

Student Handbook: Standards of Conduct & Policies

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.
- 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.

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Policies

Alcohol

Camping or Shelter Construction

Campus Election Rules

Damage, Attempted Damage, or Vandalism of Property

Dangerous Practices

Disruptive Conduct

Drugs

Failure to Comply with a Disciplinary Outcome

Falsification of Information

Fire Safety

Gambling

Harassment

Hazing

Interference or Retaliation in a University Process

Littering

Misuse of Technology

Noncompliance

Obscene Conduct

Physical Force or Attempted Physical Force

Prohibited Conduct

Responsibility for Guest(s)

Sexual Misconduct

Smoking, Vaping, Tobacco, and/or Nicotine

Soliciting, Petitioning, Selling, Surveying, and Publicizing

Theft, Attempted Theft, or Possession of Stolen Items

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:

1. **Title IX Sexual Harassment** - Conduct on the basis of sex that satisfies one or more of the following:
 - A. 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;
 - B. 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
 - C. 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

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

Weapons

Office of Student Accountability and Restorative Practices

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Harrisonburg, Virginia 22807

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- [A-Z INDEX](#)
- [DIRECTORY](#)
- [PRIVACY](#)
- [ACCESSIBILITY](#)
- [JOBS](#)
- [SOCIAL MEDIA](#)
- [MAPS](#)
- [COMMUNITY](#)

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