

Student Handbook: Standards of Conduct & Policies

September 12, 2022

James Madison University is a community of diverse individuals who have come together for the purpose of education. As with any community, the university must establish guidelines for behavior, which will produce the type of environment necessary to best achieve its mission.

JMU reserves the right to develop and implement new rules, guidelines and student standards of conduct not presently included in this document.

It is the responsibility of OSARP to make a reasonable attempt to inform the student body of any substantive change in or addition to the current policies and regulations.

Each student is expected to comply with university policies as they pertain to student conduct. A student who violates state laws, county laws or city ordinances may be subject to prosecution and the OSARP

[Accountability Process](#)

,

[Sexual Misconduct Accountability Process](#)

, or

[Title IX Sexual Harassment Adjudication Process](#)

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JMU reserves the right to hold students accountable for certain types of off-campus behavior.

Disciplinary action will result if a student's behavior compromises the educational atmosphere or mission of the institution, as determined by OSARP.

[Collapse All](#)

Policies

Alcohol

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.

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.

Falsely representing one's age for the purpose of purchasing, possessing, or consuming alcohol is against university Standards of Conduct.

Drunkenness and/or possession of open containers of alcohol is prohibited in public areas in accord with local ordinance, state law or University policy.

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.

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.

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 a hospital visit relating to alcohol consumption.

Camping or Shelter Construction

Constructing shelters/tents and camping or sleeping out on university-owned or operated properties is prohibited unless approved by Student Activities and Involvement for philanthropic or fund-raising purposes.

Campus Election Rules

No student shall in any way tamper with or illegally influence voting or vote counting procedures or regulations as set forth by the Student Government Association for any campus election.

Damage, Attempted Damage, or Vandalism of Property

No student shall intentionally or unintentionally damage, attempt to damage, or otherwise vandalize or attempt to vandalize property belonging to the University, another person or entity, or property in an area under a student's responsibility. 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.

Dangerous Practices

No student shall engage in any activity or behavior which endangers the lives or safety of that student or of others. No student shall fail to adhere to stated safety requirements set by any university department, office or recreational organizations. Activities carried out in appropriate classes or laboratories under faculty guidance are not covered under this policy. This policy prohibits but is not limited to the following activities:

The use, possession, or false reporting of fireworks, firecrackers, gunpowder, ammunition, firearms or any dangerous chemicals, explosive materials, or incendiary devices on campus. Students may register and store firearms and ammunition with the JMU Police under [University Policy 1105](#)

Inappropriate or dangerous use of fires, open flames or other flammable materials on campus. This includes the unsafe or inappropriate disposal of smoking materials.

Blocking or in any way preventing use of fire exit doors, handicapped ramps, residence hall room doors, classroom and office doors, and building hallways on

campus, except as specifically directed in cases of intruder alerts or other serious emergencies.

Improper use of electrical appliances or wiring on campus which may create a fire hazard.

No physical activity, such as boating, skating, swimming, wading or walking on the ice is allowed in or on Newman Lake and other bodies of water on university properties, including rivers, streams, and fountains. No objects shall be thrown or dropped into bodies of water on university property.

Throwing or causing to be projected any object or substance, which has the potential for damaging or defacing university or private property or causing personal injury or disruption of activity.

Operation or possession of a vehicle, bicycle, skateboard, self-balancing scooter (including but not limited to “hover boards”), or similar mode of transportation in an unsafe manner or in an area where it is prohibited.

Use of any item, even if legally possessed, in a manner that harms or threatens physical harm to others is not permitted. Items used for their intended purpose in the course of self-defense are not covered by this policy.

Disorderly Conduct

Regardless of proximity to campus, including online and virtual environments, no student shall cause, incite or participate in any disturbance or behavior that creates excessive inconvenience, annoyance, alarm, or behavior that interrupts the orderly operation of the university or community, either on or off campus. Examples may include, but are not limited to, excessive noise, creating an unnecessary burden on university or first responder resources, and impeding a University Official, Law Enforcement Officer, or Medical Expert in the performance of their duties.

Drugs

Drugs include illegal drugs as defined by state or federal law, 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.

Except as permitted by federal and Virginia law:

No student shall use, consume, or possess a drug. No student shall sell, distribute, or give a drug to another person. No student shall intend to sell, distribute, or give a drug to another person. 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.

No student shall use, possess, sell, give, 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 cannabis, 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.

Students shall not misuse or abuse drugs. This includes but is not limited to driving under the influence, public intoxication, or consuming drugs to the point of a hospital visit. Intoxication in public includes common areas of residence halls (i.e. lobbies, lounges, hallways, and bathrooms) as well as other areas defined as public in the “

Definitions

” section of the Student Handbook.

Federal law prohibits the possession and/or use of cannabis on college campuses which receive federal funding, such as JMU.

Therefore, JMU will continue to address possession, use, or distribution of cannabis on its property or as part of any of its programs or activities, in accordance with federal law, regardless of changing state or local laws.

Virginia law allows persons 21 years of age and older to possess up to 1 ounce of cannabis or an equivalent amount of cannabis products, and to share with other persons 21 years of age and older. Therefore, JMU will not apply the Drugs policy to student use or possession of cannabis in the amount of 1 ounce or less, for students 21 years of age and older, if such use and possession is in accordance with Virginia state law and is not on JMU property or part of any of its programs or activities.

It is illegal for any person under the age of 21 to consume, purchase or possess, or attempt to consume, purchase or possess cannabis or cannabis products. It is illegal to sell or purchase cannabis in Virginia. It is illegal to consume cannabis or cannabis products in public spaces.

Failure to Comply with a Disciplinary Decision

No student shall fail to comply with any disciplinary sanctions imposed by the [Honor Council](#)

,
[University Policy 1324](#)

process, the

[Accountability Board](#)

, or OSARP. Violations include but are not limited to not attending or being late for sanctioned educational classes, failing to complete assignments, or failing to follow the guidelines of sanctions or sanctioned programs.

Falsification of Information

No student shall alter, replicate, or have in their possession an altered or replicated parking permit.

No student shall provide false information or fail to provide accurate information to the university, faculty members, administrative staff, residence hall staff, police or other employees acting in the performance of their duties, or misrepresent facts or information for the purpose of defrauding or misleading the university.

No student shall misrepresent themselves as a JMU official or as a member of an organization affiliated with the university. No student shall provide false or misleading information about their or their organization's recognition status with the university. No student shall provide false or misleading information about their connection to the university or one of its programs or activities in such a manner that a reasonable person would believe they or an organization they are representing is officially affiliated with the university.

No student shall produce or have in their possession, or attempt to produce or acquire any fraudulent (e.g. impermissibly altered or replicated) form of identification, including but not limited to an altered JMU Access Card, state issued identification card, state issued driver's license, birth certificate, passport, parking permit, or other identification documentation.

Fire Safety

No student shall activate a fire alarm except in case of an actual fire.

No student shall disregard a fire alarm signal, refuse to evacuate a building, or re-enter without permission from a University official.

No student shall enter or exit from a fire escape except during a fire drill or in the case of an actual fire.

No student shall, without authorization, operate, move, tamper with or otherwise misuse any fire suppression equipment.

No student shall move, remove, tamper with or otherwise misuse any fire detection or early warning devices, emergency lighting or evacuation systems, including signage.

Gambling

No student shall illegally wager or assist in the illegal wagering of money or any other thing of value on any game or contest.

Harassment

There are several policies at JMU that deal with harassment based on protected classes.

Sexual harassment is defined and addressed by

[JMU Policy 1340](#)

and Sexual Misconduct or

[Policy 1346](#)

and Title IX Sexual Harassment. Harassment on the basis of other protected classes is defined and addressed by

Policy 1324

Harassment that is not on the basis of a protected class is addressed by this policy, and is defined as unwelcome or offensive physical, verbal, or non-verbal conduct that creates a hostile environment.

A hostile environment may be created by unwelcome or offensive 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 objectively offensive, 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.

This policy does not prohibit exercising rights protected under the First Amendment.

Hazing

The university prohibits hazing, including recklessly or intentionally endangering the health or safety of a student or students; inflicting bodily injury on a student or students; 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, fraternity, sorority, or student body, regardless of whether the student or students so endangered, injured, or affected 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 in an effort to convince them 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.

Section 23.1-821 of the Code of Virginia

requires JMU to include as part of its policy, code, rules, or set of standards governing hazing a provision for immunity from disciplinary action based on hazing or personal consumption of drugs or alcohol where such disclosure is made by a bystander not involved in such acts in conjunction with a good faith report of an act of hazing in advance of or during an incident of hazing that causes injury or is likely to cause injury to a person.

Interference or Retaliation in a University Process

No student shall engage in any activity which disrupts, unfairly influences or obstructs the Title IX Process and/or Accountability, Honor Council, University Policy 1324 process, or other University Conduct Process at JMU. This includes but is not limited to the following activities:

Attempting to influence, intimidate, or threaten any participant, witness, council, or board member in the reporting and/or preparation of the Title IX Process and/or Accountability, Honor Council, University Policy 1324 process, or other University Conduct Process.

Attempting to influence, intimidate, or threaten any participant, witness, council, or board member in the Title IX Process or the adjudication and/or resolution process of an Accountability, Honor Council, University Policy 1324 process, or other university conduct process, proceeding, investigation, or resolution.

Knowingly providing falsified or misleading information to Title IX Staff, OSARP, Case Administrators, Accountability Boards, Sexual Misconduct Case Review Boards, Title IX Sexual Harassment Case Review Boards, Appeal Boards, University Case Administrators, Honor Council Coordinators, the Honor Council, or other staff conducting a university conduct process.

Overt or covert acts of discrimination, harassment, interference, intimidation, penalty, reprisal or restraint against a group or individual exercising, cooperating with, or having exercised the Title IX Process and/or Accountability, Honor Council, University Policy 1324 process, or other University Conduct Process.

Attempting to influence, intimidate, or threaten any participant, including but not limited to the parties, support person(s), and facilitator(s), by any means, in the preparation for or the participation in Restorative Processes, including Adaptable Resolution.

Littering

No student shall intentionally dispose of refuse of any kind except in receptacles provided for that purpose.

No receptacle used for trash shall be overturned on owned or leased university property.

Activities outlined in [JMU Policy 4310](#) are also covered by this policy.

Misuse of Technology

Any use of technology in a manner that infringes on the rights or privacy of others or any use of technology that constitutes a misuse of an existing computing or electronic system is prohibited. Examples of misuse include but are not limited to the following activities:

Committing computer fraud through creating false identities, forgery, harassment, personal abuse, trespassing, theft, embezzlement or invasion of privacy. Under no circumstances does the university condone or permit the use of another person's e-I.D., telecommunications account, or access privileges.

Tampering with using files or information belonging to someone else without permission. Under no circumstances does the university condone or permit the unauthorized access or use of another person's files (whether inside or outside the computer system).

Using a computer or other technology to examine, modify, or copy programs or data other than one's own without proper authorization. This includes plagiarism and/or

violations of copyright. Under no circumstances does the university condone or permit the unauthorized copying of computer software or other copyrighted material.

Degrading or attempting to degrade computer or other technological hardware or software performance to alter or circumvent established security measures.

Depriving or attempting to deprive other users of access to computing/network resources or services or other technology. Under no circumstances does the university condone or permit the intentional abuse or interference with the operation of any university computer, network, telecommunications system, or other technology; the intentional interference with the work of other users; or the wasting of computer or other technology resources.

Noncompliance

No student shall fail to comply with or answer lawful and/or reasonable instructions, court orders/directives, departmental/office policies or procedures, directions, and/or requests for proper identification given by persons including but not limited to a University Official, Law Enforcement Officer, Court Official, or Medical Expert in the performance of their duties. A University Official includes but is not limited to members of the faculty, administrative staff, classified staff, residence hall staff, JMU police, or event/program staff.

No student shall fail to schedule or attend an administratively requested meeting or appointment.

No student shall refuse to follow directives or instructions communicated to the campus community. Communications include, but are not limited to, university notifications, university documents, and written or oral directives or instructions.

Obscene Conduct

No student shall engage in lewd, indecent or obscene conduct, including, but not limited to; public nudity (streaking, etc.), public urination, or public sexual acts.

No student shall possess and/or produce illegal sexual materials.

Physical Force or Attempted Physical Force

No student shall use physical force or attempt to use physical force against another person or group of people. No student shall communicate an expression of the intent to commit an act of unlawful violence against another person or group of people to that person or group. Examples of physical force include, but are not limited to, spitting, pushing, shoving, hitting, kicking, or other physical contact that causes harm, pain, or discomfort. Using physical force as a response to physical force that continues and/or escalates an altercation may also be addressed by this policy. Acts committed against persons while in the performance of their duties (e.g. police officers, residence life staff, faculty/staff) are considered more serious.

Utilizing an object or objects in a manner that causes harm, pain, or discomfort to another is also prohibited.

No student shall physically force or attempt to physically force another person to consume a substance against their will.

Prohibited Conduct

No student shall cause, incite, or participate in conduct that is prohibited by local, state, or federal law that may or may not be otherwise covered by the Student Handbook, if the conduct is detrimental to the mission of the university.

Responsibility for Guest(s)

Each student will be held accountable for any damage or violation of university policy by their guest(s) on-campus or in a residence hall.

Sexual Misconduct

James Madison University prohibits sexual misconduct. Sexual misconduct encompasses sexual assault, sexual violence, sexual harassment, sexual exploitation, stalking, dating violence, domestic violence, and non-consensual 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, the behavior is not covered by

[JMU Policy 1346](#)

, any limitations set forth by

[JMU Policy 1340](#)

If there is evidence included in the investigation materials received from the Title IX Office at the conclusion of the Title IX Formal Complaint Investigation Process regarding the personal consumption of drugs or alcohol, where such disclosure is made in conjunction with a good faith report made to the Title IX Office 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. 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 a Guide in OSARP to explain the Sexual Misconduct Accountability Process.

The following behavior is prohibited at JMU

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Sexual Assault

: A sexual act committed against another person without consent. For purposes of this policy, sexual assault includes any of the following offenses:

Rape

: 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. Attempts to commit rape are included.

Fondling

: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim.

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. The statutory age of consent in the Commonwealth of Virginia is 18 years old.

For the purposes of this policy, sexual assault also includes 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; intentional touching of another person's body part in a sexual manner, directly or through clothing; or forcing a person to touch oneself or another person's body part in a sexual manner, directly or through clothing.

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.

Sexual Harassment

: Conduct consisting of unwelcome or offensive sexual advances, requests for sexual favors, or other conduct of a sexual nature that can be verbal (e.g., specific demands for sexual favors, sexually suggestive comments, sexual propositions, or sexual threats); non-verbal (e.g., sexually suggestive emails or other writings; objects or pictures; suggestive, obscene or insulting sounds or gestures); or physical (e.g., unwanted touching or other physical contact; or any unwelcome or coerced sexual activity), and that meets at least one of the following definitions:

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 activities, or such submission or rejection is a factor in decisions affecting that individual's employment, education, living environment, or participation in a university education program or activity.

Hostile environment. Acts of sexual harassment that create a hostile environment, as defined here: 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 interferes with, limits, or denies the person the ability to participate in or benefit from the institution's education programs or activities, including 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 objectively offensive, 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.

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

:

Crimes of violence

committed by any of the following:

A current or former spouse or intimate partner of the victim.

A person with whom the victim shares a child in common.

A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner.

A person similarly situated to a spouse of the victim under the domestic or family violence laws of the Commonwealth of Virginia.

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 Commonwealth of Virginia.

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.

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 Sexual Misconduct the following definitions will be applied

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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 a person knows or a reasonable person 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.

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, use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent).

Smoking, Vaping, Tobacco, and/or Nicotine

The possession of any kind of lighted smoking equipment, or device; or the lighting, inhaling, or exhaling of smoke or vapor from a pipe, cigar, cigarette, e-cigarette or any other smoking device of any kind in university buildings, residence hall courtyards, or other areas outlined in

[JMU Policy 1111](#)

is prohibited.

No person shall sell to, distribute to, purchase for, or knowingly permit the purchase by any person less than 21 years of age, knowing or having reason to believe that such person is less than 21 years of age, any tobacco product, nicotine vapor product, or alternative nicotine product, unless the direct recipient of the tobacco product, nicotine vapor product, or alternative nicotine product is an active duty military personnel over the age of 18.

No person less than 21 years of age shall purchase, attempt to purchase, or possess any tobacco product, nicotine vapor product, or alternative nicotine product, except in pursuance of their employment, unless the person is over the age of 18 and active-duty military personnel.

Soliciting, Petitioning, Selling, Surveying, and Publicizing

No student, non-university-related organizations or individuals may sell or solicit on the campus for any purpose whatsoever without first obtaining the sponsorship of a recognized student organization and registering with the coordinator of clubs and organizations. Sales and solicitation may only take place in the areas designated by the

University Unions

. (For activities in residential buildings, refer to #3)

The sponsoring organization must obtain the written approval of the coordinator of student organization development, make all arrangements for space, acknowledge sponsorship in writing and delineate the financial arrangements between the sponsor and the non-university organization or individual.

Sales or solicitation involving food items require additional approval by the Director of the dining services department. Sales or solicitation of merchandise require additional approval by the

Director of the university bookstore

All students or organizations planning to conduct programs on or off campus requiring a contractual agreement with non-university agencies must obtain the written approval of the Director of the University Unions and other pertinent university officials.

Soliciting, petitioning, selling, surveying, publicizing and distribution by students, university organizations, non-students and non-university related organizations are prohibited in the residence halls. Programs or demonstrations of approved products and/or topics may be presented in residence halls only under the following conditions:

The community council agrees to sponsor the program. Approval by a recorded majority vote of the community council shall constitute legitimate sponsorship, subject to the review and approval of the Director of

Residence Life

Presentations by the sponsored persons or company shall be limited to demonstration or display of merchandise and appropriate promotion; it may not include solicitation or orders, signing of contracts, or exchange of money. The demonstration or promotion shall be such that it does not unreasonably disrupt other hall activities.

Solicitors may leave calling cards, catalogs or order blanks with students but may not transact business or seek promises for future transactions.

A member of the residence hall staff must be present to observe the program.

No resident of the hall, community council member or member of the hall staff may profit from presentation by virtue of their role in securing sponsorship for the solicitor. Free gifts, commissions or any other forms of remuneration are not allowed.

Door prizes, discounts or any other form of free gifts used to promote attendance or to encourage interest must be available to all on an equal basis.

No door-to-door solicitation or distribution is permitted.

All programs falling under the definition of this policy must be registered in advance with the Director of Residence Life or their designee.

Advertising the sale of alcoholic beverages without an Alcoholic Beverage Control Board license or any phrase or symbol, which would lead the reader to believe that alcohol will be served or consumed, is prohibited. Students must contact the [Office of the Vice President for Student Affairs](#) to obtain an ABC license.

Posters, notices, announcements or other materials may only be displayed on general-purpose bulletin boards inside authorized university-operated buildings or on authorized university property. The Director of the University Unions will define the authorized areas of display for such material. The exterior of academic and administrative buildings as well as all windows, doors and trash receptacles are specifically unauthorized display areas. Materials must be validated by University Information to be sponsored by a recognized student organization or university department before being posted. Materials with dimensions exceeding 11 inches by 17 inches will not be approved for posting. Refer to the "University Unions" section for more information. Items posted in the residence hall must be submitted to the Associate Director of Residence Life in Huffman Hall for a second review. Approval for posting and posting guidelines will be determined and outlined by the Associate Director. More information about these procedures can be found in [JMU Policy 3104](#).

No student shall distribute or sell any drug apparatus in any building or on any property owned or operated by the university.

Using chalk to display messages or advertise events on campus may only be done on university sidewalks in pre-approved locations. All chalk messages or advertisements locations must be reserved through an authorized scheduler of [JMU Event Management](#)

Theft, Attempted Theft, or Possession of Stolen Items

No student shall steal, attempt to steal or assist in the theft of any money, property or item of value from the University or another person or entity.

No student shall use, appropriate, or possess any property not belonging to them without permission of its owner or the right of sale. Possession of any university or road signage without proof of ownership or sale will be considered in violation of this policy.

No student shall fail to report suspected theft of university monies or property. (Refer to [JMU Policy 1603](#))

No student shall use or possess any equipment that falls under the state of Virginia's laws as illegal, as it relates to theft. (Refer to [Virginia Code § 18.2-94](#))

Title IX Sexual Harassment

James Madison University prohibits Title IX Sexual Harassment, which is a type of discrimination on the basis of sex. Title IX Sexual Harassment applies to persons of the same or different sex, sexual orientation, gender, or gender identity.

All acts covered by Title IX Sexual Harassment are covered by this policy, provided that the Complainant reasonably believes they have been subjected to prohibited Title IX Sexual Harassment by a current student, as defined by the Student Handbook, and any limitations set forth by

JMU Policy 1346

If there is evidence included in the investigation materials received from the Title IX Office at the conclusion of the Title IX Formal Complaint Investigation Process regarding the personal consumption of drugs or alcohol, where such disclosure is made in conjunction with a good faith report made to the Title IX Office by the Complainant, a Complainant Witness, or a Respondent Witness, OSARP will not initiate the Accountability Process and pursue alleged violations of these policies against these parties. Complainants and Respondents should review JMU Policy 1346 for their roles in the investigation of a formal complaint and the Title IX Sexual Harassment Adjudication Process for their roles in the adjudication of a formal complaint. Both parties will be assigned an OSARP Guide to help them understand the

Title IX Sexual Harassment Adjudication Process

The following behavior is prohibited at JMU

:

Title IX Sexual Harassment

- Conduct on the basis of sex that satisfies one or more of the following:

Quid pro quo - An employee conditioning the provision of an aid, benefit, or service of the university on an individual's participation in unwelcome sexual conduct;

Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's education program or activity; or

Sexual assault, dating violence, domestic violence, or stalking.

The following definitions apply to the third prong of Title IX Sexual Harassment

:

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

:

Crimes of violence

committed by any of the following:

A current or former spouse or intimate partner of the victim

A person with whom the victim shares a child in common

A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner

A person similarly situated to a spouse of the victim under the domestic or family violence laws of the Commonwealth of Virginia

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 Commonwealth of Virginia

Sexual Assault

: A sexual act committed against another person without consent. For purposes of this policy, sexual assault includes any of the following offenses:

Rape

: 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. Attempts to commit rape are included.

Fondling

: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim.

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. The statutory age of consent in the Commonwealth of Virginia is 18 years old.

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.

In adjudicating allegations of violating the Title IX Sexual Harassment policy, 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 a reasonable person 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.

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.

Trespassing

Any unauthorized individual attempting to enter, entering or remaining in university or private property shall be responsible for trespass. This may include, but is not limited to, construction zones, an area that has been closed, locked and/or displaying signage, a location they have been instructed to leave, or through the use of any device to gain entry to or observe the area without authorization.

No student shall enter, remain in, or refuse to leave a private room (including a residence hall room), office, vehicle, business, or restricted area under control of

another individual except by permission or invitation by that individual.

Unauthorized Use, Possession, or Transfer of Item(s)

No student shall use or possess any identification, key, access code, parking decal, or JMU Access Card (or replication thereof) issued to another individual for the purpose of defrauding or misleading the university or an official.

No student shall lend or sell their own or another individual's identification, key, access code, parking decal, or JMU Access Card (or replication thereof).

No student shall use documents or identifying information (or replication thereof) of another individual outside of its authorized use.

No student shall use or transfer any parking decal, key, access code, or documents issued to a student by the university, university affiliate, or an entity recognized by the university outside of time frame or purpose in which they are authorized to do so.

No student shall use university property outside of its authorized use.

Weapons

No student shall use, possess, display, or carry any item, including but not limited to a gun, knife, edged weapon, other item defined as a weapon in [JMU Policy 1105](#), or other similar instruments on any property owned or operated by the university, including in vehicles on campus.

No student shall use or possess realistic facsimiles of weapons on any property owned or operated by the university, including in vehicles on campus.

Weapons that are to be used for hunting may be registered and stored at the university police station one week before and during the appropriate hunting season. Weapons must be checked and removed from campus at the end of the appropriate hunting season.

No student shall use academic, athletic, recreational, or similar equipment in a manner that is outside of its intended use and/or in a way that may lead to the injury of oneself or another person.

No student shall engage in behavior prohibited by JMU Policy 1105:

Prohibition of Weapons

Office of Student Accountability and Restorative Practices

Student Success Center

MSC 2901

738 South Mason Street
Room 2122
Harrisonburg, Virginia 22807

Email Us

(540) 568-6218

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[A-Z INDEX](#)

[DIRECTORY](#)

[PRIVACY](#)

[ACCESSIBILITY](#)

[JOBS](#)

[SOCIAL MEDIA](#)

[MAPS](#)

[COMMUNITY](#)

SECONDARY

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**JAMES MADISON
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[FOIA](#)

[CARES Act](#)

[Title IX Policies](#)

[Student Consumer Information](#)

[Annual Security and Fire Safety Report](#)

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