Code, Article 372

Intimate Partner Violence - Any form of physical (e.g. intentional assault and battery), sexual (rape of modesty and rape), psychological (stalking and insults) or economic violence (e.g. abandonment of family) between spouses or persons who live together or have lived together and between a stable emotional and sexual relationship exists or existed.

Observations: Domestic violence is any form of physical, sexual, psychological or economic violence between members of a same family, regardless of their age.

Legal Source: Law to combat violence against partners, 24 November 1997

Legal provisions on protection orders: Court custody

Rape - Any act of sexual penetration, regardless of its nature and by whatever means, committed against a non-consenting person, represents a crime of rape. Consent is not considered to have been given, if the crime is committed by violence, coercion or deceit, or is made possible by the infirmity or physical or mental impairment of the victim.

Observations: The Law of 4 July 1989 amending certain provisions concerning the crime of rape has broadened the definition of rape.

Marital rape is forbidden and condemned by the law in the same way as other forms of rape: it represents an aggravating circumstance in cases of rape.

Legal Source: Criminal Code, Article 375

Sexual Harassment - "Sexual harassment at work" is defined as any unwanted conduct related to the sex of a person of any form of unwanted verbal, non-verbal or physical conduct with a sexual connotation with the purpose or effect that the dignity of the person is being violated, especially when a threatening, hostile, insulting, humiliating or offensive situation is being created.

Observations: In the judicial system, cases of sexual harassment can be qualified as stalking.

Legal Source: Law of 11 June 2002

Legal provisions on protection orders: Protection against dismissal and relocation.

Stalking - The repeatedly pursuing, watching or harassing of a person in a way this person perceives to be disturbing, worrying or tormenting.

Legal Source: Law 30 October 1998

Source: *European Institute of Gender Equality*

Resources For Support and Assistance

University Hospital, Wilrijkstraat 10, B 2650 Edegem, www.uza.be .	day 03 821 3806
Take bus 17 from Roosevelt square. The end of the bus route is University Hospital.	night 03 821 3088
Sint Elisabeth Hospital 26 Leopoldstraat (emergency room entrance), 2000 Antwerpen	03 234 4111
JMU Counseling Center (JMU main campus)	(540)568-6552
University Health Center (JMU main campus)	(540)568-8712
JMU Office of Accountability and Restorative Practice (JMU main campus)	(540)568-6218
JMU Victim Advocacy Services	(540)568-6251

Safety Programs

PROGRAM	Audience	PROGRAM DESCRIPTION
Spring Antwerp Semester Orientation	Spring 2020 Group—30 students	Topics include: fire safety, personal safety, alcohol and drug policies, property crime awareness.
Summer Antwerp Orientation	Summer 2020 Group – 33 Students	Topics include: fire safety, personal safety, alcohol and drug policies, property crime awareness.
Fall Antwerp Orientation	Fall 2020 Group – 37 Students	Topics include: fire safety, personal safety, alcohol and drug policies, property crime awareness.

Preparation for and Response to Crisis Related to Short-Term International Programs

With the responsibility of managing a JMU study abroad program, Program Directors are aware that it is possible that an emergency may occur involving one or more of the students in the group. Students can and do become ill, suffer accidents, are the victims of muggings and assaults, find themselves caught up in potentially violent political situations, or fail to return on time to programs at the end of long weekends. While it is of course impossible to plan for all contingencies involving our students abroad, Program Directors are trained to follow sound recommended practices when emergencies do arise. They work individually and together to provide for the safety and well-being of our students.

JMU has therefore developed a series of specific procedures designed to safeguard the welfare of program participants. The Center for Global Engagement (CGE) takes responsibility for coordinating the University's management of emergencies affecting participants in JMU study abroad programs. The students are informed about these procedures during their on-site orientations.

What is an emergency?

An emergency is any circumstance that poses a genuine risk to, or that has already disturbed, the safety and well-being of program participants. Emergencies will include, though not be confined to, the following types of events and incidents:

- Physical assault
- Disappearance or kidnapping of a student
- Robbery
- Sexual assault or rape
- Serious physical or emotional illness
- Significant accident and/or injury
- Hospitalization for any reason
- Terrorist threat or attack
- Local political crisis that could affect the students' safety or well-being
- Arrest or questioning by the police or other security forces
- Any legal action (lawsuit, deposition, trial, etc.) involving a student

What is done to prepare for emergencies?

Students are instructed that they are required to inform Program Directors about any medical emergency. The Program Director in turn is required to contact the Program Director and CGE as soon as possible in order to inform the CGE Executive Director or Administrative Coordinator about the emergency. The students are informed that this information will be treated with the strictest confidentiality, and that it will be shared on a "need to know" basis only. If the crisis involving the student is grave enough to jeopardize his or her safety or well-being, the emergency contact they have provided at the time of registration will be informed. The Interim Executive Director is Professor Dietrich Maune, JMU Center for Global Engagement, Office: 540-568-6419 & 540-568-7002. The Administrative Coordinator is Ms. Jackie Ciccone, Office 540-568-7004.

1. During the orientation on-site, the students will be provided with
 - a. the local telephone number(s) the students should use to contact emergency services (i.e. the equivalent of the "911" that we use in the U.S., which provides access to police, fire and emergency medical services);
 - b. a digital list of reputable local medical clinics or hospitals.
2. During the on-site orientation by Program Directors, students will be informed of the exact location of the U.S. Embassy and are encouraged to register with the Embassy. In order to register, they will need all of the information provided on the front page of their passports. The students will be strongly encouraged to stop in at the Embassy or Consulate before and during their travels away from your site in order to get updated information about each country they plan to visit. The students will be advised to avoid travel to or through any location where tensions exist and travel may be dangerous. Experience has shown that students may benefit from a security briefing offered at U.S. Embassies abroad; such briefings will assist in reinforcing the message to the students that travel to dangerous areas should be avoided.

How Program Directors respond to emergencies

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1. In an emergency, the first responsibility for a Program Director is to safeguard the safety and well-being of program participants. Whatever is necessary is done to assure this, whether this means obtaining prompt and appropriate medical attention, Embassy intervention or police protection.
2. When all that can be reasonably done to assure the student's welfare, the Program Director will immediately contact the CGE and brief the Executive Director, Administrative Coordinator or his/her representative, in a detailed way, about the situation. Every effort will be made to reach the Executive Director or Administrative Coordinator by telephone, rather than e-mail or fax for the opportunity to fully discuss the situation.
3. The Program Director will notify the local U.S. Embassy or Consulate about the crisis, and follow whatever procedures they may require; if there is a continuing risk to the welfare of the students (during a terrorist threat, for example), the Program Director will ask the appropriate Embassy or Consulate Officer to provide advisory information on a regular basis about the evolution of the crisis and about how the students should respond. In any other sort of emergency, the Program Director will notify the local police about the situation - if the Program Director and the Embassy believe this is appropriate - the Program Director will then follow the procedures the police may require of them or the student.
4. During an ongoing crisis, the Program Director will keep the CGE informed on a regular basis, through telephone, fax, or E-mail messages, about the evolution of the crisis until it has passed.
5. In the event of a crisis, it is important that all concerned not overreact or panic. The Program Director will help the students to get through a difficult time. The CGE staff members have experience dealing with crises in the past and are ready to assist the Program Directors during and after any type of event or incident.
6. After the CGE is informed about an emergency, and after CGE personnel consult with the Program Director and other appropriate individuals on site, the CGE may, depending on the acuteness of the crisis, fax a description of the course of action that the Program Director and the students will need to follow. All program participants will be required to sign a statement acknowledging that they have received, read and understood this response plan; after all of the participants have signed, the Program Directors will fax the CGE the signed acknowledgments.
7. During a political crisis or some other emergency during which foreigners in general or U.S. citizens in general may be at risk, the Program Directors will request that the students keep a low profile. The students will be told to avoid demonstrations, confrontations or situations where they could be in danger; to avoid behavior that could call attention to themselves; to avoid locales where foreigners or Americans are known to congregate; and to take down signs, avoid using luggage tags and wearing clothes that would label them as Americans.
8. It is highly unlikely that participants would need to be evacuated from a site abroad; of the hundreds of U.S. institutions operating programs abroad when the Gulf War and Iraq Wars broke out, only a handful concluded that events indicated that they should bring their students home. However, JMU would of course bring faculty members and students home if a situation were to deteriorate to the point where the degree of risk to participants was deemed unacceptable. If this unlikely event were to happen, the Executive Director, in consultation with the Program Director(s), the U.S. Embassy and State Department, plus appropriate individuals on the home campus, will develop an evacuation plan in as much detail as possible. This plan will be transmitted to the Program Director(s) in confidence, and the Center for Global Engagement will continue to work closely with the Program Directors(s) throughout the process.
9. In the event of a significant crisis, individual students have the option of returning to the U.S. Every reasonable effort will be made to allow them to continue their academic program on campus, and to be housed appropriately as well. Refund policies are outlined in the faculty handbook for the Program Directors; withdrawals and grades will conform to JMU policies as well.

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2020 Crime Statistics for JAMES MADISON UNIVERSITY'S SEMESTER IN ANTWERP PROGRAM							
OFFENSE	Year	ON CAMPUS	RESIDENTIAL FACILITIES (Subset of <i>On Campus</i>)	PUBLIC AREAS	Noncampus	TOTAL	
MURDER, NON-NEGLIGENT MANSLAUGHTER	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
MANSLAUGHTER by NEGLIGENCE	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
SEX OFFENSES	Forcible Rape	2020	0	0	0	0	
		2019	0	0	0	0	
		2018	0	0	0	0	
	Fondling	2020	0	0	0	0	0
		2019	0	0	0	0	0
		2018	0	0	0	0	0
SEX OFFENSES	Incest	2020	0	0	0	0	
		2019	0	0	0	0	
		2018	0	0	0	0	
	Statutory Rape	2020	0	0	0	0	0
		2019	0	0	0	0	0
		2018	0	0	0	0	0
ROBBERY	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
AGGRAVATED ASSAULT	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
BURGLARY	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
MOTOR VEHICLE THEFT****	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
ARSON	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
Domestic Violence*	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
Dating Violence*	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
Stalking*	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
LIQUOR LAW VIOLATIONS	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
LIQUOR LAW VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
DRUG ABUSE VIOLATIONS	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
DRUG ABUSE VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
WEAPONS LAW VIOLATIONS	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
WEAPONS LAW VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	

* Crimes not reported by hierarchy.

Hate Crimes

Involving crimes or incidents of homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, vandalism, and intimidation against persons characterized as and motivated by the actual or perceived bias, against race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, and/or disability.

Geographical Areas: On Campus, Residential Facilities, Non-Campus and Public Property

- 2020 – There were no reported bias motivated incidents.
- 2019 – There were no reported bias motivated incidents.
- 2018 – There were no reported bias motivated incidents.

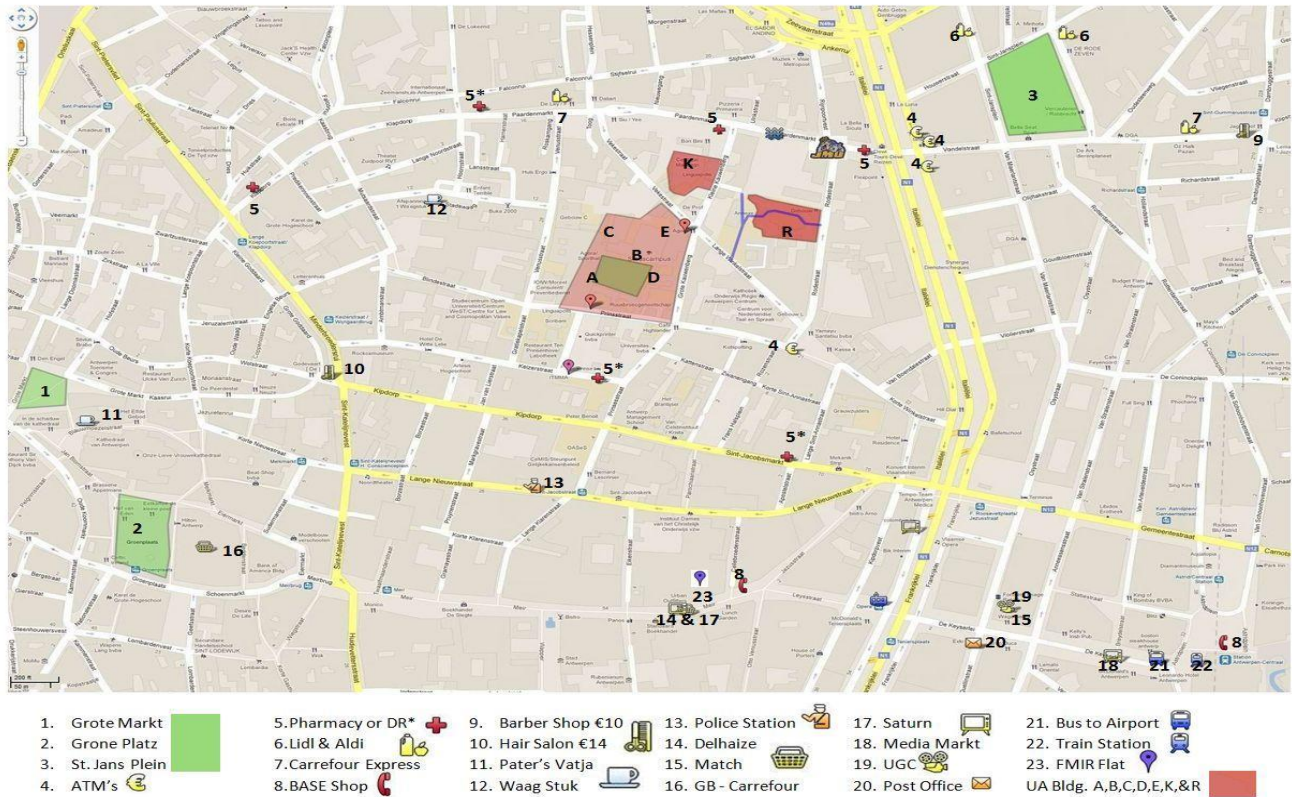
There were 0 unfounded crimes in 2018, 2019 and 2020.

An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situations where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded”. Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with prosecution, and the failure to make an arrest do not “unfound” a crime report. This requirement began with 2014 statistics.

The Antwerp Program Director and the Program Coordinator supply all statistics. Requested statistics specific to Antwerp and environs have not been made available by the Antwerp Police.

Antwerp Map

This map represents the portion of the downtown area near Montpellier Hall. Note that none of the “dangerous” areas described by the Chief of Police fall within the boundaries of this map. At a normal pace, it takes 10 minutes to walk from the faculty flat to Montpellier Hall, and three minutes to walk from Montpellier Hall to the University of Antwerp building where classes are held. A numerical and color location key has been included on the map below. You may also click the following link to the online version of this map, which is also provided to the students. <http://goo.gl/maps/by0hf>.



Reporting a Fire

Fires should be reported to the Fire Service at 100 and to the Program Coordinator, Laura Scobey 0491 31 45 47.

Evacuation

If the fire alarm system activates, the following procedures should be followed:

1. When the building evacuation alarm (fire alarm) is activated during an emergency, leave by the nearest marked exit and alert others to do the same.
2. Feel doors for heat – don't open doors that are warm to touch. If you cannot exit due to fire and/or smoke, place items around door openings to prevent smoke from entering the area and text the Program Coordinator and give your exact location.
3. Assist the handicapped in the building.
4. If you must exit through smoke stay low and crawl – the air at floor level is less hot and cleaner.
5. All occupants should know where primary and alternative exits are located, and be familiar with the various evacuation routes available.
6. Exit the building and proceed to designated meeting sites, Rodestraat 20-22 UA Campus building R. Once outside, proceed to a clear area that is at least 500 feet away from the affected building. Keep streets, fire lanes, hydrant areas and walkways clear for emergency vehicles and personnel. Know your area assembly points. Stay there until an accurate head count attendance is taken and assist in the accounting for all building occupants.

Fire Related Policies

Smoking - Montpelier Hall is a smoke-free facility. You may not smoke anywhere in the building, and you may not hang out of your apartment window and smoke. If you wish to smoke, please exit the building to do so.

If you are caught smoking in Montpelier Hall, you will be fined €150 for the first offense. The fine will double for the second offense, and you will be subject to immediate dismissal from the program.

Open Flames - The burning of candles, oil lamps, incense, or any other flammable material is strictly forbidden. Cigarette lighters and matches are not to be ignited anywhere in the building. Anyone caught using an open flame will be fined €150 for the first offense. As with cigarette smoking, the fine will double for the second offense, and you will be subject to immediate dismissal from the program.

Electrical Appliances from the United States -Do not use any hair dryers, curling irons, or other electrical appliances from the United States. The electrical system is different in Belgium than in the United States, and appliances such as hair dryers and curling irons will burn out adaptors and create a fire hazard.

JMU SEMESTER IN ANTWERP PROGRAM-On-Campus University Sponsored Housing

RESIDENCE HALL	FIRE ALARM PANEL TYPE	SPRINKLER SYSTEM	SPRINKLER SYSTEM COVERAGE	FIRE EXTINGUISHERS	FIRE DRILLS 2020
Montpelier	Yes	None	None	Y	3

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JMU SEMESTER IN ANTWERP PROGRAM -On-Campus University Sponsored Housing Fire Log

On Campus Residence Halls	Year	Number of Fires	Date/Time of Fire	Cause of Fire	Number of Deaths	Number of Injuries	Value of Property Damaged
Montpelier	2019	0	NA	NA	0	0	NA
	2018	0	NA	NA	0	0	NA
	2017	0	NA	NA	0	0	NA

SAFETY AT JAMES MADISON UNIVERSITY'S SEMESTER IN FLORENCE PROGRAM
(Policies and Information Specific to Florence Program)

Caterina Paolucci

Police Protection

Palazzo Capponi is situated just off Piazza Santo Spirito in the so called *Oltrarno* district of the city of Florence. In Italy there are different types of police, all serving the general public in different ways. Firstly, there are the *Carabinieri*, the military police, who intervene at all levels in order to maintain public order. They respond, very quickly, to all calls made to 112 and their cars or vans (which are navy blue with a red stripe along the side) can be seen either stationed in the major squares, *piazze*, or patrolling the streets at intervals, both day and night. Secondly, there are the State Police, *Polizia di Stato*, who respond to all calls made to 113. Like the *Carabinieri* they can be seen patrolling the city (in light blue and white cars) both day and night. Thirdly, there is the *Vigili Urbani* or *Polizia Municipale*, the traffic police, whose responsibility is limited to monitoring, driving and parking etc. Fourthly, there is *Guardia di Finanza*, the fiscal police, who are called upon to intervene in all fiscal matters. It is better to call either the *Carabinieri* or *Polizia di Stato* while the crime is taking place, otherwise, if a student decides to file a complaint following an offense or to make a police report for insurance purposes, they should go to the HQ of the *Carabinieri* in Borgo Ognissanti 48, stating at the entrance that they wish to make a *denuncia*. Here students will find English translators who will assist them. Police reports can also be made at any station of the *Polizia di Stato* but students may encounter difficulties with the language since it is unlikely that they will have an interpreter. Please note, by Italian law, students are required to carry a valid form of ID, which in their case is only the passport (NOT the driving license), at all times. In times of Covid-19 pandemic, everyone is required to carry their original passport with them, and to show their Covid-19 vaccination card and passport to enter most places of interest (museums, libraries) as well as restaurants and bars, schools and universities.

General Security Procedures

Palazzo Capponi is the residential and operating premises of the JMU M.A. in European Union Policy Studies (EUPS) and the Semester in Florence program (SIF). The Palazzo is a nonsmoking facility consisting of three floors. SIF students live in the Palazzo, while EUPS students only take classes and use library facilities in the building. All classes are held in the school area, recently renamed Linwood Rose Academic Center (LRAC).

SIF students will be made aware from their very first day in Florence that anyone who is not part of the program is NOT to be admitted into Palazzo Capponi after 12.00 AM. The Residence Assistant and the Faculty Member in Residence (FMIR) with their families live in Palazzo Capponi as well as all the SIF students: the health and well-being of all students and JMU Florence staff is a primary concern. Students and visiting faculty will participate in informative orientation sessions before departing for Florence. Then, during the first few days in Florence, students will also be informed of personal safety and security issues, Italian legal matters, emergency procedures, Covid-19 related protocols and safety, and the rules and regulations of Palazzo Capponi. Much of this information is included in handbooks prepared for the students and distributed beforehand. On-site orientation materials will be given to students upon arrival in Florence, providing additional useful information, especially as regards Covid-19, since government regulations change very frequently, and protocols often have to change at the same pace.

Emergency Telephone Numbers

Upon arrival in Florence, each student is provided with an Italian SIM card to use with their smartphone, the numbers for which are distributed during the orientation sessions by JMU staff and serve as students' primary mean of emergency communication during the program. While in Italy and if using their Italian SIM cards students do not need to dial the Italian area code +39 or 0039 before the Italian number to call. In addition, it is not necessary to dial the area code before the short emergency numbers (in bold italics in the tables below). The area code to call the US while in Italy and if using the Italian SIM cards is 001 or +1 (on smartphones).

Students are also advised to alert the Palazzo Capponi Residence Assistant or any other JMU Florence staff member of any suspicious persons or activities in and around Palazzo Capponi.

NATIONAL EMERGENCY NUMBER and <i>Carabinieri</i> (military police)	112
Police	113
Ambulance	118
Fire department	115
JMU Florence school	055 2657661 (office hours)
Resident Manager and JMU Florence 24-hour on call emergency number	393 9028451
FMIR	393 9033247
Dr. Silia Passeri (Psychologist)	339 8555211 (mobile)
Consulate of the United States of America	055 266951

Security in Housing

Overseeing the security of Palazzo Capponi is a part-time, live-in Residence Assistant. She can be contacted at the above telephone number, by e-mail or in the front office of the LRAC during her office hours (3pm – 6pm). Palazzo Capponi can house a maximum of forty-two overnight residents in all. Of which, thirty-three students, in the fifteen bedrooms located on the first, second and third floors of Palazzo Capponi and nine additional guests, in an apartment on the third floor, reserved for visiting scholars, faculty and other guests of the University. Students are not permitted to have overnight visitors. All visitors must vacate the building by 12.00 AM. Palazzo Capponi has an electronic, computer programmed key access system and a camera system, which control access to the building. Students and guests are responsible for the safekeeping of their own electronic keys.

Our policies prevent Palazzo Capponi from offering rooms to the general public, thereby minimizing risks to security. During on-campus and on-site orientations, students are cautioned to abide by the Palazzo Capponi policies.

While most curricular classes take place in Palazzo Capponi, Italian language classes for the Semester in Florence students are held at the school of the British Institute of Florence, Piazza degli Strozzi 2, a ten-minute walk from Palazzo Capponi, just across the river Arno.

General Advice

Although JMU works hard to ensure the safety of all individuals within its community, students and employees themselves must take responsibility for their own personal safety and that of their personal belongings. Simple, common sense precautions are the most effective means of maintaining personal security.

1. Students should know the phrases that will help one to get around. They should ask for directions to merchants, waiters, police officers, bus drivers and so on. If someone offers advice, students should thank them but do not accept an offer to be led to their destination.
2. The number one rule is to have confidence! It is recommended that one should act like they belong in Italy. Students live there for a period of time, so they should not be mistaken for a tourist. It is recommended that students ask questions if they are lost, but not stand on a street corner with their map out and a confused look on their face. Dressing and acting like a native is the watchword. Projecting confidence, being comfortable, keeping one’s shoulders back, and dressing up to the occasion or the area will go a long way to helping the student fit right in.
3. It is safer to travel in groups. It is especially important for students to stick together after dark. One always should know their route.
4. Knowing where one is going is recommended. One should not leave things unattended. One should not be obvious with money, cameras, expensive IPODs, etc. One should not use ATMs in lonely and poorly lighted areas after dark. The main places where people can be robbed are train stations, crowded streets and open markets. Generally, homeless people and gypsies are harmless, but one should be on guard. Muggings are rare, but again, pick pocketing and purse-lifting have been honed to a fine art and are commonplace. So, one should keep track of purses and wallets. One should never leave them on a café table or bench, and hang on to them securely while on public transport. When walking down the street, students should always keep bags on the inside, next to the buildings, making it more difficult to have them snatched off shoulders by passing scooters. All zips should be fastened properly and flaps turned inwards towards the body in crowded places such as buses.
5. When traveling it is recommended that one:

- a. Do not go into a train compartment alone
 - b. Sleep in public only with money, passport, etc. in inside pockets
 - c. Use locks on suitcases, purses whenever possible
 - d. Protect valuables in the hostel/hotel safes.
6. Safe places to meet friends are restaurants, pubs and other public places (during peak hours).
 7. One should never appear drunk in public. Pickpockets will take an intoxicated person as easy prey. One should always stay sharp.
 8. One should be extra careful about giving out personal details such as a mobile number, Facebook ID, Florence address or personal email address. There have been instances where students received unwanted messages from people that they met briefly at a club. When making new friends in Florence, plan to meet them in person during the day, in a safe place, along with other students from our program, waiting until a friendship and trust is established before revealing alternate ways to contact you.
 9. Students should always carry cell phones with them so they are only a call away from receiving help. JMU staff can be contacted at any time if students find themselves in difficulty. They should never be afraid to approach the Italian police, who are at hand to help; regardless of whether or not they have been drinking. Students should only take out the essentials, i.e. just the money they intend to spend that day or evening, cell phone, keys, no documents which link the keys to their address, and their passport.

Emergency Notification

James Madison University's Florence programs are committed to the immediate notification of the Florence campus community, without delay, upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or staff occurring on campus, unless issuing a notification will, in the professional judgment of responsible authorities, that compromises efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. On-site Director and Resident Manager enjoy autonomous authority on activation, upon confirmation, of the emergency notification system and take into account the safety of the community while determining the content of the notification before initiating the notification system. Concurrently or contemporaneously, the official initiating the emergency notification will inform JMU main campus's Office of Residence Life and Center of Global Engagement (CGE) of the emergency at hand and the justification for the dissemination of the related notification. The Florence programs' officials regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.

The means and methods of emergency notification includes the following components which may be activated independently or in-conjunction with each other based on the circumstances to notify the University community of the existence of an emergency, and updated information as necessary throughout the duration of any incident.

Among JMU Florence different methods of notifying the students there are: emergency text messages sent to all the cell phones of all the participants of the Florence program, posting fliers, emergency email alerts, and word of mouth. In addition, the evacuation procedures can be activated through the in-door alarm system. Students receive instructions of the evacuation procedures during the orientation sessions in Florence.

Systematic tests of the emergency notification systems and drills will be conducted every semester. All members of the JMU community are instructed to notify the Resident Manager of any situation or incident on or near campus that involves a significant emergency or dangerous situation that may pose an immediate or on-going threat to the health and safety of students, staff and visitors to the campus.

Timely Warning

In compliance with the "Timely Notice" provisions of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, the James Madison University is required to give a timely notice for Clery Act crime that occurs on Clery geography. Timely warning notifications are sent to notify the campus community in the event that a situation arises on the Clery geography which encompasses the JMU campus, noncampus property (property owned or controlled by the University or a recognized student organization not on the main campus), and public property (property within or immediately adjacent to campus). In regards to Florence Programs, for Clery Act crime that, in the judgment of the On-site Director, after reviewing the facts and circumstances of the incident, constitutes an ongoing or continuing threat to the campus community necessitates a timely warning. Timely warnings are primarily triggered by Clery Act crimes (criminal homicide, sex offenses, robbery involving force or violence, aggravated

assault, and major cases of arson). Timely notices may also be posted for other crime classifications, as deemed necessary. Timely Warnings are evaluated on a case by case basis depending on the facts of the case and the information known.

Alcohol and Drug Policies -Alcohol

JMU students traveling abroad may be studying in countries where the legal age for alcohol consumption is different than in the United States. Thus, while overseas, it is the responsibility of the student to know the relevant country and local laws concerning the possession, use, and abuse of alcohol. If students who are of legal age choose to consume alcohol while abroad, they are expected to drink and behave responsibly. The illegal or excessive consumption of alcohol or misconduct due to alcohol consumption will not be tolerated and will result in disciplinary action, including dismissal from the program and follow-up through the JMU Accountability system. If any student is observed in an intoxicated state and if that student actions are deemed abusive by the On-site Director or other program representatives in authority, the student is subject to disciplinary actions which may include suspension from the program and return to the U.S. As with all honor or accountability cases, the student has the right of appeal. The Executive Director of the Center for Global Engagement (CGE) will serve as the appellate officer in all such cases.

Alcohol and Drug Policies -Drugs

Illegal drug use in any form is not tolerated. JMU students traveling abroad may be studying in countries where drugs that may be legally possessed and used in the United States are prohibited by law. Thus, while overseas, it is the responsibility of the student to know the relevant country and local laws concerning the possession and use of drugs. Most foreign criminal systems are considerably less accommodating than those within the United States are; student possession or use of illegal drugs may be punishable by fine, imprisonment, and/or deportation. Program participants found using or possessing illegal drugs in any form are subject to immediate dismissal from the program and/or follow-up through the JMU Accountability system. If any student is observed in an intoxicated state and if that student's actions are deemed abusive by the On-site Director or other program representatives in authority, the student is subject to disciplinary actions which may include suspension from the program and return to the U.S. As with all honor or accountability cases, the student has the right of appeal. The Executive Director of the Center for Global Engagement (CGE) will serve as the appellate officer in all such cases.

Medical Emergencies

Students and faculty participating in the Florence programs must get comprehensive medical insurance to cover them for hospital stays and treatments in Florence and while traveling throughout other European countries on their own, or with the program. If students require medical treatment in Florence, either at a hospital or at any other medical clinic, which is not immediately covered by their insurance they are expected to pay in cash or credit card, up front first, and then seek to have the sum reimbursed by their insurance. This also applies to hospital stays.

The nearest Emergency Room in the city's center of Florence is at the Santa Maria Nuova Hospital, approximately 25 minutes walking distance or a 10 minute cab ride from Palazzo Capponi. In alternative, with a 25-minute cab ride it is possible to reach the major Florence university hospital, the Careggi Hospital. In addition, students can contact 'Medical Service', a group of English speaking doctors on-call 24/7. JMU staff will help to get appointments for any other specialist treatment that is required.

JMU Florence students can maintain contact with the home campus of JMU while away through phone, fax and e-mail and have at their disposal the normal services on campus, including the JMU counseling center and the Sexual Violence Advocacy and Prevention service. Additionally, the JMU Florence staff can arrange access to similar counseling services in Florence.

NATIONAL EMERGENCY NUMBER and <i>Carabinieri</i> (military police)	112
Ambulance	118
JMU Florence school	055 2657661 (office hours)
Resident Manager and JMU Florence 24-hour on call emergency number	393 9028451

FMIR	393 9033247
'Medical Service' 24-hour on call service for visits by English speaking doctors	055 475411
Dr. Maria Rosaria Di Tommaso (Gynecologist)	055 476749
Dr. Isabella Bergamini (Dentist)	055 215414 (office) 333 956 5550 (mobile)
Dr. Silia Passeri (Psychologist)	339 8555211 (mobile)

Missing Student

Each student will be given the option in advance to identify a contact person(s) whom JMU Florence officials have to notify if the student is determined missing for 24 hours. If the student has designated a contact person, JMU Florence staff is legally obligated to notify that contact person within 24 hours. The contact information will be considered to be confidential, accessible only to authorized officials and law enforcement and will not be disclosed outside of a missing person investigation. Likewise, JMU Florence officials must notify a custodial parent or guardian of students under 18 years of age and not emancipated in addition to any additional contact person designated by the student.

It is suggested that reports that a student has been missing for 24 hours should be made directly to the Resident Manager and/or the On-site Director; the official shall then make a direct report immediately to Italian Police authorities. If a JMU Florence staff member suspects that a student is missing, all possible efforts will be made to locate the student and to determine his or her state health. If after 24 hours there is still no news from the student the appropriate Police authorities will be notified. The JMU Florence staff will, of course, do everything within their power to cooperate, aid, and assist the Police authorities with their investigations. Upon closure of the missing person investigation, all parties previously contacted will be advised of the status of the case.

Sex Offender Registry and Access to Related Information

Italy does not maintain a sex offender registry. [Information about an individual's past criminal history is not made available to the public by Police authorities.](#)

Sexual assault, domestic violence, dating violence, or stalking

Anyone who is a victim of sexual assault, domestic violence, dating violence, or stalking while attending one of the JMU Florence programs is encouraged to seek support and assistance and to report the incident. Resources and support are available to any JMU student even abroad through the Title IX coordinator, Office of Student Accountability and Restorative Justice and the JMU Counseling Center. In addition, Florence programs offer assistance and counseling services on-site to the victim.

Individuals are encouraged to contact the Police but have the right not to file a report. However, to pursue criminal options, it is important to preserve evidence. Whether or not a victim chooses to report an incident to the Police, the victim should report the incident to the program staff so that they could notify local authorities and assist in obtaining additional resources, i.e. legal advice, if the person so requests. Sexual Harassment and incidents of sexual violence will be investigated by the Title IX coordinator. Incidents will be conducted confidentially consistent with applicable legal requirements and safety considerations.

If a sexual offense should occur, the victim should take the following actions:

1. Go to a safe place and contact the JMU Florence 24-hour on call emergency number. The Resident Manager of the FMIR will respond to the call
2. If the aggressor is still nearby, call the Police (113 or 112)
3. Notify JMU staff immediately and go to the ER (Santa Maria Nuova Hospital or Careggi Hospital)
4. Alternatively go to Careggi Hospital center for sexual violence on women (*Centro regionale riferimento violenza - CRRV*)
5. Upon arrival at the hospital the Police will automatically be notified and female counselors and translators provided
6. Do not bathe or douche
7. Do not urinate, if possible

8. Do not eat, drink liquids, smoke or brush teeth if oral contact took place
9. Keep the clothes worn during the offense. If clothes are changed, place clothes in a paper bag (evidence deteriorates in plastic)
10. Get prompt medical attention
11. Do not destroy the physical evidence that may be found in the vicinity of the crime. If the crime occurred in the victim's apartment or bedroom, the victim should not clean or straighten until the Police have had an opportunity to collect evidence
12. Tell someone all details remembered about the assault or the violence
13. Write down all details remembered as soon as possible.

All of the above except for points 4, 5, 6, and 7 are valid for all violent crimes which a student can be a victim of other than sexual violence.

LEGAL DEFINITIONS ACCORDING TO ITALIAN CRIMINAL CODE

Stalking (*Atti persecutori*) – art. 612 bis Italian Criminal Code: continuative and reiterated acts that represent a persecuting conduct towards the victim, to the point of determining a persistent status of anxiety, fear or worry for the person’s safety and/or for his/her relatives, or forcing the victim to alter her/his personal habits. The law recognizes as stalking all acts perpetrated by both strangers and known by the victim individuals. The crime is punishable with 6 months to 5 years of imprisonment and a victim report within 6 months from the criminal act/s is required for the Police authorities to take action.

Domestic Violence (*Maltrattamenti contro familiari o conviventi*) – art. 572 Italian Criminal Code: continuative and reiterated behavior determining a humiliating status and subordination of the victim resulting in a regime of oppression. Such behavior does include physical as well as psychological violence towards a member of the family, adult or minor. The crime is punishable with 1 to 15 years of imprisonment in case of serious injuries, to 20 years of imprisonment in case of death of the victim. Police authorities can investigate a suspected case of domestic violence even without a formal report of the victim.

Sexual Violence (*Violenza sessuale*) – art. 609 bis Italian Criminal Code: any acts of sexual nature which the victim is forced or induced to undergo or perform, through the use of violence, threat or abuse of authority. Sexual violence as well as sexual harassment are included under the definition of *violenza sessuale*, punishable with 5 to 10 years of imprisonment. The article does not include a specific definition of consent.

Dating Violence: there is no specific crime defined as “dating violence” in the Italian criminal code. It is responsibility of the Police authorities to identify the relevant articles to apply. Therefore, it is always recommended to file a report to the Police about any suffered violence.

NATIONAL EMERGENCY NUMBER and <i>Carabinieri</i> (military police)	112
Police	113
Ambulance	118
JMU Florence school	055 2657661 (office hours)
Resident Manager and JMU Florence 24-hour on call emergency number	393 9028451
FMIR	393 9033247
Careggi Hospital center for sexual violence on women (Centro regionale riferimento violenza - CRRV)	055 794 7493
Dr. Silia Passeri (Psychologist)	339 8555211 (mobile)
Dr. Maria Rosaria Di Tommaso (Gynecologist)	055 476749
JMU Counseling Center (JMU main campus)	(540)568-6552
JMU Health Center (JMU main campus)	(540)568-8712
JMU Health Promotions (JMU main campus)	(540)568-6251
JMU Office of Student Accountability and Restorative Practice (JMU main campus)	(540)568-6218
JMU Victim Advocacy Services (JMU main campus)	540-568-6251

Safety Orientation

<p>Full Palazzo Capponi and program Orientation with On-site Director and staff</p> <p>Safety info meeting with On-site Director</p>	<p>Semester in Florence (SIF) Students</p>	<p>January 2020</p>	<p>Topics include: the nature of the city, main city regulations, safety in Florence, types and patterns of common petty crimes, sexual assault, medical and non medical emergencies, information about JMU's position on alcohol and drugs and the respective Italian rules.</p> <p>Topics include: evacuation procedures, house rules and visitors policy, palazzo safety. Refresher on petty crime and sexual assault, as well as alcohol and drugs rules.</p>
<p>Full Palazzo Capponi Orientation with On-site Director and staff</p> <p>Safety info meeting with apartment rent agency officials and On-site Director</p> <p>Safety info meeting with On-site Director</p>	<p>EU Policy studies (EUPS) students</p>	<p>August 2020</p>	<p>Topics include: city regulations, safety in Florence, expected code of behavior, Covid-19 policies and protocols.</p> <p>Topics include: emergency and safety procedures in the apartments, code of behavior, visitors policy.</p> <p>Topics include: Palazzo Capponi's rules and evacuation procedures, Covid-19 policies and protocols</p>

Preparation for and Response to Crisis Related to International Programs

With the responsibility of leading JMU study abroad programs, Program Directors are aware that it is possible that an emergency may occur involving one or more of the students in the group. Students can and do become ill, suffer accidents, are the victims of muggings and assaults, find themselves caught up in potentially violent political situations, or fail to return on time to programs at the end of travel weekends. While it is of course impossible to plan for all contingencies involving our students abroad, Program Directors are trained to follow sound recommended practices when emergencies do arise. They work individually and together to provide for the safety and well-being of our students.

JMU has therefore developed a series of specific procedures designed to safeguard the welfare of program participants. The Center for Global Engagement (CGE) takes responsibility for coordinating the University's management of emergencies affecting participants in JMU study abroad programs. The students are informed about these procedures during their on-site orientations.

What is an emergency?

An emergency is any circumstance that poses a genuine risk to, or that has already disturbed, the safety and well-being of program participants. Emergencies will include, though not be confined to, the following types of events and incidents:

- Physical assault or violence
- Disappearance or kidnapping of a student
- Robbery
- Sexual assault or rape
- Serious physical or emotional illness
- Significant accident and/or injury

- Hospitalization for any reason
- Terrorist threat or attack
- Local political crisis that could affect the students' safety or well-being
- Arrest or questioning by the police or other security forces
- Any legal action (lawsuit, deposition, trial, etc.) involving a student
- Natural disasters (earthquake, floods, epidemic, etc.)
- Other disasters or incidents

What is done to prepare for emergencies?

Students are instructed that they are required to inform Program Directors about any medical emergency. Program Directors in turn are required to contact the CGE as soon as possible in order to inform the CGE Executive Director or Study Abroad Director about the emergency. The students are informed that this information will be treated with the strictest confidentiality, and that it will be shared on a "need to know" basis only. If the crisis involving the student is grave enough to jeopardize his or her safety or well-being, the emergency contact they have provided at the time of registration will be informed.

1. During the orientation on-site, the students will be provided with
 - a. the local telephone number(s) the students should use to contact emergency services (i.e. the equivalent of the "911" that we use in the U.S., which provides access to police, fire and emergency medical services)
 - b. contacts of reputable local medical clinics or hospitals.
2. During the on-site orientation by the Program Directors, students will be informed of the exact location of the U.S. Consulate and be strongly encouraged to contact the U.S. Embassies of each country they plan to visit before and during their travels away from their site in order to get updated information. The students will also be advised to avoid travel to or through any location where tensions exist and travel may be dangerous. Experience has shown that students may benefit from a security briefing offered at U.S. Embassies and Consulates abroad; such briefings will assist in reinforcing the message to the students that travel to dangerous areas should be avoided.

How Program Directors respond to emergencies

1. In an emergency, the first responsibility for Program Directors is to safeguard the safety and well-being of program participants. Whatever is necessary is done to assure this, whether this means obtaining prompt and appropriate medical attention, Embassy or Consulate intervention or Police protection.
2. When all that can be reasonably done to assure the student's welfare, the Program Directors will immediately contact the CGE and brief the Executive Director and Study Abroad Director in a detailed way, about the situation. Every effort will be made to reach the CGE Executive Director or Study Abroad Director by telephone, rather than e-mail for the opportunity to fully discuss the situation.
3. If necessary Program Directors will notify the local U.S. Embassy or Consulate about the crisis, and follow whatever procedures they may require; if there is a continuing risk to the welfare of the students (during a terrorist threat, for example), the Program Directors will ask the appropriate Embassy or Consulate Officer to provide advisory information on a regular basis about the evolution of the crisis and about how the students should respond. In any other sort of emergency, the Program Director will notify the local Police about the situation and the Embassy or Consulate if they believe this is appropriate. The Program Directors will then follow the procedures the Police may require of them or the student.
4. During an ongoing crisis, the Program Directors will keep CGE informed on a regular basis, through telephone, fax, or E-mails about the evolution of the crisis until it has passed.
5. In the event of a crisis, it is important that all concerned not overreact or panic. The Program Directors will help the students to get through a difficult time. The CGE staff members have experience dealing with crises in the past and are ready to assist the Program Directors during and after any type of event or incident.
6. After CGE is informed about an emergency, and after CGE personnel consult with the Program Directors and other appropriate individuals on site, the CGE may, depending on the acuteness of the crisis, instruct Program Directors and students about a course of action that they will need to follow. All program participants will be required to sign a statement acknowledging that they have received

and understood this response plan; after all of the participants have signed, the Program Directors will email CGE the signed acknowledgments.

7. During a political crisis or some other emergency during which foreigners or U.S. citizens in general may be at risk, the Program Directors will request that the students keep a low profile. The students will be told to avoid demonstrations, confrontations or situations where they could be in danger; to avoid behavior that could call attention to themselves; to avoid places where foreigners or Americans are known to congregate; and to take down signs, avoid using luggage tags and wearing clothes that would label them as Americans.
8. It is highly unlikely that participants would need to be evacuated from a site abroad: of the hundreds of U.S. institutions operating programs abroad when the Gulf War and Iraq Wars broke out, only a handful concluded that events indicated that they should bring their students home. However, JMU would of course bring faculty members and students home if a situation were to deteriorate to the point where the degree of risk to participants was deemed unacceptable. If this unlikely event were to happen, the CGE Executive Director and staff, in consultation with the Program Director(s), the U.S. Embassy and State Department, plus appropriate individuals on the home campus, will develop an evacuation plan in as much detail as possible. This plan will be transmitted to the Program Directors in confidence, and the Center for Global Engagement will continue to work closely with the Program Directors throughout the process.
9. In the event of a significant crisis, individual students have the option of returning to the U.S. Every reasonable effort will be made to allow them to continue their academic program on campus, and to be housed appropriately as well. Refund policies are outlined in the faculty handbook for the Program Directors; withdrawals and grades will conform to JMU policies as well.

The following protocol is to be followed in the case of an emergency in Florence:

- All students should try to make their way back to Palazzo Capponi or their apartments
- Contact the Resident Manager or call the JMU Florence 24-hour on call emergency number
- Seek assistance from police and emergency services
- If returning to Palazzo Capponi or their apartments proves too dangerous students should look for a safe place and then try and make contact with JMU Florence staff
- JMU Florence staff will contact Center for Global Engagement and students contact persons if needed
- Students should call or email parents to let them know they are safe.

2021 James Madison University Annual Security and Fire Safety Report

2020 Crime Statistics for JAMES MADISON UNIVERSITY'S SEMESTER IN FLORENCE PROGRAM							
OFFENSE	Year	ON CAMPUS	RESIDENTIAL FACILITIES (Subset of <i>On Campus</i>)	PUBLIC AREAS	NonCampus	TOTAL	
MURDER, NON-NEGLIGENT MANSLAUGHTER	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
MANSLAUGHTER by NEGLIGENCE	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
SEX OFFENSES Forcible Rape	2020	0	0	0	0	0	
	2019	1	1	0	0	1	
	2018	0	0	0	0	0	
	Fondling	2020	0	0	0	0	0
		2019	0	0	0	0	0
		2018	0	0	0	0	0
SEX OFFENSES Incest	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
	Statutory Rape	2020	0	0	0	0	0
		2019	0	0	0	0	0
		2018	0	0	0	0	0
ROBBERY	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
AGGRAVATED ASSAULT	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
BURGLARY	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
MOTOR VEHICLE THEFT****	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
ARSON	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
Domestic Violence*	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
Dating Violence*	2020	0	0	0	0	0	
	2019	1	1	0	0	1	
	2018	0	0	0	0	0	
Stalking*	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
LIQUOR LAW VIOLATIONS	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
LIQUOR LAW VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
DRUG ABUSE VIOLATIONS	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
DRUG ABUSE VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
WEAPONS LAW VIOLATIONS	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	
WEAPONS LAW VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	2020	0	0	0	0	0	
	2019	0	0	0	0	0	
	2018	0	0	0	0	0	

*Crimes not reported by hierarchy

Crime statistics in specific areas are not made available to the public by Italian Police authorities

Hate Crimes

Involving crimes or incidents of homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, vandalism, and intimidation against persons characterized as and motivated by the actual or perceived bias, against race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, and/or disability.

On Campus, Residential Facilities, Non-Campus and Public Property (Geographical Areas):

2020 – There were no reported bias motivated incidents

2019 – There were no reported bias motivated incidents

2018 – There were no reported bias motivated incidents

There were 0 unfounded crimes in 2018, 2019 and 2020.

An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situations where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded”. Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with prosecution, and the failure to make an arrest do not “unfound” a crime report. This requirement began with 2014 statistics.

JMU Florence Campus Location

JMU Florence premises, Palazzo Capponi, is located in the Oltrarno neighborhood of Florence, near Piazza Santo Spirito.



Fire Safety and Related Policies

Palazzo Capponi is the operating premises of the JMU Masters in European Union Policy Studies (EUPS) and the Semester in Florence program (SIF) as well as residence of the Semester in Florence program (SIF) and visiting faculty. The facility is equipped with fire extinguishers a fire alarm detection system.

Palazzo Capponi is a nonsmoking area. Open flames and candles are prohibited. Electrical appliances from the U.S must be used with appropriate converts.

Fires should be reported to the Fire Department calling emergency numbers 115 or 112 (emergency unique number) and to the Resident Manager calling the JMU Florence 24-hour on call emergency number.

Fire Evacuation

If the Palazzo Capponi evacuation procedures have been activated, anyone who is in the building must:

1. Stop any activities
2. Leave behind personal belongings
3. Follow the green emergency exit signs
4. Stay calm, do not push people in front of you, do not run, do not scream
5. Leave the building in an orderly fashion, walking in a line
6. Go to the assembly point in front of the main entrance of Santo Spirito church

In case of smoke along the exit route, crouch low and breathe through a handkerchief, scarf or towel (best if you can wet it).

IF corridors and other exit routes are NOT passable or are filled with smoke, do not leave the room and place a towel or clothing to seal any cracks at the base of the door. Signal your presence to others outside at the windows. Once at the assembly point, stay there until an accurate head count attendance is taken and assist in the accounting for all building occupants.

The above points 1 to 6 must be followed also in cases of evacuation for other kind emergencies that may occur in the Palazzo Capponi, like flooding or earthquake. More detailed information about evacuation procedures will be given to students during the on-site orientation.

JMU Florence Campus Fire Alarm System

	FIRE ALARM PANEL TYPE	SPRINKLER SYSTEM	SPRINKLER SYSTEM COVERAGE	FIRE EXTINGUISHERS	FIRE DRILLS 2020
Palazzo Capponi	Electronic	None	None	7	2

JMU Florence Campus Fire Log

	Year	Number of Fires	Date/Time of Fire	Cause of Fire	Number of Deaths	Number of Injuries	Value of Property Damaged
Palazzo Capponi	2020	0	NA	NA	0	0	NA
	2019	0	NA	NA	0	0	NA
	2018	0	NA	NA	0	0	NA



EMERGENCY PROCEDURES



POLICE/FIRE/MEDICAL EMERGENCY DIAL: 540-568-6911

Dial **6911** from any on-campus phone or **540-442-6911** if phone circuits are down. Use the LiveSafe smart phone app.

FIRE

- * Activate the nearest fire alarm pull station and call **568-6911** if possible to report the location and cause of the fire if known.
- * **EVERYONE MUST LEAVE IMMEDIATELY** when a fire alarm is activated, even if there are no obvious signs of an emergency!
- * **DO NOT** use the elevator!
- * Remain calm and assist others in safely getting out.
- * Confine the fire by closing all doors and windows if possible.
- * Extinguish the fire if you have been trained and it is safe to do so.
- * Evacuate the building to a safe location away from the structure.
- * Take any personal belongings you may need with you. (including wallets, purses, keys, cell phones, etc.)
- * If circumstances permit, secure your area by closing doors and locking them if you would normally do so when you leave for the day.
- * Follow directions given by emergency personnel and respond to location designated by your building coordinator outside the structure to await further instructions and so that everyone can be easily accounted for before leaving the area.
- * Do not re-enter until authorized to do so .

WEATHER EMERGENCY

- * Listen for the JMU Lightning Detection System's audible air horn alarms:
SINGLE 15-second air horn blast - RED ALERT
THREE 5-second air horn blasts - ALL CLEAR
- * Seek shelter inside a building until notified by University officials that it is safe to leave.
- * If flooding occurs, seek higher ground and avoid walking through standing or moving water.

OFFICIAL JMU COMMUNICATIONS

During a campus emergency, JMU will distribute information to the campus community utilizing the following methods:

- * Madison ALERT- Campus Horn & PA System
- * JMU Radio **AM-1610** Broadcasts
- * JMU Web page at www.jmu.edu
- * Blast e-mail to "___@jmu.edu" accounts
- * SMS Text Messages to registered users through My Madison
 - > Faculty & Staff
 - > Students
- * Building Coordinators
- * ORL Hall Directors & Resident Advisers
- * Interdepartmental & Building Phone Trees
- * Emergency FAX Notifications to JMU Departments
- * Police Loudspeakers and PA Systems
- * JMU Lightning Detection System "RED ALERT" Horns
- * Local Media/Campus TV/Radio Broadcasts

HOSTILE INTRUDER RUN-HIDE-FIGHT

RUN

- * Have an escape route in mind. Leave your belongings behind. Evacuate regardless of whether others agree to follow.
- * Help others escape if possible. Do not attempt to move the wounded. Prevent others from entering an area where the active shooter may be.

HIDE

- * Hide in an area out of the shooters view. Lock door or block entry to your hiding place. Silence your cell phone (including vibrate) and remain quiet.

FIGHT

- * Fight as a last resort only when your life is in imminent danger.
- * Attempt to incapacitate the shooter.
- * Act with as much physical aggression as possible.
- * Improvise weapons or throw items at the shooter.
- * Commit to your actions... Your life depends on it.

When Law Enforcement Arrives

- * Remain calm and follow instructions.
- * Drop items in hands. Raise hands and spread fingers. Keep hands visible at all times.
- * Avoid quick movements toward officers such as holding on to them for safety.
- * Avoid pointing, screaming or yelling.
- * Do not ask questions when evacuating.



http://www.jmu.edu/publicsafety/resources_livesafe