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. 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 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 are receiving a written explanation of the procedures to be followed upon a report of sexual assault, domestic violence, dating violence, and 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 victim 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 through to the final determination of our discipline process 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.

Sex Offenses - Victim Resources and Assistance Contact Information

<table>
<thead>
<tr>
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<td>724 S Mason St, Harrisonburg, VA 22801</td>
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<td>96 Campbell St, Harrisonburg, VA 22801</td>
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<tr>
<td>Community Services Board (CSB) Offers domestic and violence/anger control groups and visitation assistance</td>
<td>540-434-1941</td>
<td>1241 N Main St, Harrisonburg, VA 22802</td>
</tr>
<tr>
<td>Harrisonburg/Rockingham’s Victim Witness Program</td>
<td>540-564-3350</td>
<td><a href="mailto:nterrell@rockinghamcountyva.gov">nterrell@rockinghamcountyva.gov</a></td>
</tr>
<tr>
<td>Victim/Witness e-mail address is</td>
<td>53 Court Square 210, Harrisonburg, VA 22801</td>
<td></td>
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<td>General District Court</td>
<td>540-564-3130</td>
<td>53 Court Square Room 132, Harrisonburg, VA 22801</td>
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<td>64 W. Water St. Harrisonburg, VA 22801</td>
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<tr>
<td>Virginia Crime Victim Assistance INFO-LINE</td>
<td>1-888-887-3418</td>
<td></td>
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<tr>
<td>Virginia Family Violence and Sexual Assault Hotline</td>
<td>1-800-838-8238</td>
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</table>

| Title IX Officers |
| For more information follow the link: [www.jmu.edu/oeo](http://www.jmu.edu/oeo) |

| Amy Sirocky-Meck | 540-568-5214 | sirockam@jmu.edu |
| Nicole Lenez | Title IX Officer for Students | 540-568-3501 | leneznx@jmu.edu |
| Jennifer Litwiller | Title IX Officer for Students | 540-568-3404 | litwiljl@jmu.edu |
| Jennifer M. Toth | Title IX Officer for Staff | 540-568-3968 | tothjm@jmu.edu |
| Teresa Gonzalez | Title IX Officer for Faculty | 540-568-8090 | gonzalta@jmu.edu |
| Tisha McCoy-Ntiamoah | Title IX Officer for Students | 540-568-1787 | mccoynta@jmu.edu |
| Jennifer Phillips | Title IX Officer for Athletics | 540-568-8036 | phill2jr@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.

Survivor Resource Map

Options for confidential health-related resources:

- Confidential advocacy services are available to provide students in a supportive way to navigate their options and resources. To meet with an advocate, contact Liz Howley, Assistant Director - Sexual Violence Advocacy & Prevention at howleyeg@jmu.edu or 540-568-6251.

- University Health Center - 540-568-6178, Student Success Center
  - Emergency contraception
  - Medical examination/STI testing
  - Survivor advocacy, support, and prevention - 540-568-2831

- Campus Assault Response (CARE) - 540-568-6411
  - Student-run 24/7 helpline

- Counseling Center - 540-568-6552, Student Success Center
  - Counseling, advocacy, and consultation
  - Sexual trauma empowerment program

- Sentara RMH Emergency Department - within 72 hours of 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 non-confidential campus and criminal resources:

- JMU Police (on-campus assault) 540-568-6911, Anthony Seeger Hall
  - Clery Officer: Lisa Carickhoff, 540-568-6769

- Harrisonburg Police (off-campus assault) call 911

- Office of Student Accountability & Restorative Practices (those involved must be current JMU students) 540-568-6218, Student Success Center

- Title IX

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.

Although an immediate criminal justice police response is an option which is best, a victim can also choose to meet with a Title IX Coordinator(s) to explain possible remedies and resources. The Title IX process can provide assistance and options to change academic, living, transportation, and working situations after a reported incident, if such changes are reasonably available (including no-contact orders). 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. 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 reporting crime statistics and, in some cases, issuing incident notifications 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 confidential advocacy services from a victim advocate. Services are provided to students in a supportive way helping them navigate their options and resources.

Another option is for a victim to go to the JMU Counseling Center. The Counseling Center offers free and confidential short and long-term individual, group, and emergency sexual trauma counseling services for JMU students; advocacy services for survivors, including assistance with medical, accountability and legal referrals; and, finally, 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 to include speaking with a victim advocate or health services at the health center (if a student) or to Sentara RMHER for treatment.

Another choice is for a staff member of the Office of Student Accountability and Restorative Practices to help explore options. Along with legal prosecution, University accountability action is an option that can be pursued in lieu of or concurrent with legal prosecution. 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. 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) and/or a staff member of the Office of Student Accountability and Restorative Practices to speak with a staff member 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.

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**Protective 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
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 the Accused Student is informed of the charges, he or she may be instructed to have "no direct or indirect contact" with the Reporting Party. This includes, but is not limited to, verbal or non-verbal contact in person, through electronic means, or through a third. A violation of this instruction will result in a charge of J21-100 Non-compliance with an Official Request for a student Reporting Party or a charge of misconduct for a Faculty or Staff member.

**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.

<table>
<thead>
<tr>
<th>Section</th>
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<tbody>
<tr>
<td>18.2-61</td>
<td>Rape</td>
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<tr>
<td>18.2-62</td>
<td>Testing of certain persons for human immunodeficiency virus.</td>
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<tr>
<td>18.2-63</td>
<td>Carnal knowledge of child between 13 and 15 years of age.</td>
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<td>18.2-63.1</td>
<td>Death of Victim.</td>
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<td>18.2-64.1</td>
<td>Carnal knowledge of certain minors.</td>
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<tr>
<td>18.2-66</td>
<td>Effect of subsequent marriage to child over 14 years of age.</td>
</tr>
<tr>
<td>18.2-67</td>
<td>Depositions of complaining witnesses in cases of criminal sexual assault and attempted criminal sexual assault.</td>
</tr>
<tr>
<td>18.2-67.1</td>
<td>Forcible sodomy.</td>
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The JMU Student Accountability and Restorative Practices policy https://www.jmu.edu/osarp/handbook/OSARP/sexual-misconduct-accountability-process.shtml defines sexual assault –

J34-101 Sexual Assault – Any physical contact of a sexual nature that is forced on another person, including unwelcome sexual touching of any kind. This includes engaging or attempting to engage in any unwelcome sexual intercourse (oral, anal or vaginal) or penetration, however slight, with any object or body part without consent, or intentional touching (either of another person or when the person is forced to touch) of a body part in a sexual manner without consent, directly or through clothing. Sexual Assault includes nonconsensual attempted or completed sexual intercourse, penetration with any part of the body or an object, touching or forcing another person to touch in a sexual manner, kissing, physical contact with any part of the body for sexual purposes or forcing another to touch himself or herself in a sexual manner.

J34-103 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 or transmitting sexual utterances, sounds or images 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; 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.

J34-104 Sexual Harassment— unwelcome or offensive sexual advances, requests for sexual favors, sex-based harassment directed toward stereotypical notions of what is female/feminine v. male/masculine or a failure to conform to those gender stereotypes, or other conduct of a sexual nature that creates a hostile environment or is a term or condition of employment, education, or membership including:

- Verbal Conduct – including but not limited to specific demands for sexual favors, sexual innuendoes, sexually suggestive comments, jokes of a sexual nature, sexual propositions, or sexual threats
- Non-verbal Conduct –including but not limited to sexually suggestive emails, other writings, articles or documents, objects or pictures, graphic commentaries, suggestive or insulting sounds or gestures, leering, whistling, or obscene gestures
- Physical Conduct – including but not limited to touching, pinching, brushing the body, or any unwelcome or coerced sexual activity, including sexual assault

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.

When adjudicating allegations of violating J34-100 Sexual Misconduct the following definitions will be applied.

Consent is 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
If the victim is a student, the SANE nurse requests of the victim that they allow the hospital to accompany them if they desire. As with any crime, it is important to preserve evidence of criminal activity 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 physical evidence that may be found. If the evidence occurred within the past 72 hours, evidence of criminal activity may be preserved. 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. 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 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. 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).

Although the university strongly encourages all members of its community to report sexual assault to law enforcement, you also have the option not to make a report with law enforcement. A forensic exam can be done anonymously. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease and provide for support.

**What to expect at the Emergency Room?**

- 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 Student Wellness and Outreach office 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.

- If the victim requests a report to be made to law enforcement, call the police department in the jurisdiction where the crime occurred. Call the JMU police 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. 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 to include arranging for transportation to the hospital.

- 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 72 hours, 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.

- Along with legal prosecution, University accountability action is an option that can be pursued in lieu of/or concurrent with legal prosecution. 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. 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) and/or a staff member of the Office of Student Accountability and Restorative Practices to speak with a staff member to explore options. Accountability response to referral(s) related to act(s) of sexual assault can result in a charge of “Sexual Misconduct” against the accused; (J34-100 Sexual Misconduct). A report can also be made to Title IX. 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. 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 Student Wellness and Outreach Office, and the University Counseling Center, 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 choses to pursue criminal charges.

- The Counseling Center offers a resource that provides free and confidential short and long-term individual, group, and emergency sexual trauma counseling services for JMU students; advocacy services for survivors, including assistance with medical, judicial, and legal referrals; and, finally, 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 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. As staff members of the Counseling Center, we are exempt from Title IX reporting requirements, and communications with our clients are privileged by law; therefore, we will discuss Title IX implications with faculty, staff, family members, and students as needed, and 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; however, we encourage all survivors and support persons to review Title IX requirements before making any disclosures to other university personnel.

- 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 Student Wellness and Outreach Office and the JMU Counseling Center can help coordinate medical, counseling and support services for students. Sentara RMH Hospital and the Collins Center along with the Harrisonburg Rockingham Victim Witness Program can coordinate for non-student victims.

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. 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.

Bystander intervention consists of safe and positive options that may be used to intervene or prevent harm. JMU encourages its community members to be a courageous bystander to help stop sexual assault. It includes recognizing situations of potential harm interpreting it as an emergency and acting. If you see someone in need of help, step up and help or call police.

Risk reduction consists of options to address violence before it happens. 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.
Domestic Violence

Virginia defines domestic abuse as “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 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 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 the jurisdiction in which the crime of violence occurred.

(42 U.S.C. 13925(a))

The JMU Student Accountability and Restorative Practices policy defines J34-101 Sexual Misconduct -Domestic Violence as an incident or pattern of physically, sexually and/or emotionally abusive behavior used by one individual to assert power or maintain control over another in the context of an intimate or family relationship. Depending on the circumstances, this may be a form of sexual violence.

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.

When adjudicating allegations of violating J34-100 Sexual Misconduct the following definitions will be applied. Consent is 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.

The James Madison University Police Department assigns domestic or family violence complaints a high priority. The nature and seriousness of crimes committed between family or household members are not mitigated because of the relationships or living arrangements of those involved. Therefore, law enforcement must exercise leadership in the community in responding to domestic violence.
An immediate criminal justice response can make a major difference in the disputants' lives. If an assault should occur, the victim should go to a safe place and contact a friend or family member for support. You should consider seeking medical attention as soon as possible if injured. Sentara RMH Hospital will be able to examine and treat you after an assault. If you are a student, you may receive treatment at the JMU Health Center. Following any incident, victims are encouraged to call the JMU police 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. 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. Following an incident of domestic violence, victims are encouraged to make a report to JMU Police Department or local police if they have not done so previously. This action does not obligate prosecution, but it does make legal action possible if the decision to prosecute is made at a later date. 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. 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. As with any crime, it is important to preserve evidence. 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. 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 JMU Police will arrest the aggressor when probable cause exits 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.

Along with legal prosecution, University accountability action is an option that can be pursued in lieu of/or concurrent with legal prosecution. 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. To begin a university accountability action, a student, faculty member or staff member who feels he or she has been a victim of domestic assault can meet with a Title IX Coordinator(s) and/or a staff member of the Office of Student Accountability and Restorative Practices to speak with a staff member to explore options Accountability response to referral(s) related to act(s) of domestic violence can result in a charge of “Sexual Misconduct” against the accused; (J34-100 Student Handbook Sexual Misconduct). The process for domestic violence is the same for sex offenses documented earlier.

A report can also be made to Title IX. 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. 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 Student Wellness and Outreach Office, and the University Counseling Center, 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 choses to pursue criminal charges.

The JMU Counseling Center offers support and counseling for individuals who have experienced 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 psycho-educational programs for students on issues of relationships (this includes such
topics as avoiding “toxic” relationships and violence to oneself by a dating partner. Call 540-568-6552 or visit the website at https://www.jmu.edu/counselingctr/.

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 Student Wellness and Outreach Office 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.

Helpful information can be found at this link https://www.dss.virginia.gov/community/dv/. Talking to someone who is trained to work with victims and survivors may help alleviate some of the symptoms that may be interfering with other aspects of your life.

Student Wellness and Outreach coordinates sexual assault and dating violence prevention, advocacy, and referral services for the JMU campus. It is ready and able to extend its services to those who are victims of domestic violence by calling 540-568-2831.

In addition to campus based resources there are community-based organizations such as The Collins Center (540-434-2272) and First Step (540-434-0295). 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).

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 the “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. The JMU Police Department along with the JMU community is committed to stopping domestic 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.

Bystander interventions:

- Speak up when you hear threatening language.
- Hold people accountable for their actions.
- Respectfully challenge comments that degrade women.

### 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; and
- 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 the relationship;
  - The frequency of interaction between the persons involved in the relationship.
  (42 U.S.C. 13925 (a))

- For the purposes of this definition—
  - Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - Dating violence does not include acts covered under the definition of domestic violence

The JMU Student Accountability and Restorative Practices policy defines J34-101 Sexual Misconduct –Dating Violence/Relational Violence

A form of sexual violence which consists of physical assaults or serious threats of bodily harm, including but not limited to domestic violence and dating violence.

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.

When adjudicating allegations of violating J34-100 Sexual Misconduct the following definitions will be applied. Consent is 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.

Violence or abuse is never acceptable in a dating relationship. First and foremost, the victim should go to a safe place and contact a friend or family member for support. You should be considering seeking medical attention as soon as possible if injured. Sentara RMH Hospital will be able to examine and treat you after an assault. The JMU Health Center can treat students. Following any incident, victims are encouraged to call the JMU police 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. 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 with possible arrest. As with any crime, it is important to preserve evidence. 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. 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.

Along with legal prosecution, University accountability action is an option that can be pursued in lieu of/or concurrent with legal prosecution. 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. To begin a university accountability action, a student, faculty member or staff member who feels he or she has been a victim of domestic assault can meet with a Title IX Coordinator(s) and/or a staff member of the Office of Student Accountability and Restorative Practices to speak with a staff member to explore options Accountability response to referral(s) related to act(s) of dating violence/relational violence can result in a charge of "Sexual Misconduct" against the accused; (J34-100 Student Handbook Sexual Misconduct). The process for dating violence is the same for sex offenses documented earlier.

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-forceable 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.

A report can also be made to Title IX. 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. 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 Student Wellness and Outreach Office, and the University Counseling Center, 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, Sentara RMH Hospital, the JMU Health Center and the Office of Student Accountability and Restorative Practices, along with the Student Wellness and Outreach Office 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. Written information providing information on existing counseling, health, mental health, victim advocacy, legal assistance and if applicable visa and immigration assistance along with other services available for victims, both within the institution and in the community will be provided in the JMU Complainants
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. This could be when a person is yelling at or being physically abusive toward another and it is no safe for you to interrupt.

If anyone has been hit or abused by a dating partner and they want to report it as a crime; they should immediately call the JMU Police 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. Go to a safe place. Contact a friend or family member for support if possible. The 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 with possible arrest. As with any crime, it is important to preserve evidence. 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.

Along with legal prosecution, University accountability action is an option that can be pursued in lieu of or concurrent with legal prosecution. 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. 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) and/or a staff member of the Office of Student Accountability and Restorative Practices to speak with a staff member to explore options. Student 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. Accountability response to referral(s) related to act(s) of domestic violence can result in a charge of “Sexual Misconduct” against the accused; (J34-100 Student Handbook Sexual Misconduct). The process for dating violence is the same for sex offenses documented earlier.

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 psycho-educational programs for students on issues of relationships (this includes such topics as avoiding "toxic" relationships and violence to oneself by a dating partner).
**Student Wellness and Outreach** coordinates sexual assault and dating violence prevention, advocacy, and referral services for the JMU campus. It is ready and able to extend its services to those who are victims of dating violence. Call 540-568-2831 or visit the website [https://www.jmu.edu/counselingctr/](https://www.jmu.edu/counselingctr/).

In addition to campus based resources there are community-based organizations such as The Collins Center (434-2272) and First Step (434-0295).

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**Stalking**

Stalking is traumatic. You may experience nightmares, lose sleep, get depressed or feel like you’re 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—

- **Fear for the 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.**
- **Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.**

The JMU Student Accountability and Restorative Practices policy defines J34-101 Sexual Misconduct – Stalking as repeated conduct which places a person or his/her family in reasonable fear of death, sexual assault or bodily injury. 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.

When adjudicating allegations of violating J34-100 Sexual Misconduct the following definitions will be applied. Consent is 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.

If you feel you are being stalked and want to report it as a crime; you should immediately call the call the JMU Police 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. If you are in immediate danger, go to a safe place. Contact a friend or family member for support if possible. The responding officer’s primary responsibility will be the victim’s physical well-being and emergency medical needs followed by an investigation to include obtaining preliminary statements, preserving evidence, and documentation with possible arrest. Victims are encouraged to make a report to JMU Police Department or local police if they have not done so previously. This action does not obligate
prosecution, but it does make legal action possible if the decision to prosecute is made at a later date. 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. 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. 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.

Along with legal prosecution, University accountability action is an option that can be pursued in lieu of or concurrent with legal prosecution. 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. To begin a university accountability action, a student, faculty member or staff member who feels he or she has been a victim of stalking can meet with a Title IX coordinator(s) and/or a staff member of the Office of Student Accountability and Restorative Practices to explore options. Accountability response to referral(s) related to act(s) of stalking can result in a charge of “Sexual Misconduct” against the accused; (J34-100 Student Handbook Sexual Misconduct). The process for stalking is the same for sex offenses documented earlier.

A report can also be made to Title IX. 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. 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 Student Wellness and Outreach Office, and the University Counseling Center, 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.

The JMU Counseling Center is a safe and confidential environment for a discussion of stalking while offering support and counseling for individuals who have experienced it. 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 psycho-educational programs for students on issues of relationships (this includes such topics as avoiding “toxic” relationships and violence to oneself by a dating partner). Call 540-568-6552 or visit website at http://www.jmu.edu/counselingctr. Student Wellness and Outreach coordinates sexual assault and dating violence prevention, advocacy, and referral services for the JMU campus. It is ready and able to extend its services to those who are victims of violence. Call 540-568-2831 or visit website at http://www.jmu.edu/healthctr.swo. Talking to someone who is trained to work with victims and survivors may help alleviate some of the symptoms that may be interfering with other aspects of your life.

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 Student Wellness and Outreach Office and the JMU Counseling Center 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. 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).

If you are a student or 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.

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. 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.

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.