JAMES MADISON UNIVERSITY

2019
ANNUAL SECURITY
AND
FIRE SAFETY REPORT

Statistical Information
2016 - 2017- 2018

HARRISONBURG, ANTWERP, FLORENCE, LONDON CAMPUS
Your Right to Know
October 1, 2019
### Annual Security Report and Fire Safety Report

#### Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Clery Act</td>
<td>1</td>
</tr>
<tr>
<td>Campus Safety: &quot;A Sharded Responsibility&quot;</td>
<td>2</td>
</tr>
<tr>
<td>The Individual’s Responsibility</td>
<td>3</td>
</tr>
<tr>
<td>Police Protection</td>
<td>3</td>
</tr>
<tr>
<td>Law Enforcement Authority of Campus Police Personnel</td>
<td>4</td>
</tr>
<tr>
<td>Written Memorandums of Understanding (Mutual Aid and Concurrent Jurisdiction Agreements and Investigation of Alleged Criminal Offenses)</td>
<td>4</td>
</tr>
<tr>
<td>Reporting a Crime or Emergency</td>
<td>4</td>
</tr>
<tr>
<td>Reporting to other Campus Security Authorities</td>
<td>6</td>
</tr>
<tr>
<td>Campus Security Authorities</td>
<td>6</td>
</tr>
<tr>
<td>Response to a Crime or Emergency</td>
<td>7</td>
</tr>
<tr>
<td>Emergency Response and Evacuation Procedures</td>
<td>7</td>
</tr>
<tr>
<td>Emergency Notification System</td>
<td>11</td>
</tr>
<tr>
<td>Timely Warnings/Community Alerts/Safety Announcements</td>
<td>13</td>
</tr>
<tr>
<td>Notice of Availability - Annual Security and Fire Safety Report</td>
<td>14</td>
</tr>
<tr>
<td>Clery Crimes</td>
<td>15</td>
</tr>
<tr>
<td>Crime Statistics - Harrisonburg Branch</td>
<td>18</td>
</tr>
<tr>
<td>Clery map</td>
<td>20</td>
</tr>
<tr>
<td>University Sponsored Trips</td>
<td>21</td>
</tr>
<tr>
<td>Emergencies Involving Students or Faculty and Staff</td>
<td>21</td>
</tr>
<tr>
<td>Police Crime Log Information</td>
<td>21</td>
</tr>
<tr>
<td>Maintenance/Security/Access of Campus Facilities</td>
<td>22</td>
</tr>
<tr>
<td>University Housing</td>
<td>23</td>
</tr>
<tr>
<td>Missing Student</td>
<td>24</td>
</tr>
<tr>
<td>Greek Life</td>
<td>25</td>
</tr>
<tr>
<td>Hazing</td>
<td>25</td>
</tr>
<tr>
<td>Drug Free Schools and Communities Act</td>
<td>26</td>
</tr>
<tr>
<td>Alcohol and Drugs</td>
<td>26</td>
</tr>
<tr>
<td>Alcohol Policies</td>
<td>27</td>
</tr>
<tr>
<td>Drug Policies</td>
<td>28</td>
</tr>
<tr>
<td>Health Risks</td>
<td>30</td>
</tr>
<tr>
<td>Resources and Treatment</td>
<td>33</td>
</tr>
<tr>
<td>Sanctions: Types of Sanction</td>
<td>34</td>
</tr>
<tr>
<td>Sanctions: Range</td>
<td>37</td>
</tr>
<tr>
<td>Sanctions: Guidelines for Assignment of Sanctions</td>
<td>37</td>
</tr>
<tr>
<td>Sanctions: Jurisdiction</td>
<td>37</td>
</tr>
<tr>
<td>The Big Four Alcohol/Drug Strategies</td>
<td>38</td>
</tr>
<tr>
<td>JMU Alcohol and Drug Strategies for Employees</td>
<td>39</td>
</tr>
<tr>
<td>Crime Prevention and Personal Safety Programs</td>
<td>40</td>
</tr>
<tr>
<td>JMU Safety Initiatives</td>
<td>47</td>
</tr>
<tr>
<td>Section</td>
<td>Page</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>Campus Sex Crimes Prevention Act and Sex Offender</td>
<td>48</td>
</tr>
<tr>
<td>Weapons</td>
<td>48</td>
</tr>
<tr>
<td>Programming and Services</td>
<td>49</td>
</tr>
<tr>
<td>Crimes of Violence: Sexual Assault, Domestic Violence, Dating Violence and Stalking</td>
<td>52</td>
</tr>
<tr>
<td>Sex Offenses - Victim Resources and Assistance Contact Information</td>
<td>52</td>
</tr>
<tr>
<td>Sexual Violence-You Have Choices- An overview</td>
<td>53</td>
</tr>
<tr>
<td>Bystander Intervention</td>
<td>55</td>
</tr>
<tr>
<td>Risk Reduction</td>
<td>56</td>
</tr>
<tr>
<td>Title IX at JMU</td>
<td>56</td>
</tr>
<tr>
<td>How to Report to Title IX</td>
<td>57</td>
</tr>
<tr>
<td>Sexual Misconduct Policies</td>
<td>57</td>
</tr>
<tr>
<td>Protective Orders</td>
<td>109</td>
</tr>
<tr>
<td>Legal Requirements</td>
<td>111</td>
</tr>
<tr>
<td>Sexual Assault</td>
<td>111</td>
</tr>
<tr>
<td>Domestic Violence</td>
<td>118</td>
</tr>
<tr>
<td>Dating Violence</td>
<td>122</td>
</tr>
<tr>
<td>Stalking</td>
<td>125</td>
</tr>
<tr>
<td>Crime Victim and Witness Rights</td>
<td>129</td>
</tr>
<tr>
<td>Discrimination and Harassment (Other Than Sex Harassment and Misconduct)</td>
<td>130</td>
</tr>
<tr>
<td>The Health Place (Non Campus Area) Town of Stanley, Page County, VA</td>
<td>137</td>
</tr>
<tr>
<td>JMU Washington Semester (Non Campus)</td>
<td>137</td>
</tr>
<tr>
<td>Center for Global Engagement The Semesters London, Antwerp and Florence (Branch Campuses)</td>
<td>142</td>
</tr>
<tr>
<td>JMU Main Campus Fire Safety Report</td>
<td>142</td>
</tr>
<tr>
<td>Fire Safety Oversight</td>
<td>142</td>
</tr>
<tr>
<td>Reporting of Fires</td>
<td>142</td>
</tr>
<tr>
<td>Evacuation</td>
<td>143</td>
</tr>
<tr>
<td>Fire Regulations/Policy</td>
<td>144</td>
</tr>
<tr>
<td>Training</td>
<td>145</td>
</tr>
<tr>
<td>Fire Drills</td>
<td>145</td>
</tr>
<tr>
<td>Violations</td>
<td>145</td>
</tr>
<tr>
<td>Definitions</td>
<td>146</td>
</tr>
<tr>
<td>On-campus Student Housing Fire Safety Systems</td>
<td>146</td>
</tr>
<tr>
<td>Fire Log</td>
<td>149</td>
</tr>
<tr>
<td>Fire Statistics: Harrisonburg On-campus Student Housing Facilities</td>
<td>149</td>
</tr>
<tr>
<td>SAFETY AT JAMES MADISON UNIVERSITY'S SEMESTER IN LONDON PROGRAM (Policies and Information Specific to London Program)</td>
<td>152</td>
</tr>
<tr>
<td>Police Protection</td>
<td>152</td>
</tr>
<tr>
<td>General Security Procedures</td>
<td>153</td>
</tr>
<tr>
<td>Emergency Telephone Number</td>
<td>153</td>
</tr>
<tr>
<td>Security in University Housing</td>
<td>153</td>
</tr>
<tr>
<td>General Advice</td>
<td>153</td>
</tr>
<tr>
<td>Emergency Notification</td>
<td>154</td>
</tr>
<tr>
<td>Timely Warning</td>
<td>155</td>
</tr>
</tbody>
</table>
SAFETY AT JAMES MADISON UNIVERSITY’S SEMESTER IN ANTWERP PROGRAM
(Policies and Information Specific to Antwerp Program)

Police Protection 165
General Security Procedures 165
Emergency Telephone Number 165
Security in University Housing 167
General Advice 167
Emergency Notification 168
Timely Warning 169
Alcohol and Drug Policies- Alcohol 169
Alcohol and Drug Policies- Drugs 169
Medical Emergencies 170
Missing Student 171
Sex Offender Registry 171
Sexual Violence 172
Resources and Support 173
Safety Programs 173
Preparation and Response to Crisis Related to Short-Term International Programs 174
Crime Statistics 176
Map 177
Fire Safety 178
Reporting a Fire 178
Evacuation 178
Fire Related Policies 178
On-Campus Fire Log 179
SAFETY AT JAMES MADISON UNIVERSITY’S SEMESTER IN FLORENCE PROGRAM
(Policies and Information Specific to Florence Program)

Police Protection
General Security Procedures
Emergency Telephone Number
Security in Housing
General Advice
Emergency Notification
Timely Warning
Alcohol and Drug Policies- Alcohol
Alcohol and Drug Policies- Drugs
Medical Emergencies
Missing Student
Sex Offender Registry and Access to Related Information
Sexual Violence
Resources For Support and Assistance
Safety Programs
Preparation for and Response to Crisis Related to Short-Term International Programs
Crime Statistics for the Florence Campus
Map
Fire Safety
Evacuation
Fire Related Policies
Emergency Procedures Poster

James Madison University does not discriminate on the basis of age, disability, race or color, national or ethnic origin, political affiliation or belief, religion, sex, sexual orientation, gender identity or expression, veteran status, parental status (including pregnancy), marital status, family medical or genetic information, in its employment, educational programs, activities, and admissions. JMU complies with all applicable federal and state laws regarding non-discrimination, affirmative action, and anti-harassment. The responsibility for overall coordination, monitoring and information dissemination about JMU’s program of equal opportunity, non-discrimination, and affirmative action is assigned to the Office of Equal Opportunity. Inquiries or complaints may be directed to the Office of Equal Opportunity: James Robinson, Director (540)568-6991, OEO homepage, oeo@jmu.edu

JMU prohibits sexual and gender-based harassment including sexual assault and other forms of inter-personal violence. The responsibility for overall coordination, monitoring and information dissemination about JMU’s Title IX program is assigned to the Title IX Coordinator. Inquiries or complaints may be directed to the Title IX Coordinator: Amy Sirocky-Meck (540)568-5219, Title IX homepage, titleix@jmu.edu
Important Contact Information

James Madison University Police Department 540-568-6911
Police Communications: All Emergencies

From campus telephones only: -6911

Alternative Emergency Line (if campus phone lines are not working) 540-442-6911
General Information/Non-emergency/Escorts 540-568-6913
Police Communications Email  pd_dispatch@jmu.edu
Support Services 540-568-6910
Safety Programs 540-568-6910
Silent Witness  http://www.jmu.edu/publicsafety/silent_witness_form.shtml

Other James Madison University Departments
JMU Title IX 540-568-5214
JMU Counseling Center 540-568-6552
JMU Health Center 540-568-6178
JMU Health Center’s The Well (Survivor Advocacy) 540-568-2831
JMU Parking Services 540-568-3300
JMU Office of Student Accountability and Restorative Practices 540-568-6218

Other contact information
Emergency Police Assistance Harrisonburg City/ Rockingham County 911
Non-emergency Police Assistance Harrisonburg City/Rockingham County 540-434-4436

Harrisonburg Police Department 540-434-4436
http://www.harrisonburgva.gov.police
Rockingham County Sheriff’s Department 540-564-3800
http://www.rcso-va.com/
Harrisonburg/Rockingham General District Court 540-564-3130
http://www.courts.state.va.us.courts.gd.harrisonburg~rockingham.home.html
The Collins Center 540-434-2272

24-HOUR SEXUAL ASSAULT CRISIS HOTLINE 540-432-6430
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Annual Security and Fire Safety Report


http://www.jmu.edu/publicsafety/clerycompliance/righttoknow.shtml

“Your Right to Know”
October 1, 2019

The Clery Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act commonly referred to as the “Clery Act,” requires all colleges and universities who receive federal funding to report specified crimes statistics on college campuses and to provide other safety and crime information to members of the campus community. It provides students and their families, as higher education consumers, with accurate, complete and timely information about the safety of the campus so that they can make informed decisions. This information is made publicly accessible through the university’s Annual Security and Fire Safety Report.

The Clery Act requires colleges and universities to:

- Publish an annual security report by October 1, containing safety and security related policy statements and crime statistics for the last three years which occurred on campus, public areas immediately adjacent to campus and certain non-campus facilities and distribute it to all current students and employees. Schools also must inform prospective students and employees about the availability of the report.
- Publish an annual fire safety report by October 1, containing policy statements as well as fire statistics associated with each on-campus student housing facility, including the number of fires, cause of fires, injuries, deaths and property damage. Schools must inform prospective students and employees about the availability of the report.
- Collect, classify and count crime reports and crime statistics regarding reported specified crimes committed on campus and at affiliated locations and submit statistics to the Department of Education.
- Issue campus alerts that provide the campus community with information necessary to make informed decisions about their health and safety. Timely warnings are issued for any Clery Act crime that represents an ongoing threat to the safety of students or employees. Emergency notifications are issued upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees.
- Institutions with a police or security department are required to keep a daily crime log of alleged criminal incidents that is open to public inspection. It can be found at https://www.jmu.edu/publicsafety/clerycompliance/daily-crime-log.shtml
- Institutions with on-campus student housing facilities are required to keep a daily fire log that records all fires occurring in on-campus housing facilities. It can be found at https://www.jmu.edu/publicsafety/clerycompliance/fire_log.shtml
- Institutions must provide educational programs and campaigns that promote the awareness of dating violence, domestic violence, sexual assault and stalking. All incoming students and new employees must be provided primary prevention and awareness programs and ongoing prevention and awareness campaigns must be provided for all students and employees.
- Procedures are required for institutional disciplinary action in cases of dating violence, domestic violence, sexual assault and stalking.
- Disclose missing student notification procedures that pertain to students residing in on-campus housing which will aid in determining if a student is missing and in notifying law enforcement personnel.
- Provide procedures for reporting criminal activity or other emergencies.
- Provide information on the security of, maintenance of, and access to campus facilities.
- Provide the authority of campus law enforcement and the monitoring and recording of off-campus criminal activities by students.
- Provide information on alcohol and drug education programs.
- Information on how to obtain information on sex offenders.
Policy for Reporting Annual Disclosure of Crime Statistics and Developing Information for this Report

The James Madison University Police Department through the Office of Public Safety is charged with the responsibility for collecting data and preparing and distributing the Annual Security and Fire Safety Report in consultation with other departments and entities to include but not limited to Student Affairs, Access and Enrollment Management, Administration and Finance to include Intercollegiate athletics, Academic Affairs to include Center for Global Engagement and University Legal Services. This report is prepared to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act.

To prepare this report, the Clery Compliance officer requests statistics from local law enforcement agencies to include but not limited to the Harrisonburg Police Department (HPD), the Rockingham Sheriff's Office (RCSO), the local Virginia State Police (VSP) installation. Law enforcement agencies are provided with on campus and off campus addresses for which it is requested to provide statistics. Crime statistics are requested for the geographical categories, e.g., main campus, the residence halls subset, the streets and sidewalks immediately bordering campus (public areas) and noncampus (affiliates and remote university facilities to include fraternities, campus ministries). Police departments in the appropriate jurisdiction for other noncampus properties and trip locations are also contacted to provide statistics. The Office of Student Accountability and Restorative Practice and the Office of Residence Life forward statistics for referrals on a continuing basis to the Clery Compliance officer for inclusion in the Annual Security and Fire Safety Report. Campus Security Authorities are identified and provided training and contacted at least annually to ensure data has been submitted. JMU Campus Security Authorities submit data utilizing an electronic report/survey form located on the JMU Police at website at http://www.jmu.edu/publicsafety/clerycompliance/clery_complaint_form.shtml. The Campus Security Clery Incident Report Form available at https://www.jmu.edu/publicsafety/clerycompliance/James%20Madison%20University%20Police%20Department%20Clery%20Compliant%20Form3.pdf can also be submitted via fax machine, e-mail or conventional campus mail to Lisa Carickhoff Clery Compliance Officer 821 South Main Street MSC 6810 Harrisonburg, VA 22807 or by FAX to JMU Police Clery Compliance Officer at 540-568-7926 or email to clerycompliance@jmu.edu

Statistical data received from these sources are aggregated and included in the Annual Security and Fire Safety Report and in reports available on the US Department of Education website. Requests for Clery-reportable crimes were made in good faith; some agencies did not respond or could not provide the statistics as requested.

The Annual Security and Fire Safety Report is available electronically at http://www.jmu.edu/publicsafety/clerycompliance/righttoknow.shtml. Each year email notifications are sent to all enrolled students, employees and affiliates. Prospective student and employees are informed of the report and how it may be secured through the admissions process and human resources respectively. You can obtain a copy of any of this report by contacting the Office of Public Safety James Madison University Police Department, MSC 6810, James Madison University, Harrisonburg, VA 22807 or request that a copy be mailed to you by calling (540)568-6769/8913.

Clery Act reporting and disclosures maintains the confidentiality of the victim without the inclusion of personally identifying information about the victim and any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The JMU Police Department submits a report to the Virginia State Police's and the FBI's Incident Based Reporting Program (NIBRS) on a monthly basis for the Harrisonburg Campus.

The Clery act is constantly under review and revision. For the latest updates and information use this link to access Clery Center for Security on Campus at http://clercycenter.org/ the non-profit organization established by the Clery family to honor the memory of their daughter. Further information can also be located at the U. S. Department of Education website at https://www2.ed.gov/admins/lead/safety/campus.html.

Campus Safety: “A Shared Responsibility”

James Madison University is located in the city of Harrisonburg, nestled in the beautiful Shenandoah Valley of Virginia. Harrisonburg has a population of approximately 50,000 people and is home to many galleries, parks, museums and restaurants. In the center of Harrisonburg is JMU, a tight-knit community of 22,000 undergraduate and graduate students and 4,000 faculty and staff who come from across the country and around the world. You can obtain additional information about JMU by visiting: https://www.jmu.edu/about/index.shtml.

Education - the business of James Madison University - can only take place in an environment in which each student, employee and visitor feels safe and secure. JMU recognizes this need and works hard to help provide a safe and secure learning and working environment for everyone by employing a number of safety and security measures to help ensure the safety of its students, employees and visitors. A professionally trained and supervised police force and a closely screened and well-trained residence life staff work in concert with a campus community that is informed, aware, and alert;
all sharing the responsibility of making the JMU campus a safe place to study, work and live. Safety is our concern, but is must also be the concern of each student, employee and visitor – a shared responsibility.

## The Individual’s Responsibility

Although JMU works hard to ensure the safety of all individuals within its community, students along with employees and visitors must also take responsibility for their own personal safety and that of their personal belongings. Simple, common sense precautions are the most effective means of maintaining personal security.

Although JMU strives to maintain a safe campus, always be aware that you may be a potential victim of crime. All members and guests of the university community while walking across campus or to/from parking lots at night should remember to use well-lighted paths and avoid isolation - walk with others whether male or female. Utilize the emergency “blue light” and other courtesy phones. Use the university cadet and police escort services available on campus. Stay alert and attuned to people and circumstances around you. Students living in residence halls should keep their room doors locked at all times and should never prop open external doors. A resident should escort all guests in residence halls at all times. Students and employees should notify JMU Police of any individual present in a building or on campus that arouses suspicion in any way or appears to have no legitimate business in the area.

Remember to not leave property unattended. Bicycles should be registered with the JMU Police and secured with a lock. Cars should be locked and parked in well-lighted areas with valuable items removed from the vehicle or locked in the trunk.

## Police Protection

James Madison University provides professional full-service police protection to the campus community utilizing the James Madison University Police Department through the Office of Public Safety. It is headed by the Chief of Police who reports to the Senior Vice President for Administration and Finance. The JMU Police Department is located at 821 S. Main Street, Anthony Seeger Hall; 540 568-6911; and is operational 24 hours a day, seven days a week to serve the needs of the campus community.

The JMU Police Department has received accreditation from the Virginia Law Enforcement Professional Standards Commission after in-depth review of every aspect of the agency’s organization, management, operations, and administration to assure the highest standards are practiced and has received reaccreditations. There are 46 sworn and commissioned police officers, which consist of 33 full-time officers augmented by 13 part-time special event officers. All JMU police officers have comprehensive arrest powers. The authority to make criminal arrests is derived from the Code of Virginia. As it relates to campus police officers, this statutory power is outlined in Virginia Code §23.1-809, which can be located by visiting: [https://law.lis.virginia.gov/vacode/title23.1/chapter8/section23.1-809/](https://law.lis.virginia.gov/vacode/title23.1/chapter8/section23.1-809/). The JMU Police Department consists of an investigative division that incorporates an administrative unit, a communications unit and a forensic unit. A support services division incorporates special events, outreach and engagement and part-time police officers. An operations division incorporates the patrol unit, public safety cadet unit and the JMU/HPD Joint Patrol Task Force.

JMU police officers patrol campus 24 hours a day, seven days a week. They enforce federal and state statutes, local city ordinances, along with regulations of JMU while protecting property, assisting the JMU community and responding to reported criminal incidents, emergencies, and traffic concerns. Four patrol officers a sergeant and corporal are members of the JMU/Harrisonburg Joint Patrol Task Force, which augments the Harrisonburg Police Department primarily in the surrounding off-campus student housing areas adjacent to campus. The public safety cadet unit consists of fulltime students who work with the JMU Police providing a proactive presence on campus. They have no arrest or detention powers. They provide security safety escorts, assist with university events and other security related functions on the JMU main campus. They receive training in basic security services and practices. The forensic unit provides for evidence gathering response personnel that work in concert with investigators that handle reported cases that require in-depth follow-up investigations. Emergency management services is headed by the Emergency Management Coordinator that is responsible for the preparedness, training, and coordination of emergency response and recovery efforts at JMU. Police communications coordination is headed by the Operations Manager of Communications. The Support Services division provides special event coordination that integrates JMU full time police officers along with JMU special event police officers and officers from outside police agencies augmented by contract private venue security personnel to ensure appropriate levels of supervision, personnel, security, and traffic control are provided to ensure safety at event venues. Special event police officers are primarily assigned to work special events but are subject to other assignments when necessary. Privately contracted security personnel work events and do not have arrest powers and serve as ushers.

The authority, responsibility and training of JMU Police Officers are the same as required of any police officer in Virginia. All police officers have completed a basic academy training program, and are required to complete 40 hours of in-service training biennially along with specialized in-house training. All are certified by the Virginia Department of Criminal Justice Services as police officers and are trained in all phases of law enforcement, including the use of firearms. Officers carry standard issue or approved firearms at all times and must maintain firearms proficiency through semi-annual classroom training, qualification, and certification at a firing range. JMU law enforcement personnel receive training and certification in many specialty areas. The JMU Police Department has many trained and certified officers to include general instructors, bike patrol officers, evidence
technicians, breathalyzer operators and ASP baton instructors. The JMU Police Department has RAD instructors and trained crisis intervention and crime prevention specialists. Many officers are trained and are designated certified instructors in specialties areas to include defensive tactics, OC (chemical weapon), firearms and patrol rifle, First Aid/CPR/AED and blood borne pathogen, field training, active shooter and tactical shooting.

The JMU Police Department utilizes Automatic External Defibrillators (AEDs) in the field. All officers are trained on the proper use of AEDs and basic life support techniques (Cardio-pulmonary Resuscitation - CPR) along with first responder first aid. AED units and first aid kits are deployed into the field each shift by officers on patrol and to events.

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**Law Enforcement Authority of Campus Police Personnel, Written Memorandums of Understanding (Mutual Aid and Concurrent Jurisdiction Agreements) and Investigation of Alleged Criminal Offenses**

JMU Police have the authority to enforce all regulations and laws, both of the University and of the Commonwealth of Virginia along with federal statutes, within their primary jurisdiction that includes all university owned/controlled property of the core campus, and the adjacent streets and sidewalks. The JMU Police Department has entered into a Memorandum of Understanding with the Harrisonburg Police Department that allows duly sworn, on-duty officers employed by the James Madison University Police Department, jurisdiction to enforce city ordinances along with laws within the city limits of Harrisonburg. The JMU/Harrisonburg Joint Patrol Task Force augments the Harrisonburg Police Department primarily in the surrounding off-campus student housing areas adjacent to campus in the city of Harrisonburg. The JMU Police work closely and maintain a close working relationship with state and local police including but not limited to the Harrisonburg Police Department, the Rockingham County Sheriff’s Department and the local contingent of the Virginia State Police on incidents that occur on and off campus. A Mutual Aid agreement with law enforcement and criminal justice agencies within and bordering Rockingham County is a reciprocal agreement for cooperation in furnishing police services and for the use of their joint police forces, their equipment and materials for their mutual protection, defense and maintenance of peace and good order. This agreement was amended in accordance with Virginia Code § 23.1-815 which can be found at [https://law.lis.virginia.gov/vacode/title23.1/chapter8/section23.1-815/](https://law.lis.virginia.gov/vacode/title23.1/chapter8/section23.1-815/). In the event that any law enforcement agency covered by this agreement conducts an investigation that involves a felony criminal sexual assault occurring on campus, in or on a noncampus building or property, or on adjacent public property, that agency shall notify the local attorney for the Commonwealth of such investigation within 48 hours of beginning such investigation. This enables cooperation with the Harrisonburg Police Department, the Rockingham County Sheriff’s Department and the local contingent of the Virginia State Police on incidents that occur on and off campus. Additionally, there is a Mutual Aid agreement that has been enacted 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/controlled by the institution of higher education or any death resulting from an incident occurring on such property. James Madison University, as an agency of the Commonwealth of Virginia, may request resources and assistance from the Virginia State Police in the emergency response to, investigation of, or prevention of any other crime occurring at JMU dependent on availability of resources. When a James Madison University student is involved in an offense located in a at an off campus location (locations of off campus student organizations recognized by the institution or off-campus locations owned/controlled by James Madison University or off campus venue), the primary investigation will be conducted by police agency with primary jurisdictional control for documentation and investigation. JMU police officers may assist in the investigation in cooperation with local, county, state or federal law enforcement. The Harrisonburg Police Department and the JMU Police Department communicate on serious incidents occurring on-campus and/or in the immediate neighborhoods and business areas surrounding campus as many JMU students live in apartment complexes and neighborhoods surrounding the university. While the Harrisonburg Police Department exercises primary jurisdiction in areas off campus within the city of Harrisonburg, JMU police officers, primarily the JMU/HPD Joint Patrol Task Force, serve as force multipliers and can respond as secondary responders to student and non-student related incidents that occur in close proximity to campus at the request of the Harrisonburg Police Department. JMU officers have direct radio communication with the Harrisonburg Police Department and fire and rescue services to facilitate rapid response in any emergency.

The JMU Police Department, the Harrisonburg Police Department along with area fire departments and rescue squads train annually in active shooter/mass casualty exercises to facilitate responses to incidents.

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**Reporting a Crime or Emergency**

All crime, suspicious activity or emergencies that occur on the campus of James Madison University should be reported promptly to the James Madison University Police through the communications unit for response and documentation and to assure incidents are assessed for potential ongoing threats to the university for evaluation for possible timely warning or emergency notification considerations. The JMU Police Department Communications Unit supports the police department in emergency and non-emergency situations. The communication unit at JMU is staffed twenty-four hours a day, seven days a week and consists of 16 telecommunicators including an operations manager, a supervisor, eight full time and six part-time employees. By mutual agreement with state and federal agencies, the JMU Police Department maintains a VCIN/NCIC (Virginia Crime Information Network /National Crime Information Center) communication terminal. All communicators are certified through NCIC/VCIN as *Level A Operators* and are responsible for staffing a terminal 24 hours a day with nationwide access to query criminal information and receive updates via
teletype on in progress or recently occurred crimes. They are also responsible for monitoring alarm panels for all fire and intrusion alarms on campus, cameras, and allowing vehicles access to campus via the campus gate system. All communicators are certified through the Virginia Department of Criminal Justice Services and the regional Criminal Justice Training Academy. Initially, they receive training in a Basic Communication Officer Academy as well as 80 hours of in house training with a certified communications trainer. Additionally, all communicators maintain the required certifications through NIMS/ICS to meet federal standards.

The JMU Police Department can be reached in person at Anthony-Seeger Hall, 821 South Main Street Harrisonburg, Va. or by telephone. The on-campus emergency number, 540-568-6911, directly connects to the JMU Police Department and should be used when fire, police, emergency or medical assistance is required. Courtesy telephones have this information on an attached label affixed to the telephone. It should be noted that when using a cell phone to call the JMU Police, callers should dial 540-568-6911 as dialing 9-1-1 directly may route them to the Harrisonburg/Rockingham Emergency Communication Center. If you should be routed to another agency, you need to advise them of your specific location at James Madison University so that they may relay this information to the JMU Police Department communications center. The JMU Police Department Communication Center houses a network of speed-dialed lines providing direct access to the Harrisonburg/Rockingham Emergency Communication Center for local fire and rescue services and other local police departments. Two 800 telephone numbers are available to the university and can be utilized during an emergency. These numbers will be provided at that time and may be used to disseminate recorded messages and/or to receive calls into a centralized call center so that the standard emergency phone lines will not be overwhelmed. The police department also utilizes another emergency number, 540-442-6911, that can be accessed if the JMU telephone network becomes disabled. For information, escort services and other non-emergencies; students, visitors, and employees should dial 540-568-6913. The telephone number for parking concerns is 540-568-3300. The JMU telephone number for general information is 540-568-6211.

There are telephones provided at each of the residence halls. There are interior courtesy telephones located in the hallways of residence halls. Areas of Rescue Assistance (ARA) phones are located in many stairwells that allows verbal communication directly to the communication unit. Outdoor emergency “Blue Light” phones are located across campus to include parking lots and other remote areas. These telephones are housed in highly visible yellow call boxes and feature one-button speed dialing for instant communication with the JMU Police with location of the activated telephone automatically identified to the police communications officer. There are currently over 100 blue light phones located across campus.

![SEE IT! HEAR IT! REPORT IT!](http://www.jmu.edu/publicsafety/resources_livesafe.shtml)

The JMU Police Communications Center can also be reached directly using the LiveSafe App. Information on the LiveSafe App can be found at [http://www.jmu.edu/publicsafety/resources_livesafe.shtml](http://www.jmu.edu/publicsafety/resources_livesafe.shtml). It can be downloaded onto a smartphone and allows users to share information, tips, and safety concerns with police via text messaging, including picture, video, and audio attachments, or even through live chat. Stay anonymous anytime, or send your caller ID and location to police immediately when you call or message for help, allowing faster response times.

If you are witness, a victim, or have knowledge of a criminal activity, information can also be reported anonymously by utilizing the JMU Police Department’s on-line “Silent Witness” program. The information is forwarded to the JMU communications center where it is reviewed. Based on the content of the information, a call for service entry will be created for documentation and/or the information will be forwarded to the appropriate entity for further review and follow-up. However, if the situation is violent and in progress and there is imminent danger to others, please call the JMU police at 540-568-6911 for immediate assistance. This information is forwarded to the Clery compliance officer for inclusion in crime statistics. For “Silent Witness” information to be included in crime statistics, however, enough information has to be given to determine a crime has occurred and the location. This can be accessed on line at [http://www.jmu.edu/publicsafety/silent_witness_form.shtml](http://www.jmu.edu/publicsafety/silent_witness_form.shtml).

James Madison University encourages all members of the JMU community to report all crimes and other emergencies to the law enforcement entities responsible for safety and security in their respective jurisdictions. For incidents occurring off campus, in the city of Harrisonburg or Rockingham...
County, the Harrisonburg/ Rockingham Emergency Communication Center should be contacted for assistance by calling 911 or the non-emergency number 540-434-4436.

Reporting crimes to law enforcement helps protect the entire university community by ensuring that crimes are investigated and action is taken when appropriate. The JMU Police encourages accurate and prompt reporting of all crimes to the campus police and/or the appropriate police agency. This includes when the victim of a crime elects to or is unable to make such a report. The JMU Police will assist students in reporting crimes to other law enforcement agencies if requested. JMU police does not allow confidential reporting of crimes due to state open records laws. If a complainant files a report with JMU Police, the information may not be able to be kept confidential.

### Reporting to other Campus Security Authorities

Although every institution wants its campus community to report criminal incidents to law enforcement, we know that this does not always happen. Even at institutions with a police department on campus, a student who is the victim of a crime may be more inclined to report it to someone other than the police. Although the University strongly encourages community members to report promptly all crimes and other emergencies directly to James Madison University Police Department, the JMU Police Department also recognizes that some individuals may prefer to report an incident to someone other than the police.

The Clery Act recognizes certain university officials and offices as “campus security authorities”. Individuals or offices in addition to the University Police that may have crimes reported to them. The University designates the following places where a university community member can report crimes or policy violations.

<table>
<thead>
<tr>
<th>James Madison University Police Department</th>
<th>821 S. Main Street Anthony Seeger Hall</th>
<th>540-568-6911</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title IX</td>
<td>Madison Hall room 4035</td>
<td>540-568-5219</td>
</tr>
<tr>
<td></td>
<td><a href="mailto:titleix@jmu.edu">titleix@jmu.edu</a></td>
<td></td>
</tr>
<tr>
<td>Office of Student Accountability and Restorative Practice</td>
<td>Student Success Center Suite 2122</td>
<td>540-568-6218</td>
</tr>
<tr>
<td></td>
<td><a href="mailto:osarp@jmu.edu">osarp@jmu.edu</a></td>
<td></td>
</tr>
<tr>
<td>Human Resources</td>
<td>752 Ott Street</td>
<td>540-568-6165</td>
</tr>
</tbody>
</table>

The Clery Act requires all institutions to collect crime reports from a variety of individuals and organizations that Clery considers “campus security authorities”. A campus security authority’s primary responsibility is to report to the official or office designated by the institution to collect crime report information, allegations of Clery Act crimes that are reported to them in their capacity as a Campus Security Authority (CSA) that have occurred in the institutions Clery geography. Data is collected from a wide variety of “Campus Security Authorities” to provide the most accurate crime statistics possible via electronic submission or submission of the Campus Security Clery Incident Report Form. This information is sent to the Clery Compliance officer at the JMU Police Department for collection. The Office of Student Accountability and Restorative Practice and the Office of Residence Life send reports to the Clery Compliance Officer on a continuing basis.

“Campus security authority” is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution: a campus police department or a campus security department of an institution; any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department; any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses; and an official of an institution who has significant responsibility for student and campus activities.

The James Madison University Police Department encourages Campus Security Authorities to promptly and accurately report Clery reportable crimes to the JMU Police Clery Compliance officer on a continuing basis by filling out the Clery Incident Electronic form available at [https://www.jmu.edu/publicsafety/clerycompliance/clery_complaint_form.shtml](https://www.jmu.edu/publicsafety/clerycompliance/clery_complaint_form.shtml) and submitting the information electronically or by submitting the Campus Security Clery Incident Report Form available at [https://www.jmu.edu/publicsafety/clerycompliance/James%20Madison%20University%20Police%20Department%20Clery%20Compliant%20Form3.pdf](https://www.jmu.edu/publicsafety/clerycompliance/James%20Madison%20University%20Police%20Department%20Clery%20Compliant%20Form3.pdf) to Lisa Carickhoff Clery Compliance Officer 821 South Main Street MSC 6810 Harrisonburg, VA 22807 or by FAX to JMU Police Clery Compliance Officer at 540-568-7926 or email to clerycompliance@jmu.edu. Student employees are directed to report all non-emergency criminal incidents to their supervisor or designated Clery coordinator for their area for submission.
“Pastoral Counselors” and “Professional Counselors”, when acting in their role of a pastoral or professional counselor are not considered campus security authorities and are not required to report crimes for inclusion into the annual disclosure of crime statistics. This exemption is intended to protect the counselor-client role. At a minimum, this provides crime victims valuable counseling and referral information.

**Pastoral Counselor**
An employee (in the case of JMU, they are affiliates) of an institution who is associated with a religious order or denomination, recognized by that religious order or denomination as a person who provides confidential counseling and who functions within the scope of that recognition as a pastoral counselor.

**Professional Counselor**
An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is also functioning within the scope of his/her license or certification.

The James Madison University Police Department does not allow voluntary confidential reporting. If a complainant files a report with the JMU Police Department, the information may not be able to be kept confidential. Crimes, however, may be reported anonymously by utilizing the JMU Police Department’s “Silent Witness” portal located at [http://www.jmu.edu/publicsafety/silent_witness_form.shtml](http://www.jmu.edu/publicsafety/silent_witness_form.shtml). However, for this information to be included in crime statistics, enough information has to be given to determine a crime has occurred and the location. Counselors are encouraged to provide information, if and when they deem appropriate, that informs the persons they are counseling of silent witness which provides a voluntary confidential basis for inclusion of crimes in the annual disclosure of crime statistics.

In most cases, it is possible for a CSA to fulfill his or her responsibilities while still maintaining victim confidentiality. CSA reports are used by the institution to compile statistics for Clery Act reporting and to help determine if there is a serious or continuing threat to the safety of the campus community that would require a timely warning or emergency notification. A CSA report does not need to automatically result in the initiation of a police or disciplinary investigation if the victim does not want to pursue this action.

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**Response to a Crime or Emergency**

The James Madison University Police Department is staffed year round twenty-four hours a day seven days a week to serve the needs of the campus community. Upon notification of a criminal activity, emergency, or request for assistance, the James Madison University Police Department has the responsibility of responding to, and summoning the necessary resources to assist, mitigate, investigate, and document the incident. The call will initiate a response from the JMU Police Department, immediate or otherwise, as dictated by the nature of the incident. The responding officer will assess the reported incident and will arrange for necessary resources to include but not be limited to crime investigation, victim services, medical services or the utilization of other available resources. Criminal actions will be thoroughly documented in an appropriate incident report. Incidents will be assessed for potential ongoing threats to the university for evaluation for possible timely warning or emergency notification considerations.

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**Emergency Response and Evacuation Procedures**

The James Madison University Police Department assumes the role of issuing emergency notifications to the campus community. The James Madison University Police Department has the responsibility of responding to, and summoning the necessary resources to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation to the JMU community. In addition, the JMU Police Department has the responsibility to respond to such incidents to determine if the situation does, in fact, pose a threat to the community and notify the campus community or the appropriate segments of the community that may be affected by the situation utilizing appropriate measures to include emergency notification. An emergency notification to the campus community may include emergency evacuation, “shelter in place”, “secure in place” or other measures deemed necessary using the National Incident Management System (NIMS) structure. In the event of an emergent situation, university police personnel will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. An emergency or dangerous situation that requires the activation of the Emergency Notification System will be identified and confirmed by appropriate JMU police administrative personnel prior to activating the system. Upon being notified or receiving information regarding an incident that may pose a threat to the campus community, it is the responsibility of the on duty police supervisor to review the available information and confirm that the emergency or dangerous situation exists, and in concert with administrative personnel determine which segment(s) of the campus community are effected and determine if the activation of the Emergency Notification System (ENS) is appropriate. The JMU personnel have autonomous authority to activate emergency measures upon their confirmation of the emergency or dangerous situation and determine the content and scope of the notification include:

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Building coordinators are utilized and are responsible for developing emergency evacuation plans and guidelines, contingency plans and continuity of operations plans for their designated areas of responsibility in conjunction with the Department of Public Safety Emergency Management coordinator. JMU Police personnel will, upon confirmation of an emergency that necessitates evacuations, order an evacuation or if the situation warrants instructions to “shelter in place” or “secure in place”. Procedures are designed to establish a framework for James Madison University to both avoid preventable emergency situations and to respond effectively and safely to emergencies when they occur. This includes assessing an emergency situation, coordinating a response effort, minimizing adverse effects, and, most importantly, ensuring that individuals are informed, safely evacuated or sheltered and accounted for with reasonable assurance.

Evacuation

Evacuation means moving all people from a threatened area to a safer place. In cases requiring the evacuation of one building, occupants should proceed to a designated meeting area as directed by the James Madison University Police, emergency personnel, or other university officials. When orders are given to evacuate multiple buildings or large areas of the campus, university students, faculty, staff and visitors should proceed to evacuate as directed by the JMU Police, emergency personnel or official designees, and/or the emergency notification system that may be utilized to notify the campus community if a protective action for evacuation is necessitated.

Evacuation drills are performed both live and in tabletop exercises. Evacuation drills for residence halls are coordinated by the JMU Police and the Office of Residence Life each semester. Students learn the location of the emergency exits in the building and are provided guidance about the direction they should travel when exiting each facility for a short-term evacuation. The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of fire or other emergency.

Shelter/Secure in Place

If an incident occurs and the building you are in is not damaged, stay inside - seeking an interior room - until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, JAC card, etc.) and follow the evacuation procedures for your building (close your
How You Will Know to “Shelter-in-Place”

A shelter-in-place notification may come from several sources, including the JMU Police Department, Office of Residence Life, other university employees or emergency personnel and other authorities utilizing the university’s emergency communications tools.

How to “Shelter-in-Place”

No matter where you are, the basic steps of shelter-in-place will generally remain the same but can be modified for specific situations. Should the need ever arise; follow these steps, unless instructed otherwise.

When sheltering-in-place, you will be safest by moving to the interior of a building area that protects you from the danger. Do not lock doors behind you as others may need to shelter-in-place.

- REMAIN CALM.
- Immediately seek shelter within the closest sturdy building. Act quickly - do not wait until the danger is readily apparent.
- Once inside, stay away from windows, glass, and objects that may fall. Stay put until the danger passes - resist the temptation to personally assess the situation.
- Whenever possible, seek shelter in interior rooms, corridors, and hallways.
- Avoid large freestanding rooms such as auditoriums and gymnasiums.
- DO NOT use elevators.
- Await instructions from JMU Alerts and emergency responders.
- DO NOT leave until an “All Clear” is received.

During a tornado, shelter in the lowest level possible. If necessary, consider crouching near the floor and seeking additional shelter under a sturdy table or desk, or cover your head with your hands.

In the event of hazardous material incidents requiring sheltering in place, close exterior windows and turn off heating, ventilation, and air conditioning (HVAC) systems.

Weather Definitions

Watch: Conditions are favorable for the development of severe weather. Closely monitor the situation in case it gets worse.
Warning: Severe weather has actually been observed. Listen closely to instructions provided by weather radios/emergency officials.

How Do I Secure-In-Place?

- REMAIN CALM.
- If outside during a secure-in-place emergency, seek shelter in the nearest unlocked building.
- If the buildings in your immediate area have locked exterior doors, continue to move away from the danger, seek cover, move to another unlocked building, or leave campus if safe to do so.
- Once inside, find an interior room and lock or barricade the door(s).
- To minimize vulnerability, turn off lights, silence phones, draw blinds, move away from windows, and minimize additional movement.
- Await further instructions from JMU Alerts or emergency responders.
- DO NOT leave until an “All Clear” is received.

What If Someone Wants to Enter a Secure Area?

USE GOOD JUDGMENT. If there are any doubts about the safety of those inside the room or building, the area should remain secure. Allowing someone to enter a secure area may endanger yourself and others.

If there are individuals outside the secured door who wish to enter, consider the following to determine safety:

- Can you see the area outside the door? Is someone lying in wait or creating a trap?
If a physical description of the subject was given in the secure-in-place alert, consider similarities such as age, race, clothing description, height, weight, sex, and hair/eye color.

If the decision is made to allow entry to the individual, consider the following:

- Have the person leave anything he or she is carrying (a backpack, laptop case, package, etc.) on the ground and outside the secure area.
- Have the individual lift up his or her shirt/jacket/coat to expose their waistline and rotate 360 degrees to ensure no weapon is being concealed.

The mission of the Office of Emergency Management is to provide an integrated, comprehensive emergency management program for James Madison University community. The office is responsible for the preparedness, training, and coordination of emergency response and recovery efforts at JMU. The Office of Emergency Management plans for natural, manmade, or technological hazards that could adversely affect all members and sustainable operations of the campus community.

**Hostile Intruder/ Run Hide Fight**

**RUN**
- Have an escape route in mind? Leave your belongings behind. Evacuate regardless of whether others agree to follow.
- Help others escape if possible. Do not attempt to move the wounded. Prevent others from entering an area where the active shooter may be.

**HIDE**
- Hide in an area out of the shooters view. Lock door or block entry to your hiding place. Silence your cell phone (including vibrate) and remain quiet.

**FIGHT**
- Fight as a last resort only when your life is in imminent danger.
- Attempt to incapacitate the shooter.
- Act with as much physical aggression as possible.
- Impromptu weapons or throw items at the shooter.
- Commit to your actions... Your life depends on it.

When Law Enforcement Arrives

- Remain calm and follow instructions.
- Drop items in hands. Raise hands and spread fingers. Keep hands visible at all times.
- Avoid quick movements toward officers such as holding on to them for safety.
- Avoid pointing, screaming or yelling.
- Do not ask questions when evacuating.

Active Shooter Video - What should you do? The video can be seen at https://www.youtube.com/watch?v=9Z9zkU--FLQ

**Hazardous Materials**

If you are involved in or become aware of a hazardous material release in your building or area, take the following actions:

- Remain calm.
- Call Campus Police at 540-568-6911.
- If the material release is outside of the building, remain inside.
- Evacuate the immediate area.
- If necessary, initiate EVACUATION PROCEDURES - Information can be located at http://www.jmu.edu/safetyplan/emergency_evacuations.shtml
- Remain upwind of the building.

In a chemical emergency, a hazardous amount of a chemical is spilled or released into the environment. If a chemical emergency occurs, officials will warn you via text, voice mail messages, or blast e-mail, or they may come to your door. If you witness or smell a chemical spill, or if there is a life-
threatening emergency, Dial 540-568-6911.

During a chemical emergency

- Remain Calm
- If the material release is outside of the building, remain inside.
- If you are in the area or building of the chemical emergency, evacuate the area immediately.
- When officials say it is safe, open all doors and windows and turn on the air conditioning and ventilation systems to flush out any chemicals.
- Remember: a person or thing that has been exposed to a hazardous chemical might be contaminated and could contaminate others. Follow decontamination instructions from local officials.
- If you are outside during an incident, stay upstream, uphill and upwind. Gases and mists are generally heavier than air and hazardous materials can quickly be transported by water and wind. In general, try to go at least one-half mile (10 city blocks) from the danger area. However, for many incidents, you will need to go much farther.
- If you are in a motor vehicle, stop and find shelter in a permanent building if possible. If you must remain in your vehicle, keep the windows and vents closed and shut off the air conditioner and heater.
- Listen to JMU Alerts, local TV or radio for instructions on whether to evacuate or stay where you are.) Your life could depend on it.
- Local officials will tell you:
  - The type of health hazard.
  - The affected area.
  - How to protect yourself.
  - Evacuation routes, if necessary.
  - Shelter locations.
  - Type and location of medical facilities.
  - The phone numbers to call if you need extra help.

Additional information can be found at http://www.jmu.edu/safetyplan/index.shtml.

All members of the James Madison University community should notify the JMU Police Department of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students, employees or visitors on campus.

Emergency Notification System

The James Madison University Police Department will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees, and visitors, occurring on the campus, unless issuing a notification will compromise efforts to contain the emergency.

The institution will without delay, taking into account the safety of the community, determine the content of the notification and initiate the notification system unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The comprehensive mass-communication system includes the following components that may be activated independently or in-conjunction with each other, based upon the circumstances, to notify the university community of the existence of an emergency and provide updated information as necessary throughout the duration of any incident. The JMU Police have autonomous authority to activate the emergency notification system upon their confirmation of the emergency or dangerous situation and determine the content and scope of the notification.

The comprehensive mass-communication system includes the following components which may be activated independently or in-conjunction with each other based on the circumstances of the emergency to notify the university community of the existence of emergency and provide updated information as necessary throughout the duration of any incident. In the event of an immediate threat to the health or safety of students or employees occurring on campus, follow up information will generally be sent electronically through blast email or text messaging.

Emergency Notification Blast E-Mail - An e-mail will be distributed to the inbox of all members of the JMU community email accounts to warn them of a campus emergency. Blast email gives the University the ability to expeditiously reach the entire campus community with
critical information in the event of an emergency. All JMU students, faculty, staff and affiliates are automatically enrolled; opting out of email notification is not an option.

Emergency Notification SMS Text Messaging - The JMU community can register to receive text and voice messages over their cell phone ensuring a campus emergency. Faculty, staff and students may register through MY Madison.

Students are required to complete a multistep check-in process using MyMadison. Incoming students complete the process as part of the Orientation OneBook. Returning students must complete registration before each Fall and Spring term. A tutorial is available at http://isapps.jmu.edu/mymadison/wm_ssi/documents/How%20to%20Check-in_v2.0.pdf. JMU students authorize JMU to send emergency notifications or may elect at this time not to receive cell phone emergency notifications during this process.

Faculty and staff after being hired, will be prompted to complete an Emergency Notification step. They cannot access any other employee functionality until they complete this step. JMU faculty and staff authorize JMU to send emergency notifications or may elect at this time not to receive cell phone emergency notifications during this process. An employee can re-validate by navigating to the phone numbers page within the Employee tab.

JMU Web Page - University Web Page (black page) - This simple page helps to ensure that servers and systems remain accessible if an incident occurs. This black page displays in lieu of all other jmu.edu web pages and only allows the user to read specific posted information relative to any ongoing emergency situation.

Emergency Horns & Sirens - JMU currently utilizes two different systems that produce audible signals to warn students, staff, and visitors on campus of impending emergency situations or hazardous conditions.

Madison Alert - One component of the university's emergency communications system is Madison Alert Horn, Siren and Public Address system, a campus wide outdoor horn and public address system used to communicate with constituents in the open exterior areas of the campus. It can be activated to alert members of the university community of an imminent threat to public safety on campus. The following horns and sirens are used as part of this system:

Emergency Siren: This signal is intended to immediately get the attention of members of the JMU Community. When students, staff and visitors hear this siren they should immediately try to seek shelter in a secure location and/or following any verbal instructions that accompany this alarm.

All Clear Horn: This signal consists of three consecutive 5-second horn blasts and indicates that it is now safe to resume normal activities on campus.

James Madison University Lightening Prediction System (Weather Bug) - A second component of the University's emergency communications system is the Severe Weather Early Warning System. This separate system is completely automated and continuously monitors weather conditions in proximity to the university's main campus, Memorial Hall complexes, and Upark fields. When the system detects atmospheric conditions that have a high probability of producing an electrical storm (lightning) close to campus the system will activate a series of horns and strobe lights in designated areas on campus. The following horns are used as part of this system:

Red Alert Horn: - This signal consists of a single, 5-second horn blast that indicates that there is an imminent danger of a lighting strike on campus. When students, staff and visitors hear this horn they should immediately try to seek shelter in a safe location such as a building or vehicle away from water and electrical sources until the severe weather passes and the All Clear signal is given.

All Clear Horn: This signal consists of three consecutive 5-second horn blasts and indicates that it is now safe to resume normal activities on campus.

LiveSafe App - Receive notifications regarding important safety information in your community.

Fire Alarms - The fire alarm systems in buildings can be activated and utilized to evacuate a building due to a fire or other emergency situation.
Building Coordinators - through face-to-face contact - All building coordinators are periodically trained on how to respond to various emergencies on campus and may disseminate information within their buildings.

ORL Hall Directors and Resident Advisors - through face to face contact - All residence halls staff are periodically trained on how to respond to various emergencies on campus and may disseminate information within their buildings.

Phone Trees - Interdepartmental & building phone trees can be implemented.

Emergency Fax Notification - This is similar in concept to bulk e-mail only utilizing the campus fax machine network.

Police loudspeakers/public address systems located in patrol cars.

Programmable Mobile Traffic Signs - Mobile signs that can be positioned to provide information to specific areas.

JMU Website – The JMU website will be used to provide information to the JMU community.

In order to disseminate emergency information to the larger community, radio station AM1610 can be programmed to broadcast emergency information and local media will be contacted.

Radio AM1610 - In the event of campus emergency, information can be broadcast over the radio station AM1610.

Local media/Campus TV/Radio broadcasts.

For a comprehensive overview of Emergency Notification and Procedures you may go to the website http://www.jmu.edu/publicsafety/emergency_notifications.shtml. In addition to detailed information on Emergency Horns & Sirens, this site includes interactive training in emergency procedures and a companion follow-up self-evaluation and review of information retention through a multiple choice testing site and a poster that can be downloaded which contains detailed information on the official JMU mass communication system plus related advice on response to a hostile intruder, fire, and weather emergencies.

The University conducts emergency response exercises each year, such as tabletop exercises, field exercises, and/or tests of the emergency notification systems on campus. Systematic tests of the Emergency Notification System will be conducted at least annually to include documentation of the exercise with the date, time and description of the test and whether the test was announced. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. Various drills are conducted throughout the year to familiarize students and faculty and staff with emergency procedures and individual roles.

JMU conducted an announced test on September 10, 2018 at 3:00 PM. The test included the Madison Alert System and LifeSafe and included voice, text, email and activation of the Campus Horn and PA system. The test was then evaluated and assessed.

A sample of other tests included:

National Guard Civil Support Team (CST)/JMU Bridgeforth Stadium exercise, March 7 & 8, 2018: Conducted a 2-day full-scale exercise between JMU and the CST in Bridgeforth Stadium. Tested the CST’s ability to successfully search and find several biological and chemical agents in the stadium.

All members of the JMU community are instructed to notify the JMU police of any situation or incident on or near campus that involves a significant emergency or dangerous situation that may pose an immediate or on-going threat to health and safety.

**Timely Warnings/Community Alerts/Safety Announcements**

In compliance with the “Timely Notice” provisions of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, the James Madison University Police Department is responsible for timely notice/community alert dissemination. A timely warning/community alert is initiated when the James Madison University Police Department identifies a Clery Act reportable crime that occurs on or near the university campus, that poses an ongoing or serious threat to students, employees and/or visitors. Timely warning notifications are sent to notify the campus community in the event that a situation arises on Clery geography which encompasses the JMU campus, noncampus property (property owned/controlled by the University and/or a recognized student organization not on the main campus), and public property (property within or immediately adjacent to campus) that, in the judgment of the Chief of Police or his designee, after reviewing the facts and circumstances of the incident, constitutes an ongoing or continuing threat to the campus community. Timely warnings are primarily triggered by Clery Act crimes (criminal homicide, sex offenses, robbery involving force or violence, aggravated assault, and major cases of arson). Timely notices may also be posted for
other crime classifications, as deemed necessary. Timely Warnings are evaluated on a case-by-case basis depending on the facts of the case and the information known. The timely warning/community alert message content may include the following:

- A description of the incident.
- Possible connection to previous incidents, if applicable.
- Physical description of the suspect, if available.
- Photo or composite drawing of the suspect, if available.
- Date and time the bulletin was released.
- Other relevant and important information about the crime(s).
- Information about crime prevention, personal safety or other community safety resources.

JMU is not required by law to issue a timely warning for off-campus crimes; however, incidents occurring off campus will be evaluated on a case-by-case basis to determine if there is a crime that poses an ongoing or serious threat to the community. A Community alert may be developed to notify the campus community in the event that a situation arises off campus, that, in the judgment of the Chief of Police or his designee, after reviewing the facts and circumstances of the incident, constitutes an ongoing or continuing threat to the off campus community.

The on-duty police supervisor will inform the Chief of Police or their designee, generally the Deputy Chief or Patrol Lieutenant of any crime that may pose an ongoing or serious threat to the personal safety of students, faculty, staff and visitors. The Chief of Police, Patrol Lieutenant or their designee will determine whether the crime requires a timely warning/community alert and will develop with the assistance of the on-duty supervisor the content. The Chief of Police, Patrol Lieutenant or their designee will approve the content and the dissemination of the timely warning or community alert message and activate dissemination of the message. In situations in which the Chief of Police or their designee is not available, or where any delay to brief these individuals would significantly increase the risk to the university community, the on-duty police supervisor is authorized to determine the necessity of a timely warning/crime alert, develop a timely warning/crime alert message, activate dissemination of the message.

Timely warnings and community alerts will be issued by means of rapid response mass-communication technology by communications personnel or designee providing the JMU Community with immediate notification to students, faculty and staff through the issuance of:

- “Blast” bulk e-mailings originating from the James Madison Police Department to all student and employee e-mail accounts, and/or;
- Text messaging to the campus community via cell phones.
- The JMU Police Department may also post a notice on the JMU Police website that is accessible via computer by all faculty, staff, students or visitors.

Anyone with information warranting a timely warning/community alert should report the circumstances to the JMU Police by phone (540-568-6911) or in person at the communication center within the JMU Police Department at 821 S. Main Street Anthony-Seeger Hall, located at the Southwest corner of West Grace and South Main Streets.

Timely Warnings and Community alerts for situations that may pose a threat to others can be generated from reports made to Campus Security Authorities as identified by James Madison University in addition to the JMU Police and/or local police agencies. Timely Warnings and Community alerts are provided to students and employees in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences. JMU is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

The JMU Police may not issue Timely Notices/ Community Alerts for instances in which the perpetrators have been apprehended and the threat of imminent danger for members of the JMU community has been mitigated by the apprehension or the JMU Police Department was not notified of the crime in a manner that would allow the department to post a “timely” warning for the community. Timely warnings are posted on the JMU Police website at https://www.jmu.edu/publicsafety/safety.shtml and will be updated as new crime information becomes available on the website.

Safety announcements encompass information of value to the community and are sent via electronic communication (blast email and text messaging). Safety announcements contain information that is used to promote general safety to the JMU community.

**Notice of Availability – Annual Security and Fire Safety Report**

James Madison University is committed to assisting all members of the JMU community in providing for their safety and security. Each year email notification is made to all enrolled students and employees providing the web site link to access these reports. Prospective student and employees are informed of the report and how it may be secured via an email link listed on admissions and human resources website.
The Annual Security and Fire Safety Report contains information regarding campus security and personal safety including topics such as: crime prevention, the university police law enforcement authority, crime reporting policies, disciplinary procedures, protocols for the immediate notification of students and staff upon confirmation of a significant emergency on campus and other matters of importance related to security and safety. The report includes statistics for the most recent three-year period of reported crimes that have occurred on campus; in certain off-campus buildings or property owned or controlled by JMU or its affiliates; and on public property within or immediately adjacent to and accessible from the campus.

The Annual Security and Fire Safety Report includes campus housing fire statistics for the most recent three-year period, a description of each on-campus student housing facility fire safety system, the number of fire drills held during the previous calendar year, policies or rules on portable electrical appliances, smoking, and open flames in student housing; and procedures for student housing evacuation in the event of fire along with other fire safety information.


You can obtain a copy of any of this report by contacting the Office of Public Safety, MSC 6810, James Madison University, Harrisonburg, VA 22807 or request that a copy be mailed to you by calling (540)568-6769/6913.

Clery Act reporting and disclosures maintains the confidentiality of the victim without the inclusion of personally identifying information about the victim and any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Clery Crimes
Under the Clery Act, JMU campuses must annually distribute statistics on the reported occurrences of the following Clery offenses at certain locations. These statistics are forwarded to the U. S. Department of Education.

Criminal Homicide

Murder and Non-negligent Manslaughter – The willful (non-negligent) killing of one human being by another.

Manslaughter by Negligence – The killing of another person through gross negligence.

Sexual Assault – An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) programs. Per the National Incident-Based Reporting Systems User Manual from the FBI UCR Programs, a sex offense is

"any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

Rape - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory rape – Sexual intercourse with a person who is under the statutory age of consent

Dating Violence - 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 on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the person involved in the relationship. For the purposes of this definition, dating
violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse and does not include acts covered under the definition of domestic violence.

**Domestic violence** – A felony or misdemeanor crime of violence committed by; a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of jurisdiction in which the crime of violence occurred.

**Stalking** - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to – fear for person's safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition, course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property; reasonable person means a reasonable person under similar circumstances and with similar identities to the victim; and substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Robbery** - The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault** – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed. Aggravated assault includes poisoning (date rape drug, etc.)

- Aggravated Assault is differentiated from simple assault, in addition to the weapon and intent considerations in the definition, by the extent of injury. Generally Broken Bones, Internal injuries, stiches, loss of teeth, severe laceration(s) or a loss of consciousness indicated an aggravated assault. Simple assault would result in injuries needing only minor first aid.

**Burglary** – The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

- Structure for the purposes of burglary is defined as having four walls, a roof, and a door.

**Motor Vehicle Theft** – The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

**Arson** – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Hate Crimes** – Any crime that manifests evidence that the victim was intentionally selected because of actual or perceived bias against race; gender; gender identity, religion; sexual orientation; ethnicity, national origin or disability. This includes the afore mentioned murder and nonnegligent manslaughter, negligent manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, and also larceny-theft, simple assault, intimidation, and destruction/damage/ vandalism of property.

Simple Assault – An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness. *(Currently, this crime category only applies to hate crimes.)*

Larceny-Theft - The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. *(Currently, this crime category only applies to hate crimes.)*

Destruction/Damage/Vandalism of property- To willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it. *(Currently, this crime category only applies to hate crimes.)*
Intimidation - To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack. (Currently, this crime category only applies to hate crimes.)

The Clery Act also requires disclosure of statistics for liquor law violations, drug law violations, and weapons possession. Reports of these violations are made differently, and reflect the total number of individuals arrested or referred for campus disciplinary action, rather than total number of incidents.

**Liquor Law Violation** – The violation of federal, state and local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Drug Law Violation** – The violations of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

**Weapon Law Violation** – The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives incendiary devices, or other deadly weapons.

**Disciplinary Referrals** – The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

These offenses must be reported according to their occurrence in the following Clery locations, or geographic categories:

**Campus** – (i) any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and (ii) any building or property that is within or reasonably contiguous to the area identified in paragraph (i) of this definition, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or other retail vendor). **Controlled by** means that your institution (or an institution-associated entity as described below) directly or indirectly rents, leases or has some other type of written agreement (including an informal one, such as a letter or an e-mail) for use of a building or property, or a portion of a building or property. Even if there is no payment involved in the transaction, for Clery Act purposes, a written agreement for the use of space gives your institution control of that space for the time period specified in the agreement.

**On-campus Student Housing Facility:** Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility

Reasonably contiguous refers to a building or property your institution owns or controls that’s in a location that you and your students consider to be, and treat as, part of your campus.

**NonCampus/ Affiliated** – (i) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (ii) any building or property owned or controlled by an institution that is used in direct support of, or in relation to the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property** – “public property” is defined by the Clery Act regulations as all public property including thoroughfares, streets, sidewalks, and parking facilities that is within the campus, or immediately adjacent to and accessible from the campus. Include the sidewalk across the street from your campus, but do not include public property beyond the sidewalk.
### 2018 Crime Statistics for the Main (Harrisonburg Branch) Campus

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</tbody>
</table>

* Crimes not reported by hierarchy.
**Includes referrals from both Office of Residence Life and Office of Student Accountability and Restorative Practice.
**** Motor Vehicle Theft consisted of EZGO carts taken for joy ride and later abandon
Hate Crimes

Involving crimes or incidents of homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, vandalism, and intimidation against persons characterized as and motivated by the actual or perceived bias, against race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, and/or disability.

Geographical Areas: On Campus, Residential Facilities, Non-Campus and Public Property

2018 – There was one reported hate crime bias (sexual orientation) – Vandalism - a vehicle was damaged “keyed” on the bumper with the words “FAG” and “FUK U FAG” scratched onto the bumper while the vehicle was parked in an on campus parking lot.

2017 – There were no reported bias motivated incidents.

2016 – There were no reported bias motivated incidents.

One unfounded crime in 2018 - Report of robbery occurring on campus perpetrated by two females resulting in cash and a cell phone being taken after given alcohol by females. Investigation revealed to be false. Individual charged with making a false police report. There were no unfounded crimes in 2017. There were no unfounded crimes in 2016.

An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situations where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded”. Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with prosecution, and the failure to make an arrest do not “unfound” a crime report. This requirement began with 2014 statistics.
Further information on Clery Geography can be viewed at
https://www.jmu.edu/publicsafety/clerycompliance/clery_geography.shtml

Detailed map can be viewed at https://www.jmu.edu/publicsafety/clerycompliance/CleryMap2019-8.5X11.pdf
University Sponsored Trips

Pursuant to the Clery Act, the University on an annual basis is required to disclose certain reported crime statistics that occur during university sponsored/ arranged student trips. Community members who are administratively responsible for student trips are expected to report student trip information to the Clery Compliance Officer for documentation. Student trips must meet certain requirements. The University must have control over the trip or program accommodation and any related academic space used in conjunction with the trip. Control, as defined by the Clery Act, means that there is a written agreement (no matter how informal) directly between the University and the end provider for use of the space. In addition, the controlled space must be used in direct support of, or in relation to, the institution’s educational purposes and frequented by students.

Information on student trips is needed by the JMU Police to follow-up with the local law enforcement agency associated with the trip location. A request is sent to the trip location local law enforcement agency to determine if any Clery Act qualifying crimes (occurring during the trip time frame and at the university-arranged accommodation and/or related academic space) were reported directly to the local law enforcement and thus may not be known to university personnel. Documentation of trips can be made electronically at http://www.jmu.edu/publicsafety/clerycompliance/clery-student-trip-doc.shtml. The information can also be submitted by utilizing the Clery Trip Compliance Form available at https://www.jmu.edu/publicsafety/clerycompliance/about/clery_trip_documentation.shtml which can be forwarded to Lisa Carickhoff Clery Compliance Officer 821 South Main Street MSC 6810 Harrisonburg, VA 22807 or by FAX to JMU Police Clery Compliance Officer at 540-568-7926 or by email to clerycompliance@jmu.edu.

* Note, other University / Departmental internal crime reporting requirements may also exist on any Clery Act reportable and non-reportable student trips.

Emergencies Involving Students or Faculty and Staff

For emergencies involving students, the JMU Police can call upon the services of the Behavioral Assessment Team (BAT) chaired by the Dean of Students with members from the Counseling Center, the Health Center, Office of Student Accountability and Restorative Practice, Public Safety, the Office of Residence Life, Disability Services, representatives from academic programs and representatives from other university offices on an as needed basis to assess and intervene with students whose behavior may present a threat to themselves or the safety of the university community. JMU is committed to improving community safety through a proactive, coordinated, objective, and thoughtful approach to the identification, assessment, intervention, management, and prevention of situations that pose, or may reasonably pose, a threat to the safety and wellbeing of the campus community. Any member of the university community who is concerned about the behavior of a JMU student is encouraged to contact the Dean of Students Office at 540-568-6468, the JMU Counseling Center at 540-568-6552, the JMU Police at 540-568-6913 or other member of the BAT team.

For emergencies involving faculty and staff, the JMU Police can call upon the Faculty/Staff Assessment Team. The Faculty/Staff Assessment Team (FSAT) is charged with assessment and intervention with faculty and staff members whose behavior may present a threat to themselves or the safety of the university community. The FSAT is chaired by the Director of Human Resources, and constituted as an ad hoc committee that includes members from the Counseling Center, Human Resources, Public Safety, and other university offices as appropriate. Any member of the university community who is concerned about the behavior of an employee is encouraged to contact human resources at 540-568-7916.

The BAT and FSAT will meet as needed to assess and intervene with students or faculty and staff members whose behavior may present a threat to themselves or the safety of the university community. Any member of the university community who believes that the behavior of an individual who is on campus or who is a member of the community may present a threat to self or others in the university community should report the person to the appropriate team.

Police Crime Log Information

The Daily Crime Log at James Madison University contains entries of crimes or alleged crimes and some suspicious circumstances that have been reported directly to the JMU Police Department. It also contains information regarding crimes or alleged crimes that the JMU Police Department has been made aware of through other sources to include Campus Security Authorities, the Office of Student Accountability and Restorative Practice, the Office of Residence Life, third party reports, and outside police agencies. Entries in the crime log include reports of crimes that occur within the concurrent patrol jurisdiction of the JMU Police Department, in the city of Harrisonburg, that are reported directly to the JMU Police. Instances where JMU officers respond to assist are documented as outside agency assists. Crime listings generated by the Harrisonburg Police Department can be accessed from a portal on the Daily Crime Log. The portal directs you to an electronic crime listing created by the Harrisonburg Police Department.
The Crime log is updated within two business days upon receipt of the information. The Daily Crime Log information appears on the JMU Police Department website at http://www.jmu.edu/publicsafety/clerycompliance/daily-crime-log.shtml and can be accessed electronically at any time and can also be accessed at the JMU Police Department located in Anthony Seeger Hall.

According to Federal law, an institution may withhold any of the required fields of entry; the nature, date, time, location and/or disposition of the crime or alleged crime if any of the following conditions apply:

The disclosure is prohibited by law:
If disclosure would jeopardize the confidentiality of the victim;
If disclosure would jeopardize an ongoing criminal investigation or the safety of an individual;
If disclosure would cause a suspect to flee or evade detection;
If disclosure would result in the destruction of evidence.

The information temporarily withheld from the log for any of the aforementioned justifications will be posted once the possibility of adverse or harmful effects are no longer likely to occur.

In order to protect victim’s confidentiality, personally identifying information will not be included in any publicly available record keeping to include the Daily Crime Log.

Fire Log information is incorporated into the Daily Crime Log and also can be found separately at https://www.jmu.edu/publicsafety/clerycompliance/fire_log.shtml

The JMU Police Department requests local police agencies keep the institution informed on an immediate basis of crimes that may require timely warnings or community alerts. We are committed to an open line of communication to enable us to routinely review incidents occurring in areas beyond our campus that could serve as a potential threat to members of our campus community especially those apartment complexes with heavy concentrations of off-campus resident students and places where students often frequent.

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**Maintenance/Security/Access of Campus Facilities**

JMU students, faculty and staff have access to academic, recreational and administrative facilities on campus when the facilities are open and/or access may be gained by electronic card control or assigned key entry to secured areas. The general public may enter the public areas of the university to include recreational, administrative and academic facilities during hours when the facilities are open and to attend cultural, recreational and athletic events on campus.

Facilities and landscaping at James Madison University are maintained in a manner that minimizes hazardous conditions and provides a safe and secure learning and working environment for its students, employees and visitors. Lighting and shrubbery tours are conducted at least once an academic year by representatives from many segments of the campus community. They include student government representatives along with staff from student affairs, facilities management and public safety. Safety and security concerns are identified and recommendations for improvements are made. In addition, the University Safety Coordinator makes regular safety and health inspections, serves as a liaison with public health and safety officials and schedules safety lectures and training and follows up on recommendations with appropriate departments.

The JMU Police actively patrol the campus buildings and residence halls. JMU police cadets employed by the police department through the Campus Police Cadet Program utilize carefully screened students who are employed to act as additional eyes and ears for the JMU Police. They alert the police of incidents for possible further investigation, provide services during special events, and provide building and campus security. They are in radio contact with the JMU police at all times. Cadets are mainly on duty in the evening and late night, patrolling their assigned areas providing security escort services to students walking across campus and to and from parking lots. Cadets also provide vehicular escorts from distant areas on campus. Following cadet duty hours, JMU police escort students as needed. Cadets are also responsible for patrolling and securing academic and administrative buildings on campus each evening. Cadets are primarily assigned to walking patrol of the campus and escorts during the fall and spring semesters. During the summer, cadets provide building lockup and security functions.

The University's trespass policy enforced by the JMU Police and posted in university housing is as follows:

**Only those persons having legitimate business with James Madison University, members of the University community and their invited guests are permitted in this building.**

The University reserves the right to exclude all persons not conforming to acceptable behavior from these premises. Those who disregard this warning are to be considered in violation of criminal trespass (under cited Virginia code provisions) and are liable for prosecution.

JMU police officers may serve verbal or written trespass notices on non-members of the University community present on campus and may make immediate arrests of persons in secure areas for which they have no legitimate business. If a person served with a prior trespass notice reappears on campus, or if a person is found in a posted facility with no legitimate purpose in that building, he or she is subject to immediate arrest.
University Housing

The Office of Residence Life at James Madison University is committed to designing and maintaining a caring environment that encourages academic success, respect, personal growth and responsibility to one's community. Approximately 6,500 undergraduate students reside in 44 residence halls on the JMU campus. All sororities are housed on-campus along with several fraternities. Freshmen are required to live on campus, with the exception of day student commuters. Upper-class students select residence hall assignments dependent upon availability.

Off-campus housing includes apartments, private homes, individual rooms or apartments within private homes, and off-campus fraternity houses. The University does not provide supervision for unaffiliated off-campus housing and relies on the Harrisonburg Police for response to criminal activity in off campus housing.

University housing provides coeducational housing for such lifestyle options as first year and upper class. There are also a number of residential learning communities. These communities are facilitated by academic departments and include Sports and Recreation Management (SRM), The Honors Living and Learning Center, Madison International, Psychology, Arts, College of Business (MadisonBiz) and Roop Teacher Education Learning Community and Trelawny. A Faculty in Residence (FIR) program was created to house a university professor in the residence halls in the hopes of increasing interaction between students and educators. Five FIR's have been created in Chesapeake Hall, Chandler Hall, Eagle Hall, Paul Jennings Hall, and Shenandoah Hall. Guests to all residence halls should be escorted by a hall resident at all times.

Access to on-campus housing by university employees is on an "as needed" basis and incorporates strict card key control procedures during hours of restricted access. Work orders are submitted promptly for repairs and all university repair and maintenance personnel must be in uniform or wear a JMU photo ID to allow for easy identification by residents. Residence halls are staffed with hall directors and a number of resident advisers. These individuals, living in the halls and on call 9:00 p.m. to 8:00 a.m. daily, are members of the university's residence life staff and receive extensive training in the enforcement of residence hall security policies and Clery and Title IX requirements.

All residence hall doors accessing resident living areas remain locked 24 hours daily, seven days a week. Unrestricted access to certain administrative, dining service, public assembly, and meeting rooms in Huffman, and Frederikson Halls is permitted generally 7:30 a.m. to 5:00 p.m., weekdays. Interior doors separating public access from residential room areas remain locked at all times in these halls. Currently perimeter security to all university-owned residence halls is maintained by automated card access. A student who enters or leaves a residence hall is responsible for securing the door. Propping or otherwise preventing any door from being completely secure is a serious safety violation. A propped door alarm in many residence halls issues an alarm when the door is propped for a set time period.

Although residence halls are generally very safe environments they are not without crime. Therefore, we encourage students to be security conscious at all times.

Here are some useful tips that may keep you from falling victim to crime:

- Lock your door when sleeping or showering.
- Lock your room when leaving a roommate asleep inside.
- Lock your door when you leave, regardless of the length of time you plan to be gone.
- Be mindful of tailgating. Tailgating is following or walking closely behind a resident/person into a secured or locked facility without permission and without being identified.
- Keep small items of value, such as wallets, money and jewelry, out of plain view.
- Engrave all valuable items with a personal identifying code (your own lettering/numbering system).
- Keep a record and photograph of all valuables noting descriptions and serial numbers.
- Do not leave notes on your door announcing that no one is home.
- Do not take in overnight guests whom you do not know.
- Never lend your JAC card to anyone.
- Be suspicious of unknown persons loitering or checking doors in your hall. Note their descriptions and call the police immediately.

Resident hall staff includes professional and student staff members living in the halls which coordinate social and educational programs, and serve as resources for students with questions or concerns. They undergo extensive training sessions before each school year begins and participate in workshops on security issues, health concerns, crisis and personal counseling, fire evacuations, and other emergency-related topics. A resident director or adviser is on duty each evening in the office at the main entrance of each hall from 9 p.m. to 11 p.m. Sunday through Thursday and also...
from 9 p.m. to 2 a.m. the following morning both Friday and Saturday. This individual is in immediate telephone contact with JMU police, if necessary. Student staff are required to check their areas regularly and to provide assistance if needed. Following this desk assignment detail, the person on duty remains on call, with the office phone transferred to his or her apartment or room.

All residence halls and on-campus sororities are closed during Thanksgiving, Spring Break and semester breaks. During low occupancy periods, such as the summer terms, students remaining on campus are moved into one concentrated area of the residence life complex to enhance security effectiveness. The JMU Police remain in service during all breaks. Over extended breaks, the doors of all vacated halls are secured from access by even the assigned residents by means of a temporary programming change in the card access software.

Inspections are conducted periodically by representatives from residence life, facilities management, locksmiths shop, police and safety and engineering to survey the security and integrity of university housing and campus facilities. In addition, a committee of students meets monthly to discuss security concerns and to provide feedback to the residence life staff. Repairs are made promptly, locks quickly replaced when keys are lost or stolen, and reports of potential safety hazards, such as broken windows, receive immediate response using the work order submissions.

JMU students are expected to maintain a high level of maturity, responsibility and common sense regarding their behaviors and actions and follow residence hall policies which can be found at http://www.jmu.edu/orl/policies/index.shtml In addition, students are responsible for understanding policies, rules and regulations contained in their JMU Residential Contract, the JMU Student Handbook which can be located at http://www.jmu.edu/osarp/handbook/index.shtml , the JMU Honor Code and information from residence hall staff members. Students may contact their resident adviser or hall director if they have questions. The following are possible disciplinary actions that might be taken after a student violates the residence hall policies, rules or regulations.

**Office of Residence Life Disciplinary Actions**

<table>
<thead>
<tr>
<th>Residence hall incident documentation</th>
<th>Follow-up discussion with a staff member</th>
<th>Fines</th>
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<tbody>
<tr>
<td>Behavior contracts or agreements</td>
<td>Educational assignments, special projects or flexible sanctions</td>
<td>Accountability referral</td>
</tr>
<tr>
<td>Referral to other campus agencies</td>
<td>Payment for damages/restitution</td>
<td>Referral to the Office of Student Accountability and Restorative Practices</td>
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<tr>
<td>Restriction from a specific residence hall or building for a specified time period</td>
<td>ORL Official Letter of Warning</td>
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**Missing Student**

At James Madison University each student living in an on-campus student housing facility will be given the option to register a confidential contact person(s) whom the institution shall notify if the student is determined missing by the JMU Police for 24 hours. Residents of on-campus student housing will register this contact information with the Office of Residence Life upon moving into university housing where it will be maintained electronically. Resident students are advised that contact information will be considered confidential, accessible only to authorized campus officials and law enforcement and will not be disclosed outside of a missing person investigation. University officials must notify a custodial parent or guardian when the student is under 18 years of age and not emancipated and is determined to be missing, in addition to any additional contact person designated by the student. If a member of the JMU community has reason to believe that a student is missing, whether or not the student resides on campus, all possible efforts are made to locate the student to determine his or her state of health and well-being through the collaboration of the JMU Police, the Office of Student Affairs and other appropriate law enforcement agencies. Anytime a member of the University community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify the JMU Police Department to initiate an investigation. There is no time minimum period for reporting a person. If the student is an on-campus resident, the University Police will secure authorization from Student Affairs officials to make a welfare entry into the student’s room and the Office of Residence Life will be contacted to provide missing person emergency contact information in furtherance of a missing person investigation. If an off-campus student resident, the University Police will informally enlist the aid of the neighboring police agencies having jurisdiction. Concurrently university officials will endeavor to determine the student’s whereabouts through contact with friends, associates, and/or employers of the student. Information gathered to include whether or not the student has been attending classes, labs, recitals, and scheduled organizational or academic meetings; or appearing for scheduled work shifts will be investigated. If located, verification of the student’s state of health and intention of returning to campus will be determined. A referral will be made to the JMU Counseling Center and/or the University Health Center if appropriate. Notification of a custodial parent or guardian or failing that any other available family member within 24 hours of receiving the initial report is made to determine if they know of the whereabouts of the student in addition to contact information provided by the student. If the student is an off-campus resident, appropriate family members or associates are encouraged to make an official missing person report to the law enforcement agency within the appropriate jurisdiction. The JMU
Police will cooperate, aid, and assist the primary investigative agency in all ways prescribed by law. The JMU Police Department is an active participant partnering in the Rockingham County/Harrisonburg City/James Madison University Mutual Aid Compact. If the student is an on-campus resident, the JMU Police will open an official investigation and retain status as the primary investigative unit. All pertinent law enforcement agencies, be they neighboring municipal, county, or state; those located along suspected travel corridors; or place of original domicile, will be notified and requested to render assistance, through direct telephone contact, email, in person visit, Virginia Crime Information Network (VCIN) message, and/or radio transmission with a comprehensive BOL message based on the totality of up-to-date information. Suzanne’s Law requiring local police to notify the National Crime Information Center (NCIC) when someone between 18 and 21 is reported missing was signed into law by President George W. Bush in the Spring of 2003 as part of the national “Amber Alert” Bill. The federal law is named after Suzanne Lyall, a State University of New York at Albany student who has been missing since 1998. The law is intended to impel police to initiate prompt investigations of young persons who have gone missing.

Upon closure of the missing person investigation, all parties previously contacted will be advised of the status of the case.

To summarize, when a student who resides in an on-campus student housing facility is determined to have been missing for 24 hours, the University is legally obligated, if the student has designated a contact person, to notify that contact person within 24 hours; if the student is under 18 years of age and is not emancipated, the University officials must notify the student’s custodial parent or guardian and any other designated contact person within 24 hours; and inform the University Police that the student is missing within 24 hours.

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**Greek Life**

Student Affairs maintains contact with recognized fraternity and sorority organizations through the efforts of the Coordinator for Fraternity and Sorority (Greek) Life. JMU Police provide law enforcement services to on campus chapters. The Harrisonburg Police Department provides law enforcement services to off-campus residences of recognized fraternities located in the city of Harrisonburg. Criminal activity at recognized off-campus fraternity residences is monitored and recorded by the Harrisonburg Police Department. Student Affairs, through its offices of Accountability and Restorative Practice, Greek Life, and the JMU Police enjoy a close working relationship with the Harrisonburg Police Department, especially when violations of federal, state or local laws surface. This cooperative team approach addresses situations as they arise as well as future concerns. Further information on fraternity and Sorority Life can be accessed at [http://info.jmu.edu/fsl/](http://info.jmu.edu/fsl/).

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**Hazing**

JMU is an institution of higher learning devoted to excellence in teaching, research and service to the people of the Commonwealth and the nation. The university is committed to developing students through academic and co-curricular activities. Hazing is an unproductive and hazardous custom that is incongruous with this responsibility and has no place in college life, either on or off campus. No individual student or recognized student organization may engage in or plan any activity that may be defined as hazing. In addition, no individual nor recognized organization may by physical or mental stress or by subtle or covert technique impair, make captive, or destroy an individuals’ freedom of thought and choice. In addition, no individual nor recognized organization my by physical or mental stress or by subtle or covert technique impair, make captive, or destroy an individual’s freedom of thought and choice. As members of the JMU community, we have a legal and moral obligation to promote an atmosphere that is free of hazing - the Office of Fraternity & Sorority Life contributes to this directive through a variety of policies, procedures, and programs.

Hazing, under Virginia law, is defined as activities for the initiation or induction into an organization which include calisthenics or other strenuous physical activity; exposure to inclement weather; consumption of food, liquid, beverage, drug or other substance; confinement in any room or compartment; spraying, painting or pelting with any substance; burying in any substance; burning, branding or tattooing or another activity which may result in physical injury or endanger the health or life of the individual being hazed.

**Accountability Policy J17-100 Hazing**

The university prohibits hazing, including any activity or behavior that creates emotional distress, physical discomfort, embarrassment, shame, harassment, malicious amusement, or ridicule in connection with or the purpose of initiation, admission into, or affiliation with or as a condition for continued membership in a club, organization, or association, regardless of whether the student effected participates voluntarily in the relevant activity. Students directing, engaging in, aiding, or participating in, actively or passively, the forcing, compelling, requiring, encouraging, or expecting, whether direct or implied, of individuals to participate in hazing activities shall be considered in violation of this policy.

It is impossible to anticipate every situation that could involve hazing. Behavior listed below does not and cannot encompass every circumstance that can be categorized as hazing, but this policy does in some circumstances prohibit activities beyond those outlined by the State Council on Higher Education in Virginia’s model hazing policy. Further, this policy is not intended to prohibit customary athletic events, contests, competitions, or trainings that are sponsored by the University, the organized and supervised practices associated with such events, or activity or conduct that furthers the goals of a legitimate curriculum or program as approved by the University.
Hazing activities shall include, but not be limited to, forcing, compelling, requiring, encouraging, or expecting, whether direct or implied, any individual to participate in any of the following actions or activities: paddling; kidnapping; all forms of physical activity which are used to harass, punish, or harm an individual; excursions or road trips; confinement; spraying, painting, or pelting with any substance; burying in any substance; nudity with the intent to cause embarrassment; servitude; exposure to uncomfortable elements; verbal abuse; wearing, in public, of apparel which is conspicuous and/or indecent; forcing consumption of alcohol or any other substance, legal or illegal; depriving students of sufficient sleep (six consecutive hours per day is normally considered to be a minimum); burning, branding, or tattooing any part of the body; psychological hazing, defined as any act which is likely to: (a) Compromise an individual’s dignity; (b) Cause an individual embarrassment or shame; (c) Cause an individual to be the object of malicious amusement or ridicule; or (d) Cause an individual emotional distress; interrogating an individual in an intimidating or threatening manner; misleading prospective members into believing that they will not become members unless they complete tasks, follow instructions, or act in a certain way; misleading prospective members into believing that they will be hurt during induction or initiation; carrying any items (shields, paddles, bricks, hammers, etc.) that serve no constructive purpose or that are designed to punish or embarrass the carrier; blindfolding and parading individuals in public areas, blindfolding and transporting in a motor vehicle, or privately conducting blindfolding activities that serve no constructive purpose; binding or restricting an individual in any way that would prohibit them from moving on their own; and requiring or suggesting that an individual obtain or possess items or complete tasks in an unlawful manner (i.e. for a scavenger hunt). Hazing also includes soliciting, directing, aiding, or otherwise participating actively or passively in the above acts.

An individual cannot consent to being hazed*; a victim’s voluntary or willful participation in hazing activities will not be considered evidence that a violation of this policy did not occur.

Section 18.2-56 of the Code of Virginia declares hazing illegal, establishes conditions for civil and criminal liability, and outlines the duties of the university when a student has been found guilty of hazing in civil or criminal court.

### Drug Free Schools and Communities Act

The Drug-Free Workplace Act of 1988 (US Code Title 41, Chapter 10, Section 701), and the Department of Human Resources Management’s Policy 105 - Alcohol and Other Drugs, requires the university, as an institution of higher education receiving federal funds, must comply with the requirements of federal regulations concerning drug and alcohol abuse prevention. See US Code Title 20, Chapter 28, Subchapter 1, Part B, Section 1011i. The law requires that, as a condition of receiving funds or any other form of financial assistance under any federal program, including participation in any federally funded or guaranteed student loan program, an institution of higher education must certify that it has adopted and has implemented a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees that, at a minimum, includes: The annual communication to each student and employee of:

- Standards of Conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on the institution’s property or as part of any of the institution’s activities;
- a description of the applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- a description of the health-risks associated with the use of illicit drugs and the abuse of alcohol;
- a description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students; and
- a clear statement that the institution will impose sanctions on students and employees (consistent with local, state, and federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct; and

A biennial review by the institution of the institution’s program to:

- determine the program’s effectiveness and implement changes to the program if the changes are needed; and
- ensure that the required sanctions mentioned above are consistently enforced.

### Alcohol and Drugs

The impact of alcohol and other drugs is a concern that JMU recognizes affects the health and safety of all members of the campus community. Alcohol, if misused, can endanger your well-being, and have serious legal, health, and academic consequences. The abuse of alcohol can increase the risk of accidents due to impaired judgment and coordination, can damage the brain, liver and heart, create physical and psychological dependence, and lead to unwanted sexual activity. It can also cause social relations to quickly deteriorate, or exacerbate or induce psychological and behavioral problems.
JMU hopes all community members stay safe and act responsibly if they choose to drink. Remember, the legal drinking age is 21. Underage drinking puts you at risk for both criminal and accountability sanctions. Set your own alcohol limit and stick to it. You should pace your consumption of alcoholic beverages. Designate a nondrinker in your group to watch out for potential problems. Don’t leave your group of friends and don’t put yourself at risk by leaving with a new acquaintance. Monitor your drink at all times.

**Alcohol Policies**

JMU is committed to working against the illicit use of drugs and alcohol among students and employees. All members of the JMU community are expected to know and follow state and federal laws regarding alcohol and drugs. Community members who violate local, state or federal law concerning substance abuse/university standards of conduct will be subject to the imposition of university sanctions and referral for prosecution under the statutes of the Commonwealth of Virginia. JMU police officers enforce Federal, Virginia State laws, Harrisonburg city ordinances, and university policies concerning the purchase, possession, consumption, use, sale and storage of alcoholic beverages and drugs, including the following:

**Alcohol Policies – Office of Accountability and Restorative Practices**

- **J38-101.1** Individuals must be 21 years of age to buy, possess or consume alcoholic beverages. Examples of possession and consumption include, but are not limited to, holding, drinking a beverage containing alcohol or having alcohol in an area under the responsibility of the student. Areas of responsibility for a student may include, but not be limited to backpacks, refrigerators, residence hall rooms, personal belongings, private rooms, common spaces, and/or vehicles.

- **J38-101.2** Alcoholic beverages may not be sold or furnished to any person who at the time of sale or exchange is underage or visibly under the influence of alcohol.

- **J38-101.3** Falsely representing one’s age for the purpose of purchasing, possessing, or consuming alcohol is against university Standards of Conduct.

- **J38-101.4** Drunkenness and/or possession of open containers of alcohol are prohibited in public areas as defined by state and local laws/ordinances or University policy.

- **J38-101.5** Alcoholic beverages may not be possessed, distributed or consumed at events open to the general university community and held on university property except when specific written approval has been obtained for the event in advance. Sponsors are responsible for assuring that all persons in attendance at an event comply with state alcohol law and university alcohol policy.

- **J38-101.6** Kegs or other large containers with alcohol are prohibited on campus unless previously approved by JMU Special Events and Catering Services. All kegs, events, possession, and service of alcohol on or off campus must comply with Virginia's Department of Alcoholic Beverage Control rules and regulations.

- **J38-101.7** Students shall not misuse or abuse alcohol regardless of their age. This includes but is not limited to; driving under the influence, providing alcohol to those underage, or consuming alcohol to the point of hospitalization.

**Criminal Sanctions – Alcohol**

Virginia’s Alcoholic Beverage Control Act contains a variety of laws governing the possession, use and consumption of alcoholic beverages. The Act applies to the students and employees of this institution. As required by the Federal Drug-Free Schools and Communities Act of 1989, the pertinent laws, including sanctions for their violation, are summarized below:

- It is unlawful for any person under age 21 to purchase or possess any alcoholic beverage. Violation of the law expose the violator to a misdemeanor conviction for which the punishment is either confinement in jail for up to 12 months, a fine up to $2500 or both. Additionally such person’s Virginia driver’s license may be suspended for a period of not more than one year.

- It is unlawful for any person to sell alcoholic beverages to persons under the age of 21. Violation of the law exposes the violator to a misdemeanor conviction for which the punishment is either confinement in jail for up to 12 months, a fine up to $2,500 or both.
It is unlawful for any person to purchase alcoholic beverages for another when, at the time of the purchase, he/she knows or has reason to know that the person for whom the alcohol is being purchased is under the legal drinking age. The criminal sanction for violation of the law is. Violation of the law exposes the violator to a misdemeanor conviction for which the punishment is either confinement in jail for up to 12 months, a fine up to $2,500 or both.

It is unlawful for any person, regardless of age, to consume alcoholic beverages in unlicensed public places. Violation of the law, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is a fine up to $250.

It is unlawful for any person under the age of 21 to use or to attempt to use an altered or fictitious I.D. to purchase alcoholic beverages. Punishment is confinement in jail for up to 12 months and a fine of $2500, either or both. Driving privileges shall also be revoked for at least 6 months or up to 1 year.

It is illegal to drive while under the influence of alcohol. Individuals are considered impaired if their blood alcohol content (BAC) exceeds .08. Person’s under the age of 21 who drive with a BAC of at least .02 but less than .08 may be fined up to $500 and have their driver’s license suspended for up to six months. Persons with a BAC of .08 or higher or persons refusing a breath test will have their driver’s license automatically revoked.

It is unlawful for any person under 21 to operate any motor vehicle after illegally consuming alcohol. Violation of the law is a misdemeanor for which the punishment is loss of driver’s license for 6 months and up to $500 fine.

See also Code of Virginia 18.2-251; First Offender Status for Substance Charges which can be found at [https://law.lis.virginia.gov/vacode/title18.2/chapter7/section18.2-251/](https://law.lis.virginia.gov/vacode/title18.2/chapter7/section18.2-251/)

Convictions for violations of these laws could result in fines, loss of driver’s license and imprisonment. University sanctions could include penalties ranging from completion of sanctions required by the courts, restorative intake and outcomes, facilitated process and outcomes, counseling center administrative request, disciplinary probation, educational programs, civic education, restorative practices, restitution, suspension from university housing, expulsion from university housing, special assignments/restrictions, suspension, expulsion and fines. Further information concerning sanctions for students found responsible for violating university policy can be found at [https://www.jmu.edu/osarp/handbook/OSARP/sanctions.shtml](https://www.jmu.edu/osarp/handbook/OSARP/sanctions.shtml)

### Drug Policies

JMU is committed to working against the illicit use of drugs and alcohol among students and employees. All members of the JMU community are expected to know and follow state and federal laws regarding alcohol and drugs. Community members who violate local, state or federal law concerning substance abuse/university standards of conduct will be subject to the imposition of university sanctions and referral for prosecution under the statutes of the Commonwealth of Virginia. University police officers enforce all federal, Virginia State laws, Harrisonburg city ordinances, and university policies concerning the purchase, possession, use, consumption, sale and storage of alcoholic beverages and drugs including the following:

#### Drug Policies – Office of Student Accountability and Restorative Practices

**J38-102.1** No student shall use or ingest, possess, sell, distribute, or provide to another a drug. Drugs include both illegal drugs as defined by the Drug Control Act of the Commonwealth of Virginia, prescription medications used by an individual other than the person for whom the drugs are prescribed, legal drugs used outside of their recommended directions, and/or other substances used as drugs. Examples of possession and use includes, but are not limited to, ingesting a drug, or having a drug in an area under the responsibility of the student. Areas of responsibility for a student may include, but not be limited to backpacks, refrigerators, residence hall rooms, personal belongings, private rooms, common spaces, and/or vehicles.

**J38-102.2** No student shall use, possess, sell, or distribute drug paraphernalia. Examples include but are not limited to equipment, products, and materials which are designed for or used to manufacture or consume marijuana, controlled substances, or other drugs. An example of possession includes, but is not limited to, having paraphernalia in an area under the responsibility of the student. Areas of responsibility for a student may include, but not be limited to backpacks, refrigerators, residence hall rooms, personal belongings, private rooms, common spaces, and/or vehicles.

**J38-102.4** Students shall not misuse or abuse illicit drugs. This includes but is not limited to driving under the influence, public intoxication, or consuming drugs to the point of hospitalization.
Criminal Sanctions – Drugs

The unlawful possession, distribution and use of controlled substances and illicit drugs, as defined by the Virginia Drug Control Act, are prohibited in Virginia. Controlled substances are classified under the act into schedules ranging from Schedule I - Schedule VI, as defined in sections 54.1-3446 through 54.1-3456 of the Code of Virginia (1950), as amended. As required by the Federal Drug-Free Schools and Communities Act of 1989, the pertinent laws, including sanctions for their violation, are summarized below:

• Possession of a controlled substance classified in Schedules I or II of the Drug Control Act, upon conviction, exposes the violator to a felony conviction for which the punishment is a term of imprisonment ranging from one to ten years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for up to twelve months and a fine up to $2500 either or both.  
  (Link to Code of Virginia - Schedule I substances)  
  (Link to Code of Virginia - Schedule II substances)

• Possession of a controlled substance classified in Schedule III of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to twelve months and a fine up to $2500, either or both.  
  (Link to Code of Virginia - Schedule III substances)

• Possession of a controlled substance classified in Schedule IV of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to six months and a fine up to $1000, either or both.  
  (Link to Code of Virginia - Schedule IV substances)

• Possession of a controlled substance classified in Schedule V of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is a fine up to $500.  
  (Link to Code of Virginia - Schedule V substances)

• Possession of a controlled substance classified in Schedule VI of the Drug Control Act, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is a fine up to $250.  
  (Link to Code of Virginia - Schedule VI substances)

• Possession of a controlled substance classified in Schedules III, IV, or V of the Drug Control Act with the intent to sell or otherwise distribute, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is either confinement in jail for up to one year, a fine up to $2500, or both.

• Possession of marijuana, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to 30 days, a fine up to $500 or both. Upon a second conviction, punishment is either confinement in jail for up to one year, a fine up to $2500, or both.

• Possession of less than one-half ounce of marijuana with intent to sell or otherwise distribute, upon conviction, exposes the violator to a misdemeanor conviction for which the punishment is confinement in jail for up to 12 months and a fine up to $2500, either or both. If the amount of marijuana involved is more than one-half ounce to five pounds, the crime is a felony with a sanction of imprisonment from one to ten years, or in the discretion of the jury or the court trying the case without jury, confinement in jail for up to one year and a fine up to $2500, either or both. If the amount of marijuana involved is more than five pounds, the crime is a felony with a sanction of imprisonment from five to thirty years.

• Possession of a controlled substance classified in Schedules I or II of the Drug Control Act with the intent to sell or otherwise distribute, upon conviction, exposes the violator to a felony conviction for which the punishment is a term of imprisonment from five to forty years and fine up to $500,000. Upon a second conviction, the violator must be imprisoned for not less than five years but may suffer life imprisonment, and fined up to $500,000. For a third or subsequent offense, a mandatory five-year prison sentence is imposed.

29
• See also Code of Virginia 18.2-251; First Offender Status for Substance Charges which can be found at https://law.lis.virginia.gov/vacode/title18.2/chapter7/section18.2-251/

Convictions for violations of these laws could result in fines, loss of driver’s license and imprisonment. University sanctions could include penalties ranging from completion of sanctions required by the courts, restorative intake and outcomes, facilitated process and outcomes, counseling center administrative request, disciplinary probation, educational programs, civic education, restorative practices, restitution, suspension from university housing, expulsion from university housing, special assignments/restrictions, suspension, expulsion and fines. Further information concerning sanctions for students found responsible for violating university policy can be found at https://www.jmu.edu/osarp/handbook/OSARP/sanctions.shtml

<table>
<thead>
<tr>
<th>Substance</th>
<th>Risk of Dependency?</th>
<th>Possible Effects</th>
<th>When Used in Combination with Alcohol</th>
<th>Withdrawal Symptoms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol</td>
<td>Yes</td>
<td>euphoria; drowsiness; respiratory depression; constricted pupils; nausea</td>
<td>Symptoms of an Alcohol Overdose: Breathing is slow, shallow or has stopped; skin is cold, clammy, or blue; vomiting while passed out; loss of consciousness/unresponsive</td>
<td>irritability; sweating; tremors; nausea; anxiety; difficulty sleeping; in severe circumstances: seizures and/or hallucinations</td>
</tr>
<tr>
<td>Cannabis (marijuana)</td>
<td>Yes</td>
<td>enhanced sensory perception and euphoria followed by drowsiness/relaxation; slowed reaction time; problems with balance and coordination; increased heart rate and appetite; problems with learning and memory; anxiety</td>
<td>Increased heart rate; blood pressure; further slowing of mental processing and reaction time</td>
<td>Irritability; trouble sleeping decreased appetite; anxiety</td>
</tr>
<tr>
<td>Cocaine</td>
<td>Yes</td>
<td>euphoria; increased energy and alertness; anxiety; restlessness; erratic behavior; heart rhythm problems; seizure; increased body temperature, heart rate and blood pressure; headache; abdominal pain and nausea; panic attacks; stroke coma</td>
<td>increased risk of cardiac toxicity (damage to the heart by harmful chemicals) than from use of cocaine or alcohol on its own</td>
<td>severe cravings; depression; tiredness; increased appetite; insomnia; vivid unpleasant dreams; slowed thinking and movement; restlessness</td>
</tr>
<tr>
<td>DXM (dextromethorphan) -</td>
<td>Yes</td>
<td>cough relief; euphoria; slurred speech; increased heart rate and blood pressure; dizziness; nausea; vomiting</td>
<td>nausea; problems with breathing, greatly increased depressant effects</td>
<td>insomnia; anxiety; tremors; sweating; increased heart rate and blood pressure; psychotic thoughts</td>
</tr>
<tr>
<td>(Robitussin®, NyQuil®)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gammahydroxybutyrate (GHB)</td>
<td>Yes</td>
<td>euphoria; drowsiness; nausea; vomiting; confusion; memory loss; loss of consciousness; slowed heart rate and breathing; lower body temperature; seizures; coma; death</td>
<td>nausea; problems with breathing, greatly increased depressant effects</td>
<td>insomnia; anxiety; tremors; sweating; increased heart rate and blood pressure; psychotic thoughts</td>
</tr>
<tr>
<td>Hallucinogens:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ayahuasca, DMT, Khat, Salvia</td>
<td>Unknown</td>
<td>numbness; disorientation and confusion; dizziness, nausea, and vomiting; changes in sensory perception; hallucinations;</td>
<td>Unknown</td>
<td>Unknown</td>
</tr>
<tr>
<td>Ketamine</td>
<td>Yes</td>
<td></td>
<td>increased risk of adverse effects</td>
<td>Unknown</td>
</tr>
<tr>
<td>Substance</td>
<td>Legal Status</td>
<td>Possible Effects</td>
<td>Immediate Effects</td>
<td>Long-term Effects</td>
</tr>
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</tr>
<tr>
<td>LSD, Mescaline (Peyote), Phencyclidine (PCP)</td>
<td>No</td>
<td>feelings of detachment from self and environment; increase in blood pressure, heart rate, respiration, and body temperature</td>
<td>Unknown</td>
<td>Unknown</td>
</tr>
<tr>
<td>Heroin</td>
<td>Yes</td>
<td>euphoria; dry mouth; itching; nausea; vomiting; inability to feel pain (analgesia); slowed breathing and heart rate</td>
<td>Dangerous slowing of heart rate and breathing; coma; death</td>
<td>severe cravings; restlessness; muscle and bone pain; insomnia; diarrhea; vomiting; cold flashes with goose bumps</td>
</tr>
<tr>
<td>Inhalants</td>
<td>Yes</td>
<td>confusion; nausea; slurred speech; lack of coordination; euphoria; dizziness; drowsiness; disinhibition; lightheadedness; hallucinations; headaches; sudden sniffing death due to heart failure; death from asphyxiation or suffocation; brain damage from lack of oxygen</td>
<td>Unknown</td>
<td>nausea; tremors; irritability; problems sleeping; mood changes</td>
</tr>
<tr>
<td>Kratom</td>
<td>Yes</td>
<td>nausea; dizziness; itching; sweating; dry mouth; constipation; increased urination; loss of appetite; hallucinations with long term high dose usage</td>
<td>Unknown</td>
<td>muscle aches; insomnia; irritability; hostility; aggression; emotional changes; runny nose; jerky movements</td>
</tr>
<tr>
<td>MDMA (Ecstasy/Molly)</td>
<td>Unknown</td>
<td>lowered inhibition; enhanced sensory perception; increased heart rate and blood pressure; muscle tension; nausea; faintness; chills or sweating; sharp rise in body temperature could lead to kidney failure or death</td>
<td>MDMA decreases some of alcohol's effects; alcohol can increase plasma concentrations of MDMA, which may increase the risk for neurotoxic effects (damage to the brain and nervous system)</td>
<td>fatigue; loss of appetite; depression; trouble concentrating</td>
</tr>
<tr>
<td>Methamphetamine</td>
<td>Yes</td>
<td>increased wakefulness and physical activity; decreased appetite; increased breathing, heart rate, blood pressure, and temperature; irregular heartbeat; insomnia; confusion; anxiety; erratic behavior; hallucinations</td>
<td>Masks the depressant effect of alcohol, increasing the risk of alcohol overdose; may increase blood pressure</td>
<td>depression; anxiety; tiredness</td>
</tr>
</tbody>
</table>

**Prescription Central Nervous System Depressants:**

<table>
<thead>
<tr>
<th>Substance</th>
<th>Legal Status</th>
<th>Possible Effects</th>
<th>Immediate Effects</th>
<th>Long-term Effects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barbiturates: Pentobarbital (Nembutal®), Phenobarbital</td>
<td>Yes</td>
<td>drowsiness; slurred speech; poor concentration; confusion; dizziness; problems with movement and memory;</td>
<td>Further slows heart rate and breathing, which can lead to death</td>
<td>seizures; shakiness; anxiety; agitation; insomnia; overactive reflexes; increased heart rate, blood pressure, and temperature with sweating; hallucinations; severe cravings</td>
</tr>
<tr>
<td>Benzodiazepines: Xanax®, Librium®, Valium</td>
<td>Yes</td>
<td>lowered blood pressure; slowed breathing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sleep Medications: Lunesta®, Sonata®, Ambien</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Prescription Opioids:
- Codeine, fentanyl, Vicodin® (hydrocodone), Dilaudid®, Demerol®, methadone, morphine, OxyContin® and Percocet® (Oxycodone), Opana®

**Yes**
- Pain relief; drowsiness; nausea; constipation; euphoria; slowed breathing; death
- Dangerous slowing of heart rate and breathing, leading to coma or death
- Restlessness; muscle and bone pain; insomnia; diarrhea; vomiting; cold flashes with goosebumps; leg movements

### Prescription Stimulants:
- **Adderall® (Amphetamine)**
  - **Yes**
  - Increased alertness, attention, energy; increased blood pressure and heart rate; narrowed blood vessels; increased blood sugar; opened-up breathing passages.
  - Masks the depressant effect of alcohol, increasing the risk of alcohol overdose; may increase blood pressure
  - Depression; tiredness; sleep problems

- **Ritalin®, Concerta® (Methylphenidate)**
  - **Yes**
  - Hallucinations; altered perception of time; inability to distinguish fantasy from reality; panic; muscle relaxation or weakness; problems with movement; enlarged pupils; nausea; vomiting; drowsiness
  - May decrease the perceived effects of alcohol
  - Unknown

### Other Drugs:
- **Psilocybin (Magic mushrooms)**
  - **Unknown**
  - Mood swings; tiredness; restlessness; loss of appetite; insomnia; depression, sometimes leading to suicide attempts.
  - Headache; muscle pain; extreme anxiety, tension, restlessness, confusion, irritability; numbness and tingling of hands or feet; hallucinations, delirium, convulsions, seizures, or shock.

- **Rohypnol® (Flunitrazepam)**
  - **Yes**
  - Drowsiness, sedation, sleep; amnesia, blackout; decreased anxiety; muscle relaxation, impaired reaction time and motor coordination; impaired mental functioning and judgment; confusion; aggression; excitability; slurred speech; headache; slowed breathing and heart rate.
  - Severe sedation, unconsciousness, slowed heart rate and breathing, which can lead to death
  - Headache; muscle pain; extreme anxiety, tension, restlessness, confusion, irritability; numbness and tingling of hands or feet; hallucinations, delirium, convulsions, seizures, or shock.

- **Steroids (Anabolic)**
  - **Yes**
  - Improved athletic performance; acne; fluid retention; oily skin; kidney and liver damage; high blood pressure; increased risk of stroke or heart attack; increased aggression and extreme mood swings
  - Increased risk of violent behavior
  - Mood swings; tiredness; restlessness; loss of appetite; insomnia; lowered sex drive; depression, sometimes leading to suicide attempts.

- **Synthetic Cannabinoids (ex. K2, Spice)**
  - **Yes**
  - Mood swings; tiredness; restlessness; loss of appetite; insomnia; lowered sex drive; depression, sometimes leading to suicide attempts.
  - Unknown
  - Headaches, anxiety, depression, irritability.

- **Synthetic Cathinones (bath salts)**
  - **Yes**
  - Increased heart rate and blood pressure; euphoria; increased sociability and sex drive; paranoia, agitation, and hallucinations; violent behavior; sweating; nausea, vomiting; insomnia; irritability; dizziness
  - Unknown
  - Depression; anxiety; tremors; problems sleeping; paranoia
| Tobacco and Nicotine (cigarettes, eCigarettes/Juul, chewing tobacco) | Yes | increased blood pressure, breathing, and heart rate; increased risk of cancer and heart disease; emphysema (Whether use of eCigarettes/Juuls leads to an increased risk of cancer is currently unknown.) | Unknown | irritability; attention and sleep problems; depression; increased appetite |
| |

### Resources and Treatment

JMU offers the following resources:

- **Reflections Alcohol Intervention Program**: This program is comprised of two 50-minute sessions designed to help students explore their expectations around alcohol as well as the potential risks.
  
  Visit: [https://www.jmu.edu/healthcenter/alcohol-other-drugs-updated/Reflections.shtml](https://www.jmu.edu/healthcenter/alcohol-other-drugs-updated/Reflections.shtml)
  
  Call: (540)568-3317

- **Reflections Cannabis Intervention Program**: This program is comprised of two 50-minute sessions designed to help students explore their expectations around marijuana as well as the potential risks.

  Visit: [https://www.jmu.edu/healthcenter/alcohol-other-drugs-updated/Reflections.shtml](https://www.jmu.edu/healthcenter/alcohol-other-drugs-updated/Reflections.shtml)
  
  Call: (540)568-3317

- **University Health Center (UHC) Consultations**: A consultation session is no longer than 50 minutes. Students will explore their expectations around substances as well as the potential risks. Referral to appropriate community resources will be provided. A consultation is an empathic, confidential, and non-judgmental session available to all JMU students. This is not an addiction treatment program.

  Visit: [https://www.jmu.edu/healthcenter/alcohol-other-drugs-updated/Reflections.shtml](https://www.jmu.edu/healthcenter/alcohol-other-drugs-updated/Reflections.shtml)
  
  Call: (540)568-3317

- **Educational Programs**: JMU’s Office of Student Accountability and Restorative Practices offers many programs including two educational classes entitled By the Numbers and Calling the Shots

  Visit: [http://www.jmu.edu/osarp/process/sanctions/](http://www.jmu.edu/osarp/process/sanctions/)
  
  Call: (540) 568 – 2899

  **Alcoholics Anonymous On Campus** holds open, young persons’ meetings Friday nights, 8pm, on the campus in Madison Union 311.

The resources that Harrisonburg offers for employees/students include but are not limited to:

- **RMH Life Recovery Program**: The LIFE Recovery Program at Sentara RMH Behavioral Health is a comprehensive treatment program focusing on freedom from chemicals for those suffering with alcohol or drug problems. Services offered range from individual therapy to group therapy to intensive group therapy, and even aftercare services.

  Visit: [http://www.rmhonline.com/Main/AddictionServices.aspx](http://www.rmhonline.com/Main/AddictionServices.aspx)

- **Al-Anon Virginia**: A support group, Al-Anon defines itself as an independent fellowship with the stated purpose of helping relatives and friends of alcoholics. Al-Anon, as a program, recognizes that the friends and families of alcoholics are often traumatized themselves, and in need of emotional support and understanding.

  Visit: [https://www.vaalanon.org/districts/district-6%C2%A0%C2%A0central-valley](https://www.vaalanon.org/districts/district-6%C2%A0%C2%A0central-valley)
Sanctions: Types of Sanctions

Any student found responsible for violating any of the regulations or policies of JMU may be subject to one or more of the following sanctions.

Completion of Sanctions required by the Courts

A sanction indicating that the Office of Student Accountability and Restorative Practices expects that the student meet or complete any and all requirements assigned as the result of decisions made in the criminal or civil court process. Failure to meet any such requirements may be grounds for additional charges in the Office of Student Accountability and Restorative Practices.

Disciplinary Probation

The university reserves the right to impose a more severe sanction if the student is found responsible for violating an additional university policy while on disciplinary probation.

Educational Programs

Education provided by OSARP on a specific topic relevant to the student and/or case. Educational programs may include, but are not limited to:

Mentor Experience

This program is used for students who have violated university policy and lack a personal understanding of their mission, values, and goals. Through participation in one-on-one meetings with a faculty, staff, or graduate student mentor, students develop a relationship of mutual respect and trust. The Mentor Experience includes attendance at 8, 10, 12, or 15 weekly mentor meetings and submission of a final reflection paper.

Values in Action

This 3 hour program encourages participants to explore their personal values, act with integrity, and practice ethical decision-making. In addition, students are challenged to set personal goals for increased positive community engagement. This program was designed for students whose actions in a particular incident may not have been in line with their personal values or the values of the institution. A $50 fee will be due upon completion of the program and receipt of invoice.

Substance Education

By the Numbers

This two-hour program examines the reason for the establishment of community standards. An overview of VA laws and university policies is given. Students discuss personal values, community resources, and risk-reduction strategies for avoiding negative consequences of alcohol use. This short course was designed for minor alcohol violations. A $50 fee will be due upon completion of the program and receipt of invoice.

Calling the Shots

This three-week, 6 hour program guides students towards making future decisions more consistent with their values and in compliance with the law. Harrisonburg and/or JMU police participate in this program to answer students’ questions and address risk-reduction strategies. This program was designed for students who violated alcohol policy. A $50 fee will be due upon completion of the program and receipt of invoice.

Reflections Alcohol Intervention Program

The University Health Center, “The Well”, coordinates Reflections. This program is designed to help students explore their expectations around alcohol as well as the potential risks. Reflections is comprised of two 50-minute sessions with a specialized
program facilitator. During the first session, students take an alcohol self-evaluation that presents the student with a comprehensive feedback report that is provided during the second session. Reflections is an empathic, confidential, and non-judgmental program open to all JMU students. Reflections is not an addiction treatment program. Referral to appropriate community resources is available. Failure to attend a scheduled appointment with the University Health Center for Reflections will result in a $25 fine.

**Reflections Cannabis Intervention Program**

The University Health Center, “The Well”, coordinates Reflections. This program is designed to help students explore their expectations around marijuana as well as the potential risks. Reflections is comprised of two 50-minute sessions with a specialized program facilitator. During the first session, students take a marijuana self-evaluation that presents the student with a comprehensive feedback report that is provided during the second session. Reflections is an empathic, confidential, and non-judgmental program open to all JMU students. Reflections is not an addiction treatment program. Referral to appropriate community resources is available. Failure to attend a scheduled appointment with the University Health Center for Reflections will result in a $25 fine.

**University Health Center (UHC) Consultation**

The University Health Center, “The Well”, facilitates the UHC Consultations. A consultation session may be mandated for students who have been found responsible for violating JMU drug policy in an incident involving a substance other than alcohol or marijuana. A consultation session is no longer than 50 minutes. Students will explore their expectations around substances as well as the potential risks. Referral to appropriate community resources will be provided. A consultation is an empathic, confidential, and non-judgmental session available to all JMU students. This is not an addiction treatment program. Failure to attend a scheduled appointment with the University Health Center for a consultation will result in a $25 fine.

**Restorative Practices**

**Conversations about Conflict**

A one session, 2-hour program. It is meant for students to reflect on how they deal with conflict in their relationships with friends, roommates, family members, professors, university staff, strangers, and even themselves. Through this one-on-one workshop, students will be given the opportunity to assess their own conflict style, discuss how their community is impacted by conflict, and develop skills for future engagement in conflict. Upon completion of the workshop, students submit a reflection paper.

**Restorative Circle**

OSARP may sanction directly to a Restorative Circle that is focused on a specific topic for students who have been found responsible for similar types of policy violations (e.g. DUI circle). This specific Restorative Circle involves all parties coming together to share their perspective and learn more about harms created, effects of harms, and ways to repair the harms on the specified topic. Participants assigned to participate in a circle should plan to be there for about 2 hours and will participate with 4 or more other individuals. Additionally, an intake appointment prior to the circle process is a requirement for a restorative circle. In a circle process, participants are encouraged to be open and honest about their perspectives about the conflict, how they have been harmed, how they think others might have been harmed, and to come up with their own solutions on how to fix the harm created. These solutions may result in a written formal agreement which the Responding Party agrees to complete as a result of the Restorative Circle sanction. Often, support persons and community members can also be present to provide their input as well.

**Restorative Intake and Outcomes**

When a situation creates harms experienced by others and there is a need for the Responding Party to repair the harms created by their conduct, they may be required to complete an intake meeting with staff members in OSARP. This intake meeting will explore the means by which the harms will be addressed based on the needs of the community and the harmed party, as well as the willingness of the harmed party to participate. The Responding Party will be expected to follow through on any outcomes stemming from the intake with the staff member including, but not limited to a facilitated dialogue, restorative conference, or a restorative circle. If the situation is not appropriate for a face-to-face process, OSARP staff may facilitate an alternative approach such as an apology letter or reflection paper.

**Restitution**

Required reimbursement by the student to the university to cover the cost of damage or loss of property. The Office of Student Accountability and Restorative Practices may recommend restitution to members of the university community or other appropriate parties.
Fines
Fines shall be no less than $15 and no greater than $100, depending on the severity of the infraction. All payments are to be made to the University Business Office upon receipt of invoice.

Suspension from University Housing
The student loses the privilege of living in or visiting anyone in university housing for a specified length of time. Afterward, the student is allowed to reapply for university housing, provided there is space available. If the student enters a residence hall during their suspension, s/he will be subject to arrest for trespassing and additional charges in the Office of Student Accountability and Restorative Practices.

Expulsion from University Housing
The student permanently loses the privilege of living in or visiting anyone in university housing. If the student enters a residence hall during their expulsion, s/he will be subject to arrest for trespassing and additional charges in the Office of Student Accountability and Restorative Practices.

Special Assignments/Restrictions
In certain cases, special assignments or restrictions may be imposed as a sanction. These may include, but are not limited to:
- Removal or restriction of a student’s parking privileges.
- Removal or restriction of a student’s privilege of attending athletic events.
- Removal or restriction of a student’s ability to use specific campus facilities or other student privileges.
- Removal or restriction of eligibility for extracurricular activities.
- Requiring a student to have no direct or indirect contact with the reporting party of the violation(s), a responding party is found responsible for, including but not limited to verbal or nonverbal contact in person, through electronic means, or through a third party. Failure to comply or noncompliance with this restriction can result in additional violations and immediate suspension.
- No trespassing on the JMU Campus for a defined period of time. Failure to comply or noncompliance with this restriction can result in additional violations and criminal trespassing charges.

Suspension
The student is dismissed from JMU for a specified length of time, after which they are allowed to return to the university. During their suspension, a suspended student may not attend classes, enter or live in residence halls, or enter property owned or leased by James Madison University without permission from Director of OSARP or designee. If a student withdraws from JMU prior to the conclusion of the Accountability Process but after a Case Administrator or

University Case Administrator has informed the student of their decision to suspend the student, the terms of the suspension remain in place and the student may not attend classes, enter or live in residence halls, or enter property owned or leased by James Madison University without permission from Director of OSARP or designee. If the student does come to the campus during their suspension, they will be subject to arrest for trespassing and additional alleged policy violation(s) in OSARP. Suspended students may not serve as volunteers for or be employed by JMU, may not function as a member of, leader of, or volunteer for a Club or Organization recognized by JMU, nor attend sponsored events of a Club or Organization recognized by JMU while suspended, even if the involvement occurs off campus. If a student is suspended due to violation(s) of J43-100 Physical Force or Attempted Physical Force or J34-100 Sexual Misconduct, the Reporting Party in the case will be informed when the Responding Party re-enrolls at JMU if the Reporting Party is enrolled at that time.

For any student who receives an immediate suspension or expulsion, regardless of academic year, the immediate suspension or expulsion will be deemed effective for the most recent semester the student attended, which may mean a loss of academic credits for that semester. Further, an immediate suspension will begin on the date of the initial case review even if the final decision in the case goes through appeal and review by the Dean of Students or designee.

Expulsion
The student is permanently separated from the university. A student who is expelled may never attend classes, enter or live in residence halls, or enter property owned or leased by James Madison University, or be employed to work on campus without permission from Director of OSARP or designee. If a student withdraws from JMU prior to the conclusion of the Accountability Process but after a Case Administrator or University Case Administrator has informed the student of their decision to expel the student, the terms of the expulsion remain in place and the student may not attend classes, enter or live in residence halls, or enter property owned or leased by James Madison University without permission from Director of OSARP or designee. If the student does come to the campus, they will be subject to arrest for trespassing.
For any student who receives an immediate suspension or expulsion, regardless of academic year, the immediate suspension or expulsion will be deemed effective for the most recent semester the student attended, which may mean a loss of academic credits for that semester.

**NOTE:** University departments may also consider a student’s case history in OSARP, if they receive permission for access from the student, for the purpose of university employment or for admission into experiences including but not limited to certain academic programs, supplemental learning opportunities, or studies abroad.

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**Sanctions: Range**

Taking into consideration the totality of the circumstances surrounding the case and all evidence provided at the time of the Case Review or Appeal Review, OSARP, the Accountability Board, Sexual Misconduct Board, Appeal Board, or the University Case Administrator may assign any sanction listed in the Types of Sanctions section of the JMU Student Handbook.

**Major, Minor and Flexible Violations**

Refer to the Guidelines for Assignment of Sanctions section to see if a violation is classified major, minor or flexible.

Additionally, cases may be considered major violations when they include any of the following circumstances:

- Repeated violations of any policy
- Prosecution in criminal courts that affect the university’s pursuit of its educational mission
- Multiple violations of policies in one incident
- An incident involving both alcohol and drugs
- Hospitalization due to alcohol/drug use/abuse
- Severity of the impact on the individual and/or community
- Sexual misconduct

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**Sanctions: Guidelines for Assignment of Sanctions**

To maintain fairness and consistency in the assignment of sanctions for policy violation(s), policy violation(s) have been classified as either major, minor, or flexible. Depending on the severity of the incident, a flexible violation can be classified as major or minor. Typically, major violations will carry more severe sanctions than minor violations. A student’s violation will be classified as either major or minor by the Office of Student Accountability and Restorative Practices.

To balance consistency and fairness in sanctioning, guidelines have been developed as a starting point for Case Administrators and Board Members and University Case Administrators to consider when determining sanctioning for a student found responsible for a first time violation. However, the totality of the evidence, the severity of the incident, previous case history, and the perspectives of the students involved may result in the severity of the sanction being higher or lower than the guidelines listed below. Case Administrators or Board Members have the ability to increase or decrease the severity of the sanction when making a decision in a case.

- Sanctions resulting from *first time minor policy violations* typically include disciplinary probation and educational programs
- Sanctions resulting from *first time major policy violations* can include probation, educational programs, fines, special assignments, special restrictions, suspension or expulsion from housing, and suspension or expulsion from the university.
- Sanctions resulting from *first time flexible policy violations when classified as minor* typically include disciplinary probation and educational programs.
- Sanctions resulting from *first time flexible policy violations when classified as major* can include probation, educational programs, fines, special assignments, special restrictions, suspension or expulsion from housing, and suspension or expulsion from the university.
- When applicable, disciplinary decisions made by the University Honor Council and a Case Administrator, Board members will occur concurrently.

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**Sanctions: Jurisdiction**

Adjudicative jurisdiction for all cases shall be assigned by the Office of Student Accountability and Restorative Practices. Jurisdiction includes any alleged violations occurring on campus, on university leased or controlled properties, on Study Abroad programs, or reported by JMU Police Officers. Jurisdiction also includes any criminal alcohol, drug, or felony violations that occur off campus in Harrisonburg or Rockingham County. Further, jurisdiction includes
but is not limited to felonies, sexual misconduct, or student behavior that is against the mission of the institution regardless of the location in which it occurred. The Office of Student Accountability and Restorative Practices may initiate an adjudication process prior to the outcome of a court or other adjudicative decision. If the Accountability Process or Sexual Misconduct Accountability Process for an alleged violation(s) in the Office of Student Accountability and Restorative Practices stems from a current criminal case, civil case, honor council case, or case being adjudicated by another conduct process on JMU’s campus, the case may be heard concurrently by the Office of Student Accountability and Restorative Practices. If the case was heard concurrently and the Accountability Process or Sexual Misconduct Accountability Process concludes prior to the resolution of the criminal process, civil case, honor council process, or other adjudicative process on campus, the case in the Office of Student Accountability and Restorative Practices will not be revisited at the conclusion of the other adjudicative process.

The university may proceed with notice of alleged policy violation(s), the Accountability Process, or the Sexual Misconduct Accountability Process regardless of enrollment status if the Responding Party meets the definition of student as listed in the JMU Student Handbook, or have alleged violation(s) and/or sanctions remain pending until a Responding Party’s request to re-enroll, which will trigger the case to be heard at that time. In addition, the Office of Student Accountability and Restorative Practices reserves the right to retain information regarding alleged behavior that occurred while a person met the definition of a student, send notice of the alleged policy violation(s) to the student, and adjudicate the case should the person return to the university as a student.

Since policy violations occurring through the end of a student’s graduation day may result in alleged policy violation(s) being placed, in cases involving graduating students, the student’s diploma and/or official transcripts may be withheld pending the conclusion of the Accountability Process or 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, which may mean a loss of academic credits for that semester.

For any student who receives an immediate suspension or expulsion, regardless of academic year, the immediate suspension or expulsion will be deemed effective for the most recent semester the student attended, which may mean a loss of academic credits for that semester. Further, an immediate suspension will begin on the date of the initial Case Review even if the final decision in the case goes through appeal and review by the Dean of Students or designee.

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**The Big Four Alcohol/Drug Strategies**

In 1997, five college students died from alcohol or alcohol related injuries on five separate Virginia college campuses. In 1998 the Virginia Attorney General passed an extensive list of recommendations to fight binge drinking on Virginia’s college and university campuses. In response, JMU put together a task force made up of students, faculty, and staff to implement strategies in line with the Attorney General’s recommendations. The JMU task force came up with three initial strategies to comply with the recommendations in 1998, the fourth being added in 2012 as a result of efforts by the Student Government Association.

**Three Strikes**

Students will receive a strike if found responsible for an incident involving alcohol and/or drugs. Students may be suspended for a minimum of one semester upon their receipt of a third strike; strikes are cumulative over a student’s career at JMU. However, students may be suspended prior to a third strike for violations which pose health or safety concerns to the student or the community. Examples of health and safety concerns include, but are not limited to distribution of drugs, supplying alcohol to those who are underage, hospitalizations, DUIs, and keg registration violations.

**Philosophy:**
JMU feels that learning can occur after an initial alcohol or drug incident, but takes the matter seriously.

**Parental/Guardian Notification**

Parents/Guardians will be notified of each alcohol or drug incidents their student is involved in while under the age of 21. Notification will
occur at the conclusion of the accountability process for on-campus cases if found responsible and upon arrest or citation for off-campus cases.

**Philosophy:**
JMU is seeking to partner with parents/guardians in helping students be successful at the university.

**OFF-CAMPUS ADJUDICATION**

Alcohol, drug, or felony violations, violations of state or federal law, and other student behavior that occurs off-campus within the City of Harrisonburg or Rockingham County may be addressed by the Office of Student Accountability and Restorative Practices in accordance with university policies and procedures. Student behavior that is against the mission of the institution, may be addressed by the Office of Student Accountability and Restorative Practices regardless of the location in which it occurred.

**Enlightened Citizen Amnesty Process (ECAP)**

James Madison University is committed to preparing students to be enlightened citizens. Among the characteristics of an enlightened citizen are the ability to make responsible decisions about one’s personal welfare and the ability to make ethical decisions in regard to the welfare of others. The Enlightened Citizen Amnesty Process (ECAP) is created to encourage students to make responsible and ethical decisions for themselves and others.

The ECAP shall grant amnesty from strikes for students affected by medical emergencies as a result of alcohol or other drugs, on or off campus, when help is voluntarily sought by the Affected Party or a bystander. ECAP does not mean that the student will be found not responsible; it only means that the student will not receive a strike if they are found responsible for violating alcohol or drug policy. Additionally, amnesty will not be granted to the Affected Party in circumstances where responding medical personnel deem transportation to the hospital is necessary and transport is refused by the Affected Party.

For Affected Parties that qualify for ECAP, the strike will not be assigned but educational sanctions may still be required. All cases will be examined for amnesty eligibility on a case-by-case basis. Further, if an Affected Party receives amnesty and is found responsible for additional alcohol or drug violations at a later point in their career at JMU, the strike from their initially granted amnesty may be re-assigned.

The ECAP shall grant amnesty from a finding of responsibility for alleged alcohol or drug policy violations in the case of student bystanders who voluntarily seek out medical attention for another person, stay with the affected party, if safe to do so, until appropriate medical personnel arrive, and cooperate with the responding authorities. Bystanders will still receive notification of an alleged policy violation and a request to schedule an Administrative Case Review. If the Case Administrator determines that the student meets the criteria of the ECAP, the bystander will receive a finding of “Dropped – Amnesty”. A student with this finding will not be considered to have a university disciplinary record. A finding of “Dropped – Amnesty” will be accompanied by an instruction from the Case Administrator for the bystander to complete an educational program. The appropriate educational program for the bystander will be determined by the Case Administrator on a case-by-case basis and there will be no fee charged for the program. If the bystander does not complete the assigned educational program, they may receive an alleged policy violation of the J21-100 Noncompliance policy. A student may appeal a Case Administrator’s decision not to grant amnesty for a case in writing to the Director of OSARP or designee. After a review of the case and appeal, the Director or designee will inform the student of the final decision on granting or denying amnesty for a case; this will be a final decision on amnesty. ECAP does not apply in circumstances where medical attention is requested by JMU staff members, police, or emergency personnel while performing their job duties. ECAP does not provide protection against legal or civil suits resulting from the incident.

**JMU Alcohol and Drug Strategies for Employees**

*University Policy #1110*

To comply with relevant laws related to the abuse of alcohol and controlled substances and help provide for a healthy and safe university community for employees, students, the local community and campus visitors. In addition, it is the intent of the university to offer support and possible solutions to employees who are struggling with alcohol or other drug-related problems. The following acts by employees are prohibited:

- the unlawful or unauthorized manufacture, distribution, dispensation, possession, or use of alcohol or other drugs in the workplace;
• impairment in the workplace from the use of alcohol or other drugs);

• The criminal conviction for a:
  *violation of any criminal drug law, based on conduct occurring either on or off the workplace; or
  *violation of any alcoholic beverage control law, or law that governs driving while intoxicated, based on conduct occurring either on or off the workplace; or

• The employee’s failure to report an arrest for any offense related to criminal drug laws or alcoholic beverage control laws or laws that govern driving while intoxicated, based on conduct occurring on or off the workplace to his/her supervisor or designee in writing and within 72 hours of an arrest.

• The employee’s failure to report a conviction for any offense related to criminal drug laws or alcoholic beverage control laws or laws that govern driving while intoxicated, based on conduct occurring on or off the workplace to his/her supervisor or designee in writing and within five calendar days of a conviction.

This policy is applicable to all employees of the university. Any employee who commits any prohibited act shall be subject to the full range of disciplinary actions pursuant to applicable disciplinary policies, up to and including, termination, e.g., the Standards of Conduct and Performance policy. See JMU Policy 1317.

The resources that Harrisonburg offers for employees include but are not limited to:

• Employee Assistance Program (EAP)
  A confidential assessment, referral, and short-term problem-solving service available to eligible employees and family members. Enrollment in the EAP is automatic as part of the health plan coverage. The EAP helps participants deal with problems affecting personal and work life, such as conflicts within the family and workplace, personal and emotional concerns, alcohol and substance abuse, financial and legal problems, elder and child care, career concerns and other challenges

• RMH Life Recovery Program: The LIFE Recovery Program at RMH Behavioral Health is a comprehensive treatment program focusing on freedom from chemicals for those suffering with alcohol or drug problems. Services offered range from individual therapy to group therapy to intensive group therapy, and even aftercare services. For more information, visit: [http://www.rmhonline.com/Main/AddictionServices.aspx](http://www.rmhonline.com/Main/AddictionServices.aspx).

• Alcoholics Anonymous: visit: [https://www.aa.org/](https://www.aa.org/)


A biennial review by the institution of the institution’s program is used to determine the program’s effectiveness and implement changes to the program if the changes are needed; and ensure that the required sanctions are consistently enforced. The Biennial review is kept on file in the office of the University Counsel.

### Crime Prevention and Personal Safety Programs

Through a cooperative effort between the Office of Public Safety’s Crime Prevention, JMU Health Center’s The Well, the JMU Counseling Center, the Office of Residence Life and the Office of Student Accountability and Restorative Justice programs on personal safety and security, rape prevention and response, date rape, substance abuse, self-defense and resistance to burglary, larceny and vandalism are conducted regularly throughout the school year. Programs can also be requested tailored to specific concerns or needs. When requesting a program from the JMU Police Department, please contact the Crime Prevention Office at 540-568-6910 or contact Lt. John Campbell by email campbejc@jmu.edu.

**Programs requested from the JMU Police for 2018 include:**

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<thead>
<tr>
<th>Date</th>
<th>Class Name</th>
<th>Location</th>
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<tbody>
<tr>
<td>1/22/2018</td>
<td>Lighting Assessment</td>
<td>Grace Street to R-9 Parking Lot</td>
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<tr>
<td>1/22/2018</td>
<td>Poverty Simulation</td>
<td>Festival Conference Center</td>
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<td>1/23/2018</td>
<td>Poverty Simulation</td>
<td>Festival Conference Center</td>
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<tr>
<td>Date</td>
<td>Event Description</td>
<td>Location</td>
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<td>1/24/2018</td>
<td>Poverty Simulation</td>
<td>Festival Conference Center</td>
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<tr>
<td>1/24/2018</td>
<td>Calling the Shots</td>
<td>OSARP-Student Success Center</td>
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<tr>
<td>1/25/2018</td>
<td>Distribution of Education Materials</td>
<td>Skyline and Village</td>
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<tr>
<td>2/12/2018</td>
<td>Safety Presentation</td>
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<td>Memorial Hall Lighting Assessment</td>
<td>Memorial Hall area, K-Lot, West Grace St.</td>
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<td>Safety Presentation</td>
<td>McGraw-Long Hall</td>
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<td>2/15/2018</td>
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<td>OSARP-Student Success Center</td>
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<tr>
<td>2/17/2018</td>
<td>Choices Display</td>
<td>Student Success Center</td>
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<tr>
<td>2/19/2018</td>
<td>Hall Staff Meeting</td>
<td>Hillside Hall</td>
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<td>2/19/2018</td>
<td>D-2/C-10 Lot Assessment</td>
<td>D-2/C-10 Parking Lots</td>
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<td>Security Consultant Meeting</td>
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<td>Hall Staff Meeting</td>
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<td>Pamphlet Hand-Out</td>
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<td>Shorts Hall Program planning</td>
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<td>Sexual Assault Awareness</td>
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<td>4/6/2018</td>
<td>Choices Display</td>
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<td>4/6/2018</td>
<td>Restorative Circle</td>
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<td>4/9/2018</td>
<td>Choices Display</td>
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<td>4/13/2018</td>
<td>Restorative Circle</td>
<td>Student Success Center</td>
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<td>4/16/2018</td>
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<td>OSARP-Student Success Center</td>
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<td>4/20/2018</td>
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<td>5/24/2018</td>
<td>Public Safety Overview Springboard</td>
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<td>Resource Fair</td>
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<td>6/12/2018</td>
<td>Springboard Orientation</td>
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<td>CSAT-A1 and A2</td>
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<td>8/9/2018</td>
<td>Poverty Simulation Meeting</td>
<td>HBS</td>
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### 2019 James Madison University Annual Security and Fire Safety Report

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<thead>
<tr>
<th>Date</th>
<th>Activity</th>
<th>Location</th>
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<tbody>
<tr>
<td>8/15/2018</td>
<td>Poverty Simulation Meeting</td>
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<tr>
<td>8/16/2018</td>
<td>Active Shooter</td>
<td>The Breeze</td>
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<td>8/16/2018</td>
<td>Active Shooter</td>
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<td>8/18/2018</td>
<td>Behind Closed Doors</td>
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<td>FROG Orientation</td>
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<td>8/20/2018</td>
<td>Alcohol Education</td>
<td>EMU</td>
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<td>8/23/2018</td>
<td>Information hand-out with HPD</td>
<td>E-Hall</td>
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<td>8/24/2018</td>
<td>Resource Fair</td>
<td>Student Success Center</td>
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<td>9/5/2018</td>
<td>Active Shooter</td>
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<td>9/10/2018</td>
<td>Poverty Simulation</td>
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<td>Madison Union</td>
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(Some collaborative with other offices)

**Restorative Circle - Bicycle** – Program that gives students with bike violations information on state and campus laws.

**Life In A State Of Poverty** - Program that simulates a town in poverty for students majoring in Nursing and Education. Officers act/portray the fictional Police Department.

**Choices Showcase** – Set up a display case, educating parents and students, on campus resources that intertwine with the Police Department.

**Restorative Circle – Quad Bricks** - Program that educates and informs students who have stolen quad bricks. Discusses state laws and university violations.

**Safe Rides: Don’t Blow It** – Presentation for Safe Ride Drivers. Explaining Alcohol violations and responsibilities.

**Spring Break Safety Tips** – Handed out Flyers during class changes at Madison Union, before Spring Break regarding safety.

**Live Safe** – Handed out pamphlets at Madison Union explaining the Live Safe App.

**Alcohol Safety Tips** – Hand out information (Pamphlet) on consuming alcohol responsibly

**Lightening Tour** – Touring Campus on lightening assessment, using CPTED principles and locating non-working Lights

**Understanding Law Enforcement** – Answering questions for Greek Life about police interactions after several National Police Shootings

**Spring Board Training** – Orientation program for new Hall Staff and transfer students. Police answer questions on university policies and explain future encounters over alcohol violations

**Camp Still Meadow** – Friendly cop for disabled residents. Police Show and Tell

**Resident Advisor Training** – Police Safety presentation for current RA’s. Topics included marijuana identification, explanation of alcohol encounters and violations, etc.

**Frog Training** - Police safety orientation on what frogs (volunteer JMU students) may encounter during JMU events

**Handouts With HPD, Knock and Talks W/ HPD** – Educating off Campus students on city ordinances and state law, passing out pamphlets

**Transfer Student Fair** – Set up a display case, educating parents and students, on campus resources that intertwine with the Police Department.

**Poverty Simulation** - Program that simulates a town in poverty for students majoring in Nursing and Education. Officers act/portray the fictional Police Department.

**Suicide Awareness** - Tips on identifying possible suicide amongst peers and possible resources on campus

**Hazing** – Presentation for Greek Life explaining law and University policy regarding Hazing
**Gus Bus: Reading Road Show** - Police Show and Tell with Elementary students

**Police Brutality Collaboration** - Answering questions for Greek Life about police interactions after several National Police Shootings

**Crisis Intervention Training** - Teaching CIT to new Officers from local jurisdictions and being role players for simulated training

**Generations Transitions** - University Workshop explaining characteristics between baby bombers and Generation X, etc.

**Restorative Circle** - Generic Presentation for trespassing on East Campus Dining Rooftop. Explain state laws and university policy.  

**WXIM Security Assessment** - Safety assessment, using CPTED and Crime Prevention Principles, in making the property safer for students at night.

**Restorative Process** - Program that gives students, with trespass violations, information on state and campus laws.  

**Restorative Circle** - DUI - Program that gives students, with DUI violations, information on state and campus laws.

**Communicating Across Generations** - University Workshop explaining characteristics between baby bombers and Generation X, etc. and tips in dealing with the elderly

**Open House** - Set up a display case, educating parents and students, on campus resources that intertwine with the Police Department.

**Alcohol and Drug Prevention Forum** - Presentation for students, regarding alcohol education and Virginia Law

**Transfer Student Orientation** - Orientation program for new Hall Staff and transfer students. Police answer questions on university policies and explain future encounters over alcohol violations


**Drug Identification Program** - A program provided to help hall staff identify drugs and possible drug use.

**Advanced CERT** - This course covers basic resources available to students and staff at JMU. It covers the notification process, basic crime prevention and response to critical incidents. These incidents included fire, weather, hazmat or criminal events.

**Calling the Shots** - Accountability sanctioned students for minor and major alcohol and minor drug violations attend a three week, two hours each week program which addresses alcohol and drug use and decision making. A JMU police officer attends one of the three classes in a session to discuss risk reduction strategies, laws, and consequences for the Office of Student Accountability and Restorative Practices.

**Rape Aggression Defense (RAD) Training** - A self-defense class presented by a certified RAD instructor/trainer. This is a 15-hour program designed specifically for women and is nationally recognized course that provides women the skills they need to prevent and survive a physical attack. It covers educational aspects of self-defense and physical hands on training of defense techniques. The schedule for the RAD classes is posted on the JMU Police web page, [http://www.jmu.edu.pubsafety](http://www.jmu.edu.pubsafety). Students can register for the class by contacting Lt. John Campbell at 568-6910 or by email at campbejc@jmu.edu

**Active Shooter Hall Program** - Program giving tips and information on what to do in an active shooter incident.

**Internet Safety Class** - A program stressing safety on internet.

**Student Services Fair** - A program consisting of crime prevention tips and basic information about the JMU Police Department.

**Criminal Justice Club Talk** - Overview of Virginia crime scene processing techniques and Virginia statute’s.

**General Safety Program** - This program is given to college residents detailing University safety procedures. Outlined in the program are subjects such as dorm safety, safety while on campus, off campus safety, personal property safety, fire alarm procedures. Also given in this program are resource guides in case of sexual assault.

**SGA Safety Week** - This is a promotional interaction with students in cooperation with the Student Government association. Students are given the opportunity to speak with a police officer and ask questions about law enforcement in addition to being able to closely examine some of the equipment used by law enforcement.

**Admissions Orientation Program** - This program is given to acclimate both newly admitted students and transfer students to many of the law enforcement and safety related situations they may encounter after arriving to the University.

**Alcohol Awareness Program** - This program is given to students to explain the effects alcohol has on the body and how irresponsible drinking can affect the life of a college student.

**National Night Out** - Campaign involving citizens, law enforcement agencies, civic groups, businesses, neighborhood organizations and local officials designed to heighten crime and drug prevention awareness; generate support for, and participation in, local anti-crime programs; strengthen neighborhood spirit and police-community partnerships; and send a message to criminals that neighborhoods are organized and fighting back.
Personal safety programs held in residence halls for calendar year 2018

OFFICE OF RESIDENCE LIFE (ORL)
Personal safety programs held in residence halls for calendar year 2018

<table>
<thead>
<tr>
<th>Month</th>
<th>Type of Program</th>
<th>Number of Programs</th>
<th>Audience</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>Alcohol &amp; Drug Awareness</td>
<td>0</td>
<td>JMU Residential Students</td>
</tr>
<tr>
<td></td>
<td>Healthy Relationships</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Safety and Security</td>
<td>6</td>
<td></td>
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<tr>
<td>February</td>
<td>Alcohol &amp; Drug Awareness</td>
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<td>JMU Residential Students</td>
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<td>Healthy Relationships</td>
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<td>Safety and Security</td>
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<tr>
<td>March</td>
<td>Alcohol &amp; Drug Awareness</td>
<td>8</td>
<td>JMU Residential Students</td>
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<td>Healthy Relationships</td>
<td>12</td>
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<tr>
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<td>Safety and Security</td>
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<tr>
<td>April</td>
<td>Alcohol &amp; Drug Awareness</td>
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<td>Healthy Relationships</td>
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<td>Safety and Security</td>
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<tr>
<td>May</td>
<td>Alcohol &amp; Drug Awareness</td>
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<td>Healthy Relationships</td>
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<tr>
<td></td>
<td>Safety and Security</td>
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<tr>
<td>June/July</td>
<td>Alcohol &amp; Drug Awareness</td>
<td>8</td>
<td>JMU Residential Students</td>
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<td>Healthy Relationships</td>
<td>12</td>
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<tr>
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<td>Safety and Security</td>
<td>18</td>
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<tr>
<td>August/September</td>
<td>Alcohol and Drug Awareness</td>
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<td>Safety and Security</td>
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<td>October</td>
<td>Alcohol &amp; Drug Awareness</td>
<td>23</td>
<td>JMU Residential Students</td>
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<td>Safety and Security</td>
<td>117</td>
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<td>November</td>
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<td>Safety and Security</td>
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<td>December</td>
<td>Alcohol &amp; Drug Awareness</td>
<td>0</td>
<td>JMU Residential Students</td>
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<td>Healthy Relationships</td>
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<tr>
<td></td>
<td>Safety and Security</td>
<td>6</td>
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</tr>
</tbody>
</table>

Alcohol & Drug Awareness - includes programs on good and bad experiences with alcohol, the judicial process, smart "party” behaviors, date rape, drugs, and things to do that do not involve alcohol. Each residence hall community is required to present one program on the topic of alcohol and drug awareness each semester. Target audience is residential students.

Sexual Misconduct Education - Includes programs on behaviors considered as sexual misconduct, issues with Title IX, etc. Each residence hall community is required to present one program on the topic of sexual misconduct awareness each semester. Target audiences were resident students.

Safety & Security - (topics included self-defense, learning specifically about safety on campus, locking your room, etc.). Each residence hall community is required to present one program on the topic of personal safety awareness each semester. Target audiences were resident students.

Office of Student Accountability and Restorative Practices – Sanctioned Programs

Office of Student Accountability and Restorative Practices
2018 – Sanctioned Programs

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>PRESENTING OFFICE</th>
<th>AUDIENCE</th>
<th>DATES PRESENTED</th>
<th>ATTENDANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>By the Numbers</td>
<td>Office of Student Accountability and Restorative Practices</td>
<td>Sanctioned attendance for students found responsible for minor alcohol violations</td>
<td>January, February, March, April, May, June, July</td>
<td>6 Sessions, 6 Sessions, 9 Sessions, 7 Sessions, 0 Sessions, 0 Sessions</td>
</tr>
</tbody>
</table>
### Calling the Shots

<table>
<thead>
<tr>
<th>Office of Student Accountability and Restorative Practices</th>
<th>Sanctioned attendance for students found responsible for minor or major alcohol violations</th>
<th>January</th>
<th>February</th>
<th>March</th>
<th>April</th>
<th>May</th>
<th>June</th>
<th>July</th>
<th>August</th>
<th>September</th>
<th>October</th>
<th>November</th>
<th>December</th>
</tr>
</thead>
<tbody>
<tr>
<td>University Health Center – Alcohol and Other Drug Abuse Prevention &amp; Early Intervention Program</td>
<td>Reflections Alcohol Early Intervention Program (formerly known as BASICS)</td>
<td>3 Sessions</td>
<td>2 Sessions</td>
<td>2 Sessions</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4 Sessions</td>
<td>2 Sessions</td>
<td>3 Sessions</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>University Health Center – Alcohol and Other Drug Abuse Prevention &amp; Early Intervention Program</td>
<td>Reflections Cannabis Early Intervention Program (formerly known as High Expectations)</td>
<td>28 Appointments</td>
<td>40 Appointments</td>
<td>26 Appointments</td>
<td>40 Appointments</td>
<td>8 Appointments</td>
<td>2 Appointments</td>
<td>0 Appointments</td>
<td>2 Appointments</td>
<td>14 Appointments</td>
<td>16 Appointments</td>
<td>20 Appointments</td>
<td>10 Appointments</td>
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</tbody>
</table>

### Reflections Alcohol Early Intervention Program

- **Sanctioned or Self-Referred Students**
- **By the Numbers**

This two-hour program examines the reason for the establishment of community standards. An overview of VA laws and university policies is given. Students discuss personal values, community resources, and risk-reduction strategies for avoiding negative consequences of alcohol use. This short course was designed for minor alcohol violations.

### Calling the Shots

This two-hour program examines the reason for the establishment of community standards. An overview of VA laws and university policies is given. Students discuss personal values, community resources, and risk-reduction strategies for avoiding negative consequences of alcohol use. This short course was designed for minor alcohol violations.

### Reflections Alcohol Early Intervention Program

The University Health Center’s Alcohol and Other Drug Abuse Prevention & Early Intervention Program coordinates Reflections Alcohol Early Intervention Program (formerly known as BASICS). Reflections is an early-intervention program designed to help students explore their expectations around alcohol as well as the potential risks. This program is comprised of two 50-minute sessions with a specialized program facilitator. During the first session, students take an alcohol self-evaluation that presents the student with a comprehensive feedback report that is provided during the second session. Reflections is an empathic, confidential, and non-judgmental program open to all JMU students.

### Reflections Cannabis Early Intervention Program

The University Health Center’s Alcohol and Other Drug Abuse Prevention & Early Intervention Program coordinates Reflections Cannabis Early Intervention Program (formerly known as High Expectations). Reflections is an early-intervention program designed to help students explore their expectations around cannabis as well as the potential risks. This program is comprised of two 50-minute sessions with a specialized program facilitator. During the first session, students take a cannabis self-evaluation that presents the student with a comprehensive feedback report that is provided during the second session. Reflections is an empathic, confidential, and non-judgmental program open to all JMU students.

### By the Numbers

- **Sanctioned or Self-Referred Students**
- **Reflections Alcohol Early Intervention Program**
- **Reflections Cannabis Early Intervention Program**

(Some collaborative with other offices)
JMU constantly strives to enhance the safety of the JMU community through safety and security initiatives and services. All residents are required to attend hall meetings on personal safety. Resident advisers in each hall are required to offer a number of programs throughout the year to students in their areas on varying topics of personal safety. At least one lock check per semester is conducted late at night in each residence hall to ensure that student room doors are properly secured. In addition to programming throughout the year, the University annually sponsors outreach events related to alcohol abuse that is most prevalent during National Recovery Month each September.

### Policy and Compliance Workshops for employees

<table>
<thead>
<tr>
<th>Mandatory for New Employees</th>
<th>Timeframe</th>
<th>Online</th>
<th>Workshop Option</th>
<th>Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol and Other Drugs (employee module)</td>
<td>Within 30 days of hire</td>
<td>Yes</td>
<td>N/A</td>
<td>30 Minutes</td>
</tr>
<tr>
<td>Preventing Workplace Violence</td>
<td>Within 30 days of hire</td>
<td>Yes</td>
<td>N/A</td>
<td>30 Minutes</td>
</tr>
<tr>
<td>Terrorism and Security Awareness</td>
<td>Within 30 days of hire</td>
<td>Yes</td>
<td>N/A</td>
<td>45 Minutes</td>
</tr>
<tr>
<td>Workplace Dispute Resolution</td>
<td>Within 30 days of hire</td>
<td>Yes</td>
<td>N/A</td>
<td>30 Minutes</td>
</tr>
<tr>
<td>Office of Equal Opportunity’s Title IX Training</td>
<td>Within 30 days of hire</td>
<td>Yes</td>
<td>Call 540-568-7106 (though Canvas)</td>
<td>20 Minutes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mandatory for New Supervisors of Classified Employees</th>
<th>Timeframe</th>
<th>Online</th>
<th>Workshop Option</th>
<th>Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol and Other Drugs</td>
<td>Upon assuming supervisory role</td>
<td>Yes</td>
<td>TD1398</td>
<td>30 Minutes</td>
</tr>
<tr>
<td>Workplace Substance Abuse Management for Supervisors</td>
<td>Upon assuming supervisory role</td>
<td>Yes</td>
<td>TD1181</td>
<td>120 Minutes</td>
</tr>
<tr>
<td>Performance Management Information Sessions for Supervisors of Classified Employees</td>
<td>Upon assuming supervisory role</td>
<td>No</td>
<td>TD1151</td>
<td>150 Minutes</td>
</tr>
<tr>
<td>Understanding and Using the Grievance Procedure</td>
<td>Upon assuming supervisory role</td>
<td>Yes</td>
<td>TD1151</td>
<td>60 Minutes</td>
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</table>

Mandatory ONLY for employees in COI designated positions

<table>
<thead>
<tr>
<th>Mandatory for New Supervisors of Classified Employees</th>
<th>Timeframe</th>
<th>Online</th>
<th>Workshop Option</th>
<th>Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol and Other Drugs</td>
<td>Upon assuming supervisory role</td>
<td>Yes</td>
<td>TD1398</td>
<td>30 Minutes</td>
</tr>
<tr>
<td>Workplace Substance Abuse Management for Supervisors</td>
<td>Upon assuming supervisory role</td>
<td>Yes</td>
<td>TD1181 (online)</td>
<td>120 Minutes</td>
</tr>
<tr>
<td>Understanding and Using the Grievance Procedure</td>
<td>Upon assuming supervisory role</td>
<td>Yes</td>
<td>TD1151 (online)</td>
<td>60 Minutes</td>
</tr>
</tbody>
</table>

Mandatory ONLY for employees in COI designated positions

<table>
<thead>
<tr>
<th>Mandatory for New Supervisors of Classified Employees</th>
<th>Timeframe</th>
<th>Online</th>
<th>Workshop Option</th>
<th>Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol and Other Drugs</td>
<td>Upon assuming supervisory role</td>
<td>Yes</td>
<td>TD1398</td>
<td>30 Minutes</td>
</tr>
<tr>
<td>Workplace Substance Abuse Management for Supervisors</td>
<td>Upon assuming supervisory role</td>
<td>Yes</td>
<td>TD1181</td>
<td>120 Minutes</td>
</tr>
<tr>
<td>Understanding and Using the Grievance Procedure</td>
<td>Upon assuming supervisory role</td>
<td>Yes</td>
<td>TD1151</td>
<td>60 Minutes</td>
</tr>
</tbody>
</table>
Safety Workshops for employees

Safety workshops are designed for individuals that would like to increase awareness and understanding of safety at JMU and are given during the year.

- Campus Risk Management & Safety Update
- Dealing With Distressed, Disruptive and Dangerous Students
- How to Prepare for an Active Shooter Event
- RAD: Basic Self-Defense for Women

JMU Safety Initiatives

<table>
<thead>
<tr>
<th>Safety Escorts</th>
<th>Outdoor Emergency telephones</th>
<th>Operation ID</th>
<th>James Madison University Lightening Prediction System</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Escorts provided between campus buildings and parking lots for any student, faculty and staff member upon request by calling the JMU Police at 568-540-6913 or from any emergency telephone.</td>
<td>- There are telephones provided on the exterior at the main entrance to each of the residence halls and outdoor emergency “Blue Light” phones located across campus to include parking lots and other remote areas and feature one-button speed dialing for instant communication with the JMU Police with location of the activated telephone automatically identified to the Police Communications Officer.</td>
<td>- Program which provides engraving services for valuable personal property. Engraving equipment is made available for loan.</td>
<td>- When the system detects atmospheric conditions that have a high probability of producing an electrical storm (lightning) close to campus the system will activate a series of horns and strobe lights.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Multijurisdictional Training exercises</th>
<th>Residence Hall Telephones</th>
<th>Traffic Calming Devices</th>
<th>Training/Programs for Students and Faculty</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Exercises conducted in cooperation with local and state agencies to include the Harrisonburg Fire Department, Harrisonburg Police Department, Virginia State Police, and Virginia Department of Emergency Management along with other local agencies to prepare for emergencies and critical incidents to include active shooter, fire, hazmat incidents and extreme weather related incidents.</td>
<td>- There are interior courtesy telephones located in the hallways of residence halls.</td>
<td>- Lighted crosswalks, speed humps, and the campus gate system provided to provide safer transportation on campus.</td>
<td>- Crime prevention and personal safety classes provided by the JMU Police Department to include the RAD program for self-defense along with general safety instructional programs including a video on hike and pedestrian safety.</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Door Prop Alarms</th>
<th>Bicycle Registration</th>
<th>Police Substations</th>
<th>Motorist Assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Alarms on residence hall doors that activate when the door has remained open too long.</td>
<td>- Members of the university community can register their bicycle with JMU Parking Services or the JMU Police Department and receive a registration decal to affix to the bicycle to help deter theft and aid in the recovery.</td>
<td>- Police substations in academic buildings and residence halls to provide for additional police presence throughout campus.</td>
<td>- The James Madison University Police provide assistance in unlocking and jump starting vehicles.</td>
</tr>
</tbody>
</table>

Through comprehensive awareness programs, members of the University community learn more about the University's efforts to enhance their safety and become aware of their personal stake in their own security and that of others.
Campus Sex Crimes Prevention Act and Sex Offender Registry and Access

Incarceration may remove a sex offender from the streets but it does nothing to prevent the offender from committing another crime when released.

The Federal Campus Sex Crimes Prevention Act (CSCPA) (section 1601 of Public Law 106-386) is a law that provides for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education, or working or volunteering on campus. The law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, to the appropriate state agency, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student.

The CSCPA amended the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974. The CSCPA covers not only individuals actually employed by an institution, but also those who are employed at an institution such as third party contractors (food service, custodial, etc.) through outsourcing.

This act provides special requirements relating to registration and community notification for sex offenders who are enrolled in or work at institutions of higher education. CSCPA also amended the Clery Act, an annual crime reporting law, and the Family Educational Rights and Privacy Act of 1974 to allow the disclosure of this information regarding students. As provided in the Wetterling Act, any person required to register under a state sex offender registration program must notify the state regarding each institution of higher education in the State of which the person is employed, carries on a vocation, or is a student and must also alert the state of any change in enrollment or employment status.

In the Commonwealth of Virginia convicted sex offenders must register with the Sex Offender and Crimes against Minors Registry. The purpose of the Sex Offender and Crimes against Minors Registry shall be to assist the efforts of law-enforcement agencies and others to protect their communities and families from repeat sex offenders and to protect children from becoming victims of criminal offenders by helping to prevent such individuals from being allowed to work directly with children.


The JMU Office of Residence Life Housing Contract provides for the cancellation of the housing contract of a sex offender, or any other convicted person, who is disruptive to the educational environment of the residence hall.

Weapons

In an effort to provide a safe and secure learning and working environment for its students, employees and visitors, possession or carrying of any weapon by any person, except a police officer, is prohibited on university property in any buildings or any outdoor areas to which access is restricted to members of the university community and invited guests, or while attending any university events or university sanctioned events. Entry upon the aforementioned university property in violation of this prohibition is expressly forbidden.

No faculty or staff member, student, affiliate or contracted service representative shall carry, maintain or store a weapon, concealed or otherwise, on any property owned, leased or controlled by the university, except as provided herein. No visitor shall carry, maintain or store a weapon, concealed or otherwise, in any controlled space owned, leased or controlled by the university or at any university event. Items that are used as weapons on property owned or operated by the university, whether or not they fit the definition above, will also subject the user to discipline or removal.

This applies to all university faculty, staff, students, affiliates and contracted service representatives, as well as all visitors attending events (whether or not requiring a ticket) or entering buildings or controlled spaces on campus and to all property owned, leased, operated or controlled by the university.

Weapons include, but are not limited to

1. any gun, bow, crossbow or other weapon designed or intended to propel a missile or projectile of any kind, including any pistol, revolver, rifle, musket, long gun or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material;
Mandatory training for new employees is provided in coordination with human resources. New employees are required to enroll in a Canvas course – a program first implemented in 2013 which is an important part of JMU’s comprehensive approach to sexual assault prevention. It is an evidence-based mandatory online program designed to educate first–year students about domestic violence, sexual assault, relationship or dating violence and stalking while empowering them to develop strategies to serve as effective bystanders and make decisions for themselves about healthy relationships. Sexual Assault Prevention for Undergraduates provides key definitions and statistics, reflective and personalized content, bystander skill and confidence-building strategies, and campus–specific policies procedures and resources. It is designed to foster positive attitudes and perceptions about healthy relationships. At JMU, Sexual Assault Prevention for Undergraduates is completed anonymously by first-year students starting in the summer and continued about one month after classes begin. This program includes: A statement that the institution of higher education prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking; the definition (from VAWA) of dating violence, domestic violence, sexual assault and stalking; the definition of “dating violence,” “domestic violence,” “sexual assault,” and “stalking” in the applicable jurisdiction; the definition of consent, in reference to sexual activity, in the applicable jurisdiction; a description of safe and positive options for bystander intervention and information on risk reduction.

Mandatory training for new employees is provided in coordination with human resources. New employees are required to enroll in a Canvas course the week following their hire date which consists of a series of videos covering the topics of domestic violence, sexual assault, relationship or dating violence and stalking with an emphasis on developing strategies to serve as effective bystanders and providing risk reduction strategies.
includes: A statement that the institution of higher education prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking; the definition (from VAWA) of dating violence, domestic violence, sexual assault and stalking; the definition of “dating violence,” “domestic violence,” “sexual assault,” and “stalking” in the applicable jurisdiction; the definition of consent, in reference to sexual activity, in the applicable jurisdiction; a description of safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual; and information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks. Employees also receive information on Title IX responsibilities and on-campus and off-campus resources and services available to employees and students.

Awareness programs are community-wide or audience specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration. Ongoing prevention and awareness campaigns means programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution. Primary prevention programs are programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy mutually respectful relationships and sexuality, encourage safe bystander intervention and seek to change behavior and social norms in healthy and safe direction.

The JMU Health Center, Human Resources, JMU Health Center’s The Well, the Counseling Center, Title IX, Office of Student Accountability and Restorative Practice and the Office of Residence Life are among the entities that provide programs throughout the year.

### Sexual Violence, Dating Violence, Domestic Violence, Stalking Programming and Services

<table>
<thead>
<tr>
<th>Program</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual Assault Prevention for Undergraduates (formerly Haven)</td>
<td>6/2018 - 10/2018</td>
</tr>
<tr>
<td>JMrUth</td>
<td>6/2018- 7/2018</td>
</tr>
<tr>
<td>AlcoholEdu® for College</td>
<td>6/2018 - 7/2018</td>
</tr>
<tr>
<td>1787 Bystander Intervention (Dukes Step Up)</td>
<td>8/23/2018</td>
</tr>
<tr>
<td>CARE Programming</td>
<td>9/2018 - 4/2019</td>
</tr>
<tr>
<td>Green Dot</td>
<td>10/2018 – 4/2019</td>
</tr>
<tr>
<td>The Clothesline Project</td>
<td>4/2018</td>
</tr>
<tr>
<td>Take Back the Night</td>
<td>4/2018</td>
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<tr>
<td>Step up for Survivors</td>
<td>4/2018</td>
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<tr>
<td>Red Flag Campaign</td>
<td>10/2018</td>
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<tr>
<td>One Love Escalation Workshop</td>
<td>10/2018, 2/2019</td>
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<tr>
<td>Sexual Assault Awareness Month</td>
<td>4/2019</td>
</tr>
<tr>
<td>Coordinated Campus Response Team</td>
<td>8/2018 – 6/2019</td>
</tr>
</tbody>
</table>

### Description of Services

**RA Training** - The University Health Center holds a one-hour training session with all RA’s on recognizing and responding to sexual violence. Participants explore the definition of sexual assault/sexual misconduct and what constitutes lack of consent, become familiar with on-campus resources and understand their role as a responder to survivors in the residence halls.

**JMrUth** - JMrUth is a 40-minute session that is upfront with students regarding JMU’s expectations for its community members; this is the official introduction that all students have to the policies they are expected to uphold while members of the JMU community. Representatives from the Office of Student Accountability and Restorative Practices discuss the university’s alcohol and drug policies, as well as the ways in which the university holds students accountable for violating these expectations. Further, the University’s Title IX officials outline sexual assault, sexual harassment, sexual misconduct, consent, and incapacitation as defined by the university. This enables students to navigate their intimate relationships in a manner that is consistent with the expectations the university has for how they will treat their fellow students. Information about sexual misconduct resources and process is also shared.

**AlcoholEdu® for College** - AlcoholEdu® for College is a program that uses the latest prevention techniques and evidence-informed research to educate students about the impact of alcohol on the mind and body. Whether or not students choose to drink, AlcoholEdu® empowers them to make well-informed decisions about alcohol and to cope with the drinking behaviors of peers.
Sexual Assault Prevention for Undergraduates (formerly Haven*) - provides education on the issues associated with sexual violence using a population level, personalized approach. Students learn about healthy relationships and consent, as well as how to create and support a healthy and safe campus environment.

1787 Bystander Intervention - All first-year JMU students must attend this 45-minute, interactive bystander intervention program as part of 1787 Fall Orientation. The goal of this program is to encourage students to become more aware of situations in which power-based interpersonal violence may be occurring, understand their personal barriers to intervention, and to develop the skills to overcome those barriers and intervene in situations involving power-based interpersonal violence.

CARE - CARE (Campus Assault ResponsE) is a student organization advised by the University Health Center that provides education and awareness to the JMU campus about sexual assault and intimate partner violence. CARE also coordinates a Helpline (540-568-6411) when JMU is in session where primary and secondary survivors of sexual assault and intimate partner violence can receive information and resources for seeking assistance.

CARE Programming: Sexversations & IPV - Sexversations is a sexual assault outreach program facilitated by CARE (Campus Assault ResponsE) that uses guided and facilitated candid conversations to educate students on sexual assault. This program is framed around 4 learning objectives that address defining “sexual assault”, defining “consent” as it pertains to sexual assault, responding to situations in their own lives that could be leading towards sexual assault occurring, identifying primary campus resources related to sexual assault and beginning conversations about sex, and sexual assault.

Intimate Partner Violence (IPV) Program - The IPV program is coordinated by CARE (Campus Assault ResponsE) and is designed to engage and educate students on what factors constitute relationship abuse and ways to support survivors. This program also discusses healthy relationship and resources on and off campus that JMU students can utilize. Learning objectives for the program include identifying differences between domestic and intimate partner violence, recognizing the Power and Control Wheel, explaining 3 out of the 8 constructs of the Power of Control Wheel, and identifying ways to support survivors and list resources on and off campus.

Student Conduct Council Training – This training is a collaboration between Student Accountability & Restorative Practices and the University Health Center. Council members are trained to hear sexual misconduct cases using best practices and guidelines from the Association for Student Conduct Administration, the Office for Civil Rights and the Campus SAVE Act.

The Clothesline Project - The Clothesline Project is a visual display that bears witness to violence against women and men. The Clothesline Project is composed of t-shirts decorated to represent various individual's experiences with intimate partner violence, sexual assault or sexual victimization. JMU students, faculty, staff, and local community members created all of the t-shirts on display. Anyone interested in creating a shirt can do so during the event. The Clothesline Project is a collaboration between The University Health Center and the Office of Residence Life’s First Year Involvement.

Take Back the Night - Take Back the Night is an annual speak-out opportunity where survivors of sexual violence can share their experiences in a public venue. It is followed by a follow release on Newman Lake as a symbolic moment of healing and resilience. For over 35 years this national program has focused on eliminating all forms of sexual violence, specifically on college campuses.

Title IX Symposium - This panel discussion for faculty and staff is designed to answer questions and concerns and facilitate discussion about addressing sexual violence on campus; the panel will explore issues such as Title IX responsibilities, resources for faculty and students, supporting students, and identifying high risk populations.

Red Flag Campaign - JMU continued its participation in the Red Flag Campaign, which is an awareness and education campaign designed specifically to address dating violence among students on Virginia’s college and university campuses. The Red Flag Campaign is a dating violence bystander intervention campaign that features a series of posters that focus on various components of dating violence: emotional abuse, coercion, excessive jealousy, isolation, sexual assault, victim-blaming, and stalking. The campaign also includes an interactive website to learn more about dating violence and to direct students to campus resources. The majority of the campaign’s efforts occur in the month of October.

Coordinated Campus Response Team (CCRT) – The Coordinated Campus Response Team (CCRT) meets monthly to discuss reporting trends and response resources for students who have experienced sexual violence, dating violence, or stalking. It is co-chaired by the University Health Center and the Counseling Center, and includes representatives from the following offices: University Health Center - Survivor Advocacy Services, University Health Center – Medical Services, Counseling Center, Title IX, OSARP, Dean of Students, Public Safety, and the Vice President for Student Affairs.
**Crimes of Violence: Sexual Assault, Domestic Violence, Dating Violence and Stalking**

James Madison University prohibits domestic violence, dating violence, sexual assault and stalking.

James Madison University is concerned about the safety and well-being of its students and employees. Individuals who report they have been a victim of domestic violence, dating violence, sexual assault or stalking, whether it occurred on or off-campus, will be provided support, an explanation of his or her rights and options and the procedures for addressing the violation.

Assistance will be provided by the university when the victim of such crime elects or is unable to make a report.

Title IX of the Education Amendments of 1972 (“Title IX”), 20 U.S.C. Sec. 1681, et seq., prohibits discrimination based on sex (including sexual harassment and sexual violence) at any federally funded education program or activity. The university must respond to complaints concerning Title IX and due to this mandate, please note that your confidentiality cannot be guaranteed. But efforts will be made to provide confidentiality of victims to the extent permissible by law. Furthermore, no officer, employee, or agent of an institution shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under the Jeanne Clery Disclosure of Campus Policy and Campus Crime Statistic Act or Title IX.

As a victim of sexual assault, dating violence, domestic violence or stalking, you will be provided written explanation of the procedures to be followed upon a report of sexual assault, domestic violence, dating violence, and/or 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 reporter 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 and the discipline process from the beginning through to the final determination 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 at 540-568-5214 or in person at Madison Hall Room 4035 100 East Grace Street MSC 7806 Harrisonburg, VA 22807.

**Sex Offenses - Victim Resources and Assistance Contact Information**

<table>
<thead>
<tr>
<th>Service/Group</th>
<th>Phone</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>JMU Counseling Center</td>
<td>540-568-6552</td>
<td>724 S Mason St, Harrisonburg, VA 22801</td>
</tr>
<tr>
<td>JMU Health Center</td>
<td>540-568-6178</td>
<td>724 S Mason St, Harrisonburg, VA 22801</td>
</tr>
<tr>
<td>JMU Health Center’s The Well</td>
<td>540-568-2831 (main number)</td>
<td>724 S Mason St, Harrisonburg, VA 22801</td>
</tr>
<tr>
<td>JMU Substance Abuse Prevention</td>
<td>540-568-3317</td>
<td>724 S Mason St, Harrisonburg, VA 22801</td>
</tr>
<tr>
<td>JMU Office of Student Accountability and Restorative Practices</td>
<td>540-568-6218</td>
<td>724 S Mason St, Harrisonburg, VA 22801</td>
</tr>
<tr>
<td>First Step-Domestic Violence</td>
<td>540-434-0295</td>
<td>129 Franklin St, Harrisonburg, VA 22801</td>
</tr>
<tr>
<td>Collins Center</td>
<td>540-434-2272</td>
<td>217 S Liberty St #205, Harrisonburg, VA 22801</td>
</tr>
<tr>
<td>Center for Marriage and Family Counseling</td>
<td>540-433-1546</td>
<td>96 Campbell St, Harrisonburg, VA 22801</td>
</tr>
<tr>
<td>Community Services Board (CSB) Offers domestic and violence/anger control groups and visitation assistance</td>
<td>540-434-1941</td>
<td>1241 N Main St, Harrisonburg, VA 22802</td>
</tr>
<tr>
<td>Harrisonburg/Rockingham’s Victim/Witness Program</td>
<td>540-564-3350</td>
<td><a href="mailto:nterrell@rockinghamcountyva.gov">nterrell@rockinghamcountyva.gov</a></td>
</tr>
<tr>
<td>Victim/Witness e-mail address is</td>
<td></td>
<td>53 Court Square 210, Harrisonburg, VA 22801</td>
</tr>
<tr>
<td>General District Court</td>
<td>540-564-3130</td>
<td>53 Court Square Room 132, Harrisonburg, VA 22801</td>
</tr>
<tr>
<td>Service</td>
<td>Phone Number</td>
<td>Address</td>
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<tr>
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</tr>
<tr>
<td>Juvenile and Domestic Relations Court</td>
<td>540-564-3370</td>
<td>53 Court Square, Suite 214, Harrisonburg, VA 22801</td>
</tr>
<tr>
<td>Magistrate’s Office</td>
<td>540-564-3848</td>
<td>25 S Liberty Street, Harrisonburg, VA 22801</td>
</tr>
<tr>
<td>JMU Financial Aid</td>
<td>540-568-7820</td>
<td>724 South Mason Street Harrisonburg, VA 22801</td>
</tr>
<tr>
<td>Circuit Court</td>
<td>540-564-3118</td>
<td>80 Court Square, Harrisonburg, VA 22802</td>
</tr>
<tr>
<td>JMU Police</td>
<td>Emergency 540-568-6911 Business 540-568-6913</td>
<td>821 S Main St, Harrisonburg, VA 22807</td>
</tr>
<tr>
<td>Harrisonburg Police Department</td>
<td>Emergency 911, Business 540-434-4436</td>
<td>101 N Main St, Harrisonburg, VA 22802</td>
</tr>
<tr>
<td>Harrisonburg/Rockingham ASAP and Driver Improvement</td>
<td>540-434-0154</td>
<td>350 North Main St, Harrisonburg, VA 22802</td>
</tr>
<tr>
<td>Sentara RMH</td>
<td>540-689-1000</td>
<td>2010 Health Campus Drive, Harrisonburg, VA 22801</td>
</tr>
<tr>
<td>JMU Title IX</td>
<td>540-568-5214</td>
<td>Madison Hall Suite 4020, JMU Harrisonburg, VA 22807</td>
</tr>
<tr>
<td>Blue Ridge Legal Services</td>
<td>540-433-1830</td>
<td>204 N High St, Harrisonburg, VA 22802</td>
</tr>
<tr>
<td>New Bridges Immigrant Resource Center</td>
<td>540-438-8295</td>
<td>64 W. Water St, Harrisonburg, VA 22801</td>
</tr>
<tr>
<td>Virginia Crime Victim Assistance INFO-LINE</td>
<td>1-888-887-3418</td>
<td></td>
</tr>
<tr>
<td>Virginia Family Violence and Sexual Assault Hotline</td>
<td>1-800-838-8238</td>
<td></td>
</tr>
<tr>
<td>RAINN (Rape, Abuse &amp; Incest National Network)</td>
<td>1-800-656-HOPE online.rainn.org</td>
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<table>
<thead>
<tr>
<th>Title IX Officers</th>
<th>Phone Number</th>
<th>Email Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title IX Coordinator</td>
<td>540-568-5214</td>
<td><a href="mailto:sirockam@jmu.edu">sirockam@jmu.edu</a></td>
</tr>
<tr>
<td>Amy Sirocky-Meck</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Title IX Assistant Coordinator</td>
<td>540-568-7704</td>
<td><a href="mailto:hetzelbe@jmu.edu">hetzelbe@jmu.edu</a></td>
</tr>
<tr>
<td>Barbara Hetzel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dr. Marilou Johnson</td>
<td>540-568-3404</td>
<td><a href="mailto:johnsomx@jmu.edu">johnsomx@jmu.edu</a></td>
</tr>
<tr>
<td>Title IX Officer for Faculty</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jennifer Phillips</td>
<td>540-568-7834</td>
<td><a href="mailto:phill2jr@jmu.edu">phill2jr@jmu.edu</a></td>
</tr>
<tr>
<td>Title IX Officer for Athletics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taryn Roberts</td>
<td>540-568-5509</td>
<td><a href="mailto:robertte@jmu.edu">robertte@jmu.edu</a></td>
</tr>
<tr>
<td>Title IX - Officer for Center for Global Engagement</td>
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</tbody>
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**Sexual Violence - You Have Choices - An overview**

*James Madison University strongly encourages students, faculty and staff to report all Crimes of Violence - Sexual Assault, Domestic Violence, Dating Violence and Stalking to the JMU Police Department or Title IX Coordinator as promptly as possible so the University can investigate and respond effectively.*

**Options for health-related resources:**

- Advocacy services are available through the “Well” at the University Health Center which helps provide students a supportive way to navigate their options and resources. To meet with an advocate, contact Jackie Hieber, Assistant Director - Sexual Violence Advocacy & Prevention at hieberjm@jmu.edu or 540-568-6251 or stop by in person anytime Monday – Friday between 8:00 AM and 5:00 PM
• **University Health Center** - 540-568-6178, Student Success Center
  - Emergency contraception
  - Medical examination/STI testing
  - **Survivor advocacy, support, and prevention** - 540-568-2831

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

• **Sentara RMH Emergency Department** - within 72 hours of the sexual assault a Physical Evidence Recovery Kit (PERK) can be performed - the following people will be called:
  - Sexual Assault Nurse Examiner (SANE Nurse)
  - Police department investigator from where the assault occurred
  - Advocate from the **Collins Center**

• **Collins Center & Child Advocacy Center** - 540-432-6430, 217 South Liberty Street #205, Harrisonburg VA
  - Off-campus crisis counseling, support, and advocacy

**Options for campus and criminal resources:**
- **JMU Police** (on-campus assault) 540-568-6911, Anthony Seeger Hall
- **Harrisonburg Police** (off-campus assault) call 911
- **Office of Student Accountability & Restorative Practices** (those involved must be current JMU students) 540-568-6218, Student Success Center
- **Title IX** Amy Sirocky-Meck 540-568-5214 Madison Hall Suite 4020, JMU Harrisonburg, VA 22807

James Madison University takes the issue of sexual violence seriously and sexual violence includes a broad spectrum of behavior. The JMU Police Department recognizes the fact that sex offenses are personal violent crimes that have great psychological and physical effects on the victims. It is the policy of the JMU Police Department to assist victims of sexual violence in a supportive manner, using appropriate crisis intervention skills while providing resources for the victim. Due to the seriousness of these offenses and the delicate nature of the investigations involved, it is important for the department to undertake diligent investigations in order to increase the reporting of these crimes. Reducing recidivism and serial criminal offenses through the apprehension and prosecution of the assailants is a department priority. Although the university strongly encourages all members of its community to report sexual violence to law enforcement, you also have the option not to make a report with law enforcement. State law, however, requires the University to conduct a review of reports of sexual violence to determine whether for health or safety reasons a report should be made to law enforcement and the Commonwealth’s Attorney.

Although an immediate criminal justice police response is an option which is best, a victim can also choose to meet with a Title IX Coordinator(s) to explain possible remedies and resources. Once Title IX receives a report, the university must respond to complaint. The University will conduct an initial assessment, a threat assessment, and take any immediate action that may be necessary to protect the health and safety of individuals and the university community. Written information will be provided explaining and providing information on existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid along with other services available for victims, both within the institution and in the community. This information will also include options for and available assistance to victims for changing academic, living, transportation and working situations if requested by the victim and reasonably available. Depending on the nature and severity of the conduct reported, the University may be required to share known information, including names, with law enforcement. The University is committed to protecting the safety of the broader university community, which includes reporting crime statistics and, in some cases, issuing incident notifications known as Timely Warnings or Community Alerts in accordance with federal law. All JMU faculty, staff, and student employees (including RAs) are responsible for reporting disclosures of sexual violence or harassment to the Title IX Coordinator. Required reporting to the Title IX coordinator ensures victims are made aware of available resources and options for filing a complaint. Federal and state law, however, requires the University to conduct a review of reports of sexual violence to determine whether for health or safety reasons a report should be made to law enforcement and the Commonwealth’s Attorney. When such reports will be made, the University Title IX Coordinator will advise the complainant.

Another option is to seek advocacy services from a victim advocate. Services are provided to students in a supportive way helping them navigate their options and resources. Advocacy services are guided by and individualized to each student’s needs and may include, but are not limited to:

- Assistance accessing on-campus and off-campus support services regarding sexual assault, dating violence, domestic violence and stalking.
• Information about criminal reporting options, campus reporting options, medical care, counseling services, and on- and off-campus resources.
• Assistance accessing accommodations through Title IX.
• Accompaniment services for survivors, including:
  • Accompaniment through the OSARP student misconduct process
  • Accompaniment during law enforcement interviews
  • Court accompany (protective orders and criminal proceedings)
  • Hospital accompany during business hours
• With student’s permission, can help explain resources to family members

There are a variety of reasons why students may seek advocacy services. When meeting with an advocate, you can share as much or as little as you want. We will listen and help you explore options and resources, both on- and off-campus, to meet your needs. You may or may not wish to report the incident; either way, the decision will remain in your hands. There are also many additional resources outside of reporting that our advocates can help you understand and access. Regardless of your needs, our advocates can be a source of information and support as you navigate what feels best for you. Survivor advocacy services are located in the University Health Center’s The Well, on the first floor of the Student Success Center. To access confidential advocacy services call The Well front desk at 540-568-2831, come to The Well during regular business hours, or email Jackie Hieber.

Another option is for a victim to go the JMU Counseling Center. The Counseling Center’s Sexual Trauma Empower Program (STEP) offers free and confidential short and long-term individual, group, and emergency sexual trauma counseling services for JMU students. Clinicians may also assist with medical, accountability process, and legal consultation and referrals. Consultation around Title IX and other issues for faculty, staff, family members, and friends of survivors of sexual trauma is also available. During the initial assessment appointment, a counselor will help a student decide which service(s) would be the most beneficial given their specific circumstances, which may include speaking with a victim advocate or receiving treatment at JMU’s Health Center (if a student) and/or Sentara Rockingham Memorial Hospital (SRMH). Clinicians at the JMU Counseling Center are exempt from Title IX reporting requirements, and communications with clients are privileged by law; therefore, Title IX implications will be discussed with faculty, staff, family members, and students as needed, and clinicians serve as a confidential resource for students directly impacted by sexual trauma.

Another option is to adjudicate the allegation through the Sexual Misconduct Accountability Process in the Office of Student Accountability and Restorative Practices. The Sexual Misconduct Accountability Process can be pursued in lieu of/concurrent with legal prosecution and is used when the person alleged to have committed the behavior that violates JMU Policy J34-100 Sexual Misconduct is a student. The Sexual Misconduct Accountability Process will provide a prompt, fair, and impartial resolution conducted by faculty and staff who receive annual training on issues related to sexual assault, domestic violence as well as dating violence and stalking. The Office of Student Accountability and Restorative Practices is able to place charges against an Accused Student upon receipt of the completed Title IX investigation. Except in circumstances that are a threat to the safety of the campus and the community, the Office of Student Accountability and Restorative Practices will not place charges against an Accused Student without authorization from the Reporting Party. To begin a university accountability action, a student, faculty member or staff member who feels he or she has been a victim of sexual violence can meet with a Title IX Coordinator(s) to explore options. Victims will be provided assistance and have the option to change their academic, living, transportation, and working situations after an alleged incident, if such changes are reasonably available. Accommodations or protective measures provided to the victim will be maintained as confidential to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures. The institution will, upon written request, disclose to the victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for these purposes.

### Bystander Intervention

The JMU Police 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. JMU Dukes Step Up is a program to encourage fellow students to become more aware of their surroundings, and to develop the skills necessary to intervene in situations involving hazing, intimate partner violence, or alcohol before they become emergencies.

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Bystander intervention recommendations include:

• Notice the event and interpret it as an emergency.
We often choose to ignore the situation, look away, or call it something else. It is important to remember that no one has a right to be violent, even if two people are dating.

- **Take Responsibility for acting.**
- **Decide How to Act.**
  In a situation potentially involving sexual assault, relationship violence, or stalking approach everyone as a friend, do not be antagonistic and avoid using violence. Be honest and direct whenever possible. If you or someone else is in immediate danger, call 6911 on campus or 911 off campus.
- **Choose to Act.**

### Risk Reduction

Risk reductions entails options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

While you can never completely protect yourself from sexual violence, there are some things you can do to help reduce your risk of being assaulted. Avoid dangerous situations by:

- 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 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, it probably isn’t the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money.
- Don’t allow yourself to be isolated with someone you don’t trust or someone you don’t know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking 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 while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, just get a new one.

Date rape drugs are 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. Date rape drugs often cause memory loss. Some date rape drugs remain in the system for as little as 6-8 hours, making immediate testing imperative.

Common date rape drugs 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 the local hospital’s emergency room for immediate treatment and testing.

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

No one deserves or wants to be raped.

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### Title IX at JMU

The Title IX Office at James Madison University receives, responds to, and address all reports of sexual misconduct which includes, sexual assault, sexual violence, sexual harassment, dating violence, domestic violence, relational violence, sexual exploitation, stalking, and all other forms of
misconduct on the basis of or because of a reporter’s sex, sexual orientation, gender, or gender identity, involving members of the university community. Title IX also oversees and supports university efforts to prevent and eliminate sexual misconduct and other forms of sex-based discrimination.

Title IX does this by responding to individual incidents to provide support and resources to those who have experienced harm; providing education and training to faculty, staff, and students focused on supporting a healthy, affirming community; Increasing overall community knowledge about resources and options; Preventing re-occurrences and future occurrences by assuring that all members of the university community know what behaviors are prohibited and the options that exist for reporting and addressing issues of sex-based discrimination.

### How to Report to Title IX

The university has established specific procedures to address incidents involving sexual assault, domestic violence, dating violence, and stalking. Reports of sexual harassment, and sexual misconduct should be made to the James Madison University Title IX Coordinator. The Title IX Coordinator is responsible for overseeing the investigation of all reports of alleged discrimination, sexual harassment, or sexual misconduct and is trained to investigate reported incidents, help individuals who file complaints find resources, and to respond appropriately to conduct alleged to be in violation of University Policy 1340 Sexual Misconduct as well as Student Handbook Policy J34-100 Sexual Misconduct. Individuals receiving reports or complaints of discrimination, sexual harassment, or sexual misconduct should immediately notify the Title IX Coordinator and should not undertake any independent efforts to determine whether or not the report or complaint has merit before reporting it to the Title IX Coordinator.

James Madison University students, employees, and visitors have several options to report incidents of sexual misconduct involving JMU community members to the Title IX Office. This includes in person at the Title IX Office at Madison Hall 4033 located at 100 East Grace Street, over the telephone or email to Title IX Coordinator, Amy Sirocky-Meck, at (540) 568-5214sirockam@jmu.edu and Title IX Assistant Coordinator Barbara Hetzel at 540-568-7704 hetzelbe@jmu.edu or online using the JMU Sexual Misconduct Incident Reporting Form.

Title IX will conduct an initial assessment and depending on when reported (immediate vs delayed report) provide access to medical care if appropriate. A threat assessment will be initiated and any immediate action that may be necessary to protect the health and safety of individuals and the university community will be assessed. Written information will be provided explaining and providing information on existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid along with other services available for victims, both within the institution and in the community. This information will also include options for and available assistance to victims for changing academic, living, transportation and working situations if requested by the victim and reasonably available and information regarding how to preserve evidence. Assistance with contacting the police will be provided if it is requested. Interim or long term protective measures will be provided to include information regarding protective orders and no contact orders. Information will be provided regarding processes regarding inquiry, investigation and resolution to include time frames and the outcome of any investigation.

### Sexual Misconduct Policies

All proceedings in JMU disciplinary action of cases of alleged dating violence, domestic violence and sexual assault, or stalking will include a prompt, fair and impartial process from the initial investigation to the final result that will be completed with reasonably prompt timeframes including the allowance for the extension of timeframes for good cause with written notice to the accuser and the accused of the delay and reason for the delay.

All proceedings with be conducted in a manner that is consistent with JMU policies and transparent to the accuser and accused; include timely notice of meetings at which the accuser or accused, or both, may be present; and provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings. Proceedings will be conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused and who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The standard of evidence used in determination of being held responsible will be the preponderance of the evidence presented. The proceedings will provide the accuser and accused with the same opportunities to have others present during any institutional proceeding including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice and not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional. JMU may establish restrictions regarding the extent to which the advisor may participate in the in the proceedings as long as the restrictions apply equally to both parties. JMU will require simultaneous notification, in writing, to both the accuser and the accused, of the result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault or stalking. This includes any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters with the institution. The result must include any sanctions imposed by the institution and the rationale for the result and the sanctions. There will be simultaneous notification, in writing to both the accuser and the accused, of procedures for the accused and the victim to appeal the result of the institutional proceeding. Procedures will provide simultaneous notification, in writing, to both the accuser and the accused, of any change to the result and when such results become final. Each type of institutional disciplinary
proceeding will include the steps, anticipated timelines, and decision-making process for each of disciplinary proceedings. Each type of institutional disciplinary proceeding will include how to file a complaint and how the institution determines which type of proceeding to use based on the circumstances of the allegations. Procedures will list all possible sanctions that the institution may impose following the results of an institutional disciplinary procedure and the range of protective measures that the institution may offer to the victim. 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.

James Madison University prohibits sexual misconduct. Sexual misconduct includes sexual assault, sexual violence, sexual harassment, dating violence, domestic violence, relational violence, sexual exploitation, stalking, and all other forms of misconduct on the basis of or because of a Reporter’s sex, sexual orientation, gender, or gender identity. Reporting parties who want to report they are victims of sexual misconduct, or are unsure if behavior constitutes sexual misconduct, can meet with Title IX Staff to explore their options for the investigation and adjudication of the allegation in accordance with JMU Policy 1340.

Policy 1340 Sexual Misconduct
Date of Current Revision: January 2018 Primary Responsible Officer: Title IX Office

1. PURPOSE
The university is committed to providing a work and learning environment that is free from discrimination based on sex, sexual orientation, gender and gender identity. One form of sex discrimination is sexual misconduct. This policy sets out the university’s commitment to providing a workplace and learning environment free from all forms of illegal sex discrimination including, but not limited to, sexual harassment, sexual misconduct, sexual assault and sexual violence (hereafter in this policy referred to in the aggregate as “sexual misconduct”). It also provides procedures for university employees, students, affiliates and visitors to file reports and/or formal complaints alleging sexual misconduct against any student, employee, affiliate or visitor whose sexual misconduct interferes with the reporter’s workplace or learning environment. The policy on nondiscrimination may be found in Policy 1302, Equal Opportunity. The policy and procedures concerning all forms of discrimination, including sex discrimination, may be found in Policy 1324, Discrimination and Harassment (other than sexual harassment and misconduct). This policy and Policy 1324 together address all forms of sex discrimination, harassment, and misconduct. Questions concerning the application of these policies to specific behavior and actions should be addressed to the Title IX Coordinator.

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

3. DEFINITIONS
Affiliate
An individual who has a formal affiliation with the university under the terms of Policy 1337.

Confidential Resources
University employees who provide or support the provision of counseling, advocacy, health, mental health or sexual assault-related services to members of the university community who have experienced sexual misconduct. These include campus mental-health counselors, social workers, psychologists, health-center employees and any other person with a professional license requiring confidentiality, or an employee in the office who is supervised by such a person. Confidential resources also include affiliates who are pastoral or religious counselors.
**Consensual Relationship**
A relationship between adult members of the university community which is freely and mutually entered into and continued, and is not coerced, influenced by an unfair power differential, or the subject of any type of inappropriate or undue pressure or force.

**Consent**
An outward demonstration through understandable words or actions that convey a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force that is express or implied, coercion, intimidation, threats or duress. Consent cannot be obtained by ignoring or acting in spite of the objections of another, by previous consent, or by taking advantage of another person’s incapacitation or physical helplessness where one knows or reasonably should have known of such incapacitation or helplessness. An individual who is incapacitated because of age, disability, voluntary activity or through the acts of others cannot give consent. Silence or absence of resistance does not imply consent. Consent is voluntary and may be withdrawn at any time by communicating the withdrawal through an outward demonstration of understandable words or actions.

**Dating Violence**
A form of sexual violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with another person, where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship.
- The type of relationship.
- The frequency of interaction between the persons involved in the relationship.

**Day**
A calendar day. When a substantial portion of a specified period of days falls during a period of time when the university is closed, that portion of the time period shall not be counted, and the time period shall be extended by the number of days falling on days when the university is closed. Weekends are not considered substantial periods of time, and will not be added to extend a deadline. If a time period is set to end on a day when the university is closed, the time period shall be extended to end on the next scheduled day when the university reopens. Examples: A specified time period will not end during winter break or on any day when the university is closed for inclement weather. A five-day time period set to begin on the first day of winter break will be extended by the number of days for the scheduled winter break, so that the time will actually begin to run upon the first day after winter break. A deadline that falls on a day when the university is closed for inclement weather will be extended until the next day the university opens for business.

**Discrimination**
An adverse action or unequal treatment when such action deprives a person of a privilege or right (such as a benefit, an equitable evaluation, a grade, a position or a promotion), or otherwise adversely affects the person on the basis of a protected classification. Discrimination on the basis of sex that does not include sexual misconduct is covered under Policy 1324.

**Domestic Violence**
An incident or pattern of physically, sexually and/or emotionally abusive behavior used by one individual to assert power or maintain control over another in the context of an intimate or family relationship. Depending on the circumstances, this may be a form of sexual violence.

**Employee**
An individual employed by the university, whether full time, part time or temporary, and whether faculty, administrator, professional, classified staff, salaried or wage employee, student employee, or in any other employment relationship with the institution. If a complaint under this process is filed against a student employee, the procedures described in Section 6.4.1 concerning student conduct shall be utilized.

**Faculty Member**
For the purpose of this policy only, employees of the university who are Administrative and Professional (A&P) faculty with tenure or full-time instructional faculty members or part-time instructional faculty members.

**Formal Complaint**
The signed and written document used to file a formal complaint of sexual misconduct under this policy. A report may be communicated orally, but a formal complaint must be in writing and signed by the reporter.
Good Faith
Actions taken in the honest, sincere and reasonable belief in the truth of the matters alleged and without any malice or the desire to defraud or maliciously harm others. An allegation made or testimony given in a proceeding is not in good faith if made with knowing or reckless disregard for the truth or if the person knowingly withholds information that would negate the allegation or testimony. A person does not act in good faith if his/her acts or omissions are dishonest or influenced by personal, professional or financial conflicts of interest with those involved in the proceeding. A report or formal complaint filed by an individual who knows it to be false or who makes such a report or formal complaint in reckless disregard for the truth is not acting in good faith.

Hearing Panel (for Procedures against Faculty)
A panel of three faculty members shall be drawn by the Title IX Coordinator from the hearing pool in formal sexual misconduct complaints heard under this policy and these procedures against faculty. Any pool member with a close personal relationship or conflict of interest with a party to the formal complaint is required to recuse himself/herself and be replaced by another member of the pool chosen by the Title IX Coordinator. Questions about recusal may be addressed to the Title IX Coordinator. The hearing panel chair will be appointed by the Title IX Coordinator.

Hearing Pool (for Procedures against Faculty)
The group of employees trained by the university, with the assistance of the Title IX Coordinator, to hear cases under this policy involving allegations of Sexual misconduct against employees. The pool shall reasonably reflect the demographic diversity of the university, and shall be drawn from all relevant divisions and all colleges in the institution. The members of the pool shall receive both initial training and periodic refresher training concerning this policy and these procedures, including training on the effects of trauma on individuals. Training shall be conducted under the direction of the Title IX Coordinator.

Hostile Environment
A hostile environment may be created by oral, written, graphic or physical conduct that is sufficiently severe, persistent or pervasive and objectively offensive that it interferes with limits or denies the ability of a person's ability to participate in or benefit from the institution's educational programs, services, opportunities, or activities or the individual's employment access, benefits or opportunities. Mere subjective offensiveness is not enough to create a hostile environment. In determining whether conduct is severe, persistent or pervasive, and thus creates a hostile environment, the following factors will be considered: (a) the degree to which the conduct affected one or more individuals' education or employment; (b) the nature, scope, frequency, duration, and location of the incident(s); (c) the identity, number, and relationships of persons involved; (d) the perspective of a "reasonable person" in the same situation as the person subjected to the conduct, and (e) the nature of higher education. A hostile environment for a member of the university community can be created by the actions of a faculty member, a staff member, a student, an affiliate or a visitor.

Incapacitation
Physical or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts, unconsciousness, and the inability to make such decisions due to the voluntary or involuntary use of alcohol or drugs. Incapacitation may occur because of age, disability, voluntary activity or through the acts of others.

Interim Measures
Temporary and immediate measures or interventions which may be taken by the university upon receipt of a report or formal complaint of sexual misconduct to ensure a safe environment for the parties including, but not limited to, no contact orders between the reporter and the respondent; temporary changes of assignments, classes, schedules or jobs; temporary changes of university-provided housing; temporary restrictions on use of facilities; temporary transportation options; temporary suspensions from school or work; unpaid leave; or any other measure that would provide a safe work and/or learning environment for both parties during the processing of a report and/or a formal complaint. Remedial actions may be imposed upon a finding of a violation of this policy.

Relational Violence
A form of sexual violence which consists of physical assaults or serious threats of bodily harm including, but not limited to, domestic violence and dating violence.
Remedial Actions
Appropriate measures which may be taken upon a finding of a violation of this policy. Actions may include, but are not limited to, provision of an escort to ensure that the reporter can move safely between classes or work places and activities; ensuring that the reporter and the respondent do not attend the same classes or work in the same physical space or are otherwise required to interact with each other; moving the reporter or respondent to a different residence hall, a different shift of work or a different office; providing counseling, medical or academic support services for the reporter; arranging for the reporter to re-take a course, withdraw from a class, or change a work schedule or assignment without penalty; or reversing disciplinary action against the reporter if there is a causal connection between the disciplinary action taken against the reporter and the sexual misconduct of the respondent. Remedial actions also include appropriate sanctions against the respondent.

Report
Any oral or written allegations by a university community member that describes an alleged instance of sexual misconduct by a student, employee, affiliate or visitor, whether or not a respondent is identified by name or the reporter files a formal complaint under this policy. An oral report is not a formal complaint. All reports made to a responsible employee must be communicated to a Title IX Officer.

Reporter
A university community member who reasonably believes that he/she has been subjected to sexual misconduct by a student, employee, affiliate or visitor, whether or not he/she identifies a respondent by name or files a report or a formal complaint under this policy. Even if a report is made by a third party alleging sexual misconduct against a university community member, the term “reporter” as used in this policy refers to the individual who has allegedly been subjected to sexual misconduct. In that instance, the person making the report shall be identified as the “third-party reporter.”

Respondent
A student, employee, affiliate or visitor who is accused of sexual misconduct or against whom a report is made or a formal complaint is filed under this policy.

Responsible Employee
A university employee who has the duty to disclose all reports of sexual misconduct to a Title IX Officer. All university employees (except confidential resources defined above) are responsible employees. Student employees are covered by this definition, but students who are not employees of the university are not covered.

Retaliation
Overt or covert acts of discrimination, harassment, interference, intimidation, penalty, reprisal or restraint against a group or individual exercising rights, making a report, filing a formal complaint, or cooperating with the collection of statements under this policy. Retaliation shall be considered a violation of this policy.

Sex Discrimination
To take an adverse action or provide unequal treatment based on a person's sex, sexual orientation, gender or gender identity when such action deprives a person of a privilege or right (such as a benefit, an equitable evaluation, a grade, a position or a promotion) or otherwise adversely affects the person. Sex discrimination is not limited by gender, gender identity, or sexual orientation of the reporter or the respondent. Sex discrimination also includes retaliation for filing a complaint under this policy or Policy 1324, and harassment on the basis of sex, sexual orientation or gender identity, as covered by Policy 1324. Sex discrimination specifically includes instances of sexual misconduct of any type (including dating violence, domestic violence, relational violence, sexual exploitation and stalking) perpetrated against a member of the university community or a visitor. See Policy 1324.

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

**Sexual Exploitation**
Taking sexual advantage of another person without that individual’s consent. Examples include, but are not limited to, prostituting another person; causing or attempting to cause the incapacitation of another person for a sexual purpose; recording, photographing or transmitting sexual utterances, sounds or images of another person without that person’s consent; allowing a third party to observe sexual activity without the consent of the participants; knowingly transmitting sexually transmitted infections or other diseases without the knowledge of the person’s sexual partner; inducing another to expose his/her body for sexual purposes; and viewing another person’s sexual activity, intimate body parts or nakedness in a place where that person would have a reasonable expectation of privacy without that person’s consent. Sexual exploitation is a form of sexual misconduct.

**Sexual Harassment**
A form of sex discrimination consisting of unwelcome or offensive sexual advances, requests for sexual favors, or other conduct of a sexual nature including: verbal (e.g., specific demands for sexual favors, sexual innuendoes, sexually suggestive comments, jokes of a sexual nature, sexual propositions, or sexual threats); non-verbal (e.g., sexually suggestive emails, other writings, articles or documents, objects or pictures, graphic commentaries, suggestive or insulting sounds or gestures, leering, whistling, or obscene gestures); or physical (e.g., touching, pinching, brushing the body, any unwelcome or coerced sexual activity, including sexual assault). Sexual harassment, including sexual assault, can involve persons of the same or different sexes. Sexual harassment may also include sex-based harassment directed toward stereotypical notions of what is female/feminine v. male/masculine, or a failure to conform to those gender stereotypes. This policy prohibits the following types of sexual harassment:

- Term or condition of employment or education. This type of sexual harassment (often referred to as “quid pro quo” harassment) occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a university activity are conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting that individual’s employment, education, living environment, or participation in a university program or activity.
- Hostile environment. Acts that create a hostile environment, as defined herein.

**Sexual Misconduct**
Sexual misconduct includes sexual assault, sexual violence, sexual harassment, dating violence, domestic violence, relational violence, sexual exploitation, stalking, and all other forms of misconduct on the basis of or because of a reporter’s sex, sexual orientation, gender, or gender identity.

**Sexual Violence**
Physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g., due to the person’s age, mental state or use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion. Sexual violence is a form of sex discrimination and harassment, and is not limited by gender, gender identity or sexual orientation of the reporter or the respondent.

**Sexual Violence Review Committee (SVRC)**
A committee composed of a representative of the university’s Title IX administration, a member of the university’s police department and a member of the university’s student affairs administration. The SVRC reviews information related to acts of sexual violence, including information reported to the Title IX officers, to determine appropriate reports to be made to law enforcement units outside of the university.

**Staff Member**
For the purpose of this policy only, a full or part-time classified employee or wage employee of the university, or an administrative and professional (A&P) faculty member without tenure.

**Stalking**
Repeated conduct, which places a person or his/her family in reasonable fear of death, sexual assault or bodily injury. Stalking is a form of sexual misconduct.
Student
Any person enrolled in a class at the university, including undergraduate students, graduate students and those students enrolled in non-credit courses. This may also include an individual who is not currently enrolled, but is still regarded as a student by the institution, such as an individual on suspension, a student who has withdrawn from the institution, a student who has been accepted, but has not yet matriculated, or a student on breaks between academic years or semesters. It does not include individuals who are applicants who have not been accepted, or individuals who no longer attend the university (alumni).

Third Party Reporter
A person who makes a report or files a formal complaint on behalf of another individual he/she reasonably believes has been subjected to sexual misconduct by a student, employee, affiliate or visitor.

Title IX Coordinator
The individual designated by the university to coordinate the institution’s compliance with Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.). The Title IX Coordinator is the chief Title IX officer and oversees the university’s response to Title IX reports and formal complaints, and identifies and addresses any patterns or systemic problems revealed by such reports and formal complaints. The Title IX Coordinator has oversight of this policy, coordinates the actions of the various Title IX officers on campus and is responsible for tracking the university’s compliance with Title IX. Contact information for the Title IX Coordinator is available on the Title IX website.

Title IX Officers
The officials within the university charged with receiving, processing and collecting statements for reports and formal complaints under this policy. The names, addresses and phone numbers of the Title IX Officers are listed on the Title IX website.

There are multiple Title IX Officers who are assigned to handle complaints by or regarding students (including graduate students and student athletes), faculty members, staff members, affiliates of the university and visitors. They include individuals in multiple offices and divisions of the university.

Any Title IX Officer may be assigned to respond to and collect statements for any report or formal complaint under this policy, and any Title IX Officer may be consulted by any member of the university community for assistance and information regarding a report or formal complaint under this policy. Any Title IX Officer who has a close personal relationship with, or a conflict of interest concerning the reporter and/or respondent, shall recuse himself/herself from the case and shall notify the Title IX Coordinator of such action. The Title IX Officer handling a Title IX report or formal complaint should not report to or be employed in the same department, office or unit, as either party to a complaint, or be directly associated with either party.

University Community Member
An individual employed or affiliated with the university in one or more of the following full or part-time capacities:

Employees
Staff members
- Administrative and professional (A&P) faculty members without tenure
- Classified employees
- Wage employees
Faculty members
- Instructional faculty members
- Administrative and professional (A&P) faculty members with tenure
Affiliates
Students

Unwelcome Conduct
Conduct is considered unwelcome if the individual subjected to the conduct did not request, consent to, or invite it and reasonably considers the conduct to be undesirable or harmful. Visitor
For the purposes of this policy, a person who is not enrolled in, compensated by, or an official affiliate of the university, but is engaged in a university-sponsored or contracted working or learning activity, or has some other formal or informal ongoing relationship with the university. Depending on the circumstances, a visitor
may be a person who is or was merely present on campus or at a university sponsored event, but the university’s ability to take any action regarding such an individual will necessarily be limited.

4. APPLICABILITY
This policy applies when a member of the university community reasonably believes that he/she or another university community member has been subjected to sexual misconduct by a student, an employee, or an affiliate of the university, or by a visitor.
All acts of sexual misconduct are covered by the terms of this policy, provided that at least a substantial portion of the alleged wrongful behavior either occurred on university-controlled, university-leased or university-owned property, or otherwise had a significant connection to or effect on the activities of the university or the learning or working environment for the reporter. Off-campus incidents that cause continuing effects on campus are specifically covered by this policy.
This policy applies in the employment relationship, including job application procedures, hiring, advancement, discharge, compensation, job training, or other terms and conditions of employment. It applies in the educational relationship with students, including application procedures, admissions, grades, discipline, dismissal, or other terms and conditions of matriculation. It applies in services that are provided by the university to students, employees, affiliates or other individuals, including visitors.

5. POLICY
5.1 Title IX
The university does not discriminate on the basis of sex in its education programs and activities, and it is required by Title IX not to discriminate in such a manner. Questions regarding Title IX may be referred to the university’s Title IX Coordinator or to the United States Department of Education’s Office for Civil Rights.
5.2 Sexual Misconduct
The university will not tolerate sexual misconduct against any member of the university community by a university employee, student, affiliate or visitor. Conduct by any member of the university community or visitor that constitutes sexual misconduct is a violation of university policy and is sanctionable.
5.3 Retaliation
The university will not tolerate retaliation against or harassment of an individual who makes a report, files a formal complaint, or participates in proceedings under this policy in good faith.
5.4 Good Faith
Failure to act in good faith in bringing an allegation under this policy, failure to act in good faith in cooperating during the proceedings (i.e. providing false or misleading evidence), or in any other capacity concerning this policy shall constitute a form of misconduct and may result in sanctions separate from, and not dependent on, the outcome of any report or formal complaint filed under this policy.
5.5 Responsible Employees
All responsible employees must disclose any reports of sexual misconduct, including reports that they receive within the course of their employment, to a Title IX Officer. See 6.2.3. Employees who are identified as confidential resources and who receive information in the course of their employment about sexual misconduct covered under this policy are not required to make such disclosures to Title IX Officers.
5.6 Non-Consensual Relationships
Genuinely consensual relationships which are not coerced, influenced by an unfair power differential or the subject of any type of inappropriate or undue pressure or force between adult members of the university community are not prohibited. A sexual relationship between members of the university community to which one party does not or cannot consent is a form of sexual misconduct. A sexual relationship between members of the university community is prohibited if it is influenced by any form of fear or coercion, such that it causes one party to believe that he/she must submit to unwelcome sexual conduct in order to accept or continue employment, achieve an employment or educational benefit, or participate in a program or activity or to remain safe and secure. In a sexual relationship between individuals where a power differential would imply or raise the inference of exploitation or raise the inference that an educational or employment decision will be based on whether or not there is submission to coerced sexual conduct, the relationship is prohibited. Examples would include an instructional faculty member and a student enrolled in his/her class or under his/her supervision; employees who are a supervisor and a subordinate; a coach and a member of the team he/she coaches; or any other relationship where one party has the opportunity to pressure or force the relationship on
the other. Any sexual relationship between an adult and a minor or where one party is unable to give effective and informed consent is presumed to be coerced and not consensual, and is prohibited.

5.7 Interim Measures
When sexual misconduct is reported to the university, the university will offer and/or take appropriate interim measures to assist and protect the reporter, the respondent and other members of the university community.

5.8 Actions on Findings
Upon a finding of sexual misconduct, the university will take prompt and effective steps reasonably calculated to end the misconduct, eliminate any hostile environment, prevent its recurrence and, as appropriate, take remedial actions to remedy its effects.

5.9 Academic Freedom
This policy does not restrict or impair the exercise of rights protected under the United States Constitution or the rights of faculty members and students of the institution to academic freedom. See Faculty Handbook, Section III.A.1. Academic freedom carries with it responsibilities, including the responsibility to refrain from harassment, discrimination and misconduct. See Faculty Handbook, Section III.A.8; and Academic Affairs Policy 12, Disruption of Class.

6. PROCEDURES

6.1 Eligibility to Report or File Complaint
- Any member of the university community who reasonably believes he/she has been subjected to sexual misconduct by a student, employee, affiliate or visitor may make a report or file a formal complaint in good faith under this policy to address the situation.
- Any member of the university community who reasonably believes that another university community member has been subjected to sexual misconduct by a student, employee, affiliate or visitor may make a third-party report or file a formal complaint in good faith on behalf of the affected individual.
- A person who has no affiliation with or membership in the university community is eligible to make a report or file a formal complaint in good faith on behalf of himself or herself, a member of the university community or a visitor concerning sexual misconduct by an employee, student or affiliate of the university.
- A person who has no affiliation with or membership in the university community is not eligible to make a report or file a formal complaint against another person who has no affiliation with or membership in the university community under this policy.

6.2 Reports, Resolution Attempts and Determination of Applicability

6.2.1. Resolution of Sexual Misconduct Charges
In reported cases covered by this policy, the university will not advise or encourage the reporter to initiate an informal direct discussion of the allegations with the respondent. The university will also not encourage mediation between the parties concerning reports or formal complaints of sexual misconduct. However, if the reporter and respondent resolve a report or a formal complaint of sexual misconduct through either discussions or mediation, the case may be closed, at the option of the university. In this case, the parties will be requested to sign a statement declaring that the case has been resolved, and with or without a signed agreement, no further action by the university will be required. The university may, however, decide to proceed with collecting statements or proceedings even if the parties have resolved the matter, if it is determined to be necessary to protect the university community.

6.2.2. Report of Sexual Misconduct
A reporter is encouraged to discuss any charges of sexual misconduct promptly with any of the following university resources, as appropriate under the circumstances:
- The Title IX Coordinator
- A Title IX Officer
- A confidential resource
- Another university employee who the reporter believes to be an appropriate adviser, given the nature of the situation (e.g., the human resources office, a supervisor, a coach, a faculty member, a residence hall adviser, the dean of students, an ombudsperson, etc.)
6.2.3. University Employee Responsibilities on Receiving Report

- Any responsible employee contacted by a reporter or a third-party reporter concerning a violation of this policy must communicate the information to a Title IX Officer as soon as practicable. No responsible employee is obligated to report any violations of this policy concerning himself/herself.
- If the reporter or third-party reporter discloses information concerning sexual misconduct to a confidential resource as defined in this policy, the confidential resource has no obligation to report the information to a Title IX Officer.
- The reporting requirement does not apply to information disclosed at public events such as “Take Back the Night” rallies, personal accounts included in class writing assignments, or other similar instances where circumstances of the responsible employee’s receipt of information would not be reasonably expected to trigger the employee’s disclosure responsibilities under this policy. It does not apply when the information is not disclosed to the responsible employee in the context of his/her employment, when neither party to the interaction has any association with the university, or when the responsible employee has no reason to believe this policy applies to the circumstances disclosed. It does not apply to information disclosed because of an intimate relationship between the reporter and the responsible employee. It does apply to information seen, heard, or overheard by the responsible employee in the performance of his/her job responsibilities, but does not obligate or entitle the responsible employee to investigate potential incidents. The responsible employee will not investigate allegations or pressure the reporter to disclose information not freely given to the responsible employee, but may report to the Title IX Officer any information received, even if reporting is not required.
- If a report concerns sex discrimination (but not sexual misconduct), the responsible employee shall refer the report to the director of equal opportunity (DEO) in accordance with Policy 1324.
- Any responsible employee receiving information concerning sexual misconduct under this policy must provide a Title IX Officer with all relevant information concerning the report as soon as practicable. If possible, the responsible employee is encouraged to take appropriate steps to address the immediate needs of the person making the report. Relevant information includes all details about the alleged incident that the reporter or third-party reporter has shared and that the Title IX Officer will need to determine what occurred and how to address the situation. This includes the names of the respondent, the reporter, other individuals who are potential witnesses, and all relevant facts, including the date, time, and location of any incidents that were disclosed to the responsible employee.
- Generally, the transfer of information will fulfill the obligations of the responsible employee, and the responsible employee will have no further involvement in the statement collection process or any other procedures under this policy, unless the Title IX Officer needs clarification or more information from the responsible employee or the responsible employee has another role in the process (e.g., the supervisor of the reporter or respondent).
- In no event will any university employee attempt to dissuade a reporter from filing a criminal complaint either before or after a formal complaint is filed and statements are collected. It is appropriate for the responsible employee to assist the reporter with contacting university law enforcement or local law enforcement regarding criminal charges.

6.2.4. Requests for Confidentiality

All responsible employees must inform any individual who has disclosed information concerning sexual misconduct that they cannot keep such information confidential and are required to disclose the information to a Title IX Officer. The responsible employee should encourage the reporter to cooperate with the statement collection related to the matter. The responsible employee should tell the reporter that without his/her cooperation the university’s ability to respond to the information will be limited and give the reporter information about the application of this policy to acts of retaliation. The responsible employee will inform the reporter that the Title IX Officer will make a determination concerning the reporter’s request for confidentiality.

6.2.5. Decision on Request for Confidentiality
• A request by the reporter for confidentiality regarding sexual misconduct that does not include sexual assault or sexual violence will be honored by the Title IX Officer, unless there is a valid reason for setting aside this request. A valid reason would include circumstances that suggest there is an increased risk to the safety of the university community or of the respondent committing future acts of sexual misconduct (e.g., where there have been other sexual misconduct complaints about the same respondent, where the respondent has a history of arrests or records from another institution indicating a history of violence, where the respondent has threatened violence against the reporter or others, or where the sexual misconduct was committed by multiple respondents). These factors also include circumstances that suggest there is an increased risk of future acts of sexual misconduct under similar circumstances (e.g., where the report reveals a pattern of sexual misconduct involving the use of drugs or alcohol at a given location or by a particular group). Other factors that will be considered in assessing a reporter’s request for confidentiality include whether the incident involved the presence or threat of a weapon, the age or vulnerability of the reporter, and whether the university possesses other means to obtain relevant evidence (e.g., security cameras or personnel, or physical evidence).

6.2.6. Initial Determination by Title IX Officer of Applicability of Policy

• The reporter or a third-party reporter may directly contact a Title IX Officer to make a report. If the reporter or a third-party reporter instead contacts a responsible employee and the responsible employee contacts the Title IX Officer, the Title IX Officer will initiate contact with the reporter promptly (usually within five days) after receiving notice of a report from a responsible employee to discuss the report with the reporter.

• The Title IX Officer will inform the reporter of available resources during the initial contact, as outlined in 6.6.5.

• The reporter will not be forced to cooperate, and a request by the reporter to have no action taken by the university will be considered by the university, but will not bind the institution. A reporter’s failure to cooperate with the Title IX Officer may impede the university’s ability to effectively collect statements, but such failure will not prohibit the Title IX Officer from attempting to collect statements if sufficient information is available.

• Upon receipt of a report, the Title IX Officer shall determine whether this policy applies and will inform the reporter or third-party reporter if the policy does not apply. A decision that the policy does not apply is final, and is not appealable. By way of example, the Title IX Officer may find that this policy does not apply upon determining any of the following:
  o That the respondent’s alleged conduct as reported would not constitute sexual misconduct as defined in this policy.
  o That a substantial portion of the alleged conduct did not occur on university-owned, university-leased or university-controlled property, or did not otherwise have a significant connection to the activities of the university or effect on the reporter’s working or learning environment at the university.
  o That neither the reporter nor the respondent has any connection with the university or is a university community member.
  o This list is not exclusive, and other situations may result in the Title IX Officer determining that this policy does not apply.

6.3 Sexual Violence

6.3.1. Report or Formal Complaint

If the information given to the Title IX Officer by either the reporter or a responsible employee indicates that an act of sexual violence may have been committed as covered by this policy, the Title IX Officer shall promptly report the information, including any personally identifiable information, to the Sexual Violence Review Committee (SVRC).
6.3.2. Sexual Violence Review Committee

- Upon receipt of information of an alleged act of sexual violence reported by a Title IX Officer under 6.3.1, the SVRC shall meet (either in person or through electronic means) within 72 hours to review the information, and shall have other meetings as necessary as new information is obtained.

- If, based on consideration of all relevant factors, the SVRC determines that the disclosure of the information, including personally identifiable information, is necessary to protect the health or safety of the reporter or other individuals, the representative of the university police department on the SVRC shall immediately disclose such information to the law enforcement agency responsible for investigating the alleged act of sexual violence, so that the law enforcement agency may investigate and take other appropriate actions. The representative of the Title IX administration on the committee shall notify the reporter that such a disclosure is being made. A disclosure to a law enforcement agency need not be made if the law enforcement agency is located outside of the United States.

- If the alleged act of sexual violence would constitute a felony which could be prosecuted under Virginia criminal law, the representative of the university police department on the SVRC shall inform the other members of the SVRC and shall, within 24 hours of such determination, consult with the prosecutor responsible for prosecuting the alleged act of sexual violence, and provide to that prosecutor the information received by the SVRC, without disclosing personally identifiable information, unless such information was originally disclosed to the law enforcement agency responsible for investigating the alleged act of sexual violence as described above.

6.4. Filing a Formal Complaint

If the Title IX Officer determines that the policy applies, the reporter will be informed by the Title IX Officer of the options for filing a formal complaint. The reporter will be asked to sign a form provided by the Title IX Officer concerning his/her options for proceedings under this policy.

6.4.1 Complaints Filed Against a Student

A formal complaint against a student will be investigated under this procedure and, if appropriate, referred to be heard under the Office of Student Accountability and Restorative Practices Sexual Misconduct Accountability Process. The reporter may always file criminal charges with law enforcement for criminal behavior, whether or not a formal complaint is filed. 6.4.1.a. If the complaint alleges a violation of this policy by a student, the Title IX Officer will give the reporter the option to file a formal complaint under this policy, or to take no action. The decision to file a formal complaint under this policy will mean that the Title IX Officer will, if possible, collect statements related to the complaint and provide OSARP a copy of the statements for a hearing under the OSARP Sexual Misconduct Accountability Process. A copy of the collected statements will be supplied to the reporter and the respondent during the conduct process. 6.4.1.b. If the report alleges conduct that would constitute criminal activity, the reporter will also be informed of his/her option to file criminal charges with the appropriate law enforcement authority.

6.4.2 Complaints Filed Against an Employee

A formal complaint against an employee will be heard by the university under this policy. Specifically, a formal complaint against a faculty member will be heard under this policy, and not under the general misconduct procedures found in the Faculty Handbook, section III.A.25.

6.4.2.a. If the complaint alleges a violation of this policy by an employee, the Title IX Officer will give the reporter the option to file a formal complaint under this policy, or to take no action. The decision to file a formal complaint under this policy will mean that the Title IX Officer will, if possible, collect statements related to the complaint and provide a copy of the statements to the Title IX Coordinator. The Title IX Coordinator will convene a hearing panel for a determination on the formal complaint for faculty members. The employee’s supervisor (or in cases where the supervisor is the responding party, the person in the appropriate supervisory level) will make a determination on the formal complaint for staff members. A copy of the collected statements will be supplied to the reporter and the respondent during the conduct process. See “Complaint Process” sections for various community member types in sections 6.4.1, 6.4.2, 6.4.3, 6.4.4, 6.6.8, 6.6.9, 6.6.10, 6.6.11, 6.4.2.b. If the report alleges conduct that would constitute criminal activity, the reporter will also be informed of his/her option to file criminal charges.

6.4.3 Complaints Filed Against an Affiliate

A formal complaint against an affiliate will be heard by the university under this policy.
6.4.3.a. If the complaint alleges a violation of this policy by an affiliate, the Title IX Officer will give the reporter the option to file a formal complaint under this policy, or to take no action. The decision to file a formal complaint under this policy will mean that the Title IX Officer will, if possible, collect statements related to the complaint and provide a copy of the collected statements to the Title IX Coordinator. The Title IX Coordinator will send the copy of the collected statements to the affiliate’s sponsoring department for a determination. A copy of the collected statements will be supplied to the reporter and the respondent. No hearing will be required for a complaint against an affiliate.

6.4.3.b. If the report alleges conduct that would constitute criminal activity, the reporter will also be informed of his/her option to file criminal charges.

6.4.4 Complaints Filed Against a Visitor
A formal complaint against a visitor will be heard by the university under this policy.

6.4.4.a. If the report alleges a violation of this policy by a visitor, the Title IX Officer will give the reporter the option to file a formal complaint under this policy, or to take no action. The decision to file a formal complaint under this policy will mean that the Title IX Officer will, if possible, collect statements related to the complaint and provide a copy of the collected statements to the Title IX Coordinator. A copy of the collected statements will be supplied to the reporter and the appropriate vice president. The appropriate vice president will make a determination and take appropriate action. No hearing will be required for a complaint against a visitor.

6.4.4.b. If the report alleges conduct that would constitute criminal activity, the reporter will also be informed of his/her option to file criminal charges.

6.4.5 Filing Criminal Charges
Exercising an option to utilize a university procedure or opting to take no action will not in any way affect the reporter’s ability to file criminal charges with any appropriate law enforcement entity, which may be pursued at any time without regard to any formal complaint filed with the university.

6.5. Decision Not to File Complaint
If the reporter decides not to file a formal complaint, the Title IX Officer will, even without the cooperation of the reporter, collect statements related to the allegations to the extent possible under the circumstances. The Title IX Officer will provide a copy of the collected statements to the Title IX Coordinator. The Title IX Coordinator will deliver the statements to OSARP (for a student respondent), a Hearing Panel (for a faculty member), the appropriate sponsoring office (for an affiliate respondent), and the supervisor (for a staff member) or will make a determination in the case of a visitor respondent.

6.6 Formal Complaint Process 6.6.1. Where to File a Formal Complaint
A formal complaint may be filed by the reporter by providing the Title IX Officer with a signed, written document detailing the allegations, naming the respondent and providing as much detail as possible about the charges.

6.6.2. Anonymous and Third-Party Complaints
A formal complaint may be filed anonymously through the university’s silent witness program. An anonymous complaint may prove difficult or impossible for university police to investigate, unless sufficient information is provided. The university police will, given sufficient information in an anonymous complaint, refer the matter to the Title IX Coordinator, who will assign it to a Title IX Officer.

Any third-party complaint must provide sufficient information to determine if the policy applies. If there is insufficient information provided to determine if the policy applies, and/or the identity of the reporter or the respondent cannot be ascertained, the formal complaint may be dismissed as insufficient. If an anonymous formal complaint does not provide sufficient information for the university to collect statements related to the complaint, the formal complaint may be dismissed as insufficient. A dismissal of a third-party formal complaint as insufficient is final, and is not appealable. A dismissal will not prohibit a reporter from bringing a complaint based on the same facts.

If a third-party complaint is timely and sufficient, the Title IX Officer will confirm the complaint commencement date with the third-party reporter in writing.

6.6.3. Timing of a Formal Complaint The formal complaint should be filed as soon as possible after the last date of discriminatory or harassing behavior. There is no time limit for filing a formal complaint under this policy, but the university must be able to collect statements and address the allegations. The Title IX Officer will determine whether the formal complaint is filed within a reasonable amount of time from the date of the last date of discriminatory or harassing behavior. A complaint filed in time to allow statements to be collected
related to the allegations will be considered timely, but a formal complaint filed after so much time has elapsed that statement collection is not feasible will be considered untimely and will be dismissed. A dismissal of a formal complaint as untimely is final, and is not appealable.

6.6.4. Formal Complaint Statement Collection

☐ If the Title IX Officer determines that this policy applies, and the reporter opts to file a formal complaint under this policy, the Title IX Officer will determine if there is sufficient information to collect statements. If there is not sufficient information to collect statements, the Title IX Officer will inform the reporter or third-party reporter that statements will not be collected at that time. A reporter may supplement or provide more information in the future, at which time the Title IX Officer will make a new determination on the feasibility of collecting statements.

☐ Title IX has the option of collecting statements related to a formal complaint against a respondent who has no further connection with the university to determine if the university has any means to take appropriate steps to eliminate the misconduct, prevent its recurrence or address its effects. If the university has no means to take appropriate steps to eliminate the misconduct, prevent its recurrence or address its effects, the Title IX Officer will inform the reporter or third-party reporter that statements will not be collected at that time. A reporter may supplement or provide more information in the future, at which time the Title IX Officer will make a new determination on the feasibility of taking appropriate steps.

☐ The role of the Title IX Officer is to collect statements in an impartial manner, to treat both the reporter and respondent fairly, and to compile the statements presented by both sides or found during the collection process to the appropriate office for a determination. The statement collection process by the Title IX Officer shall be prompt, adequate, reliable and impartial, and it shall include equal opportunity for both the reporter and the respondent to present appropriate information for the statement collection process. The parties will be notified that any written statements and other documents produced by either party will be shared with the other party. All members of the university community are required to cooperate in the statement collection process. The statement collection process by the Title IX Officer should be concluded in a timely manner, based on receipt of the formal complaint, but for good cause timing may be extended, with notification to both the reporter and the respondent.

6.6.5. Discussion of Formal Procedures with Reporter

☐ If the reporter decides to file a formal complaint under these procedures and the Title IX office determines that there is sufficient information to collect statements, the Title IX Officer will discuss with the reporter the procedures that will be followed with respect to any ensuing statement collection, resolution attempts and referral for a potential hearing. The Title IX Officer will also notify the Title IX Coordinator, who will advise the appropriate vice president (organizationally over the respondent) of the existence of the formal complaint. The vice president will determine which other appropriate individuals at the university should be notified of the formal complaint. ☐ A Title IX Officer will work with the Title IX Coordinator and other appropriate offices within the university to provide appropriate interim measures to assist and protect the reporter and other members of the university community. The reporter will be made aware of available resources, such as victim advocacy services, housing assistance, academic support, counseling, disability services, health and mental health services, the right to report retaliation violations to the Title IX Coordinator for statement collection and determination under this policy, the available options for a protective order, and the right to report any crime to campus or appropriate law enforcement for investigation and prosecution.
6.6.6. Notice to Respondent of Formal Complaint
If the Title IX Officer determines that the policy does not apply, that the formal complaint is untimely or that the information is insufficient to collect statements, notice to the respondent about the existence of the formal complaint is at the discretion of the Title IX Officer. If the formal complaint is the subject of a criminal investigation, the Title IX Officer will be guided by the appropriate law-enforcement officials concerning notification of the respondent. If a formal complaint is filed, but no criminal charge is pursued by the reporter, the Title IX Officer will contact the respondent to give the respondent notice of the allegations, and to allow him/her to respond to the complaint.

6.6.7. Discussion of Formal Complaint Procedures with Respondent
When the Title IX Officer notifies the respondent of the formal complaint, he/she will discuss with the respondent the procedures that will be followed with respect to any ensuing statement collection and potential referral for a hearing and determination. The Title IX Officer will refer the reporter to the Title IX Coordinator to provide appropriate interim measures to assist and protect the respondent. These may include ordering the reporter and the respondent to have no contact with each other (either directly, through electronic means or third parties), or arranging for the respondent to change working assignments or academic and extracurricular activities, living arrangements, transportation and/or dining situations. The respondent will be made aware of available resources, such as advocacy services, housing assistance, academic support, counseling, disability services, health and mental health services.

6.6.8. Complaint Process against a Faculty member
6.6.8.1. Upon receipt of a Title IX Officer’s preliminary finding concerning a violation of this policy by a faculty member or tenured A&P faculty member, the Title IX Coordinator will within 10 days assemble a hearing panel and refer the case to that hearing panel. The hearing panel will normally convene to hear a case within 5 days after the incident has been referred for a hearing. This timeframe will be extended during periods when the university is officially closed, or for good cause shown by a party for an extension.

6.6.8.2. The Title IX Coordinator will select from the hearing and appeals pool three individuals to hear the case. An alternate will be named at the time the hearing panel is composed and will review all evidence made available to the hearing panel and will be called upon to sit on the hearing panel in the event that one of the members is unable to participate in the hearing for family, medical, or other unforeseen circumstances. The reporter and respondent will be notified of the members of the hearing panel and the alternate, and may for good cause request the removal of any member. The decision on removal rests with the Title IX Coordinator. All members of the hearing panel and the alternate are required to be present during all deliberations and testimony. Once deliberation begins, the alternate will be excused if all three hearing panel members are present and available to deliberate.

6.6.8.3 The hearing panel member designated as the chair will run the hearing. The chair will schedule and convene the hearing; explain the procedures to the reporter and respondent and any witnesses; receive, maintain and ensure security of all evidence presented during the hearing; determine whether a witness called by either party is appropriate and will be heard; assure that the procedures are followed; maintain the record of the proceedings; coordinate the drafting of the report of the decision of the hearing panel, and deliver the report to the Title IX Coordinator.

6.6.8.4. In the hearing, neither party is required to be present. If a party is not present, he/she may submit a written statement. If the parties are present and testify, neither the reporter nor the respondent shall be allowed to cross-examine the other party directly, but shall propose questions through the chair of the hearing panel. Either party may opt to participate via remote access to the hearing, through audio or video conferencing options. Such remote access must be requested far enough in advance to allow the hearing panel chair to make arrangements for the appropriate equipment.

6.6.8.5. The hearing will be closed to all but the parties, each party’s adviser, the hearing panel members, and witnesses. Witnesses will only attend the portion of the hearing in which they testify, and will not be present for other witnesses’ testimony. The hearing panel may call the Title IX Officer or any other appropriate member of the university community as a witness, but may not compel participation by any person. 6.6.8.6. Equal opportunity shall be given to the reporter and the respondent to present testimony, witnesses and evidence. Both the reporter and respondent shall have timely access to documents and information considered by the hearing panel.
6.6.8.7. Both parties may have access to advice of legal counsel and may have legal counsel or other advisor present during the hearing. The hearing panel will communicate with the parties directly, not through legal counsel or another advisor. Legal counsel or other advisors may not address the hearing panel directly or on behalf of the parties. The hearing panel may request that a representative from the Office of Legal Services be available to advise the committee if either or both parties are accompanied by legal counsel at the hearing.

6.6.8.8. Each party is responsible for requesting any witnesses to be present to testify on behalf of that party. Failure of a witness to appear as requested by a party is not grounds for postponement of the hearing. Whether or not to allow the testimony of any witnesses is to be determined by the hearing panel chair on a case-by-case basis. Either party intending to call witnesses shall notify the hearing panel chair in writing at least two days in advance of the hearing by giving the name and title of each witness and the subject matter of the testimony of each witness. The hearing panel may call additional witnesses, as it deems appropriate. If a person is not available to testify, the hearing panel may request or allow written testimony or take testimony by telephone, telepresence, or other digital transmission during the hearing.

6.6.8.9. In the hearing, information concerning the reporter’s or respondent’s prior or subsequent sexual history shall not be relevant, unless it is the subject of a prior civil, criminal or administrative determination.

6.6.8.10. All testimony given before the hearing panel will be audio-recorded. At the conclusion of the hearing, these recordings will be placed on file in the office of the Title IX Coordinator. Upon request, copies of the recordings will be made available for review by either party, the hearing panel, and, if relevant, the appeals panel.

6.6.8.11. All persons performing responsibilities under this policy will respect and maintain the strict confidentiality of all relevant documents and deliberations. The privacy of all parties involved will be protected within the context of all state and federal laws, and university policies.

6.6.8.12. The evidentiary standard for hearing is preponderance of evidence. The respondent is presumed to be not responsible unless sufficient evidence is presented to prove a violation of the policy has occurred.

6.6.8.13. The deliberations of the hearing panel will not be recorded, and the hearing panel members shall keep the deliberations confidential. The decision of the hearing panel shall be by majority vote, but the vote of individual members and the number of votes for each side shall not be reported, and no minority or dissenting report will be issued.

6.6.8.14. Only if the hearing panel finds that the respondent has violated the policy will the panel consider potential sanctions against the respondent.

6.6.8.15. Within five days of the conclusion of the hearing, the chair of the hearing panel will communicate its decision and recommendations in writing to the Title IX Coordinator. This report will include a recommendation on appropriate sanctions only if the respondent is found responsible for violation of the policy. Both parties, the Title IX Officer, and the appropriate associate or assistant vice president or dean over the respondent shall receive written notice of the outcome of the process, including whether the respondent was found responsible for violating the policy, any recommended sanction, any appeal procedures, and the date the decision becomes final. The Title IX Coordinator will send a copy of the report to the appropriate vice president.

6.6.8.16. Within ten days of receipt of the panel’s recommendations, the respondent’s associate or assistant vice president or dean will send a written decision in the case to the reporter and respondent, with copies to the Title IX Officer, the Title IX Coordinator, and the hearing panel chair. The respondent’s associate or assistant vice president or dean may adopt the recommendations of the hearing panel, reject them and make a different decision on the case, or modify them as he/she deems appropriate.

6.6.8.17. Either party may appeal the decision of the respondent’s associate or assistant vice president or dean by submitting a written appeal to the vice president over the associate or assistant vice president or dean within five days of the decision. The written appeal shall set forth the grounds for the appeal and a summary of the arguments and documentary evidence the party intends to present at an appeals hearing. If the appeal is by the reporter, the grounds are limited to a violation of due process, newly discovered evidence, and the leniency of the sanctions. If the appeal is by the respondent, the grounds are limited to a violation of due process, newly discovered evidence, and the harshness of the sanctions.

6.6.8.18. In the absence of a timely written appeal, the decision of the respondent’s associate or assistant vice president or dean is final. If either party appeals, the associate or assistant vice president or dean will notify both the Title IX Coordinator and the other party of the appeal, and the other party will have an additional five
days to respond and/or file a counter-appeal. If a counter-appeal is filed, the appealing party will have another five days to respond to the counter-appeal. All appeals will be considered together by the vice president.

6.6.8.19. If an appeal is filed, the vice president will make a decision on the appeal within 5 days of the final submission, based on the written record and a preponderance of the evidence. If either party indicates that new evidence is the basis for the appeal, the vice president may decide to allow the parties to be present for a hearing. Otherwise, the appeal shall be on the record, and no hearing will take place. If a hearing is held, the procedures will be the same as for the original hearing as indicated above.

6.6.8.20. The vice president shall make a final decision within 5 days after any hearing, or if no hearing is granted, within 5 days after the review of the case on the record. The vice president may uphold the decision below, reject it, or modify it. The vice president will send the determination to both parties, the respondent's associate or assistant vice president or dean, and the Title IX Coordinator. The decision of the vice president is final, and may not be appealed.

6.6.8.21. If the respondent is a faculty member, an appeal to the Faculty Appeals Committee may only be filed under the terms of the Faculty Handbook if the sanction imposed is dismissal, nonrenewal or denial of tenure or promotion.

6.6.9. Complaint Process against a Staff Member

6.6.9.1. When a report against a staff member is received by a Title IX Officer or HR consultant, the Title IX Officers for staff shall be notified. The Title IX Coordinator may substitute another Title IX officer in appropriate circumstances.

6.6.9.2. The appropriate HR Consultant will discuss the incident with the Title IX Officer for communicating pertinent details and will inform the appropriate supervisor(s) of the reporter and respondent.

6.6.9.3. The reporter and respondent may be directed to avoid contact by the appropriate supervisor(s) in writing. Decisions and details associated with avoiding contact will be determined by the supervisor(s). There may be other interim measures provided.

6.6.9.4. The Title IX Officer for staff shall review the information provided and shall determine if the policy applies.

6.6.9.5. If the policy applies, the Title IX Officer for staff shall alert the HR director of a report of violation of policy. If the policy does not apply, the respondent and the reporter will be notified and the Title IX file shall be closed. If necessary, the Title IX Officer for staff shall provide a recommendation to the HR consultant regarding the behavior/incident. The Title IX Officer for staff shall document the consultation. The HR consultant must communicate with and collaborate with the respondent's supervisor to address the behavior or incident through performance management or the disciplinary action process (as needed). (The Title IX Coordinator reserves the right to assign any Title IX Officer).

6.6.9.6. Upon receipt of a Title IX Officer’s report concerning an alleged violation of this policy by an employee, the Title IX Coordinator must confirm assignment of a Title IX Officer and shall notify the respondent’s supervisor. When appropriate, the Title IX Officer for staff shall coordinate appropriate interim measures and collect statements related to the matter.

6.6.9.7. Regular status reports on process must be provided to the appropriate supervisors to ensure smooth business operations and the Title IX Coordinator, reporter and respondent shall be kept informed throughout the process. The Title IX Officer may confer with all resource people including the Title IX Office, Legal Services, the HR consultant, the HR director, the respondent’s supervisor, and the appropriate assistant or associate vice president.

6.6.9.8. Once appropriate information is gathered, the Title IX Officer for staff shall provide a report to the respondent’s supervisor(s). In conference with the Title IX Officer and the HR Consultant, the respondent’s supervisor must make a determination of whether there was a violation of the policy.

6.6.9.9. If the employee is found in violation of the policy, potential sanctions will be considered and determined by the respondent's supervisor in consultation with the HR consultant, HR director, and the appropriate associate or assistant vice president. If, after gathering information, it is determined that the employee did not violate the policy, the respondent and the reporter are notified of the finding and the Title IX file shall be closed. If necessary, the Title IX Officer for staff will provide a recommendation to the HR consultant regarding the behavior/incident. The Title IX Officer for staff shall document the consultation. The HR consultant must collaborate with the respondent’s supervisor to address the behavior or incident through performance management or the disciplinary action process (as needed).
6.6.9.10. The respondent will be notified of the finding by the respondent’s supervisor who administers any necessary disciplinary action.

6.6.9.11. If the respondent is a classified staff member with access to the state-grievance procedure, the normal rules concerning grievances as set forth by the Virginia Department of Human Resource Management will apply to any discipline pursuant to this policy.

6.6.10. Complaint Procedures against an Affiliate

The report of the Title IX Officer concerning the alleged responsibility of an affiliate for a violation of this policy will be provided by the Title IX Coordinator to the head of the affiliate’s sponsoring department. The head of the department will determine whether a policy violation occurred. The department head’s decision is final and cannot be appealed.

6.6.11. Complaint Procedures against a Visitor

The report of the Title IX Officer concerning the alleged responsibility of a visitor for a violation of this policy will be given to the Title IX Coordinator. The Title IX Coordinator will refer the report to the appropriate associate or assistant vice president or dean, who will determine whether a policy violation occurred. This decision is final and cannot be appealed.

6.6.12. Disciplinary Actions

6.6.12.1 A classified staff member who is found to have violated this policy may be disciplined or discharged under the terms of Policy 1317 - Standards of Conduct and Performance for Classified Employees. 6.6.12.2 A wage employee who is found to have violated this policy may be disciplined or discharged under the terms of Policy 1325 - Wage Employment. 6.6.12.3 An A&P faculty member who is found to have violated this policy may be disciplined or discharged under the terms of Policy 1335 - Administrative & Professional Faculty - Terms and Conditions of Employment. 6.6.12.4 An affiliate who is found to have violated this policy may have his/her status as affiliate removed under the terms of Policy 1337 - Affiliates. 6.6.12.5 An instructional faculty member who is found to have violated this policy may be disciplined or discharged under the terms of the Faculty Handbook, Section III.A.25. 6.6.12.6 A student who is found to have violated this policy may be disciplined, suspended or expelled under the terms of the Student Code of Conduct. 6.6.12.7 A visitor who is found to have violated this policy may be banned from campus. 6.6.13. Training for Hearing Panel Members

The individuals charged with hearing disciplinary matters under this policy shall be appropriately trained on issues relating to sexual misconduct, and they shall be ineligible to serve on a panel or in other capacities if they have conflicts of interest or bias against either the reporter or the respondent. 6.6.14. Role of Title IX Coordinator and Title IX Officer in Misconduct Hearing

The Title IX Coordinator will serve as a resource for any hearing officer or body who is charged with conducting a hearing or reaching a decision on the issue of the respondent’s misconduct under the terms of this policy. Upon request, the Title IX Coordinator may serve in an advisory capacity in any such hearing or meeting. 6.7 Other Provisions

6.7.1. Exceptions to Provisions A formal complaint procedure should substantially comply with the provisions of this policy. The validity of a procedure shall not be affected by a technical procedural violation. A procedural flaw or variation that does not unduly prejudice the reporter or the respondent shall not be grounds for an appeal, or for overturning a decision. Therefore, the Title IX Officer, the Title IX Coordinator, the appropriate vice president organizationally over the respondent or the appropriate office to whom the case is referred may make exceptions to the provisions (including time deadlines) of this policy, provided that any exception is intended to bring about a just outcome and does not unreasonably adversely affect another participant in the process.

6.7.2. Multiple Parties Should there be more than one reporter filing complaints against a respondent, or more than one respondent against whom a reporter files a complaint, the appropriate hearing panel, where applicable, may combine the matters into a single hearing. The decision to convene a single hearing for multiple complaints is at the discretion of the Title IX Coordinator or OSARP, depending on the procedure to be followed.

6.7.3. Confidentiality, Other Consequences

All participants in all proceedings under this policy will observe confidentiality to the extent reasonably possible. However, in the event of any final determination of a violation of this policy, the appropriate vice president organizationally over the respondent will provide information about the final determination to appropriate university officials and to the reporter and respondent. The university may also use any information obtained in the proceedings to defend itself against any claims, complaints or allegations brought against it.
6.7.4. Education The Title IX Coordinator will provide educational materials to appropriate university officials and community members to enable them to better fulfill their responsibilities under this policy.

6.7.5. Suspension Pending Outcome
Pending the outcome of any statement collection process and pending the completion of the procedures in this policy and in the policies concerning misconduct referenced herein, any member of the university community charged with sexual misconduct may be temporarily suspended from employment, suspended from attendance and enrollment, and/or issued a no-trespass notice banning the person from campus. Additionally, any person charged through a formal complaint or report under this policy will be notified that retaliation is prohibited and may result in a separate charge under the policy. Both the reporter and respondent will be ordered to have no contact with each other pending the outcome of any statement collection process and the completion of the procedures herein.

6.7.6. Attorneys and/or Support Persons in Procedures
The reporter and the respondent have the right to obtain advice of a support person or private counsel concerning this policy and the procedures in it. However, the role of the support person or private counsel is purely advisory in this procedure and attorneys and other support persons are not to be active participants in the process. The Title IX Coordinator, the administrators involved in the decisions and any committees operating under this policy and procedures shall have access to advice from the Legal Services Office for the university.

6.7.7. Criminal Proceedings
The existence of criminal proceedings will not unnecessarily delay or interrupt the procedures outlined in this policy, unless the law enforcement agency or prosecution advises that the university procedures be suspended, in which case the university will determine whether and for how long to suspend its procedures. During an active criminal investigation, the university will agree to suspend its procedures, but may take appropriate interim measures to protect the campus community. The university will comply with all law enforcement agency requests for cooperation, and reporters and respondents will be advised that the university may be required to temporarily suspend its statement collection process while a law enforcement agency gathers criminal evidence. The university will resume statement collection when it is notified by the law enforcement agency that it has completed its evidence gathering process. Evidence and information gathered during the University’s Title IX statement collection process may be shared with law enforcement agencies as requested.

6.7.8. Amnesty
The university will grant amnesty to students who report incidents of sexual misconduct from charges for drug and/or alcohol infractions as they relate to the University’s Student Code of Conduct. Such amnesty does not apply to employees, affiliates or visitors to the university.

6.7.9. Record Keeping
The Title IX Officer will maintain the evidence collected during the statement collection and the hearing process, and will turn the documents over to the Title IX Coordinator at the conclusion of any hearing and/or appeal. All evidence will be made available to the hearing panel, appeals panel, and supervisor as needed and if necessary, and shall be reviewed in a secure location to ensure the confidentiality of both parties and witnesses. Information (including file of statements collected by the Title IX officer) concerning reports and formal complaints under this policy shall be maintained by the Title IX Coordinator, and such information shall be maintained as confidential information not to be disclosed, except as required by law or as needed by law enforcement agencies, by appropriate institutional offices, or to defend the institution’s actions.

6.7.10. Legally Mandated Consequences for Students
If a student is suspended for, expelled for, or withdraws from the university during the process of being formally charged through the Office of Student Accountability and while under investigation for a violation of the Student Code of Conduct involving sexual violence, a notation will be placed on the student’s transcript. The university will notify the student of the transcript notation, and the student may request that the notation be removed when the suspension has expired, or if the student is subsequently found not responsible for the violation in a university procedure.
7. RESPONSIBILITIES
University community members and visitors are responsible for behaving in a nondiscriminatory and non-harassing manner toward other university community members and visitors, and are responsible for abiding by the terms of this policy.
Responsible employees are responsible for reporting information on conduct that would constitute sexual misconduct to a Title IX Officer.
The Title IX Coordinator is responsible for overseeing the Title IX compliance of the university, coordinating with the Title IX Officers on the processing of reports and formal complaints, notifying the appropriate vice president organizationally over the respondent of complaints, making recommendations and disseminating information as provided in this policy. The Title IX Coordinator is also responsible for identifying and addressing any patterns or systemic problems revealed by reports and formal complaints under this policy and for identifying and addressing any problems that arise during the review of formal complaints filed under this policy. The Title IX Coordinator is responsible for determining appropriate actions against a visitor who is found to have violated this policy, which may include a trespass notice issued against the visitor.
The Title IX Officers are responsible for accepting reports and formal complaints by members of the university community, collecting statements, determining the applicability of this policy to specific complaints and coordinating with the Title IX Coordinator on the processing of formal complaints. Title IX Officers will have adequate training on what constitutes sexual misconduct, and will be familiar with this policy and the university’s disciplinary procedures.
The appropriate dean over a faculty member is responsible for receiving the report from a hearing panel, determining whether a respondent has violated the policy, and if so, issuing an appropriate sanction for misconduct under this policy.
The appropriate associate or assistant vice president or dean over a staff member respondent is responsible for receiving the report from a supervisor, determining whether a respondent has violated the policy, and if so, issuing an appropriate sanction for misconduct under this policy. This should be done in consultation with the appropriate Vice President.
The sponsoring department is responsible for determining whether an affiliate’s status should be revoked for violation of this policy.
The vice presidents are responsible for hearing appeals concerning employee respondents, and for making final decisions concerning responsibility and sanctions for employees violating this policy.

8. SANCTIONS
Sanctions will be commensurate with the severity and/or frequency of the offense and may include employee discipline up to and including termination of employment, student sanctions up to and including suspension or expulsion, affiliate sanctions up to and including removal of affiliate status, and visitor sanctions up to and including trespass notices for any individual found responsible for the violation of this policy. Additionally, civil sanctions may be filed by reporters against respondents regarding violations of this policy, and some violations may constitute criminal behavior.

9. EXCLUSIONS
9.1. This policy does not apply to sexual misconduct by individuals not associated in any formal or informal way with the university or to behavior that does not have an impact on the working or learning environment for a member of the university community. It does not apply to individuals who are allegedly subjected to sexual misconduct, but who are not members of the university community, unless the respondent is a member of the university community. It does not apply to alleged sex discrimination or to discrimination or harassment on the basis of other legally protected classifications, which are covered in Policy 1324. It does not apply to genuinely consensual relationships between adult members of the university community.
9.2. Even if an allegation of sexual misconduct is excluded from the scope of this policy, any affected person may discuss the allegation with the Title IX Coordinator.

10. INTERPRETATION
The authority to interpret this policy rests with the President and is generally delegated to the Title IX Coordinator.

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et seq.) and §§ 23-9.2:10 through 23-9.2:18 of the Code of Virginia. Some behavior prohibited by this policy is also criminal activity under Title 18.2 of the Code of Virginia.
University Accountability System Structure/Policy

JMU has both a right and an obligation to set reasonable standards of conduct for students who voluntarily and willingly choose to become members of the university community. In conjunction with its right to determine reasonable standards, the university has established a system of procedures for use when university policies are violated. In turn, the university recognizes the need to ensure that students have the right to fair and equitable procedures in the event they receive an alleged policy violation(s).

Whereas criminal courts most often seek to punish or deter unlawful behavior, it is generally accepted that conduct proceedings at educational institutions are intended to impress upon individuals their responsibilities and are an extension of the educational process. In the most severe cases educational processes may require the removal by suspension or expulsion of those who should not remain in the university community. The federal courts have called discipline a part of the educational process. The authority and purpose of university conduct systems have been recognized and affirmed by the President of the University. This authority, which JMU exercises in notifying of alleged policy violation(s) and sanctioning students for violations of its policies, differs in many ways from the power exercised by civil authorities in prosecuting cases of general law.

In adopting an accountability system that depends largely on the participation of students, faculty and staff, JMU recognizes that errors in procedures and rulings may occur. Therefore, when appeals of decisions are made on a basis of technical, procedural or interpretive errors, they will be acted upon within the bounds of two principles. First, the Accountability Process and Sexual Misconduct Accountability Process adopted by the university is administrative and not judicial in spirit; considerable latitude must be permitted in order to avoid excessive legalisms. Second, only errors that may reasonably have prejudiced, in a significant way, the interests of a Responding and/or Reporting Party are to be grounds for reversal; it is not intended that technicalities should avert a decision that is substantially valid. Additionally, the right of appeal will typically be extended to the Responding Party and not to the Reporting Party. However, in cases alleging sexual misconduct, the Reporting Party is also extended the right to appeal.

The decision to postpone any aspect of the Accountability Process or the Sexual Misconduct Accountability Process for any reason is at the discretion of the Director of OSARP or designee. Anticipated timelines, deadlines, restrictions, or procedures listed within the Accountability Process or Sexual Misconduct Accountability Process will not be altered except in necessary or extreme circumstances in order to uphold the intent of the process, as determined by the Director of OSARP or designee. Any requests for alterations must be communicated to the Director of OSARP or designee as soon as practicable.

Scheduled meetings with OSARP Staff, Administrative Case Reviews, Accountability Board Reviews, Sexual Misconduct Case Reviews, Appeal Reviews, Sexual Misconduct Appeal Reviews, or Interim Appeals will be postponed, delayed, or rescheduled when they conflict with days in which the university is closed, including but not limited to university holidays, weekends, or closings due to inclement weather. Timelines stated for the submission of documents to be submitted electronically will not be altered for university closures due to inclement weather, university breaks, university holidays, and weekends. When relevant, students will be informed of the date of any deadlines for submission in their cases by a staff member in OSARP. Further, when stated throughout the JMU Student Handbook, references to the term “day” indicates a calendar day unless otherwise stated.

In most circumstances, the university will not proceed with the Accountability Process or Sexual Misconduct Accountability Process when the Responding Party is not actively enrolled in classes. The decision to proceed or not proceed with either process when the Responding Party is not enrolled in classes is at the discretion of the Director of OSARP or designee and will be based on the severity of the case and the availability and/or preference of relevant persons to the case, including but not limited to the Responding Party, the Reporting Party, Administrative Witnesses, and OSARP staff members. If the Responding Party is enrolled in classes and relevant persons to the case are available, OSARP will generally proceed with the Accountability Process or Sexual Misconduct Accountability Process.

The Accountability Process and Sexual Misconduct Accountability Process will follow the procedures and policies as outlined in the JMU Student Handbook for the academic year in which the case is being adjudicated.

Jurisdiction

Adjudicative jurisdiction for all cases shall be assigned by OSARP. Jurisdiction includes any alleged violations occurring on campus, on university leased or controlled properties, on Study Abroad programs, on service programs, at any university sponsored or endorsed program or event, or reported by JMU Police Officers. Jurisdiction also includes any alcohol, drug, or felony violations that occur off campus in Harrisonburg or Rockingham County. Further, jurisdiction includes student behavior that is against the mission of the institution regardless of the location in which it occurred.

OSARP may initiate an adjudication process prior to the outcome of a court or other adjudicative decision. If the Accountability Process or Sexual Misconduct Accountability Process for an alleged violation(s) in OSARP stems from a current criminal case, civil case, honor council case, or case being adjudicated by another conduct process on JMU’s campus, the case may be heard concurrently by OSARP. If the case was heard concurrently and the Accountability Process or Sexual Misconduct Accountability Process concludes prior to the resolution of
the criminal process, civil case, honor council process, or other adjudicative process on campus, the case in OSARP will not be revisited at the conclusion of the other adjudicative process.

The university may proceed with notice of alleged policy violation(s), the Accountability Process, or the Sexual Misconduct Accountability Process regardless of enrollment status if the Responding Party meets the definition of student as listed in the JMU Student Handbook, or have alleged violation(s) and/or sanctions remain pending until a Responding Party’s request to re-enroll, which will trigger the case to be heard at that time. In addition, OSARP reserves the right to retain information regarding alleged behavior that occurred while a person met the definition of a student, send notice of the alleged policy violation(s) to the student, and adjudicate the case should the person return to the university as a student. In the case of former students who return to the university and again meet the definition of a student, OSARP reserves the right to use previous OSARP cases retained under OSARP’s defined records retention policies as disciplinary history for any new alleged violation(s) that occur during the student’s current period as a student.

OSARP may address behavior that occurs at any point while a person is considered a student, as defined in the Handbook. Accordingly, this may result in the student’s diploma and/or official transcripts being withheld pending the conclusion of the Accountability Process or the Sexual Misconduct Accountability Process and/or the completion of any outstanding sanctions as determined by the Director of OSARP or designee. 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, which may mean a loss of academic credits for that semester.

For any student who receives an immediate suspension or expulsion, regardless of academic year, the immediate suspension or expulsion will be deemed effective for the most recent semester the student attended, which may mean a loss of academic credits for that semester. Further, an immediate suspension or expulsion will begin on the date of the initial Case Review even if the final decision in the case goes through appeal and review by the Dean of Students or designee.

Records and Transcript Notations

As a part of the Accountability Process, Sexual Misconduct Accountability Process, and Interim Suspension Process OSARP creates case files to be used by OSARP staff members, University Case Administrators, and/or members of the Accountability Board, including Sexual Misconduct Case Review and Appeal Boards, in the adjudication of the case. These case files may include, but not be limited to, student directory information, information regarding the alleged violation(s), incident documentation or other statements and/or evidence and information gathered during follow-up conversations, correspondence between OSARP and the student, notes and/or audio or video recordings submitted to the case, audio and/or video recording made during Accountability Board Case Reviews, Appeal Reviews, Sexual Misconduct Case Reviews, or Sexual Misconduct Appeal Reviews and record of the decisions and/or recommendations made in the case including any sanctions imposed.

If a student withdraws after being properly notified of alleged violation(s) but prior to a decision being made in the case, OSARP will retain the case file and include a notation that the student has a pending case to be heard if the student chooses to return to JMU.

If someone met the definition of a student, as defined in the handbook, and received notification of an alleged violation(s) while a student and leaves the university (e.g. withdrawal) but prior to a decision being made in the case, OSARP reserves the right to retain the information regarding the alleged behavior as a pending case in accordance with its records retention policy listed later in this section.

After August 2012 and aside from the exceptions noted in this section, after being found responsible for any violation in OSARP students are considered to have a university disciplinary record and their case file(s) is retained in accordance with the procedures outlined in this section. Students who were found not responsible for a violation, had a policy violation(s) Held in Abeyance, had alleged policy violation(s) Dropped, and/or had an alleged policy violation(s) Dropped-Amnesty are not considered to have a university disciplinary record for these circumstances; however, OSARP does retain the case file in accordance with the procedures outlined in this section. In some circumstances, students may need to disclose the status of their university disciplinary record or violation(s) (e.g. on applications to other universities, job applications, background checks, or some positions and programs at JMU); students who are unsure of what their response should be or who need verification of their violation(s) should contact OSARP. Students must provide permission for OSARP to release retained records; OSARP will provide the information requested by the entity upon receiving permission from the student so it is important that the student review both the questions asked by the entity and any release statements they agree to when they provide permission for a release of their records. If the release statement provides permission to release a conduct record, pending cases will be included in the information provided to the entity. OSARP may disclose information contained in a university disciplinary record to eligible persons as outlined in the exceptions listed in the Family Educational Rights and Privacy Act (FERPA). In addition, a university disciplinary record and corresponding case files may be subject to disclosure through court orders or subpoenas.

Aside from the exceptions noted, OSARP generally destroys case files, including records of violation(s) and/or findings in a case (i.e. the “university disciplinary record”), after eight academic years from when the adjudication of the case occurs (e.g. all information regarding cases occurring during the 2011-2012 Academic Year will be destroyed at the conclusion of the 2019-20 Academic Year). June 30 marks the conclusion of an academic year in OSARP. Upon destruction, OSARP will not be able to confirm, deny, or reference any university
disciplinary record or case files that have been destroyed. However, the case files for cases that resulted in suspensions, expulsions, and in those that

involve allegations of sexual misconduct are retained indefinitely along with any case files pertaining to the student’s disciplinary history prior to the suspension, expulsion, or finding of responsible in a sexual misconduct case and can be accessed if a university disciplinary record is requested and/or approved by the student. Case files for cases that are pending are retained indefinitely along with any case files pertaining to the student’s disciplinary history prior to the pending case. Further, if a student has a case that is indefinitely retained, the case files for any other case that student has in OSARP will also be retained indefinitely, regardless of the outcome of those cases or the academic year in which they were heard and can be accessed if a university disciplinary record is requested and/or approved by the student. If a student with a pending case returns to JMU, OSARP will hear the case prior to, or upon, the student’s return and retain the case files for the student’s cases for eight academic years from when the adjudication of the case occurs or according to OSARPs’ guidelines for indefinite retention as applicable. A student may also choose to request that a pending case be adjudicated without the student returning to JMU; in this circumstance, OSARP will hear the case and retain the case files for the student’s cases for eight academic years from when the adjudication of the case occurs or according to OSARPs’ guidelines for indefinite retention as applicable.

Case files in OSARP are considered educational records under the Family Educational Rights and Privacy Act (FERPA) and are handled in accordance with any restrictions or rights students are granted regarding their disclosure or review. For the purposes of access to the educational record, the current or former student themselves must schedule a date and time with OSARP to view the documentation within the office during normal office hours. OSARP does not provide a process for a student to request the expungement of their university disciplinary record.

Except for certain circumstances in cases alleging sexual misconduct, OSARP does not make notations on a student’s transcript of suspensions, expulsions, decisions, sanctions, or cases. Transcripts will reflect withdrawal from the university in accordance with the dates, deadlines, and procedures set by the Office of the Registrar for cases resulting in suspension or expulsion.

In accordance with Virginia state law, in cases where a Responding Party is found responsible for and suspended or expelled for sexual violence, defined as physical sexual acts perpetrated against a person’s will or against a person incapable of giving consent, a notation will be placed on the Responding Party’s transcript for the duration of the suspension or expulsion. If a Responding Party withdraws while under investigation for an allegation of sexual violence, a notation will be placed on the Responding Party’s transcript until a final decision in the case is rendered. Such notations will read, as applicable:

• Expelled for violation of Student Standards of Conduct
• Suspended for violation of Student Standards of Conduct
• Withdrew while under investigation for violation of Student Standards of Conduct

Students receiving a transcript notation for a suspension will have it automatically removed by the Office of the Registrar once the suspension period has ended; notations in cases of expulsion are permanent.

Sexual Misconduct Accountability Process: Participants’ Roles, Rights, and Restrictions

Responding Party

A Responding Party is a student who receives notification of an alleged policy violation(s), including at least one alleged violation of J34-100 Sexual Misconduct, and is afforded rights and a Sexual Misconduct Accountability Process by OSARP to respond to all of the alleged policy violation(s). Responding Parties participate in the Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, as outlined in the Handbook. The availability of a Responding Party is considered when OSARP schedules a Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, as outlined in the Handbook. OSARP confers the rights outlined in the Responding & Reporting Party - Responsibilities and Right – Sexual Misconduct to those who meet this definition.

Reporting Party

A Reporting Party is a person who reports that they experienced alleged behavior committed by a JMU student that is covered by JMU policy J34-100 Sexual Misconduct. A Sexual Misconduct Reporting Party presents information regarding alleged policy violation(s) to Title IX in a Formal Complaint, and it is their interaction with a Responding Party that led to an alleged policy violation(s) being placed by OSARP. Reporting Parties participate in the Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, as outlined in the Handbook. The availability of a Reporting Party is considered when OSARP schedules a Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, as outlined in the Handbook. OSARP confers the rights outlined in the Responding & Reporting Party - Responsibilities and Rights - Sexual Misconduct to those who meet this definition.

Responding & Reporting Party - Responsibilities and Rights - Sexual Misconduct

Procedural Responsibilities of the Office of Student Accountability and Restorative Practices

1. OSARP will provide a fair and impartial process that presumes the Responding Party not responsible for violating policy.
2. OSARP will ensure the use of a preponderance of the evidence standard to determine if a Responding Party is responsible for violating policy.

3. OSARP will notify the Reporting Party of the outcomes of the case related to the alleged violation(s) of J34-100 Sexual Misconduct or J43-100 Physical Force or Attempted Physical Force.

Rights Granted in the Sexual Misconduct Accountability Process

Responding Parties and Reporting Parties in the Sexual Misconduct Accountability Process have the following rights:

1. The right to receive notification of the relevant policy or policies allegedly violated; the right to know the alleged behavior leading to the allegation(s).

2. The right to be notified of the date, time, and location of the Sexual Misconduct Case Review and, if applicable, Sexual Misconduct Appeal Review at least three days prior to the Sexual Misconduct Case Review or Sexual Misconduct Appeal Review.

3. The right for a Support Person of their choice to accompany them at any meetings in OSARP, provided that Support Person’s schedule allows them to attend. A Support Person attending a Sexual Misconduct Case Review or Appeal Review may not communicate for or speak on behalf of a party, but may provide support or advice on how to present their case.

4. The right to request reasonable safety measures be put in place during the Sexual Misconduct Case Review or Sexual Misconduct Appeal Review, including but not limited to partitions, teleconferencing, or police presence.

5. The right to access all documentation to be used in the adjudication of the case; the right to know and respond to all information, evidence, or witness statements being used in the adjudication of the case.

6. The right to submit character statements to OSARP to be considered by Board Members only when determining sanctions in accordance with the deadlines, guidelines, and restrictions listed in these processes.

7. The right to participate in the entire Sexual Misconduct Case Review, as outlined in the Sexual Misconduct Accountability Process.

8. In Appeal Reviews granted on the grounds of new evidence, the right to attend, present the new evidence or respond to the new evidence.

9. The right to relate their account of the alleged incident and the right to share information during the Sexual Misconduct Case Review to be used in the adjudication of the case; the right to not answer questions or provide information to be used in the adjudication of the case.

10. The right to have witnesses who provided information in the Sexual Misconduct Formal Complaint and Investigation Process participate at the Sexual Misconduct Case Review, provided the witness is willing and able to attend.

11. The right to question all witnesses who make statements regarding the allegation at the Sexual Misconduct Case Review or Sexual Misconduct Appeal Review; parties will be permitted to ask questions of the other party and witnesses called by the other party in the case through the Board Chair.

12. The right to have their current or past intimate relationships and/or sexual history with other people excluded as a part of the case unless it relates directly to the adjudication of the case or, unless a party brings up their own current or past intimate relationships and/or sexual history.

13. The right to read a closing statement at the Sexual Misconduct Case Review or have one read for the record by the Board Chair.

14. The right for the Responding Party’s previous history in OSARP and/or sanctions imposed not be disclosed during the Sexual Misconduct Case Review or deliberation unless the Board finds the Responding Party is responsible for violating policy in order to determine their recommended sanctions. The Responding Party may elect to share previous violations or sanctions with the Board Members as a part of their own statements.

15. The right to be notified in writing of the recommendations rendered as a result of the Sexual Misconduct Case Review including whether or not the Responding Party was found responsible for the relevant violation(s), the Board’s rationale and, if applicable, the relevant recommended sanction(s).

16. The right to submit a written appeal of the recommendations rendered as a result of the Sexual Misconduct Case Review within four days of OSARP sending notification of the Board’s recommendation on any of the following grounds:

   • An allegation that OSARP violated procedural standards by failing to adhere to its responsibilities and/or follow the stated process for the adjudication of the allegations.

   • New evidence that was not available or accessible during the Sexual Misconduct Formal Complaint and Investigation Process or only relevant to refute information shared for the first time at the Sexual Misconduct Case Review.
17. The right to have access to a recording of the Sexual Misconduct Case Review solely for the purposes of preparing an appeal or response to an appeal upon request.

18. When a Sexual Misconduct Appeal Review is granted, the right to receive the recommendation or order for a new Sexual Misconduct Case or Appeal Review rendered by the Appeal Board in writing. If the Appeal Board renders a recommended finding and recommended sanctions, this notification will include whether or not the Appeal Board found the Responding Party responsible for the relevant violation(s), the Board's rationale and, if applicable, the relevant recommended sanction(s).

19. The right to be notified in writing of the relevant final decision in the case within ten business days of when the Dean of Students or designee completes their final review of the case, including whether or not the Responding Party is found responsible for the relevant violation(s), the Dean of Students or designee's rationale and, if applicable, the relevant sanction(s).

Administrative Witness

An Administrative Witness is a university faculty member, staff member, student, or other employee or volunteer that provides a report, statement, evidence, or other information used in the placement or adjudication of an alleged policy violation(s) in OSARP. Administrative Witnesses are not called as a witness by a Responding Party or Reporting Party but are determined by OSARP as having relevant information necessary for the adjudication of the case. Administrative Witnesses include, but are not limited to, Residence Life Staff, Professors reporting violations, University Staff, Police Officers, and Title IX Coordinator or designees. Administrative Witnesses do not present against a Responding Party, but it is often their interaction with a Responding Party and/or Reporting Party that led to an alleged policy violation(s) being placed by OSARP. The availability of an Administrative Witness is considered when OSARP schedules a Sexual Misconduct Case Review. Administrative Witnesses do not have the right to be accompanied by a Support Person at a Sexual Misconduct Case Review.

Reporting Party Witness

A Reporting Party Witness is a person who provides a report, statement, evidence, or other information to Title IX during their Sexual Misconduct Formal Complaint and Investigation Process and who is called by a Reporting Party to participate in the OSARP Sexual Misconduct Accountability Process. A Reporting Party Witness may provide their information to the Board Members in accordance with any restrictions as listed in the Student Handbook. A Reporting Party Witness can provide information relevant to the case, including what they know about the alleged incident or what the Reporting Party has shared with them about the alleged incident. A Reporting Party Witness may not provide their perspective on the character of either the Reporting Party or the Responding Party or what they feel the appropriate decision or sanction in the case should be at any time during the process. The availability of a Reporting Party Witness is not considered when OSARP schedules a Sexual Misconduct Case Review and/or a Sexual Misconduct Appeal Review, if applicable. OSARP confers the rights outlined in the Reporting Party Witness Rights to those serving in this role.

Reporting Party Witness Rights

A witness called by a Reporting Party to participate in the OSARP Sexual Misconduct Accountability Process has the following rights:

1. The right to be notified of the date, time, and place of the Sexual Misconduct Case Review at least three days prior to the case review via email.

2. When a Reporting Party Witness is called to present at a Sexual Misconduct Appeal Review, the right to be notified of the date, time, and place of the Sexual Misconduct Appeal Review at least three days prior to the Sexual Misconduct Appeal Review via email.

3. The right for a Support Person to attend the Sexual Misconduct Case Review or Appeal Review in accordance with the restrictions outlined in the Sexual Misconduct Accountability Process. A Support Person for a Reporting Party Witness may not also serve as a witness in the case.

Responding Party Witness

A Responding Party Witness is a person who provides a report, statement, evidence, or other information to Title IX during their Sexual Misconduct Formal Complaint and Investigation Process and who is called by a Reporting Party to participate in the OSARP Sexual Misconduct Accountability Process. A Responding Party Witness may provide their information to the Board Members in accordance with any restrictions as listed in the Student Handbook. A Responding Party Witness can provide information relevant to the case, including what they know about the alleged incident or what the Responding Party has shared with them about the alleged incident. A Responding Party Witness may not provide their perspective on the character of either the Reporting Party or the Responding Party or what they feel the appropriate decision or sanction in the case should be at any time during the process. The availability of a Responding Party Witness is not considered when OSARP schedules a Sexual Misconduct Case Review and/or a Sexual Misconduct Appeal Review, if applicable. OSARP confers the rights outlined in the Responding Party Witness Rights to those serving in this role.

Responding Party Witness Rights

A witness called by a Responding Party to participate in the OSARP Sexual Misconduct Accountability Process has the following rights:
1. The right to be notified of the date, time, and place of the Sexual Misconduct Case Review at least three days prior to the case via email.

2. When a Responding Party Witness is called to present at a Sexual Misconduct Appeal Review, the right to be notified of the date, time, and place of the Sexual Misconduct Appeal Review at least three days prior to the Sexual Misconduct Appeal Review via email.

3. The right for a Support Person to attend the Sexual Misconduct Case Review or Appeal Review in accordance with the restrictions outlined in the Sexual Misconduct Accountability Process. A Support Person for a Responding Party Witness may not also serve as a witness in the case.

Support Person

Reporting Parties, Responding Parties, Reporting Party Witnesses, and Responding Party Witnesses participating at a Sexual Misconduct Case Review and/or Sexual Misconduct Appeal Review may be accompanied by a Support Person. In the Sexual Misconduct Accountability Process:

1. Participants may bring a Support Person of their choosing to any meeting, the Sexual Misconduct Case Review, and Sexual Misconduct Appeal Review, if applicable. Attorneys may serve as a Support Person, provided they follow the guidelines outlined in the Sexual Misconduct Accountability Process. The University does not provide those participating in the Sexual Misconduct Accountability Process with a Support Person. It is the participant’s responsibility to determine a Support Person and coordinate their participation.

2. OSARP does not consider the availability of a Support Person when scheduling meetings, the Sexual Misconduct Case Review, or the Sexual Misconduct Appeal Review, if applicable, nor can OSARP compel a Support Person to attend. It is the participant’s responsibility to coordinate a Support Person’s attendance.

3. A Support Person may not also serve as a witness at the Sexual Misconduct Case Review or, if applicable, Sexual Misconduct Appeal Review for the case.

4. Prior to a Sexual Misconduct Case Review or Sexual Misconduct Appeal Review, a Support Person may help the participant prepare for the case, which may include accompanying the Responding Party or Reporting Party while reviewing the case file in OSARP and communicating with OSARP and/or the University about the case and/or procedures with the permission of the Responding Party or Reporting Party.

5. During a Sexual Misconduct Case Review or Sexual Misconduct Appeal Review, a Support Person accompanying a participant may not communicate for or speak on behalf of the participant. Responding Parties, Reporting Parties, and witnesses must present their statements or information themselves.

6. During a Sexual Misconduct Case Review or Sexual Misconduct Appeal Review, a Support Person may consult with the participant on how to present their statements or information by whispering, providing notes, or taking notes as long as it does not disrupt the adjudication of the case.

7. During a Sexual Misconduct Case Review or Sexual Misconduct Appeal Review, a Support Person may provide emotional support by taking breaks with or requesting breaks on behalf of the participant they are accompanying.

Receipt of Title IX Report, Alleged Policy Violation(s) Notification, and Preparation for the Sexual Misconduct Case Review

James Madison University takes the issue of sexual misconduct seriously; sexual misconduct includes a broad spectrum of behavior. JMU reserves the right to impose any level of sanction, ranging from probation and educational sanctions up to and including suspension or expulsion, for any act of Sexual Misconduct. However, JMU considers acts of sexual violence to be the most serious and therefore typically imposes the most severe sanctions when a Responding Party is found responsible for such offenses, including suspension or expulsion.

In cases where a Responding Party is found responsible and suspended or expelled for sexual violence, defined as physical sexual acts perpetrated against a person’s will or against a person incapable of giving consent, a notation will be placed on the Responding Party’s transcript for the duration of the suspension or expulsion. If a Responding Party withdraws while under investigation for an allegation of sexual violence, a notation will be placed on the Responding Party’s transcript until a final decision in the case is rendered. Such notations will read, as applicable:

• Expelled for violation of Student Standards of Conduct
• Suspended for violation of Student Standards of Conduct
• Withdrew while under investigation for violation of Student Standards of Conduct

Students receiving a transcript notation for a suspension will have it automatically removed by the Office of the Registrar once the suspension period has ended; notations in cases of expulsion are permanent.

In order for OSARP to adjudicate a case involving student behavior that allegedly violates J34-100 Sexual Misconduct, the Title IX Office must complete the Sexual Misconduct Formal Complaint and Investigation Process and provide the Final Investigation Report to OSARP.
The Sexual Misconduct Formal Complaint and Investigation Process conducted by Title IX is the only opportunity for the Reporting Party and Responding Party to submit evidence, information, personal statements, names of witnesses, and witness statements. During the preparation for the Sexual Misconduct Case Review in OSARP, character statements may be submitted through the party’s Advisor to be considered by Board Members only when determining sanctions in accordance with the deadlines, guidelines, and restrictions outlined in and restricted by the Sexual Misconduct Accountability Process.

The Final Investigation Report will indicate the alleged policy violation(s) to be adjudicated in the case. The Sexual Misconduct Accountability Process is initiated to adjudicate all alleged policy violations resulting from the Final Investigation Report when the Responding Party is a student as defined in the Student Handbook. The university may proceed with the Sexual Misconduct Accountability Process if the Responding Party meets the definition of student as listed in the Student Handbook regardless of enrollment status, or the allegations may remain pending until a Responding Party’s request to re-enroll. OSARP reserves the right to retain information regarding alleged behavior that occurred while a person met the definition of a student and adjudicate the case should the person return to the university as a student. The decision to proceed or not proceed with the Sexual Misconduct Accountability Process when the Responding Party is not enrolled in classes at JMU is at the discretion of OSARP or designee and will be based on the severity of the allegations and the availability and/or preference of relevant persons to the case, including but not limited to the Responding Party, the Reporting Party, Administrative Witnesses, and OSARP staff members. During the last three weeks of the semester, the decision to proceed or postpone the Sexual Misconduct Accountability Process will be determined by OSARP. 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 as determined by the Director of OSARP or designee. If a Reporting Party receives a sanction of an immediate suspension or expulsion, the immediate suspension or expulsion will be deemed effective for the most recent semester the Responding Party attended regardless of the Responding Party’s academic year, which may mean a loss of academic credits for that semester. The campus ban associated with a recommendation of immediate suspension does not go into effect until the decision in the case is finalized by the Dean of Students or designee, unless the Responding Party is under a Sexual Misconduct Interim Suspension Status that provides for this ban until the final decision in the case.

Upon receipt, OSARP will inform the Reporting Party of their ability to authorize OSARP to initiate the Sexual Misconduct Accountability Process. OSARP generally does not proceed with the Sexual Misconduct Accountability Process without this authorization from the Reporting Party. However, in circumstances that threaten the safety of the campus and/or community, OSARP may initiate the Sexual Misconduct Accountability Process without the authorization of the Reporting Party. In cases where OSARP initiates the Sexual Misconduct Accountability Process without the authorization of the Reporting Party, or when multiple Reporting Parties file a Formal Complaint against a single Responding Party, a Title IX Coordinator or designee may serve as a proxy for a Reporting Party and OSARP may alter the Sexual Misconduct Accountability Process and adjudication procedures as necessary to allow for a fair adjudication of the case.

Further, if the Final Investigation Report indicates alleged policy violations other than J34-100 Sexual Misconduct, OSARP reserves the right to initiate the Accountability Process to adjudicate these violations when a Reporting Party chooses not to authorize OSARP to initiate the Sexual Misconduct Accountability Process.

If a Responding Party receives notice of other alleged policy violation(s) in addition to J34-100 Sexual Misconduct as a result of the Final Investigation Report and information provided during the Sexual Misconduct Formal Complaint and Investigation Process, all alleged policy violations will be adjudicated through the Sexual Misconduct Accountability Process. This Sexual Misconduct Accountability Process is separate and distinct from the Accountability Process.

If there is evidence included in the Final Investigation Report that JMU policy J38-101 Alcohol or J38-102 Drugs may have been violated by the Reporting Party, a Reporting Party Witness, or a Responding Party Witness, OSARP will not initiate the Accountability Process and pursue alleged violations of these policies against these parties. The rights of a Reporting Party and Reporting Party participating in the Sexual Misconduct Accountability Process are delineated in the “Responsibilities and Rights – Sexual Misconduct.”

OSARP may initiate the Sexual Misconduct Accountability Process in accordance with the procedures listed in the Student Handbook. Anticipated timelines, deadlines, restrictions, or procedures listed within the Sexual Misconduct Accountability Process will not be altered except in necessary or extreme circumstances in order to uphold the intent of the process, as determined by the Director of OSARP or designee. If an extension is granted at the request of a party and that impacts the other party, OSARP will communicate the reason for the extension to both parties. OSARP reserves the right, for cause, to postpone the Sexual Misconduct Accountability Process and return the Final Investigation Report to the Title IX Office for further investigation under the Sexual Misconduct Formal Complaint and Investigation Process.

The version of the Final Investigation Report to be used in the adjudication of the case will be finalized. OSARP reserves the right to redact information from the Final Investigation Report to be used in the Case File in the adjudication of the case.
• OSARP will redact information from the Final Investigation Report that violates the rights of either party or bears no relevancy to the allegations.

• OSARP will implement the necessary redactions to the Final Investigation Report related to character as outlined:

If a Responding Party or Reporting Party makes statements regarding their own character in the Final Investigation Report, the information will not be redacted and will be included in the version of the Final Investigation Report to be used in the adjudication of the case.

If a party other than the Responding Party provides information regarding the character of the Responding Party in the Final Investigation Report, the information will be redacted from the Final Investigation Report to be used in the adjudication of the case. This redacted information will not be provided to Board Members to consider in the Sexual Misconduct Accountability Process.

If a party other than the Reporting Party provides information regarding the character of the Reporting Party in the Final Investigation Report, the information will be redacted from the Final Investigation Report to be used in the adjudication of the case. This redacted information will not be provided to Board Members to consider in the Sexual Misconduct Accountability Process.

• Either party can submit a challenge to redactions in writing to the Director of OSARP or designee within three days of their initial opportunity to review the version of the Final Investigation Report to be used in the adjudication of the case. OSARP will evaluate all challenges to redactions; both parties will be informed of any changes to the redactions in the Case File resulting from a challenge submitted by either party.

The Responding Party will be notified of the beginning of the Sexual Misconduct Accountability Process to adjudicate the alleged policy violations.

In accordance with JMU Policy 1209, proper notification shall consist of an email to the student’s official JMU e-mail address. The notice will be considered received the day after the notice is sent via email.

Advisors will be assigned, and an advising meeting will be set for both parties.

• Both Reporting Parties and Responding Parties will be assigned separate Advisors by OSARP to guide them through the Sexual Misconduct Accountability Process, to serve as a point of contact in OSARP, and to help them understand the rights afforded to them. An Advisor does not help either party prepare how to present their case; Advisors are employed and/or designated by OSARP.

• OSARP will set the time of the advising meeting around the academic schedule(s) of the Responding Party and Reporting Party if they are enrolled in classes at JMU. If the Responding Party and/or Reporting Party are not enrolled in classes at JMU, their availability will be considered, and reasonable efforts will be made to ensure the advising appointment is at a time they can participate. At the advising meeting, the Reporting Party and Responding Party will meet individually with their Advisor to ensure that they understand the Sexual Misconduct Accountability Process and the rights afforded to them. Responding Parties and Reporting Parties may have a Support Person of their choice accompany them to this advising meeting if the Support Person’s schedule permits their attendance.

Witnesses relevant to the allegations will be determined by OSARP and/or submitted by either party.

OSARP will determine the Administrative Witnesses to be called in the case; both the Responding Party and Reporting Party will be informed of the Administrative Witnesses being called in the case. Administrative Witnesses may not also serve as a Support Person at the Sexual Misconduct Case Review or a Sexual Misconduct Appeal Review, if applicable.

Both parties will have the ability to submit witnesses they intend to have speak at the Sexual Misconduct Case Review.

• The Responding Party or Reporting Party may submit to their Advisor any person they intend to have speak as a witness at the Sexual Misconduct Case Review via formal submission up to seven days prior to the Sexual Misconduct Case Review. Persons are not considered a witness for either party until they are formally submitted to OSARP as a witness; only persons who directly provided information during the Sexual Misconduct Formal Complaint and Investigation Process conducted by Title IX are eligible to serve as witnesses in the Sexual Misconduct Accountability Process.

• Upon formal submission of a witness by the Responding Party, the Responding Party will be informed of the witness. Upon formal submission of a witness by the Reporting Party, the Reporting Party will be informed of the witness. Witnesses who speak at the Sexual Misconduct Case Review may provide a verbal statement about the alleged incident or behavior. Witnesses who speak at the Sexual Misconduct Case Review may not provide their perspective on the character of either party, what they feel the appropriate decision or sanction in the case should be, or information that violates the rights of either party. Witnesses may not also serve as a Support Person at the Sexual Misconduct Case Review or a Sexual Misconduct Appeal Review, if applicable.

OSARP reserves the right to initiate the Accountability Process if it receives information regarding alleged behavior by the Responding Party, Reporting Party or other members of the university community directed at an Administrative Witness, a Reporting Party Witness, or a Responding Party Witness that may violate J18-100 Interference with or Retaliation for Exercising or Participating in the Title IX process and/or the Accountability, Honor Council, or other University Conduct Process or other policies listed in the Student Handbook.
The Responding Party and Reporting Party may submit information regarding their own character for inclusion in the Case File.

• The Responding Party or Reporting Party may submit statements regarding their own character up to ten days prior to the Sexual Misconduct Case Review.

• Upon submission of a statement related to character, OSARP will redact any information not related to the character of the party submitting the item for inclusion in the Case File. The party that submitted the statement related to character that was redacted can submit a challenge to redactions in writing to the Director of OSARP or designee within two days of their initial opportunity to review the redacted statement.

• Upon submission of a statement related to character by the Responding Party, the Reporting Party will be informed of the statement and permitted to submit a response to it. The Reporting Party may submit a response up to three days prior to the Sexual Misconduct Case Review. Upon submission of a response, OSARP will redact any information that does not directly respond to the items related to character submitted by the Responding Party. The party that submitted the response to the statement related to character that was redacted can submit a challenge to redactions in writing to the Director of OSARP or designee within two days of their initial opportunity to review the item submitted.

• Upon submission of a statement related to character by the Reporting Party, the Responding Party will be informed of the item and permitted to submit a response to it. The Responding Party may submit a response up to three days prior to the Sexual Misconduct Case Review. Upon submission of a response, OSARP will redact any information that does not directly respond to the item related to character submitted by the Reporting Party. The party that submitted the response to the statement related to character that was redacted can submit a challenge to redactions in writing to the Director of OSARP or designee within two days of their initial opportunity to review the item submitted.

• Any statements related to character and any responses to statements related to character will be withheld from the Board Members assigned to the Sexual Misconduct Case Review. Board Members will only review these statements and responses during deliberation if they recommend finding the Responding Party responsible for violating policy in order to determine their recommended sanctions, as applicable.

Statements submitted by the Responding Party related to their character will be reviewed by the Board Members during deliberation if they recommend finding the Responding Party responsible for violating any policy.

Responses submitted by the Responding Party to statements related to the character of the Reporting Party will be reviewed by the Board Members during deliberation if they recommend finding the Responding Party responsible for violating policy J34-100 Sexual Misconduct.

Statements submitted by the Reporting Party related to their character will be reviewed by the Board Members during deliberation if they recommend finding the Responding Party responsible for violating policy J34-100 Sexual Misconduct.

Responses submitted by the Reporting Party to statements related to the Responding Party will be reviewed by the Board Members during deliberation if they recommend finding the Responding Party responsible for violating policy J34-100 Sexual Misconduct.

Both parties will have access to the Case File.

• The Case File consists of the version of the Final Investigation Report to be used in the adjudication of the case, including any redactions done in accordance with this process, the statements submitted by either party related to character, and the responses submitted by either party to statements related to character.

• The Responding Party and the Reporting Party will be provided a version of the Case File that has the names and identifying information of all persons aside from their own redacted for review outside of OSARP.

• The Responding Party and the Reporting Party may schedule an appointment(s) to review the complete version of the Case File without the names and identifying information redacted in OSARP during business hours.

OSARP will schedule the Sexual Misconduct Case Review.

• Typically, OSARP schedules the Sexual Misconduct Case Review to occur within twenty business days of the Responding Party’s advising appointment in OSARP. However, the circumstances surrounding the case may make it necessary for the university to shorten or extend that timeline.

• OSARP schedules the Sexual Misconduct Case Review around the availability of Board Members, OSARP Staff, and the Administrative Witnesses. If the Sexual Misconduct Case Review is to occur when the Responding Party and/or
Reporting Party are enrolled in classes at JMU, the Sexual Misconduct Case Review will be scheduled around their academic schedule(s) to ensure they are able to participate. If the Sexual Misconduct Case Review is to occur when the Responding Party and/or Reporting Party are not enrolled in classes at JMU, their availability will be considered, and reasonable efforts will be made to ensure they are able to participate. The availability or academic schedules of witnesses called by either party or a Support Person for either party will not be considered in scheduling the Sexual Misconduct Case Review. • OSARP has no mechanism to compel any party or witness of any type to attend and/or participate in the Sexual Misconduct Case Review. If a party does not attend, the Sexual Misconduct Case Review will proceed based on the information included in the Case File and information shared at the Sexual Misconduct Case Review by the parties present. It is the responsibility of the Responding Party or Reporting Party to ensure their witnesses and Support Person attend the Sexual Misconduct Case Review.

• The decision to postpone a Sexual Misconduct Case Review is solely at the discretion of the Director of OSARP or designee.

The Sexual Misconduct Accountability Process utilizes a preponderance of evidence standard to determine whether a student is responsible or not responsible for a violation(s).

The definition of preponderance of the evidence used is:

Preponderance of the evidence will be the standard of proof used to make determinations for all alleged policy violation(s), including allegations of Sexual Misconduct. Preponderance of the evidence means that there is greater than a fifty percent likelihood that the Responding Party violated the policy.

J34-100 Sexual Misconduct – Office of Student Accountability and Restorative Practice

James Madison University prohibits sexual misconduct. Sexual misconduct encompasses sexual assault, sexual violence, sexual harassment, relational violence, sexual exploitation, stalking, and nonconsensual relationships. Sexual Misconduct can involve persons of the same or different sex, sexual orientation, gender, or gender identity.

All acts of Sexual Misconduct are covered by the terms of this policy, provided that the Reporting Party reasonably believes they have been subjected to sexual misconduct by a current student, as defined by the Student Handbook and any limitations set forth by JMU Policy 1340, and one or more of the following apply:

- A substantial portion of the alleged sexual misconduct occurred on university-controlled, university-owned, or university-leased property.
- The alleged sexual misconduct had a significant connection to or effect on official university programs or activities.
- The alleged sexual misconduct had a significant connection to or effect on the learning or working environment at JMU of the Reporting Party.

Students who report sexual misconduct will not receive alleged policy violations of J38-101 Alcohol or J38-102 Drugs, even if these substances were involved. Furthermore, student witnesses for the Reporting Party or the Responding Party will not receive alleged policy violations of J38-101 Alcohol or J38-102 Drugs as a result of their statements in the case. Reporting Parties and Responding Parties should review JMU Policy 1340 for their roles in the investigation of an allegation and the OSARP Sexual Misconduct Accountability Process for their roles in the adjudication of an allegation. Both parties will be assigned an advisor in OSARP to guide them through the Sexual Misconduct Accountability Process.

The following behavior is prohibited at JMU:

J34-101 Sexual Assault – Any nonconsensual physical contact of a sexual nature that is forced on another person, including unwelcome sexual touching of any kind. This includes engaging, attempting to engage, or completing any kissing; sexual intercourse (oral, anal, or vaginal); penetration, however slight, with any object or body part; intentional touching of oneself or another person’s body part in a sexual manner, directly or through clothing; forcing a person to touch oneself or another person’s body part in a sexual manner, directly or through clothing.

J34-103 Sexual Exploitation - Taking sexual advantage of another person without that individual’s consent. Examples include but are not limited to prostituting another person; causing or attempting to cause the incapacitation of another person for a sexual purpose; recording, photographing, creating, or transmitting sexual utterances, sounds or images, whether real or fake, of another person without that person’s consent; allowing a Third Party to observe sexual activity without the consent of the participants; knowingly transmitting sexually transmitted infections or other diseases without the knowledge of the person’s
sexual partner; inducing another to expose his/her body for sexual purposes; intentionally altering, removing, or sabotaging contraceptive or prophylactic measures without the knowledge of the other party, including but not limited to condoms and/or birth control measures; and viewing another person’s sexual activity, intimate body parts or nakedness in a place where that person would have a reasonable expectation of privacy without that person’s consent.

J34-104 Sexual Harassment – A form of sex discrimination consisting of unwelcome or offensive sexual advances, requests for sexual favors, or other conduct of a sexual nature including verbal [e.g., specific demands for sexual favors, sexual innuendos, sexually suggestive comments, jokes of a sexual nature, sexual propositions, or sexual threats]; non-verbal [e.g., sexually suggestive emails, other writings, articles, or documents; objects or pictures; graphic commentaries; suggestive or insulting sounds or gestures, leering, whistling; or obscene gestures]; or physical [e.g., touching, pinching, or brushing the body; or any unwelcome or coerced sexual activity].

Sexual harassment may include the following:

- Term or condition of employment or education (“quid pro quo”). This type of sexual harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment, or participation in a university activity are conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting that individual’s employment, education, living environment, or participation in a university program or activity.

- Hostile environment. Acts of sexual harassment that create a hostile environment, as defined herein.

J34-105 Relational Violence – A form of violence which consists of physical assaults or serious threats of bodily harm, including domestic violence and dating violence.

J34-106 Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.

J34-107 Non-Consensual Relationship – A sexual relationship between members of the university community is prohibited if it is influenced by any form of fear or coercion, such that it causes one party to believe that they must submit to unwelcome sexual conduct in order to accept or continue employment, achieve an employment or educational benefit, or participate in a program or activity. A sexual relationship is prohibited between individuals where a power differential would imply or raise the inference of exploitation or raise the inference that an educational or employment decision will be based on whether or not there is submission to coerced sexual conduct.

In adjudicating allegations of violating J34-100 Sexual Misconduct the following definitions will be applied:

Consent: An outward demonstration through understandable words or actions that convey a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent cannot be obtained by physical or verbal coercion that is express or implied, which includes the use of intimidation, threats, force or duress. Consent cannot be obtained by ignoring or acting in spite of the objections of another, by previous consent or by taking advantage of another person’s incapacitation or physical helplessness where one knows or reasonably should have known of such incapacitation or helplessness. An individual who is incapacitated because of age, disability, voluntary activity or through the acts of others cannot give consent. Silence or absence of resistance does not imply consent. Consent is voluntary and may be withdrawn at any time by communicating the withdrawal through an outward demonstration of understandable words or actions.

Dating Violence: A form of sexual violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with another person, where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship.
- The type of relationship.
- The frequency of interaction between the persons involved in the relationship.

Domestic Violence: An incident or pattern of physically and/or sexually abusive behavior used by one individual to assert power or maintain control over another in the context of an intimate or family relationship.
Hostile Environment: A hostile environment may be created by oral, written, graphic or physical conduct that is sufficiently severe, persistent or pervasive and objectively offensive in a manner that it interferes with, limits or denies the person the ability to participate in or benefit from the institution’s educational programs, services, opportunities, or activities or the individual’s employment access, benefits or opportunities. Mere subjective offensiveness is not enough to create a hostile environment. In determining whether conduct is severe, persistent or pervasive, and thus creates a hostile environment, the following factors will be considered: (a) the degree to which the conduct affected one or more individuals’ education or employment; (b) the nature, scope, frequency, duration, and location of the incident(s); (c) the identity, number, and relationships of persons involved; (d) the perspective of a “reasonable person” in the same situation as the person subjected to the conduct, and (e) the nature of higher education.

Incapacitation: Physical or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts, unconsciousness, and the inability to make such decisions due to the voluntary or involuntary use of alcohol or drugs. Incapacitation may occur because of age, disability, voluntary activity or through the acts of others.

Sexual Violence: Physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g., due to the person’s age, mental state or use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent).

Receipt of Title IX Report, Alleged Policy Violation(s) Notification, and Preparation for the Sexual Misconduct Case Review

James Madison University takes the issue of sexual misconduct seriously; sexual misconduct includes a broad spectrum of behavior. JMU reserves the right to impose any level of sanction, ranging from probation and educational sanctions up to and including suspension or expulsion, for any act of Sexual Misconduct. However, JMU considers acts of sexual violence to be the most serious and therefore typically imposes the most severe sanctions when a Responding Party is found responsible for such offenses, including suspension or expulsion.

In cases where a Responding Party is found responsible and suspended or expelled for sexual violence, defined as physical sexual acts perpetrated against a person’s will or against a person incapable of giving consent, a notation will be placed on the Responding Party’s transcript for the duration of the suspension or expulsion. If a Responding Party withdraws while under investigation for an allegation of sexual violence, a notation will be placed on the Responding Party’s transcript until a final decision in the case is rendered. Such notations will read, as applicable:

• Expelled for violation of Student Standards of Conduct
• Suspended for violation of Student Standards of Conduct
• Withdrew while under investigation for violation of Student Standards of Conduct

Students receiving a transcript notation for a suspension will have it automatically removed by the Office of the Registrar once the suspension period has ended; notations in cases of expulsion are permanent.

In order for OSARP to adjudicate a case involving student behavior that allegedly violates J34-100 Sexual Misconduct, the Title IX Office must complete the Sexual Misconduct Formal Complaint and Investigation Process and provide the Final Investigation Report to OSARP. The Sexual Misconduct Formal Complaint and Investigation Process conducted by Title IX is the only opportunity for the Reporting Party and Responding Party to submit evidence, information, personal statements, names of witnesses, and witness statements. During the preparation for the Sexual Misconduct Case Review in OSARP, character statements may be submitted through the party’s Advisor to be considered by Board Members only when determining sanctions in accordance with the deadlines, guidelines, and restrictions outlined in and restricted by the Sexual Misconduct Accountability Process.

The Final Investigation Report will indicate the alleged policy violation(s) to be adjudicated in the case. The Sexual Misconduct Accountability Process is initiated to adjudicate all alleged policy violations resulting from the Final Investigation Report when the Responding Party is a student as defined in the Student Handbook. The university may proceed with the Sexual Misconduct Accountability Process if the Responding Party meets the definition of student as listed in the Student Handbook regardless of enrollment status, or the allegations may remain pending until a Responding Party’s request to re-enroll. OSARP reserves the right to retain
information regarding alleged behavior that occurred while a person met the definition of a student and adjudicate the case should the person return to the university as a student. The decision to proceed or not proceed with the Sexual Misconduct Accountability Process when the Responding Party is not enrolled in classes at JMU is at the discretion of OSARP or designee and will be based on the severity of the allegations and the availability and/or preference of relevant persons to the case, including but not limited to the Responding Party, the Reporting Party, Administrative Witnesses, and OSARP staff members. During the last three weeks of the semester, the decision to proceed or postpone the Sexual Misconduct Accountability Process will be determined by OSARP. 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 as determined by the Director of OSARP or designee. If a Responding Party receives a sanction of an immediate suspension or expulsion, the immediate suspension or expulsion will be deemed effective for the most recent semester the Responding Party attended regardless of the Responding Party’s academic year, which may mean a loss of academic credits for that semester. The campus ban associated with a recommendation of immediate suspension does not go into effect until the decision in the case is finalized by the Dean of Students or designee, unless the Responding Party is under a Sexual Misconduct Interim Suspension Status that provides for this ban until the final decision in the case.

Upon receipt, OSARP will inform the Reporting Party of their ability to authorize OSARP to initiate the Sexual Misconduct Accountability Process. OSARP generally does not proceed with the Sexual Misconduct Accountability Process without this authorization from the Reporting Party. However, in circumstances that threaten the safety of the campus and/or community, OSARP may initiate the Sexual Misconduct Accountability Process without the authorization of the Reporting Party. In cases where OSARP initiates the Sexual Misconduct Accountability Process without the authorization of the Reporting Party, or when multiple Reporting Parties file a Formal Complaint against a single Responding Party, a Title IX Coordinator or designee may serve as a proxy for a Reporting Party and OSARP may alter the Sexual Misconduct Accountability Process and adjudication procedures as necessary to allow for a fair adjudication of the case.

Further, if the Final Investigation Report indicates alleged policy violations other than J34-100 Sexual Misconduct, OSARP reserves the right to initiate the Accountability Process to adjudicate these violations when a Reporting Party chooses not to authorize OSARP to initiate the Sexual Misconduct Accountability Process.

If a Responding Party receives notice of other alleged policy violation(s) in addition to J34-100 Sexual Misconduct as a result of the Final Investigation Report and information provided during the Sexual Misconduct Formal Complaint and Investigation Process, all alleged policy violations will be adjudicated through the Sexual Misconduct Accountability Process. This Sexual Misconduct Accountability Process is separate and distinct from the Accountability Process.

If there is evidence included in the Final Investigation Report that JMU policy J38-101 Alcohol or J38-102 Drugs may have been violated by the Reporting Party, a Reporting Party Witness, or a Responding Party Witness, OSARP will not initiate the Accountability Process and pursue alleged violations of these policies against these parties. The rights of a Responding Party and Reporting Party participating in the Sexual Misconduct Accountability Process are delineated in the “Responsibilities and Rights – Sexual Misconduct.”

OSARP may initiate the Sexual Misconduct Accountability Process in accordance with the procedures listed in the Student Handbook. Anticipated timelines, deadlines, restrictions, or procedures listed within the Sexual Misconduct Accountability Process will not be altered except in necessary or extreme circumstances in order to uphold the intent of the process, as determined by the Director of OSARP or designee. If an extension is granted at the request of a party and that impacts the other party, OSARP will communicate the reason for the extension to both parties. OSARP reserves the right, for cause, to postpone the Sexual Misconduct Accountability Process and return the Final Investigation Report to the Title IX Office for further investigation under the Sexual Misconduct Formal Complaint and Investigation Process.

The version of the Final Investigation Report to be used in the adjudication of the case will be finalized.

OSARP reserves the right to redact information from the Final Investigation Report to be used in the Case File in the adjudication of the case.

• OSARP will redact information from the Final Investigation Report that violates the rights of either party or bears no relevancy to the allegations.

• OSARP will implement the necessary redactions to the Final Investigation Report related to character as outlined:
If a Responding Party or Reporting Party makes statements regarding their own character in the Final Investigation Report, the information will not be redacted and will be included in the version of the Final Investigation Report to be used in the adjudication of the case.

If a party other than the Responding Party provides information regarding the character of the Responding Party in the Final Investigation Report, the information will be redacted from the Final Investigation Report to be used in the adjudication of the case. This redacted information will not be provided to Board Members to consider in the Sexual Misconduct Accountability Process.

If a party other than the Reporting Party provides information regarding the character of the Reporting Party in the Final Investigation Report, the information will be redacted from the Final Investigation Report to be used in the adjudication of the case. This redacted information will not be provided to Board Members to consider in the Sexual Misconduct Accountability Process.

Either party can submit a challenge to redactions in writing to the Director of OSARP or designee within three days of their initial opportunity to review the version of the Final Investigation Report to be used in the adjudication of the case. OSARP will evaluate all challenges to redactions; both parties will be informed of any changes to the redactions in the Case File resulting from a challenge submitted by either party.

The Responding Party will be notified of the beginning of the Sexual Misconduct Accountability Process to adjudicate the alleged policy violations.

In accordance with JMU Policy 1209, proper notification shall consist of an email to the student’s official JMU e-mail address. The notice will be considered received the day after the notice is sent via email.

Advisors will be assigned, and an advising meeting will be set for both parties.

Both Reporting Parties and Responding Parties will be assigned separate Advisors by OSARP to guide them through the Sexual Misconduct Accountability Process, to serve as a point of contact in OSARP, and to help them understand the rights afforded to them. An Advisor does not help either party prepare how to present their case; Advisors are employed and/or designated by OSARP.

OSARP will set the time of the advising meeting around the academic schedule(s) of the Responding Party and Reporting Party if they are enrolled in classes at JMU. If the Responding Party and/or Reporting Party are not enrolled in classes at JMU, their availability will be considered, and reasonable efforts will be made to ensure the advising appointment is at a time they can participate. At the advising meeting, the Reporting Party and Responding Party will meet individually with their Advisor to ensure that they understand the Sexual Misconduct Accountability Process and the rights afforded to them. Responding Parties and Reporting Parties may have a Support Person of their choice accompany them to this advising meeting if the Support Person’s schedule permits their attendance.

Witnesses relevant to the allegations will be determined by OSARP and/or submitted by either party.

OSARP will determine the Administrative Witnesses to be called in the case; both the Responding Party and Reporting Party will be informed of the Administrative Witnesses being called in the case. Administrative Witnesses may not also serve as a Support Person at the Sexual Misconduct Case Review or a Sexual Misconduct Appeal Review, if applicable.

Both parties will have the ability to submit witnesses they intend to have speak at the Sexual Misconduct Case Review.

The Responding Party or Reporting Party may submit to their Advisor any person they intend to have speak as a witness at the Sexual Misconduct Case Review via formal submission up to seven days prior to the Sexual Misconduct Case Review. Persons are not considered a witness for either party until they are formally submitted to OSARP as a witness; only persons who directly provided information during the Sexual Misconduct Formal Complaint and Investigation Process conducted by Title IX are eligible to serve as witnesses in the Sexual Misconduct Accountability Process.

Upon formal submission of a witness by the Reporting Party, the Responding Party will be informed of the witness. Upon formal submission of a witness by the Responding Party, the Reporting Party will be informed of the witness. Witnesses who speak at the Sexual Misconduct Case Review can provide a verbal statement about the alleged incident or behavior. Witnesses who speak at the Sexual Misconduct Case Review may not provide their perspective on the character of either party, what they feel the appropriate decision or
sanction in the case should be, or information that violates the rights of either party. Witnesses may not also serve as a Support Person at the Sexual Misconduct Case Review or a Sexual Misconduct Appeal Review, if applicable.

OSARP reserves the right to initiate the Accountability Process if it receives information regarding alleged behavior by the Responding Party, Reporting Party or other members of the university community directed at an Administrative Witness, a Reporting Party Witness, or a Responding Party Witness that may violate J18-100 Interference with or Retaliation for Exercising or Participating in the Title IX process and/or the Accountability, Honor Council, or other University Conduct Process or other policies listed in the Student Handbook.

The Responding Party and Reporting Party may submit information regarding their own character for inclusion in the Case File.

• The Responding Party or Reporting Party may submit statements regarding their own character up to ten days prior to the Sexual Misconduct Case Review.

• Upon submission of a statement related to character, OSARP will redact any information not related to the character of the party submitting the item for inclusion in the Case File. The party that submitted the statement related to character that was redacted can submit a challenge to redactions in writing to the Director of OSARP or designee within two days of their initial opportunity to review the redacted statement.

• Upon submission of a statement related to character by the Responding Party, after any necessary redactions have occurred, the Reporting Party will be informed of the statement and permitted to submit a response to it. The Reporting Party may submit a response up to three days prior to the Sexual Misconduct Case Review. Upon submission of a response, OSARP will redact any information that does not directly respond to the items related to character submitted by the Responding Party. The party that submitted the response to the statement related to character that was redacted can submit a challenge to redactions in writing to the Director of OSARP or designee within two days of their initial opportunity to review the item submitted.

• Upon submission of a statement related to character by the Reporting Party, after any necessary redactions have occurred, the Responding Party will be informed of the item and permitted to submit a response to the item. The Responding Party may submit a response up to three days prior to the Sexual Misconduct Case Review. Upon submission of a response, OSARP will redact any information that does not directly respond to the items related to character submitted by the Reporting Party. The party that submitted the response to the statement related to character that was redacted can submit a challenge to redactions in writing to the Director of OSARP or designee within two days of their initial opportunity to review the item submitted.

• Any statements related to character and any responses to statements related to character will be withheld from the Board Members assigned to the Sexual Misconduct Case Review. Board Members will only review these statements and responses during deliberation if they recommend finding the Responding Party responsible for violating policy in order to determine their recommended sanctions, as applicable.

Statements submitted by the Responding Party related to their character will be reviewed by the Board Members during deliberation if they recommend finding the Responding Party responsible for violating any policy.

Responses submitted by the Responding Party to statements related to the character of the Reporting Party will be reviewed by the Board Members during deliberation if they recommend finding the Responding Party responsible for violating policy J34-100 Sexual Misconduct.

Statements submitted by the Reporting Party related to their character will be reviewed by the Board Members during deliberation if they recommend finding the Responding Party responsible for violating policy J34-100 Sexual Misconduct.

Responses submitted by the Reporting Party to statements related to the Responding Party will be reviewed by the Board Members during deliberation if they recommend finding the Responding Party responsible for violating policy J34-100 Sexual Misconduct.

Both parties will have access to the Case File.

• The Case File consists of the version of the Final Investigation Report to be used in the adjudication of the case, including any redactions done in accordance with this process, the statements submitted by either party related to character, and the responses submitted by either party to statements related to character.
• The Responding Party and the Reporting Party will be provided a version of the Case File that has the names and identifying information of all persons aside from their own redacted for review outside of OSARP.

• The Responding Party and the Reporting Party may schedule an appointment(s) to review the complete version of the Case File without the names and identifying information redacted in OSARP during business hours.

OSARP will schedule the Sexual Misconduct Case Review.

• Typically, OSARP schedules the Sexual Misconduct Case Review to occur within twenty business days of the Responding Party’s advising appointment in OSARP. However, the circumstances surrounding the case may make it necessary for the university to shorten or extend that timeline.

• OSARP schedules the Sexual Misconduct Case Review around the availability of Board Members, OSARP Staff, and the Administrative Witnesses. If the Sexual Misconduct Case Review is to occur when the Responding Party and/or Reporting Party are enrolled in classes at JMU, the Sexual Misconduct Case Review will be scheduled around their academic schedule(s) to ensure they are able to participate. If the Sexual Misconduct Case Review is to occur when the Responding Party and/or Reporting Party are not enrolled in classes at JMU, their availability will be considered, and reasonable efforts will be made to ensure they are able to participate. The availability or academic schedules of witnesses called by either party or a Support Person for either party will not be considered in scheduling the Sexual Misconduct Case Review. OSARP has no mechanism to compel any party or witness of any type to attend and/or participate in the Sexual Misconduct Case Review. If a party does not attend, the Sexual Misconduct Case Review will proceed based on the information included in the Case File and information shared at the Sexual Misconduct Case Review by the parties present. It is the responsibility of the Responding Party or Reporting Party to ensure their witnesses and Support Person attend the Sexual Misconduct Case Review.

• The decision to postpone a Sexual Misconduct Case Review is solely at the discretion of the Director of OSARP or designee.

The Sexual Misconduct Accountability Process utilizes a preponderance of evidence standard to determine whether a student is responsible or not responsible for a violation(s).

The definition of preponderance of the evidence used is:

Preponderance of the evidence will be the standard of proof used to make determinations for all alleged policy violation(s), including allegations of Sexual Misconduct. Preponderance of the evidence means that there is greater than a fifty percent likelihood that the Responding Party violated the policy.

Sexual Misconduct Case Review

Responding Parties and Reporting Parties may request that reasonable safety measures be put in place during the Sexual Misconduct Case Review, including but not limited to partitions, teleconferencing, or police presence. Requests for safety measures will be coordinated by their Advisor.

In Sexual Misconduct Case Reviews, Responding Parties and Reporting Parties have a right to a Support Person of their choice, provided that person is willing and able to attend the scheduled Sexual Misconduct Case Review. A Support Person attending a Sexual Misconduct Case Review may not communicate for or speak on behalf of a party but may provide support or give advice on how to present their party’s case. A person who serves as a Support Person at a Sexual Misconduct Case Review may not also serve as a witness at the Sexual Misconduct Case Review or, if applicable, a Sexual Misconduct Appeal Review.

The Sexual Misconduct Case Review will be conducted by a Board of three voting faculty or staff members. One staff member from OSARP will serve as a voting Board Chair and two faculty or staff members of the Accountability Board will serve as voting Board Members. If a member of the Board feels that their previous contact with the case or the parties involved will prevent them from rendering a fair decision, the Board Member must request that they not be assigned to the Sexual Misconduct Case Review. Responding Parties and Reporting Parties will be informed of the Board Members assigned to their case. Upon receiving notification of the assigned Board Members, a Responding Party or Reporting Party may request that a Board Member be replaced if the student can show a bias on the part of the Board Member. To make such a request, a Responding Party or Reporting Party must contact the Director of OSARP or
designee immediately, setting forth their reasons in writing. The Director of OSARP or designee will review all requests. Any decision to remove a Board Member is at the discretion of the Director of OSARP or designee.

If a Responding Party, Reporting Party, Responding Party Witness, or Reporting Party Witness fails to appear at a Sexual Misconduct Case Review after being properly notified of its date and time, the Sexual Misconduct Case Review will proceed; the recommendation of whether or not the Responding Party is responsible for violating policy will be rendered on the basis of the Final Investigation Report provided to be used for adjudication of the case and the information provided by those in attendance at the Sexual Misconduct Case Review. If an Administrative Witness fails to appear at a Sexual Misconduct Case Review, the Sexual Misconduct Case Review will generally proceed without the Administrative Witness. The decision to postpone a Sexual Misconduct Case Review to accommodate a necessary or extreme circumstance is at the discretion of the Director of OSARP or designee and will be communicated to each party.

Sexual Misconduct Case Reviews will be audio and/or video recorded; the Board Members’ closed deliberation will not be recorded. No party may make their own recordings of the Sexual Misconduct Case Review. A Sexual Misconduct Case Review will proceed in accordance with the procedures below, however, Board Members may ask additional questions at any time. Additionally, the phrase “through the Board Chair” used throughout the Sexual Misconduct Case Review procedures refers to the Board Chair confirming or denying a Reporting Party, Responding Party, Reporting Party Witness, or Responding Party Witness’ ability to respond to a question; this confirmation or denial may be verbal or non-verbal. The Board Chair has the authority to prohibit information from being shared that violates the rights of a party, is not allowed by the Sexual Misconduct Accountability Process, or bears no relevancy to the adjudication of the case. The Board Chair also has the authority to instruct Board Members to disregard information that violates the rights of a party, is prohibited by the Sexual Misconduct Accountability Process, or bears no relevancy to the adjudication of the case.

1. The Board Members and participants are introduced.
2. The statement of the alleged policy violation(s) is presented by the Board Chair.
3. Procedures for the Sexual Misconduct Case Review are explained; participants state any questions they have concerning rights or procedures.
4. The Reporting Party is allotted 3 minutes to make an opening statement that outlines the main points of their allegations which may include information regarding the alleged incident or behavior and their own character.
5. The Responding Party is allotted 3 minutes to make an opening statement that outlines the main points of their response to the allegations which may include information regarding the alleged incident or behavior and their own character.
6. Administrative Witnesses will be called individually to share a verbal statement regarding the allegations.
   • The Board will ask questions they have for each Administrative Witness.
   • The Reporting Party will be allotted 5 minutes to question each Administrative Witness.
   • The Responding Party will be allotted 5 minutes to question each Administrative Witness.
   • The Board may request that an Administrative Witness return at a later point in the Case Review for further clarification.
7. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
8. The Reporting Party is allotted 20 minutes to share a full verbal statement which may include information regarding the alleged incident or behavior and their own character. This is also the Reporting Party’s opportunity to respond to any information or evidence included in the Case File.
9. The Responding Party is allotted 20 minutes to share a full verbal statement which may include information regarding the alleged incident or behavior and their own character. This is also the Responding Party’s opportunity to respond to any information or evidence included in the Case File.
10. A scheduled 10-minute break will occur unless all parties agree to continue without a break.

11. The Board Members will ask any questions they have for either the Responding Party or the Reporting Party.

12. A scheduled 5-minute break will occur unless all parties agree to continue without a break.

13. The Responding Party will be allotted 15 minutes to question the Reporting Party through the Board Chair.

14. A scheduled 5-minute break will occur unless all parties agree to continue without a break.

15. The Reporting Party will be allotted 15 minutes to question the Responding Party through the Board Chair.

16. A scheduled 5-minute break will occur unless all parties agree to continue without a break.

17. The Reporting Party will call their witnesses individually.

• Each witness called by the Reporting Party will be allotted 5 minutes to make a verbal statement regarding the alleged incident or behavior.

• At the conclusion of the statement shared by the Reporting Party’s witness, the Reporting Party will be allotted 5 minutes to question their witness.

• At the conclusion of the Reporting Party’s questions for their witness, the Responding Party will be allotted 5 minutes to question the Reporting Party’s witness through the Board Chair.

• At the conclusion of the Responding Party’s questions for each witness called by the Reporting Party, the Board will ask any questions they have of the witness.

• Witnesses called by the Reporting Party may provide what they know directly about the alleged incident or behavior and/or what the Reporting Party has told them about the alleged incident or behavior. Witnesses called by the Reporting Party may not provide their perspective on the character of either party or what they feel the appropriate decision or sanction in the case should be.

• The Board may request that a witness for the Reporting Party return at a later point in the Case Review for further clarification.

18. A scheduled 5-minute break will occur unless all parties agree to continue without a break.

19. The Responding Party will call their witnesses individually.

• Each witness called by the Responding Party will be allotted 5 minutes to make a verbal statement regarding the alleged incident or behavior.

• At the conclusion of the statement shared by the Responding Party’s witness, the Responding Party will be allotted 5 minutes to question their witness.

• At the conclusion of the Responding Party’s questions for their witness, the Reporting Party will be allotted 5 minutes to question the Responding Party’s witness through the Board Chair.

• At the conclusion of the Reporting Party’s questions for each witness called by the Responding Party, the Board will ask any questions they have of the witness.

• Witnesses called by the Responding Party may provide what they know directly about the alleged incident or behavior and/or what the Responding Party has told them about the alleged incident or behavior. Witnesses called by the Responding Party may not provide their perspective on the character of either party or what they feel the appropriate decision or sanction in the case should be.
• The Board may request that a witness for the Responding Party return at a later point in the Case Review for further clarification.

20. A scheduled 5-minute break will occur unless all parties agree to continue without a break.

21. The Responding Party will be allotted 5 minutes for final questions of the Reporting Party through the Board Chair.

22. The Reporting Party will be allotted 5 minutes for final questions of the Responding Party through the Board Chair.

23. A scheduled 5-minute break will occur unless all parties agree to continue without a break.

24. The Board will ask any final questions they have for either the Responding Party or the Reporting Party.

25. A scheduled 5-minute break will occur unless all parties agree to continue without a break.

26. The Reporting Party will be allotted 10 minutes to make a closing statement.

• A closing statement is not permitted to introduce new evidence or information but is an opportunity to summarize what the Reporting Party has already shared, their final thoughts, their thoughts moving forward, and any impact on the Reporting Party related to the allegation(s) of Sexual Misconduct.

• If the Reporting Party has a written closing statement they intend to read, but is unable to do so, the statement may be read aloud for the record by the Board Chair.

27. The Responding Party will be allotted 10 minutes to make a closing statement.

• A closing statement is not permitted to introduce new evidence or information but is an opportunity to summarize what the Responding Party has already shared, their final thoughts, their thoughts moving forward, and any impact on the Responding Party related to the allegation(s) of Sexual Misconduct.

• If the Responding Party has a written closing statement they intend to read, but is unable to do so, the statement may be read aloud for the record by the Board Chair.

28. The Board will enter closed deliberation to determine their recommendations. Recommendations are based on a preponderance of the evidence and determined by a majority vote.

• The Board will first vote to recommend finding the Responding Party responsible or not responsible for each alleged policy violation.

• If the Board recommends finding the Responding Party responsible for violating policy, they will be provided with the withheld information regarding the character of the Responding Party. Further, if the Board recommends finding the Responding Party responsible for violating policy J34-100 Sexual Misconduct, they will also be provided with the withheld information regarding the character of the Reporting Party. Upon the completion of this review, they will determine their recommended sanctions to be rendered for the case.

• If the Board votes to recommend finding the Responding Party not responsible for violating policy, they will not review any of the withheld information regarding the character of either party and will not assign any sanctions.

OSARP will concurrently contact the Responding Party and Reporting Party via email within three days of the date of the Sexual Misconduct Case Review with the recommended findings and, if applicable, sanctions rendered at the Sexual Misconduct Case Review. This will include the Board Members’ rationale for each recommended finding on Policy J34-100 Sexual Misconduct.

If neither party submits an appeal of the Board’s recommendations within the timeline set by the procedures listed in the Student Handbook, the Dean of Students or designee conducts a final review of all recommendations, rationales, and materials relevant to the case and renders the final decision in the case. In this final review and decision, for any policies and sanctions included in the Board’s recommendation the Dean of Students or designee may:
• Uphold a recommendation of finding the Responding Party responsible for violating policy and uphold the recommended sanctions.

• Uphold a recommendation of finding the Responding Party responsible for violating policy and increase or decrease the severity of the sanctions.

• Reverse a recommendation of finding the Responding Party responsible for violating policy, instead finding the Responding Party not responsible for violating policy and assigning no sanctions.

• Uphold a recommendation of finding the Responding Party not responsible for violating policy and assigning no sanctions.

• Reverse a recommendation of finding the Responding Party not responsible for violating policy, instead finding the Responding Party responsible for violating policy and assigning sanctions.

• Order the case to be reheard at a new Sexual Misconduct Case Review. If the Dean of Students or designee determines the case should be reheard at a new Sexual Misconduct Case Review, the new recommendations of responsibility and/or sanctions from the rehearing may be less severe, the same, or more severe than those recommended at the original Sexual Misconduct Case Review.

After the final review by the Dean of Students or designee, OSARP will concurrently notify the Responding Party and the Reporting Party of the outcome of the Dean of Students or designee’s review and, if applicable, the final decision and sanctions rendered. This will include the Dean of Student or designee’s rationale for each finding on policy J34-100 Sexual Misconduct, including any sanctions rendered.

The Dean of Students or designee’s final review takes place after the Sexual Misconduct Case Review only if a Sexual Misconduct Appeal Review does not occur in the case. In such circumstances, the Dean of Students or designee’s review typically takes place within ten days of the determination that a Sexual Misconduct Appeal Review will not take place. However, the circumstances surrounding the case may make it necessary for the university to shorten or extend that timeline.

OSARP may initiate the Accountability Process if a student knowingly provides falsified or misleading information at a Sexual Misconduct Case Review for alleged violation of policy J18-100 Interference with or Retaliation for Exercising or Participating in the Title IX process and/or the Accountability, Honor Council, or other University Conduct Process. An employee may be charged with misconduct under relevant university policies.

OSARP may initiate the Accountability Process against a Reporting Party or Responding Party if it receives information that a party discusses the case with a Board Member prior to the Sexual Misconduct Case Review for alleged violation of policy J18-100 Interference with or Retaliation for Exercising or Participating in the Title IX process and/or the Accountability, Honor Council, or other University Conduct Process. An employee may be charged with misconduct under relevant university policies.

Sexual Misconduct Case Reviews are closed meetings; the University will maintain confidentiality of all information related to the case, unless legally required or allowed by law to disclose the information. The Responding Party and Reporting Party 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

Responding Parties and Reporting Parties have the right to submit a written appeal of the recommendation rendered at a Sexual Misconduct Case Review within four days of receiving the recommendation rendered at the Sexual Misconduct Case Review. Responding Parties and/or Reporting Parties must directly submit their written appeal.

Either party may submit an appeal of the recommendation made at a Sexual Misconduct Case Review on grounds of alleged violation(s) of procedural standards and/or on grounds of new evidence. Appeals on grounds of alleged violation(s) of procedural standards must outline how the university failed to adhere to its responsibilities and/or follow the stated process for the adjudication of the allegation(s) and how that affected the recommendation. Appeals on grounds of new evidence must introduce evidence that was not available or accessible during the Sexual Misconduct Formal Complaint and Investigation Process or only relevant to refute information relevant to the recommendation of whether or not the Responding Party is responsible for violating policy shared for the first time during the Sexual Misconduct Case Review. The Associate Dean of Students or designee will evaluate the submitted appeal and determine if a Sexual Misconduct Appeal Review will be granted; appeals that do not meet these grounds will be denied. Typically, this evaluation by the
Associate Dean of Students or designee takes place within ten days of the deadline for submission of a written appeal. However, the circumstances surrounding the case may make it necessary for the university to shorten or extend that timeline.

If an appeal is submitted by the Responding Party and/or Reporting Party and neither party is granted a Sexual Misconduct Appeal Review by the Associate Dean of Students or designee, the Dean of Students or designee will conduct a final review of all recommendations, rationales, and materials relevant to the case and render the final decision in the case. In such circumstances, the Dean of Students or designee’s review typically takes place within ten days of the determination that a Sexual Misconduct Appeal Review will not take place. However, the circumstances surrounding the case may make it necessary for the university to shorten or extend that timeline.

If a Sexual Misconduct Appeal Review is granted and the Appeal Board makes a recommendation of whether or not the Responding Party is responsible for violating policy and, if applicable, recommends sanctions, the Dean of Students or designee conducts a final review and renders the final decision in the case. Typically, this takes place within ten days of the Sexual Misconduct Appeal Review. However, the circumstances surrounding the case may make it necessary for the university to shorten or extend that timeline.

In this final review and decision, for any findings for any violation of policy(s) and sanction(s) included in the Board’s recommendation the Dean of Students or designee may:

• Uphold a recommendation of finding the Responding Party responsible for violating policy and uphold the recommended sanctions.

• Uphold a recommendation of finding the Responding Party responsible for violating policy and increase or decrease the severity of the sanctions.

• Reverse a recommendation of finding the Responding Party responsible for violating policy, instead finding the Responding Party not responsible for violating policy and assigning no sanctions.

• Uphold a recommendation of finding the Responding Party not responsible for violating policy and assigning no sanctions.

• Reverse a recommendation of finding the Responding Party not responsible for violating policy, instead finding the Responding Party responsible for violating policy and assigning sanctions.

• Order the case to be reheard at a new Sexual Misconduct Case Review. If the Dean of Students or designee determines the case should be reheard at a new Sexual Misconduct Case Review, the new recommendations of responsibility and/or sanctions from the rehearing may be less severe, the same, or more severe than those recommended at the original Sexual Misconduct Case Review.

• Order a new Sexual Misconduct Appeal Review to be conducted in the case. If the Dean of Students or designee determines the case should be reheard at an Appeal Review, the ability of the Board to recommend sanctions more or less severe than those recommended at the Sexual Misconduct Case Review is determined by the party who was granted an appeal as outlined in the Appeal Process.

After the final review by the Dean of Students or designee, OSARP will concurrently notify the Responding Party and the Reporting Party of the outcome of the Dean of Students or designee’s review and, if applicable, the final decision and sanctions rendered. This will include the Dean of Student or designee’s rationale for each finding on policy J34-100 Sexual Misconduct, including any sanctions rendered.

If a Sexual Misconduct Appeal Review is granted and the Appeal Board orders a new Sexual Misconduct Case Review be conducted for the case, the Dean of Students or designee will not conduct a final review and render the final decision in the case until the new Sexual Misconduct Case Review takes place and the appeal process for the new Sexual Misconduct Case Review is either complete or the appeal deadline for the new Sexual Misconduct Case Review has passed.

OSARP reserves the right to redact information from the appeal to be used by the Appeal Board that is prohibited by the Sexual Misconduct Accountability Process, is not relevant to the arguments granted by the Associate Dean of Students or designee, or that violates the rights of either party. The party that submitted the appeal may challenge these redactions to the Director of OSARP or designee within two days of their receipt of the granted appeal to be used by the Appeal Board.

If the Associate Dean of Students or designee grants a Sexual Misconduct Appeal Review, the other party is provided four days to submit a response to the appeal after all challenges to redactions have been resolved or the deadline to challenge redactions has passed.
are alleged policy violations other than J34-100 Sexual Misconduct in a case and a Responding Party does not contest the recommended finding on policy J34-100 Sexual Misconduct in their submitted appeal and a Sexual Misconduct Appeal Review is granted, the Reporting Party will not be given the opportunity to provide a written response to the appeal.

OSARP reserves the right to redact information from the response submitted that is prohibited by the Sexual Misconduct Accountability Process, is not relevant to the arguments granted by the Associate Dean of Students or designee, or that violates the rights of either party. The party that submitted the response may challenge these redactions to the Director of OSARP or designee within two days of their receipt of the submitted response to be used by the Appeal Board Members.

If a Sexual Misconduct Appeal Review is granted by the Associate Dean of Students or designee as stated in the Sexual Misconduct Accountability Process, OSARP typically schedules the Sexual Misconduct Appeal Review to occur within twenty days of notifying the parties in a case that a Sexual Misconduct Appeal Review has been granted. However, the circumstances surrounding the case may make it necessary for the university to shorten or extend that timeline. OSARP will concurrently notify the Responding Party and Reporting Party of the outcome of the Appeal Review including, if applicable, the Appeal Board’s rationale for each finding on policy J34-100 Sexual Misconduct, including any sanctions rendered.

The Sexual Misconduct Appeal Review will be conducted by a Board of three voting faculty 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. If any member of the Accountability Board feels that their previous contact with the case or the parties involved will prevent them from rendering a fair decision, the Board Member must request that they not be assigned to the Sexual Misconduct Appeal Review. Responding Parties and Reporting Parties will be informed of the Board Members assigned to the Sexual Misconduct Appeal Review. Upon receiving notification of the assigned Appeal Board Members, a Responding Party or Reporting Party may request that a Board Member be replaced if the student can show a bias on the part of the Board Member. In order to make such a request, a Responding Party or Reporting Party must contact the Director of OSARP or designee immediately, setting forth their reasons in writing. The Director of OSARP or designee will review all requests. Any decision to remove a Board Member and/or to postpone a Sexual Misconduct Appeal Review is at the discretion of the Director of OSARP or designee.

Responding Parties and Reporting Parties may request that reasonable safety measures be put in place during the Sexual Misconduct Appeal Review including but not limited to partitions, teleconferencing, or police presence. Requests for safety measures will be coordinated by the Advisor.

Appeal Boards will review the Case File, a recording of the Sexual Misconduct Case Review, the portions of the appeal granted by the Associate Dean of Students or designee, any responses submitted to the portions of the appeal granted, and, when applicable, the information provided by those in attendance at the Sexual Misconduct Appeal Review.

The determinations and recommendations rendered at a Sexual Misconduct Appeal Review are determined by a majority vote of the Appeal Board Members. Additionally, the phrase “through the Board Chair” used throughout the Appeal Board procedures refers to the Appeal Board Chair confirming or denying a Reporting Party, Responding Party, Reporting Party Witness, or Responding Party Witness’ ability to respond to a question; this confirmation or denial may be verbal or non-verbal. During the Sexual Misconduct Appeal Review the Board Chair has the authority to prohibit information from being shared that violates the rights of a party, is not allowed by the Sexual Misconduct Accountability Process, or bears no relevancy to the granted appeal. The Board Chair also has the authority to instruct Board Members to disregard information that violates the rights of a party, is prohibited by the Sexual Misconduct Accountability Process, or bears no relevancy to the granted appeal.

In cases where both the Reporting Party and Responding Party are granted a Sexual Misconduct Appeal Review, there will be one Sexual Misconduct Appeal Review to render recommendations considering the arguments raised in both appeals. When both parties are granted an appeal on alleged violation(s) of procedural standards, the Appeal Board will review the appeal submissions in the order they were received by OSARP.

If an appeal is granted by the Associate Dean of Students or designee based on alleged violation(s) of procedural standards, either in its entirety or with appropriate redactions, for one or both parties, the Sexual Misconduct Appeal Review will follow the procedures listed in “Procedures – Sexual Misconduct Appeal Review: Alleged Violation(s) of Procedural Standards.” Neither the Reporting Party nor the Responding Party may participate or attend a Sexual Misconduct Appeal Review granted on the grounds of alleged violation(s) of procedural standards. OSARP reserves the right to alter the procedures as necessary to allow for a fair adjudication of the case.
If an appeal is granted by the Associate Dean of Students or designee based on new evidence, either in its entirety or with appropriate redactions, for one or both parties, the Sexual Misconduct Appeal Review will follow the procedures listed in “Procedures – Sexual Misconduct Appeal Review: New Evidence.” The party or parties granted an appeal on the grounds of new evidence may choose to present the evidence to the Appeal Board in person; the other party or parties may choose to present their response to the new evidence to the Appeal Board in person. OSARP reserves the right to alter the procedures as necessary to allow for a fair adjudication of the case.

If an appeal is granted by the Associate Dean of Students or designee based on both grounds of an alleged violation of procedural standards and new evidence, either in its entirety or with appropriate redactions, to one or both parties, one Sexual Misconduct Appeal Review will be held and follow the procedures listed in “Procedures – Sexual Misconduct Appeal Review: New Evidence and Alleged Violation(s) of Procedural Standards.” The party or parties granted an appeal on the grounds of new evidence may choose to present the evidence to the Appeal Board in person; the other party or parties may choose to present their response to the new evidence to the appeal board. Neither party will present their argument or response regarding alleged violation(s) of procedural standards. OSARP reserves the right to alter the procedures as necessary to allow for a fair adjudication of the case.

Procedures – Sexual Misconduct Appeal Review: Alleged Violation(s) of Procedural Standards

Responding Parties and Reporting Parties are not present for and do not participate in Sexual Misconduct Appeal Reviews granted based on alleged violation(s) of procedural standards. Character information will be withheld from the Appeal Board in appeals granted based on alleged violation(s) of procedural standards except when such information is relevant to the argument that the Appeal Board is evaluating. If both parties were granted a Sexual Misconduct Appeal Review based on alleged violation(s) of procedural standards, then each appeal submission and its response will be reviewed separately using the following procedures. When both parties are granted an appeal on alleged violation(s) of procedural standards, the Appeal Board will review the appeal submissions in the order they were received by OSARP.

1. For the first, or only, granted appeal and response, the Appeal Board will determine whether or not a violation(s) of procedural standards occurred by considering the arguments made in the granted appeal and any response submitted.

• If the Appeal Board determines that no violation(s) of procedural standards occurred, the recommendation rendered at the Sexual Misconduct Case Review will stand.

• If the other party in the case was also granted a Sexual Misconduct Appeal Review based on alleged violation(s) of procedural standards, then the Appeal Board will proceed to Step 3.

2. If the Appeal Board determines that a violation(s) of procedural standards occurred, the Board will then determine if the violation(s) of procedural standards can reasonably be said to have materially affected the interests of the first, or only, party granted the Sexual Misconduct Appeal Review.

If the Appeal Board determines that the violation of procedural standards cannot reasonably be said to have materially affected the interests of the first party granted the Sexual Misconduct Appeal Review on the basis of the procedural standard(s) that was violated, the recommendation rendered at the Sexual Misconduct Case Review will stand.

• If the other party in the case was also granted a Sexual Misconduct Appeal Review based on alleged violation(s) of procedural standards, then the Appeal Board will proceed to Step 3.

If the Appeal Board determines that the violation of procedural standards can reasonably be said to have materially affected the interests of the first party granted the appeal on the basis of the procedural standard(s) that was violated, the Appeal Board will order that a new Sexual Misconduct Case Review be conducted to render a recommendation for the case.

• If a new Sexual Misconduct Case Review is ordered after review of the first granted appeal in a Sexual Misconduct Appeal Review where a second appeal had been granted to the other party, the Appeal Board will not review the second submission since the case will be re-heard.

3. For the second granted appeal and response, the Appeal Board will determine whether or not a violation(s) of procedural standards occurred by considering the arguments made in the granted appeal and any response submitted.
• If the Appeal Board determines that no violation(s) of procedural standards occurred, the recommendation rendered at the Sexual Misconduct Case Review will stand.

4. If the Appeal Board determines that a violation(s) of procedural standards occurred, the Board will then determine if the violation(s) of procedural standards can reasonably be said to have materially affected the interests of the second party granted the Sexual Misconduct Appeal Review.

If the Appeal Board determines that the violation of procedural standards cannot reasonably be said to have materially affected the interests of the second party granted the Sexual Misconduct Appeal Review on the basis of the procedural standard(s) that was violated, the recommendation rendered at the Sexual Misconduct Case Review will stand.

If the Appeal Board determines that the violation of procedural standards can reasonably be said to have materially affected the interests of the second party granted the appeal on the basis of the procedural standard(s) that was violated, the Appeal Board will order that a new Sexual Misconduct Case Review be conducted to render a recommendation for the case.

Procedures – Sexual Misconduct Appeal Review: New Evidence

If the Responding Party and/or Reporting Party are enrolled in classes at JMU, the Sexual Misconduct Appeal Review will be scheduled around their academic schedules to ensure they are able to participate. If the Responding Party and/or Reporting Party are not enrolled in classes at JMU, their availability will be considered, and reasonable efforts will be made to ensure they are able to participate. The availability or academic schedule(s) of support persons or witnesses called by either party will not be considered in scheduling the Sexual Misconduct Appeal Review.

Responding Parties and Reporting Parties have a right to be accompanied at the Sexual Misconduct Appeal Review by a Support Person of their choice provided that person is willing and able to attend the scheduled Sexual Misconduct Appeal Review. A Support Person attending a Sexual Misconduct Appeal Review may not communicate for or speak on behalf of a party but may give advice on how to present their case.

If a Responding Party, Reporting Party, Responding Party Witness, or Reporting Party Witness fails to appear at a Sexual Misconduct Appeal Review after being properly notified of its date and time, the Sexual Misconduct Appeal Review will proceed; the Appeal Board’s evaluation of the arguments raised in the appeal will be rendered on the basis of the Case File, the granted appeal(s), any responses, and the information provided by those in attendance at the Sexual Misconduct Appeal Review. The decision to postpone a Sexual Misconduct Appeal Review to accommodate a necessary or extreme circumstance is at the discretion of the Director of OSARP or designee and will be communicated to each party.

Sexual Misconduct Appeal Reviews granted on the grounds of new evidence will be audio and/or video recorded; the Board Members’ closed deliberation will not be recorded. No participant may make their own recordings of the Sexual Misconduct Appeal Review. A Sexual Misconduct Appeal Review will proceed in accordance with the procedures below. However, Board Members may ask additional questions at any time. If only the Responding Party was granted a Sexual Misconduct Appeal Review based on new evidence, then Steps 6-9 will be eliminated in the procedures below. If only the Reporting Party was granted a Sexual Misconduct Appeal Review based on new evidence, then Steps 2-5 will be eliminated in the procedures below. If both parties were granted a Sexual Misconduct Appeal Review based on new evidence, then each appeal submission and its response will be reviewed separately using the entirety of following procedures. Character information will be withheld from the Appeal Board unless the Responding Party is determined to be responsible for an alleged violation(s); at that time, it will be revealed in accordance with the procedures provided. Additionally, the phrase “through the Board Chair” used throughout the following procedures refers to the

Appeal Board Chair confirming or denying a participant’s ability to respond to a question; this confirmation or denial may be verbal or non-verbal.

1. The Board Members and participants are introduced.

2. Information is presented by the Responding Party solely about the new evidence presented in their appeal.

• The Board Members may ask questions about the new evidence presented in the Responding Party’s appeal.
• The Reporting Party, through the Board Chair, may question the Responding Party about the new evidence presented in the Responding Party's appeal.

3. If applicable, the Responding Party will call their witnesses individually.

• Each witness called will individually share a verbal statement on the new evidence presented in the Responding Party's appeal and be questioned by the Responding Party. Witnesses may only provide information relevant to the new evidence presented in the Responding Party's appeal; witnesses may not provide their perspective on the character of either party or what they feel the appropriate decision or sanction in the case should be.

• The Board Members may ask questions.

• The Reporting Party, through the Board Chair, may question the witness about the new evidence presented in the Responding Party’s appeal.

• At the conclusion of the statement and questions for each witness, the witness will leave.

• The Appeal Board may request witnesses to return for further clarification.

4. Information is presented by the Reporting Party solely about their response to the new evidence presented by the Responding Party’s appeal.

• The Board Members may question the Reporting Party about their response to the new evidence presented by the Responding Party’s appeal.

• The Responding Party, through the Board Chair, may ask questions about the Reporting Party’s response to the new evidence.

5. If applicable, the Reporting Party will call their witnesses individually.

• Each witness called will individually share a verbal statement on their response to the new evidence presented by the Responding Party’s appeal and be questioned by the Reporting Party. Witnesses may only provide information relevant to the new evidence presented by the Responding Party’s appeal; witnesses may not provide their perspective on the character of either party or what they feel the appropriate decision or sanction in the case should be.

• The Responding Party, through the Board Chair, may question each witness about their response to the new evidence.

• The Board Members may ask questions.

• At the conclusion of the statement and questions for each witness, the witness will leave.

• The Appeal Board may request witnesses to return for further clarification.

6. Information is presented by the Reporting Party solely about the new evidence presented in their appeal.

• The Board Members may ask questions about the new evidence presented in the Reporting Party's appeal.

• The Responding Party, through the Board Chair, may question the Reporting Party about the new evidence presented in the Reporting Party’s appeal.

7. If applicable, the Reporting Party will call their witnesses individually.

• Each witness called will individually share a verbal statement on the new evidence presented in the Reporting Party’s appeal and be questioned by the Reporting Party. Witnesses may only provide information relevant to the new evidence presented in the Reporting
Party’s appeal; witnesses may not provide their perspective on the character of either party or what they feel the appropriate decision or sanction in the case should be.

- The Board Members may ask questions.

- The Responding Party, through the Board Chair, may question the witness about the new evidence presented in the Reporting Party’s appeal.

- At the conclusion of the statement and questions for each witness, the witness will leave.

- The Appeal Board may request witnesses to return for further clarification.

8. Information is presented by the Responding Party solely about their response to the new evidence presented by the Reporting Party’s appeal.

- The Board Members may question the Responding Party about their response to the new evidence presented by the Reporting Party’s appeal.

- The Reporting Party, through the Board Chair, may ask questions about the Responding Party’s response to the new evidence.

9. If applicable, the Responding Party will call their witnesses individually.

- Each witness called will individually share a verbal statement on their response to the new evidence presented by the Reporting Party’s appeal and be questioned by the Responding Party. Witnesses may only provide information relevant to the new evidence presented by the Reporting Party’s appeal; witnesses may not provide their perspective on the character of either party or what they feel the appropriate decision or sanction in the case should be.

- The Reporting Party, through the Board Chair, may question each witness about their response to the new evidence.

- The Board Members may ask questions.

- At the conclusion of the statement and questions for each witness, the witness will leave.

- The Appeal Board may request witnesses to return for further clarification.

10. The Board Members may ask final questions of the Responding Party and/or Reporting Party.

11. The Responding Party, Reporting Party, and Support Persons will leave; the Appeal Board will enter closed deliberation.

12. The Appeal Board will vote to determine if the new evidence and any response(s) presented by both parties as a part of the appeal is significant enough to alter the recommendations made at the Sexual Misconduct Case Review, considering the totality of the evidence.

- If the Appeal Board determines that the totality of the evidence, including the new evidence and response(s) presented by both parties, is not significant enough to alter the recommendation made at the Sexual Misconduct Case Review, the recommendation rendered at the Sexual Misconduct Case Review will stand.

- If the Appeal Board determines that the totality of the evidence, including the new evidence and response(s) presented, is significant enough to alter the recommendation made at the Sexual Misconduct Case Review, the Appeal Board will render their recommendations of whether or not the Responding Party is responsible for violating policy and proceed to step 13.A or 13.B.

13. A. If the Appeal Board recommends finding the Responding Party not responsible for violating all policies, they will not review any of the withheld character information nor assign any sanctions. The Appeal Board will proceed to Step 15.
B. If the Appeal Board recommends finding the Responding Party responsible for violating policy, they will be provided with the withheld information regarding the character of the Responding Party. Further, if the Appeal Board recommends finding the Responding Party responsible for violating policy J34-100 Sexual Misconduct, they will also be provided with the withheld information regarding the character of the Reporting Party. Upon the completion of this review, they will proceed to step 14.

14. Upon completion of the review of character information, the Appeal Board will render their recommended sanctions for the case. If only a Responding Party was granted a Sexual Misconduct Appeal Review, the Appeal Board may not assign more severe sanctions than those assigned at the Sexual Misconduct Case Review.

15. The Appeal Board’s recommendation will be given to the Dean of Students or designee for review.

Procedures – Sexual Misconduct Appeal Review: New Evidence and Alleged Violation(s) of Procedural Standards

The portions of the appeal(s) granted on alleged violation(s) procedural standards will be considered first. Responding Parties and Reporting Parties are not present for and do not participate in the portions of the Sexual Misconduct Appeal Review granted based on alleged violation(s) of procedural standards. Character information will be withheld from the Appeal Board in appeals granted based on alleged violation(s) of procedural standards except when such information is relevant to the argument that the Appeal Board is evaluating. If both parties were granted a Sexual Misconduct Appeal Review based on alleged violation(s) of procedural standards, then each appeal submission and its response will be reviewed separately using the following procedures. When both parties are granted an appeal on alleged violation(s) of procedural standards, the Appeal Board will review the appeal submissions in the order they were received by OSARP.

To ensure the ability for both the Responding Party and Reporting Party to participate in the new evidence portion of the Sexual Misconduct Appeal Review, if applicable, the case will be scheduled around academic schedules and availability as outlined. If the Responding Party and/or Reporting Party are enrolled in classes at JMU, the Sexual Misconduct Appeal Review will be scheduled around their academic schedules to ensure they are able to participate. If the Responding Party and/or Reporting Party are not enrolled in classes at JMU, their availability will be considered, and reasonable efforts will be made to ensure they are able to participate. The availability or academic schedule(s) of support persons or witnesses called by either party will not be considered in scheduling the Sexual Misconduct Appeal Review.

Responding Parties and Reporting Parties have a right to be accompanied at the Sexual Misconduct Appeal Review by a Support Person of their choice provided that person is willing and able to attend the scheduled Sexual Misconduct Appeal Review. A Support Person attending a Sexual Misconduct Appeal Review may not communicate for or speak on behalf of a party but may give advice on how to present their case.

If a Responding Party, Reporting Party, Responding Party Witness, or Reporting Party Witness fails to appear at a Sexual Misconduct Appeal Review after being properly notified of its date and time, the Sexual Misconduct Appeal Review will proceed; the Appeal Board’s evaluation of the arguments raised in the appeal will be rendered on the basis of the Case File, the granted appeal(s), any responses, and the information provided by those in attendance at the Sexual Misconduct Appeal Review. The decision to postpone a Sexual Misconduct Appeal Review to accommodate a necessary or extreme circumstance is at the discretion of the Director of OSARP or designee and will be communicated to each party.

When an appeal is granted to either or both parties on both the grounds of new evidence and alleged violation(s) of procedural standards, the portions of the Sexual Misconduct Appeal Review related to the arguments relevant to new evidence will be audio and/or video recorded; the Board Members’ closed deliberation will not be recorded. No participant may make their own recordings of the Sexual Misconduct Appeal Review.

A Sexual Misconduct Appeal Review will proceed in accordance with the procedures below. If only the Responding Party was granted a Sexual Misconduct Appeal Review based on new evidence, then Steps 10-13 will be eliminated in the procedures below. If only the Reporting Party was granted a Sexual Misconduct Appeal Review based on new evidence, then Steps 6-9 will be eliminated in the procedures below. If both parties were granted a Sexual Misconduct Appeal Review based on new evidence, then each appeal submission and its response will be reviewed separately using

all of Steps 6-13 to review the New Evidence submitted. For the New Evidence section, character information will be withheld from the Appeal Board unless the Responding Party is determined to be responsible for an alleged violation(s). If a finding of responsibility is rendered, character information will be revealed in accordance with the procedures provided.
Responding Parties and Reporting Parties are not present for and do not participate in the part of the Sexual Misconduct Appeal Review granted based on alleged violation(s) of procedural standards. Character information will be withheld from the Appeal Board in appeals granted based on alleged violation(s) of procedural standards except when such information is relevant to the argument that the Appeal Board is evaluating. If both parties were granted a Sexual Misconduct Appeal Review based on alleged violation(s) of procedural standards, then each appeal submission and its response will be reviewed separately using the procedures provided. When both parties are granted an appeal on alleged violation(s) of procedural standards, the Appeal Board will review the appeal submissions in the order they were received by OSARP.

A Sexual Misconduct Appeal Review granted to either or both parties on both grounds of new evidence and alleged violation(s) of procedural standards will proceed in accordance with the procedures below. However, Board Members may ask additional questions at any time. Additionally, the phrase “through the Board Chair” used during the new evidence review portion of these procedures refers to the Appeal Board Chair confirming or denying a student’s ability to respond to a question; this confirmation or denial may be verbal or non-verbal.

1. The Board Members and participants are introduced.

2. For the first, or only, granted appeal and response, the Appeal Board will determine whether or not a violation(s) of procedural standards occurred by considering the arguments made in the granted appeal and any response submitted.

• If the Appeal Board determines that a violation(s) of procedural standards occurred, then the Appeal Board will proceed to Step 3.

• If the Appeal Board determines that no violation(s) of procedural standards occurred, and the other party in the case was also granted a Sexual Misconduct Appeal Review based on alleged violation(s) of procedural standards, then the Appeal Board will proceed to Step 4.

• If the Appeal Board determines that no violation(s) of procedural standards occurred, and the other party in the case was not granted a Sexual Misconduct Appeal Review based on alleged violation(s) of procedural standards, then the Appeal Board will proceed to Step 6.

3. Based on their determination that a violation(s) of procedural standards occurred, the Appeal Board will then determine if the violation(s) of procedural standards can reasonably be said to have materially affected the interests of the first, or only, party granted the Sexual Misconduct Appeal Review.

If the Appeal Board determines that the violation of procedural standards cannot reasonably be said to have materially affected the interests of the first party granted the Sexual Misconduct Appeal Review on the basis of the procedural standard(s) that was violated, the Appeal Board will proceed in one of the following ways:

• If the other party in the case was also granted a Sexual Misconduct Appeal Review based on alleged violation(s) of procedural standards, then the Appeal Board will proceed to Step 4.

• If the other party in the case was not granted a Sexual Misconduct Appeal Review based on alleged violation(s) of procedural standards, then the Appeal Board will proceed to Step 6.

If the Appeal Board determines that the violation of procedural standards can reasonably be said to have materially affected the interests of the first party granted the appeal on the basis of the procedural standard(s) that was violated, the Appeal Board will order that a new Sexual Misconduct Case Review be conducted to render a recommendation for the case.

• If a new Sexual Misconduct Case Review is ordered after review of the first granted appeal in a Sexual Misconduct Appeal Review where a second appeal had been granted to the other party, the Appeal Board will not review the second submission since the case will be re-heard. In addition, the Appeal Board will not review any submissions on New Evidence since the case will be re-heard. Any new evidence that was granted on appeal and any response(s) to it will be added the Case File to be used in the new Sexual Misconduct Case Review. The Responding Party, Reporting Party, Responding Party Witnesses, Reporting Party Witnesses, and Support Persons will leave and wait to be notified about the new Sexual Misconduct Case Review. For the second granted appeal and response, the Appeal Board will determine whether or not a violation(s) of procedural standards occurred by considering the arguments made in the granted appeal and any response submitted.

• If the Appeal Board determines that a violation(s) of procedural standards occurred, then the Appeal Board will proceed to Step 5.
• If the Appeal Board determines that no violation(s) of procedural standards occurred, then the Appeal Board will proceed to Step 6.

5. If the Appeal Board determines that a violation(s) of procedural standards occurred, the Board will then determine if the violation(s) of procedural standards can reasonably be said to have materially affected the interests of the second party granted the Sexual Misconduct Appeal Review.

If the Appeal Board determines that the violation of procedural standards cannot reasonably be said to have materially affected the interests of the second party granted the Sexual Misconduct Appeal Review on the basis of the procedural standard(s) that was violated, then the Appeal Board will proceed to Step 6.

If the Appeal Board determines that the violation of procedural standards can reasonably be said to have materially affected the interests of the second party granted the appeal on the basis of the procedural standard(s) that was violated, the Appeal Board will order that a new Sexual Misconduct Case Review be conducted to render a recommendation for the case.

• If a new Sexual Misconduct Case Review is ordered after review of the second granted appeal in a Sexual Misconduct Appeal Review, the Appeal Board will not review any submissions on New Evidence since the case will be re-heard. Any new evidence that was granted on appeal and any response(s) to it will be added the Case File to be used in the new Sexual Misconduct Case Review. The Responding Party, Reporting Party, Responding Party Witnesses, Reporting Party Witnesses, and Support Persons will leave and wait to be notified about the new Sexual Misconduct Case Review.

6. Information is presented by the Responding Party solely about the new evidence presented in their appeal.

• The Board Members may ask questions about the new evidence presented in the Responding Party’s appeal.

• The Reporting Party, through the Board Chair, may question the Responding Party about the new evidence presented in the Responding Party’s appeal.

7. If applicable, the Responding Party will call their witnesses individually.

• Each witness called will individually share a verbal statement on the new evidence presented in the Responding Party’s appeal and be questioned by the Responding Party. Witnesses may only provide information relevant to the new evidence presented in the Responding Party’s appeal; witnesses may not provide their perspective on the character of either party or what they feel the appropriate decision or sanction in the case should be.

• The Board Members may ask questions.

• The Reporting Party, through the Board Chair, may question the witness about the new evidence presented in the Responding Party’s appeal.

• At the conclusion of the statement and questions for each witness, the witness will leave.

• The Appeal Board may request witnesses to return for further clarification.

8. Information is presented by the Reporting Party solely about their response to the new evidence presented by the Responding Party’s appeal.

• The Board Members may question the Reporting Party about their response to the new evidence presented by the Responding Party’s appeal.

• The Responding Party, through the Board Chair, may ask questions about the Reporting Party’s response to the new evidence.

9. If applicable, the Reporting Party will call their witnesses individually.
• Each witness called will individually share a verbal statement on their response to the new evidence presented by the Responding Party's appeal and be questioned by the Reporting Party. Witnesses may only provide information relevant to the new evidence presented by the Responding Party's appeal; witnesses may not provide their perspective on the character of either party or what they feel the appropriate decision or sanction in the case should be.

• The Responding Party, through the Board Chair, may question each witness about their response to the new evidence.

• The Board Members may ask questions.

• At the conclusion of the statement and questions for each witness, the witness will leave.

• The Appeal Board may request witnesses to return for further clarification.

10. Information is presented by the Reporting Party solely about the new evidence presented in their appeal.

• The Board Members may ask questions about the new evidence presented in the Reporting Party’s appeal.

• The Responding Party, through the Board Chair, may question the Reporting Party about the new evidence presented in the Reporting Party’s appeal.

11. If applicable, the Reporting Party will call their witnesses individually.

• Each witness called will individually share a verbal statement on the new evidence presented in the Reporting Party’s appeal and be questioned by the Reporting Party. Witnesses may only provide information relevant to the new evidence presented in the Reporting Party’s appeal; witnesses may not provide their perspective on the character of either party or what they feel the appropriate decision or sanction in the case should be.

• The Board Members may ask questions.

• The Responding Party, through the Board Chair, may question the witness about the new evidence presented in the Reporting Party’s appeal.

• At the conclusion of the statement and questions for each witness, the witness will leave.

• The Appeal Board may request witnesses to return for further clarification.

12. Information is presented by the Responding Party solely about their response to the new evidence presented by the Reporting Party’s appeal.

• The Board Members may question the Responding Party about their response to the new evidence presented by the Reporting Party’s appeal.

• The Reporting Party, through the Board Chair, may ask questions about the Responding Party’s response to the new evidence.

13. If applicable, the Responding Party will call their witnesses individually.

• Each witness called will individually share a verbal statement on their response to the new evidence presented by the Reporting Party’s appeal and be questioned by the Responding Party. Witnesses may only provide information relevant to the new evidence presented by the Reporting Party’s appeal; witnesses may not provide their perspective on the character of either party or what they feel the appropriate decision or sanction in the case should be.

• The Reporting Party, through the Board Chair, may question each witness about their response to the new evidence.
• The Board Members may ask questions.

• At the conclusion of the statement and questions for each witness, the witness will leave.

• The Appeal Board may request witnesses to return for further clarification.

14. The Board Members may ask final questions of the Responding Party and/or Reporting Party.

15. The Responding Party, Reporting Party, and Support Persons will leave; the Appeal Board will enter closed deliberation and complete steps 16-19, as applicable.

16. The Appeal Board will vote to determine if the new evidence and any response(s) presented by both parties as a part of the appeal are significant enough to alter the recommendations made at the Sexual Misconduct Case Review, considering the totality of the evidence.

• If the Appeal Board determines that the totality of the evidence, including the new evidence and response(s) presented by both parties, is not significant enough to alter the recommendation made at the Sexual Misconduct Case Review, the recommendation rendered at the Sexual Misconduct Case Review will stand.

• If the Appeal Board determines that the totality of the evidence, including the new evidence and response(s) presented, is significant enough to alter the recommendation made at the Sexual Misconduct Case Review, the Appeal Board will render their recommendations of whether or not the Responding Party is responsible for violating policy and proceed to step 17.A. or 17.B.

17. A. If the Appeal Board recommends finding the Responding Party not responsible for violating all policies, they will not review any of the withheld character information nor assign any sanctions. The Appeal Board will proceed to Step 19.

B. If the Appeal Board recommends finding the Responding Party responsible for violating policy, they will be provided with the withheld information regarding the character of the Responding Party. Further, if the Appeal Board recommends finding the Responding Party responsible for violating policy J34-100 Sexual Misconduct, they will also be provided with the withheld information regarding the character of the Reporting Party. Upon the completion of this review, they will proceed to step 18.

18. Upon completion of the review of character information, the Appeal Board will render their recommended sanctions for the case. If only a Responding Party was granted a Sexual Misconduct Appeal Review, the Appeal Board may not assign more severe sanctions than those assigned at the Sexual Misconduct Case Review.

19. The Appeal Board’s recommendation will be given to the Dean of Students or designee for review.

Sexual Misconduct Interim Suspension Process

If OSARP determines that a student presents a risk to the orderly operation of the university or to the safety and welfare of members of the university community due to an allegation of behavior that would violate policy J34-100 Sexual Misconduct, the Director of OSARP or designee may initiate the Sexual Misconduct Interim Suspension Process and place the Responding Party under a Sexual Misconduct Interim Suspension Status. In such circumstances:

1. The Responding Party will be notified of the alleged policy violation(s) against them and that they are being placed under a Sexual Misconduct Interim Suspension Status by a professional staff member from OSARP through a method that may include, but is not limited to, in person notification, notification via the Responding Party’s JMU email address, or notification via telephone. While under a Sexual Misconduct Interim Suspension Status the Responding Party is banned from the university campus; the Responding Party may not attend classes, enter or live in residence halls, or enter property owned or leased by James Madison University without permission from the Director of OSARP or designee. If the Responding Party violates the Sexual Misconduct Interim Suspension Status, they are subject to arrest for trespassing and additional alleged policy violation(s) in OSARP. At their discretion, the Director of OSARP or designee may choose to provide specific provisions that allow the student to come onto campus as a part of the Sexual Misconduct Interim Suspension Status (i.e. to attend classes only, to attend a meeting related to the Sexual Misconduct Accountability Process); if this special provision is made, it will be communicated to the student. 2. Within two business days of the Responding Party receiving notice that they are being placed under a Sexual Misconduct Interim Suspension Status, with or without specific provisions, the Responding Party may request a
Sexual Misconduct Interim Suspension Appeal Review of the Sexual Misconduct Interim Suspension Status. A Sexual Misconduct Interim Suspension Appeal Review does not determine whether or not the Responding Party violated university policy nor any sanctions for the case. A Sexual Misconduct Interim Suspension Appeal Review only determines if the current Sexual Misconduct Interim Suspension Status, with or without specific provisions, will be upheld, overturned, or altered (including the removal of previously granted specific provisions) until the decision in the case is finalized. If the current Sexual Misconduct Interim Suspension Status, with or without specific provisions, is upheld at the Sexual Misconduct Interim Suspension Appeal Review, the Sexual Misconduct Interim Suspension Status, with or without specific provisions, will remain in place until the conclusion of the Sexual Misconduct Accountability Process.

• Sexual Misconduct Interim Suspension Appeal Reviews will be conducted by a University Case Administrator.

• Responding Parties may be accompanied at the Sexual Misconduct Interim Suspension Appeal Review by a Support Person, provided the Support Person is able to attend. A Support Person attending a Sexual Misconduct Interim Suspension Appeal Review may not communicate for or speak on behalf of the Responding Party. An individual who serves as a Support Person at the Sexual Misconduct Interim Suspension Appeal Review may not provide a statement in the Sexual Misconduct Formal Complaint and Investigation Process, nor serve as a witness in the Sexual Misconduct Accountability Process.

• The Sexual Misconduct Interim Suspension Appeal Review will be audio and/or video recorded; Participants are not permitted to make their own recording of the Sexual Misconduct Interim Suspension Appeal Review. OSARP reserves the right to provide any information shared or evidence provided during the Sexual Misconduct Interim Suspension Appeal Review related to the alleged incident or behavior to the Title IX Office for use during the Sexual Misconduct Formal Complaint and Investigation Process and inclusion in the Initial Investigation Report and/or the Final Investigation Report.

3. The Title IX Office will initiate the Sexual Misconduct Formal Complaint and Investigation Process as outlined in JMU Policy 1340 when the Sexual Misconduct Interim Suspension Status is initially enacted by OSARP and the Responding Party is informed of the alleged policy violation(s) against them. The Title IX Office will complete the Sexual Misconduct Formal Complaint and Investigation Process and submit the Final Investigation Report to OSARP for adjudication through the Sexual Misconduct Accountability Process as quickly as possible. Upon receipt of the Final Investigation Report, OSARP will initiate the Sexual Misconduct Accountability Process and adjudicate the case, holding the Sexual Misconduct Case Review within 10 business days of receiving the Final Investigation Report. Timelines listed in the Sexual Misconduct Accountability Process may be altered in cases involving Sexual Misconduct Interim Suspension Status for the Responding Party; OSARP will communicate the alteration of any timelines to both parties.

Circumstances that surround a Sexual Misconduct Interim Suspension Status being enacted may involve concurrent criminal charges or civil litigation. OSARP may implement a Sexual Misconduct Interim Suspension Status prior to the conclusion of the criminal or civil process; any outcomes or decisions made in the Sexual Misconduct Interim Suspension Process, or Sexual Misconduct Accountability Process are not dependent on the outcomes of the criminal or civil process and will not be revisited at the conclusion of the criminal or civil process.

In cases where a student has extenuating circumstances that prevent attending or participating in a Sexual Misconduct Interim Suspension Review, or the Sexual Misconduct Accountability Process, including but not limited to incarceration, the decision to continue with or delay the Sexual Misconduct Interim Suspension Appeal Review and/or the Sexual Misconduct Accountability Process is at the discretion of the Director of OSARP or designee.

If a Sexual Misconduct Interim Suspension Status is enacted without sufficient time remaining to meet the timelines outlined in the Sexual Misconduct Interim Suspension Process within the current semester, the timeline for which the Sexual Misconduct Interim Suspension Appeal Review and the Sexual Misconduct Accountability Process will take place is at the discretion of the Director of OSARP or designee.

Harassment, Bullying, and/or Stalking J16-100

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, and stalking. The university has both an obligation to prevent harassment, bullying, and stalking but must balance that with its concurrent obligation to protect students’ exercise of their free speech rights. The university takes both of these obligations seriously. Harassment and Stalking is prohibited at JMU. Bullying that rises to a level that meets the definitions of Harassment and/or Stalking below is prohibited at JMU.
2019 James Madison University Annual Security and Fire Safety Report

There are several policies at JMU that deal with specific types of harassment. Sexual harassment is defined and addressed by JMU Policy 1340 and J34-100 Sexual Misconduct. Harassment on the basis of other protected classes is defined and addressed by Policy 1324 and J16-100 Harassment, Bullying, and/or Stalking.

Harassment is generally defined by JMU as unwelcome or offensive physical, verbal, or non-verbal conduct that shows aversion or hostility towards a person that creates a hostile environment or is a term or condition of employment, education, membership, or participation in programs, services, opportunities, or activities. Under J16-100 Harassment, Bullying and/or Stalking, harassment of any kind is prohibited, including but not limited to harassment based on a person's protected class (e.g. a person's age, color, disability, gender, gender identity, genetic information, national origin, parental status, political affiliation, race, religion, sex, sexual orientation, or veteran status). Harassment based on a person's gender, gender identity, sex, or sexual orientation may also be addressed by JMU Policy 1340 and J34-100 Sexual Misconduct.

A hostile environment may be created by oral, written, graphic or physical conduct that is sufficiently severe, persistent or pervasive and objectively offensive in a manner that it interferes with, limits or denies the person the ability to participate in or benefit from the institution's educational programs, services, opportunities, or activities or the individual's employment access, benefits or opportunities. Mere subjective offensiveness is not enough to create a hostile environment. In determining whether conduct is severe, persistent or pervasive, and thus creates a hostile environment, the following factors will be considered: (a) the degree to which the conduct affected one or more individuals' education or employment; (b) the nature, scope, frequency, duration, and location of the incident(s); (c) the identity, number, and relationships of persons involved; (d) the perspective of a "reasonable person" in the same situation as the person subjected to the conduct, and (e) the nature of higher education.

Conduct is considered "unwelcome conduct" if the individual subjected to the conduct did not request, consent to, or invite it and reasonably considers the conduct to be undesirable or harmful.

Stalking, defined as conduct occurring on more than one occasion that places another person in reasonable fear of bodily injury, or death, or that causes such fear concerning the other person's family or household members, is prohibited. Stalking is also prohibited by JMU Policy JMU Policy 1340 and J34-100 Sexual Misconduct.

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**Protective Orders/No Contact Orders**

Protective orders are civil court orders meant to protect victims who have experienced or are reasonably in fear of physical violence, sexual assault or stalking by another individual. The JMU Police Department will explain and provide assistance in the process of obtaining protective orders. An emergency protective order (EPO) aims to protect the health or safety of any person regardless of a decision to arrest. The patrol officer may request an emergency protective order for the victim for any act involving violence, force, or threat that results in bodily injury, OR places one in reasonable apprehension of death, sexual assault, or bodily injury. Such acts include, but are not limited to, any forceful detention, stalking, or criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, OR any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. An emergency protective order is issued by a judge or magistrate, upon request of a law enforcement officer or an alleged victim. To obtain an emergency protective order, the alleged victim must have been subjected to an act of violence, force, or threat, and the judge or magistrate finds that (i) there is probable danger of a further such act being committed by the respondent against the alleged victim or (ii) a petition or warrant for the arrest of the respondent has been issued for a criminal offense resulting from the commission of an act of violence, force, or threat.

An emergency protective order can:

1. Prohibit acts of violence, force, or threat or criminal offenses resulting in injury to person or property,
2. Prohibit contacts by the respondent with the petitioner or the petitioner's family or household members, and
3. Grant other conditions that the judge or magistrate deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by the respondent.

This remains in effect for 72 hours unless the 72 hour period expires at a time that Court is not in session. In that case, the order is extended until 5:00 p.m. on the next business day that the Court is in session. The victim may request a preliminary protective order, within a reasonable period of time following the incident, through the general district court. A preliminary protective order (PPO) is issued by a judge, upon request of an alleged victim or law enforcement officer. To obtain a preliminary protective order, the alleged victim must have been subjected to an act of violence, force, or threat, or a petition or warrant has been issued for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of an act of violence, force, or threat. An alleged victim must appear before a judge in person to request a preliminary protective order.

109
A preliminary protective order can:

1. Prohibit acts of violence, force, or threat or criminal offenses that may result in injury to person or property,
2. Prohibit contacts by the respondent with the petitioner or the petitioner’s family or household members, and
3. Grant other conditions that the court deems necessary to prevent (i) acts of violence, force, or threat,
   (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by
   the respondent.

A Preliminary Protective Order is valid for 15 days, or until the date of the next hearing scheduled at the time of issuance of the preliminary protective order for a permanent or full protective order. A full protective is issued by a judge, following a hearing at which both the petitioner and respondent are present.

A full protective order can:

1. Prohibit acts of violence, force, or threat or criminal offenses that may result in injury to person or property,
2. Prohibit contacts by the respondent with the petitioner or the petitioner’s family or household members, and
3. Grant other conditions that the court deems necessary to prevent (i) acts of violence, force, or threat,
   (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by
   the respondent.

A Protective Order is valid for any period of time up to a maximum of two years. It is very important to keep a copy of the protective order with you at all times. Show these to the police officer, magistrate, prosecutor, or judge if he/she violates the order.

A special kind of Protective Order, called a Family Abuse Protective Order, exists for victims who have experienced or are in fear of physical threat or violence, sexual assault or stalking by a family member. Regardless of whether an arrest is made, if the responding officer has probable cause to believe that a danger of acts of family abuse exists, the officer shall seek an emergency protective order on behalf of the victim.

Family abuse includes any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person’s family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or 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.

If you are not able to obtain a family abuse protective order you may still be able to obtain a general emergency protective order (EPO) which aims to protect the health or safety of any person regardless of a decision to arrest.

If you are a student or an employee victim, please inform the JMU Police of any protection orders. Officers shall enforce protective orders from other states or possessions of the United States as if they were issued in the Commonwealth of Virginia. More information on protective orders can be found at http://www.courts.state.va.us/forms/district/info_sheet_protective_order_stalking.pdf.

No contact orders through the university can also be put in place. When students are informed of their alleged violations, they may also be instructed to have “no direct or indirect contact” with the specific members of the university community involved in the case. 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 may result in an additional alleged policy violation(s) of J21-100 Non-compliance with a University Official and/or J18-100 Interference with or Retaliation for Exercising or Participating in the Title IX process and/or Accountability, Honor Council, or other University Conduct Process.
Legal Requirements

Virginia recently passed legislation Virginia Code §23.1-806 which aims to aid survivors of sexual assault and protect students on college campuses. The University is required to report information about certain allegations of sexual violence to the law enforcement agencies and the prosecuting authorities who would be responsible, respectively, for investigating and prosecuting such allegations.

Legislation requires that law enforcement notify the local attorney for the Commonwealth within 48 hours of beginning any investigation involving felony criminal sexual assault occurring on campus property or other property related to the institution of higher education. Additionally, it requires any responsible employee of a public or private nonprofit institution of higher education who in the course of his employment obtains information that an act of sexual violence has been committed against a student on campus property or other property related to the institution to report such information to the Title IX coordinator for the institution as soon as practicable. The legislation requires the Title IX coordinator to report such information to a review committee, which shall meet within 72 hours of the receipt of information of an alleged act of sexual violence and which shall include the Title IX coordinator, a representative of law enforcement, and a student affairs representative. If the review committee determines that disclosure of the information regarding the alleged act of sexual violence is necessary to protect the health and safety of the victim or other individuals, the representative of law enforcement on the review committee shall disclose the information, including personally identifiable information, to the law-enforcement agency responsible for investigating the alleged act. In cases involving a felony sexual assault, the representative of law enforcement on the review committee, or in certain situations, another committee member, shall consult with the local attorney for the Commonwealth or other prosecutor responsible for prosecuting the alleged act of sexual violence.

JMU has composed a Sexual Violence Review Committee (SVRC). This committee is composed of a representative of the Title IX administration, a member of the university’s police department and a member of the university’s student affairs administration. The SVRC reviews information related to acts of sexual violence, including information reported to the Title IX officers to fulfill this requirement.

Additionally, the legislation also stipulated the formalization of a Memorandum of Understanding between entities providing trauma informed services to student and employee victims of sexual violence with the shared goal of preventing sexual assault on campus and in the community and responding appropriately to students and employees who have been victimized. James Madison University has built a partnership with the Collins Center to provide these services to the JMU community.

Pursuant to the Clery Act, JMU includes statistics about certain offenses in its Annual Fire Safety and Security Report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires the university to issue timely warnings to the university community about certain crimes that have been reported and may continue to pose a serious or continuing threat to students and employees. Consistent with the Clery Act, JMU withholds the names and other personally identifying information of complainants when issuing timely warnings or emergency notifications to the university community, and in maintaining the daily crime log. JMU will also maintain as confidential any accommodations or protective measures provided to the complainant, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Sexual Assault

Sexual assault includes offenses that meet the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) Program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense “is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”

- Rape – the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim;
- Fondling - the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity;
- Incest - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law;
- Statutory rape - Sexual intercourse with a person who is under the statutory age of consent.

Virginia defines sexual assault as offenses involving sexual penetration or sexual contact with any person by force or threat of force, fear, intimidation, ruse, or through the use of a person’s mental incapacity or physical helplessness, or any other attempt to force sexual
additional information regarding Virginia law listed below.

### Criminal Sexual Assault

#### 18.2-61 Rape

A. If any person has sexual intercourse with a complaining witness, whether or not his or her spouse, or causes a complaining witness, whether or not his or her spouse, to engage in sexual intercourse with any other person and such act is accomplished (i) against the complaining witness's will, by force, threat or intimidation of or against the complaining witness or another person; or (ii) through the use of the complaining witness's mental incapacity or physical helplessness; or (iii) with a child under age 13 as the victim, he or she shall be guilty of rape.

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<tr>
<th>Section</th>
<th>Title</th>
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<tbody>
<tr>
<td>18.2-62</td>
<td>Testing of certain persons for human immunodeficiency virus.</td>
</tr>
<tr>
<td>18.2-63</td>
<td>Carnal knowledge of child between 13 and 15 years of age.</td>
</tr>
<tr>
<td>18.2-63.1</td>
<td>Death of Victim.</td>
</tr>
<tr>
<td>18.2-64.1</td>
<td>Carnal knowledge of certain minors.</td>
</tr>
<tr>
<td>18.2-66</td>
<td>Effect of subsequent marriage to child over 14 years of age.</td>
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<tr>
<td>18.2-67</td>
<td>Depositions of complaining witnesses in cases of criminal sexual assault and attempted criminal sexual assault.</td>
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#### 18.2-67.1 Forcible sodomy

A. An accused shall be guilty of forcible sodomy if he or she engages in cunnilingus, fellatio, anilingus, or anal intercourse with a complaining witness whether or not his or her spouse, or causes a complaining witness, whether or not his or her spouse, to engage in such acts with any other person, and

1. The complaining witness is less than 13 years of age; or
2. The act is accomplished against the will of the complaining witness, by force, threat or intimidation of or against the complaining witness or another person, or through the use of the complaining witness's mental incapacity or physical helplessness.

#### 18.2-67.2 Object sexual penetration

A. An accused shall be guilty of inanimate or animate object sexual penetration if he or she penetrates the labia majora or anus of a complaining witness, whether or not his or her spouse, other than for a bona fide medical purpose, or causes such complaining witness to so penetrate her or her own body with an object or causes a complaining witness, whether or not his or her spouse, to engage in such acts with any other person or to penetrate, or to be penetrated by, an animal, and

1. The complaining witness is less than 13 years of age; or
2. The act is accomplished against the will of the complaining witness, by force, threat or intimidation of or against the complaining witness or another person, or through the use of the complaining witness's mental incapacity or physical helplessness.

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<tr>
<td>18.2-67.2</td>
<td>Marital sexual assault.</td>
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<td>18.2-67.3</td>
<td>Aggravated sexual battery.</td>
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#### 18.2-67.4 Sexual battery

A. An accused is guilty of sexual battery if he sexually abuses, as defined in § 18.2-67.10, (i) the complaining witness against the will of the complaining witness, by force, threat, intimidation, or ruse, (ii) within a two-year period, more than one complaining witness or one complaining witness on more than one occasion intentionally and without the consent of the complaining witness, (iii) an inmate who has been committed to jail or convicted and sentenced to confinement in a state or local correctional facility or regional jail, and the accused is an employee or contractual employee of, or a volunteer with, the state or local correctional facility or regional jail; is in a position of authority over the inmate; and knows that the inmate is under the jurisdiction of the state or local correctional facility or regional jail, or (iv) a probationer, parolee, or a pretrial defendant or post trial offender under the jurisdiction of the Department of Corrections, a local community-based probation services agency, a pretrial services agency, a local or regional jail for the purposes of imprisonment, a work program or any other parole/probationary or pretrial services or agency and the accused is an employee or contractual employee of, or a volunteer with, the Department of Corrections, a local community-based probation services agency, a pretrial services agency or a local or regional jail; is in a position of authority over an offender; and knows that the offender is under the jurisdiction of the Department of Corrections, a local community-based probation services agency, a pretrial services agency or a local or regional jail.

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<td>18.2-67.5</td>
<td>Attempted rape, forcible sodomy, object sexual penetration, aggravated sexual battery, sexual battery.</td>
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Consent is not defined by the Commonwealth of Virginia in state criminal law. To constitute lack of consent, acts must be committed by force, intimidation or through use of the victim’s mental incapacity or physical helplessness. Intoxication may indicate an inability to give consent.

James Madison University defines consent: An outward demonstration through understandable words or actions that convey a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent cannot be obtained by physical or verbal coercion that is express or implied, which includes the use of intimidation, threats, force or duress. Consent cannot be obtained by ignoring or acting in spite of the objections of another, by previous consent or by taking advantage of another person’s incapacitation or physical helplessness where one knows or reasonably should have known of such incapacitation or helplessness. An individual who is incapacitated because of age, disability, voluntary activity or through the acts of others cannot give consent. Silence or absence of resistance does not imply consent. Consent is voluntary and may be withdrawn at any time by communicating the withdrawal through an outward demonstration of understandable words or actions.

James Madison University defines sexual violence: Physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g., due to the person’s age, mental state or use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent. James Madison University prohibits sexual misconduct. Sexual misconduct encompasses sexual assault, sexual violence, sexual harassment, relational violence, sexual exploitation, stalking, and nonconsensual relationships.

All acts of Sexual Misconduct are covered by the terms of this policy, (J34-100), provided that the Reporting Party reasonably believes they have been subjected to sexual misconduct by a current student, as defined by the Student Handbook and any limitations set forth by JMU Policy 1340, and one or more of the following apply:

- A substantial portion of the alleged sexual misconduct occurred on university-controlled, university owned, or university leased property.
- The alleged sexual misconduct had a significant connection to or effect on official university programs or activities.
- The alleged sexual misconduct had a significant connection to or effect on the learning or working environment at JMU of the Reporting Party.

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. Furthermore, student witnesses for the Reporting Party or the Responding Party will not be charged with violations of J38-101 Alcohol or J38-102 Drugs as a result of their statements in the case. Reporting Parties and Responding Parties should review JMU Policy 1340 for their roles in the investigation of an allegation and the OSARP Sexual Misconduct Accountability Process for their roles in the adjudication of an allegation. Both parties will be assigned an advisor in OSARP to guide them through the Sexual Misconduct Accountability Process.

Title IX Staff will explore options for the investigation and adjudication of the allegation in accordance with JMU Policy 1340. The JMU Student Accountability and Restorative Practices Accountability response to referral(s) related to act(s) of sexual assault can result in a charge of “Sexual Misconduct” against the accused (J34-100). When adjudicating allegations of violating Sexual Misconduct, the following definitions will be applied.

**J34-101 Sexual Assault** – Any nonconsensual physical contact of a sexual nature that is forced on another person, including unwelcome sexual touching of any kind. This includes engaging, attempting to engage, or completing any kissing; sexual intercourse (oral, anal, or vaginal); penetration, however slight, with any object or body part; intentional touching of oneself or another person’s body part in a sexual manner, directly or through clothing; forcing a person to touch oneself or another person’s body part in a sexual manner, directly or through clothing.

**J34-103 Sexual Exploitation** - Taking sexual advantage of another person without that individual’s consent. Examples include but are not limited to prostituting another person; causing or attempting to cause the incapacitation of another person for a sexual purpose; recording, photographing, creating, or transmitting sexual utterances, sounds or images, whether real or fake, of another person without that person’s consent; allowing a Third Party to observe sexual activity without the consent of the participants; knowingly transmitting sexually transmitted infections or other diseases without the knowledge of the person’s sexual partner; inducing another to expose his/her body for sexual purposes; intentionally altering, removing, or sabotaging contraceptive or prophylactic measures without the knowledge of the other party, including but not limited to condoms and/or birth control measures; and viewing another person’s sexual activity, intimate body
parts or nakedness in a place where that person would have a reasonable expectation of privacy without that person’s consent.

**J34-104 Sexual Harassment** – A form of sex discrimination consisting of unwelcome or offensive sexual advances, requests for sexual favors, or other conduct of a sexual nature including verbal (e.g., specific demands for sexual favors, sexual innuendos, sexually suggestive comments, jokes of a sexual nature, sexual propositions, or sexual threats); non-verbal (e.g., sexually suggestive emails, other writings, articles, or documents; objects or pictures; graphic commentaries; suggestive or insulting sounds or gestures, leering, whistling; or obscene gestures); or physical (e.g., touching, pinching, or brushing the body; or any unwelcome or coerced sexual activity). Sexual harassment may include the following:

- Term or condition of employment or education ("quid pro quo"). This type of sexual harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment, or participation in a university activity are conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting that individual's employment, education, living environment, or participation in a university program or activity.
- Hostile environment. Acts of sexual harassment that create a hostile environment, as defined herein.

**J34-105 Relational Violence** – A form of violence which consists of physical assaults or serious threats of bodily harm, including domestic violence and dating violence.

**J34-107 Non-Consensual Relationship** - A sexual relationship between members of the university community is prohibited if it is influenced by any form of fear or coercion, such that it causes one party to believe that they must submit to unwelcome sexual conduct in order to accept or continue employment, achieve an employment or educational benefit, or participate in a program or activity. A sexual relationship is prohibited between individuals where a power differential would imply or raise the inference of exploitation or raise the inference that an educational or employment decision will be based on whether or not there is submission to coerced sexual conduct.

In adjudicating allegations of violating J34-100 Sexual Misconduct the following definitions will be applied:

**Consent:** An outward demonstration through understandable words or actions that convey a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force that is express or implied, coercion, intimidation, threats or duress. Consent cannot be obtained by ignoring or acting in spite of the objections of another, by previous consent or by taking advantage of another person’s incapacitation or physical helplessness where one knows or reasonably should have known of such incapacitation or helplessness. An individual who is incapacitated because of age, disability, voluntary activity or through the acts of others cannot give consent. Silence or absence of resistance does not imply consent. Consent is voluntary and may be withdrawn at any time by communicating the withdrawal through an outward demonstration of understandable words or actions.

**Hostile Environment:** A hostile environment may be created by oral, written, graphic or physical conduct that is sufficiently severe, persistent or pervasive and objectively offensive in a manner that it interferes with, limits or denies the person the ability to participate in or benefit from the institution’s educational programs, services, opportunities, or activities or the individual’s employment access, benefits or opportunities. Mere subjective offensiveness is not enough to create a hostile environment. In determining whether conduct is severe, persistent or pervasive, and thus creates a hostile environment, the following factors will be considered: (a) the degree to which the conduct affected one or more individuals’ education or employment; (b) the nature, scope, frequency, duration, and location of the incident(s); (c) the identity, number, and relationships of persons involved; (d) the perspective of a “reasonable person” in the same situation as the person subjected to the conduct, and (e) the nature of higher education.

**Incapacitation:** Physical or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts, unconsciousness, and the inability to make such decisions due to the voluntary or involuntary use of alcohol or drugs. Incapacitation may occur because of age, disability, voluntary activity or through the acts of others.

**Sexual Violence:** Physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g., due to the person’s age, mental state or use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion. Sexual violence is a form of sex discrimination and harassment, and is not limited by gender, gender identity or sexual orientation of the Reporter or the Respondent.
What to do if sexually assaulted

If a sex offense should occur, the victim should consider following actions:

Seek help:

- 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. You can go to the emergency room at the hospital, tell them you were sexually assaulted. 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.
- JMU students may also seek medical attention at the JMU Health Center, University Health Center - 540-568-6178, located at the Student Success Center. They can help with emergency contraception, medical exam, and STI testing.
- Consider advocacy services available through the “Well” at the University Health Center, which helps, provide students a supportive way to navigate their options and resources. To meet with an advocate, contact Jackie Hieber, Assistant Director - Sexual Violence Advocacy & Prevention at hieberjm@jmu.edu or 540-568-6251
- Counseling Center - 540-568-6552, Student Success Center - counseling, advocacy, and consultation
- Consider the Collins Center & Child Advocacy Center - 540-432-6430, 217 South Liberty Street #205, Harrisonburg VA, an off-campus crisis counseling, support, and advocacy center.
- Contact JMU Title IX Coordinator, Title IX Amy Sirocky-Meck 540-568-5214 Madison Hall Suite 4020, JMU Harrisonburg, VA 22807.
- You may also notify law enforcement, call the JMU Police Department if the incident occurred on campus at 540-568-6911; if the incident happened in the City of Harrisonburg or surrounding area call the Emergency 911, or business 540-434-4436 for assistance. 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 and/or be assisted by campus authorities in notifying law enforcement if the victim chooses.

Retain Evidence

- As with any crime, it is important to preserve evidence. Preserving evidence may assist in proving that the alleged criminal offense occurred and/or may be helpful in obtaining a protection order. If the offense occurred within the past 72 hours, evidence of criminal activity may be preserved and may be collected even if you chose not to make a report to law enforcement. The evidence collected can be held until a decision is made about pursuing legal action. In instances where the victim wishes to remain anonymous, the evidence collected at the hospital will be forwarded to the Division of Consolidated Laboratory Service of the Virginia Department of General Services as an anonymous physical evidence recovery kit where it will be stored for two years. During this time the victim may choose to release the kit to law enforcement.
- Do not destroy the physical evidence that may be found in the vicinity of the crime. If the crime occurred in the victim's home, the victim should not clean or straighten until the police have had an opportunity to collect evidence if contacted. Again, preservation of evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order.
- Do not shower, bathe, or douche. Do not urinate, if possible. Do not eat, drink liquids, smoke or brush teeth if oral contact took place.
- Keep the clothes worn during the offense. If clothes are changed, place clothes in a paper bag (evidence deteriorates in plastic).
- Write down everything you can remember about the assailant and the assault.

Go to the Hospital

- Get medical attention immediately. Going to the emergency room after a sexual assault can be a scary and confusing experience. In Virginia evidence may be collected even if you chose not to make a report to law enforcement. The evidence collected can be held until a decision is made about pursuing legal action. Sentara RMH Hospital can assist with collecting evidence with a physical evidence recovery kit. When you arrive at the emergency room, you will be checked in at the triage desk where you will be registered. At this time, a Collins Center advocate will be called as well as a specialized nurse called a SANE nurse (Sexual Assault Nurse Examiner). If the victim is a student, the SANE nurse requests of the victim that they allow the nurse to call a professional counselor from the university to let them know of the assault. Students can also call the JMU Health Center’s The Well at 540-568-2831 to request a member to accompany them if they desire. The SANE nurses are bound by the limits of confidentiality, however, and may be able to only let the counselor know that an assault occurred on a student, but be unable to name that student if the victim wishes not to be named.
- The Sexual Assault Nurse Examiner’s program, otherwise known as SANE, is a program set up specifically to gather forensic evidence from victims of sexual assault. SANE nurses are on call for duties to be performed at the Sentara
RMH Emergency Room. Police investigators suggest that victims receive an exam by a SANE nurse if they are interested in pressing charges. SANE exams are administered to walk-in victims. SANE nurses are trained in examination techniques, forensic practice, how to collaborate with law enforcement officers, and how to present evidence as an expert witness in the courtroom. The SANE exam is an evidentiary exam, not a diagnostic one. There is a SANE nurse available 24/7 and exams are done for both adult and pediatric victims.

- For the exam, the SANE nurse obtains a brief medical history and may ask some detail about the assault that will help to know what areas of physical examination are most important for a thorough collection of forensic evidence. Blood, hair, and specific body fluids will be collected and packaged in a manner prescribed by the Virginia State Crime Laboratory. Specimens are labeled in detail and then sealed in a box that is remitted to law enforcement, following the rules of chain-of-custody. The investigating agency is then responsible for carrying the sealed evidence to the crime lab. (The Virginia Supreme Court can pay expenses related to the PERK kit exam, the Criminal Injuries Compensation Fund applies, per Virginia Code Section 19.2-368.18). In instances where the victim wishes to remain anonymous, the evidence will be forwarded to the Division of Consolidated Laboratory Service of the Virginia Department of General Services as an anonymous physical evidence recovery kit and where it will be stored for two years. During this time the victim may choose to release the kit to law enforcement.

- At the completion of the exam, the victim is offered prophylaxis for sexually transmitted diseases (STDs) and pregnancy and is given follow-up instructions depending on any findings during the exam. Follow-up can be through a private physician, the University Health Center, and/or the Public Health Department of Rockingham/Harrisonburg.

- If possible, tell someone all the details remembered about the assault and write everything down you remember as soon as possible.

**Report the Assault**

- If the victim requests notification to law enforcement, call the police department in the jurisdiction where the crime occurred. Call the JMU police Department if the incident occurred on campus at 540-568-6911; if the incident happened in the City of Harrisonburg or Rockingham County call the Emergency 911, or Business 540-434-4436 for assistance. Assistance will be provided to help the victim notify the appropriate law enforcement authorities if requested. The responding officer’s primary responsibility will be the victim’s physical well-being and emergency medical needs. An investigation will follow to include the obtaining preliminary statements, preserving the crime scene, and collection of evidence. An investigator trained in sexual assault will respond and continue the investigation. If the assault occurred within 72 hours, at the hospital, the victim will be encouraged to allow an examination by a sexual assault nurse examiner to obtain evidence (Physical Evidence Recovery Kit). Law enforcement will help obtain an emergency protective order for the victim if applicable and provide guidance through the criminal complaint process.

- Individuals may also report sex offenses to the JMU Title IX Coordinator, Title IX Amy Sirocky-Meck 540-568-5214 Madison Hall Suite 4020, JMU Harrisonburg, VA 22807. You will be provided with written notification, both students and employees, about victim services within the institution and in the community. Information provided will include information on existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid along with other services available for victims, both within the institution and in the community and how to request accommodations and protective measures. This information will include options for and available assistance to victims for changing academic, living, transportation and working situations if requested by the victim and reasonably available and explanation of the procedures for institutional disciplinary action. The institution must make such accommodations or provide such protective measures if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement. University accountability action is an option that can be pursued in lieu of or concurrent with legal prosecution. 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) to explore options. 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. The JMU Student Accountability and Restorative Practices Accountability response to referral(s) related to act(s) of sexual violence can result in a charge of “Sexual Misconduct” against the accused.

The Counseling Center offers a resource that provides free and confidential short and long-term individual, group, and emergency sexual trauma counseling services for JMU students. They can also provide 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. 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. Staff members of the Counseling Center are exempt from Title IX reporting requirements, and communications with clients are privileged by law; therefore, allowing the discussion of Title IX implications with faculty, staff, family members, and students as needed, and they can 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.

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 JMU Health Center’s The Well, and the University Counseling Center, will work cooperatively to ensure that the victim’s health, physical safety, work and academic status are protected, pending the outcome of a university investigation of the complaint. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating, adjudicating the complaint or delivering resources or support services to the victim to the extent permissible by law. Any accommodations or protective measures provided to the victim will remain confidential to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures. 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. Publicly available recordkeeping, including Clery Act reporting and disclosures, will be conducted without the inclusion of personally identifying information about the victim. Reports of all domestic violence, dating violence, sexual assault and stalking made to the JMU Police Department will automatically be referred to the Title IX Coordinator for investigation and services regardless if the victim choses to pursue criminal charges.

Additionally, a Mutual Aid agreement with the Department of State Police, for the use of their joint forces, both regular and auxiliary, equipment, and materials when needed in the investigation of any felony criminal sexual assault or medically unattended death occurring on property owned or controlled by the institution of higher education or any death resulting from an incident occurring on such property has been enacted.

Following any incident, victims are encouraged to make a report to JMU Police Department or local police if they have not done so previously. Remember, this action does not obligate prosecution, but it does make legal action possible if the decision to prosecute is made at a later date. Police have unique legal authority to seek and execute search warrants, to collect forensic evidence that may have been left at the scene or at other relevant locations, and to make an arrest when supported by probable cause to believe a crime has been committed. The earlier an incident is reported, the easier it is to collect valuable evidence and investigate the incident and obtain protective orders. JMU police will help victims with obtaining protection orders.

The institution will, upon written request, disclose to the victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for these purposes.

Law enforcement in concert with other entities such as Title IX, the JMU Health Center, Sentara RMH Hospital, and the Office of Student Accountability and Restorative Practices, along with the JMU Health Center’s The Well and the JMU Counseling Center will help coordinate medical, counseling and support services for students. Sentara RMH Hospital and the Collins Center along with the Harrisonburg Rockingham Victim Witness Program will coordinate for non-student victims.

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Bystander interventions can include speaking up when you hear threatening language. Confront people who seclude, hit on, and try to make out with or have sexual contact or penetration against someone who is incapacitated. Hold people accountable for their actions. Respectfully challenge comments that degrade women. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are OK.

Risk reduction entails options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. Risk reduction consists of options to address violence before it happens. With no intent to victim blame and in recognizing that only rapists are responsible for rape, there are some things you can do to help reduce your risk of being assaulted. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Don’t allow yourself to be isolated with someone you don’t trust or someone you don’t know.

Trust your intuition. If a particular situation makes you feel uncomfortable or unsafe, remove yourself from the situation. Don’t be afraid to follow your instincts. Don’t leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, just get a new one.
Domestic Violence

Domestic abuse “any threat or act of violence, including forceful detention which results in physical injury or places one in reasonable apprehension of bodily injury and which is committed by a person against such person’s family or household member”. In essence, domestic violence is any violent or controlling behavior by a person toward a spouse or partner. Although the partner is the primary target, domestic abuse also affects the children in the household, extended family members, and even the community at large.

The Virginia the statute for domestic violence is § 18.2-57.2. Assault and battery against a family or household member; penalty.

- Any person who commits an assault and battery against a family or household member is guilty of a Class 1 misdemeanor.
- Upon a conviction for assault and battery against a family or household member, where it is alleged in the warrant, petition, information, or indictment on which a person is convicted, that such person has been previously convicted of two offenses against a family or household member of (i) assault and battery against a family or household member in violation of this section, (ii) malicious wounding or unlawful wounding in violation of § 18.2-51, (iii) aggravated malicious wounding in violation of § 18.2-51.2, (iv) malicious bodily injury by means of a substance in violation of § 18.2-52, (v) strangulation in violation of § 18.2-51.6, or (vi) an offense under the law of any other jurisdiction which has the same elements of any of the above offenses, in any combination, all of which occurred within a period of 20 years, and each of which occurred on a different date, such person is guilty of a Class 6 felony.

The VAWA term “domestic violence” includes felony or misdemeanor crimes of violence committed:

1. By a current or former spouse or intimate partner of the victim;
2. By a person with whom the victim shares a child in common;
3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
5. By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

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

Consent is not defined by the Commonwealth of Virginia in state criminal law. To constitute lack of consent, acts must be committed by force, intimidation or through use of the victim’s mental incapacity or physical helplessness. Intoxication may indicate an inability to give consent.

James Madison University defines consent: consent: An outward demonstration through understandable words or actions that convey a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force that is express or implied, coercion, intimidation, threats or duress. Consent cannot be obtained by ignoring or acting in spite of the objections of another, by previous consent or by taking advantage of another person’s incapacitation or physical helplessness where one knows or reasonably should have known of such incapacitation or helplessness. An individual who is incapacitated because of age, disability, voluntary activity or through the acts of others cannot give consent. Silence or absence of resistance does not imply consent. Consent is voluntary and may be withdrawn at any time by communicating the withdrawal through an outward demonstration of understandable words or actions.

James Madison University defines sexual violence: Physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g., due to the person’s age, mental state or use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent. James Madison University prohibits sexual misconduct. Sexual misconduct encompasses sexual assault, sexual violence, sexual harassment, relational violence, sexual exploitation, stalking, and nonconsensual relationships.

All acts of Sexual Misconduct are covered by the terms of this policy, (J34-100), provided that the Reporting Party reasonably believes they have been subjected to sexual misconduct by a current student, as defined by the Student Handbook and any limitations set forth by JMU Policy 1340, and one or more of the following apply:

- A substantial portion of the alleged sexual misconduct occurred on university-controlled, university owned, or university leased property.
- The alleged sexual misconduct had a significant connection to or effect on official university programs or activities.
- The alleged sexual misconduct had a significant connection to or effect on the learning or working environment at JMU of the Reporting Party.
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. Furthermore, student witnesses for the Reporting Party or the Responding Party will not be charged with violations of J38-101 Alcohol or J38-102 Drugs as a result of their statements in the case. Reporting Parties and Responding Parties should review JMU Policy 1340 for their roles in the investigation of an allegation and the OSARP Sexual Misconduct Accountability Process for their roles in the adjudication of an allegation. Both parties will be assigned an advisor in OSARP to guide them through the Sexual Misconduct Accountability Process.

**Title IX Staff** will explore options for the investigation and adjudication of the allegation in accordance with **JMU Policy 1340**. The JMU Student Accountability and Restorative Practices Accountability response to referral(s) related to act(s) of sexual assault can result in a charge of “Sexual Misconduct” against the accused (J34-100). When adjudicating allegations of violating Sexual Misconduct, the following definitions will be applied.

**JMU Policy 1340 Sexual Misconduct** – A form of violence which consists of physical assaults or serious threats of bodily harm, including domestic violence and dating violence.

In adjudicating allegations of violating J34-100 Sexual Misconduct the following definitions will be applied:

- **Domestic Violence**: An incident or pattern of physically, sexually and/or emotionally abusive behavior used by one individual to assert power or maintain control over another in the context of an intimate or family relationship. Depending on the circumstances, this may be a form of sexual violence.

- **Hostile Environment**: A hostile environment may be created by oral, written, graphic or physical conduct that is sufficiently severe, persistent or pervasive and objectively offensive that it interferes with limits or denies the ability of a person’s ability to participate in or benefit from the Institute’s educational programs, services, opportunities, or activities or the individual’s employment access, benefits or opportunities. Mere subjective offensiveness is not enough to create a hostile environment. In determining whether conduct is severe, persistent or pervasive, and thus creates a hostile environment, the following factors will be considered: (a) the degree to which the conduct affected one or more individuals’ education or employment; (b) the nature, scope, frequency, duration, and location of the incident(s); (c) the identity, number, and relationships of persons involved; (d) the perspective of a “reasonable person” in the same situation as the person subjected to the conduct, and (e) the nature of higher education.

- **Incapacitation**: Physical or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts, unconsciousness, and the inability to make such decisions due to the voluntary or involuntary use of alcohol or drugs. Incapacitation may occur because of age, disability, voluntary activity or through the acts of others.

- **Unwelcome Conduct**: Conduct is considered unwelcome if the individual subjected to the conduct did not request, consent to or invite it and reasonably considers the conduct to be undesirable or harmful. The James Madison University 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.

- **Sexual Violence**: Physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g., due to the person’s age, mental state or use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion. Sexual violence is a form of sex discrimination and harassment, and is not limited by gender, gender identity or sexual orientation of the Reporter or the Respondent.

**What to do in an incident of domestic violence**

If an incident of domestic violence should occur, the victim should consider following actions:

- **Seek help/Obtain medical attention**
  
  The victim is urged to go to a safe place and contact a friend or family member for support.
  
  After an incident of domestic violence, the victim should begin considering seeking medical attention if needed. You can go to the emergency room at the hospital. 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.
  
  JMU students may also seek medical attention at the JMU Health Center, [University Health Center](https://www.jmu.edu/studenthealth) - 540-568-6178, located at the Student Success Center.
  
  Consider advocacy services available through the Well at the University Health Center, which helps, provide students a supportive way to navigate their options and resources. To meet with an advocate, contact Jackie Hieber, Assistant Director - Sexual Violence Advocacy & Prevention at [hieberjm@jmu.edu](mailto:hieberjm@jmu.edu) or 540-568-6251.
Retain Evidence

As with any crime, it is important to preserve evidence. The thorough, complete and accurate collection of evidence is a vital and often key requirement for the successful investigation and prosecution of domestic assault. Preserving evidence may assist in proving that the alleged criminal offense occurred and/or may be helpful in obtaining a protection order. Do not destroy the physical evidence that may be found in the vicinity of the crime. If the crime occurred in the victim’s home, the victim should not clean or straighten until the police have had an opportunity to collect evidence if contacted.

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.

Report the Assault

If the victim requests notification to law enforcement, call the police department in the jurisdiction where the crime occurred. Call the JMU police Department 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. Victims will be assisted by campus authorities, if requested, in notifying law enforcement if the victim so chooses but may also decline to notify law enforcement. Due to the seriousness of these offenses and the delicate nature of the investigations involved, it is important for police 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 priority. The responding officer’s primary responsibility will be the victim’s physical well-being and emergency medical needs with an investigation to follow to include the obtaining preliminary statements, preserving evidence, and documentation. This action does not obligate prosecution, but it does make legal action possible if the decision to prosecute is made at a later date. Police have unique legal authority to seek and execute search warrants, to collect forensic evidence that may have been left at the scene or at other relevant locations.

Police will arrest the aggressor when probable cause exists 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.

Individuals may also report an incident of domestic violence to the JMU Title IX Coordinator, Title IX Amy Sirocky-Meck 540-568-5214 Madison Hall Suite 4020, JMU Harrisonburg, VA 22807. You will be provided with written information providing information on existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance along with other services available for victims, both within the institution and in the community. This information will also include options for and available assistance to victims for changing academic, living, transportation and working situations if requested by the victim and reasonably available. University accountability action is an option that can be pursued in lieu of/or concurrent with legal prosecution. To begin a university accountability action, a student, faculty member or staff member who feels he or she has been a victim of domestic violence can meet with a Title IX coordinator(s) to explore options. 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. The JMU Student Accountability and Restorative Practices Accountability response to referral(s) related to act(s) of domestic violence can result in a charge of “Sexual Misconduct” against the accused.

The Counseling Center offers is a resource that provides free and confidential short and long-term individual, group, and emergency sexual trauma counseling services for JMU students. They can also provide 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. 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. Staff members of the Counseling Center are exempt from Title IX reporting requirements, and communications with clients are privileged by law; therefore, allowing the discussion of Title IX implications with faculty, staff, family members, and students as needed, and they can 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.

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 JMU Health Center’s The Well, and the Counseling Center, will work cooperatively to ensure that the victim’s health, physical safety, work and academic status are protected, pending the outcome of a university investigation of the complaint. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating, adjudicating the complaint or delivering resources or support services to the victim to the extent permissible by law. Any accommodations or protective measures provided to the victim will remain confidential to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures. 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. Publicly available recordkeeping, including Clery Act reporting and disclosures, will be conducted without the inclusion of personally identifying information about the victim. Reports of all domestic violence, dating violence, sexual assault and stalking made to the JMU Police Department will automatically be referred to the Title IX Coordinator for investigation and services regardless if the victim choses to pursue criminal charges.

Law enforcement in concert with other entities such as Title IX, the JMU Health Center, Sentara RMH Hospital, and the Office of Student Accountability and Restorative Practices, along with the JMU Health Center’s The Well and the Counseling Center will help coordinate medical, counseling and support services for students. Sentara RMH Hospital and the Collins Center along with the Harrisonburg Rockingham Victim Witness Program will coordinate for non-student victims.

The institution will, upon written request, disclose to the victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for these purposes.

Some cues or red flags that might indicate an abusive relationship:

**Do you...**

- Feel afraid of your partner most of the time?
- Feel that you can’t do anything right?
- Get embarrassed by your partner’s behavior toward you?
- Believe that you deserve to be hurt or mistreated?
- Avoid topics or situations out of fear of angering your partner?

**Does your partner...**

- Humiliate, criticize or yell at you?
- Blame you for his behavior?
- Threaten to hurt you?
- Threaten to take your kids away?
- Threaten to harm your kids or pets?
- Force you to have sex?
• Act jealous and possessive?
• Keep you from seeing friends and family?
• Limit your access to money or necessities?
• Keep you from getting a job or going to school?
• Constantly check up on you?
• Threaten to kill or hurt himself if you leave?

Risk reductions entails options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. Pay attention to “red flags” and trust your instincts. Survivors of domestic violence frequently report that their instincts told them that there was something wrong early on but they disregarded the warning signs and didn’t know that these signs were indicative of an abusive relationship. Always take time to get to know a potential partner and watch for patterns of behavior in a variety of settings. Keeping in touch with your support system and participating in good self-care can lower your risk of being involved in an abusive relationship.

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Bystander interventions can include speaking up when you hear threatening language. Hold people accountable for their actions. Respectfully challenge comments that degrade women. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are OK.

### Dating Violence

James Madison University is committed to providing security, education, training, and victim services to combat violence against all persons.

Virginia does not have a statute specifically making dating violence criminal, but it is a form of assault and battery, §§ 18.2-52, 18.2-57 which is criminal behavior defined as an intentional act by one person that creates an apprehension in another of an imminent harmful or offensive contact and/or inflicts physical injury on another. Under Virginia’s laws, if the defendant inflicts bodily injury on the victim based on the victim’s race, religion, color, or national origin, then the crime may be charged as a felony.

The VAWA term for “dating violence” means:

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim

1. The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

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

3. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Consent is not defined by the Commonwealth of Virginia in state criminal law. To constitute lack of consent, acts must be committed by force, intimidation or through use of the victim’s mental incapacity or physical helplessness. Intoxication may indicate an inability to give consent.

James Madison University defines consent: An outward demonstration through understandable words or actions that convey a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force that is express or implied, coercion, intimidation, threats or duress. Consent cannot be obtained by ignoring or acting in spite of the objections of another, by previous consent or by taking advantage of another person’s incapacitation or physical helplessness where one knows or reasonably should have known of such incapacitation or helplessness. An individual who is incapacitated because of age, disability, voluntary activity or through the acts of others cannot give consent. Silence or absence of resistance does not imply consent. Consent is voluntary and may be withdrawn at any time by communicating the withdrawal through an outward demonstration of understandable words or actions.

James Madison University defines sexual violence: Physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g., due to the person’s age, mental state or use of drugs or alcohol, or because an intellectual or other disability prevents the person from
having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion. Sexual violence is a form of sex discrimination and harassment, and is not limited by gender, gender identity or sexual orientation of the Reporter or the Respondent. James Madison University prohibits sexual misconduct. Sexual misconduct includes sexual assault, sexual violence, sexual harassment, dating violence, domestic violence, relational violence, sexual exploitation, stalking, and all other forms of misconduct on the basis of or because of a Reporter’s sex, sexual orientation, gender, or gender identity.

**Title IX Staff** will explore options for the investigation and adjudication of the allegation in accordance with **JMU Policy 1340**. The JMU Student Accountability and Restorative Practices Accountability response to referral(s) related to act(s) of dating violence (relational violence) can result in a charge of “Sexual Misconduct” against the accused. When adjudicating allegations of violating Sexual Misconduct, the following definitions will be applied

**J34-105 Relational Violence** – A form of Sexual Violence which consists of physical assaults or serious threats of bodily harm, including but not limited to domestic violence and dating violence.

**Hostile Environment:** A hostile environment may be created by oral, written, graphic or physical conduct that is sufficiently severe, persistent or pervasive and objectively offensive that it interferes with limits or denies the ability of a person’s ability to participate in or benefit from the Institute's educational programs, services, opportunities, or activities or the individual's employment access, benefits or opportunities. Mere subjective offensiveness is not enough to create a hostile environment. In determining whether conduct is severe, persistent or pervasive, and thus creates a hostile environment, the following factors will be considered: (a) the degree to which the conduct affected one or more individuals’ education or employment; (b) the nature, scope, frequency, duration, and location of the incident(s); (c) the identity, number, and relationships of persons involved; (d) the perspective of a “reasonable person” in the same situation as the person subjected to the conduct, and (e) the nature of higher education.

**Incapacitation:** Physical or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts, unconsciousness, and the inability to make such decisions due to the voluntary or involuntary use of alcohol or drugs. Incapacitation may occur because of age, disability, voluntary activity or through the acts of others.

**Unwelcome Conduct:** Conduct is considered unwelcome if the individual subjected to the conduct did not request, consent to or invite it and reasonably considers the conduct to be undesirable or harmful. The James Madison University 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.

**Sexual Violence:** Physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g., due to the person’s age, mental state or use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion. Sexual violence is a form of sex discrimination and harassment, and is not limited by gender, gender identity or sexual orientation of the Reporter or the Respondent.

**What to do in an incident of dating violence**

If an incident of dating violence should occur, the victim should consider following actions:

**Seek help/Obtain medical attention**

- The victim is urged to go to a safe place and contact a friend or family member for support.
- After an incident of dating violence, the victim should begin considering seeking medical attention if needed. You can go to the emergency room at the hospital. 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.
- JMU students may also seek medical attention at the JMU Health Center, [University Health Center](#) - 540-568-6178, located at the Student Success Center.
- Consider advocacy services available through the Well at the University Health Center, which helps, provide students a supportive way to navigate their options and resources. To meet with an advocate, contact Jackie Hieber, Assistant Director - Sexual Violence Advocacy & Prevention at [hibejerjm@jmu.edu](mailto:hibejerjm@jmu.edu) or 540-568-6251.
- [Counseling Center](#) - 540-568-6552, Student Success Center - counseling, advocacy, and consultation
- Consider the Collins Center & Child Advocacy Center - 540-432-6430, 217 South Liberty Street #205, Harrisonburg VA, an off-campus crisis counseling, support, and advocacy center.
- Contact JMU Title IX Coordinator, [Title IX](#) Amy Sirocky-Meck 540-568-5214 Madison Hall Suite 4020, JMU Harrisonburg, VA 22807.
You may also notify law enforcement, call the JMU Police Department if the incident occurred on campus at 540-568-6911; if the incident happened in the City of Harrisonburg or surrounding area call the Emergency 911, or business 540-434-4436 for assistance. 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 and/or be assisted by campus authorities in notifying law enforcement if the victim chooses.

Helpful information can be found at this link [https://www.dss.virginia.gov/community/dv/](https://www.dss.virginia.gov/community/dv/)

Virginia Crime Victim Assistance INFO-LINE (1-888-887-3418) and the Virginia Family Violence and Sexual Assault Hotline (1-800-838-8238).

### Retain Evidence

As with any crime, it is important to preserve evidence. The thorough, complete and accurate collection of evidence is a vital and often key requirement for the successful investigation and prosecution of dating violence. Preserving evidence may assist in proving that the alleged criminal offense occurred and/or may be helpful in obtaining a protection order. Do not destroy the physical evidence that may be found in the vicinity of the crime. If the crime occurred in the victim’s home, the victim should not clean or straighten until the police have had an opportunity to collect evidence if contacted.

Photographs of injuries and the crime scene showing a struggle occurred can be invaluable.

### Report the Assault

If the victim requests notification to law enforcement, call the police department in the jurisdiction where the crime occurred. Call the JMU police Department 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. Victims will be assisted by campus authorities, if requested, in notifying law enforcement if the victim so chooses but may also decline to notify law enforcement. The responding officer’s primary responsibility will be the victim’s physical well-being and emergency medical needs with an investigation to follow to include the obtaining preliminary statements, preserving evidence, and documentation. This action does not obligate prosecution, but it does make legal action possible if the decision to prosecute is made at a later date. Police have unique legal authority to seek and execute search warrants, to collect forensic evidence that may have been left at the scene or other physical evidence that may be found in the vicinity of the crime. If the crime occurred in the victim’s home, the victim should not clean or straighten until the police have had an opportunity to collect evidence if contacted.

Individuals may also report an incident of domestic violence to the JMU Title IX Coordinator, [Title IX Amy Sirocky-Meck](mailto:540-568-5214 Madison Hall Suite 4020, JMU Harrisonburg, VA 22807. You will be provided with written notification, both students and employees, about victim services within the institution and in the community. Information provided will include information on existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid along with other services available for victims, both within the institution and in the community and how to request accommodations and protective measures. This information will include options for and available assistance to victims for changing academic, living, transportation and working situations if requested by the victim and reasonably available and explanation of the procedures for institutional disciplinary action. The institution must make such accommodations or provide such protective measures if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement. University accountability action is an option that can be pursued in lieu of/or concurrent with legal prosecution. 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) to explore options. 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. The JMU Student Accountability and Restorative Practices Accountability response to referral(s) related to act(s) of dating violence can result in a charge of “Sexual Misconduct” against the accused.

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.
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 JMU Health Center’s The Well and the University Counseling Center, will work cooperatively to ensure that the victim’s health, physical safety, work and academic status are protected, pending the outcome of a university investigation of the complaint. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating, adjudicating the complaint or delivering resources or support services to the victim to the extent permissible by law. The University does not publish the name of crime victims nor identifiable information regarding victims in the campus police departments Daily Crime Log or in Timely Warning notifications or community crime alerts. Reports of all domestic violence, dating violence, sexual assault and stalking made to the JMU Police Department will automatically be referred to the Title IX Coordinator for investigation and services regardless of if the victim choses to pursue criminal charges

Law enforcement in concert with other entities such as Title IX, the JMU Health Center, Sentara RMH Hospital, and the Office of Student Accountability and Restorative Practices, along with the JMU Health Center’s The Well and the JMU Counseling Center will help coordinate medical, counseling and support services for students. 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 the website https://www.jmu.edu/counselingctr/. JMU Health Center’s The Well coordinates sexual assault and dating violence prevention, advocacy, and referral services for the JMU campus. It is ready and able to extend its services to those who are victims of dating violence. Call 540-568-2831 or visit the website at http:www.jmu.edu.healthctr.swo. Sentara RMH Hospital and the Collins Center (540-434-2272) along with the Harrisonburg Rockingham Victim Witness Program will coordinate for non-student victims. Other resources include the Virginia Crime Victim Assistance INFO-LINE (1-888-887-3418) and the Virginia Family Violence and Sexual Assault Hotline (1-800-838-8238).

Red flags in a relationship might include your partner:

- Always wanting to know where you are and who you are with.
- Not wanting you to spend time with others.
- Getting angry if you do not answer a call or text immediately.
- Always blaming you for their mistakes.
- Calling you names or constantly putting you down.
- Yelling constantly, throwing or punching objects.
- Pressuring you to do more sexually than you are ready for.

Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. Pay attention to the “red flags” and “trust your instincts.” Instincts may have told them that there was something wrong early on but they disregarded the warning signs and didn’t know that these signs were indicative of an abusive relationship. Understand barriers to getting help such as fear of being judged, embarrassment and not wanting to admit that it’s a real problem. Always take time to get to know a potential partner and watch for patterns of behavior in a variety of settings. Keeping in touch with your support system and confide in them. Participating in good self-care can lower your risk of being involved in an abusive relationship. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence. It includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble, ask if they are OK. If you or someone else is in immediate danger, dial 911 campus or 568-6911 on campus. This could be when a person is yelling at or being physically abusive toward another and it is not safe for you to interrupt.

Stalking

Stalking is traumatic. You may experience nightmares, lose sleep, get depressed or feel like you are no longer in control of your life.

Stalking is a crime that Virginia defines as § 18.2-60.3 “Any person who engages in conduct directed at another person with the intent to place or when he/she knows or reasonably should know that the conduct places that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person’s family or household member.”

The VAWA definition of stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
A. Fear for the person’s safety or the safety of others; or
B. Suffer substantial emotional distress.

ii. For the purposes of this definition—

A. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
B. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
C. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.

Consent is not defined by the Commonwealth of Virginia in state criminal law. To constitute lack of consent, acts must be committed by force, intimidation or through use of the victim’s mental incapacity or physical helplessness. Intoxication may indicate an inability to give consent.

James Madison University defines consent: An outward demonstration through understandable words or actions that convey a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force that is express or implied, coercion, intimidation, threats or duress. Consent cannot be obtained by ignoring or acting in spite of the objections of another, by previous consent or by taking advantage of another person’s incapacity or physical helplessness where one knows or reasonably should have known of such incapacitation or helplessness. An individual who is incapacitated because of age, disability, voluntary activity or through the acts of others cannot give consent. Silence or absence of resistance does not imply consent. Consent is voluntary and may be withdrawn at any time by communicating the withdrawal through an outward demonstration of understandable words or actions.

James Madison University defines sexual violence: Physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g., due to the person’s age, mental state or use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion. Sexual violence is a form of sex discrimination and harassment, and is not limited by gender, gender identity or sexual orientation of the Reporter or the Respondent. James Madison University prohibits sexual misconduct. Sexual misconduct includes sexual assault, sexual violence, sexual harassment, dating violence, domestic violence, relational violence, sexual exploitation, stalking, and all other forms of misconduct on the basis of or because of a Reporter’s sex, sexual orientation, gender, or gender identity.

Title IX Staff will explore options for the investigation and adjudication of the allegation in accordance with JMU Policy 1340. The JMU Student Accountability and Restorative Practices Accountability response to referral(s) related to act(s) of stalking can result in a charge of “Sexual Misconduct” against the accused. When adjudicating allegations of violating Sexual Misconduct, the following definitions will be applied;

**J34-106 Stalking** - Repeated conduct which places a person or his/her family in reasonable fear of death, sexual assault or bodily injury.

**Hostile Environment**: A hostile environment may be created by oral, written, graphic or physical conduct that is sufficiently severe, persistent or pervasive and objectively offensive that it interferes with limits or denies the ability of a person’s ability to participate in or benefit from the Institute’s educational programs, services, opportunities, or activities or the individual’s employment access, benefits or opportunities. Mere subjective offensiveness is not enough to create a hostile environment. In determining whether conduct is severe, persistent or pervasive, and thus creates a hostile environment, the following factors will be considered: (a) the degree to which the conduct affected one or more individuals’ education or employment; (b) the nature, scope, frequency, duration, and location of the incident(s); (c) the identity, number, and relationships of persons involved; (d) the perspective of a “reasonable person” in the same situation as the person subjected to the conduct, and (e) the nature of higher education.

**Incapacitation**: Physical or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts, unconsciousness, and the inability to make such decisions due to the voluntary or involuntary use of alcohol or drugs. Incapacitation may occur because of age, disability, voluntary activity or through the acts of others.

**Sexual Violence**: Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the person's age, mental state or use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion. Sexual violence is a form of sex discrimination and harassment, and is not limited by gender, gender identity or sexual orientation of the Reporter or the Respondent.

**Unwelcome Conduct**: Conduct is considered unwelcome if the individual subjected to the conduct did not request, consent to or invite it and reasonably considers the conduct to be undesirable or harmful.

If an incident of stalking should occur, the victim should consider following actions:
Seek help

- The victim is urged to go to a safe place and contact a friend or family member for support. Assess immediate safety needs.
- Consider advocacy services available through the Well at the University Health Center, which helps, provide students a supportive way to navigate their options and resources. To meet with an advocate, contact Jackie Hieber, Assistant Director - Sexual Violence Advocacy & Prevention at hieberjm@jmu.edu or 540-568-6251.
- Counseling Center - 540-568-6552, Student Success Center - counseling, advocacy, and consultation
- Consider the Collins Center & Child Advocacy Center - 540-432-6430, 217 South Liberty Street #205, Harrisonburg VA, an off-campus crisis counseling, support, and advocacy center.
- Contact JMU Title IX Coordinator, Title IX Amy Sirocky-Meck 540-568-5214 Madison Hall Suite 4020, JMU Harrisonburg, VA 22807.
- You may also notify law enforcement, call the JMU Police Department if the incident occurred on campus at 540-568-6911; if the incident happened in the City of Harrisonburg or surrounding area call the Emergency 911, or business 540-434-4436 for assistance. 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 and/or be assisted by campus authorities in notifying law enforcement if the victim chooses.
- Helpful information can be found at this link https://www.dss.virginia.gov/community/dv/
- Virginia Crime Victim Assistance INFO-LINE (1-888-887-3418) and the Virginia Family Violence and Sexual Assault Hotline (1-800-838-8238).

Retain Evidence

- As with any crime, it is important to preserve evidence. The thorough, complete and accurate collection of evidence is a vital and often key requirement for the successful investigation and prosecution of stalking. Preserving evidence may assist in proving that the alleged criminal offense occurred and/or may be helpful in obtaining a protection order. Do not destroy the physical evidence that may be found in the vicinity of the crime. If the crime occurred in the victim’s home, the victim should not clean or straighten until the police have had an opportunity to collect evidence if contacted.
- 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.

Report the Incident

- If the victim requests notification to law enforcement, call the police department in the jurisdiction where the crime occurred. Call the JMU police Department 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. Victims will be assisted by campus authorities, if requested, in notifying law enforcement if the victim so chooses but may also decline to notify law enforcement. The responding officer’s primary responsibility will be the victim’s physical well-being and assess safety needs with an investigation to follow to include the obtaining preliminary statements, preserving evidence, and documentation. This action does not obligate prosecution, but it does make legal action possible if the decision to prosecute is made at a later date. Police have unique legal authority to seek and execute search warrants, to collect forensic evidence that may have been left at the scene or at other relevant locations.

- Individuals may also report an incident of stalking to the JMU Title IX Coordinator, Title IX Amy Sirocky-Meck 540-568-5214 Madison Hall Suite 4020, JMU Harrisonburg, VA 22807. You will be provided with written notification, both students and employees, about victim services within the institution and in the community. Information provided will include information on existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid along with other services available for victims, both within the institution and in the community and how to request accommodations and protective measures. This information will include options for and available assistance to victims for changing academic, living, transportation and working situations if requested by the victim and reasonably available and explanation of the procedures for institutional disciplinary action. The institution must make such accommodations or provide such protective measures if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement. University accountability action is an option that can be pursued in lieu of/or concurrent with
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.

Legal protection. 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) to explore options. 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. The JMU Student Accountability and Restorative Practices Accountability response to referral(s) related to act(s) of stalking can result in a charge of “Sexual Misconduct” against the accused.

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 JMU Health Center’s The Well, and the University Counseling Center, will work cooperatively to ensure that the victim’s health, physical safety, work and academic status are protected, pending the outcome of a university investigation of the complaint. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating, adjudicating the complaint or delivering resources or support services to the victim to the extent permissible by law. The University does not publish the name of crime victims nor identifiable information regarding victims in the campus police departments Daily Crime Log or in Timely Warning notifications or community crime alerts. Reports of all domestic violence, dating violence, sexual assault and stalking made to the JMU Police Department will automatically be referred to the Title IX Coordinator for investigation and services regardless of if the victim choses to pursue criminal charges.

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

Law enforcement in concert with other entities such as Title IX, the JMU Health Center, Sentara RMH Hospital, and the Office of Student Accountability and Restorative Practices, along with the JMU Health Center’s The Well and the JMU Counseling Center will help coordinate medical, counseling and support services for students. Sentara RMH Hospital and the Collins Center (540-434-2272) along with the Harrisonburg Rockingham Victim Witness Program will coordinate for non-student victims. Other resources include the Virginia Crime Victim Assistance INFO-LINE (1-888-887-3418) and the Virginia Family Violence and Sexual Assault Hotline (1-800-838-8238).

Stalking behaviors can include:

- Showing up at your home or place of work unannounced or uninvited.
- Sending you unwanted text messages, letters, emails and voicemails.
- Leaving unwanted items, gifts or flowers.
- Constantly calling you and hanging up.
- Use social networking sites and technology to track you.
- Spreading rumors about you via the internet or word of mouth.
- Making unwanted phone calls to you.
- Calling your employer or professor.
- Waiting at places you hang out.
- Damaging your home, car or other property.
The Victim/Witness Assistance Program, established through a cooperative effort between the Commonwealth Attorney’s Office, the JMU Police, Harrisonburg and Rockingham County law enforcement agencies, the State police, and the Harrisonburg-Rockingham Community Services Board, is designed to lessen the impact of criminal acts on victims and witnesses of crimes and to ensure that such individuals receive fair treatment while participating in the criminal justice system. The JMU police can help arrange assistance from the Victim/Witness coordinator and also provides a brochure outlining Virginia’s Crime Victim and Witness Rights Act information.

As a victim or witness of a crime, individuals have certain rights under Virginia’s Crime Victim and Witness Rights Act. The telephone number is 540-564-3350. 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 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

As a victim one may also be entitled to assistance in:

- 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
- Receive the services of an interpreter
Preparing a victim impact statement prior to the defendant's sentencing
Seeking restitution for damages or loss

As a victim 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 the witness to a crime, one may be entitled to information about:

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

As a witness one may also be entitled to assistance with:

- 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: https://www.jmu.edu/publicsafety/silent_witness_form.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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**Discrimination and Harassment (Other Than Sex Harassment and Misconduct)**

**Equal Opportunity**

Office of Equal Opportunity
Tel. (540)568-6991 or (540)568-6991 TDD
FAX (540) 568-7992
James Madison University
Harrisonburg, VA 22807

The Office of Equal Opportunity administers JMU’s commitment to providing an equitable and safe environment for the JMU community. JMU adheres to a strict policy that prohibits discrimination of any kind in JMU’s hiring practices, admissions, academics, or programs involving JMU
employees or students. The Office of Equal Opportunity is a resource for all university community members to ensure the protections and rights provided in the non-discrimination policy and other university policies and/or state and federal laws.

The responsibility for overall coordination, monitoring and information dissemination about JMU’s program of equal opportunity, non-discrimination, and affirmative action is assigned to the Office of Equal Opportunity. The Office of Equal Opportunity also monitors JMU’s compliance with federal and state laws.

Any university community member who believes they have been subjected to discrimination due to age, color, disability, gender identity, genetic information, national origin, parental status, political affiliation, race, religion, sex, sexual orientation or veteran status may file a complaint with the OEO. Our office investigates complaints of discrimination and harassment and provides preliminary findings.

Harassment of on the basis of a person's sex, sexual orientation, gender or gender identity is considered sexual harassment. The Title IX Office investigates all complaints of sexual harassment and misconduct

The university will provide reasonable accommodation to qualified individuals with documented disabilities to ensure equal access and equal opportunities with regard to university employment, university educational opportunities, and the university’s programs and services. Inquiries or requests for reasonable accommodations may be directed to the Office of Disability Services or the Office of Equal Opportunity.

Policy 1324 Discrimination and Harassment (Other than Sexual Harassment and Misconduct)

1. PURPOSE
   This policy sets out the university’s commitment to providing a workplace and learning environment free from illegal discrimination and harassment. The university’s nondiscrimination policy is in Policy 1302. This policy also provides procedures for university community members and visitors to file internal complaints alleging discrimination or harassment against any employee or affiliate of the university, or against any visitor whose discrimination or harassment interferes with the complainant’s workplace or learning environment. The policy and procedures for complaints concerning harassment and misconduct on the basis of sex, sexual orientation, gender and gender identity, including sexual assault, sexual misconduct, and sexual violence, can be found in Policy 1340. Procedures for complaints filed against students can be found in the JMU Student Handbook.

2. AUTHORITY
   The Board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University. See Code of Virginia section 23-164.6; 23-9:3. The Board has delegated the authority to manage the university to the president.


3. DEFINITIONS
   Affiliate: An individual who has a formal affiliation with the university under the terms of Policy 1337.

   Complainant: A university community member or visitor who has been subjected to alleged discrimination or harassment, or who files a formal complaint under this policy.

   Complaint: The signed and written document used to file a formal complaint under this policy.

   Complaint Commencement Date: The date on which the complainant files the written and signed complaint under this policy.

   Day: A calendar day. When a substantial portion of a specified period of days falls on a weekend or during a period of time when the university is closed, that portion of the time period shall not be counted, and the time period shall be extended by the number of days falling when the university is closed. Weekends are not considered substantial periods of time, and will not be added to extend a deadline. If a time period is set to end on a day when the university is closed, the time period shall be extended to end when the university reopens. Examples: A specified time period will not end during winter break or when the university is closed for inclement weather. A five day time period set to begin the first day of winter break will be extended by the number of days for the scheduled winter break, so that the time will actually begin to run upon the first day after winter break. A deadline that falls on a day when the university
is closed for inclement weather will be extended until the next day the university opens for business.

Director of Equal Opportunity (DEO): The person designated by the University to review claims of discrimination and harassment, other than complaints of sexual harassment and misconduct (which are reviewed by the University’s Title IX Office). The University’s ADA Coordinator and Section 504 Coordinator is the Director of the Office of Equal Opportunity.

Discrimination: An adverse action or unequal treatment when such action deprives a person of a privilege or right (such as a benefit, an equitable evaluation, a grade, a position or a promotion) or otherwise adversely affects the person on the basis of a protected classification. For the purposes of this policy, discrimination also includes retaliation for filing a complaint and harassment on the basis of a protected classification. It also includes denial of a reasonable accommodation for a disability. For the policy on sexual harassment and misconduct, see Policy 1340.

Faculty Member: An instructional or Administrative and Professional (A&P) faculty member employed by the university.

Harassment: For the purposes of this policy, a form of discrimination consisting of unwelcome or offensive physical, oral or written conduct that shows aversion or hostility toward a person on the basis of age, color, disability, genetic information, national origin, parental status, political affiliation, race, religion, or veteran status. Harassment may also include behavior directed toward stereotypical notions of how a person in a protected classification should appear or behave, or a failure to conform to stereotypes. Harassment is prohibited in the following situations:

1. Term or condition of employment or education. This type of harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a university activity are conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome conduct, or such submission or rejection is a factor in decisions affecting that individual’s employment, education, living environment, or participation in a university program or activity.

2. Hostile environment. This type of harassment occurs when the actions of another create a hostile environment, as defined herein.

Hostile Environment: A hostile environment is created by oral, written, graphic or physical conduct that is sufficiently severe, persistent or pervasive and objectively offensive that it interferes with, limits or denies the ability of a person to participate in or benefit from the institution’s educational programs, services, opportunities, or activities or the individual’s employment access, benefits or opportunities. Mere subjective offensiveness is not enough to create a hostile environment. In determining whether conduct is severe, persistent or pervasive, and thus creates a hostile environment, the following factors will be considered: (a) the degree to which the conduct affected one or more individuals’ education or employment; (b) the nature, scope, frequency, duration, and location of the incident(s); (c) the identity, number, and relationships of persons involved; (d) the perspective of a “reasonable person” in the same situation as the person subjected to the conduct, and (e) the nature of higher education. A hostile environment for a member of the university community can be created by the actions of an employee, a student, an affiliate or a visitor.

Protected Classification: A person’s age, color, disability, gender identity, genetic information, national origin, parental status, political affiliation, race, religion, sex, sexual orientation or veteran status. See Policy 1302.

Respondent: An employee or affiliate of the university or visitor who is accused of discrimination or harassment, or against whom a complaint under this policy is filed.

Retaliation: Overt or covert acts of discrimination, harassment, interference, intimidation, penalty, reprisal or restraint against a group or individual exercising rights under this policy. Retaliation shall be deemed to constitute harassment and, therefore, will be considered a separate violation of this policy.

Staff Member: A full or part-time classified employee or wage employee.

University Community Member: An individual employed or affiliated with the university in one or more of the following full-or part-time capacities:

- Administrative and Professional (A&P) faculty member
- Classified employee or other employee (such as wage or part-time)
  - Instructional faculty member
- Affiliate
- Student (graduate or undergraduate)
Visitor: For the purposes of this policy, a person who is not enrolled at, compensated by, or an affiliate of the university, but is engaged in a university-sponsored or contracted working or learning activity.

4. APPLICABILITY
This policy applies when a member of the university community or visitor reasonably believes that he or she has been subjected to harassment or discrimination by an employee or affiliate of the university, or a member of the university community reasonably believes that he or she has been subjected to harassment or discrimination by a visitor. All acts of discrimination are covered under this policy, and all acts of harassment, other than on the basis of sex, sexual orientation, gender and gender identity, are also covered, provided that at least a substantial portion of the alleged wrongful behavior either occurred on university-controlled, university-leased or university-owned property or otherwise had a significant connection to or effect on the activities of the university or the learning or working environment for the complainant. Sexual harassment and misconduct is covered under Policy 1340.

A person who is no longer a member of the university community or a visitor, but who was when at least a substantial portion of the alleged wrongful behavior occurred, is eligible to file a complaint. A complaint filed by a complainant who has no further connection with the university or against a respondent who has no further connection with the university may be dismissed by the DEO if the university has no means to take appropriate steps to eliminate the harassment, prevent its recurrence, or address its effects.

This policy applies to any student acting in the capacity of a university employee. Any allegation of harassment or discrimination against a student (except in the student's capacity as a university employee) should be reported to the Office of Student Accountability and Restorative Practices for disposition pursuant to the Student Accountability Process as set forth in the JMU Student Handbook. Any allegation of harassment or misconduct on the basis of sex, sexual orientation, gender or gender identity should be addressed under the terms of Policy 1340.

5. POLICY
The university is committed to providing a work and learning environment that is free from discrimination or harassment based on protected criteria. The university does not discriminate and will not tolerate discrimination or harassment on the basis of age, color, disability, gender identity, genetic information, national origin, parental status, political affiliation, race, religion, sex, sexual orientation or veteran status. Conduct by a member of the university community or a visitor that constitutes discrimination or harassment on the basis of any protected class is a violation of university policy and is sanctionable.

This policy applies in the employment relationship, including job application procedures, hiring, advancement, discharge, compensation, job training, or other terms and conditions of employment. It applies in the educational relationship with students, including application procedures, admissions, grades, discipline, dismissal, or other terms and conditions of matriculation. It applies in services that are provided by the university to students or other individuals, including visitors. It is also a violation of this policy to retaliate against or harass an individual who files charges or participates in proceedings under this policy.

Any member of the university community or visitor who is subjected to discrimination by an employee, affiliate or visitor on the basis of any protected classification may bring a complaint under this policy to address the situation. Any member of the university community or visitor who is subjected to harassment by an employee, affiliate or visitor on the basis of any protected classification other than sex, sexual orientation, gender or gender identity may bring a complaint under this policy to address the situation. Complaints concerning harassment or misconduct on the basis of sex, sexual orientation, gender or gender identity may be brought under policy 1340.

6. PROCEDURES
6.1 Informal Resolution Attempts

6.1.1. Before bringing a complaint to the DEO, the complainant is encouraged to discuss the complaint with the respondent to attempt to resolve it. If the complainant does not feel comfortable discussing the matter directly with the respondent, the complainant is encouraged to discuss the matter promptly with any of the following university resources, who may assist with an informal resolution:

- The DEO
- The complainant's supervisor
- Human Resources staff member
- The respondent's supervisor

Additionally, the following university offices may provide information to the complainant, although they are not equipped to assist with an informal resolution:

- A Counseling and Student Development Center staff member
- The faculty ombudsperson
- The student ombudsperson
Any university official contacted by a complainant is encouraged to communicate the general nature of the matter to the DEO to assist the DEO in developing effective campus educational programs and assessing the campus climate. If necessary, the identities of parties involved may be withheld.

6.1.2. If the complainant meets informally with any university official and asks that the information disclosed be kept confidential, the university official contacted informally by the complainant must determine whether to keep the information confidential or whether it must be communicated to the DEO to protect the university. The official is encouraged to contact the DEO, who can assist the official in that determination. The official should give the complainant information about support resources available to him or her.

6.1.3. If any discussions between the complainant and the respondent or between the complainant and any other university official do not lead to a resolution that is satisfactory to the complainant or if the complainant does not pursue such discussions, the complainant should contact the DEO not later than 30 days after the last date of behavior that constitutes discrimination or harassment. Failure to make a timely report to the DEO may impede the university’s ability to effectively investigate the charge, but such failure will not prohibit the complainant from filing a formal complaint, as long as such complaint is timely filed under 6.2.1.

When the complainant contacts the DEO, that person will discuss with the complainant the procedures that will be followed with respect to any ensuing investigation, resolution attempts and referral for a potential hearing. The DEO will advise the appropriate vice president (organizationally above the respondent) of the existence of the complaint, whether it is formal or informal. If the respondent is a visitor, the DEO will advise the vice president over the university-sponsored or contracted working or learning activity in which the visitor is engaged.

6.1.4. If the complainant decides not to file a formal complaint of discrimination, the DEO will advise the appropriate vice president that no complaint was filed, and the matter will be closed.

6.1.5. If an investigation into potential discrimination or harassment reveals information that indicates that the policy applies and that the evidence justifies a preliminary finding of a violation of the policy, the DEO will advise the complainant, respondent, and the respondent’s supervisor or sponsoring department of the preliminary finding. The appropriate vice president (organizationally above the respondent) will also receive notice of the finding. If the respondent is a visitor, the DEO will advise the vice president over the university-sponsored or contracted working or learning activity in which the visitor is engaged.

6.1.6. If the investigation into potential discrimination or harassment reveals information that indicates that the policy does not apply or that the evidence does not justify a preliminary finding of a violation of the policy, the DEO will advise the respondent’s supervisor or sponsoring department that the informal complaint will be dismissed. The DEO will inform the complainant and the respondent that the informal charge is dismissed. This decision is final and may not be appealed.

6.1.7. If the complainant decides to file a formal complaint, the DEO may, with the permission of the complainant, contact the respondent and attempt to help bring about a resolution. The DEO may suggest that the complainant and the respondent participate in mediation, but participation is not mandatory. Mediation is entirely voluntary, and failure to participate in mediation shall not be considered adversely against either the complainant or the respondent in any ensuing investigation or hearing.

6.2 Complaint Process

6.2.1. The formal complaint must be filed by the complainant not later than 180 days after the last date of discriminatory or harassing behavior by providing the DEO with a signed, written document detailing the allegations, naming the respondent and providing as much detail as possible about the charges. The DEO may extend this period to no more than 300 days if an informal resolution procedure under 6.1.6 is in progress. A formal complaint may not be filed anonymously or on behalf of another person. The DEO will confirm the complaint commencement date with the complainant in writing and will notify the respondent and the DEO, supplying both with a copy of the complaint.

6.2.2. Upon receipt of the complaint, the DEO shall determine whether this policy applies and will dismiss a complaint if the policy does not apply. The DEO will notify the complainant, the respondent and the respondent’s supervisor in writing of the dismissal. A decision by the DEO that this policy does not apply is final and may not be appealed.

By way of example, the DEO may find that this policy does not apply upon determining any of the following:

1) That even if the complainant’s allegations are true, the respondent’s conduct would not constitute harassment or discrimination as defined in this policy.
2) That the alleged conduct did not occur on university-owned, university-leased or university-controlled property, or did not otherwise have a significant connection to the activities of the university or the working or learning environment for the complainant.
3) That the complainant or respondent is not a university community member or a visitor with whom the university has any continuing relationship or over whom the university has any control.
4) That the complaint was not timely filed.
5) That the complainant was not the party harmed by the discrimination or harassment, and the party harmed cannot be identified or has no interest in pursuing the matter.

This list is not exclusive, and other situations may result in the DEO determining that the policy does not apply.

6.2.3. If the DEO determines that this policy applies, the DEO shall conduct an investigation of the complaint in any manner the DEO deems appropriate. All members of the university community are required to cooperate in the investigation.

6.2.4. Not later than 60 days after the complaint commencement date, the DEO shall provide the appropriate office with authority over the respondent (i.e., the supervisor for an employee or the sponsoring department for an affiliate or a visitor) with a confidential written report of the DEO's preliminary findings, with a copy to the appropriate vice president organizationally above the respondent. If the respondent reports under the president's office rather than under a vice president, the president will be notified. If the respondent is a visitor, the DEO will advise the vice president over the university sponsored or contracted working or learning activity in which the visitor is engaged. For sufficient cause, this date may be extended, and failure to complete the investigation or the report shall not serve as a dismissal of the complaint. The DEO will report to the appropriate office his or her preliminary finding by the DEO on whether the respondent violated this policy. Any such preliminary finding by the DEO shall be based on a preponderance of the evidence available. Such a preliminary finding is not binding on the fact-finders in any subsequent misconduct hearing or procedure. Its function is entirely advisory to the appropriate office concerning the office's subsequent handling of the allegations in the appropriate process. It is then up to the appropriate office to determine what steps to take, including whether to institute disciplinary procedures against the respondent for misconduct, subject to review by the appropriate vice president.

6.2.5. The university may take appropriate interim steps before any formal misconduct charges, such as separating the complainant and the respondent, providing counseling for the complainant and/or respondent, or issuing no contact orders to both parties.

6.2.6. A classified staff member may be disciplined or discharged for violation of this policy under the Policy 1317-Standards of Conduct and Performance for Classified Employees. A wage employee may be disciplined or discharged for violation of this policy under the terms of Policy 1325-Wage Employment. An A&P faculty member may be disciplined or discharged for violation of this policy under the terms of Policy 1335-Administrative & Professional Faculty - Terms and Conditions of Employment. An affiliate may have his/her status as affiliate removed for violation of this policy under the terms of Policy 1337-Affiliates. An instructional faculty member may be disciplined or discharged for violation of this policy under the terms of the Faculty Handbook, Section III.A.25. A visitor may be issued a no-trespass order for a violation of this policy, based on a decision by the vice president over the university-sponsored or contracted working or learning activity in which the visitor is engaged.

6.2.7. If the DEO finds by a preponderance of the evidence available that the evidence does not justify such a preliminary finding of violation, the DEO will dismiss the complaint and will send a notice of such dismissal to the complainant, the respondent, the DEO and the appropriate vice president organizationally above the respondent. If the respondent reports under the president’s office rather than under a vice president, the president will be notified. The DEO’s decision to dismiss the complaint is final and may not be appealed.

6.2.8. If the DEO finds that the evidence justifies a preliminary finding of violation, the DEO will notify the appropriate vice president organizationally above the respondent, the complainant and the respondent that he or she is referring the complaint to the appropriate office for potential further proceedings. If the respondent reports under the president’s office rather than under a vice president, the president will be notified. If the respondent is a visitor, the DEO will advise the vice president over the university-sponsored or contracted working or learning activity in which the visitor is engaged.

6.2.9. The DEO will serve as a resource for any hearing officer or body who is charged with conducting a hearing or reaching a decision on the issue of the respondent’s misconduct under the terms of this policy. Upon request, the DEO may serve in an advisory capacity in any such hearing or meeting.

6.3 Other Provisions:

6.3.1. Exceptions to Provisions. It is not intended that the outcome of a complaint be determined by a procedural violation that does not unduly prejudice the complainant or the respondent. Therefore, the DEO, the appropriate vice president organizationally above the respondent or the appropriate office to whom the case is referred may make exceptions to the provisions (including time deadlines) of this policy provided, however, that any exception is intended to bring about a just outcome and does not unreasonably adversely affect
another participant in the process. If the respondent reports under the president’s office rather than under a vice president, the president may make appropriate exceptions.

6.3.2. Confidentiality, Other Consequences. All participants in all proceedings under this policy will observe confidentiality to the extent reasonably possible. However, in the event of any final determination of a violation of this policy, the appropriate vice president organizationally above the respondent will provide information about the final determination to appropriate university officials and to the complainant and respondent. If the respondent reports under the president’s office rather than under a vice president, the president will provide this information. The university may also use any information obtained in the proceedings to defend itself against any claims, complaints or allegations brought against it.

6.3.3. Education. The DEO may provide educational materials to appropriate university officials and community members in order to enable them to better fulfill their responsibilities under this policy.

6.3.4. Suspension Pending Outcome. Pending the outcome of any investigation and pending the completion of the procedures in this policy and in the policies concerning misconduct referenced herein, any member of the university community charged with discrimination or harassment may be temporarily suspended from employment and/or issued a no-trespass notice banning the person from campus. Additionally, any person charged through a formal or informal complaint under this policy will be notified that retaliation is prohibited and may result in a separate charge under the policy.

6.3.5. Attorneys in Procedures. The complainant and the respondent have the right to obtain advice of private counsel concerning this policy and the procedures in it. However, the role of counsel is purely advisory in this policy and procedure, and absent exceptional circumstances attorneys are not to be active participants in the process. The DEO, the administrators involved in the decisions, and any committees operating under this policy and procedures shall have access to advice from the Legal Services Office for the university.

7. RESPONSIBILITIES

University community members and visitors are responsible for behaving in a nondiscriminatory and non-harassing manner toward other university community members and visitors, and are responsible for abiding by the terms of this policy.

The DEO is responsible for accepting and investigating complaints under this policy, determining the applicability of this policy to specific complaints, investigating complaints and making preliminary determinations of violations, notifying the appropriate vice president (organizationally above the respondent) of complaints, making recommendations, and disseminating information as provided in this policy.

The employee respondent’s supervisor is responsible for determining whether a report and recommendation under this policy should be handled through the misconduct procedures for an employee.

The sponsoring department is responsible for determining whether an affiliate’s status should be revoked for violation of this policy.

The vice presidents are responsible for making final decisions concerning referral of all complaints filed against members of the university community under their division. If the respondent is a visitor, the vice president over the university-sponsored or contracted working or learning activity in which the visitor is engaged is responsible for making a determination concerning an alleged violation of this policy. If the respondent reports under the president’s office rather than under a vice president, the president will be responsible for making the final decision.

8. SANCTIONS

Sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment, removal of affiliate status, exclusion from future learning or working opportunities at the university, and/or issuance of a no-trespass notice.

9. EXCLUSIONS

9.1. This policy does not provide procedures for complaints filed against students. Any member of the university community who is subjected to alleged harassment by a student may bring a complaint under the terms of the Student Code of Conduct. See J16-100 Harassment and/or Bullying.
9.2 This policy does not provide procedures for complaints filed concerning sexual harassment or misconduct. Any member of the university community who is subjected to alleged sexual harassment or misconduct may bring a complaint under the terms of Policy 1340.

9.3. Even if an allegation of harassment or discrimination is one of the exclusions from the scope of this policy, any affected person may discuss it with the DEO.

10. INTERPRETATION
The authority to interpret this policy rests with the president and is generally delegated to the DEO.

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**The Health Place (Non Campus Area) Town of Stanley, Page County, VA**

The Health Place is a satellite of the James Madison University Institute for Innovation in Health and Human Services. As such, it embraces the mission of the IIHHS which is to engage students in career preparation by promoting scholarship, providing inter professional learning experiences, and connecting our campus with communities through innovative programs that advance quality of life. The Health Place responds to community identified need, with unduplicated services, by partnering with faculty, students and community partners, to develop innovative, inter professional services and programs that advance the quality of life.

It is located on 294 East Main Street in the town of Stanley, Page county, approximately 45 minutes northeast of JMU’ s Harrisonburg campus. The telephone number for The Health Place is (540) 778-4061 and electronically at [http:www.iihhs.jmu.edu.healthplace](http:www.iihhs.jmu.edu.healthplace).

Current partners include Healthy Families Page County, JMU’s Counseling and Psychological Services and Vocational Counseling through the Department of Aging and Rehabilitation Services. Partners have included the Parent Infant Education program, CHOICES, the Shenandoah Area Agency on Aging, Shenandoah Valley Child Development Clinic, Page Memorial Hospital, the Page County Health Department and others.

*Directions to The Health Place: take I-81 N to exit 264, take a right off the exit 264 and proceed through New Market, follow signs through town to US Highway 211 East, take highway 211 East over Massanutten mountain (approximately 7 miles), turn right at the bottom of the hill (toward Stanley) on US Highway 340 South, drive 3 miles, turn left on Business 340N toward Stanley, drive 5 miles, the Health Place will be on the right (east) side of 340 just before the railroad tracks, next to the Stanley Pharmacy.*

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**JMU Washington Semester (NonCampus)**

The Washington Semester Program is not considered a branch campus. It is considered noncampus for purposes of annual reporting relative the federal Clery Act.

The Washington Semester program enables students to explore the wealth of political and cultural opportunities available in the Washington, D.C. area. The program includes semester-length internships, courses taught on-site, panel discussions by people in various professions, cultural activities, and networking opportunities with JMU alumni working in the DC area. This program is open to all majors and is offered every semester.

JMU Washington Semester students are housed in the Avalon at Gallery Place ([http://www.avaloncommunities.com/district-of-columbia/washington-apartments/avalon-at-gallery-place](http://www.avaloncommunities.com/district-of-columbia/washington-apartments/avalon-at-gallery-place)), an apartment building in the Chinatown section of DC. The building has front-desk security 24 hours a day and a key fob entry system. Each apartment has two bedrooms and two bathrooms, holding a maximum of four students. Apartments are fully furnished, including laundry equipment. The building address is 770 5th Street, NW, Washington, DC 20001. The housing arrangement is managed by TurnKey Housing Solutions, a corporate housing company (contact: Eric Hershey, [Eric@TKHousing.com](mailto:Eric@TKHousing.com), 703-615-6591). Classes are held at the JMU Washington Center at 1400 16th Street, NW, Suite 320.

The Avalon (student housing) is located within the Metropolitan Police Department’s 1st District in Police Service Area (PSA) 102. The 1st District station is located at 101 M Street, SW, Washington, DC 20024; telephone: (202) 698-0555. For more information and map of the 1st district, go to [http://mpdc.dc.gov/page/welcome-first-district](http://mpdc.dc.gov/page/welcome-first-district). The Washington Center (classroom and office) is located within the 2nd District in PSA 108. The 2nd District Station is located at 3320 Idaho Ave., NW, Washington, DC 20016; Telephone: (202) 715-7300, Fax: (202) 715-7382. For more information and map of the 2nd District go to [http://mpdc.dc.gov/page/welcome-second-district](http://mpdc.dc.gov/page/welcome-second-district).
The JMU Washington Semester program is committed to the immediate notification of the program participants, without delay, upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or staff occurring on or near either facility, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The Metropolitan Police Department’s 1st District in Police Service Area (PSA) 102 located at 101 M Street, SW, Washington, DC 20024; telephone: (202) 698-0555 or by calling 911 should be contacted immediately if an emergency or dangerous situation exists for response and mitigation of the emergency along with the Faculty-Member-in-Residence (FMIR). The JMU Washington Semester Faculty-Member-in-Residence (FMIR) upon confirmation of an emergency, can initiate the notification system and will concurrently or contemporaneously inform the JMU Police and the Washington Semester academic program officials (Political Science Department at JMU’s main Harrisonburg campus) that an emergency is at hand and will provide the justification for the dissemination of the related notification.

The FMIR officials have four methods of notifying the students within the building: text-messaging, email, telephone and word of mouth. These components which may be activated independently or in-conjunction with each other based on the circumstances to notify the University community of the existence of an emergency, and updated information and as necessary throughout the duration of any incident.

All members of the JMU community are instructed to notify the Metropolitan Police Department’s 1st District in Police Service Area (PSA) 102 located at 101 M Street, SW, Washington, DC 20024; telephone: (202) 698-0555 and the semester Faculty-Member-in-Residence (FMIR) immediately if an emergency or dangerous situation exists for response, mitigation, and documentation of the emergency.

Timely Warning

In compliance with the "Timely Notice" provisions of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, the James Madison University is required to give a timely notice for Clery Act crime that occurs on Clery geography. Timely warning notifications are sent to notify the campus community in the event that a situation arises on the Clery geography which encompasses the JMU campus, noncampus property (property owned or controlled by the University or a recognized student organization not on the main campus), and public property (property within or immediately adjacent to campus). In regards to the Semester in Washington, for Clery Act crime that, in the judgment of FMIR’s or designee, after reviewing the facts and circumstances of the incident, constitutes an ongoing or continuing threat to the campus community necessitates a timely warning. Timely warnings are primarily triggered by Clery Act crimes (criminal homicide, sex offenses, robbery involving force or violence, aggravated assault, and major cases of arson). Timely notices may also be posted for other crime classifications, as deemed necessary. Timely Warnings are evaluated on a case by case basis depending on the facts of the case and the information known.

Preparation and Training

**WASHINGTON SEMESTER PROGRAM**

**CRIME PREVENTION AND PERSONAL SAFETY CLASSES PROVIDED IN ACADEMIC YEAR 2017**

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>AUDIENCE</th>
<th>DATES PRESENTED</th>
<th>PROGRAM DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washington Semester Orientation</td>
<td>Washington Semester students</td>
<td>January 08, 2018, August 28, 2018</td>
<td>As part of Washington Semester program orientation, students were given an overview of safety and crime issues in the student housing, the neighborhood, and DC in general. Housing staff described building security procedures.</td>
</tr>
</tbody>
</table>

**Missing Student**

If a member of the JMU Community has reason to believe that a student is missing, all possible efforts are made to locate the student to determine his or her state of health and well-being through the collaboration of the Metro Police and the Washington Semester FMIR. A police report must be made when someone between 18 and 21 is reported missing.

**Safety and Security for the Washington Semester**

1. A car in Washington can be a burden and very costly. Parking is difficult due to limited availability and when found can be very expensive.
2. It’s safer to travel in groups. It is especially important for students to stick together after dark. In Washington, it is generally safe to travel alone during the day if one knows the area. One always should know their route. You should be cognizant of those about you. Take precautions! Do not expose yourself to additional risk by being intoxicated or alcohol impaired. Students will be advised to avoid going to or through any location or area where it may be dangerous.

3. Always lock your doors.

4. Report any situation that appears to constitute a threat to the proper authorities.

5. The number one rule is to have confidence! It is recommended that one should act like they belong in Washington. It is recommended that students ask questions if they are lost, but not stand on a street corner with a confused look on their face. Projecting confidence, being comfortable, keep one’s shoulders back, and dressing up to the occasion or the area will go a long way to helping the student fit right in.

6. Experience has shown that students may benefit from security briefings or advisories offered by the Metro and Capitol Police for their public service area (PSA). Such communications will assist students reinforcing the message to the students that going into questionable neighborhoods should be avoided.

7. Students should know the common courtesies that will help one get around. They should ask directions of merchants, waiters, policemen, bus drivers and so on. If someone offers advice, students should thank that person but do not accept an offer to be led to their destination. One should not leave things unattended. One should not be obvious with money, cameras, expensive phones, etc. One should not use ATMs in lonely and poorly lighted areas after dark. The main places where people can be robbed are near deserted metro stations after hours, crowded streets, at nightspots and open markets. Generally, those appearing to be homeless are harmless, but one should be on guard. Muggings are rare, but again, pick pocketing and purse snatching can occur so, one should keep track of purses and wallets. One should never leave them on a cafe table or bench, and hang on to them securely while on public transport. A pouch worn beneath blouse or shirt is recommended. It should be used for extra money, traveler’s checks, passport, and ATM/credit cards. When traveling, one should wear this at night.

8. Safe places to meet friends are restaurants, pubs and other public places (during peak hours).

9. Taking unknown guests back to your Washington Semester residence has the potential to endanger you and the other residents. BE CAREFUL, you can never be too cautious when dealing with those with who you are newly acquainted.

10. One should always avoid the neighborhoods known for prostitution and other forms of vice. Those intent on preying on the unwary are known to wait out on the street for them to depart such establishments.

11. Most important, one should never give out their Washington Semester address to people they do not know well. Students will be advised on the security procedures related to general safety and security, keys, guests, and fire/safety regulations. They are asked to observe the same common sense about travel and strangers that one would take at home.

12. Students participating in internships are strongly urged to have hospitalization and medical insurance. It is also advisable for participants to secure a renters policy to cover personal property losses due to theft, fire or other damage.

13. Students participating in JMU’s internship programs are bound by all tenets of the JMU Honor and Accountability Systems. They are subject to all regulations in place on the JMU campus that pertain to every student enrolled in university-sponsored educational programs.

Preparation for and Response to Crisis Related to Short-Term Internship Programs

With the responsibility of leading a JMU Internship Program the director is aware that it is possible that an emergency may occur involving one or more of the students in the group. Students can and do become ill, suffer accidents, are the victims of muggings and assaults, find themselves caught up in potentially violent political situations, or fail to return on time to programs at the end of long weekends. While it is of course impossible to plan for all contingencies involving our student interns, the FMIR is trained to follow sound recommended practices when emergencies do arise. The FMIR works individually and together with public officials to provide for the safety and well-being of our student interns.

JMU has, therefore, developed a series of specific procedures designed to safeguard the welfare of program participants. The students are informed about these procedures during their on-site orientations.
What is an emergency?

An emergency is any circumstance that poses a genuine risk to, or that has already disturbed, the safety and well-being of program participants. Emergencies will include, though not be confined to, the following types of events and incidents:

- Physical assault
- Disappearance or kidnapping of a student
- Robbery
- Sexual assault or rape
- Serious illness, physical or emotional
- Significant accident and/or injury
- Hospitalization for any reason
- Terrorist threat or attack
- Local political crisis that could affect the students’ safety or well-being
- Arrest or questioning by the police
- Any legal action (lawsuit, deposition, trial, etc.) involving a student

Medical Facilities

**Georgetown University Hospital**
3800 Reservoir Road, NW
**Phone:** 202-444-2000

**Georgetown, M.D.:** Nurse counselors provide physician referrals, appointment scheduling, health information, health education and classes. **Call:** 202-342-2400


For maps and directions, go to [https://www.medstarhealth.org/georgetown/Pages/Patients-and-Visitors/Directions-Maps-and-Parking.aspx](https://www.medstarhealth.org/georgetown/Pages/Patients-and-Visitors/Directions-Maps-and-Parking.aspx)

Counseling Facilities

**Parkhurst Associates Mental Health Services**
1755 S Street, NW, Suite 6B
**Phone:** 202-234-7738


Parkhurst Associates provides mental health services to all program participants. The program will cover the costs of up to five appointments; billing will be anonymous to protect patient confidentiality. For appointment, call 202-234-7738.

Police

**Metropolitan Police Department’s 1st District in Police Service Area (PSA) 102**

The 1st District station is located at 101 M Street, SW, Washington, DC 20024; telephone: (202) 698-0555

Emergency Contact

**Dr. David Jones**

202-422-6161

Anyone who is a victim of sexual assault, domestic violence, dating violence, or stalking while attending the Semester in Washington is encouraged to seek support and assistance and to report the incident. Available support may include resources available to any JMU student through the Title IX coordinator, Office of Student Accountability and Restorative Justice and the JMU Counseling Center if requested and reasonably available. Those within the campus community who are found to be responsible for sexual violence are subject to University sanctions and may be subject to criminal prosecution. Individuals are encouraged to contact DC Metro Police Department, by dialing 9-1-1 or 202-727-9099 to report the incident fully and completely to the DC Metro Police but there are options, including the right to file no report. However, to pursue criminal options, it is important to
preserve evidence. Whether or not a victim chooses to report an incident to the police, the victim should report the incident to the FMIR. Personnel will assist the victim in notifying local authorities and receiving the necessary medical treatments and tests, help with obtaining protection orders through the appropriate court, if applicable, and assist in obtaining resources for the victim if the victim so requests. Sexual Harassment and incidents of sexual violence will be investigated by the Title IX coordinator. Incidents will be conducted confidentially consistent with applicable legal requirements and safety considerations.

Resources in DC for sexual violence can be found at DC Rape Crisis Center located at 5321 1st P1 NE, Washington, DC (202) 232-0789. Counseling services are available at Parkhurst Associates.

What is done to prepare for emergencies?

Students are instructed that they are required to inform the FMIR about any medical emergency. The FMIR in turn is required to contact the Head of the Political Science Department. The students are informed that this information will be treated with the strictest confidentiality, and that it will be shared on a “need to know” basis only. If the crisis involving the student is grave enough to jeopardize his or her safety or wellbeing, the emergency contact they have provided at the time of registration will be informed. During the orientation on-site, the students will be provided with:

- The local telephone number(s) the students should use to contact emergency services, such as “911” that we use throughout the United States, which provides access to police, fire and emergency medical services;
- A written list of reputable local medical clinics or hospitals.

How do FMIR’s respond to emergencies?

1. In an emergency, the first responsibility for the FMIR is to safeguard the safety and wellbeing of program participants. Whatever is necessary is done to assure this, whether this means obtaining prompt and appropriate medical attention, police intervention or protection.

2. The FMIR will report all perceived emergencies to the Department Head. The conversation between the FMIR and the Department Head will determine whether or not the Executive Assistant to the President should be notified. In the event that the Department Head is not available, the Assistant Department Head will be contacted. If neither department-level colleague is available, the FMIR will contact the Executive Assistant to the President. If that office cannot be reached, then the JMU Chief of Police will be contacted. The FMIR will notify the Metro Police about the situation, if this is appropriate; the FMIR will then follow the procedures the police may require of them or the student.

3. During an ongoing crisis, the FMIR will keep the academic department head informed on a regular basis, through telephone, fax, or E-mail messages, about the evolution of the crisis, until it has passed.

4. In the event of a crisis, it is important that all concerned not overreact or panic. The FMIR will help the students to get through a difficult time. The Dean of Students has experience dealing with crises in the past and will be ready to assist the FMIR during and after any type of event or incident. If the situation suggests that it would prove useful, a recommendation that students obtain counseling services might become part of the response plan.

5. If a JMU student or JMU employee is involved in an incident, the FMIR will NOT speak with the media. Instead, the FMIR will refer any media inquiry to University Communications. Upon receiving a media inquiry regarding an incident, the FMIR will notify the Executive Assistant to the President and the Department Head regarding the media inquiry. The Executive Assistant to the President will liaise with University Communications and other relevant JMU personnel to coordinate a response to the media inquiry. Only upon receiving specific authorization from the university would the FMIR reply to media inquiries.

6. After the academic department head is informed about an emergency, and after university officials consult with the FMIR and other appropriate individuals on site, those officials may, depending on the acuteness of the crisis, fax or e-mail a description of the course of action that the FMIR and the students will need to follow. All program participants will be required to sign a statement acknowledging that they have received, read and understood this response plan; after all of the participants have signed, the FMIR will fax the aforementioned university officials the signed acknowledgments.

7. It is highly unlikely that participants would need to be evacuated from the program site, even post September 11. However, JMU would of course bring interns home if a situation were to deteriorate to the point where the degree of risk to participants was deemed unacceptable. If this unlikely event were to happen, university officials, in consultation with the FMIR plus the university's Chief of Police at the Harrisonburg campus, will develop an evacuation plan in as much detail as possible. This plan will be
transmitted to the FMIR in confidence, and the university's public safety will continue to work closely with the FMIR throughout the process.

8. In the event of a significant crisis, individual interns have the option of returning to Harrisonburg or their home. Every reasonable effort will be made to allow them to continue their academic program on campus, and to be housed appropriately as well. Refund policies are outlined in the faculty handbook for the FMIRs; withdrawals and grades will conform to JMU policies as well.

Observing the procedures outlined here will help our students have the distinctive educational experience afforded by the Washington Semester program.

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**Center for Global Engagement**

**The Semesters in the Overseas London, Antwerp and Florence (Branch Campuses)**

The Center for Global Engagement is committed to the principle that international experiences and perspectives are essential to any undergraduate and graduate education. To that end, we promote and encourage a critical awareness of world issues; knowledge of and an appreciation for other cultures, languages, and belief systems; a sense of global community; and a commitment to engagement at the international level, that we may educate active and responsible global citizens.

The Center for Global Engagement serves as the central university office concerning international education, with oversight of all James Madison University and non-JMU study abroad programs; visa and reporting processes for international students and scholars; and the development of curricula, faculty experiences and programs that address international issues. The Center for Global Engagement provides several options for overseas study to include Semester Abroad, Short Term and Exchange opportunities.

The Semester in **London** (UK), **Antwerp** (Belgium) and **Florence** (Italy) are designated as branch campuses. The crime statistics and other safety/security information specific to these programs are prepared by the branch coordinator and encompassed into this report. The programs: Semester in Salamanca; Spain; and Edinburg St Andrew, Scotland are not considered branch campuses.

Short-term programs generally run in the summer and occasionally during spring break. Depending on the program parameters, these programs may fall in noncampus reporting requirements.

In exchange programs, students study at one of our partner institutions in Argentina, Australia, England, Egypt, France, Indonesia, Italy, Japan, South Korea, Spain, Sweden, or Taiwan while being immersed in the cultures of some of the world’s most exciting and provocative cities. While participating in a JMU exchange program, you will pay room & board to the overseas institution. There is no reporting requirement for these programs.

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**JMU Main Campus Fire Safety Report**

**Fire Safety Oversight**

While fire safety is the responsibility of each of us as members of the campus community, the oversight of fire prevention rests with the Office of Public Safety. The safety coordinator working through the Office of Risk Management provides consistent monitoring and compliance enforcement of all applicable fire and safety laws, codes, best work practices and standards in all campus facilities and on the campus grounds. The Safety Coordinator is a liaison with other departments, outside agencies of public safety, and the University community and is responsible for compliance and reporting of the Annual Fire Safety Report. The Safety Coordinator ensures that all constituencies have been properly informed as to correct safety measures and reporting procedures and maintains fire safety plans. The Safety Coordinator tracks pending fire safety oriented state and federal legislation and prepares, schedules, and conducts compliance awareness sessions for appropriate senior campus officials on matters pertaining to fire safety and schedules, coordinates and conducts semi-annual fire safety inspection of all campus facilities in cooperation with the State Fire Marshal’s representative.
Reporting of Fires

All fire-related incidents should be reported to the James Madison University Police Department Communications Division for response and documentation. The communication unit is maintained 24 hours a day, seven days a week and is responsible for monitoring all fire alarms. Fire alarm panels monitoring all residence halls are located in the communication center. If a fire occurs in any building, community members should immediately notify the JMU Police Communication Center by dialing 6911 from any on-campus telephone or (540-568-6911) from any cell phone or off-campus telephone. The telephone call will initiate a response from the University police department through a network of speed-dialed lines providing direct access to Harrisonburg/Rockingham Emergency Services for local and state law enforcement, fire and rescue services which can summon the fire department quickly.

If a member of the JMU community finds evidence of a fire that has been extinguished, the community member should immediately notify JMU Police Department Communications to document the incident and begin the process of investigation.

Evacuation

The JMU campus fire alarm systems alert community members of potential hazards. Community members are required to heed an activated fire alarm system and/or upon notification by JMU Police or a building coordinator to evacuate the building immediately. The fire alarm system provides audible and visible notification. A loud buzzer and flashing strobe lights notify occupants that the fire alarm system has been activated.

If you become aware of a dangerous situation that warrants an evacuation, activate the fire alarm by using a manual pull station. If you are unable to activate the fire alarm, notify the building occupants of the dangerous situation and contact the university police immediately. Notify University Police by dialing 6911 from a university phone or (540) 568-6911 from a cell phone and report the situation and associated details if known.

When the fire alarm activates, all occupants should ensure that nearby persons are aware of the emergency, quickly proceed from their current location to a marked EXIT.

1. When the building evacuation alarm is activated during an emergency, leave by the nearest marked exit and alert others to do the same.
2. Feel doors for heat — don’t open doors that are warm to touch. If you cannot exit due to fire and/or smoke place items around door openings to prevent smoke from entering the area and call 568-6911 and give your exact location.
3. Assist the handicapped into an “AREA OF RESCUE” in the building.
4. If you must exit through smoke stay low and crawl — the air at floor level is less hot and cleaner.
5. All occupants should know where primary and alternative exits are located, and be familiar with the various evacuation routes available. Floor plans with escape routes, alternate escape routes, exit locations and designated meeting sites are posted in conspicuous locations throughout the building.
6. Elevators must NOT be used to evacuate the building in the event of an emergency. Occupants should use the stairs to evacuate the building. If you are caught in the elevator, push the emergency phone button. The emergency phones in elevators on campus connect to the JMU Police Communication Center.
7. Exit the building and proceed to designated meeting sites. Once outside, proceed to a clear area that is at least 500 feet away from the affected building. Keep streets, fire lanes, hydrant areas and walkways clear for emergency vehicles and personnel. Know your area assembly points. Stay there until an accurate head count attendance is taken and assist in the accounting for all building occupants.
8. Do NOT re-enter the building until directed to do so by university police or fire department personnel.

Designated assembly areas have been identified for all university buildings. Designated assembly areas are to be utilized when a building has been evacuated. These designated areas are a safe distance from the building, and keep building occupants safe while allowing emergency response personnel to access the building. In the event that a designated assembly area is inaccessible or inappropriate for the current situation, the following guide lines should be taken into consideration when choosing a more appropriate place:

- At least 50 feet away from the building.
• Upwind from the building to avoid any possible smoke/fume inhalation.
• Sheltered, if possible, to protect against the elements.
• Away from fire lanes or other areas that must remain unobstructed to allow emergency response personnel and vehicle access to the building.

Regulations/Policy

Smoking Regulations

Smoking is not permitted within buildings, facilities, structures, or vehicles owned, leased or rented by the university, including parking garages, covered walkways, temporary enclosed structures, trailers, and tents as well as structures placed on state-owned property by contractors or vendors. This includes individual offices. Smoking is permitted outdoors on university grounds, plazas, sidewalks, malls and similar open pedestrian-ways, unless such areas are designated as non-smoking areas, provided smokers are 25 feet or more in distance away from an entrance or exit of any facility, including parking garages. Smokers are required to use ash urns to dispose of their smoking material waste, and are prohibited from littering state-owned property with smoking material waste.

Candles, Incense and Open Flames

Candles, incense and other items producing an open flame or ember may not be burned in residence halls, offices or public assembly areas. Open flames are permissible in lab settings, during performances and to complete maintenance as long as the proper safety precautions are taken.

Electrical Appliances

To prevent fire hazards, the State Fire Marshal’s Office and the Office of Public Safety established the following policies to reduce the possibility of electrical-related fires. These appliances and items are prohibited in residence halls:

• Air conditioners
• Any appliances with an open heating element
• Bed risers with electrical outlets or USB ports built-in
• Candle warmers & wax burners
• Ceiling fans
• Coffee makers without automatic shut-off
• Desk lamps with electrical outlets or USB ports built-in
• Electrical cords under carpets
• Extension cords, Cube adaptors (includes any item that serves as an extension cord such as lamps or bed risers with electrical outlets)
• Fuel-powered equipment
• Gasoline, propane, flammable liquids or gases
• Halogen lamps
• Hot plates
• Hover boards and their chargers
• Keg refrigeration devices
• Microwave ovens
• Refrigerators larger than 5 cubic feet total capacity
• Sandwich grills
• Space heaters
• Toaster ovens
• *Wireless routers

Any appliance with a heavy electrical draw, such as a hair dryer, an iron, a television or a refrigerator, is to be plugged directly into an outlet. Circuit protected power strips (with reset button) must be plugged directly into the wall, not into another power strip. Only UL approved multi-plug surge protectors with an integrated circuit breaker may be used. Power strips are not permitted to be hung/supported by their own cord. Power strips need to be on a flat surface or secured so the cord is not stressed. Extension cords are strictly prohibited and this includes any item that serves as an extension cord such as lamps or bed risers with electrical outlets on them.

Curtains
Any curtains or drapes in student rooms must be fire treated or made from fabric that is fire retardant. If curtains are fire treated, students must have proof of treatment. This proof can be an attached manufacturers tag, a receipt for professional treatment or the can of spray treatment used. No draperies should be hung at or near doorways. Hanging or suspending any type of paper or fabric from the ceiling, overhead lights, smoke detector or sprinkler head is prohibited.

Training

Hall Directors and Resident Advisors are assigned to each residence hall. These individuals receive training from the Office of Public Safety at the beginning of each school year outlining fire and emergency evacuation procedures. Hall Directors and Resident Advisors also participate in a training program provided by the Harrisonburg Fire Department providing hands on training stressing fire safety as part of their orientation process.

On the day students move into their on-campus residence halls, they are required to attend a community meeting with their Resident Advisers (RA). At that one-hour meeting, the RA outlines fire and emergency evacuation procedures, distributes a fire safety instructional brochure, and discusses policies and procedures regarding electrical appliances, smoking, and open flames. Students also receive a copy of the ORL Guidebook Calendar that contains policies and procedures regarding fire and personal safety.

Fire Drills

A fire drill is a “supervised practice of a mandatory evacuation of a building for a fire”. Properly conducted fire drills can help minimize problems if an actual fire emergency occurs. Fire evacuation diagrams are posted on each residence hall floor and an education program is conducted during the first week of each semester.

Each residence hall must hold a pre-announced, walk-through fire drill during the first few days of each semester. During each pre-announced fire drill, staff members will be required to open doors to all residence hall rooms to ensure evacuation and check for possible safety issues. JMU mandates at least one unannounced fire drill in every residence hall every eight weeks.

Residence hall staff members may make a room-by-room check to ensure that all occupants leave the building in the event of any fire alarm. Residents are not permitted to re-enter the building until authorized to do so by JMU Police or the fire department. Students may be held responsible for violations found during fire alarms or room inspections.

Violations

False Alarms

Residence halls are completely evacuated for all fire alarms. No student may activate any alarm or attempt to manipulate any electrical or mechanical device for the purpose of creating a false fire alarm. This is a violation of law and can result in judicial action and/or a fine and/or criminal prosecution.

Failure to Evacuate

No student may disregard a fire alarm signal or refuse to evacuate a building or a section of a building where a fire alarm is sounding. This is a violation of law and can result in judicial action and/or a fine and/or criminal prosecution.

Tampering with Fire Safety Equipment or Devices

No student may operate or tamper with any firefighting equipment without authorization. In addition, no student may tamper with or otherwise misuse any fire detection or early warning device, emergency lighting, evacuation systems, or emergency telephones. Tampering with or misusing such items is a violation of the law and can result in judicial action and/or a fine and or criminal prosecution.

Obstruction of Fire Evacuation Routes

Due to fire safety regulations, students may not store loft bed construction materials, boxes, trash, bicycles, furniture or other items in hallways or other public areas or within 18 inches of the ceiling in a sprinkled building and 24 inches of the ceiling in a non-sprinkled building. No student may purposefully prevent someone from swiftly and safely evacuating a building. No student may enter or exit from a fire escape except during a fire drill or in the case of an actual fire.
Fireworks, Explosives and Flammable Substances

Possessing, storing or using any fireworks or explosives or flammable substances (including charcoal and lighter fluid) is strictly prohibited. Use or possession of such materials may result in judicial action and/or a fine and/or criminal prosecution.

**Definitions**

**Fire:**

Rapid oxidation of combustible material accompanied by heat, light and smoke of combustible material, which is found outside of its normal appliance, whether or not it is extinguished prior to arrival of emergency; any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

**Fire related Deaths:**

Number of persons who were fatalities because of a fire incident, including death resulting from a natural or accidental cause while involved in fire control, attempting a rescue, or persons escaping from the fire scene (an individual who dies within one (1) year of injuries sustained as a result of a fire.

**Fire-related injury:**

Number of person(s) receiving injuries from fire-related incidents, including an injury from a natural or accidental cause who received medical treatment at a local medical facility. This includes first responders attempting to control the fire, attempting a rescue, or persons escaping from the fire scene. Persons may include students, faculty, staff, visitors, firefighters, or any other individual.

**Fire drill:**

A supervised practice of a mandatory evacuation of a building for a fire.

**Cause of fire:**

The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

**Value of property damage:**

The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

**Fire safety system:**

Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

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**On-campus Student Housing Fire Safety Systems**

Any student housing facility that is owned or controlled by the institution, or is located on property that is owned/controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.
## James Madison University Harrisonburg On-Campus Student Housing
### Fire Safety Systems

<table>
<thead>
<tr>
<th>RESIDENCE HALL</th>
<th>ADDRESS</th>
<th>FIRE ALARM PANEL TYPE</th>
<th>SPRINKLER SYSTEM TYPE</th>
<th>SPRINKLER SYSTEM COVERAGE</th>
<th>Location Placards</th>
<th>FIRE EXTINGUISHERS</th>
<th>FIRE DRILLS 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ashby Hall</td>
<td>50 Bluestone Dr.</td>
<td>Simplex 4100ES</td>
<td>Fully</td>
<td>100.00%</td>
<td>Yes</td>
<td>Y</td>
<td>6</td>
</tr>
<tr>
<td>Bell Hall</td>
<td>401 Martin Luther King Jr. Way</td>
<td>Simplex 4100ES</td>
<td>Partial</td>
<td>Trash and mechanical rooms</td>
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</tr>
<tr>
<td>Chandler Hall</td>
<td>451 Bluestone Dr.</td>
<td>Simplex 4020</td>
<td>Partial</td>
<td>Trash rooms only</td>
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<tr>
<td>Frederickson Hall</td>
<td>980 Frederickson Serv. Dr.</td>
<td>Siemens FireFinder XLS</td>
<td>Partial</td>
<td>Trash rooms only</td>
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<tr>
<td>Garber Hall</td>
<td>201 Ikenberry Serv. Dr.</td>
<td>Siemens FireFinder XLS</td>
<td>Partial</td>
<td>Trash rooms only</td>
<td>Yes</td>
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<td>6</td>
</tr>
<tr>
<td>Gifford Hall</td>
<td>20 Bluestone Dr.</td>
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<tr>
<td>Hanson Hall</td>
<td>350 Carrier Dr.</td>
<td>Siemens FireFinder XLS</td>
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<td>Hillside Hall</td>
<td>290 Warren Serv. Dr.</td>
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<td>Trash and mechanical rooms</td>
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<td>Hoffman Hall</td>
<td>71 Bluestone Dr.</td>
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<td>6</td>
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<tr>
<td>Maple House</td>
<td>1201-C Greek Row</td>
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<tr>
<td>Poplar House</td>
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<td>Phi Mu</td>
<td>1201-A Greek Row</td>
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</tr>
<tr>
<td>Alpha Phi</td>
<td>1190-D Greek Row</td>
<td>Simplex 4100ES</td>
<td>Partial</td>
<td>Trash and mechanical rooms</td>
<td>Yes</td>
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<td>Organization</td>
<td>Address</td>
<td>Location</td>
<td>Room Type</td>
<td>Trash and Mechanical Rooms</td>
<td>Access Keys</td>
<td>Parking Permits</td>
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<td>Sigma Sigma</td>
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<td>Zeta Tau Alpha</td>
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<td>Alpha Sigma Alpha</td>
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<td>Kappa Alpha Theta</td>
<td>1150-A Greek Row</td>
<td>Simplex 4100ES</td>
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<td>Trash and mechanical rooms, restroom</td>
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<td>6</td>
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<tr>
<td>Delta Delta Delta</td>
<td>1100-C Greek Row</td>
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<tr>
<td>Alpha Sigma Tau</td>
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<td>Willow House</td>
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<td>6</td>
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<td>Oak House</td>
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<td>Simplex 4100ES</td>
<td>Partial</td>
<td>Trash and mechanical rooms, restroom</td>
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<td>Simplex 4100ES</td>
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<td>Trash and mechanical rooms, restroom</td>
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<td>Dogwood House</td>
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<td>Logan Hall</td>
<td>70 Bluestone Dr.</td>
<td>Siemens MXL</td>
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<td>McGraw-Long Hall</td>
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<td>Simplex 4100ES</td>
<td>Partial</td>
<td>Trash and mechanical rooms</td>
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<td>Paul Jennings Hall (opened 9/2019)</td>
<td>831 University Blvd.</td>
<td>Simplex 4100ES</td>
<td>Fully</td>
<td>100.00%</td>
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<td>Potomac Hall (Renamed Chandler Hall 6/2017)</td>
<td>1621 Carrier Dr.</td>
<td>Simplex 4100ES</td>
<td>Fully</td>
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2019 James Madison University Annual Security and Fire Safety Report

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<th>Residence</th>
<th>Address</th>
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<th>Installation</th>
<th>Percent Operational</th>
<th>Status</th>
<th>Occupancy</th>
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<td>Grace Street Apartment</td>
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**Fire Log**

The Safety Coordinator working through the Office of Risk Management and Public Safety maintains the James Madison University Daily Fire Log and posts specific incidents within two (2) business days of receiving a report of an incident and reserves the right to exclude reports from a log in certain circumstances as permitted by law. The Fire Log is kept electronically and can be found on site at the James Madison University Police Department located in Anthony Seeger Hall and also at the Office of Risk Management located at 131 Grace Street Harrisonburg, Virginia for public inspection, upon request, during normal business hours.

The Daily Fire Log contains:

1. The number and cause of each fire in an on-campus student housing facility.
   - **Unintentional Fire** - A fire that does not involve an intentional human act to ignite or spread into an area where the fire should not be.
     - Cooking - grease fire on stove top, oven or a microwave fire.
     - Smoking materials – discarded lit cigarette butt.
     - Open flames - candles.
     - Electrical - electrical arcing overheated electrical motor.
     - Heating equipment - heating stoves, space heaters, fireplaces, furnaces and water heaters.
     - Hazardous products - spontaneous combustion or chemical reactions.
     - Machinery/Industrial - heat from friction (e.g. fan belts) or cutting and welding.
     - Natural – fires that result from natural phenomenon such as lightning, tornadoes, and earthquakes
     - Other - fireworks, paper caps, party poppers, sunlight (usually magnified through glass or a bottle).
   - **Intentional Fire** – A fire that is ignited, or that results from the deliberate action, in circumstances where the person knows there should not be a fire.
   - **Undetermined Fire** – A fire in which the cause cannot be determined

2. The number of deaths related to the fire in an on-campus student housing facility.

3. The number of injuries related to a fire in an on-campus student housing facility that resulted in treatment at a medical facility.

4. The value of property damage related to the fire.
James Madison University continually strives to make the James Madison University campus safe and secure and seeks to constantly improve this mission in the area of fire safety through self-evaluation, training, and the utilization of best practices.

<table>
<thead>
<tr>
<th>On Campus Residences</th>
<th>Address</th>
<th>Number of Fires</th>
<th>Date/Time of Fire</th>
<th>Cause of Fire</th>
<th>Number of Deaths</th>
<th>Number of Injuries</th>
<th>Value of Property Damaged</th>
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** Residence Hall demolished
SAFETY AT JAMES MADISON UNIVERSITY’S SEMESTER IN LONDON PROGRAM
(Policies and Information Specific to London Program)
Kevin Chamberland

Police Protection
Safety on the JMU London campus, Madison House, is a high priority. Madison House (located on Bedford Place, Bloomsbury ward, in the borough of Camden) is under the jurisdiction of the Holborn Police Precinct. The Metropolitan Police maintains a facility in Camden which serves as Madison House’s local police office. The Holborn precinct headquarters are located at 10 Lambs Conduit Street WC1N 3NR (tel: 020-8733-6520 if in the UK; 011-44-208-733-6520 if calling from the USA).

Both the Holborn and Marylebone communities enjoy a noticeable and reassuring level of police presence. The general area has the reputation of being a relatively safe locale in central London. But, as always one should always be vigilant and take precautions to minimize becoming a victim of a criminal act. All statistics at the close of this document are supplied by the resident manager of Madison House. Madison House and environs have not been made available by the Holborn Precinct Police. But, an excellent source of crime statistics and crime prevention information for the London Borough of Camden is published by the office of the Chief Executive, London Borough of Camden, Camden Town Hall, Judd Street, London WCH1H 9JE. It is entitled Camden’s Crime and Disorder Audit. To obtain this document you may also contact the Camden Senior Community Safety Officer 011.44.20.7974.2729 (International) 020.7974.2729 (Local – Camden). They will provide the booklet upon request.

In addition to normal police protection, Madison House and the Semester in London Program have enjoyed and fostered a good working relationship with Police Sergeant Gareth Dowling. Each semester, Dowling gives a lecture on “Safety in London” to the students and faculty during which security issues are discussed. We have relied on his advice and expertise in securing our facility over the years. We feel fortunate that this special relationship continues.

General Security Procedures
Students are made aware of their very first day in London that no one is to be admitted into Madison House unless those persons are personally known to them or have been met by the Resident Manager. Officially, the Resident Manager is asked to be on duty during the normal working hours (8:30 a.m. – 4:30 p.m., weekdays). The resident manager lives two doors away and is on call 24 hours a day seven days a week. The Faculty Member in Residence for each semester lives in northern London, but has office facilities in Madison House. The health and well-being of all students is one of their primary responsibilities. Both attending JMU faculty and all attending students participate in rigorous orientation sessions before their London semester and during the first few days in London, where security issues, UK law, emergency procedures and the rules and regulations set forth here are thoroughly discussed with the Director of the Semester in London Program, Professor Rustin Greene. Much of this information is included in handbooks prepared for the students and the attending faculty. On-site orientation materials, given to students upon their arrival in London, provide further emergency information.

Emergency Telephone Number
At the initial on-site orientation to Madison House, students are informed of the emergency number in the UK (999). The students are provided with mobile phones that receive incoming calls even if they have paid for pay-as-call service. Each student’s mobile phone number is distributed to Resident Managers, fellow Semester in London (SIL) students and the program Faculty Member in Residence. As part of their orientation materials, each student is provided a pocket-sized card which includes, amongst other important numbers, the numbers for emergencies. Students also are advised to alert the Madison House Resident Managers of any suspicious persons or activities in and around Madison House.

| Emergencies | 999(UK) |
| Information and emergencies | 020-7323-5884(Resident Managers) or 07946760467 |
| Madison House from the USA | 011-44-207-323-5884 or 44 7946 760 467 (Programme Coordinator Mobile) |
| Information and concerns JMU Faculty Member in Residence Office | 020-8883-3189 or 07980988676 |
| Faculty Member in Residence from the USA | 011-44-208-883-3189 |
| Office of International Programs at JMU | 540-568-6419 |

The web address for the Center for Global Engagement - [https://www.jmu.edu/global/](https://www.jmu.edu/global/)
Security in University Housing

While in Belgium, a JMU faculty member will function as Faculty Member in Residence (FMIR). The FMIR has overall responsibility for the semester, but will not be teaching any courses. The FMIR, in conjunction with the Director of the Semester in Antwerp experience and logistic coordinator plan the semester excursions. Participants will get to know the FMIR very well, as they will be spending much more time with her/him than participants would with a typical professor at JMU in Harrisonburg (state side). The program director and Faculty Member in Residence (FMIR) have always been and continue to be security conscious, and review personal and fire safety procedures with all of the students in the spring and fall semesters. Ongoing security evaluations are periodically done by the FMIR and Director.

Students are informed, at their first orientation session about safety. They are reminded of their responsibilities in maintaining a safe secure building and premises.

General Advice

Although JMU works hard to ensure the safety of all individuals within its community, students and employees themselves must take responsibility for their own personal safety and that of their personal belongings. Simple, common sense precautions are the most effective means of maintaining personal security.

1. Students should know the phrases that will help one get around. They should ask directions of merchants, waiters, policemen, bus drivers and so on. If someone offers advice, students should thank them but do not accept an offer to be led to their destination.

2. The number one rule is to have confidence! It is recommended that one should act like they belong in London. Students live there for a period of time, so they should not be mistaken for a tourist. It is recommended that students ask questions if they are lost, but not stand on a street corner with their map out and a confused look on their face. Dressing and acting like a native is the watchword. Projecting confidence, being comfortable, keeping one’s shoulders back, and dressing up to the occasion or the area will go a long way to helping the student fit right in.

3. It’s safer to travel in groups. It is especially important for students to stick together after dark. One always should know their route.

4. Knowing where one is going is recommended. One should not leave things unattended. One should not be obvious with money, cameras, expensive IPODs, etc. One should not use ATMs in lonely and poorly lighted areas after dark. The main places where people can be robbed are in metro or tube stations, crowded streets and open markets. Generally, homeless people and gypsies are harmless, but one should be on guard. Muggings are rare, but again, pick pocketing and purse-lifting have been honed to a fine art and are commonplace. So, one should keep track of purses and wallets. One should never leave them on a café table or bench, and hang on to them securely while on public transport.

5. When traveling it is recommended that one:
   a. Not go into a train compartment alone.
   b. Sleep in public only with money, passport, etc. in inside pockets.
   c. Use locks on suitcases, purses whenever possible.
   d. Protect valuables in the hostel/hotel safes.

6. Safe places to meet friends are restaurants, pubs and other public places (during peak hours).

7. One should never appear drunk in public. Pickpockets and pick-up artists will take an intoxicated person as easy prey. Most natives regard drunkenness as self-inflicted and are therefore likely to be unsympathetic with someone who has made oneself vulnerable. One should always stay sharp.

8. One should be extra careful about giving out personal details such as a mobile number, Facebook ID, London address or personal email address. There have been instances where students received unwanted messages from people that they met briefly at a club. When making new friends in London, plan to meet them in person during the day, in a safe place, along with other students from our program, waiting until a friendship and trust is established before revealing alternate ways to contact you.
9. Finally, one should not carry their passport unless needed. In the London handbook information pertaining to health, safety and security issues can be found at: [http://search.camden.gov.uk/search?q=Health%2C+...](http://search.camden.gov.uk/search?q=Health%2C+...). For further information related to safety and security in the borough of Camden, go to the Camden main page at [www.camden.gov.uk](http://www.camden.gov.uk).

### Emergency Notification

James Madison University’s London program is committed to the immediate notification of the London campus community, without delay, upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or staff occurring on campus, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The Program Director and Resident Manager enjoy autonomous authority on activation upon confirmation, message content and messaging and takes into account the safety of the community while determining the content of the notification before initiating the notification system. Concurrently or contemporaneously, the official initiating the Emergency Notification will inform the Directors of JMU’s Offices of Residence Life and International Education of the emergency at hand and the justification for the dissemination of the related notification. The London program officials regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities. Systematic tests of the Emergency Notification will be conducted annually.

The means and methods of Emergency Notification includes the following components which may be activated independently or in-conjunction with each other based on the circumstances to notify the university community of the existence of an emergency, and updated information and as necessary throughout the duration of any incident. Anyone with information warranting a timely warning should report the circumstances to the Madison House staff, by phone (020-7323-5884 - Resident Manager) or in person.

The Resident Manager at Madison House has three methods of notifying the students within the hall; posting fliers, email, and word of mouth. The Madison House Resident Manager lives on premises. Therefore, the manager has easy access to knock on each door and notify students of any immediate issue.

All members of the JMU community are instructed to notify the Program Director or Resident Manager of any situation or incident on or near campus that involves a significant emergency or dangerous situation that may pose an immediate or on-going threat to the health and safety of students, staff and visitors to the campus.

### Timely Warning

In compliance with the "Timely Notice" provisions of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, the James Madison University is required to give a timely notice for Clery Act crime that occurs on Clery geography. Timely warning notifications are sent to notify the campus community in the event that a situation arises on the Clery geography which encompasses the JMU campus, noncampus property (property owned or controlled by the University or a recognized student organization not on the main campus), and public property (property within or immediately adjacent to campus). In regards to the Semester in London, for Clery Act crime that, in the judgment of FMIR’s or designee, after reviewing the facts and circumstances of the incident, constitutes an ongoing or continuing threat to the campus community necessitates a timely warning. Timely warnings are primarily triggered by Clery Act crimes (criminal homicide, sex offenses, robbery involving force or violence, aggravated assault, and major cases of arson). Timely notices may also be posted for other crime classifications, as deemed necessary. Timely Warnings are evaluated on a case by case basis depending on the facts of the case and the information known.

### Alcohol and Drug Policies -Alcohol

JMU students traveling abroad may be studying in countries where the legal age for alcohol consumption is different than in the United States. Thus, while overseas, it is the responsibility of the student to know the relevant country and local laws concerning the possession, use, and abuse of alcohol. If students who are of legal age choose to consume alcohol while abroad, they are expected to drink and behave responsibly. The illegal or excessive consumption of alcohol or misconduct due to alcohol consumption will not be tolerated and will result in disciplinary action, including dismissal from the program and follow-up through the JMU Accountability system. If any student is observed in an intoxicated state and if that student’s actions are deemed abusive by the Program Director or other program representatives in authority, the student is subject to disciplinary actions which may include suspension from the program and return to the U.S. As with all honor or accountability cases, the student has the right of appeal. The Executive Director for International Programs will serve as the appellate officer in all such cases.

### Alcohol and Drug Policies -Drugs

Illegal drug use in any form is not tolerated. JMU students traveling abroad may be studying in countries where drugs that may be legally possessed and used in the United States are prohibited by law. Thus, while overseas, it is the responsibility of the student to know the relevant country and local laws concerning the possession and use of drugs. Most foreign criminal systems are considerably less accommodating than those within the
United States; student possession or use of illegal drugs may be punishable by fine, imprisonment, and/or deportation. Study abroad participants found using or possessing illegal drugs in any form are subject to immediate dismissal from the program and/or follow-up through the JMU Accountability system. If any student is observed in an intoxicated state and if that student’s actions are deemed abusive by the Program Director or other program representatives in authority, the student is subject to disciplinary actions which may include suspension from the program and return to the U.S. As with all honor or accountability cases, the student has the right of appeal. The Executive Director for International Programs will serve as the appellate officer in all such cases.

### Medical Emergencies

Madison House is located about a 20-minute walk or a 10-minute cab ride from the Accidents and Emergencies Department (emergency room) of the University College Hospital. If a student requires assistance, they are accompanied to the hospital by the Resident Manager whenever possible. In addition to the close proximity of the Accidents and Emergencies Department, students have access to the team of General Practitioners at local Medicentres 80 Cheapside, +44 (0) 20 7510 0310 and Paddington Station, +44 (0) 20 7510 0312 or the Museum Practice at 58 Great Russell Street, London, WC1B 3BA +44 (0) 20 7405 2739. JMU London students can maintain contact with the home campus of JMU while away through phone, fax, internet and e-mail, and have at their disposal the normal services on campus, including the JMU counseling center and the Sexual Assault Advocate. Additionally, the Resident Manager and attending faculty of the London Program have ready access to similar counseling services in London. All Semester-in-London students have hospitalization and medical insurance through a U.S. policy that JMU’s Office of International Programs (OIP) provides. Students are advised to have access to enough money, through a credit card for example, to be able to pay for any medical services they might need.

### Missing Student

Each student living in Madison House will be given the option in advance to identify a contact person(s) whom the Resident Manager and/or Program Director shall notify if the student is determined missing by the Holborn Precinct Police.

Such resident students shall be advised that contact information will be considered to be confidential, accessible only to authorized campus officials and law enforcement and will not be disclosed outside of a missing person investigation. Likewise, students under 18 years of age and not emancipated, James Madison University officials must notify a custodial parent or guardian when the student is determined to be missing, in addition to any additional contact person designated by the student.

It is suggested that reports should be made directly to the Madison House Resident Manager and/or the London Semester Program Director that a student has been missing for 24 hours; the official to whom the report was made, shall make a direct report immediately to the Precinct Police.

If a member of the Madison House Community has reason to believe that a Semester in London student is missing for 24 hours, all possible efforts are made to locate the student to determine his or her state of health and well-being through the collaboration of the Holborn Precinct Police and the Office of International Programs. The Holborn Precinct Police will be given immediate authorization from the London Semester officials to make a welfare entry into that student’s room. If, by chance a student participant resides off site in a flat or other location, the aid of the appropriate Precinct Police or neighboring police agency having jurisdiction will be elicited. Concurrently university officials will endeavor to determine the student’s whereabouts through contact with friends and associates of the student. Whether or not the student has been attending classes, labs, recitals, and scheduled organizational or academic meetings; or appearing for scheduled work shifts, will be established.

If located, verification of the student’s state of health and intention of returning to Madison House is made. When and where appropriate, if the need is determined, a referral will be made to professional counselor(s) and/or medical practitioners. If warranted a referral will be made to the JMU Counseling Center and/or the University Health Center on the main Harrisonburg campus.

If not located, notification of a custodial parent or guardian or failing that any other available family member within 24 hours of receiving the initial report is made to determine if they know of the whereabouts of the student. The London Semester officials will cooperate, aid, and assist investigative agency in all ways prescribed by prevailing law. The Madison House officials will remain at the disposal and cooperate thoroughly with the official investigation by the primary investigative unit.

All pertinent law enforcement agencies, be they neighboring precinct, borough, or municipal; those located along suspected travel corridors; or place of original domicile wherever it might be, will be notified and requested to render assistance, through direct telephone contact or visit, electronic data (teletype) message, and/or radio transmission with a comprehensive BOL message based on the totality of up-to-date information.

Upon closure of the missing person investigation, all parties previously contacted will be advised of the status of the case.
To reiterate, when a student who resides in Madison House is determined to have been missing for 24 hours, the University through its London Semester Program officials are legally obligated, if the student has designated a contact person, to notify that contact person within 24 hours; if the student is under 18 years of age and is not emancipated, the aforementioned officials must notify the student’s custodial parent or guardian and any other designated contact person within 24 hours; and within 24 hours inform, the Precinct Police that the student is missing.

**Sex Offender Registry and Access to Related Information**

The United Kingdom has a sex offender registry but an individual’s past criminal history is not made available to the public in the United Kingdom.

**Sexual Violence**

Anyone who is a victim of sexual assault, domestic violence, dating violence, or stalking while attending the Semester in London is encouraged to seek support and assistance and to report the incident. Resources and support are available to any JMU student through the Title IX coordinator, Office of Student Accountability and Restorative Practice and the JMU Counseling Center. Individuals are encouraged to contact police but have the right not to file a report. However, to pursue criminal options, it is important to preserve evidence. Whether or not a victim chooses to report an incident to the police, the victim should report the incident to the FMIR. Personnel will assist the victim in notifying local authorities, help with obtaining protection orders through the appropriate court, if applicable, and assist in obtaining resources for the victim if the victim so requests. Sexual Harassment and incidents of sexual violence will be investigated by the Title IX coordinator. Incidents will be conducted confidentially consistent with applicable legal requirements and safety considerations.

**Definitions:**

Rape is a statutory offence in England and Wales. According to the law, rape occurs when one person penetrates another with their penis without the consent of the person being penetrated. If a victim is forcefully penetrated with an object, this is classed as "Assault by Penetration" (section 2).

Statutory Rape is a statutory offence in England and Wales. According to the law, rape occurs when one person penetrates another with their penis without the consent of the person being penetrated. If a victim is forcefully penetrated with an object, this is classed as "Assault by Penetration" (section 2).

Fondling: to touch gently and in a loving way, or to touch in a sexual way

Domestic violence: any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to: psychological, physical, sexual, financial and/or emotional.

Dating violence: falls under domestic violence.

Stalking: There is no strict legal definition of 'stalking', section 2A (3) of the PHA 1997 sets out examples of acts or omissions which, in particular circumstances, are ones associated with stalking. For example, following a person, watching or spying on them or forcing contact with the victim through any means, including social media.

Harassment: In this legal guidance, the term harassment is used to cover the 'causing alarm or distress' offences under section 2 of the Protection from Harassment Act 1997 as amended (PHA), and 'putting people in fear of violence' offences under section 4 of the PHA. The term can also include harassment by two or more defendants against an individual or harassment against more than one victim.

If a sexual offense should occur, the victim should take the following actions:

- Go to a safe place. Call the local police and notify the London Semester staff no matter where the event occurred. The London Semester staff will then contact appropriate counseling professionals and medical practitioners.
- Contact a friend or family member.
- Do not 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).
• Get prompt medical attention.
• Do not destroy the physical evidence that may be found in the vicinity of the crime. If the crime occurred in the victim's home, the victim should not clean or straighten until the police have had an opportunity to collect evidence.
• Tell someone all details remembered about the assault.
• Write down all details remembered as soon as possible.
• Visitors, faculty and students living in London at Madison House and other university managed facilities are informed that they may report any incident to the staff of our local clinic and/or hospital, where provision is made to refer them to appropriate counseling and legal authorities.

Resources For Support and Assistance

| Bank Medicentre (80 Cheapside) | 020 7510 0310 |
| University College Hospital (London) | 08451555000 |
| JMU Counseling Center (main campus) | (540) 568-6552 |
| Sexual Assault Education Coordinator (main campus) | (540) 568-2831 |
| JMU Women's Resource Center (main campus) | (540) 568-3407 |
| JMU Judicial Officer (main campus) | (540) 568-6218 |
| Citizens Against Sexual Assault (Harrisonburg, VA, USA) | (540) 434-CASA |

Safety Programs

| Full Madison House Orientation | Jan 2018 | Topics include: fire safety, personal safety, rules of Madison House, alcohol and drug policies, and Madison House security. |
| Safety in London Talk – Sargent Gareth Dowling | Jan 2018 | Safety tips while staying in London and at Madison House |
| Full Madison House Orientation | May 2018 | Topics include: fire safety, personal safety, rules of Madison House, alcohol and drug policies, and Madison House security. |
| Safety in London Talk – Sargent Gareth Dowling | May 2018 | Safety tips while staying in London and at Madison House |
| Full Madison House Orientation | Sept 2018 | Topics include: fire safety, personal safety, rules of Madison House, alcohol and drug policies, and Madison House security. |
| Safety in London Talk – Sargent Gareth Dowling | Sept 2018 | Safety tips while staying in London and at Madison House |
Preparation for and Response to Crisis Related to Short-Term International Programs

With the responsibility of leading a JMU study abroad program, Program Directors are aware that it is possible that an emergency may occur involving one or more of the students in the group. Students can and do become ill, suffer accidents, are the victims of muggings and assaults find themselves caught up in potentially violent political situations, or fail to return on time to programs at the end of long weekends. While it is of course impossible to plan for all contingencies involving our students abroad, Program Directors are trained to follow sound recommended practices when emergencies do arise. They work individually and together to provide for the safety and well-being of our students.

JMU has therefore developed a series of specific procedures designed to safeguard the welfare of program participants. The Office of International Programs (OIP) takes responsibility for coordinating the University's management of emergencies affecting participants in JMU study abroad programs. The students are informed about these procedures during their on-site orientations.

What is an emergency?

An emergency is any circumstance that poses a genuine risk to, or that has already disturbed, the safety and well-being of program participants. Emergencies will include, though not be confined to, the following types of events and incidents:

- Physical assault
- Disappearance or kidnapping of a student
- Robbery
- Sexual assault or rape
- Serious physical or emotional illness
- Significant accident and/or injury
- Hospitalization for any reason
- Terrorist threat or attack
- Local political crisis that could affect the students' safety or well-being
- Arrest or questioning by the police or other security forces
- Any legal action (lawsuit, deposition, trial, etc.) involving a student

What is done to prepare for emergencies?

Students are instructed that they are required to inform Program Directors about any medical emergency. Program Directors in turn are required to contact the OIP as soon as possible in order to inform the OIP Executive Director or Administrative Coordinator about the emergency. The students are informed that this information will be treated with the strictest confidentiality, and that it will be shared on a "need to know" basis only. If the crisis involving the student is grave enough to jeopardize his or her safety or well-being, the emergency contact they have provided at the time of registration will be informed. The Executive Director is Dr. Lee G. Sternberger, JMU Office of International Programs, Office: 540-568-6419 & 540-568-7002. The Administrative Coordinator is Ms. Jackie Ciccone, Office 540-568-7004.

1. During the orientation on-site, the students will be provided with
   a. the local telephone number(s) the students should use to contact emergency services (i.e. the equivalent of the "911" that we use in the U.S., which provides access to police, fire and emergency medical services);
   b. a written list of reputable local medical clinics or hospitals.

2. During the on-site orientation by the Program Directors, students will be informed of the exact location of the U.S. Embassy. Semester In London students are registered at the US Embassy by OIP staff in Harrisonburg. The students will be strongly encouraged to stop in at the Embassy or Consulate before and during their travels away from your site in order to get updated information about each country they plan to visit. The students will be advised to avoid travel to or through any location where tensions exist and travel may be dangerous. Experience has shown that students may benefit from a security briefing offered at U.S. Embassies abroad; such briefings will assist in reinforcing the message to the students that travel to dangerous areas should be avoided.
How Program Directors respond to emergencies

1. In an emergency, the first responsibility for a Program Director is to safeguard the safety and well-being of program participants. Whatever is necessary is done to assure this, whether this means obtaining prompt and appropriate medical attention, Embassy intervention or police protection.

2. When all that can be reasonably done to assure the student’s welfare, the Program Director will immediately contact the OIP and brief the Executive Director, Administrative Coordinator or his/her representative, in a detailed way, about the situation. Every effort will be made to reach the Executive Director or Administrative Coordinator by telephone, rather than e-mail or fax for the opportunity to fully discuss the situation.

3. The Program Director will notify the local U.S. Embassy or Consulate about the crisis, and follow whatever procedures they may require; if there is a continuing risk to the welfare of the students (during a terrorist threat, for example), the Program Director will ask the appropriate Embassy or Consulate Officer to provide advisory information on a regular basis about the evolution of the crisis and about how the students should respond. In any other sort of emergency, the Program Director will notify the local police about the situation - if the Program Director and the Embassy believe this is appropriate - the Program Director will then follow the procedures the police may require of them or the student.

4. During an ongoing crisis, the Program Director will keep the OIP informed on a regular basis, through telephone, fax, or E-mail messages, about the evolution of the crisis until it has passed.

5. In the event of a crisis, it is important that all concerned not overreact or panic. The Program Director will help the students to get through a difficult time. The OIP staff members have experience dealing with crises in the past and are ready to assist the Program Directors during and after any type of event or incident.

6. After the OIP is informed about an emergency, and after OIP personnel consult with the Program Director and other appropriate individuals on site, the OIP may, depending on the acuteness of the crisis, fax a description of the course of action that the Program Director and the students will need to follow. All program participants will be required to sign a statement acknowledging that they have received, read and understood this response plan; after all of the participants have signed, the Program Directors will fax the OIP the signed acknowledgments.

7. During a political crisis or some other emergency during which foreigners in general or U.S. citizens in general may be at risk, the Program Directors will request that the students keep a low profile. The students will be told to avoid demonstrations, confrontations or situations where they could be in danger; to avoid behavior that could call attention to themselves; to avoid locales where foreigners or Americans are known to congregate; and to take down signs, avoid using luggage tags and wearing clothes that would label them as Americans.

8. It is highly unlikely that participants would need to be evacuated from a site abroad; of the hundreds of U.S. institutions operating programs abroad when the Gulf War and Iraq Wars broke out, only a handful concluded that events indicated that they should bring their students home. However, JMU would of course bring faculty members and students home if a situation were to deteriorate to the point where the degree of risk to participants was deemed unacceptable. If this unlikely event were to happen, the Executive Director, in consultation with the Program Director(s), the U.S. Embassy and State Department, plus appropriate individuals on the home campus, will develop an evacuation plan in as much detail as possible. This plan will be transmitted to the Program Director(s) in confidence, and the Office of International Programs will continue to work closely with the Program Directors(s) throughout the process.

9. In the event of a significant crisis, individual students have the option of returning to the U.S. Every reasonable effort will be made to allow them to continue their academic program on campus, and to be housed appropriately as well. Refund policies are outlined in the faculty handbook for the Program Directors; withdrawals and grades will conform to JMU policies as well.
## 2018 Crime Statistics for the London Campus

<table>
<thead>
<tr>
<th>OFFENSE</th>
<th>Year</th>
<th>ON CAMPUS</th>
<th>NON-CAMPUS</th>
<th>PUBLIC AREAS</th>
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<th>RESIDENTIAL FACILITIES (Subset of On Campus)</th>
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* Crimes not reported by hierarchy.
Hate Crimes

Involving crimes or incidents of homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, vandalism, and intimidation against persons characterized as and motivated by the actual or perceived bias, against race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, and/or disability.

Geographical Areas: On Campus, Residential Facilities, Non-Campus and Public Property

2018 – There were no reported bias motivated incidents.
2017 – There were no reported bias motivated incidents.
2016 – There were no reported bias motivated incidents.

There were 0 unfounded crimes in 2016, 2017 and 2018

An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situations where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded”. Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with prosecution, and the failure to make an arrest do not “unfound” a crime report. This requirement began with 2014 statistics.
**Fire Safety**

Madison House is the residential and operating premises of the JMU Semester in London program. Madison House is a nonsmoking facility consisting of five floors. There is a fire alarm detection system on each floor and inside each of the five apartments. This is tested quarterly by the landlord, Acorn of London Ltd. There is also an Acorn of London Ltd. Security Guard at Building 19 (five doors up from Madison House) on Bedford Place who patrols through the building several times between the hours of 5 pm and 8 am.

**Reporting a Fire**

Fires should be reported to the Fire Service at 999, to the Staff or Security Guard at No. 19 Bedford Place and also to the Resident Manager.
Evacuation

If the fire alarm system activates, the following procedures should be followed:

1. When the building evacuation alarm (fire alarm) is activated during an emergency, leave by the nearest marked exit and alert others to do the same.

2. Feel doors for heat – don’t open doors that are warm to touch. If you cannot exit due to fire and/or smoke place items around door openings to prevent smoke from entering the area and call the resident manager and give your exact location.

3. Assist the handicapped in the building.

4. If you must exit through smoke stay low and crawl – the air at floor level is less hot and cleaner.

5. All occupants should know where primary and alternative exits are located, and be familiar with the various evacuation routes available.

6. Exit the building and proceed to designated meeting sites. Once outside, proceed to a clear area that is at least 500 feet away from the affected building. Keep streets, fire lanes, hydrant areas and walkways clear for emergency vehicles and personnel. Know your area assembly points. Stay there until an accurate head count attendance is taken and assist in the accounting for all building occupants.

Fire Related Policies

Madison House is a nonsmoking facility. Open flames and candles are prohibited. Electrical appliances from the United States need to be checked by the resident manager before use. Hair dryers are supplied to each bedroom.

JMU SEMESTER IN LONDON SEMESTER PROGRAM-On-Campus University Sponsored Housing

<table>
<thead>
<tr>
<th>RESIDENCE HALL</th>
<th>FIRE ALARM PANEL TYPE</th>
<th>SPRINKLER SYSTEM</th>
<th>SPRINKLER SYSTEM COVERAGE</th>
<th>FIRE EXTINGUISHERS</th>
<th>FIRE DRILLS 2018</th>
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<td>None</td>
<td>None</td>
<td>Y</td>
<td>2</td>
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The landlord, Acorn of London Ltd, manages fire drills and has one a semester. In addition, Acorn tests the fire alarms every Tuesday.

JMU SEMESTER IN LONDON SEMESTER PROGRAM-On-Campus University Sponsored Housing Fire Log

<table>
<thead>
<tr>
<th>On Campus Residence Halls</th>
<th>Year</th>
<th>Number of Fires</th>
<th>Date/Time of Fire</th>
<th>Cause of Fire</th>
<th>Number of Deaths</th>
<th>Number of Injuries</th>
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SAFETY AT JAMES MADISON UNIVERSITY’S SEMESTER IN ANTWERP PROGRAM
(Policies and Information Specific to Antwerp Program)
Laura Scobey

Police Protection

Safety on the JMU Antwerp campus, Montpelier House, is a high priority. The Montpelier House is under the jurisdiction of the Antwerp Police Department. The police station is a 20 minute, walk (http://goo.gl/maps/n5NM3) from the Montpelier House as well as the nearby East entrance to the campus. The address of this police station is:

 Politie West Zone
 Oudaan 5
 B-2000 AntwerpenBelgie
 Telephone (from Belgium) 03 338 55 11
 Our local contact is Jeff Verelst, jeff.verhelst@politie.antwerpen.be

The emergency police telephone number in Belgium is 101 (fire is 100). The United States 9-1-1 equivalent in Europe is 1-1-2. The non-emergency number for the Politie West Zone, if calling from Belgium, is 03 338 55 11; it is 011 32 3 338 55 11 if calling from the USA.

The B-2000 community enjoys a noticeable and reassuring level of police presence. The general area has the reputation of being a relatively safe locale in this University of Antwerp section of the city of Antwerp. But, as always one should always be vigilant and take precautions to minimize becoming a victim of a criminal act.

As far as an official security presence at the University of Antwerp, there are no campus police or security departments similar to campus communities in the United States. Rather than law enforcers or first responders to emergencies familiar to Americans the members of the University of Antwerp security force are more a combination of receptionists and persons who lock and unlock doors, check the assigned building after hours, and generally serve as building monitors. If they become aware of a problem requiring police powers (law enforcement, crime reporting, emergency response), they call the local “stad” (city) police force. The person responsible for security at the University is Mr. Jan Claessens. He can be reached by calling 03/220 4427 in Antwerp or 011-32-3/220 4427 from the United States. He does not speak English.

General Security Procedures

Students are made aware from their very first day in Antwerp that no one is to be admitted into Montpelier House. Officially, the Program Coordinator is asked to be on duty during the normal working hours ((10:00 a.m. – 6:00 p.m., weekdays). However, as they live on premises, students are likely to find them just about any time, day or night. The FMIR for each semester live in the nearby B-2000 sector The health and well-being of all students is one of their primary responsibilities. Both attending JMU faculty and all attending students participate in rigorous orientation sessions before their Antwerp semester and during the first few days in Antwerp where security issues, Belgian law, emergency procedures and the rules and regulations set forth here are thoroughly discussed with the Director of the Semester in Antwerp Program. Much of this information is included in handbooks prepared for the students and the attending faculty. On-site orientation materials, given to students upon their arrival in London, provide further emergency information.

Emergency Telephone Number

At the initial on-site orientation to Montpelier House, students are informed of the emergency number in the Antwerp (101). The students are provided with mobile phones. As part of their orientation materials, each student is provided a pocket-sized card which includes, amongst other important numbers, the numbers for emergencies. Students also are advised to alert the Montpelier House Program Coordinator of any suspicious persons or activities in and around Montpelier House. Mrs. Raquel Dailey is the Program Coordinator. Her email address is daileyrd@jmu.edu. The Program Coordinator assists Antwerp Program students with anything they might need concerning the building, certain student issues, and anything else that might involve the program.
Important Numbers & Email Address

FMIR Mobile: 0499 187 270
Assistant Mobile 0485 66 54 71
Program Coordinator Mobile 0489 846 158
Kristel Van Hilst 03 265 5050
Police 101
Fire or Ambulance 100
Antwerp Taxi 03 238 3838
Star Taxi 03 216 1616
US Embassy, Brussels 02 508 2111
Card Stop for lost/stolen debit/credit cards 070/344 344
Emergency, anywhere in the EU: 112

The web address for the Office of International Programs - http://www.jmu.edu/international/

Additional Emergency Numbers

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<tr>
<td>Emergencies – Police</td>
<td>101 (Antwerp)</td>
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<td>Emergencies – Fire</td>
<td>100 (Antwerp)</td>
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<tr>
<td>Campus Security – University of Antwerp</td>
<td>03/220 4427 (Antwerp)</td>
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<td></td>
<td>011-32-3/220 4427 (From US)</td>
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<tr>
<td>Anti Poison Center</td>
<td>070/245 245 (Antwerp)</td>
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<tr>
<td>Burn Center</td>
<td>03/217 7595 (Antwerp)</td>
</tr>
<tr>
<td>Card Stop for lost/stolen debit/credit cards</td>
<td>070/344 344 (Antwerp)</td>
</tr>
<tr>
<td>Information, concerns and emergencies Faculty in residence (FMIR) in Antwerp</td>
<td>Cell Phone: 0499/187 270</td>
</tr>
<tr>
<td>US Embassy in Brussels, 27, Boulevard du Regent</td>
<td>Voice Phone: 02/508 2111</td>
</tr>
<tr>
<td>Hours 9a.m. to 6p.m. Monday through Friday</td>
<td>Fax: 02/511 2725</td>
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<tr>
<td>Center for Global Engagement at JMU</td>
<td>00-1-540-568-1697</td>
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<tr>
<td>Program Coordinator (Raquel Dailey)</td>
<td>Cell Phone: 032-489-846-158</td>
</tr>
<tr>
<td>Program Director (Dean Molly Brown) at JMU</td>
<td>00-1-540-568-3020</td>
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Telephone Country Codes

- Belgium 32
- Denmark 45
- France 33
- Germany 49
- Italy 39
- Netherlands 31
- Norway 47
- United Kingdom 44
- United States 1
Security in University Housing

All Semester in Antwerp students reside in Montpelier House. Overseeing the security of Montpelier House are, Faculty Member in Residence (FMIR). FMIR’s reside in the JMU faculty flat, located at Meir 107 apartment 4,1, B-2000 Antwerp, Belgium. The FMIR office in Antwerp is located in Montpelier House. The Program Coordinator also maintains an office in Montpelier House. All apartments in the Montpelier Hall house are between two - four students. Each apartment has its own kitchen and bathroom facility. Each room contains a small refrigerator with freezer compartment, an armoire, a desk, chair, bed, mattress, sheets, towels, pillows, and other amenities. There are no telephones in the apartments, but each student will check out a cell phone. Participants are expected to abide by all apartment policies, and obey directives from the Program Coordinator (PC). Program participants are issued two keys: a plastic access key FOB to open the front entrance gate to Montpelier House and a key to their room. Students are expected to keep their keys in a secure place and not lose them. If they do lose their keys, they will be charged €75 for a replacement set. The Program Coordinator will have to go to the key smith to have new keys made and that may take a few days. If more than two or three sets of keys are lost, the Program Coordinator will have to request new locks and keys from the landlord so the room will be re-keyed entailing much expense. If one locks him/herself out, the Program Coordinator (PC), if available, will let residents into the building. There is a €50 fine for all requests to enter the building between 10:00 p.m. and 8:00 a.m. No visitors are allowed into Montpelier House. If a participant is found with a visitor, he/she will be fined €150 and will be subject to immediate dismissal from the program. If a participant has visiting family member(s) and would like to take them to their apartment, they are to contact the Program Coordinator and arrange for the Program Coordinator to give the family member(s) a tour of the building. Montpelier House has an official JMU policy that if a student violates the rules outlined in the orientation review, her or his conduct will be reviewed by the Program Coordinator, FMIR, and Director and disciplinary action will be taken, including removal from the program. Examples of misconduct include violating the visitor policy, abusing alcohol in the building, coming into the building drunk if your drunken behavior impacts other students and guests in the building, damage to property, threatening or striking a staff member or another student, and violating the rules of the house. JMU’ s Semester in Antwerp coursework is held in classrooms rented from the University of Antwerp, Prinsstraat 13, B-2000, Antwerp, Belgium. The University of Antwerp is about a two-minute walk from Montpelier House. The inner city of Antwerp has approximately half a million inhabitants. About a million people live in greater Antwerp. The province of Antwerp is part of Flanders, and the official language of Flanders is Dutch. Since residents of Flanders speak Dutch with a different accent than residents of the Netherlands, they call their dialect of the Dutch language “Flemish.” The Flemish and the Dutch have no trouble understanding each other. Most people also speak English and French. If participants do not speak Dutch, it is highly recommended that they speak English, even if they also know how to speak French.

General Advice

Although JMU works hard to ensure the safety of all individuals within its community, students and employees themselves must take responsibility for their own personal safety and that of their personal belongings. Simple, common sense precautions are the most effective means of maintaining personal security.

- The number one rule is to have confidence! It is recommended that one should act like they belong in Belgium. Students live there for a period of time, so they should not be mistaken for a tourist. It is recommended that students ask questions if they are lost, but not stand on a street corner with their map out and a confused look on their face. Dressing and acting like a native is the watchword. Projecting confidence, being comfortable, keeping one’s shoulders back, and dressing up to the occasion or the area will go a long way to helping the student fit in.

- Students should know the phrases that will help one get around. They should ask directions of merchants, waiters, policemen, bus drivers and so on. If someone offers advice, students should thank them, but do not accept an offer to be led to their destination.

- It’s safer to travel in groups. It is especially important for students to stick together after dark. However, in Antwerp it is okay to travel alone during the day, if one knows the area. One always should know their route.

- Knowing where one is going is recommended. One should not leave things unattended. One should not be obvious with money, cameras, expensive phones or electronics, etc. One should not use ATMs in lonely and poorly lighted areas after dark. The main places where people can be robbed are in metro or tube stations, crowded streets and open markets. Generally, bums and gypsies are harmless, but one should be on guard. Muggings and violent crimes are very, very rare, but again, pick pocketing and purse-snatching have been honed to a fine art and are commonplace since time immemorial. So, one should keep track of purses and wallets. One should never leave them on a café table or bench, and hang on to them securely while on public transport. A pouch worn beneath a blouse or shirt is recommended. It should be used for extra money, traveler’s checks, passport, and Visa card.

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traveling, one should wear this at night.

- When traveling it is recommended that one:
  - Not go into a train compartment alone.
  - Sleep in public only with money, passport, etc. in inside pockets.
  - Use locks on suitcases, purses whenever possible.
  - Protect valuables in the hostel/hotel safes.

- Safe places to meet friends are restaurants, pubs and other public places (during peak hours).
- Keep your dorm room locked when you are not in it, even when you shower or use the bathroom.
- One should never appear drunk in public. Pickpockets and pick-up artists will take an intoxicated person as easy prey.
- Most natives regard drunkenness as deliberate stupidity and are therefore likely to be unsympathetic with someone who has made oneself vulnerable and dull-witted. One should always stay sharp.
- Carry a card in your purse, wallet, or back pack that says, “In case of problems, please call FMIR phone number.” If you have a chronic medical condition (e.g., type I diabetes), list this information on the card, too. Always carry the card issued to you that contains the emergency phone numbers.
- Make copies of all of your credit cards, passport, and other ID’s, and leave one at home for your parents and bring a set with you. When a recent participant lost her VISA, it was easy to get a new one because she had all pertinent information on hand.

- Clothing - Belgians and Europeans dress differently than Americans do. It is relatively easy to spot Americans in Europe, because they wear shorts, sandals, baseball caps, and shirts or sweatshirts with university logos on them. Participants will notice that Belgian fashion is quite different. Because of this, here are a few suggestions.

  Europeans do not wear shorts and sandals; participants may want to follow their lead.
  Belgians wear closed-toed shoes except perhaps in August.
  It is cold in Belgium, so this helps to keep feet warm.
  In general, Belgians will dress much better than the average American. So if participants want to blend in, it is suggested they bring some nice things to wear.

- Public Restrooms - There are few public restrooms in Belgium, and the ones that are available will cost participants money, usually €0.40, to use; though some American based fast food chains still have free toilets. Unlike the United States, one cannot just go into a restaurant and expect to use their toilets. Those are reserved for paying customers only.
- Often when participants do find a public restroom in Belgium, such as in a train station, they will usually find an attendant just inside the entrance. There will usually be a sign somewhere with the price, usually €0.50 to €1.00. This is the price one is expected to pay either upon leaving or upon entering.
- Participants are cautioned to be careful about how much liquid they ingest. There are very few public drinking fountains in Belgium, so some students make the mistake of carrying bottled water, drinking it all, and being unable to find a restroom. Participants are cautioned to monitor their hydration carefully.

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Emergency Notification

James Madison University’ Antwerp program is committed to the immediate notification of the Antwerp campus community, without delay, upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or staff occurring on campus, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The Program Director and Program Coordinator enjoy autonomous authority on activation upon confirmation, message content and messaging and takes into account the safety of the community while determining the content of the
notification before initiating the notification system. Concurrently or contemporaneously, the official initiating the emergency notification will inform the Directors of JMU’s Offices of Residence Life and International Education of the emergency at hand and the justification for the dissemination of the related notification. The Antwerp program officials regularly schedule drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.

The means and methods of emergency notification includes the following components which may be activated independently or in-conjunction with each other based on the circumstances to notify the University community of the existence of an emergency, and updated information and as necessary throughout the duration of any incident. Anyone with information warranting a timely warning should report the circumstances to the Montpelier Hall staff.

The Program Coordinator at Montpelier Hall has four methods of notifying the students within the hall; sending text messages to cell phones, posting fliers, email, and word of mouth. There are two main points within the building where fliers are posted; the entrance gate and the entrance into the tower. All students have to enter and exit the building through the entrance gate. There are only 15 rooms in the residence hall and the Program Coordinator lives in one of them. The coordinator has easy access to knock on each door and notify students of any immediate issue.

Systematic tests of the emergency notification will be conducted annually. All members of the JMU community are instructed to notify the Program Director or Resident Manager of any situation or incident on or near campus that involves a significant emergency or dangerous situation that may pose an immediate or on-going threat to the health and safety of students, staff and visitors to the campus.

Timely Warning

In compliance with the "Timely Notice" provisions of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, the James Madison University is required to give a timely notice for Clery Act crime that occurs on Clery geography. Timely warning notifications are sent to notify the campus community in the event that a situation arises on the Clery geography which encompasses the JMU campus, noncampus property (property owned or controlled by the University or a recognized student organization not on the main campus), and public property (property within or immediately adjacent to campus). In regards to the Semester in Antwerp, for Clery Act crime that, in the judgment of FMIR’s or designee, after reviewing the facts and circumstances of the incident, constitutes an ongoing or continuing threat to the campus community necessitates a timely warning. Timely warnings are primarily triggered by Clery Act crimes (criminal homicide, sex offenses, robbery involving force or violence, aggravated assault, and major cases of arson). Timely notices may also be posted for other crime classifications, as deemed necessary. Timely Warnings are evaluated on a case by case basis depending on the facts of the case and the information known.

Alcohol and Drug Policies -Alcohol

JMU students traveling abroad may be studying in countries where the legal age for alcohol consumption is different than in the United States. Thus, while overseas, it is the responsibility of the student to know the relevant country and local laws concerning the possession, use, and abuse of alcohol. If students who are of legal age choose to consume alcohol while abroad, they are expected to drink and behave responsibly. The illegal or excessive consumption of alcohol or misconduct due to alcohol consumption will not be tolerated and will result in disciplinary action, including dismissal from the program and follow-up through the JMU Accountability system. As with all honor or accountability cases, the student has the right of appeal. The Executive Director for International Programs will serve as the appellate officer in all such cases. The legal drinking age in Belgium is 16. Belgium is known for its many varieties of beer. However, participants should be aware that Belgian Beer often contains 9-12% alcohol, much higher than the levels in American beer. Hence, if one drinks five or six beers at one sitting, one will have significantly more alcohol in his/her system than if one consumed the same number of beers in America. As long as you behave responsibly, and do not disrupt the Montpelier House community, you may consume alcohol (beer and wine only) in the hall. Drinking parties, drinking games, kegs, or anything else that violates the spirit of this policy are explicitly prohibited at Montpelier House. Storing more alcohol than one might safely and reasonably consume in one evening is prohibited. Any person or persons found to be violating these rules will receive a fine of €150 and face accountability action from JMU when they return to the Harrisonburg campus. If residents are not behaving in a responsible manner, the privilege of consuming alcohol will be discontinued at Montpelier House.

Alcohol and Drug Policies -Drugs

Illegal drug use in any form is not tolerated. JMU students traveling abroad may be studying in countries where drugs that may be legally possessed and used in the United States are prohibited by law. Thus, while overseas, it is the responsibility of the student to know the relevant country and local laws concerning the possession and use of drugs. Most foreign criminal systems are considerably less accommodating than those within the United States; student possession or use of illegal drugs may be punishable by fine, imprisonment, and/or deportation. Study abroad participants
found using or possessing illegal drugs in any form are subject to immediate dismissal from the program and/or follow-up through the JMU Accountability system. If any student is observed in an intoxicated state and if that student’s actions are deemed abusive by the Program Director or other program representatives in authority, the student is subject to disciplinary actions which may include suspension from the program and return to the U.S. As with all honor or accountability cases, the student has the right of appeal. The Executive Director for International Programs will serve as the appellate officer in all such cases.

Medical Emergencies

Students participating in a study abroad program are strongly urged to have hospitalization and medical insurance that is valid outside the United States. It is the student’s responsibility to know about his/her coverage and to accept any financial risk that may occur. Proof of coverage is not required; however, the Office of International Programs (OIP) will enforce that requirement in the rare cases where proof of health insurance is required for a student to obtain a visa permitting them to enter the country and participate in the program. The OIP maintains a list of companies that provide term insurance for students and travelers.

Students should be advised to have access to enough money, through a credit card for example, to be able to pay for any medical services they might need. In the event of a medical emergency. It is the responsibility of the Program Director to make inquiries regarding available medical and professional services near the program site, to provide information for participants and to help participants obtain the services they may need during the program.

Physicians - The University of Antwerp has a walk-in clinic with very limited hours. Participants will need to bring their student ID card. The walk-in clinic is located in the basement of Building G and is open daily between 12:30 and 1:30 p.m. Serious injuries can be treated at the UZA, the university hospital on campus.

Hospitals:

St. Vincentius Hospital
Sint-Vincentiusstraat 20, 2018 Antwerpen
Phone: 03 285 20 00

University Hospital
Wilrijkstraat 10, B 2650 Edegem
Day phone: 03 821 3806
Night phone: 03 821 3088

Sint Elisabeth Hospital
26 Leopoldstraat (emergency room entrance), 2000 Antwerpen
Phone: 03 234 4111

Drugstore - There is a drugstore located on Keizerstraat 73, the same street as the physicians. “Apotheek” (also often spelled “apoteek”) is the Flemish word for “drug store”. They are always designated by a large illuminated green cross hanging out above the entrance. All apotheeks in Antwerp have exactly the same hours: 9:00 am to 12:30 pm, and 2:00 pm to 6:30 pm, Monday to Friday. Apotheeks are normally closed Saturdays and Sundays, with one exception: each part of town will have one apotheek that is open during the weekends. This is known as the “apotheek van wacht”, and it changes each weekend. Exactly which apotheek is “van wacht” each weekend is usually posted on the door of each apotheek, easily visible from the outside. The address and usually the phone number are mentioned on the list.

Many medicines available in the United States without prescription do require a doctor’s prescription in Belgium. And some that require a prescription in the United States are available over the counter in Belgium. Most medicines, be they prescription or over-the-counter, are only available at an apotheek, and not in a supermarket, or other similar outlet. No apotheeks are self-service, which means the pharmacist must help you, and they are usually rather small in size.
The amount you are charged seems to depend on whether or not you give proof that you are a University of Antwerp student so be certain to bring your Passport, Belgium Identity Card, James Madison University student ID, your Antwerp telephone number, Antwerp address, and cash.

Psychological and Emotional Needs—JMU Antwerp students can maintain contact with the home campus of JMU while away through phone, fax and e-mail, and have at their disposal the normal services on campus, including the JMU Counseling center and the Sexual Assault Advocate.

**Missing Student**

Each student living in Montpelier House will be given the option in advance to identify a contact person(s) whom the Program Coordinator and/or Program Director shall notify if the student is determined missing by the Antwerp Police Department.

Such resident students shall be advised that contact information will be considered to be confidential, accessible only to authorized campus officials and law enforcement and will not be disclosed outside of a missing person investigation. Likewise, students under 18 years of age and not emancipated, James Madison University officials must notify a custodial parent or guardian when the student is determined to be missing, in addition to any additional contact person designated by the student.

It is suggested that reports should be made directly to the Montpelier House Program Coordinator and/or the Antwerp Semester Program Director that a student has been missing for 24 hours; the official to whom the report was made, shall make a direct report immediately to the Antwerp Police Department.

If a member of the Semester in Antwerp community has reason to believe that a Semester in Antwerp student is missing for 24 hours, all possible efforts are made to locate the student to determine his or her state of health and well-being though the collaboration of the University of Antwerp Security, the Antwerp Police and the Office of International Programs. If the student is an in-house resident, the Antwerp Police will be given immediate authorization from the JMU Semester in Antwerp officials to make a welfare entry into that student’s room. If, by chance a student participant resides off site in a flat or other location, the aid of the appropriate Antwerp Police office or neighboring police agency having jurisdiction will be elicited. Concurrently university officials will endeavor to determine the student’s whereabouts through contact with friends and associates of the student. Whether or not the student has been attending classes, labs, recitals, and scheduled organizational or academic meetings; or appearing for scheduled work shifts, will be established.

If located, verification of the student’s state of health and intention of returning to Montpelier House is made. When and where appropriate if the need is determined a referral will be made to professional counselor(s) and/or medical practitioners. If warranted a referral will be made to the JMU Counseling Center and/or the University Health Center on the main Harrisonburg campus.

If not located, notification of a custodial parent or guardian or failing that any other available family member within 24 hours of receiving the initial report is made to determine if they know of the whereabouts of the student. The Semester in Antwerp officials will cooperate, aid, and assist investigative agency in all ways prescribed by prevailing law. The Semester in Antwerp officials will remain at the disposal and cooperate thoroughly with the official investigation by the primary investigative unit.

All pertinent law enforcement agencies, be they neighboring precinct, borough, or municipal; those located along suspected travel corridors; or place of original domicile wherever it might be, will be notified and requested to render assistance, through direct telephone contact or visit, electronic data (teletype) message, and/or radio transmission with a comprehensive BOL message based on the totality of up-to-date information.

Upon closure of the missing person investigation, all parties previously contacted will be advised of the status of the case.

To reiterate, when a student who resides in Montpelier House is determined to have been missing for 24 hours, the University through its Antwerp Semester Program officials are legally obligated, if the student has designated a contact person, to notify that contact person within 24 hours; if the student is under 18 years of age and is not emancipated, the aforementioned officials must notify the student’s custodial parent or guardian and any other designated contact person within 24 hours; and within 24 hours inform, the Antwerp Police that the student is missing.

**Sex Offender Registry and Access to Related Information**

When questioned about a sex offender registry, a University of Antwerp official informed the Antwerp program staff that Belgium does not maintain a sex offender registry, as this would violate European Union privacy laws.
Sexual Violence

Anyone who is a victim of sexual assault, domestic violence, dating violence, or stalking while attending the Semester in Antwerp is encouraged to seek support and assistance and to report the incident. Resources and support are available to any JMU student through the Title IX coordinator, Office of Student Accountability and Restorative Justice and the JMU Counseling Center. Individuals are encouraged to contact police but have the right not to file a report. However, to pursue criminal options, it is important to preserve evidence. Whether or not a victim chooses to report an incident to the police, the victim should report the incident to the FMIR. Personnel will assist the victim in notifying local authorities, help with obtaining protection orders through the appropriate court, if applicable, and assist in obtaining resources for the victim if the victim so requests. Sexual Harassment and incidents of sexual violence will be investigated by the Title IX coordinator. Incidents will be conducted confidentially consistent with applicable legal requirements and safety considerations.

If a sexual offense should occur, the victim should take the following actions:

- Go to a safe place. Call the local police and notify the Antwerp Semester staff no matter where the event occurred. The Antwerp Semester staff will then contact appropriate counseling professionals and medical practitioners.
- Contact a friend or family member.
- Do not 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).
- Get prompt medical attention.
- Do not destroy the physical evidence that may be found in the vicinity of the crime. If the crime occurred in the victim's home, the victim should not clean or straighten until the police have had an opportunity to collect evidence.
- Tell someone all details remembered about the assault.
- Write down all details remembered as soon as possible.
- Visitors, faculty and students living in Antwerp at Montpelier House and other university managed facilities are informed that they may report any incident to the staff of our local clinic and/or hospital, where provision is made to refer them to appropriate counseling and legal authorities.

Definitions of Sexual Crimes in Belgium

Sexual Assault - Indecent assault is defined in terms of use of violence or threats for adults.
Legal Source: Criminal Code, Article 372

Intimate Partner Violence - Any form of physical (e.g. intentional assault and battery), sexual (rape of modesty and rape), psychological (stalking and insults) or economic violence (e.g. abandonment of family) between spouses or persons who live together or have lived together and between a stable emotional and sexual relationship exists or existed.
Observations: Domestic violence is any form of physical, sexual, psychological or economic violence between members of a same family, regardless of their age.
Legal Source: Law to combat violence against partners, 24 November 1997
Legal provisions on protection orders: Court custody

**Rape** - Any act of sexual penetration, regardless of its nature and by whatever means, committed against a non-consenting person, represents a crime of rape. Consent is not considered to have been given, if the crime is committed by violence, coercion or deceit, or is made possible by the infirmity or physical or mental impairment of the victim.

Observations: The Law of 4 July 1989 amending certain provisions concerning the crime of rape has broadened the definition of rape.

Marital rape is forbidden and condemned by the law in the same way as other forms of rape: it represents an aggravating circumstance in cases of rape.

Legal Source: Criminal Code, Article 375

**Sexual Harassment** - "Sexual harassment at work" is defined as any unwanted conduct related to the sex of a person of any form of unwanted verbal, non-verbal or physical conduct with a sexual connotation with the purpose or effect that the dignity of the person is being violated, especially when a threatening, hostile, insulting, humiliating or offensive situation is being created.

Observations: In the judicial system, cases of sexual harassment can be qualified as stalking.

Legal Source: Law of 11 June 2002

Legal provisions on protection orders: Protection against dismissal and relocation.

**Stalking** - The repeatedly pursuing, watching or harassing of a person in a way this person perceives to be disturbing, worrying or tormenting.

Legal Source: Law 30 October 1998

Source: European Institute of Gender Equality

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**Resources For Support and Assistance**

University Hospital, Wilrijkstraat 10, B 2650 Edegem

www.ura.be. Take bus 17 from Roosevelt square. The end of the bus route is University Hospital.

Sint Elisabeth Hospital 26 Leopoldstraat (emergency room entrance), 2000 Antwerpen,

JMU Counseling (main campus)

University Health Center’s The Well (main campus)

JMU Campus Assault Response Emergency help line (C.A.R.E.)

JMU Office of Accountability and Restorative Justice (main campus)

Citizens Against Sexual Assault (Harrisonburg, VA, USA)

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**Safety Programs**

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<th>PROGRAM</th>
<th>Audience</th>
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<td>Spring Antwerp Semester Orientation</td>
<td>Spring 2018 Group—35 students</td>
<td>Topics include: fire safety, personal safety, alcohol and drug policies, property crime awareness.</td>
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<td>Summer Antwerp Orientation</td>
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Preparation for and Response to Crisis Related to Short-Term International Programs

With the responsibility of leading a JMU study abroad program, Program Directors are aware that it is possible that an emergency may occur involving one or more of the students in the group. Students can and do become ill, suffer accidents, are the victims of muggings and assaults find themselves caught up in potentially violent political situations, or fail to return on time to programs at the end of long weekends. While it is of course impossible to plan for all contingencies involving our students abroad, Program Directors are trained to follow sound recommended practices when emergencies do arise. They work individually and together to provide for the safety and well-being of our students.

JMU has therefore developed a series of specific procedures designed to safeguard the welfare of program participants. The Office of International Programs (OIP) takes responsibility for coordinating the University's management of emergencies affecting participants in JMU study abroad programs. The students are informed about these procedures during their on-site orientations.

What is an emergency?

An emergency is any circumstance that poses a genuine risk to, or that has already disturbed, the safety and well-being of program participants. Emergencies will include, though not be confined to, the following types of events and incidents:

- Physical assault
- Disappearance or kidnapping of a student
- Robbery
- Sexual assault or rape
- Serious physical or emotional illness
- Significant accident and/or injury
- Hospitalization for any reason
- Terrorist threat or attack
- Local political crisis that could affect the students’ safety or well-being
- Arrest or questioning by the police or other security forces
- Any legal action (lawsuit, deposition, trial, etc.) involving a student

What is done to prepare for emergencies?

Students are instructed that they are required to inform Program Directors about any medical emergency. Program Directors in turn are required to contact the OIP as soon as possible in order to inform the OIP Executive Director or Administrative Coordinator about the emergency. The students are informed that this information will be treated with the strictest confidentiality, and that it will be shared on a "need to know" basis only. If the crisis involving the student is grave enough to jeopardize his or her safety or well-being, the emergency contact they have provided at the time of registration will be informed. The Executive Director is Dr. Lee G. Sternberger, JMU Office of International Programs, Office: 540-568-6419 & 540-568-7002. The Administrative Coordinator is Ms. Jackie Ciccone, Office 540-568-7004.

1. During the orientation on-site, the students will be provided with
   a. the local telephone number(s) the students should use to contact emergency services (i.e. the equivalent of the "911" that we use in the U.S., which provides access to police, fire and emergency medical services);
   b. a written list of reputable local medical clinics or hospitals.

2. During the on-site orientation by the Program Directors, students will be informed of the exact location of the U.S. Embassy and are encouraged to register with the Embassy. In order to register, they will need all of the information provided on the front page of their passports. The students will be strongly encouraged to stop in at the Embassy or Consulate before and during their travels away from your site in order to get updated information about each country they plan to visit. The students will be advised to avoid travel to or through any location where tensions exist and travel...
may be dangerous. Experience has shown that students may benefit from a security briefing offered at U.S. Embassies abroad; such briefings will assist in reinforcing the message to the students that travel to dangerous areas should be avoided.

How Program Directors respond to emergencies

1. In an emergency, the first responsibility for a Program Director is to safeguard the safety and well-being of program participants. Whatever is necessary is done to assure this, whether this means obtaining prompt and appropriate medical attention, Embassy intervention or police protection.

2. When all that can be reasonably done to assure the student's welfare, the Program Director will immediately contact the OIP and brief the Executive Director, Administrative Coordinator or his/her representative, in a detailed way, about the situation. Every effort will be made to reach the Executive Director or Administrative Coordinator by telephone, rather than e-mail or fax for the opportunity to fully discuss the situation.

3. The Program Director will notify the local U.S. Embassy or Consulate about the crisis, and follow whatever procedures they may require; if there is a continuing risk to the welfare of the students (during a terrorist threat, for example), the Program Director will ask the appropriate Embassy or Consulate Officer to provide advisory information on a regular basis about the evolution of the crisis and about how the students should respond. In any other sort of emergency, the Program Director will notify the local police about the situation - if the Program Director and the Embassy believe this is appropriate - the Program Director will then follow the procedures the police may require of them or the student.

4. During an ongoing crisis, the Program Director will keep the OIP informed on a regular basis, through telephone, fax, or E-mail messages, about the evolution of the crisis until it has passed.

5. In the event of a crisis, it is important that all concerned not overreact or panic. The Program Director will help the students to get through a difficult time. The OIP staff members have experience dealing with crises in the past and are ready to assist the Program Directors during and after any type of event or incident.

6. After the OIP is informed about an emergency, and after OIP personnel consult with the Program Director and other appropriate individuals on site, the OIP may, depending on the acuteness of the crisis, fax a description of the course of action that the Program Director and the students will need to follow. All program participants will be required to sign a statement acknowledging that they have received, read and understood this response plan; after all of the participants have signed, the Program Directors will fax the OIP the signed acknowledgments.

7. During a political crisis or some other emergency during which foreigners in general or U.S. citizens in general may be at risk, the Program Directors will request that the students keep a low profile. The students will be told to avoid demonstrations, confrontations or situations where they could be in danger; to avoid behavior that could call attention to themselves; to avoid locales where foreigners or Americans are known to congregate; and to take down signs, avoid using luggage tags and wearing clothes that would label them as Americans.

8. It is highly unlikely that participants would need to be evacuated from a site abroad; of the hundreds of U.S. institutions operating programs abroad when the Gulf War and Iraq Wars broke out, only a handful concluded that events indicated that they should bring their students home. However, JMU would of course bring faculty members and students home if a situation were to deteriorate to the point where the degree of risk to participants was deemed unacceptable. If this unlikely event were to happen, the Executive Director, in consultation with the Program Director(s), the U.S. Embassy and State Department, plus appropriate individuals on the home campus, will develop an evacuation plan in as much detail as possible. This plan will be transmitted to the Program Director(s) in confidence, and the Office of International Programs will continue to work closely with the Program Director(s) throughout the process.

9. In the event of a significant crisis, individual students have the option of returning to the U.S. Every reasonable effort will be made to allow them to continue their academic program on campus, and to be housed appropriately as well. Refund policies are outlined in the faculty handbook for the Program Directors; withdrawals and grades will conform to JMU policies as well.
## 2018 Crime Statistics for the Antwerp Campus

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Hate Crimes

Involving crimes or incidents of homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, vandalism, and intimidation against persons characterized as and motivated by the actual or perceived bias, against race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, and/or disability.

Geographical Areas: On Campus, Residential Facilities, Non-Campus and Public Property

2018 – There were no reported bias motivated incidents.
2017 – There were no reported bias motivated incidents.
2016 – There were no reported bias motivated incidents.

There were 0 unfounded crimes in 2016, 2017 and 2018.

An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situations where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that he crime report is false or baseless and therefore “unfounded”. Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with prosecution, and the failure to make an arrest do not “unfound” a crime report. This requirement began with 2014 statistics.

The Antwerp Program Director and the Montpelier Program Coordinator supply all statistics. Requested statistics specific to Antwerp and environs have not been made available by the Antwerp Police.
**Reporting a Fire**

Fires should be reported to the Fire Service at 999, to the Staff or Security Guard at No. 19 Bedford Place and also to the Resident Manager, Charlotte Rudkin 07946760467.

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**Evacuation**

If the fire alarm system activates, the following procedures should be followed:

1. When the building evacuation alarm (fire alarm) is activated during an emergency, leave by the nearest marked exit and alert others to do the same.

2. Feel doors for heat – don’t open doors that are warm to touch. If you cannot exit due to fire and/or smoke place items around door openings to prevent smoke from entering the area and call the resident manager and give your exact location.

3. Assist the handicapped in the building.

4. If you must exit through smoke stay low and crawl – the air at floor level is less hot and cleaner.

5. All occupants should know where primary and alternative exits are located, and be familiar with the various evacuation routes available.

6. Exit the building and proceed to designated meeting sites. Once outside, proceed to a clear area that is at least 500 feet away from the affected building. Keep streets, fire lanes, hydrant areas and walkways clear for emergency vehicles and personnel. Know your area assembly points. Stay there until an accurate head count attendance is taken and assist in the accounting for all building occupants.

7. Elevators must NOT be used to evacuate the building in the event of an emergency. Occupants should use the stairs.

8. Exit the building and proceed to designated meeting sites, Rodestraat 20-22 UA Campus building R. Once outside, proceed to a clear area that is at least 500 feet away from the affected building. Keep streets, fire lanes, hydrant areas and walkways clear for emergency vehicles and personnel. Know your area assembly points. Stay there until an accurate head count attendance is taken and assist in the accounting for all building occupants.

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**Fire Related Policies**

Smoking - Montpelier House is a smoke-free facility. You may not smoke anywhere in the building, and you may not hang out of your apartment window and smoke. If you wish to smoke, please exit the building to do so.

If you are caught smoking in Montpelier House, you will be fined €150 for the first offense. The fine will double for the second offense, and you will be subject to immediate dismissal from the program.

Open Flames - The burning of candles, oil lamps, incense, or any other flammable material is strictly forbidden. Cigarette lighters and matches are not to be ignited anywhere in the building. Anyone caught using an open flame will be fined €150 for the first offense. As with cigarette smoking, the fine will double for the second offense, and you will be subject to immediate dismissal from the program.
Electrical Appliances from the United States - Do not use any hair dryers, curling irons, or other electrical appliances from the United States. The electrical system is different in Belgium than in the United States, and appliances such as hair dryers and curling irons will burn out adaptors and create a fire hazard.

### JMU SEMESTER IN ANTWERP PROGRAM - On-Campus University Sponsored Housing

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<th>FIRE DRILLS 2018</th>
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### JMU SEMESTER IN ANTWERP PROGRAM - On-Campus University Sponsored Housing Fire Log

<table>
<thead>
<tr>
<th>On Campus Residence Halls</th>
<th>Year</th>
<th>Number of Fires</th>
<th>Date/Time of Fire</th>
<th>Cause of Fire</th>
<th>Number of Deaths</th>
<th>Number of Injuries</th>
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</table>
SAFETY AT JAMES MADISON UNIVERSITY’S SEMESTER IN FLORENCE PROGRAM
(Policies and Information Specific to Florence Program)
Milena Santarsai

Police Protection

Palazzo Capponi is situated just off Piazza Santo Spirito in the so called Oltrano district of the city of Florence. In Italy there are different types of police, all serving the general public in different ways. Firstly, there are the Carabinieri, the military police, who intervene at all levels in order to maintain public order. They respond, very quickly, to all calls made to 112 and their cars or vans (which are navy blue with a red stripe along the side) can be seen either stationed in the major squares, piazzas, or patrolling the streets at intervals, both day and night. Secondly, there are the State Police, Polizia di Stato, who respond to all calls made to 113. Like the Carabinieri they can be seen patrolling the city (in light blue and white cars) both day and night.

Thirdly, there is the Vigili Urbani or Polizia Municipale, the traffic police, whose responsibility is limited to monitoring, driving and parking etc. Fourthly, there is Guardia di Finanza, the fiscal police, who are called upon to intervene in all fiscal matters. Naturally, it is better to call either the Carabinieri or Polizia di Stato while the crime is taking place, otherwise, if a student decides to file a complaint following an offense or to make a police report for insurance purposes, they should go to the central station of the Carabinieri in Borgo Ognissanti 48, stating at the entrance that they wish to make a denuncia. Here students will find English translators who will assist them. Police reports can also be made at any station of the Polizia di Stato but students may encounter difficulties with the language since it is unlikely that they will have an interpreter. Please note, by Italian law, students are required to carry a valid form of ID, either passport or driving license, at all times. Exceptionally, if in Florence and not far from Palazzo Capponi, students might carry a photocopy of their passports and go to get the original if asked by the agents.

General Security Procedures

Palazzo Capponi is the residential and operating premises of the JMU Masters in European Union Policy Studies (EUPS) and the Semester in Florence program (SIF). The Palazzo is a nonsmoking facility consisting of three floors. SIF students live in the Palazzo, while EUPS students only take classes and use library facilities in the building.

SIF students will be made aware from their very first day in Florence that anyone who is not part of the program is to be admitted into Palazzo Capponi after 12.00 AM. The Resident Manager and the Faculty Member in Residence (FMIR) with their families live in Palazzo Capponi as well as all the SIF students: the health and well-being of all students and JMU Florence staff is a primary concern. Students and visiting faculty will participate in informative orientation sessions before departing for Florence. Then, during the first few days in Florence, students will also be informed of personal safety and security issues, Italian legal matters, emergency procedures and the rules and regulations of Palazzo Capponi. Much of this information is included in handbooks prepared for the students and distributed beforehand. On-site orientation materials will be given to students upon arrival in Florence, providing additional useful information.

Emergency Telephone Numbers

Upon arrival in Florence, each student is provided with an Italian SIM card to use with their smartphone. The numbers for which are then distributed during the orientation sessions by JMU staff and serve as students’ primary mean of emergency communication during the program. While in Italy and if using their Italian SIM cards students do not need to dial the Italian area code +39 or 0039 before the Italian number to call. In addition, it is not necessary to dial the area code before the short emergency numbers (in bold in the tables below). The area code to call the US while in Italy and if using the Italian SIM cards is +1 or 001.

Students are also advised to alert the Palazzo Capponi Resident Manager or any other JMU Florence staff member of any suspicious persons or activities in and around Palazzo Capponi.
<table>
<thead>
<tr>
<th>NATIONAL EMERGENCY NUMBER and Carabinieri (military police)</th>
<th>112</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>113</td>
</tr>
<tr>
<td>Ambulance</td>
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<td>Fire department</td>
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<tr>
<td>JMU Florence school</td>
<td>055 2657661 (office hours)</td>
</tr>
<tr>
<td>Resident Manager and JMU Florence 24-hour on call emergency number</td>
<td>393 9028451</td>
</tr>
<tr>
<td>FMIR</td>
<td>393 9033247</td>
</tr>
<tr>
<td>Dr. Silia Passeri (Psychologist)</td>
<td>339 8555211 (mobile)</td>
</tr>
<tr>
<td>Consulate of the United States of America</td>
<td>055 266951</td>
</tr>
<tr>
<td>JMU Counseling Center (main campus)</td>
<td>(540)568-6552</td>
</tr>
<tr>
<td>JMU Office of Student Wellness and Outreach (main campus)</td>
<td>(540)568-2831</td>
</tr>
<tr>
<td>Sexual Violence Advocacy &amp; Prevention Assistant Director (main campus)</td>
<td>(540)568-6251</td>
</tr>
<tr>
<td>Office of Student Accountability and Restorative Justice (main campus)</td>
<td>(540)568-6218</td>
</tr>
<tr>
<td>Citizens Against Sexual Assault (Harrisonburg, VA, USA)</td>
<td>(540)434-CASA</td>
</tr>
</tbody>
</table>

**Security in Housing**

Overseeing the security of Palazzo Capponi is a part-time, live-in Resident Manager. She can be contacted at the above telephone number, by e-mail or during her office hours. Palazzo Capponi can house a maximum of forty-two people in all. Of which, thirty-three students, in the fifteen students’ rooms located on the first, second and third floors of Palazzo Capponi and nine guests, in an apartment, on the third floor, reserved for visiting scholars, faculty and other guests of the University. Students are not permitted to have overnight guests. All guests must vacate the building by 12.00 AM. Palazzo Capponi has an electronic, computer programmed, key access system and a camera system, which control students’ access to the building. Students are responsible for the safekeeping of their own electronic keys.

Our policies prevent Palazzo Capponi from offering rooms to the general public, thereby minimizing risks to security. During on-campus and on-site orientations, students are cautioned to abide by the Palazzo Capponi policies.

All classes will take place in Palazzo Capponi. Whereas Italian language classes for the Semester in Florence students will be held at the school of the British Institute of Florence, Piazza degli Strozzi 2, a ten-minute walk from Palazzo Capponi, just across the river Arno.

**General Advice**

Although JMU works hard to ensure the safety of all individuals within its community, students and employees themselves must take responsibility for their own personal safety and that of their personal belongings. Simple, common sense precautions are the most effective means of maintaining personal security.

1. Students should know the phrases that will help one to get around. They should ask for directions to merchants, waiters, police officers, bus drivers and so on. If someone offers advice, students should thank them but do not accept an offer to be led to their destination.

2. The number one rule is to have confidence! It is recommended that one should act like they belong in Italy. Students live there for a period of time, so they should not be mistaken for a tourist. It is recommended that students ask questions if they are lost, but not stand on a street corner with their map out and a confused look on their face. Dressing and acting like a native is the watchword. Projecting confidence, being comfortable, keeping one’s shoulders back, and dressing up to the occasion or the area will go a long way to helping the student fit right in.

3. It is safer to travel in groups. It is especially important for students to stick together after dark. One always should know their route.
4. Knowing where one is going is recommended. One should not leave things unattended. One should not be obvious with money, cameras, expensive iPODs, etc. One should not use ATMs in lonely and poorly lighted areas after dark. The main places where people can be robbed are train stations, crowded streets and open markets. Generally, homeless people and gypsies are harmless, but one should be on guard. Muggings are rare, but again, pick pocketing and purse-lifting have been honed to a fine art and are commonplace. So, one should keep track of purses and wallets. One should never leave them on a café table or bench, and hang on to them securely while on public transport. When walking down the street, students should always keep bags on the inside, next to the buildings, making it more difficult to have them snatched off shoulders by passing scooters. All zips should be fastened properly and flaps turned inwards towards the body in crowded places such as buses.

5. When traveling it is recommended that one:
   a. Do not go into a train compartment alone
   b. Sleep in public only with money, passport, etc. in inside pockets
   c. Use locks on suitcases, purses whenever possible
   d. Protect valuables in the hostel/hotel safes.

6. Safe places to meet friends are restaurants, pubs and other public places (during peak hours).

7. One should never appear drunk in public. Pickpockets will take an intoxicated person as easy prey. One should always stay sharp.

8. One should be extra careful about giving out personal details such as a mobile number, Facebook ID, Florence address or personal email address. There have been instances where students received unwanted messages from people that they met briefly at a club. When making new friends in Florence, plan to meet them in person during the day, in a safe place, along with other students from our program, waiting until a friendship and trust is established before revealing alternate ways to contact you.

9. Students should always carry cell phones with them so they are only a call away from receiving help. JMU staff can be contacted at any time if students find themselves in difficulty. They should never be afraid to approach the Italian police, who are at hand to help; regardless of whether or not they have been drinking. Students should only take out the essentials, i.e. just the money they intend to spend that day or evening, cell phone, keys, no documents which link the keys to their address, and a photocopy of their passport if in Florence, the original passport or driving license if out of town.

Emergency Notification

James Madison University’s Florence programs are committed to the immediate notification of the Florence campus community, without delay, upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or staff occurring on campus, unless issuing a notification will, in the professional judgment of responsible authorities, that compromises efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. On-site Director and Resident Manager enjoy autonomous authority on activation, upon confirmation, of the emergency notification system and take into account the safety of the community while determining the content of the notification before initiating the notification system. Concurrently or contemporaneously, the official initiating the emergency notification will inform JMU main campus’s Office of Residence Life and Center of Global Engagement (CGE) of the emergency at hand and the justification for the dissemination of the related notification. The Florence programs’ officials regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.

The means and methods of emergency notification includes the following components which may be activated independently or in-conjunction with each other based on the circumstances to notify the University community of the existence of an emergency, and updated information as necessary throughout the duration of any incident.

Among JMU Florence different methods of notifying the students there are: emergency text messages sent to all the cell phones of all the participants of the Florence program, posting fliers, emergency email alerts, and word of mouth. In addition, the evacuation procedures can be activated through the in-door alarm system. Students receive instructions of the evacuation procedures during the orientation sessions in Florence.

Systematic tests of the emergency notification systems and drills will be conducted every semester. All members of the JMU community are instructed to notify the Resident Manager of any situation or incident on or near campus that involves a significant emergency or dangerous situation that may pose an immediate or on-going threat to the health and safety of students, staff and visitors to the campus.
Timely Warning

In compliance with the "Timely Notice" provisions of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, the James Madison University is required to give a timely notice for Clery Act crime that occurs on Clery geography. Timely warning notifications are sent to notify the campus community in the event that a situation arises on the Clery geography which encompasses the JMU campus, noncampus property (property owned or controlled by the University or a recognized student organization not on the main campus), and public property (property within or immediately adjacent to campus). In regards to Florence Programs, for Clery Act crime that, in the judgment of the On-site Director, after reviewing the facts and circumstances of the incident, constitutes an ongoing or continuing threat to the campus community necessitates a timely warning. Timely warnings are primarily triggered by Clery Act crimes (criminal homicide, sex offenses, robbery involving force or violence, aggravated assault, and major cases of arson). Timely notices may also be posted for other crime classifications, as deemed necessary. Timely Warnings are evaluated on a case by case basis depending on the facts of the case and the information known.

Alcohol and Drug Policies -Alcohol

JMU students traveling abroad may be studying in countries where the legal age for alcohol consumption is different than in the United States. Thus, while overseas, it is the responsibility of the student to know the relevant country and local laws concerning the possession, use, and abuse of alcohol. If students who are of legal age choose to consume alcohol while abroad, they are expected to drink and behave responsibly. The illegal or excessive consumption of alcohol or misconduct due to alcohol consumption will not be tolerated and will result in disciplinary action, including dismissal from the program and follow-up through the JMU Accountability system. If any student is observed in an intoxicated state and if that student actions are deemed abusive by the On-site Director or other program representatives in authority, the student is subject to disciplinary actions which may include suspension from the program and return to the U.S. As with all honor or accountability cases, the student has the right of appeal. The Executive Director of the Center for Global Engagement (CGE) will serve as the appellate officer in all such cases.

Alcohol and Drug Policies -Drugs

Illegal drug use in any form is not tolerated. JMU students traveling abroad may be studying in countries where drugs that may be legally possessed and used in the United States are prohibited by law. Thus, while overseas, it is the responsibility of the student to know the relevant country and local laws concerning the possession and use of drugs. Most foreign criminal systems are considerably less accommodating than those within the United States are; student possession or use of illegal drugs may be punishable by fine, imprisonment, and/or deportation. Program participants found using or possessing illegal drugs in any form are subject to immediate dismissal from the program and/or follow-up through the JMU Accountability system. If any student is observed in an intoxicated state and if that student's actions are deemed abusive by the On-site Director or other program representatives in authority, the student is subject to disciplinary actions which may include suspension from the program and return to the U.S. As with all honor or accountability cases, the student has the right of appeal. The Executive Director of the Center for Global Engagement (CGE) will serve as the appellate officer in all such cases.

Medical Emergencies

Students and faculty participating in the Florence programs must get comprehensive medical insurance to cover them for hospital stays and treatments in Florence and while traveling throughout other European countries on their own, or with the program. If students require medical treatment in Florence, either at a hospital or at any other medical clinic, which is not immediately covered by their insurance they are expected to pay in cash or credit card, up front first, and then seek to have the sum reimbursed by their insurance. This also applies to hospital stays. The nearest Emergency Room in the city’s center of Florence is at the Santa Maria Nuova Hospital, approximately 25 minutes walking distance or a 10 minute cab ride from Palazzo Capponi. In alternative, with a 25-minute cab ride it is possible to reach the major Florence university hospital, the Careggi Hospital. In addition, students can contact ‘Medical Service’, a group of English speaking doctors on-call 24/7. JMU staff will help to get appointments for any other specialist treatment that is required.

JMU Florence students can maintain contact with the home campus of JMU while away through phone, fax and e-mail and have at their disposal the normal services on campus, including the JMU counseling center and the Sexual Violence Advocacy and Prevention service. Additionally, the JMU Florence staff can arrange access to similar counseling services in Florence.
Missing Student

Each student will be given the option in advance to identify a contact person(s) whom JMU Florence officials have to notify if the student is determined missing for 24 hours. If the student has designated a contact person, JMU Florence staff is legally obligated to notify that contact person within 24 hours. The contact information will be considered to be confidential, accessible only to authorized officials and law enforcement and will not be disclosed outside of a missing person investigation. Likewise, JMU Florence officials must notify a custodial parent or guardian of students under 18 years of age and not emancipated in addition to any additional contact person designated by the student.

It is suggested that reports that a student has been missing for 24 hours should be made directly to the Resident Manager and/or the On-site Director; the official shall then make a direct report immediately to Italian Police authorities. If a JMU Florence staff member suspects that a student is missing, all possible efforts will be made to locate the student and to determine his or her state health. If after 24 hours there is still no news from the student the appropriate Police authorities will be notified. The JMU Florence staff will, of course, do everything within their power to cooperate, aid, and assist the Police authorities with their investigations. Upon closure of the missing person investigation, all parties previously contacted will be advised of the status of the case.

Sex Offender Registry and Access to Related Information

Italy does not maintain a sex offender registry. Information about an individual’s past criminal history is not made available to the public by Police authorities.

Sexual assault, domestic violence, dating violence, or stalking

Anyone who is a victim of sexual assault, domestic violence, dating violence, or stalking while attending one of the JMU Florence programs is encouraged to seek support and assistance and to report the incident. Resources and support are available to any JMU student even abroad through the Title IX coordinator, Office of Student Accountability and Restorative Justice and the JMU Counseling Center. In addition, Florence programs offer assistance and counseling services on-site to the victim.

Individuals are encouraged to contact the Police but have the right not to file a report. However, to pursue criminal options, it is important to preserve evidence. Whether or not a victim chooses to report an incident to the Police, the victim should report the incident to the program staff so that they could notify local authorities and assist in obtaining additional resources, i.e. legal advice, if the person so requests. Sexual Harassment and incidents of
sexual violence will be investigated by the Title IX coordinator. Incidents will be conducted confidentially consistent with applicable legal requirements and safety considerations.

If a sexual offense should occur, the victim should take the following actions:

1. Go to a safe place and contact the JMU Florence 24-hour on call emergency number. The Resident Manager of the FMIR will respond to the call
2. If the aggressor is still nearby, call the Police (113 or 112)
3. Notify JMU staff immediately and go to the ER (Santa Maria Nuova Hospital or Careggi Hospital)
4. Alternatively go to Careggi Hospital center for sexual violence on women (Centro regionale riferimento violenza - CRRV)
5. Upon arrival at the hospital the Police will automatically be notified and female counselors and translators provided
6. Do not bathe or douche
7. Do not urinate, if possible
8. Do not eat, drink liquids, smoke or brush teeth if oral contact took place
9. Keep the clothes worn during the offense. If clothes are changed, place clothes in a paper bag (evidence deteriorates in plastic)
10. Get prompt medical attention
11. Do not destroy the physical evidence that may be found in the vicinity of the crime. If the crime occurred in the victim’s apartment or bedroom, the victim should not clean or straighten until the Police have had an opportunity to collect evidence
12. Tell someone all details remembered about the assault or the violence
13. Write down all details remembered as soon as possible.

All of the above except for points 4, 5, 6, and 7 are valid for all violent crimes which a student can be a victim of other than sexual violence.

LEGAL DEFINITIONS ACCORDING TO ITALIAN CRIMINAL CODE

Stalking (Atti persecutori) – art. 612 bis Italian Criminal Code: continuative and reiterated acts that represent a persecuting conduct towards the victim, to the point of determining a persistent status of anxiety, fear or worry for the person’s safety and/or for his/her relatives, or forcing the victim to alter her/his personal habits. The law recognizes as stalking all acts perpetrated by both strangers and known by the victim individuals. The crime is punishable with 6 months to 5 years of imprisonment and a victim report within 6 months from the criminal act/s is required for the Police authorities to take action.

Domestic Violence (Maltrattamenti contro familiari o conviventi) – art. 572 Italian Criminal Code: continuative and reiterated behavior determining a humiliating status and subordination of the victim resulting in a regime of oppression. Such behavior does include physical as well as psychological violence towards a member of the family, adult or minor. The crime is punishable with 1 to 15 years of imprisonment in case of serious injuries, to 20 years of imprisonment in case of death of the victim. Police authorities can investigate a suspected case of domestic violence even without a formal report of the victim.

Sexual Violence (Violenza sessuale) – art. 609 bis Italian Criminal Code: any acts of sexual nature which the victim is forced or induced to undergo or perform, through the use of violence, threat or abuse of authority. Sexual violence as well as sexual harassment are included under the definition of violenza sessuale, punishable with 5 to 10 years of imprisonment. The article does not include a specific definition of consent.

Dating Violence: there is no specific crime defined as “dating violence” in the Italian criminal code. It is responsibility of the Police authorities to identify the relevant articles to apply. Therefore, it is always recommended to file a report to the Police about any suffered violence.

<table>
<thead>
<tr>
<th>NATIONAL EMERGENCY NUMBER and Carabinieri (military police)</th>
<th>112</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>113</td>
</tr>
<tr>
<td>Ambulance</td>
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<td>JMU Florence school</td>
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<td>Resident Manager and JMU Florence 24-hour on call emergency number</td>
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</tr>
<tr>
<td>FMIR</td>
<td>393 9033247</td>
</tr>
<tr>
<td>Careggi Hospital center for sexual violence on women (Centro regionale riferimento violenza - CRRV)</td>
<td>055 794 7493</td>
</tr>
<tr>
<td>Dr. Silia Passeri (Psychologist)</td>
<td>339 8555211 (mobile)</td>
</tr>
</tbody>
</table>
Safety Orientation

| Full Palazzo Capponi and program Orientation | 28 Semester in Florence (SIF) Students | January 2018 | Topics include: city regulations, safety in Florence, expected code of behavior |
| Safety info meeting with Resident Manager | | | Topics include: evacuation procedures, house rules and guest policy |

| Full Palazzo Capponi Orientation | 23 Semester in Florence (SIF) students | May 2018 | Topics include: city regulations, safety in Florence, expected code of behavior |
| Safety info meeting with Resident Manager | | | Topics include: evacuation procedures, house rules and guest policy |

| Full Palazzo Capponi Orientation | 11 EU Policy studies (EUPS) students | August 2018 | Topics include: city regulations, safety in Florence, expected code of behavior |
| Safety info meeting with apartment rent agency officials and landlords | | | Topics include: emergency and safety procedures in the apartments, code of behavior, guest policy |
| Safety info meeting with Resident Manager | | | Topics include: Palazzo Capponi facilities’ rules and evacuation procedures |

| Full Palazzo Capponi Orientation | 28 Semester in Florence (SIF) students | September 2018 | Topics include: city regulations, safety in Florence, expected code of behavior |
| Safety info meeting with Resident Manager | | | Topics include: evacuation procedures, house rules and guest policy |

Preparation for and Response to Crisis Related to International Programs

With the responsibility of leading JMU study abroad programs, Program Directors are aware that it is possible that an emergency may occur involving one or more of the students in the group. Students can and do become ill, suffer accidents, are the victims of muggings and assaults, find themselves caught up in potentially violent political situations, or fail to return on time to programs at the end of travel weekends. While it is of course impossible to plan for all contingencies involving our students abroad, Program Directors are trained to follow sound recommended practices when emergencies do arise. They work individually and together to provide for the safety and well-being of our students.

JMU has therefore developed a series of specific procedures designed to safeguard the welfare of program participants. The Center for Global Engagement (CGE) takes responsibility for coordinating the University's management of emergencies affecting participants in JMU study abroad programs. The students are informed about these procedures during their on-site orientations.
**What is an emergency?**

An emergency is any circumstance that poses a genuine risk to, or that has already disturbed, the safety and well-being of program participants. Emergencies will include, though not be confined to, the following types of events and incidents:

- Physical assault or violence
- Disappearance or kidnapping of a student
- Robbery
- Sexual assault or rape
- Serious physical or emotional illness
- Significant accident and/or injury
- Hospitalization for any reason
- Terrorist threat or attack
- Local political crisis that could affect the students' safety or well-being
- Arrest or questioning by the police or other security forces
- Any legal action (lawsuit, deposition, trial, etc.) involving a student
- Natural disasters (earthquake, floods, epidemic, etc.)
- Other disasters or incidents

**What is done to prepare for emergencies?**

Students are instructed that they are required to inform Program Directors about any medical emergency. Program Directors in turn are required to contact the CGE as soon as possible in order to inform the CGE Executive Director or Study Abroad Director about the emergency. The students are informed that this information will be treated with the strictest confidentiality, and that it will be shared on a "need to know" basis only. If the crisis involving the student is grave enough to jeopardize his or her safety or well-being, the emergency contact they have provided at the time of registration will be informed.

1. During the orientation on-site, the students will be provided with
   a. the local telephone number(s) the students should use to contact emergency services (i.e. the equivalent of the "911" that we use in the U.S., which provides access to police, fire and emergency medical services)
   b. contacts of reputable local medical clinics or hospitals.
2. During the on-site orientation by the Program Directors, students will be informed of the exact location of the U.S. Consulate and be strongly encouraged to contact the U.S. Embassies of each country they plan to visit before and during their travels away from their site in order to get updated information. The students will also be advised to avoid travel to or through any location where tensions exist and travel may be dangerous. Experience has shown that students may benefit from a security briefing offered at U.S. Embassies or Consulates abroad; such briefings will assist in reinforcing the message to the students that travel to dangerous areas should be avoided.

**How Program Directors respond to emergencies**

1. In an emergency, the first responsibility for Program Directors is to safeguard the safety and well-being of program participants. Whatever is necessary is done to assure this, whether this means obtaining prompt and appropriate medical attention, Embassy or Consulate intervention or Police protection.
2. When all that can be reasonably done to assure the student's welfare, the Program Directors will immediately contact the CGE and brief the Executive Director and Study Abroad Director in a detailed way, about the situation. Every effort will be made to reach the CGE Executive Director or Study Abroad Director by telephone, rather than e-mail for the opportunity to fully discuss the situation.
3. If necessary Program Directors will notify the local U.S. Embassy or Consulate about the crisis, and follow whatever procedures they may require; if there is a continuing risk to the welfare of the students (during a terrorist threat, for example), the Program Directors will ask the appropriate Embassy or Consulate Officer to provide advisory information on a regular basis about the evolution of the
crisis and about how the students should respond. In any other sort of emergency, the Program Director will notify the local Police about the situation and the Embassy or Consulate if they believe this is appropriate. The Program Directors will then follow the procedures the Police may require of them or the student.

4. During an ongoing crisis, the Program Directors will keep CGE informed on a regular basis, through telephone, fax, or E-mails about the evolution of the crisis until it has passed.

5. In the event of a crisis, it is important that all concerned not overreact or panic. The Program Directors will help the students to get through a difficult time. The CGE staff members have experience dealing with crises in the past and are ready to assist the Program Directors during and after any type of event or incident.

6. After CGE is informed about an emergency, and after CGE personnel consult with the Program Directors and other appropriate individuals on site, the CGE may, depending on the acuteness of the crisis, instruct Program Directors and students about a course of action that they will need to follow. All program participants will be required to sign a statement acknowledging that they have received and understood this response plan; after all of the participants have signed, the Program Directors will email CGE the signed acknowledgments.

7. During a political crisis or some other emergency during which foreigners or U.S. citizens in general may be at risk, the Program Directors will request that the students keep a low profile. The students will be told to avoid demonstrations, confrontations or situations where they could be in danger; to avoid behavior that could call attention to themselves; to avoid places where foreigners or Americans are known to congregate; and to take down signs, avoid using luggage tags and wearing clothes that would label them as Americans.

8. It is highly unlikely that participants would need to be evacuated from a site abroad: of the hundreds of U.S. institutions operating programs abroad when the Gulf War and Iraq Wars broke out, only a handful concluded that events indicated that they should bring their students home. However, JMU would of course bring faculty members and students home if a situation were to deteriorate to the point where the degree of risk to participants was deemed unacceptable. If this unlikely event were to happen, the CGE Executive Director and staff, in consultation with the Program Director(s), the U.S. Embassy and State Department, plus appropriate individuals on the home campus, will develop an evacuation plan in as much detail as possible. This plan will be transmitted to the Program Directors in confidence, and the Center for Global Engagement will continue to work closely with the Program Directors throughout the process.

9. In the event of a significant crisis, individual students have the option of returning to the U.S. Every reasonable effort will be made to allow them to continue their academic program on campus, and to be housed appropriately as well. Refund policies are outlined in the faculty handbook for the Program Directors; withdrawals and grades will conform to JMU policies as well.

The following protocol is to be followed in the case of an emergency in Florence:

- All students should try to make their way back to Palazzo Capponi or their apartments
- Contact the Resident Manager or call the JMU Florence 24-hour on call emergency number
- Seek assistance from police and emergency services
- If returning to Palazzo Capponi or their apartments proves too dangerous students should look for a safe place and then try and make contact with JMU Florence staff
- JMU Florence staff will contact Center for Global Engagement and students contact persons if needed
- Students should call or email parents to let them know they are safe.
### 2018 Crime Statistics for the Florence Campus

++Crime statistics in specific areas are not made available to the public by Italian Police authorities++

<table>
<thead>
<tr>
<th>OFFENSE</th>
<th>Year</th>
<th>ON CAMPUS</th>
<th>NON-CAMPUS</th>
<th>PUBLIC AREAS</th>
<th>TOTAL</th>
<th>RESIDENTIAL FACILITIES (Subset of On Campus)</th>
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*Crimes not reported by hierarchy

*Crime statistics in specific areas are not made available to the public by Italian Police authorities*
Hate Crimes

Involving crimes or incidents of homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, vandalism, and intimidation against persons characterized as and motivated by the actual or perceived bias, against race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, and/or disability.

On Campus, Residential Facilities, Non-Campus and Public Property (Geographical Areas):

2018 – There were no reported bias motivated incidents
2017 – There were no reported bias motivated incidents
2016 – There were no reported bias motivated incidents

There were 0 unfounded crimes in 2016, 2017 and 2018.

An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situations where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore "unfounded". Only sworn or commissioned law enforcement personnel may "unfound" a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with prosecution, and the failure to make an arrest do not "unfound" a crime report. This requirement began with 2014 statistics.
JMU Florence Campus Location

JMU Florence premises, Palazzo Capponi, is located in the Oltrarno neighborhood of Florence, near Piazza Santo Spirito.
Fire Safety and Related Policies

Palazzo Capponi is the operating premises of the JMU Masters in European Union Policy Studies (EUPS) and the Semester in Florence program (SIF) as well as residence of the Semester in Florence program (SIF) and visiting faculty. The facility is equipped with fire extinguishers a fire alarm detection system.

Palazzo Capponi is a nonsmoking area. Open flames and candles are prohibited. Electrical appliances from the U.S must be used with appropriate converts.

Fires should be reported to the Fire Department calling emergency numbers 115 or 112 (emergency unique number) and to the Resident Manager calling the JMU Florence 24-hour on call emergency number.

Fire Evacuation

If the Palazzo Capponi evacuation procedures have been activated, anyone who is in the building must:

1. Stop any activities
2. Leave behind personal belongings
3. Follow the green emergency exit signs
4. Stay calm, do not push people in front of you, do not run, do not scream
5. Leave the building in an orderly fashion, walking in a line
6. Go to the assembly point in front of the main entrance of Santo Spirito church

In case of smoke along the exit route, crouch low and breathe through a handkerchief, scarf or towel (best if you can wet it).
IF corridors and other exit routes are NOT passable or are filled with smoke, do not leave the room and place a towel or clothing to seal any cracks at the base of the door. Signal your presence to others outside at the windows.

Once at the assembly point, stay there until an accurate head count attendance is taken and assist in the accounting for all building occupants.

The above points 1 to 6 must be followed also in cases of evacuation for other kind emergencies that may occur in the Palazzo Capponi, like flooding or earthquake. More detailed information about evacuation procedures will be given to students during the on-site orientation.

JMU Florence Campus Fire Alarm System

<table>
<thead>
<tr>
<th>FIRE ALARM PANEL TYPE</th>
<th>SPRINKLER SYSTEM</th>
<th>SPRINKLER SYSTEM COVERAGE</th>
<th>FIRE EXTINGUISHERS</th>
<th>FIRE DRILLS 2018</th>
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<td>Palazzo Capponi</td>
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<td>None</td>
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JMU Florence Campus Fire Log

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<thead>
<tr>
<th>Year</th>
<th>Number of Fires</th>
<th>Date/Time of Fire</th>
<th>Cause of Fire</th>
<th>Number of Deaths</th>
<th>Number of Injuries</th>
<th>Value of Property Damaged</th>
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</table>
EMERGENCY PROCEDURES

POLICE/FIRE/MEDICAL EMERGENCY DIAL: 540-568-6911
Dial 6911 from any on-campus phone or 540-442-6911 if phone circuits are down. Use the LiveSafe smart phone app.

FIRE
* Activate the nearest fire alarm pull station and call 568-6911 if possible to report the location and cause of the fire if known.
* EVERYONE MUST LEAVE IMMEDIATELY when a fire alarm is activated, even if there are no obvious signs of an emergency!
* DO NOT use the elevator!
* Remain calm and assist others in safely getting out.
* Confine the fire by closing all doors and windows if possible.
* Extinguish the fire if you have been trained and it is safe to do so.
* Evacuate the building to a safe location away from the structure.
* Take any personal belongings you may need with you. (including wallets, purses, keys, cell phones, etc.)
* If circumstances permit, secure your area by closing doors and locking them if you would normally do so when you leave for the day.
* Follow directions given by emergency personnel and respond to location designated by your building coordinator outside the structure to await further instructions and so that everyone can be easily accounted for before leaving the area.
* Do not re-enter until authorized to do so.

WEATHER EMERGENCY
* Listen for the JMU Lightning Detection System’s audible air horn alarms:
  SINGLE 15-second air horn blast - RED ALERT
  THREE 5-second air horn blasts - ALL CLEAR
* Seek shelter inside a building until notified by University officials that it is safe to leave.
* If flooding occurs, seek higher ground and avoid walking through standing or moving water.

OFFICIAL JMU COMMUNICATIONS
During a campus emergency, JMU will distribute information to the campus community utilizing the following methods:
* Madison ALERT - Campus Horn & PA System
* JMU Radio AM-1610 Broadcasts
* JMU Web page at www.jmu.edu
* Blast e-mail to "___@jmu.edu" accounts
* SMS Text Messages to registered users through My Madison
  > Faculty & Staff
  > Students
* Building Coordinators
* ORL Hall Directors & Resident Advisers
* Interdepartmental & Building Phone Trees
* Emergency FAX Notifications to JMU Departments
* Police Loudspeakers and PA Systems
* JMU Lightning Detection System “RED ALERT” Horns
* Local Media/Campus TV/Radio Broadcasts

HOSTILE INTRUDER RUN-HIDE-FIGHT
RUN
* Have an escape route in mind. Leave your belongings behind. Evacuate regardless of whether others agree to follow.
* Help others escape if possible. Do not attempt to move the wounded. Prevent others from entering an area where the active shooter may be.

HIDE
* Hide in an area out of the shooters view. Lock door or block entry to your hiding place. Silence your cell phone (including vibrate) and remain quiet.

FIGHT
* Fight as a last resort only when your life is in imminent danger.
* Attempt to incapacitate the shooter.
* Act with as much physical aggression as possible.
* Improwise weapons or throw items at the shooter.
* Commit to your actions... Your life depends on it.

When Law Enforcement Arrives
* Remain calm and follow instructions.
* Drop items in hands. Raise hands and spread fingers. Keep hands visible at all times.
* Avoid quick movements toward officers such as holding on to them for safety.
* Avoid pointing, screaming or yelling.
* Do not ask questions when evacuating.