Formal Complaint Resolution Process

From the very beginning of the complaint process James Madison University is here to support their students, faculty and staff members. These policies are put into place to make JMU a safe and comfortable place to learn, grow, teach, and work.

The formal complaint must be filed within 180 days after the last date of the discriminatory or harassing behavior by providing the Title IX Officer with a signed, written document detailing the allegations, naming the respondent and providing as much detail as possible about the charges. The Title IX Officer may extend this time period to no more than 300 days if an informal resolution is still in progress.

Upon receipt of the complaint, the Title IX Officer shall determine whether Policy 1324 applies and will dismiss a complaint if the policy does not apply. If the complaint is dismissed for any reason, the Title IX Officer will inform the complainant and respondent in writing. A decision by the Title IX Officer that Policy 1324 does not apply is final and may not be appealed.

If the Title IX Officer determines that this policy applies, the Title IX Officer shall conduct an investigation of the complaint in any matter the Title IX Officer deems appropriate. All members of the university community are required to cooperate in the investigation.

Not later than 60 days after the complaint commencement date, the Title IX Officer shall provide the appropriate office with authority over the respondent with a confidential written report of the Title IX Officer’s recommendations and findings, with a copy to the appropriate vice president organizationally above the respondent.

A formal complaint may not be filed anonymously or on behalf of another person, although an anonymous complaint or third party complainant alleging sexual violence may be investigated by the Title IX Officer if sufficient information is provided.

The DEO may dismiss the complaint if any of the following apply. This decision is final and may not be appealed.

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.
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. However, in cases involving sexual harassment, the unwillingness of the party harmed to be involved in the matter will not necessarily result in a dismissal.

(This list is not exclusive, and other situations may result in the Title IX Officer determining that the policy does not apply)

The Title IX Officer may also report to the appropriate office, his or her opinion on whether the evidence justifies a preliminary finding by the Title IX Officer that the respondent violated this policy and whether the respondent should be charged with misconduct under the appropriate disciplinary procedures, if any. Any such preliminary finding by the Title IX Officer shall be based on a preponderance of the evidence available. This information is not available to the complainant or respondent.

Please note: The university will take prompt and effective steps reasonably calculated to end discrimination and harassment, eliminate any hostile environment and its effects, and prevent the discrimination or harassment from recurring. Appropriate steps to end discrimination and harassment may include separating the complainant and the respondent, providing counseling for the complainant and/or respondent or taking disciplinary action against the respondent or against a complainant who makes a false report.
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.

If the Title IX Officer finds that the evidence justifies a preliminary finding of violation, the Title IX Officer/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 further proceedings.

An AP faculty member may be disciplined or discharged for violation of Policy 1324 under the terms of Policy 1335.

An instructional faculty member may be disciplined or discharged for violation of Policy 1324 under the terms of the Faculty Handbook, Section III.A.25.

An affiliate may have his/her status as affiliate removed for violation of Policy 1324 under the terms of Policy 1337.

Exclusions: This policy does not provide procedures for complaints filed against students. 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 Judicial Affairs for disposition pursuant to the Student Judicial System as set forth in the JMU Student Handbook. Despite this exclusion, any person may discuss an allegation of harassment or discrimination with the Director of Equal Opportunity.