

**Policy #1115  
Violence Prevention**

**Date of Current Revision: January 2024**

**Primary Responsible Officer: Chief of Staff**

**Secondary Responsible Officers: Chief of Police, Dean of Students; Director of Human Resources**

**1. PURPOSE**

JMU is committed to providing a safe and secure environment that is free from violence and threats of violence. This policy furthers that goal with establishment of committees and procedures for the prevention of violence on campus, including assessment and intervention with individuals whose behavior poses a threat to the safety of the campus community.

**2. AUTHORITY**

The Board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University. See Code of Virginia § 23.1-1600; § 23.1-1301. The Board has delegated the authority to manage the university to the president.

**STATE OR FEDERAL STATUTE AND/OR REGULATION**

Code of Virginia §§ 23.1-805, 2.2-3705.2(12); 2.2-3705.4(A)(8); 32.1-127.1:03(D)(35); 19.2-389(A)(25)

**3. DEFINITIONS**

**Acts of Violence**

Behavior involving physical force intended to hurt, damage or kill someone or something.

**Concerning Behaviors**

Actions and communications that cause concern among community members that an individual may be planning or preparing to carry out an act of violence that poses a threat to the safety of the campus community or any member of the campus community. Concerning behaviors may include, but are not limited to, the following: verbal threats; written threats; homicidal/suicidal ideation or behaviors; disturbing writings, drawings, self-produced videos or social networks containing violent fantasy content directed at the campus community; an individual's ideas or plans about injuring themselves or attacking an institution or its members; communications or writings that suggest the person has an unusual or worrisome interest in school attacks; comments that express or imply the person is considering mounting an attack at an institution; recent weapon-seeking behavior, especially if weapon-seeking is linked to ideas about attack or expressions about interest in attack; communications or writings suggesting the person condones or is considering violence to redress a grievance or solve a problem; and rehearsals of attacks or ambushes.

**Threat Assessment Team (TAT)**

The TAT is responsible for the implementation of the assessment, intervention, and action policies and procedures established by the Violence Prevention Committee (VPC) regarding individuals who engage in concerning behaviors.

The TAT must include the following individuals and/or their same-department designee as members:

- Threat Assessment Analyst (Chair)
- Chief of JMU Police
- Dean of Students
- Associate Dean of Students (responsible for document management)
- Director of the Counseling Center
- Director of Human Resources

The TAT shall invite the Office of University Counsel to provide legal advice.

The TAT may invite other representatives from campus to participate in individual cases, including the offices below, but no such representative shall be considered a member of the threat assessment team::

- Office of Student Accountability and Restorative Practices
- Academic Student Services
- Office of Disability Services
- Other individuals as appropriate and as determined by the Chair.

### **Threat**

Language or behavior that (1) threatens physical injury to another or intentional damage to property and (2) has the effect of intimidating, frightening, coercing, or provoking others, using a reasonable person standard. A threat can be verbal or nonverbal. It can be communicated orally, in writing, through gestures, or by any other means, including electronic transmission. It can be communicated directly to an intended recipient or through a third party.

### **Violence Prevention Committee (VPC)**

The committee charged with overseeing the education on and prevention of violence on campus. The VPC is a standing committee is co-chaired by the Dean of Students or designee, and The Chief Of Police, or designee. VPC membership includes the Threat Assessment Analyst and representatives from Student Affairs, Police Department, Human Resources, Counseling Center, Residence Life, Student Accountability and Restorative Practices, and other university offices as appropriate. The VPC shall consult with the Office of University Counsel as needed.

## **4. APPLICABILITY**

This policy applies to any individuals whose behavior poses a threat to the safety of the campus community.

## **5. POLICY**

The university is committed to providing a safe and secure environment for all members of the community. The VPC will develop plans and strategies to support the education of the university community on violence prevention, and to promote the engagement in and commitment to a safe campus community. The TAT will meet as needed to assess and intervene with individuals whose behavior poses a threat to the safety of the campus community.

## 6. PROCEDURES

### 6.1 Violence Prevention Committee Responsibilities

- a. Develop and make available to the campus community a clear statement of mission, membership, and leadership.
- b. Provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a physical threat to the community.
- c. Identify members of the campus community to whom threatening behavior should be reported.
- d. Establish policies and procedures that outline circumstances under which all faculty and staff are required to report behavior that may represent a physical threat to the community, provided that such report is consistent with state and federal law; and
- e. Establish policies and procedures to be implemented by the TAT for:
  1. the assessment of individuals whose behavior may present a threat;
  2. appropriate means of intervention with such individuals; and
  3. sufficient means of action, including emergency removal, paid administrative leave, referrals to community services boards or health care providers for evaluation or treatment, medical separation to resolve potential physical threats, and notification of family members or guardians, or both, unless such notification would prove harmful to the individual in question, consistent with state and federal law.

### 6.2 Threat Assessment Team Responsibilities

- a. Implement the assessment, intervention, and action policies and procedures established by the VPC regarding individuals whose behavior may pose a threat to the safety of the campus community, specifically including threats of violence to self or others.
- b. Develop any additional procedures necessary to carry out 6.2(a).
  1. These procedures shall require one or more members of the TAT to confidentially gather relevant information about the concerning behavior.
  2. These procedures shall include certain information gathering and notification requirements in accordance with applicable law.
    - i. The option to appropriately obtain and use criminal history record information and health records upon a preliminary determination that an individual poses a threat of violence to self or others or exhibits significantly disruptive behavior or a need for assistance.
    - ii. The requirement to, upon a preliminary determination that an individual poses an articulable and significant threat of violence to others:
      - A. Appropriately obtain and use any available criminal history record information and any available health records, and
      - B. Within 24 hours notify the following in writing of the preliminary determination and disclose any specific threat of violence posed by the individual to the following:
        - James Madison University Police Department
        - City of Harrisonburg Police Department (or local law enforcement for the city or county in which JMU is located)
        - Local law enforcement for the city or county in which the individual resides
        - Local law enforcement for the city or county in which the individual is located (if known to the TAT), and
        - The local attorney for the Commonwealth in any jurisdiction where

the TAT has notified local law enforcement.

3. Requests for health records and criminal history record information made pursuant to 6.2(a)(b)(2)(i)(ii) shall be in writing and shall notify the custodians of such records of their obligation to produce the information or records requested per Code of Virginia §23.1-805(G).
  4. These procedures may include the requirement for an individual to participate in an assessment by the university Counseling Center or university-approved external evaluator to further inform the TAT as it carries out its assessment responsibilities.
  5. These procedures shall include a standardized, fact-based, individualized behavioral threat assessment process to guide threat assessment investigations and decision-making.
  6. These procedures shall require that interventions and actions are selected only as a risk reduction measure. Such interventions and actions may take the form of any appropriate means of action to prevent harm, including managed assistance and emergency removal, or administrative leave (employees).
- c. When otherwise consistent with applicable state and federal law, in the event that the university has knowledge that a student or employee who was determined pursuant to an investigation by the institution's threat assessment team to pose an articulable and significant threat of violence to others is transferring to another institution of higher education or place of employment, the university shall notify the institution of higher education or place of employment to which the individual is transferring of such investigation and determination.
  - d. Establish relationships or utilize existing relationships with mental health agencies and local and state law-enforcement agencies to expedite assessment of and intervention with individuals whose behavior may present a threat to safety.
  - e. Each TAT member shall complete a minimum of eight hours of initial training within 12 months of appointment to the TAT and shall complete a minimum of two hours of threat assessment training each academic year thereafter. Training shall be conducted by the Department of Criminal Justice Services (the Department) or an independent entity approved by the Department.

### 6.3 Emergency Removal and Administrative Leave

Emergency removal and administrative leave are safety measures and are not disciplinary measures. A decision not to implement emergency removal or administrative leave under this policy does not preclude the university from implementing emergency removal or administrative leave under other applicable policies or procedures.

#### a. Emergency Removal

An individual may be suspended temporarily from attendance and enrollment, suspended from any other education program or activity including employment, and/or issued a no-trespass notice banning the person from campus.

- i. Generally, emergency removal is justified when the TAT determines that the individual's behavior poses an imminent threat to the safety of the campus community. The TAT will undertake an individualized analysis to make this determination.
- ii. Policy [1340](#) - Sexual Misconduct, and Policy [1346](#) - Title IX Sexual Harassment. Emergency removal is justified when the university determines there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual misconduct or sexual harassment. The TAT will undertake an individualized safety and risk

- analysis to make this determination.
- iii. Notice and Challenge: An individual will receive post-removal notice and an opportunity to challenge the decision. Individuals may challenge the decision by submitting a written request for reconsideration to the TAT. Written challenges to an emergency removal imposed by the TAT must be filed within three business days. The TAT will provide a response to a written challenge within three business days.
- b. Administrative Leave: A non-student employee may be placed on paid administrative leave pending the completion of a threat assessment or intervention process. Administrative leave does not constitute an emergency removal. This decision will be made by the TAT. Individuals may challenge the decision by submitting a written request for reconsideration to the TAT. Written challenges to administrative leave imposed by the TAT must be filed within three calendar days. The TAT will provide a response to a written challenge within three calendar days.

#### 6.4 Duty to Report

- a. Individuals who are witnessing or aware of behavior they believe poses an imminent threat to safety, security, or health (including acts of violence) should call 911 and/or 540-568-6911 (JMU PD) immediately.
- b. Anyone who is aware of an individual's concerning behavior, or otherwise believes an individual's behavior may pose a non-imminent threat to the safety of the campus community, including that individual's safety, should report the individual to the TAT. Employees must report the individual to the TAT.
- c. Reporting Concerning Behavior  
Imminent Threat: Call 911/JMU Police Department, 540-568-6911  
Non-Imminent Threat: Call JMU Non-emergency, 540-568-6912

#### 6.5 Confidentiality and Information Sharing

- a. Reports of concerning behavior will be shared with the TAT as soon as practicable, whether in person, writing, or electronically.
- b. Reports of concerning behavior will be handled in a confidential manner, with information released only on a need-to-know basis within the campus community and in accordance with law.
- c. Information that is obtained through a third-party administrator must be managed in compliance with applicable law, including the Americans with Disabilities Act, the Family Medical Leave Act, the Fair Credit Reporting Act, and the Health Information Portability and Accountability Act.
- d. No member of the TAT shall redisclose any health record or criminal history record information or otherwise use any record of an individual beyond the purpose for which such disclosure was made to the TAT. However, such information may be shared with the appropriate members of the administration on a need-to-know basis in order to take appropriate action regarding the individual. Administrators who receive this information may not redisclose or use the information in any way other than for the purpose of the disclosure.

#### 6.6 Retaliation

Retaliation against any person who, in good faith, reports concerning behavior or acts of violence is prohibited.

## 6.7 Disciplinary Processes

An individual reported to TAT may also have violated university policy or criminal laws. The VPC and TAT are not disciplinary bodies. Alleged violations of university policy or criminal laws may be referred to the appropriate university department or external agency, which will be done in compliance with applicable policy and law.

## 6.8 Outside Resources

- a. All committees listed in this policy shall, through the law enforcement personnel who serve as members, establish relationships or utilize existing relationships with local and state law-enforcement agencies to expedite intervention with individuals whose behavior may present a threat to safety.
- b. Committees listed in this policy shall, through the counseling and health personnel who serve as members, establish relationships or utilize existing relationships with local and state mental health agencies to expedite assessment and intervention with individuals whose behavior may present a threat to safety.
- c. Other members of committees listed in this policy shall establish relationships or utilize existing relationships with other appropriate local and state programs and agencies to expedite intervention with individuals whose behavior may present a threat to safety.

## 7. RESPONSIBILITIES

All departments, offices and employees that generate, receive, or maintain public records under the terms of this policy are also responsible for compliance with Policy [1109](#) – Records Management.

## 8. SANCTIONS

Sanctions will be commensurate with the severity and/or frequency of the offense.

## 9. EXCLUSIONS

Threats of violence which concern neither members of the university community nor the campus are not covered by this policy.

This policy does not allow infringement, curtailment, or censorship of constitutionally protected expression or other legal rights.

## 10. INTERPRETATION

The authority to interpret this policy rests with the President, and is generally delegated to the Chief of Staff.

**Previous version:** December 2022

**Approved by the president:** September 2010