

# James Madison University

## Judicial Policy Changes

### Spring 2011

---

#### **J7-100 Destruction or Attempted Destruction of Property**

##### **Prior Policy:**

**J7-101** No student shall intentionally or negligently damage/vandalize, attempt to damage/vandalize or participate in the damage/vandalism of property belonging to another.

**J7-102** Damage, which is caused accidentally, should be promptly reported to a residence hall staff member or an appropriate official. Failure to report accidental damage will be considered a violation of this policy.

##### **New Policy:**

**J7-101** No student shall intentionally or negligently damage/vandalize, attempt to damage/vandalize or participate in the damage/vandalism of property belonging to another.

**J7-102** Damage, which is caused accidentally, should be promptly reported to a residence hall staff member or an appropriate official. Failure to report accidental damage will be considered a violation of this policy.

---

#### **J12-100 Falsification of Official Information**

##### **Prior Policy:**

**J12-101** No student shall alter, replicate or have in his or her possession an altered university identification card (JMU Access Card) or parking permit. No student shall replicate or enter false information on an official university document or electronic form.

Violators of this section shall be guilty to a Class 1 misdemeanor, and upon conviction, can lose their driver's license for up to one year and face a minimum fine of \$500 or a mandatory minimum of 50 hours of community service and a maximum sentence of up to one year in jail and/or a \$2,500 fine, Code of Virginia 4.1-305

**J12-102** No student shall provide false information or fail to provide current information to the university including for the purpose of defrauding the university.

**J12-103** No student shall misrepresent himself/herself as a JMU official.

**J12-104** No student shall alter, replicate or have in his or her possession any form of identification, including but not limited to an altered state issued identification card, state issued driver's license or birth certificate to establish a false age to purchase an alcoholic beverage.

##### **New Policy:**

## **J12-100 Falsification of Information**

**J12-101** No student shall alter, replicate or have in his or her possession an altered university identification card (JMU Access Card) or parking permit. No student shall replicate or enter false information on an official university document or electronic form.

Violators of this section shall be guilty to a Class 1 misdemeanor, and upon conviction, can lose their driver's license for up to one year and face a minimum fine of \$500 or a mandatory minimum of 50 hours of community service and a maximum sentence of up to one year in jail and/or a \$2,500 fine, Code of Virginia 4.1-305

**J12-102** No student shall provide false information or fail to provide current information to the university including for the purpose of defrauding the university.

**J12-103** No student shall misrepresent himself/herself as a JMU official.

**J12-104** No student shall alter, replicate or have in his or her possession any altered form of identification, including but not limited to an altered state issued identification card, state issued driver's license or birth certificate.

---

## **J24-100 Obscene Conduct**

### **Prior Policy:**

**J24-101** No student shall engage in lewd, indecent or obscene conduct, regardless of proximity to campus.

**J24-102** No student shall possess and/or produce illegal sexual materials.

### **New Policy:**

**J24-101** No student shall engage in lewd, indecent or obscene conduct, including, but not limited to:

- Public nudity (streaking, etc)
- Public urinating
- Public sexual acts

**J24-102** No student shall possess and/or produce illegal sexual materials.

---

## **J26-100 Personal Abuse**

### **Prior Policy:**

**J26-101** No student shall direct a serious expression of the intent to commit an act of unlawful violence to a particular individual or group of individuals.

**J26-103** No student shall direct expressions that can be reasonably anticipated to provoke a violent reaction from an individual or group of individuals at anyone.

**New Policy:**

**J26-101** No student shall direct a serious expression of the intent to commit an act of unlawful violence to a particular individual or group of individuals.

**J26-103** No student shall direct expressions that can be reasonably anticipated to **incite** a violent reaction from an individual or group of individuals at anyone.

---

### **J31-100 Responsibility for Guest(s)**

**Prior Policy:**

**J31-100** Each student will be held accountable for any damage or violation of regulations by his/her guest(s) on-campus or in his/her residence hall.

**New Policy:**

**J31-100** Each student will be held accountable for any damage or violation of **University Policy** by his/her guest(s) on-campus or in his/her residence hall.

---

### **J34-100 Sexual Assault**

**Prior Policy:**

**J34-100** Sexual assault is defined as sexual contact without consent and includes intentional touching, either of the victim or when the victim is forced to touch, directly or through clothing, another person's genitals, breasts, thighs or buttocks; rape (sexual intercourse without consent whether by an acquaintance or a stranger); attempted rape; sodomy (oral sex or anal intercourse) without consent; or sexual penetration with an object without consent.

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. Verbal misconduct, without accompanying physical contact as described above, is not defined as sexual assault. Verbal misconduct may constitute harassment, which is also prohibited under university regulations and is specifically addressed in section J16-100 of this handbook.

**New Policy:**

**J34-100** Sexual assault is defined as sexual contact without consent and includes intentional touching, either of the victim or when the victim is forced to touch, directly or through clothing, another person's genitals, breasts, thighs or buttocks; rape (sexual intercourse without consent whether by an acquaintance or a stranger); attempted rape; sodomy (oral sex or anal intercourse) without consent; or sexual penetration with an object without consent.

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. Verbal misconduct, without accompanying physical contact as described above, is not defined as sexual assault. Verbal misconduct may constitute harassment, which is also prohibited under university regulations and is specifically addressed in section J16-100 of this handbook.

Accusing students who report a sexual assault will not be charged with alcohol or drugs, even if alcohol and drugs was involved. (Refer to [Accusing Student Rights \(Sexual Assault\)](#) in the JMU Student Handbook)

---

## **J39-100 Theft**

### **Prior Policy:**

**J39-101** No student shall steal, attempt to steal or assist in the theft of any money, property or item of value not belonging to him or her.

**J39-102** No student shall illegally use or appropriate any property not belonging to him or her.

**J39-103** No student shall fail to report suspected theft of university monies. (Refer to [JMU Policy 1603.](#))

### **New Policy:**

**J39-101** No student shall steal, attempt to steal or assist in the theft of any money, property or item of value not belonging to him or her.

**J39-102** No student shall illegally use, appropriate **or possess** any property not belonging to him or her.

**J39-103** No student shall fail to report suspected theft of university monies. (Refer to [JMU Policy 1603.](#))

**J39-104** No student shall use or possess any equipment that falls under the state of Virginia's laws as illegal, as it relates to theft.

---

## **J40-100 Trespassing & J41-100 Unauthorized Entry**

### **Prior Policy:**

**J40-101** Any individual refusing to leave an area as directed by an authorized faculty or staff member is responsible of trespass.

**J40-102** Any individual refusing to leave a residence hall room as directed by the occupant(s) of that room is responsible of trespass.

**J40-103** Any unauthorized individual entering or attempting to enter university property that has been closed, locked and/or posted shall be responsible of trespass.

**J41-100** No student shall enter or remain in a private room, office or restricted area under control of another student, faculty member or university official except by permission or invitation of the resident student, appropriate university official or faculty member.

**New Policy:**

**J40-100 & J41-100 Trespassing**

~~**J40-101** Any individual refusing to leave an area as directed by an authorized faculty or staff member is responsible of trespass.~~

~~**J40-102** Any individual refusing to leave a residence hall room as directed by the occupant(s) of that room is responsible of trespass.~~

**J40-103** Any unauthorized individual attempting to enter, entering or remaining in university property shall be responsible of trespass. This may include, but is not limited to, an area that has been closed, locked and/or displaying signage.

**J41-100** No student shall enter, remain in, or refuse to leave a private room (including a residence hall room), office or restricted area under control of another student, faculty member or university official except by permission or invitation of the resident student, appropriate university official or faculty member.

---

**J42-100 Unauthorized Use of Property or Documents**

**Prior Policy:**

**J42-101** No student shall use, possess, or sell any parking decal, JMU Access Card, keys or official university documents issued by the university to another individual. Specifically, a student may not:

**J42-102** Use, possess, lend or sell a parking decal that was not specifically issued to and paid for by the student holding the decal.

**J42-103** Use, possess, lend, or sell a JMU Access Card to obtain entry or services to which the individual is not entitled.

**J42-103** Use, possess, lend, or sell any university keys not specifically issued to the student.

**J42-104** Use official documents or identifying information of a student not authorized to do so.

**New Policy:**

**J42-100 Unauthorized Use or Transfer of Property or Documents**

**J42-101** No student shall use, possess, lend or sell any parking decal, JMU Access Card, Access codes, keys or university documents issued by the university to another individual. Specifically, a student may not:

**J42-102** Use or possess any parking decal, JMU Access Card, keys, access codes, or university documents issued by the university to another individual.

**J42-103** Lend or sell any parking decal, JMU Access Card, keys, access codes, or university documents issued by the university.

**J42-104** Use, possess, lend, or sell a parking decal, JMU Access Card and/or keys and/or codes to obtain entry or services to which the individual is not entitled.

**J42-105** Use documents or identifying information of a student not authorized to do so.