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.

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.

There shall be no retaliation against anyone who exercises rights under the Clery Act or Title IX.

As a victim of sexual assault, dating violence, domestic violence or stalking, you will receive 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.

Title IX Officers

For more information follow the link: [www.jmu.edu/oeo](http://www.jmu.edu/oeo). For a brochure follow link [http://www.jmu.edu/oeo/TitleIXbrochure.shtml](http://www.jmu.edu/oeo/TitleIXbrochure.shtml)

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<thead>
<tr>
<th>Title IX Officers</th>
<th>Phone Number</th>
<th>Email Address</th>
</tr>
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<tbody>
<tr>
<td>James R. Robinson, Title IX Coordinator/Officer for Faculty, Affiliates, and Visitors</td>
<td>540-568-6991</td>
<td><a href="mailto:robinssr@jmu.edu">robinssr@jmu.edu</a></td>
</tr>
<tr>
<td>Nicole Lenez, Title IX Officer for Students</td>
<td>540-568-3501</td>
<td><a href="mailto:lenezmx@jmu.edu">lenezmx@jmu.edu</a></td>
</tr>
<tr>
<td>Jennifer Litwiller, Title IX Officer for Students</td>
<td>540-568-3404</td>
<td><a href="mailto:litwiljl@jmu.edu">litwiljl@jmu.edu</a></td>
</tr>
<tr>
<td>Jennifer M. Toth, Title IX Officer for Staff</td>
<td>540-568-3968</td>
<td><a href="mailto:tothjm@jmu.edu">tothjm@jmu.edu</a></td>
</tr>
<tr>
<td>Teresa Gonzalez, Title IX Officer for Faculty</td>
<td>540-568-8090</td>
<td><a href="mailto:gonzalta@jmu.edu">gonzalta@jmu.edu</a></td>
</tr>
<tr>
<td>Tisha McCoy-Ntiamoah, Title IX Officer for Students</td>
<td>540-568-1787</td>
<td><a href="mailto:mccoynta@jmu.edu">mccoynta@jmu.edu</a></td>
</tr>
<tr>
<td>Jennifer Phillips, Title IX Officer for Athletics</td>
<td>540-568-8036</td>
<td><a href="mailto:phill2jr@jmu.edu">phill2jr@jmu.edu</a></td>
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Resources for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking

On Campus

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<thead>
<tr>
<th>Title IX Officers</th>
<th>Phone Number</th>
<th>Email Address</th>
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</thead>
<tbody>
<tr>
<td>JMU Police, Report incidents occurring on campus</td>
<td>540-568-6911</td>
<td><a href="mailto:business540@jmu.edu">business540@jmu.edu</a></td>
</tr>
<tr>
<td>Office of Equal Opportunity/Title IX Coordinator</td>
<td>540-568-6991</td>
<td></td>
</tr>
<tr>
<td>JMU Counseling Center, Provides Sexual Response Services</td>
<td>540-568-6552</td>
<td></td>
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<tr>
<td>JMU Health Center Medical Clinic</td>
<td>540-568-6178</td>
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<tr>
<td>JMU Campus Assault Response Emergency help line (C.A.R.E.)</td>
<td>540-568-6411</td>
<td></td>
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<tr>
<td>LGBT Ally and Education</td>
<td>540-568-6178</td>
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<tr>
<td>JMU Office of Student Accountability and Restorative Practices</td>
<td>540-568-6218</td>
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Sexual Assault

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 sexual assault victims in a supportive manner, using appropriate crisis intervention skills.

Sexual assault includes offenses that meet the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting System. 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 is defined as 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 - nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; and statutory rape - nonforcible sexual intercourse with a person who is under the statutory age of consent.

The Code of Virginia under Article 7 Criminal Sexual Assault provides further information regarding Virginia law.

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. The thorough, complete and accurate collection of evidence is a vital and often key requirement for the successful investigation and prosecution of sexual assaults.

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.

If a sex offense should occur, the victim has the option of take the following actions:

- The victim is urged to go to a safe place and contact a friend or family member for support.
- After an incident of sexual assault, the victim should begin considering seeking medical attention as soon as possible. Sentara RMH Hospital will be able to examine and treat you after an assault, whether or not you choose to report the assault to police. You can go to the emergency room at the hospital and tell them you were sexually assaulted.
- As with any crime, it is important to preserve evidence. The victim is encouraged to preserve evidence. Do not destroy physical evidence that may be found. If the offense 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.
- 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. The victim should preserve the crime scene and/or evidence. Preservation of evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection
- 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).

- You also have the option not to make a report with law enforcement. 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.

- If a report is made to law enforcement, call the police department in the jurisdiction where the crime occurred: if the incident occurred on campus contact the JMU Police Department 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. You may be transported to the hospital for treatment if you have not yet responded to the hospital.

- An investigation will follow to include 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) and a sexual assault victim advocate from the Collins Center will be called to assist the victim. If you are a JMU student, you can also request assistance from University Health Center - the Well victim advocate (if M-F 8-5pm).

- Law enforcement will help obtain an emergency protective order for the victim if applicable and provide guidance through the criminal complaint process.

- Law enforcement in concert with other entities such as Title IX, Sentara RMH Hospital, and the Office of Student Accountability and Restorative Practices, along with the University Health Center and JMU Counseling Center will help coordinate medical, counseling and support services for students. Rockingham Memorial 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. 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.

- Although the university strongly encourages all members of its community to report sexual assault to law enforcement, it is the victims’ choice whether or not to make a report and victims have the right to decline police involvement. 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. The victim should consider seeking medical attention as soon as possible at Sentara RMH Hospital or the University Health Center if you are a student. You can go to the emergency room at the hospital and tell them you were sexually assaulted.

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### 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. You do have options. Although the university strongly encourages all members of its community to report violations to law enforcement, it is the victim’s choice whether or not to make such a report and victims have the right to decline involvement with the police. 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). Students can
call the University Health Center office at 540-568-2831 to request survivor advocate to accompany them if they desire.

Institutional personnel will assist the victim in notifying these authorities, if the student requests the assistance of these personnel.

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.

If the victim does not wish to support a police investigation or declines a forensic exam, she/he will be referred to the Emergency Room Physician.

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).

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 the victim is a JMU student, the SANE nurse requests of the victim that they allow the nurse to call a professional counselor from the school to let them know of the assault. 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 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 formal university investigation of the complaint. For example, if reasonably available, a victim may be offered changes to academic, living, or working situations in addition to counseling, health services and assistance in notifying appropriate local law enforcement. The Office of Equal Opportunity. Title IX will assist a victim with these accommodations. 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. Or 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 regardless of if the victim choses to pursue criminal charges.

- Victims have the option of keeping their report of sexual assault in complete confidence, protecting their right to anonymity, when making a report through the JMU Counseling Center. If an incident is reported to the JMU Counseling Center, a professional staff member will be assigned to work with the victim.

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.

Message from JMU Counseling Center

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 JMU 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.

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. The earlier an incident is reported, the easier it is to collect valuable evidence and investigate the incident.

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.

You Have Choices

James Madison University takes the issue of sexual misconduct seriously and sexual misconduct includes a broad spectrum of behavior. Students who feel they have been a victim of sexual misconduct, or are unsure, can meet with a Title IX Coordinator(s) or a staff member of the Office of Student Accountability and Restorative Practices to explore their options. These options include counseling, the criminal process, possible civil suits, the Sexual Misconduct Accountability Process, and the Title IX Process (including no-contact orders).

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. Both the victim and the accused are afforded rights. The accuser and the accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or preceding by an advisor or their choice and both the accuser and the accused shall be simultaneously informed, in writing of the outcome of any institutional disciplinary proceeding that arises from an allegation; the institution’s procedures for the accused and the victim to appeal the results of the institutional proceeding; of any change to the results that occurs prior to the time that such results become final; and when such results become final. The accused has the right to a presumption of not being responsible for a violation until proven responsible as determined by a preponderance of the evidence present at the hearing. The right to appeal to a higher accountability body or university administrative official can be made within 3 days of receiving the accountability decision from JMU. 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 sexual violence can result in a charge of “Sexual Misconduct” against the accused; (J34-100 Student Handbook Sexual Misconduct).

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.

Accountability response to referral(s) related to act(s) of sexual violence can result in a charge of “Sexual assault” against the accused; (J34-100 Student Handbook Sexual Assault).
James Madison University takes the issue of sexual misconduct seriously and sexual misconduct includes a broad spectrum of behavior to include:

**J34-101 Sexual Assault** – Engaging or attempting to engage in any sexual intercourse (oral, anal, or vaginal) or penetration (oral, anal, or vaginal), however slight, with any object or body part upon another individual without consent. Examples include, but are not limited to, vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue, or finger; and mouth to genital contact.

**J34-102 Non-Consensual Sexual Contact** – Intentional touching, either of the victim or when the victim is forced to touch, of a body part in a sexual manner without consent, however slight, direct, or indirect (e.g. through clothing). Examples of sexual touching include, but are not limited to kissing, contact with the breasts, buttocks, groin, or genitals, touching another with any of these body parts, or making an individual touch another or themselves with or on any of these body parts, or any bodily contact of a sexual manner involving body parts not previously listed.

**J34-103 Sexual Exploitation** – Taking sexual advantage of another person without consent. Examples include, but are not limited to, 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(s) without consent; prostitution; allowing a third party to observe sexual activity without consent; voyeurism or “peeping”; knowingly transmitting sexually transmitted infections or other diseases without the knowledge of the partner; or inducing another to expose their breasts, buttocks, groin, or genitals.

**J34-104 Sexual Harassment** – Unwelcome conduct of a sexual nature that seriously and/or repeatedly affects an employee’s or student’s performance or creates a hostile work or study environment. Examples include, but are not limited to, unwelcome sexual advances; requests for sexual favors; sexually-based stalking; threatening to release photos or recordings of sexual activity; and other verbal, nonverbal, or physical conduct of a sexual nature (e.g., any act of sexual misconduct as previously defined).

**J35-105 Relational Violence** – Relationally motivated physical assault(s), or serious threat(s) of bodily harm, including, but not limited to domestic violence and dating violence.

**Consent** means words or actions that show a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force, intimidation, by ignoring or acting in spite of the objections of another, by previous consent, or by taking advantage of the victim’s incapacitation or physical helplessness where the accused student knows or reasonably should have known of such incapacitation.

**Incapacitation** means the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep and blackouts. Where alcohol and/or drugs are involved, one does not have to be intoxicated or drunk to be considered incapacitated; incapacity is determined by how the alcohol and/or drugs consumed impacts a person’s decision-making capability.

### Determining a Charge

James Madison University takes the issue of sexual misconduct seriously and sexual misconduct includes a broad spectrum of behavior. Alleged behavior by a student that falls under the behavior outlined by **J34-100 Sexual Misconduct** will follow the process described below. A student, faculty member or staff member who feels he or she has been a victim of sexual misconduct by a student, or who is unsure, 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. These options include counseling through the Counseling Center for students, counseling through the Employee Assistance Program for employees, the criminal process, the Sexual Misconduct Accountability Process, and the Title IX Process (including no-contact orders), as well as appropriate interim measures such as changes in housing, changes in sections of classes, changes in work assignments, changes in scheduled meetings, and other methods of separation from the accused. This Sexual Misconduct Accountability Process is separate and distinct from the Accountability Process, which is used to address all other reports of policy violations by students.

Accusing Students who report sexual misconduct will not be charged with violations of **J38-101 Alcohol** or **J38-102 Drugs**, even if these substances were involved.
Both Accusing Students or Employees and Accused Students will be assigned an advisor by the Office of Student Accountability and Restorative Practices to guide them through the Sexual Misconduct Accountability Process and help them understand the rights afforded to them. Additionally, appropriate interim measures may be arranged with the advisor's assistance. Employees making accusations against a student may also seek assistance from Human Resources or the Faculty Ombudsperson.

Any JMU student, faculty, or staff member believing that a student has violated J34-100 Sexual Misconduct may bring a charge by giving relevant details of the alleged violation to the Office of Student Accountability and Restorative Practices. The accusation need not be by the individual who is allegedly the victim of the sexual misconduct. If the accusation is brought by someone other than the alleged victim, the Office of Student Accountability and Restorative Practices will attempt to gather additional information from the individual who is allegedly the victim of the sexual misconduct, and who will from that point be considered the Accusing Student or Employee. If the alleged victim does not wish to proceed with a charge, the Office of Student Accountability and Restorative Practices will generally abide by that choice, unless the relevant details indicate a sufficient reason to disregard the wishes of the alleged victim. Examples of a sufficient reason are, but are not limited to, the use of a weapon, violence, multiple charges against the same Accused Student, or a danger to the university community.

Upon receiving relevant details of the alleged violation, the Office of Student Accountability and Restorative Practices will determine whether there are grounds for a charge and the initiation of the Sexual Misconduct Accountability Process.

If the information produced provides sufficient cause to believe that a violation has taken place:

- The Accused Student will be notified of the charges. Proper notification of a charge shall consist of an electronic message (e-mail) and/or written notice mailed to the student’s last address on file with the university or placed in the Accused Student’s assigned mailbox. The notice will be considered received one day following the date the notice is sent via email. The charge will set out the relevant policy for the alleged violation, but will not list the specifics of the alleged incident. However, the Accused Student is entitled to access to all of the evidence and information in the possession of the Office of Student Accountability and Restorative Practices before delivering a response to the charge.
- When the Accused Student is informed of the charges, he or she may also be instructed to have “no direct or indirect contact” with the Accusing Student or Employee. This includes, but is not limited to, verbal or non-verbal contact in person, through electronic means, or through a third party. A violation of this instruction will result in a charge of J21-100 Non-compliance with an Official Request.
- The Accusing Student or Employee may also be instructed to have “no direct or indirect contact” with the Accused Student. This includes, but is not limited to, verbal or non-verbal contact in person, through electronic means, or through a third party. A violation of this instruction will result in a charge of J21-100 Non-compliance with an Official Request for an Accusing Student, or a charge of misconduct for a Faculty or Staff member.
- A Sexual Misconduct Case Review will be scheduled at a time where the Accused Student, Accusing Student or Employee, all witnesses, and support persons are able to attend. The parties will be informed of the time and location via email. Neither the Accused Student nor the Accusing Student or Employee is required to attend the review. The Accusing Student or Employee may request the ability to participate in the review by phone, video conferencing, or another method that does not require the Accusing Student or Employee and Accused Student to be in the same room.

The university may proceed with charges and the Sexual Misconduct Accountability Process regardless of enrollment status of the Accused Student. If a student discontinues enrollment, regardless of reason, charges and/or sanctions remain pending and will still be active upon a request to reenroll. Since policy violations occurring through the end of a student’s graduation day may result in charges being brought, in cases involving graduating students, the student’s diploma and/or official transcripts may be withheld pending the conclusion of the Sexual Misconduct Accountability Process and/or the completion of any outstanding sanctions. In addition, for these cases, if the sanction is immediate suspension or expulsion, it will be deemed effective for the most recent semester the student attended.

For cases alleging sexual misconduct where the case review occurs during the last three weeks of the semester, the decision to proceed or postpone the process will be determined by the Office of Student Accountability and Restorative Practices.

**Sexual Misconduct Case Review**

The rights of an Accused Student and Accusing Student or Employee participating in a Sexual Misconduct Case Review are delineated in the Accused Student Rights (Sexual Misconduct) and the Accusing Student or Employee Rights (Sexual Misconduct). Allegations of violations of J34-100 Sexual Misconduct will be reviewed in a Sexual Misconduct Case Review by a board of Case Administrators, consisting of one staff member from the
Office of Student Accountability and Restorative Practices who will serve as a voting Board Chair and two faculty or staff members of the Accountability Board in accordance with the following procedures:

- Participants state any questions they have concerning rights or procedures.
- The statement of the charges is presented.
- Information is presented about the alleged incident by the Accusing Student or Employee and his or her witnesses; each witness presenting for the Accusing Student or Employee is called individually. The Board may question the Accusing Student or Employee or the witnesses for the Accusing Student or Employee as they are called and may request witnesses to return for further clarification. The Accused Student may also question the evidence presented by the Accusing Student or Employee or that person’s witnesses. However, the Accused Student and Accusing Student or Employee may not directly question each other.
  - Witnesses may not also serve as a support person or attorney for the Accusing Student or Employee.
  - The Accusing Student or Employee’s parents may serve as witnesses for the student at the discretion of the Accusing Student.
- Information is presented by the Accused Student and his or her witnesses; each witness for the Accused Student is called individually. The Board may question the Accused Student or witnesses for the Accused Student as they are called and may request witnesses to return for further clarification. The Accusing Student or Employee may also question the evidence presented by the Accused Student or witnesses. However, the Accused Student and the Accusing Student or Employee may not directly question each other.
  - Witnesses may not also serve as a support person or attorney for the Accused Student.
  - The Accused Student’s Parents may serve as witnesses for the student at the discretion of the Accused Student.
- The Board may limit the amount of information any witness or participant in the Case Review provides if it appears to be repetitious or does not contribute positively to the fair and efficient review of the case currently being considered.
- The Accused Student may present concluding remarks.
- The Accusing Student or Employee may present concluding remarks, including a “Victim Impact Statement.”
- The Board may ask final questions of the Accused Student and/or the Accusing Student or Employee.
- All persons are excused from the hearing room while the Board determines responsibility and, if applicable, sanctions.
- The Board will consider only the information introduced in the Sexual Misconduct Case Review and case file. The decision of responsibility is based on the preponderance of the evidence and be determined by a majority vote.
- The decisions regarding responsibility and, if applicable, a sanctions is then given concurrently to the Accused Student and the Accusing Student or Employee.
- The Accused Student and Accusing Student or Employee is then informed of the right of appeal and the appropriate procedure for initiating an appeal.

Accused Students and Accusing Students or Employees may request one postponement of the Sexual Misconduct Case Review due to an academic conflict, work conflict, family emergency, or illness by contacting the Office of Student Accountability and Restorative Practices at least 48 hours prior to the scheduled hearing. If a party fails to appear at a Sexual Misconduct Case Review after being properly notified of its date and time, the case will be heard on the basis of the information accumulated in the case file and as a result of the information provided by witnesses present. In such situations, the parties will be notified of the decision via email.

A student who provides false information at a Sexual Misconduct Case Review may be charged additionally with a violation of J18-100 Interference with the Accountability, Honor Council, or Title IX Process. An employee may be charged with misconduct under the relevant policies of the university.

A student who discusses the case before the Sexual Misconduct Case Review with any of the witnesses for the other party may be charged additionally with a violation of J18-100 Interference with the Accountability, Honor Council, or Title IX Process. An employee may be charged with misconduct under the relevant policies of the university.

Sexual Misconduct Case Reviews are closed meetings and all information and decisions shall be kept confidential by all parties until the case is fully resolved, including all appeals. Upon conclusion, the University will continue to maintain confidentiality as required by law. The Accused Student and Accusing Student or Employee shall receive notice of all rights they are guaranteed through the Sexual Misconduct Accountability Process. In Sexual Misconduct Case Reviews, the technical rules of evidence applicable in civil and criminal cases do not apply.

**Appealing a Sexual Misconduct Case Review**
Accused Students and Accusing Students or Employees have the right to submit a written appeal of a decision made at a Sexual Misconduct Case Review within three business days of receiving notice of the decision. Accused students may appeal the decision based on a violation of due process rights, if new information becomes available, or due to the harshness of the sanction. Accusing Students or Employees may appeal the decision based on a violation of due process rights, if new information becomes available, or due to the leniency of the sanction.

- Appeals will review the case file based on the points raised in the written appeal submission and a review of the audio recording of the Sexual Misconduct Case Review. If the appeal(s) is submitted by the Accused Student or the Accusing Student or Employee, the other party will be notified upon submission and given the opportunity to submit a written response to the appeal within three business days from receiving notification that an appeal has been submitted. If appeals are submitted by both parties, they will both be given the opportunity to submit a written response to the other party’s appeal within three business days from receiving notification that an appeal has been submitted.
- Students will not typically present in person at the appeal review. However, in the rare or extenuating circumstances it is determined by the Office of Student Accountability and Restorative Practices that the student should address the appeal board in person, the appeal review will be arranged around both the Accused Student's and the Accusing Student’s or Employee’s schedules and their participation will be recorded. In these rare circumstances, the other party will also be given the opportunity to present in person a response to the appeal board and submit a written response.
- For appeal reviews in cases alleging Sexual Misconduct, the appeal board will be composed of three faculty and/or staff members of the Accountability Board. One of the faculty or staff members, in addition to being a voting member, will also serve as the Board Chair. The decision of the appeal review will be determined by a majority vote.
- If only the Accused Student appeals the decision made at the Sexual Misconduct Case Review, the student may not be given more severe sanctions as the result of his or her decision to appeal. If only the Accusing Student or Employee appeals the decision made at the Sexual Misconduct Case Review, the Accused Student may be found responsible or given more severe sanctions as a result of the Appeal Review.
  - If the appeal is only based on the harshness of the sanction, the appeal board will only vote to affirm or change the original sanctions.
  - If the appeal has included new information or contention of errors in due process, the appeal board will vote first on responsibility and then on sanctioning.
- If both the Accused Student and the Accusing student or Employee appeals the decision made at the Sexual Misconduct Case Review, the Accused Student may be found responsible or given more severe sanctions as a result of the Appeal Review.
  - In cases where both the Accusing Student or Employee and Accused Student appeal the decision, there will be one appeal review to evaluate both appeals, the recording of the Sexual Misconduct Case Review, and make one final decision in the case.
- In all cases in which the sanction includes suspension or expulsion, there shall be a final review by the Senior Vice President for Student Affairs and University Planning (if the penalty is suspension) or by the Senior Vice President for Student Affairs and University Planning in consultation with the President (if the penalty is expulsion). The reviewer(s) will take one of the following actions:
  - Affirm the "responsible" finding and sanction.
  - Affirm the "responsible" finding and either reduce or increase the sanction.
  - Find the student "not responsible" and dismiss the charges.

Determine the case should be reheard at the case review level or at the appeal level.

Accountability Hearing Rights

The accuser and the accused student each have the opportunity to attend a hearing before a properly trained hearing board. The accuser and the accused student each have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or hearing. An advisor may only consult and advise his or her advisee, but not speak for the advisee at any meeting or hearing; A student conduct decision is based on the preponderance of evidence standard, i.e. “more likely than not to have occurred” standard. In other words, the conduct process asks: “is it more likely than not that the accused student violated the university’s Student Conduct Code The accuser and the accused will be notified simultaneously in writing of the outcome of any disciplinary proceeding, as well as any changes to those result or disciplinary actions prior to the time that such results become final; and. The accuser and the accused each have the right to appeal the outcome of the hearing by and will be notified simultaneously in writing of the final outcome after the appeal is resolved.
**JMU Accountability Process Accused Students Rights**

The right to a fair and impartial case review.

The right to a presumption of being not responsible for a violation until proven responsible as determined by a preponderance of the evidence presented at the case review.

The right to be notified of the charges against him or her, the policy violated, the date, time and location of the case review at least 72 hours prior to the case review (except when the accusing student postpones the case review), provided the student has informed the university of his or her current contact information. The university will make a reasonable attempt to notify him or her of the relevant information with the contact information most recently provided by the student.

The right to be present during the entire case review (except for closed deliberation or consultation) and to know and respond to all information used in the proceeding. The student may, however, elect not to appear and/or not to participate.

The right to not answer questions or provide a perspective on the incident.

The right not to have his or her past sexual history discussed during the case review, except as it relates to the specific incident in question.

The right to a support person or attorney of his or her choice. An attorney or support person attending a case review may not actively represent the accused student but may give advice to the student on how to present his or her case.

The right to relate his or her account of the incident.

The right to question all witnesses who present at the case review and/or to respond to all materials presented at the case review. Any questions directed at the accusing student must be directed through the Case Administrator or Board Chair.

The right to have witnesses present, provided the person is able to attend the scheduled case review, or to provide witness statements. The Case Administrator or Board Chair shall have the authority to limit the number of witnesses in order to avoid unreasonable delays, where the information would be repetitious or unnecessary, or does not contribute positively to the fair review of the case.

The right to an appeal review within three class days of receiving the decision for any of the following reasons: Violation of due process and student rights

New evidence

Harshness of sanction(s)

The right to have access to a recording of his or her case review for the purposes of preparing for an appeal; students may not bring their own recording devices. Official recordings of the case review will be destroyed after completion of the appeal process or after the time for appeal has passed.

The right to be notified in writing of the decision in their case within ten business days of the date of the final decision in the case.

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**JMU Accountability Process Accusing Students/ Employee Rights**

The right to a fair and impartial case review.

The right to have the decision of responsibility in their case to be determined by a preponderance of the evidence.

The right to be notified of the date, time and location of the case review at least 72 hours prior to the case review (except when the accusing student postpones the case review), provided the student has informed the university of his or her current contact information. The university will make a reasonable attempt to notify him or her of the relevant information with the contact information most recently provided by the student.

The right to be present during the entire case review (except for closed deliberation or consultation) and to know and to respond to all information used in the proceeding. The accusing student may, however, elect not to appear and/or not to participate.

The right to not answer questions or provide a perspective on the incident.

The right not to have his or her past sexual history discussed during the case review, except as it relates to the specific incident in question.

The right to a support person or attorney of his or her choice. An attorney or support person attending a case review may not actively represent the accusing student but may give advice to the student on how to present his or her case.

The right to relate his or her account of the incident and to make a "victim impact statement."

The right to question all witnesses who present at the case review and/or to respond to all materials presented at the case review. Any questions directed at the accused student must be directed through the Case Administrator or Board Chair.

The right to have witnesses present, provided the person is able to attend the scheduled case review, or to provide witness statements. The Case Administrator or Board Chair shall have the authority to limit the number of witnesses in order to avoid unreasonable delays, where the information would be repetitious or unnecessary, or does not contribute positively to the fair review of the case.

The right to an appeal review within three class days of receiving the decision for any of the following reasons: Violation of due process and student rights

New evidence

Leniency of sanction(s)

The right to have access to a recording of his or her case review for the purposes of preparing for an appeal; students may not bring their own recording devices. Official recordings of the case review will be destroyed after completion of the appeal process or after the time for appeal has passed.

The right to be notified in writing of the decision in their case within ten business days of the date of the final decision in the case.

The right to request a change of on-campus residence or class with assistance from the Title IX Coordinator(s) on campus.
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 (EPOS) aims to protect the health or safety of any person regardless of a decision to arrest. The patrol officer shall 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 by another individual. The JMU Police Department will explain and provide assistance in the process of obtaining protective orders. An emergency protective order (EPOS) aims to protect the health or safety of any person regardless of a decision to arrest. The patrol officer shall 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.

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

The University Health Center-The Well Confidential Survivor Advocate can assist you in obtaining a protective order.

540-568-2831
The JMU Police Department along with the JMU community is committed to ending sexual violence in our community by encouraging its community members to be a courageous bystander with safe and positive options for bystander interventions to prevent harm or intervene.

- Notice the event and interpret it as an emergency
- Take Responsibility for acting
- Decide How to Act
- Choose to Act

While you can never completely protect others from sexual assault, there are some things you can do to help keep our campus safer by looking out for potential situations that may lead to violence.

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help for yourself or a friend if no one is around.
- Walk with purpose. Even if you don’t know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, believe yourself.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Don't allow yourself to be isolated with someone you don’t trust or someone you don’t know.
- Avoid putting headphones in both ears so that you can be more aware of your surroundings, especially if you are alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together.

Don’t leave your drink unattended and keep an eye on your friend’s drinks while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, just get a new one. Drugs facilitated during a sexual assault can be colorless, tasteless, and odorless substances that can be placed in any drink, not just alcohol, undetected. They are strong relaxants the effects of which can be felt as soon as fifteen minutes after ingestion. The side effects of date rape drugs include possible blackouts, coma, impaired judgment, memory impairment, dizziness, headaches, confusion and loss of coordination. Alcohol can intensify these side effects. The drugs used during sexual assaults often cause memory loss. Some sexual assault drugs remain in the system for as little as 6-8 hours, making immediate testing imperative.

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

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

*Most importantly, remember that whether you follow these tips or not, if someone sexually assaults you, it is not your fault. You are never to blame for someone else’s actions.

No one deserves or wants to be raped.*

**Domestic Violence**

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. Call the jurisdiction where the violence occurred. Call the JMU police if the incident occurred on campus at 540-568-6911 and if the incident happened in the City of Harrisonburg call the Emergency 911, or Business 540-434-4436 for assistance. With all due consideration for their own safety, the policy of the JMU Police department responding to a domestic disturbance complaint shall (I)
restore order; (2) arrest persons when probable cause exists that a crime has occurred; (3) provide safety and security for the crime victim(s); and, (4) help participants contact appropriate agencies to help prevent future occurrences.

**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.

 Victims also have the option of keeping their report of domestic violence in complete confidence to the extent permitted by law, protecting their right to anonymity, when making a report through the JMU Counseling Center. **Institutional personnel will assist the student in notifying these authorities, if the student requests the assistance of these personnel.**

 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.

 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.

 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 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. **(See table).**

 The victim may also apply for an arrest warrant. If a warrant is issued, the alleged perpetrator will be arrested. An arrest warrant charges someone with committing a crime, usually assault and battery.

 Along with criminal 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 domestic violence as well as dating violence, sexual assault and stalking. The accused has the right to a presumption of not being responsible for a violation until proven responsible as determined by a preponderance of the evidence present at the hearing. To begin a university accountability action, the counselor, police or victim should contact the University’s Title IX Office at 540-568-6991 or the Office of Student Accountability and Restorative Practices at 540-568-6218 to speak with an accountability advisor. 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 regardless of if the complainant choses to pursue criminal charges. During campus accountability proceedings, both the victim and the accused may be present and may have an attorney and/or adviser present to provide support and advice. Both the victim and the accused will be informed simultaneously in writing of the results of any disciplinary proceeding, and be informed of any changes to the result and when the results become final. The right to appeal to a higher accountability body or university administrative official can be made within 3 days of receiving the accountability decision from JMU. 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” (J43-100 Student Handbook) against the accused and the procedures follow Sexual Misconduct Accountability Process documented earlier.

 Helpful information can be found at this link [http://www.dcjs.virginia.gov/victims/documents/domviobo.pdf](http://www.dcjs.virginia.gov/victims/documents/domviobo.pdf). 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 aspect of your life.

 The JMU Counseling Center offers support and counseling for students 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 website at [http://www.jmu.edu/counselingctr/](http://www.jmu.edu/counselingctr/)

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

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.

<table>
<thead>
<tr>
<th>Red flags in a relationship</th>
<th>Does your partner....</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do you........</td>
<td>Does your partner....</td>
</tr>
<tr>
<td>Feel afraid of your partner most of the time?</td>
<td>Humiliate, criticize or yell at you?</td>
</tr>
<tr>
<td>Feel that you can’t do anything right?</td>
<td>Blame you for his behavior?</td>
</tr>
<tr>
<td>Get embarrassed by your partner’s behavior toward you?</td>
<td>Threaten to hurt you?</td>
</tr>
<tr>
<td>Believe that you deserve to be hurt or mistreated?</td>
<td>Threaten to take your kids away?</td>
</tr>
<tr>
<td>Avoid topics or situations out of fear of angering your partner?</td>
<td>Threaten to harm your kids or pets?</td>
</tr>
<tr>
<td>Force you to have sex?</td>
<td>Act jealous and possessive?</td>
</tr>
<tr>
<td>Keep you from seeing friends and family?</td>
<td>Limit your access to money or necessities?</td>
</tr>
<tr>
<td>Keep you from getting a job or going to school</td>
<td>Constantly check up on you?</td>
</tr>
<tr>
<td>Threaten to kill or hurt himself if you leave?</td>
<td></td>
</tr>
</tbody>
</table>

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 on-campus security, education, training, and victim services to combat violence against all persons.

“Dating violence” is defined as 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 length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship” 20 U.S.C. 1152(f) (1).

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. 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.

<table>
<thead>
<tr>
<th>Red flags in a relationship might include your partner:</th>
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<tbody>
<tr>
<td>Pressuring you to do more sexually than you are ready for.</td>
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<tr>
<td>Always wanting to know where you are and who you are with</td>
</tr>
<tr>
<td>Not wanting you to spend time with others</td>
</tr>
<tr>
<td>Getting angry if you do not answer a call or text immediately</td>
</tr>
<tr>
<td>Always blaming you for their mistakes</td>
</tr>
<tr>
<td>Calling you names or constantly putting you down</td>
</tr>
<tr>
<td>Yelling constantly, throwing or punching objects</td>
</tr>
</tbody>
</table>
Incidents of violence should be reported to the jurisdiction where the incident occurred. If anyone has been hit or abused by dating partner and they want to report it as a crime; they 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.

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. Victims have the option of keeping their report of dating violence in complete confidence to the extent permitted by law, protecting their right to anonymity, when making a report through the JMU Confidential Resources. Institutional personnel will assist the student in notifying these authorities, if the student requests the assistance of these personnel.

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.

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 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. An emergency protective order is issued by a judge or magistrate, upon request of an alleged victim or a law enforcement officer. 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. (See Chart)

A student victim of dating violence has the right, in addition to filing charges through the criminal justice system, to file a complaint with the university’s Office of Student Accountability and Restorative Practices, relative acts of violence toward them or another committed by JMU student(s). Regardless of whether the act of violence occurred on or off-campus since the University reserves the right to hold students accountable for certain types of off-campus behavior. Disciplinary action will result if a student’s behavior jeopardizes the educational atmosphere or mission of the institution. Along with criminal 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 dating violence, as well as domestic violence, sexual assault and stalking. The accused has the right to a presumption of not being responsible for a violation until proven responsible as determined by a preponderance of the evidence present at the hearing. To begin a university accountability action, the counselor, police or victim should contact the University’s Title IX Office at 540-568-6991 or the Office of Student Accountability and Restorative Practices at 540-568-6218 to speak with an accountability advisor. During campus accountability proceedings, both the victim and the accused may be present and may have an attorney and/or adviser present to provide support and advice. Both the victim and the accused will be informed simultaneously in writing of the results of any disciplinary proceeding, and be informed of any changes to the result and when the results become final. The right to appeal to a higher accountability body or university administrative official can be made within 3 days of receiving the accountability decision from JMU. 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 dating violence can result in a charge of “Sexual Misconduct” (J43-100 Student Handbook) against the accused and the procedures follow Sexual Misconduct Accountability Process 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). Call 540- 568-6552 or visit website at http://www.jmu.edu/counselingctr/ . University Health Center-The Well coordinates sexual assault and dating violence prevention, confidential 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 website at http://www.jmu.edu/healthctr/swoc/ .

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

Stalking behaviors can include:

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<th>Stalking behaviors can include</th>
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<tr>
<td>Showing up at your home or place of work unannounced or uninvited</td>
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<tr>
<td>Sending you unwanted text messages, letters, emails and voicemails</td>
</tr>
<tr>
<td>Leaving unwanted items, gifts or flowers</td>
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<tr>
<td>Constantly calling you and hanging up</td>
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<tr>
<td>Use social networking sites and technology to track you</td>
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<tr>
<td>Spreading rumors about you via the internet or word of mouth.</td>
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<td>Making unwanted phone calls to you</td>
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<tr>
<td>Calling your employer or professor</td>
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<tr>
<td>Damaging your home, car or other property</td>
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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.

Bystander intervention can be as simple as calling the police if you witness a serious situation in progress.

If you feel you are being stalked and want to report it as a crime; you should be report the incident to the jurisdiction where the incident occurred. You 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. If you are in immediate danger, 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 followed by an investigation to include obtaining preliminary statements, preserving evidence, and documentation with possible arrest. Victims have the option of keeping their report of stalking in complete confidence to the extent
permited by law, protecting their right to anonymity, when making a report through the JMU Counseling Center. Institutional personnel will assist the student in notifying these authorities, if the student requests the assistance of these personnel.

Helpful information can be found at this link http://www.dcjs.virginia.gov/victims/documents/stalking.pdf. 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 aspect of your life.

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). Call 540- 568-6552 or visit website at http://www.jmu.edu/counselingctr/.

University Health Center-The Well coordinates sexual assault and dating violence prevention, confidential 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 website at http://www.jmu.edu/healthctr/swo/.

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

As with any crime, it is important to preserve evidence. 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. 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 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. An emergency protective order (EPO) is issued by a judge or magistrate, upon request of a law enforcement officer or an alleged victim. To obtain this 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. (See chart)

A student victim of stalking has the right, in addition to filing charges through the criminal justice system, can file a complaint with the university's Office of Student Accountability and Restorative Practices, relative to acts of violence toward them or another or committed by JMU student(s). Regardless of whether the act of violence occurred on or off-campus since the University reserves the right to hold students accountable for certain types of off-campus behavior. Disciplinary action will result if a student’s behavior jeopardizes the educational atmosphere or mission of the institution. Along with criminal 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 dating violence, as well as domestic violence, sexual assault and stalking. The accused has the right to a presumption of not being responsible for a violation until proven responsible as determined by a preponderance of the evidence present at the hearing. To begin a university accountability action, the counselor, police or victim should contact the University’s Title IX Office at 540-568-6991 or the Office of Student Accountability and Restorative Practices at 540-568-6218 to speak with an accountability advisor. During campus accountability proceedings, both the victim and the accused may be present and may have an attorney and/or adviser present to provide support and advice. Both the victim and the accused will be informed simultaneously in writing of the results of any disciplinary proceeding, and be informed of any changes to the result and when the results become final. The right to appeal to a higher accountability body or university administrative official can be made within 3 days of receiving the accountability decision from JMU. 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 dating violence can result in a charge of “Sexual Misconduct” (J43-100 Student Handbook) against the accused and the procedures follow Sexual Misconduct Accountability Process documented earlier.

A person alleging sexual assault, domestic violence, dating violence, or stalking may also utilize the complaint and investigatory procedures in order to remedy any hostile environment.

**Harassment Guidelines**

It is the established policy of JMU to provide a work and study environment for faculty, staff and students free from all forms of harassment, bullying, stalking, intimidation and exploitation.

1. Questions, assistance or violations related to this policy should be directed to the university’s Office of Equal Opportunity, 540-568-6991.
2. If a student believes that he/she has been harassed by an employee, an affiliate, or visitor, the student should take one or more of the following actions:

2a. Discuss the matter with the faculty member, staff member, affiliate, or visitor involved, explaining why a particular comment or action was offensive.

2b. Discuss the matter with the immediate supervisor of the faculty or staff member, or the sponsor of the affiliate, giving an account of the comment or action in question.

2c. Bring a charge of harassment a Title IX Officer under Policy 1324. A student athlete may file a complaint with the Associate Athletics Director for Compliance (AAD) 540-568-8036. The Title IX Officer who is assigned to handle complaints by all other students under this policy is the Associate Director of the University Health Center (UHC) 540-568-4066.

3. If a student believes that he/she has been harassed by a student, the student should take one or more of the following actions:

3a. Discuss the matter with the accused, explaining why a particular comment or action was offensive.

3b. Bring a charge of harassment to the Office of Student Accountability and Restorative Practices in the Student Success Center, Second Floor.

Accountability J16-100 Harassment and/or Bullying

It is the established policy of JMU to provide a work and study environment for faculty, staff and students free from all forms of harassment, bullying, stalking, intimidation and exploitation. The university has both an obligation to prevent harassment and bullying, but must balance that with its obligation to protect students’ exercise of their free speech rights. The university takes both of these obligations seriously. Prohibited harassment, bullying, stalking, intimidation and exploitation includes offensive verbal, written, electronic, or physical conduct in the following situations:

J16-101 Submission to the conduct is made a condition of employment or admission of an applicant.

J16-102 Submission to or rejection of the conduct is the basis for personnel action, recommendation for promotion or grades.

J16-103 Conduct that seriously and/or repeatedly affects an employee’s or student’s performance or creates a hostile work or study environment. The conduct includes but is not limited to behaviors referring to a person’s age, color, disability (formerly J22-100), genetic information, national origin, parental status, political affiliation, race, religion, sex (formerly J23-100), gender identity, sexual orientation or veteran status.

4. If a student employee believes that he or she has been a victim of harassment by a student, an employee, an affiliate, or a visitor, he or she should take one or more of the following actions:

4a. Discuss the matter with the accused, explaining why a particular comment or action was offensive.

4b. Discuss the matter with the immediate supervisor of the accused, if applicable, giving an account of the comment or action in question.

4c. Contact the Student Work Experience Center at 540-568-8167.

4d. Bring a charge of harassment to the Office of Student Accountability and Restorative Practices if the accused is a student, or to a Title IX Officer under Policy 1324 if the accused is an employee, affiliate or visitor. A student athlete may file a complaint with the Associate Athletics Director for Compliance (AAD) 540-568-8036. The Title IX Officer who is assigned to handle complaints by all other students under this policy is the Associate Director of the University Health Center (UHC) 540-568-4066.

5. Regardless of the identity of the alleged harasser, a student may discuss the matter with the Dean of Students, the director of the Counseling Center or the Director of the Office of Equal Opportunity. The student will be advised of proper university procedures that can be pursued.

6. All complaints will be held in confidence to the extent possible and counseling and other services will be provided. However, even though the accusing student may wish not to be identified, the university may
have an obligation to take prompt and appropriate steps if sexual misconduct or sexual harassment has occurred.

7. A student also has the option of filing a formal charge of harassment with the U.S. Department of Education. The address and telephone number is available from the Office of Equal Opportunity, 540-568-6991.

### Crime Victim and Witness Rights


There are specific steps one needs to take in order to receive these rights. The Victim/Witness program at the Commonwealth Attorney’s Office has been implemented for the benefits of victims and witnesses of crime. A victim is defined as a person who has suffered physical, psychological, or economic harm as a direct result of a crime. As a victim, one may be entitled to:

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

There are also specific steps one needs to take in order to receive these rights as a witness, and there are specific steps one needs to take in order to receive these rights as a victim.

### As a victim

One may be entitled to:

- Information about financial assistance and social services
- Address and telephone confidentiality
- Closed preliminary hearing or use of closed-circuit television, if one was the victim of a sexual offense
- Separate waiting area during court proceedings
- The right to remain in the courtroom during a criminal trial or proceeding

One may also be entitled to:

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

One may also be entitled to notification of:

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

### As a witness

One may be entitled to:

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

One may also be entitled to assistance in:

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

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

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

- **Confidentiality:** To request confidentiality, the crime victim must file a Request for Confidentiality by Crime Victim Form (DC-301) with the Magistrate, court, commonwealth’s attorney, or law enforcement agency in the locality where the crime occurred.
• **Silent Witness**: If you have any information you feel would be helpful in an investigation but wish to remain anonymous, you have the option to report it through **Silent Witness** at: [http://www.jmu.edu/pubsafety/SilentWitness.shtml](http://www.jmu.edu/pubsafety/SilentWitness.shtml). Please note: If the location of the incident is not provided, the University's **Clery** Act Compliance Coordinator will be unable to count the related statistic in the annual **Clery** Campus Crime Disclosure and Policy Report.

• **Court Dates**: A crime victim must give the Commonwealth’s Attorney their current name, address, and phone number, in writing, if they wish to be notified in advance of the scheduled court dates in their case.

• **Information about release or status of defendant**: The crime victim must give the sheriff, jail superintendent, or Department of Corrections their current name, address, telephone number and defendant name, in writing, if they wish to be notified about the changes in the status of the defendant or inmate.

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**Title IX**

Title IX of the Education Amendments of 1972 protects people from sex discrimination in educational programs and activities at institutions that receive federal financial assistance. The University is committed to providing an environment free from discrimination on the basis of sex. James Madison University provides many resources to students, faculty and staff to address concerns relating to discrimination on the basis of sex, which includes harassment and sexual violence.

James R Robinson, Director of Equal Opportunity, serves as the university’s Title IX coordinator and provides oversight for the Title IX officers, the administrators who carry out investigations of complaints of sex discrimination and sexual harassment against employees, affiliates and visitors. His responsibilities include compliance and reporting. He also leads the University’s efforts in relation to campus climate, and oversees education and training campus-wide on sex discrimination and sexual harassment.

**Title IX – ASPIREs to lead the efforts against Sexual Misconduct**

- **A** – Act when you experience or learn about sexual assault/violence
- **S** – Sexual Assault goal is zero tolerance
- **P** – Prevent Sexual misconduct
- **I** – Inspire others to lead the efforts
- **R** – Respect each other and the entire JMU community
- **E** – Ethical behavior is a sign of maturity

**Title IX Officer Responsibilities**

James Madison University provides the university community with multiple Title IX Officers whose responsibility is to investigate complaints and address issues of gender-based discrimination and sexual harassment by employees, affiliates and visitors within the University. James Robinson serves as the University’s Title IX Officer for complaints filed by faculty members and visitors. Amy Sirocky-Meck, serves as the University's Title IX Officer for students. Diane Yerian, the Director of Human Resources, serves as the University's Title IX Officer for staff members. Jennifer Phillips, the Associate Director for Compliance in Athletics, serves as the Title IX Officer for students and employees in the Athletics Department. All officer responsibilities include:

- Tracking and monitoring incidents, including sex discrimination and sexual harassment
- Ensuring that the University responds promptly and effectively to each report; and
- Where appropriate, conducting investigations of sex discrimination and sexual harassment.

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**Title IX Officers**

Officers are knowledgeable about, and will provide information on, all options for complaint resolution. They also work closely with the JMU Health Center’s Student Wellness and Outreach Office, the Counseling Center, the Office of Student Accountability and Restorative Practices and the James Madison University Public Safety

For more information follow the link: [www.jmu.edu/oeo](http://www.jmu.edu/oeo).
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<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
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