

Academic Excellence Committee

November 7, 2024



THE COMMONWEALTH OF VIRGINIA THE VISITORS OF JAMES MADISON UNIVERSITY

Academic Excellence Committee
Thursday, November 7, 2024, 1:00 p.m.
Highlands Room

Agenda

1. Opening Remarks and Approval of Minutes for September 12, 2024, Meeting*
2. Academic Affairs Divisional Update
Bob Kolvoord, Interim Provost and Vice President
3. College of Education Initiatives: Lab School and Young Children's Program
Mark L'Esperance, Dean
Donica Hadley, Executive Director, Lab School for Innovation and Career Exploration
Amy Taylor, Director, Young Children's Program
Amy Thek, Associate Dean, College of Education
4. Work Based Learning Experiences
Libby Westley, Director, University Career Center
Steve Whitmeyer, Associate Dean, College of Science and Math
5. Internships Abroad
JY Zhou, Executive Director, Center for Global Engagement
Miles Haynes, B.A. in International Affairs
Devon Petrecca, B.S. in Economics
Sofia Rubi, B.S. in Biology, Pre-Med
Nais Ryan, B.A. in History
6. Topics of Interest for Future Meetings
Bob Kolvoord, Interim Provost and Vice President

*Action Required

Opening Remarks and Approval of Minutes



**THE COMMONWEALTH OF VIRGINIA
THE VISITORS OF JAMES MADISON UNIVERSITY**

Minutes of the Academic Excellence Committee

The Academic Excellence Committee met on Thursday, September 12, 2024, in the Highlands Room of the Festival Conference and Student Center at James Madison University. Nicole Palya Wood, Chair, called the meeting to order at 1:00 p.m.

Present:

Bell, Dickie	White, Jack
Bolander, Jeff	Wood, Nicole Palya
Galati, Tom	

Others:

Bywater, Jim, College of Education
Frana, Phil, University Studies
Hart, Marissa, School Counseling MEd/EdS; Class of 2025
Kolvoord, Bob, Interim Provost and Vice President, Academic Affairs
Marland, Simon, Visual and Performing Arts
Martinez, Isaiah, Integrated Science and Technology major; Class of 2025
Morrison, MacKenzie, Elementary Education; Class of 2025
Pohland, Bonnie, Economics and International Affairs double major; Class of 2026
Rooker, Sam, Intelligence Analysis major; Class of 2026
Shepard, Eric, Chemistry and Biology double major; Class of 2025
Shoemaker, Stella, Theatre major; Class of 2026
Trainer, Brendan, Accounting major; Class of 2026
Valentin, Abigail, Nursing major; Class of 2024
White, Siân, Associate Dean, College of Arts and Letters
York, Emily, College of Science and Engineering

Approval of Minutes

On motion by Dickie Bell and seconded by Tom Galati, the Academic Excellence Committee minutes of April 18, 2024, were approved.

Chair Nicole Palya Wood introduced two new committee members, Tom Galati and Jeff Bolander.



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September 12, 2024**

Academic Affairs Divisional Update

After welcoming the committee, Provost Kolvoord delivered the divisional update. He provided updates on new faculty within the division and discussed the five priorities of Academic Affairs for the year. They include:

- Core Curriculum Reform;
- Artificial Intelligence;
- Reengineering Madison;
- Shared Governance; and
- R2/National University Status

He also shared that the Ed.D. in Education, approved by the Academic Excellence Committee in the spring, had received full approval from JMU's accrediting agency, the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).

Artificial Intelligence in Teaching and Learning Panel

Provost Bob Kolvoord moderated a panel comprised of four pairs of faculty and their student, who discussed their experiences working together with artificial intelligence in the classroom. Faculty/student pairs included:

- Dr. Jim Bywater, Assistant Professor of Learning, Technology and Leadership Education, and MacKenzie Morrison, Elementary Education, Class of 2025
- Dr. Phil Frana, Professor of Interdisciplinary Studies, and Sam Rooker, Intelligence Analysis major, Class of 2026
- Dr. Simon Marland, Assistant Professor of Sound Design and Stella Shoemaker, Theatre major, Class of 2026
- Dr. Emily York, Associate Professor of Integrated Science and Technology and Isaiah Martinez, Integrated Science and Technology major, Class of 2025

Each pair responded to prompts related to AI impacts in the classroom, the success and value of AI projects and assignments; academic integrity and artificial intelligence, and how students were prepared for AI's use in their careers. Committee members asked questions related to students' comfort with using AI in the classroom and in the workplace.

Work-Based Learning Experiences Panel

Dr. Siân White, Associate Dean, College of Arts and Letters and co-chair of the Work-based Learning Experience (WBLE) Committee, moderated a panel of five students who answered questions about their recent work-based learning experiences. Students included:

- Marissa Hart, School Counseling MEd/EdS; Class of 2025
- Bonnie Pohland, Economics and International Affairs double major; Class of 2026
- Eric Shepard, Chemistry and Biology double major; Class of 2025
- Brendan Trainer, Accounting major; Class of 2026



Board of Visitors
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-
- Abigail Valentin, Nursing major; Class of 2024

Students responded to questions about their WBLEs by describing their experiences and shared examples of something they learned in class that benefited them in the workplace. Students also spoke about what they discovered during their work-based learning experience that most surprised them.

Chair Nicole Palya Wood asked each student if they felt prepared for their work-based learning experience based on the grounding they received in their classes; students agreed that they did, providing examples from internships, clinical experiences, and laboratory work. Jack White asked students if they interacted with students from other institutions completing WBLEs. Several students said that they had, and they felt more advanced than some of their peers. White suggested that successful experiences like this expand the footprint of JMU.

Topics of Interest for Future Meetings

Provost Kolvoord informed the group that, at upcoming meetings, there would be several curriculum and instruction (C&I) proposals to review. He mentioned that neither the divisions of Enrollment Management or Research, Economic Development, and Innovation were featured at committee meetings and suggested including them at a future meeting.

Chair Wood stated that it would be advantageous for the Academic Excellence Committee to have a joint meeting with Student Affairs regarding topics they share in common, such as disability services.

Chair Wood said that they had heard from extraordinary students during the meeting, which the committee enjoys, but that they would also like to hear about things that were not going as well so that the committee could act as problem solvers.

There being no further business, on the motion of Jeff Bolander and seconded by Tom Galati, the Academic Excellence Committee meeting adjourned at 2:31 p.m.

Respectfully submitted,

Nicole Palya Wood, Chair

David Kirkpatrick, Secretary to the Board



**Board of Visitors
September 12, 2024**

Academic Affairs Divisional Update

Bob Kolvoord
Interim Provost and Vice President



College of Education Initiatives

Lab School for Innovation and Career Exploration

Young Children's Program

Mark L'Esperance, Dean

Donica Hadley, Executive Director, Lab School for Innovation and Career Exploration

Amy Taylor, Director, Young Children's Program

Amy Thek, Associate Dean, College of Education





Mission

To create a space for innovation, where educators, industry, and pre-service professionals can learn about best practices in teaching and learning

Vision

To become an innovation hub for career exploration and workforce development through interdisciplinary, problem-focused application of solving community needs, leading to college and career readiness.

Goal 1: To become the premier innovation hub for research and development in teaching, learning and leadership.

Goal 2: To maximize all students' potential academic and social growth.



SCHOOL

For Innovation and
Career Exploration

JAMES MADISON
UNIVERSITY.

Lab School Updates

October 3, 2024, Celebration Ceremony

- Guests Included
 - Secretary of Education
 - VDOE representatives
 - JMU Board of Visitors
 - Rockingham County Public Schools school leadership and board members
 - Elected officials





Enrollment

Current

(100 students)

- Broadway HS
 - 50 9th graders
- East Rockingham HS
 - 50 9th graders

Year 2 Projected

(300 students)

- Broadway HS
 - 50 9th graders
 - 50 10th graders
- East Rockingham HS
 - 50 9th graders
 - 50 10th graders
- Turner Ashby HS
 - 50 9th graders
- Spotswood HS
 - 50 9th graders



Community Partners

- Dynamic Aviation
- Blue Ridge Community College
- College of Health and Behavioral Studies
- Madison Center for Community Development



Faculty and Staff

Year 1

- 8 teachers
- Community Engagement Liaison
- Fiscal Technician
- 2 Graduate Assistants
- 2 BRCC faculty
- 2 JMU faculty

Year 2

- 22 teachers
- 4 industry experts
- 4 paraprofessionals
- 2 Graduate Assistants
- 2 BRCC faculty
- 2 JMU faculty



Goal 1

The Lab School for Innovation and Career Exploration will become the premier innovation hub for research and development in teaching, learning, and leadership.

Objectives	Outcomes
The lab school will develop, implement and evaluate the effectiveness of instructional programs.	<ul style="list-style-type: none">Teaching met with classroom observationsStudent survey of at least 75% satisfactionClimate survey (parents, students, staff) will indicate at least 75% satisfaction
The lab school will contribute to the education field through peer-reviewed publications, studies and presentations of evidence-based findings from its implementation.	<ul style="list-style-type: none">2 published scholarly works submitted2 presentations1 white paper
The lab school will create frameworks of support for teachers and principals to maximize their efficacy and growth.	<ul style="list-style-type: none">Coaching framework (administrator and teacher) completed





Goal 2

The Lab School for Innovation and Career Exploration will maximize all students' potential academic and social growth.

Objectives	Outcomes
The lab school will demonstrate growth in student achievement for all students, as measured by performance-based assessments aligned with the Standards of Learning.	<ul style="list-style-type: none">85% SOL passing rates (English and Science)100% growth in learning portfolio assessments100% growth in reading ability
The lab school will prepare graduates to begin college or career pathways upon completion of high school.	<ul style="list-style-type: none">Graduation rates (developed by Year 3)Dual enrollment participation (developed by Year 2)GPA aggregate of 3.25 or higherCollege coursework analysesTracking of pathways after 10th grade
The lab school will improve social responsibility in its students.	<ul style="list-style-type: none">90% absent 2 days or less per yearDiscipline referrals at least 5% lower than non-lab school peersNumber of community problems identified and addressed



Essential Question

Understanding the lab school's mission involves workforce development, what are some strategies to establish apprenticeships and internships that leverage public and private resources statewide?

Young Children's Program (YCP)

At present and in the future.....



YCP at Anthony-Seeger Hall

- Serving 94 students in six classrooms
 - 2-5 years old
- 47 of the students are children of JMU employees/students
- 32 Mixed Delivery scholarships and 8 Virginia Preschool Initiative scholarships through Harrisonburg City Public Schools
- Languages spoken at home include English, Spanish, Mandarin, Arabic, Portuguese, Mongolian, Telugu, Farsi, Urdu, Kurdish, Italian and Turkish



Waiting Lists

Harrisonburg City Public Schools has over 150 children ages 3-4 on their waiting list for preschool.



The YCP currently has a waiting list of ~ 100 children (many with JMU employee/student parents).



Next Steps

- Respond to community need by adding additional openings for young students
- Provide more on-campus childcare options for students and employees
- Increase capacity to conduct and contribute research



Young Children's Laboratory School at Memorial Hall

- Scheduled to open **Fall 2025**
- Capacity for the school will be **120 children**
- Additional classrooms that will **serve children ages birth-24 months**
- School staff will **work closely with JMU CARE** (Center for Advancement in Research in Education) to conduct research projects for the university



YCP at Anthony-Seeger Hall

Young Children's Program at Anthony-Seeger will remain open and will serve approximately 50 children.





Child Minding

- Hourly, drop-in childcare
- Convenient for students who are parents
- Limited to 3-hour sessions as per Virginia regulations
- Number of children to be determined by space and need



Essential Question

As the YCP doubles its capacity over the next two years, what challenges and opportunities should we consider as we scale up services?

Work-Based Learning Experiences (WBLEs)

Libby Westley, Director, University Career Center

Steve Whitmeyer, Associate Dean, College of Science and Mathematics





Work-Based Learning Experiences at JMU

Background and Definition

WBLE Student Completion

Employer Base

Recommended Structure

WBLE Growth Areas



Ongoing WBLE Initiatives at JMU

2022-2024 WBLE Task Force

- Defined Work-based Learning Experiences (WBLEs)
- Compiled data about scope of existing WBLE opportunities
- Surveyed faculty and students about WBLE participation rates
- Launched tracking system for students' participation in WBLEs
- Implemented outreach initiatives



What is a WBLE?

A **work-based learning experience** incorporates hands-on work in an applied context that increases knowledge and skills necessary for discipline-focused career readiness. Examples include internships, practicums, clinicals, research experiences, student teaching and others.

Work-Based Learning Experiences must

1. Increase field-related knowledge and skills that are identified at the beginning of the experience.
2. Be supervised by a professional in the field who provides oversight and guides the student's experience.
3. Occur in a context beyond a typical class.

WBLE Student Completion Data

Current Data Sources

- Tagged WBLE Courses: 29.4%
- Career Outcomes Survey: 69.9%
- WBLE Student Survey: 42.4%

New Initiatives

- Senior Compass
- 12Twenty



WBLE Employer Data from Handshake July 1, 2023, to June 30, 2024

- 31,167 Internships
- 4,938 Employers
- 3,204 Virginia Internships
(including 291 from VTOP Region 8)
- 1093 Unique Virginia Employers
(includes 29 IQuasar employers, 8 in
Region 8)





WBLE Employer Data Handshake Career Community Data

Career Community	# of Available Internships	# of Seeking Students
Arts, Communications and Entertainment	5895	5320
Education and Training	2229	2769
Health Sciences	1687	4841
Hospitality and Tourism	1258	761
Management, Operations, Human Resources and Finance	15192	7685
Public Service, Law and Government	2160	2299
Research, Science and Environmental Studies	5571	2737
Sales, Marketing and Entrepreneurship	5988	4628
Social and Behavioral Sciences	929	1877
Technology and Engineering	13200	5071

WBLE Recommendations

President-Level Oversight Committee

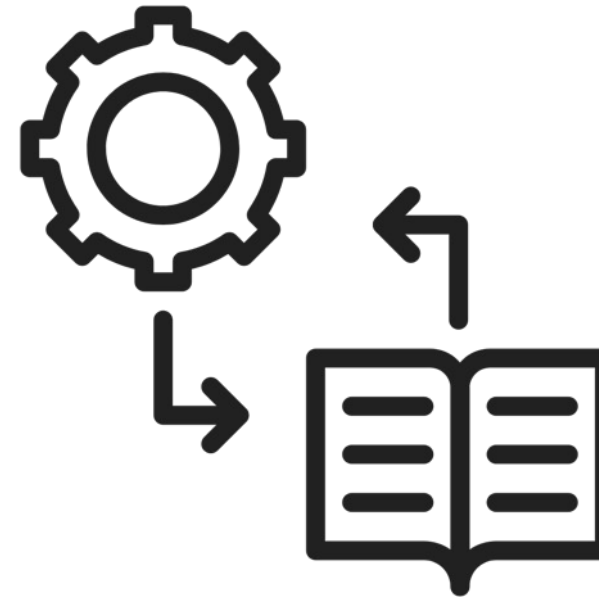
- Provides strategic guidance and oversight of WBLE initiatives
- Serves in an advisory capacity to WBLE coordinating groups across campus

Implementation Committees

- Cultivating Opportunities
- Supporting Stakeholders
- Operations

WBLE Office (in University Career Center)

- Employer Services Staff
- Career Advising Staff
- Operations Staff





WBLE Growth Areas: Faculty

- Providing resources to help faculty support students in translating WBLEs and course work into a career narrative
- Developing more curriculum-connected opportunities
- Creating effective communication structures to maximize engagement across departments and colleges

WBLE Growth Areas: Students

- Transforming Campus Employment Experiences
- Increasing Funding for Unpaid or Underfunded WBLEs
- Supporting Summer Tuition for WBLEs



WBLE Growth Areas: Employers

- Increasing number and type of opportunities in Region 8 (Northern Shenandoah Valley) and beyond
- Collaborating with the Division of Research, Economic Development and Innovation and the Virginia Talent + Opportunity Partnership Initiatives (VTOP)
- Creating effective communication structures to maximize engagement with employers across departments and colleges



Internships Abroad

JY Zhou, Executive Director, Center for Global Engagement

Miles Haynes, B.A. in International Affairs

Devon Petrecca, B.S. in Economics

Sofia Rubi, B.S. in Biology, Pre-Med

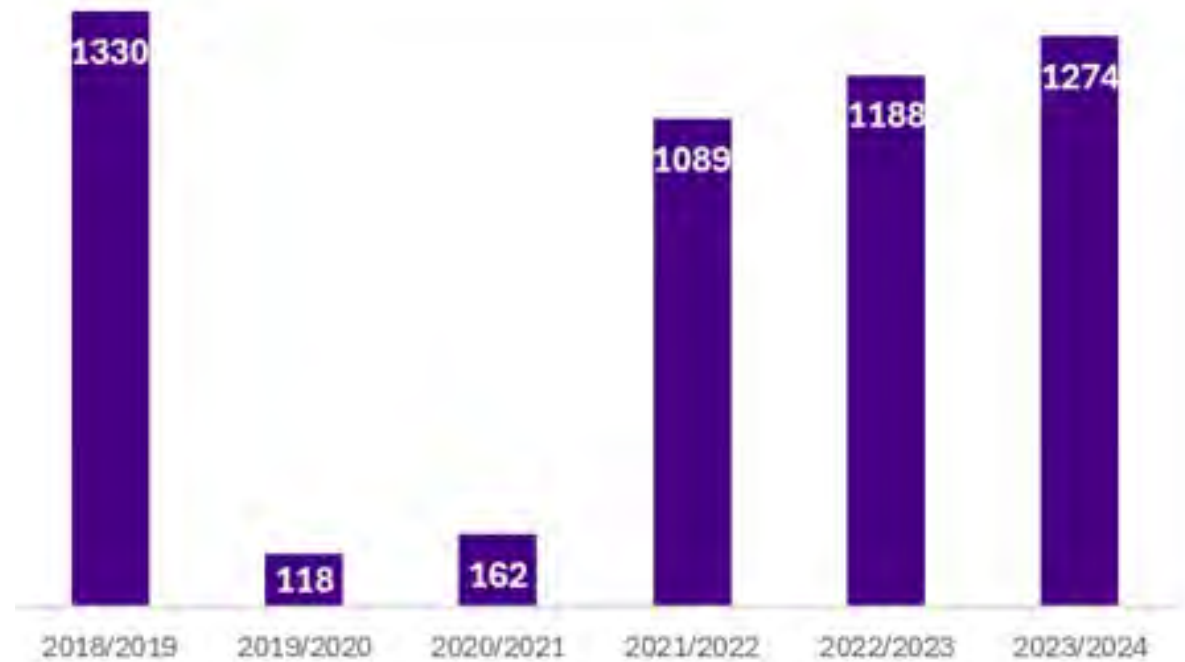
Nais Ryan, B.A. in History





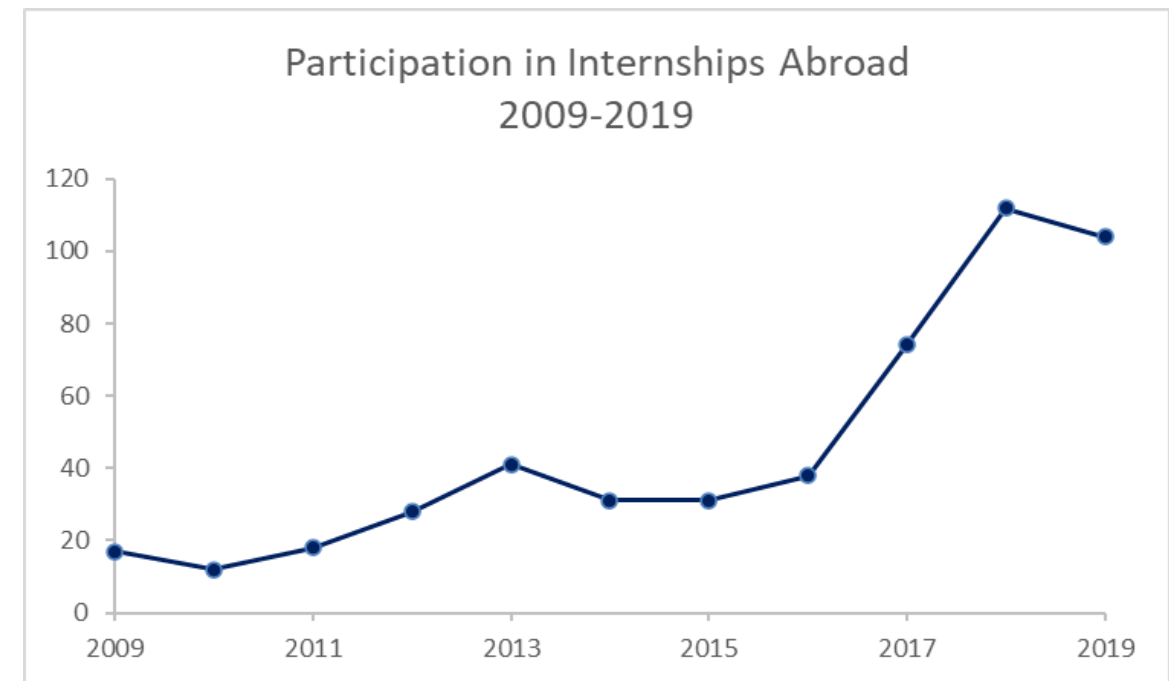
JMU Study Abroad: At a Glance

- More than **1,000 students** and **150 faculty** participate in study abroad programming each year.
- Students can choose from more than **100 programs** based in **80 + countries**.
- Programs are **award-winning** at the national level.



Internships Abroad: Pre-pandemic

- International internship opportunities **started in 2009** with placements in Ghana and Kenya.
 - Internship opportunities began to expand in 2016 with additional programs and countries added to the portfolio.
- Years prior to the pandemic experienced **rapid growth** in overall study abroad participation and participation in international internships.





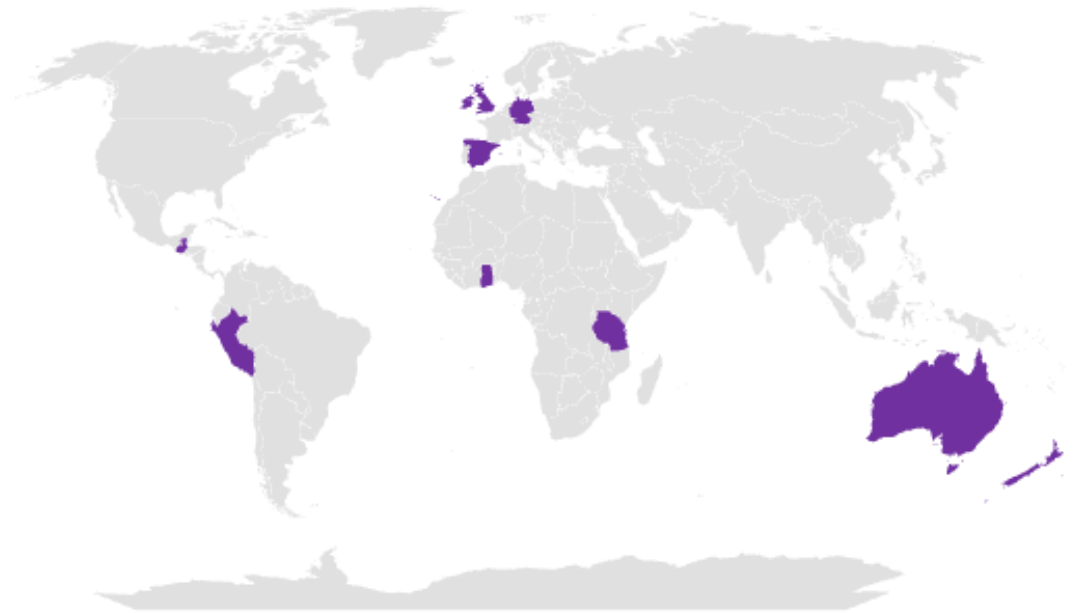
The Pandemic Disruption

- **Complete halt to mobility**
 - Study abroad programs were canceled globally
 - Safety concerns, closed borders, changing policies
 - Emotional and academic impact on students
 - Financial strain on international program partners

- **Study Abroad responses**
 - Worked with international partners to offer virtual internship opportunities
 - Expanded partnerships to offer global opportunities via technology
 - Students developed critical remote skills, flexibility and the ability to collaborate digitally, and they received the credits they needed to graduate

Internships Abroad: Current Opportunities

- Since the pandemic, **more than 300 students** have participated in internships abroad programs representing **42 different majors**.
- Today, JMU consistently offers **12 different hands-on work-based learning experiences** in the form of internships, practicums and clinicals located in **10 countries**: Australia, Ghana, Guatemala, Germany, Ireland, New Zealand, Peru, Spain, Tanzania, United Kingdom.





Benefits of Internships Abroad

- Real-world professional experience in a global context
- Enhanced awareness and cross-cultural communication skills
- Greater employability and global career prospects
- Development of problem-solving, adaptability and independence in unfamiliar environments



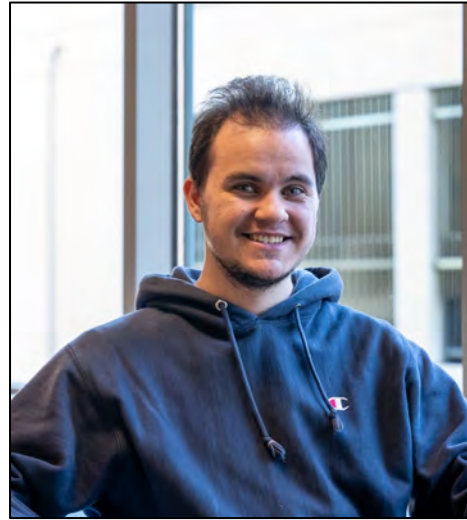
Internships Abroad Student Panelists



Miles Haynes

Major: International Affairs

Internship Abroad:
New Zealand



Devon Petrecca

Major: Economics

Internship Abroad:
Germany



Sofia Rubi

Major: Biology

Internship Abroad: Ghana



Nais Ryan

Major: History

Internship Abroad: UK



Looking to the Future

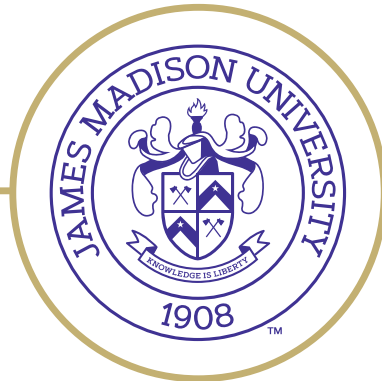
- **Continue to increase opportunities and access for students**
 - Goal is to increase overall study abroad participation to 35% by 2028
 - Increase to 12% of study abroad students participating in internships abroad at JMU
- **Implementation challenges**
 - Increasing scholarship opportunities for students with financial challenges
 - Developing relationships with multinational companies based in Virginia to create internships abroad opportunities
 - Expanding international partnerships to offer more internship options in various locations and industries
 - Collaborating with industry partners for internships in emerging markets
 - Increasing support for students on internships abroad

Topics of Interest

Bob Kolvoord
Interim Provost and Vice President



**Academic Excellence
Committee and
Student Affairs Committee
Joint Meeting**



**THE COMMONWEALTH OF VIRGINIA
THE VISITORS OF JAMES MADISON UNIVERSITY**

Academic Excellence and Student Affairs Committee
Thursday, November 7, 2024
Ballroom B
4:30 p.m.

Agenda

1. Opening Remarks and Explanation of Purpose
Terrie Edwards, Student Affairs Chair
Nicole Wood, Academic Excellence Chair
2. Overview of Shared Challenges
Tim Miller, Vice President for Student Affairs
Bob Kolvoord, Interim Provost and Vice President
3. Disability Accommodation in University Settings
Brittany Dioszeghy, Disability Services Director
Bruce Mitchell II, Associate Vice President for Accessibility and Belonging
4. Future Joint Meeting Discussion
Nicole Wood, Academic Excellence Chair

*Action Required

Opening Remarks and Purpose

Terrie Edwards

Nicole Wood



Shared Responsibilities

Tim Miller

Bob Kolvoord





Shared Responsibilities

- Alcohol use
- Career engagement
- Clubs and organizations (advisor role)
- College readiness
- Community engagement
- Disability accommodations
- Mental health
- Neurodiverse students
- Orientation
- Student academic success
- Time management
- Work-based learning
- QEP/Early Student Success System

Disability Accommodations in University Settings

Brittany Dioszeghy



Agenda

- About ODS
- Laws and Policies
- JMU Accommodation Process
- Current Landscape
- JMU Data
- Testing Accommodations
- Challenges



About the Office of Disability Services



Office of Disability Services Staff

- Director
- Associate Directors (2)
- Assistant Directors (4)
- Coordinators/Specialists (3)
- Administrative Staff (3)
- Part-time Professional Staff (14)
- Graduate Student Staff (5)
- Undergraduate Student Staff (5)





Student Case Study: James

This is a fact scenario that is general in nature.

- James applied for Disability Accommodations at JMU related to ADHD the summer before his first year
- James included an Individualized Education Plan (IEP) from 8th grade as his documentation

Laws and Policies





Laws

- [Americans with Disabilities Act](#), as amended
- [Section 504 of the Rehabilitation Act of 1973](#), as amended
- [Fair Housing Act](#)

Policies

[JMU Policy 1331](#). Disabilities & Reasonable Accommodations

[JMU Policy 1324](#). Disability Discrimination & Complaint Procedure

[JMU Policy 1211](#). Information Technology Accessibility



JMU Policy 1331. ODS Responsibility

7.4 ODS is responsible for processing and assessing requests for disability accommodations from students, and for providing access plans* and advice to faculty members and administrators concerning reasonable accommodations for students.

*also referred to as "Accommodation Letters"



JMU Policy 1331. Student Responsibility

7.2 A **student** is responsible for providing adequate notification to ODS of the need for accommodation for a disability. The student is also responsible for providing appropriate documentation of the disability and for cooperating with the university in attempting to reach an agreement on a reasonable accommodation.



JMU Policy 1331. Faculty Responsibility

7.9 **Faculty members** are responsible for providing reasonable accommodations regarding classwork, assignments, and attendance to students.

ODS Legal Mandate

To accurately identify:

1. Whether a student has a disability, according to the 504/ADA definition*
2. Disability-related reasonable accommodations

*Disability: A documented physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment



JMU

Accommodation Process





JMU Accommodation Application Process

Step 1: Student submits the Disability Services application and documentation through the Accommodate system on the ODS website

- JMU ODS Documentation Guidelines
- Documentation Resources
 - ODS Screening & Referral
 - JMU Interprofessional Services for Learning Assessment
 - VA Department of Aging and Rehabilitative Services

Step 2: A Disability Services Practitioner conducts an individualized review

- All decisions regarding accommodations are based on a legally-grounded interactive process that includes:
 - verifying the presence of a disability,
 - identifying barriers that are the result of this disability, and then
 - identifying reasonable accommodations that mitigate the impact of these barriers



Student Case Study: James

This is a fact scenario that is general in nature.

- James applied for Disability Accommodations at JMU related to ADHD the summer before his first year
- James included an Individualized Education Program (IEP) from 8th grade as his documentation



Student Case Study: Madison

This is a fact scenario that is general in nature.

- Madison applied for Disability Accommodations at JMU for ADHD and Generalized Anxiety Disorder the summer before her first year
- Madison included an Individualized Education Program (IEP) from 7th grade as her documentation
- Madison also included a Psychological Verification Form that was completed by her Licensed Clinical Psychologist within the last 6 months

JMU Accommodation Application Process

Step 3: All students who are approved for an accommodation are required to complete a registration meeting with a Disability Services Practitioner





ODS Registration Meeting

The content of this meeting includes, but is not limited to:

- Interactive process to finalize eligibility and the list of approved accommodations
- Student and university rights and responsibilities
- Appropriate use of accommodations and relevant procedures
- Relevant resources

Upon completion of the registration process, students will have a list of ODS-approved accommodations they can choose to use in their classes each semester they remain eligible



Accommodation Implementation Process

Each semester:

1. Registered students can choose which approved accommodations to use in each of their classes in the Accommodate system
2. ODS sends official Accommodation Letters to faculty
3. Faculty provide the accommodations listed on the Accommodation Letter, unless a legal exception applies



Legal Exceptions to Implementing Accommodations

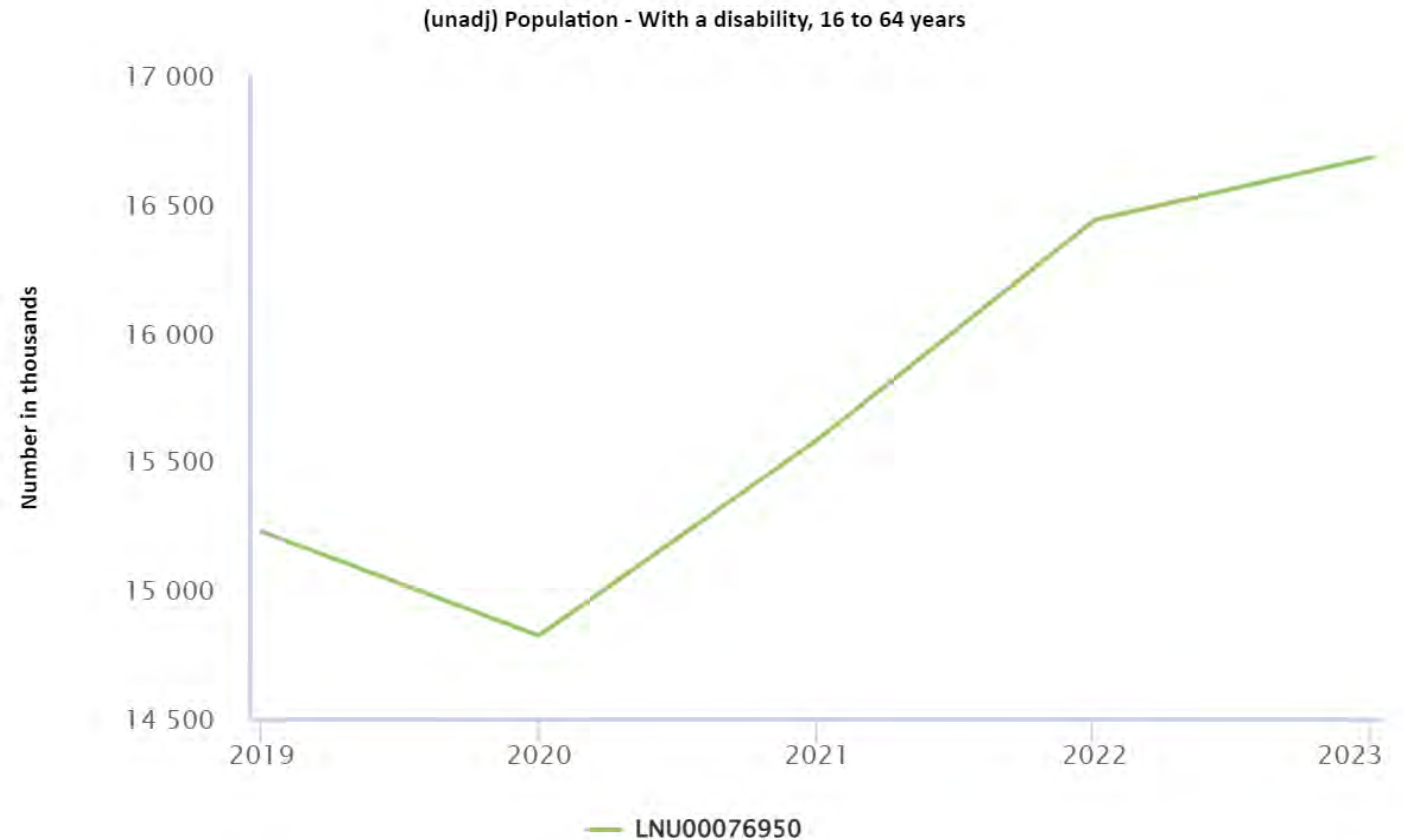
- Legally requires a review process with relevant campus experts
 - Undue burden
 - Administrative/financial
 - Fundamental alteration
 - Preserves the essential nature/objectives of a class or program

Current Landscape



Disability and Employment

- U.S. Bureau of Labor Statistics data indicates that the number of disabled people of working age has increased by 10% since 2019 ([BLS, 2023](#)).



Click and drag in the plot area to zoom in. Hover over chart to view data.
Source: U.S. Bureau of Labor Statistics.





Accommodations in Employment

- ODS partnership with Department for Aging and Rehabilitative Services
 - "Improve the employment...of...Virginians with disabilities..."
- 2023 Champions of Disability Employment Award





National Education Data Trends

- The number of students with accommodations in K-12 has increased by an **average of 1.6% per year** since 2012 ([NCES, 2023](#)).
- In 2019-2020, **21% undergraduates** reported having a disability ([NCES](#)).



State Council of Higher Education for Virginia (SCHEV)

- [Pathways to Opportunity: The Virginia Plan for Higher Education 2023 Annual Report.](#)
 - S3. Strengthen student support services for persistence and completion: mental health, mentoring, career services, social, student basic needs, information technology, **disability support** and other services.

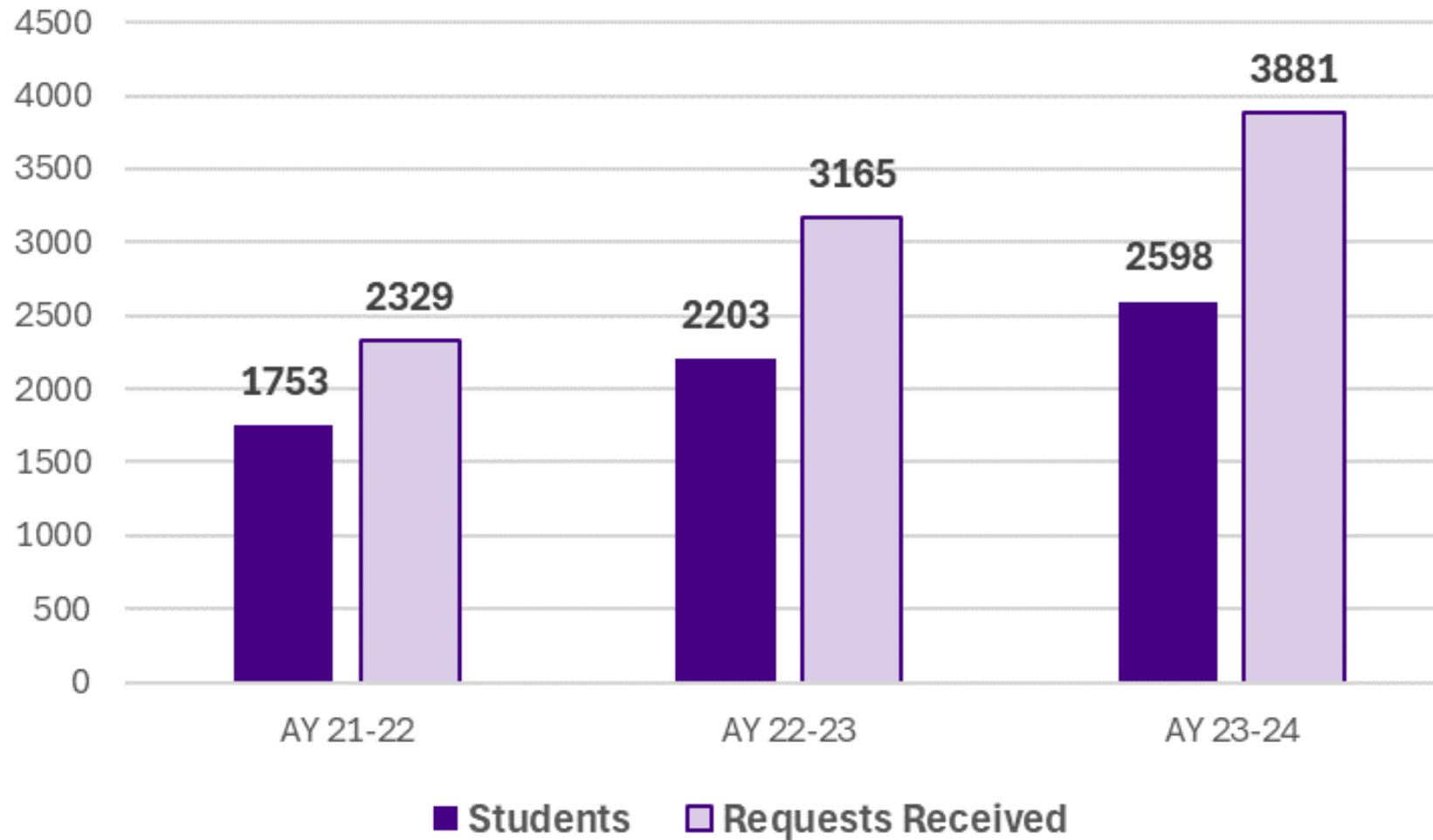
- [Eligibility for Disability Services: Report on Public Institution Processes, Barriers and Recommendations](#), Released October 1, 2024 (Senate Bill 21)
 - Member of Senate Bill 21 work group
 - Report Recommendation: "...in all cases an Individualized Education Program (IEP) updated in the last three years should be accepted as evidence of a disability."

JMU Data





ODS Accommodation Requests



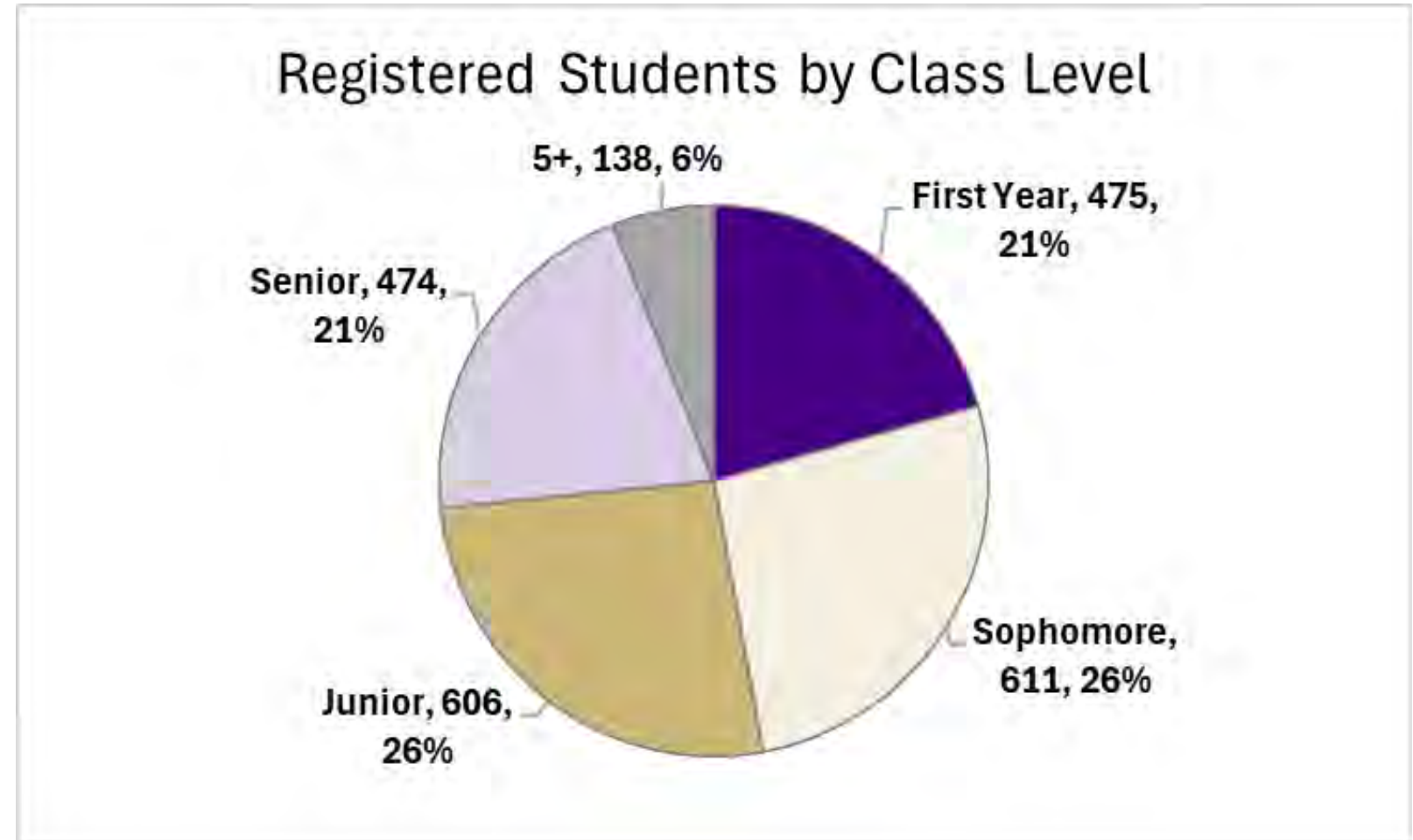


Students Registered with ODS

2,304

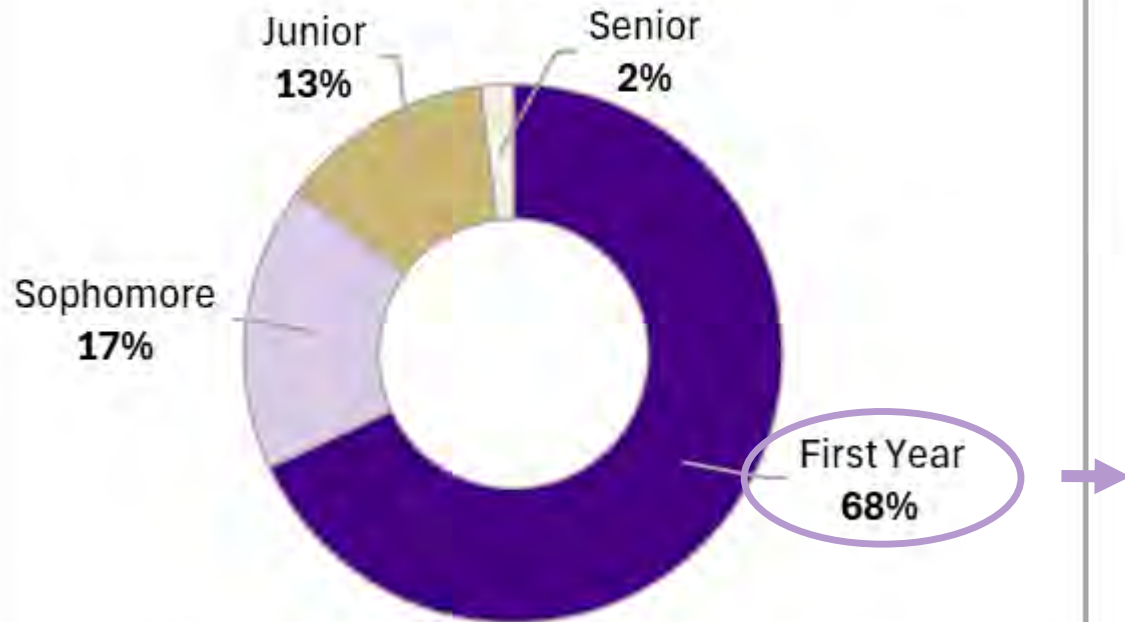
Registered Students
(October 2024)

10% of JMU Student
Population

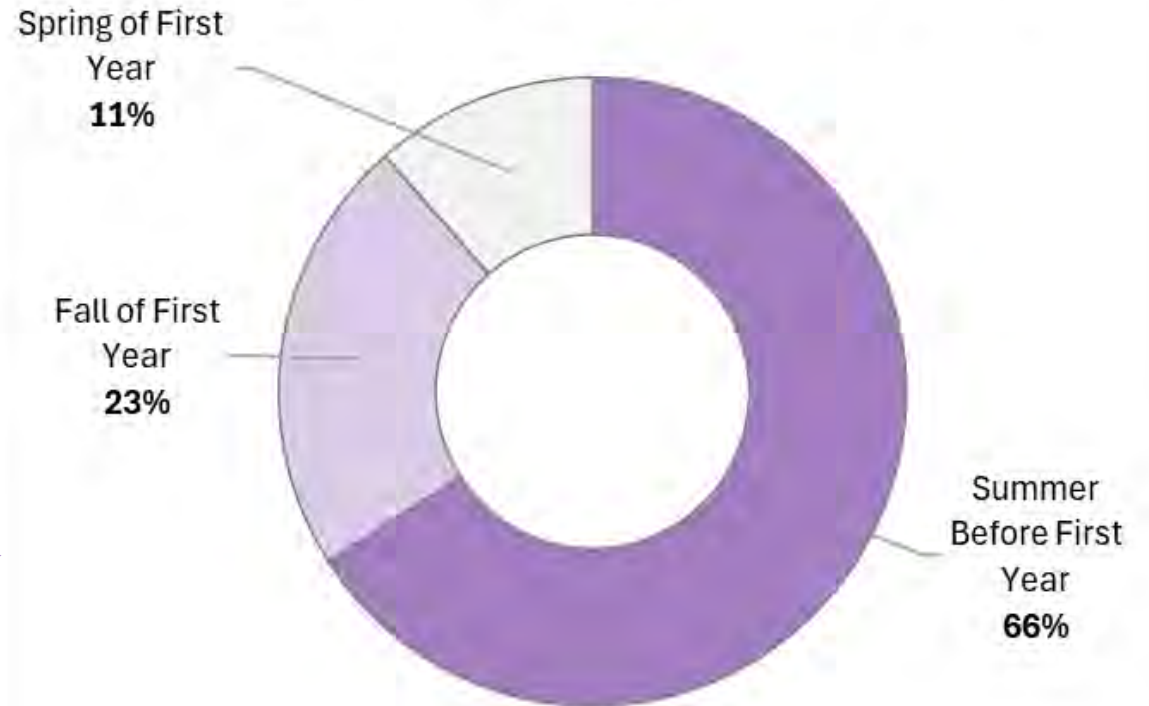


Timing of Registration with ODS

Class Level at Time of Registration with ODS



Timing of First Year Registration with ODS





Disability Representation

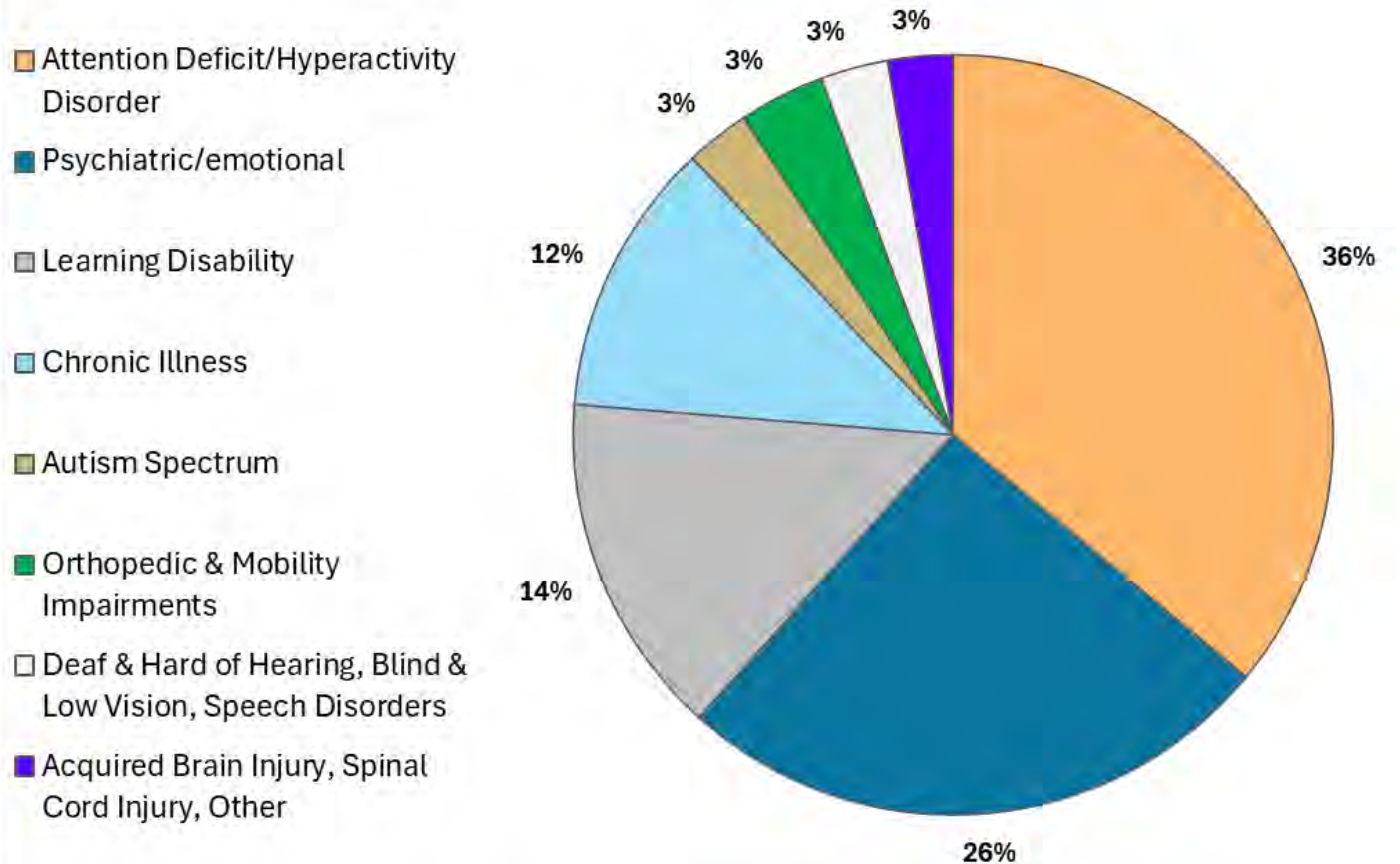
- Acquired Brain Injury
- Attention Deficit/Hyperactivity Disorder
- Autism Spectrum
- Blind and Low Vision
- Deaf and Hard of Hearing
- Chronic Illnesses
- Learning Disabilities
- Mobility Impairment
- Orthopedic Impairment
- Psychiatric/Emotional
- Speech Disorders
- Other

Disability Representation

Disability Category Frequency

Attention Deficit/Hyperactivity Disorder	1602
Psychiatric/emotional	1143
Learning Disability	651
Chronic Illness	520
Autism Spectrum	122
Orthopedic & Mobility Impairments	163
Deaf & Hard of Hearing, Blind & Low Vision, Speech Disorders	128
Acquired Brain Injury, Spinal Cord Injury, Other	123
Total Disability Representation	4452

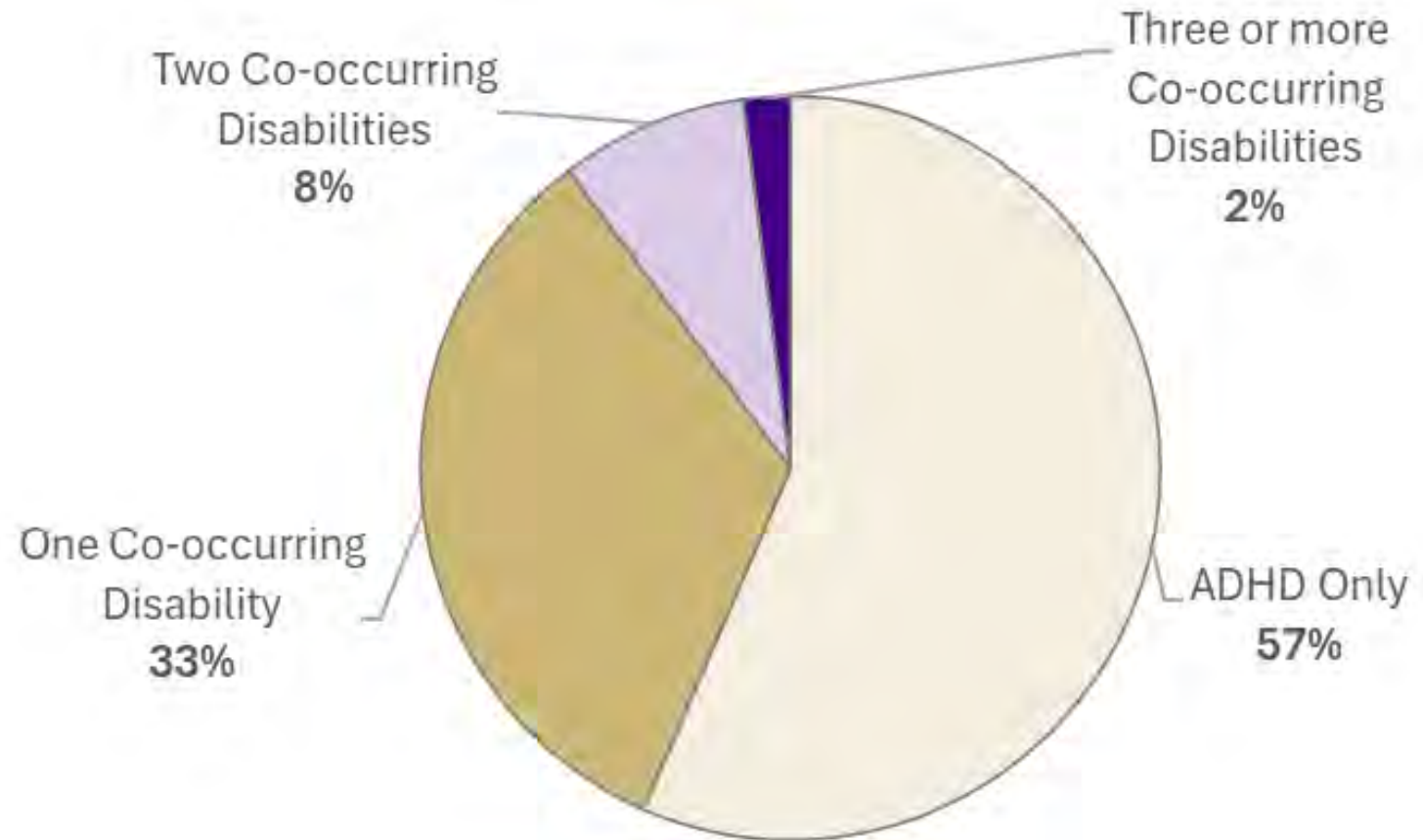
Disabilities by Percentage



ADHD & Co-occurring Disabilities

Co-occurrence based on 1602
Students with ADHD

ADHD Only	911
One Co-occurring Disability	536
Two Co-occurring Disabilities	132
Three or more Co-occurring Disabilities	33



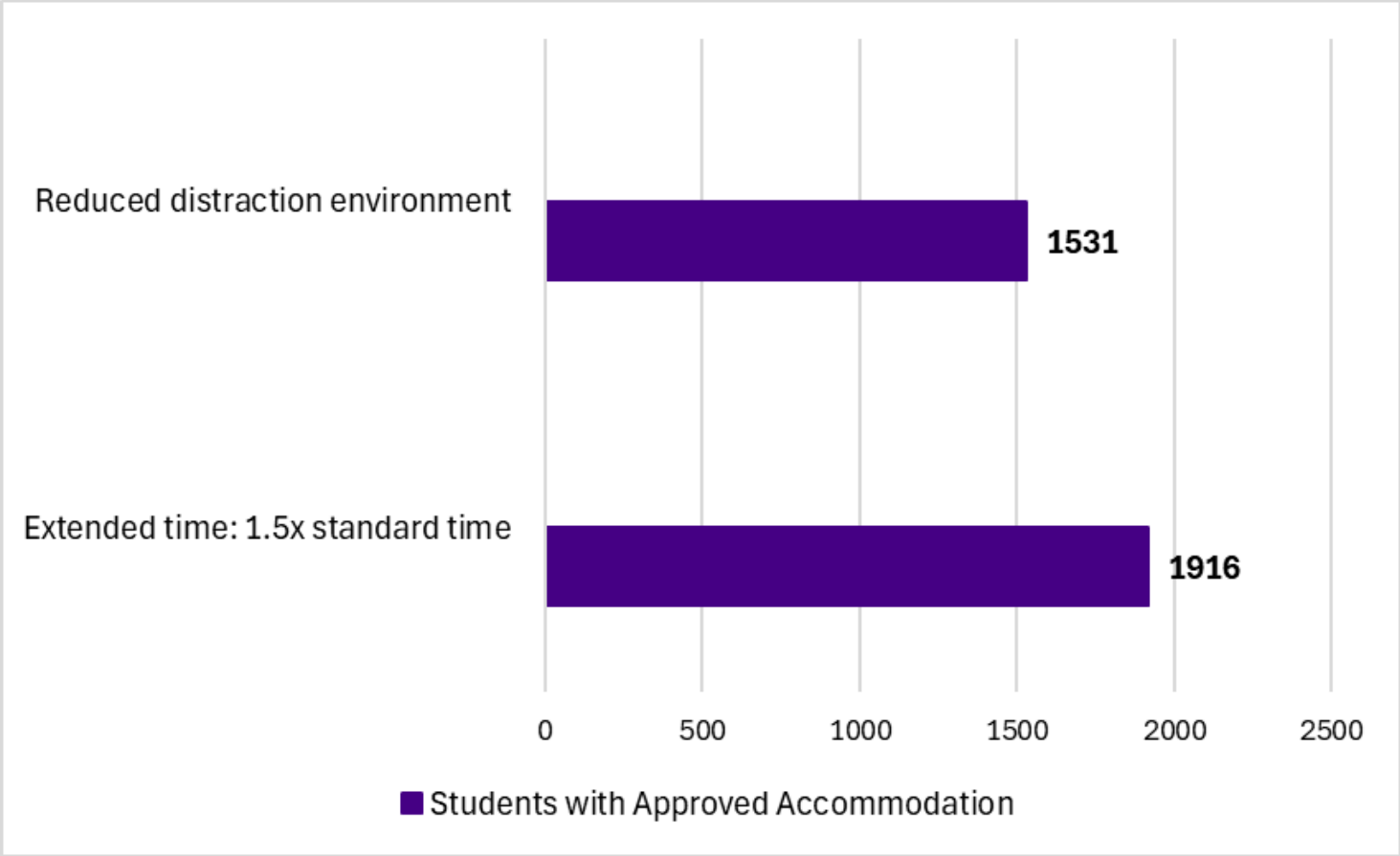
Accommodations

- Testing Accommodations
- Accessible Course Materials
- Note-taking Accommodations
- Modification Accommodations
- ASL Interpreter Services
- Housing Accommodations
- Foreign Language Accommodation
- And more...





Testing Accommodations



Testing Accommodations





ODS Exam Proctoring

Staff

- 12 part-time proctors supervised by one full-time Exam Accommodation Coordinator

Space

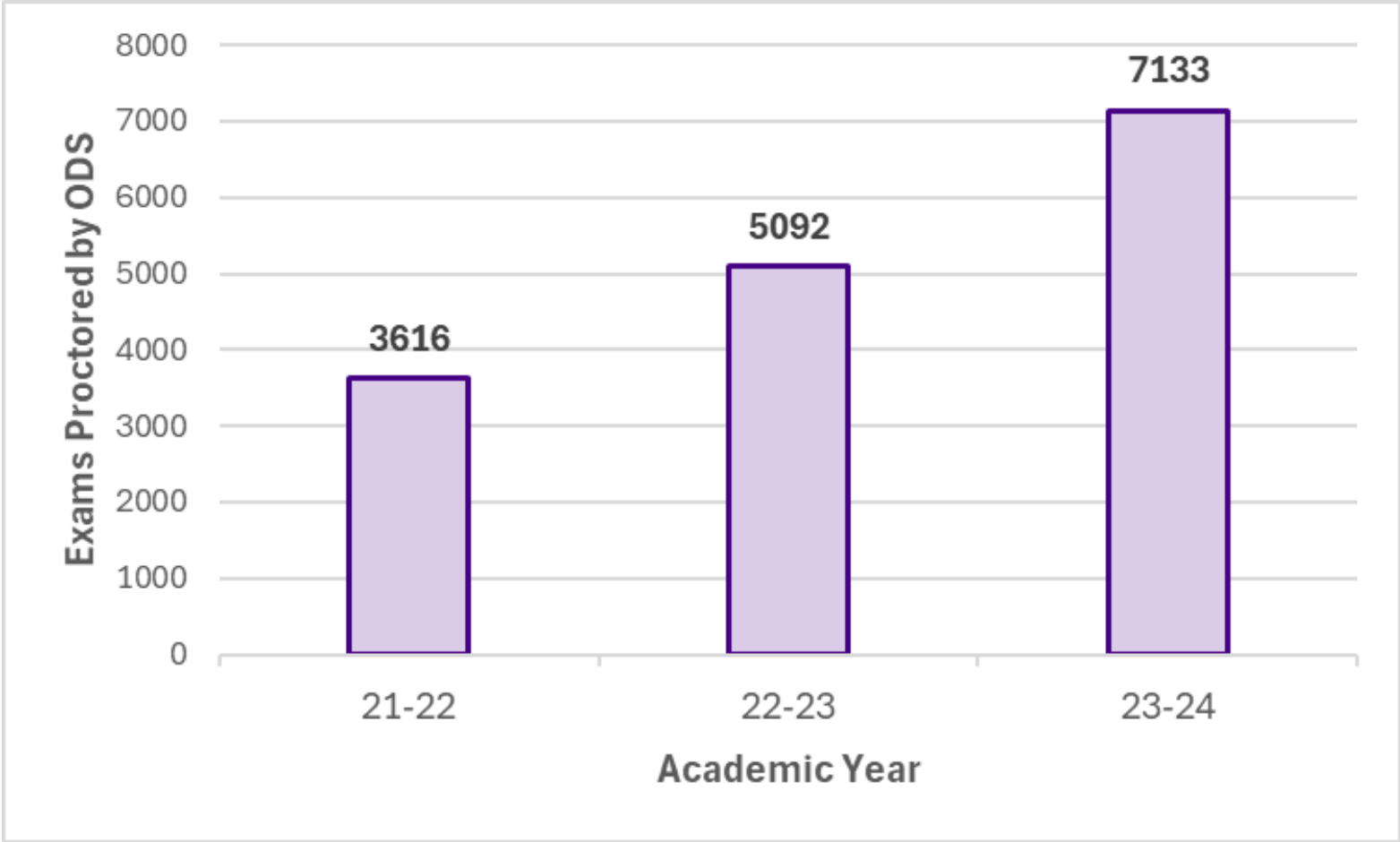
- 48 seats in the Student Success Center
- ODS reserves additional classroom space in preparation for proctoring final exams with accommodations

Accommodate Reservation System

- Students submit an exam reservation request through the Accommodate system
- Faculty approve the request and provide the exam and other relevant information



Annual Exams Proctored by ODS





New ODS Evening Exam Proctoring Hours

- This semester, ODS has expanded to providing an evening block of proctoring hours to support faculty and students with evening classes.





Faculty Midterms Scenario: Professor Whitacre

- Professor Whitacre is preparing to give a multiple-choice midterm exam to his PSYC 101 section of 200+ students
- Student exam accommodations:
 - 18 students have 50% extended time on exams accommodation
 - 15 students have a reduced distraction environment accommodation
- Students are invited to approach him to ask questions during the exam



Staying the Course

- Capacity downstream impact
 - ODS has had to ask students to move their exam time due to being at capacity at the time of the requested reservation.
 - Faculty frequently report have concerns about students taking the exam at a different time than the rest of the class
- Administrative time for faculty, significant for large sections

Existing and Developing Partnerships for Exam Accommodations

- College of Business
- School of Communications
- Assessment and Testing Center
- Others in process





Institutional Partnership Opportunities

- Accessible Design Coordinator positions within colleges (UVA)
 - Support faculty with providing testing accommodations and designing courses for accessibility
- Institution-wide testing resources for faculty (accommodated and non-accommodated exams)
 - Space
 - Proctors
 - Paper and online format capacity
- Test/Exam Design
 - Support faculty in designing sustainable assessment methods that reduce the volume of timed tests/quizzes and accurately assess learning outcomes

Challenges





Challenges

- Low-cost access to comprehensive documentation for students
- Growing numbers



Institutional Partnership

We urge institutional partnership in co-creating sustainable, cross-division solutions that maintain the integrity of purposeful academic rigor and anticipate and value the college students of today.

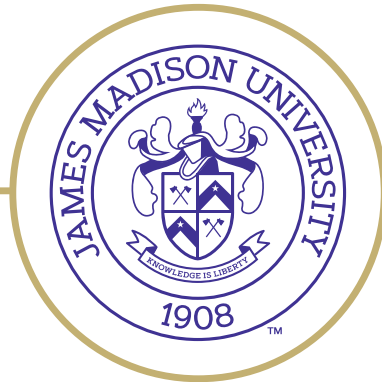


Questions?



Future Joint Meeting Discussion

Nicole Wood



Questions?



**THE COMMONWEALTH OF VIRGINIA
THE VISITORS OF JAMES MADISON UNIVERSITY**

Advancement and Engagement Committee
Thursday, November 7, 2024
Allegheny Room
2:45 p.m.

Agenda

1. Approval of Minutes* – September 12, 2024
2. Funds Raised to Date
Sean Gordon, Senior Athletic Development Officer
Jeff Gilligan, Associate Vice President for Development
3. Major Gift & Endowment Thresholds
Jeff Gilligan, Associate Vice President for Development
4. VP Updates
 - *Fundraising Expenditures Follow UP*
Nick Langridge, Vice President for University Advancement
5. Social Rankings
Mary-Hope Vass, Assistant Vice-President for University Communication
6. Advancement System(s) Replacement -CRM- (Reengineering Madison)
Debbie Jordan, Associate Vice President for Advancement Information Systems

*Action Items

**THE COMMONWEALTH OF VIRGINIA
THE VISITORS OF JAMES MADISON UNIVERSITY**

Minutes of the Advancement and Engagement Committee

The Advancement and Engagement Committee met on Thursday, September 12, 2024. Ms. Terrie Edwards called the meeting to order at 2:46 p.m.

PRESENT:

Edwards, Terrie, Chair
Fiorina, Carly
Wood, Nicole Palya

ABSENT:

Stoltzfus, Michael

OTHERS PRESENT:

Boals, Ryan, Associate Director, Corporate and Foundation Relations
Bradley, Miriam, Associate Vice President, Principal Gifts
Cline, Cynthia, Senior Director, Strategic Gifts
Combs, Carrie, Director, Corporate and Foundation Relations
Coleman, Warren, CEO & President, James Madison University Foundation
Frigo, Connie, Executive Director, XLabs
Funkhouser, Savanna, Assistant Director, State Government Relations
Langridge, Nick, Vice President, University Advancement
Long, Debbi, Corporate and Foundation Relations Grant Writer
Marinelli, Alex, Director, Athletics Major Gifts
Vass, Mary Hope, Assistant Vice President and University Spokesperson
Walther, Annie, University Legal Services
Wood, Melinda, Vice President, Enrollment Management

APPROVAL OF MINUTES

The minutes of the April 18, 2024 meeting were brought before the committee and approved as presented on a motion by Nicole Palya Wood, seconded by Carly Fiorina.

FUNDRAISING REPORT

Alex Marinelli reported on giving to Athletics, in FY24 Duke Club fund raising reached \$6.5M and in FY25 Duke Club Members have donated \$495K.

Cynthia Cline reported on total giving to the University. In FY24 total giving to the university reach \$28.1M, the second highest giving total in JMU history, with new donor counts reaching an all-time high of 24,586 donors.

In FY25, as of September 11, 2024, \$4.1M have been donated. The pipeline holds 61 Pre-solicitation requests for \$47.4M and 104 Solicitations for \$44.3M. To date there are 16 Closed Major Gifts for \$3.4M.

VICE PRESIDENT’S UPDATE

Nick Langridge provided an update on fundraising for Carrier Library, the new Health and Behavioral Studies expansion, and progress on the new Salesforce Affinaquest CRM Implementation for Advancement.

TRANSCENDENT INNOVATION – REIMAGINING HIGHER ED AND INDUSTRY PARTNERSHIPS

Carrie Combs and Connie Frigo reported on a new corporate partnership between JMU X-Labs and Dynamic Aviation and on the reimagined internship piloted with Ellucian.

The reimagined internship is an innovative pilot which offered a 15-week, cross-disciplinary course followed by a 12-week paid internship. In both partnerships, students from diverse fields collaborate to solve real-world problems posed by corporations, gaining hands-on experience with AI, design thinking, ethics, and business. The program emphasizes teamwork, creativity, and leadership, aiming to bridge education and workforce readiness.

DIGITAL ADVERTISING EFFICIENCIES IN ENROLLMENT MARKETING

Heather Davis presented how innovations in the university’s digital advertising strategy are creating efficiencies of upward of \$1M a year and improving enrollment marketing results. The efficiencies were a result of Marketing and Branding partnering with Professional and Continuing Education on a centralized approach to digital advertising.

The meeting adjourned at 4:26 p.m.

Respectfully submitted,

Terrie Edwards, Chair

David Kirkpatrick, Secretary to the Board

Advancement and Engagement Committee

November 7, 2024



Fundraising Report

Sean Gordon, Senior Athletic Development Officer
Jeff Gilligan, Associate Vice President for Development



Duke Club Report

Dollar Amounts and Donor Counts as of:
October 11, 2024



By Fiscal Year YTD

	2021	2022	2023	2024	2025
Duke Club Seat Contribution	\$90,722	\$198,189	\$273,906	\$220,879	\$314,227
Proud and True Fund	\$503,101	\$310,263	\$335,079	\$316,062	\$353,687
Athletics Restricted	\$58,573	\$73,377	\$119,901	\$69,574	\$163,492
Athletics Capital	\$108,795	\$220,213	\$20,656	\$12,875	\$678
Athletics Endowed	\$23,678	\$32,643	\$8,975	\$26,852	\$67,535
Event Contribution Restricted	\$0	\$0	\$13,632	\$29,651	\$0
Total	\$784,869	\$834,685	\$772,149	\$675,893	\$899,618

(Includes Gifts, Matching Gifts, and Pledge Payments as of the Report Date in each Fiscal Year)

Current FY Annual Fund Dollars*: \$667,914

Athletics Annual Fund FY Goal: \$4,900,000

Percent of Goal: 14%

Total Unique Athletics Donors by Fiscal YTD

Includes unique households

2021	2022	2023	2024	2025
762	1,412	2,306	2,541	4,918



Funds Raised to Date

Compressed

07/01/2024 - 10/11/2024

Provided by:
AIS/Data Analysis & Reporting



Fund Raised Program - Compressed	FY 2025	FY 2024	FY 2023	FY 2022	FY 2021
Principal Giving/Strategic Gifts	\$3,619,201	\$877,420	\$293,305	\$1,083,794	\$4,337,671
Corp/Found	\$2,450,246	\$3,258,516	\$7,213,240	\$6,301,782	\$1,559,274
All Athletics Charitable	\$842,896	\$587,040	\$478,135	\$506,376	\$547,765
Annual Giving	\$401,329	\$393,523	\$422,008	\$435,981	\$424,552
Organization Annual Gifts	\$186,181	\$89,583	\$103,712	\$131,871	\$102,822
Matching Gifts	\$54,410	\$38,602	\$50,577	\$75,071	\$107,056
Realized Planned Gifts	\$0	\$530,007	\$8,627	\$41,258	\$183,590
Above Sub-Total - Total	\$7,554,263	\$5,774,690	\$8,569,604	\$8,576,134	\$7,262,731
WMRA Gifts	\$81,852	\$205,883	\$178,975	\$203,984	\$176,154
WMRA Total - Total	\$81,852	\$205,883	\$178,975	\$203,984	\$176,154
Above - Total	\$7,636,115	\$5,980,573	\$8,748,579	\$8,780,117	\$7,438,885
Conditional Pledges	\$953,000	\$520,001	\$1,861,820	\$2,885,410	\$250,000
Non-charitable Sponsorship Commitments	\$0	\$29,651	\$13,632	\$0	\$0
Athletics Non-charitable Gifts	\$314,227	\$220,829	\$272,455	\$197,178	\$90,672
Below Sub-Total - Total	\$1,267,227	\$770,481	\$2,147,907	\$3,082,588	\$340,672
Below - Total	\$1,267,227	\$770,481	\$2,147,907	\$3,082,588	\$340,672



Pipeline

As of October 11, 2024

Pre solicitation: 117 proposals = \$47,578,824

Solicitation proposals: 91 proposals = \$50,180,012

Closed Major Gifts: 41 for \$7,207,939

Major Gift & Endowment Thresholds

Jeff Gilligan, Associate Vice President for Development



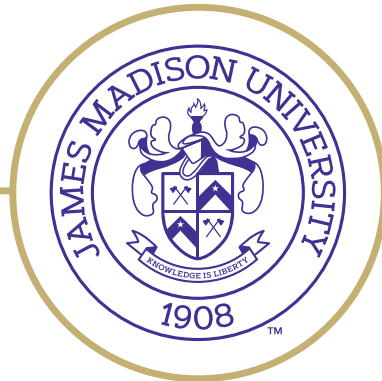
Vice President's Update

Nick Langridge, Vice President, University Advancement



Social Rankings

Mary-Hope Vass, Assistant Vice President, University Communication
Trey Secrist, Assistant Director, Social Media



JMU social ranked **#5** in the country

out of all D1 higher ed schools on social media

*Ranking by RivalIQ





Individual Rankings



Facebook

#2



Instagram

#5



X (Twitter)

#4

JMU is the **ONLY** D1 institution in **TOP 5**
on all active social media accounts.



Ranking Methodology

- Benchmark ranking by RivallQ
- Ranking based on four platforms: Facebook, X, Instagram and *TikTok**
- Methodology weighs engagement rate and audience size
 - *"The top-ranked colleges and universities on social media have high **engagement rates** with average or better audience size and posting volumes."*

*JMU is not active on TikTok in observance of the VA GOV executive order



Understanding Engagement Rate

$\text{IMPRESSIONS} / \text{ENGAGEMENTS} = \text{ENGAGEMENT RATE}$

- Distribution divided by engagement
Content served **1000** times and gets **50** engagements...
Engagement rate = **5%**
- Measures how effective content is at engaging audience
- Best metric for measuring content strategy and tactics



Rankings List

1	University of South Carolina, Columbia	29	10	3	1
2	University of Connecticut	8	34	38	29
3	Oklahoma State University	21	63	12	16
4	Michigan State University	13	19	34	56
5	James Madison University	5	2	4	128
6	Bowling Green State University	11	21	61	53
7	Colorado State University	24	8	95	41
8	University of Illinois Urbana-Champaign	34	54	27	46
9	The Ohio State University	48	47	62	9
10	Ohio University	28	43	86	49
11	University of Iowa	6	1	2	232
11	University of Idaho	41	43	26	96
13	Miami University (Ohio)	4	63	74	103
14	University of Georgia	22	116	76	13
15	High Point University	3	42	124	85
16	University of Mississippi	87	34	44	23
17	Georgia Institute of Technology	9	3	29	232
18	Loyola University Chicago	35	90	85	38
19	Marquette University	97	12	15	78
20	Alabama A&M University	30	4	6	232



“James Madison University continues to be a higher education social media stalwart, earning a spot in our Top 10 for the EIGHTH straight year.

Fueled by elite Facebook, Twitter and Instagram presences – ranking in the top 5 for all three channels – the Dukes continue to demonstrate why they have one of the best social media strategies in arguably the top performing industry we study.”

—RivalIQ



FY24 Performance

- **31,088,159 Impressions** (*number of times content was served*)
 - 28% increase over FY23 ↑
- **2,023,948 Engagements** (*action taken on a post, i.e. like, comment, share*)
 - 40% increase over FY23 ↑
- **5.81% Engagement Rate** (*# of times content was served/# of engagements*)
 - 11% increase over FY23 ↑



Why social media engagement matters...

- Broadest distribution for building awareness and affinity with JMU audience
 - JMU has ~500,000 followers across its platforms
 - Social media channels target ***all*** audiences: prospective students, current students, staff, faculty, alumni, donors, fans, community members, parents, etc.
- Engagement rates signify active/healthy/growing community
 - Content strategy “meets the moment” and is effective and efficient

Advancement System(s) Replacement -CRM- (Reengineering Madison)

Debbie Jordan, Associate Vice President
Advancement Information Services

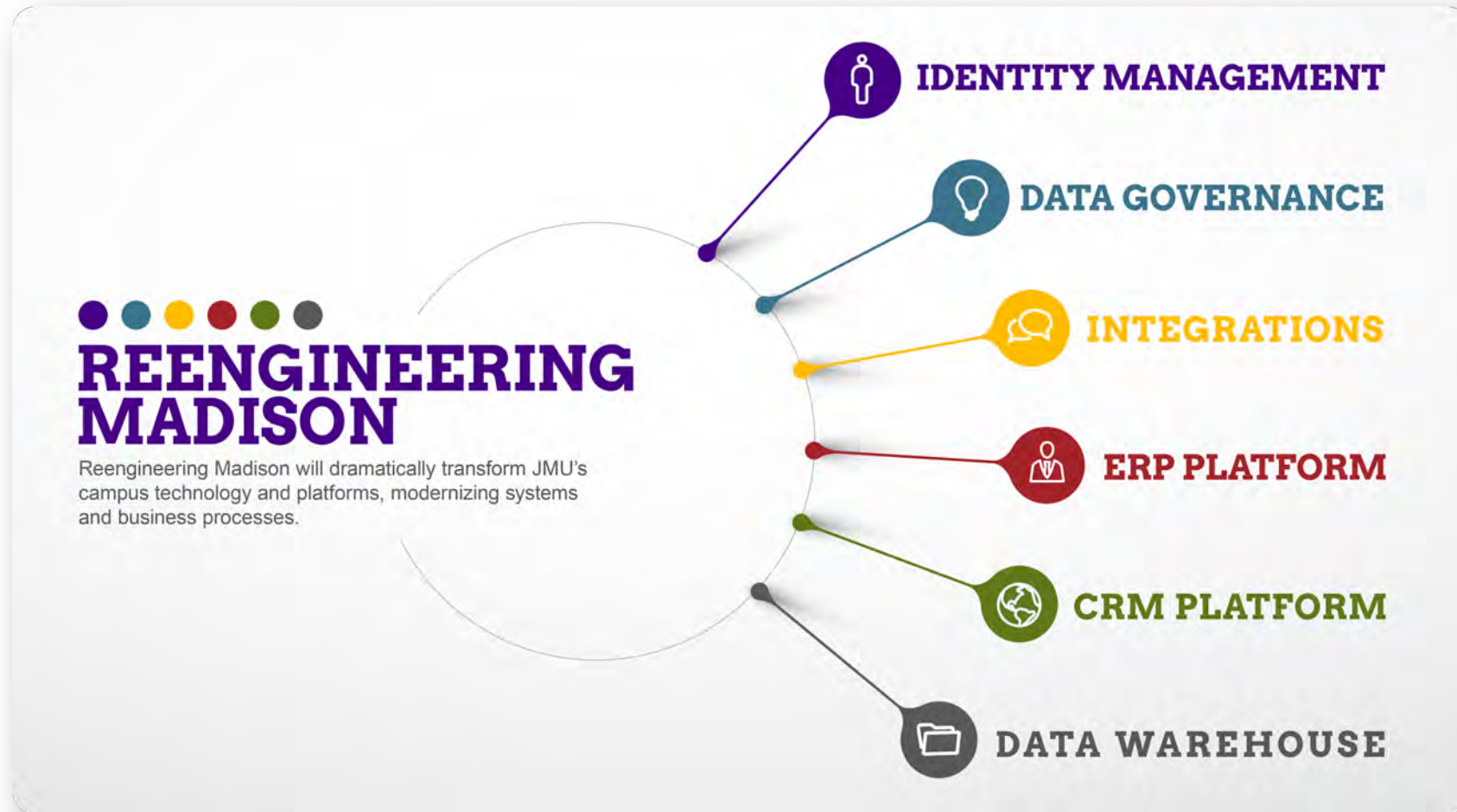




Why are we implementing CRM?

- **Part of a larger, longer-term (7 year), forward-looking modernization program on campus known as Reengineering Madison**
 - Current technology solutions are limited and nearing end-of-life.
 - Senior Leadership and Reengineering Madison Steering Committee prioritized the CRM projects from a sequence standpoint
 - Will allow a faster, more coordinated response for our students
 - Leverage a common understanding of data definitions to produce actionable analytics

Reengineering Madison Projects



Where do CRM and ERP overlap?





Reengineering Madison Goals

1. Improve student success outcomes
2. Develop shared data systems as a university good
3. Increase operational efficiency at all levels of the university
4. Strengthen JMU's relationship and communications with all constituents



Reengineering Madison Principles



STUDENT FOCUS

We will focus on student needs as we implement new technologies.

EQUITY

Our practices will ensure equity and inclusion across the institution.

TRANSPARENCY

We will promote understanding, data sharing, and open exchange in our practices and the systems we build.

COMMUNITY

We will develop new partnerships and strengthen existing collaborations for the greater good.

RESPONSIBILITY

We will educate our constituency on data privacy and stewardship. We will take collective responsibility for the security of our data.

INTEGRATION

We are committed to a campus where technology and data are integrated and shared.

SIMPLIFICATION

We will seek efficiencies including reducing steps and time involved in our business processes. We will not let the perfect be the enemy of the good.

STANDARDIZATION

We will change how we work. Out-of-the-box, best practice processes and functionality provided with cloud systems will be utilized.

TRANSFORMATION

The design of our future state will not be constrained by current business processes.

QUALITY

We are focused on high-quality, humane, and evidenced-informed practices driving reliable data.

CONTINUOUS IMPROVEMENT

We will assess and refine our processes and systems as we learn about issues and ideas from users and the wider higher education landscape.



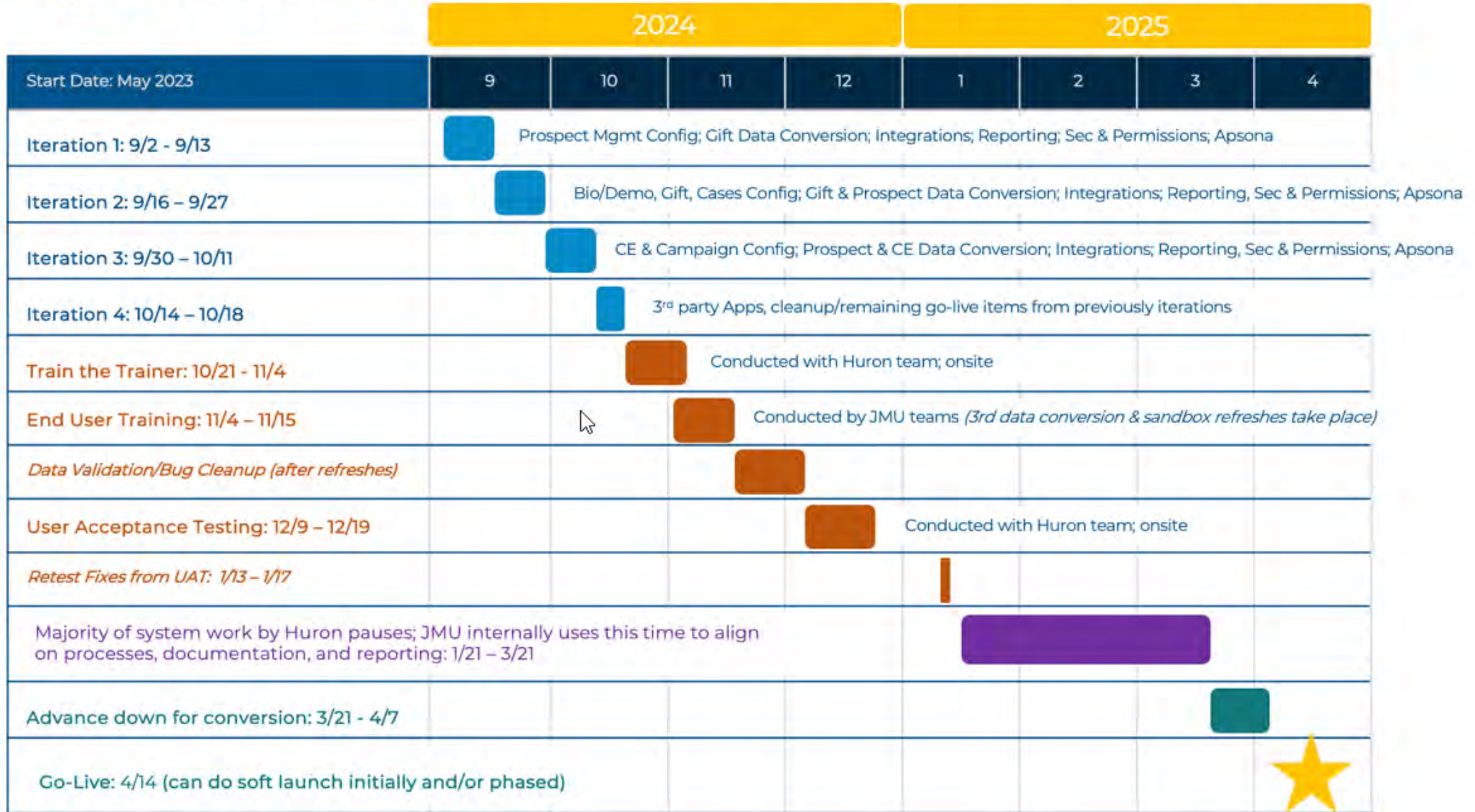
What has been done to date for CRM?

Timeframe	Activity
April 2019	Advancement began requirements gathering for a new system
July 2020	Task Force recommended University wide CRM approach for JMU
Sept 2020	JMU Sr Leadership approved moving forward with University wide CRM and replacement of key systems
Dec 2020	Steering Committee formed and met for the first time
Feb 2021	Integrations project kicked off
March 2021	CRM Platform and Data Governance projects kicked off
April 2021	Reengineering Madison Goals, Objectives, and Values identified
Oct 2021	RFP Issued for Enterprise-wide solution
Oct 2022	Procurement is in negotiations with a vendor
Jan 2023	Contract signed with Huron for a Salesforce CRM solution
July 2023	Huron onsite for first Advancement Sprint (Biographic/Demographic info)
Sept 2024	Project re-baselined to an April 2025 Go-Live





April 2025 Go-Live Advancement Timeline



Advancement CRM Implementation

- Salesforce is the Platform



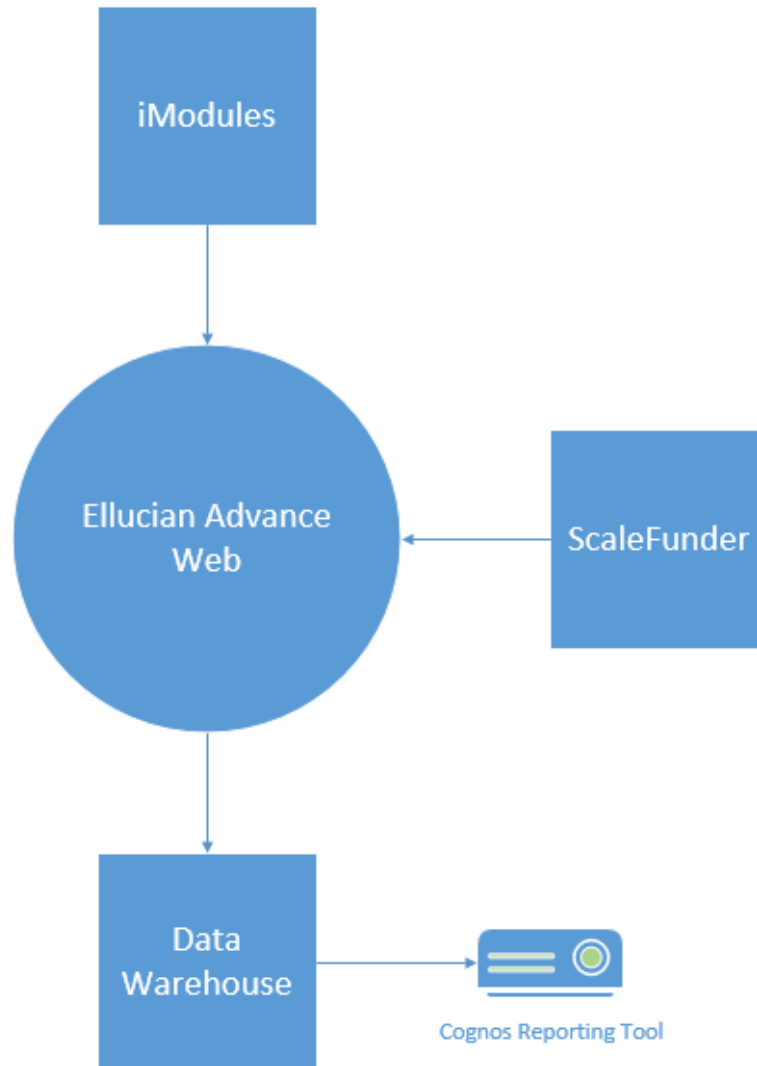
- Affinaquest is the CRM



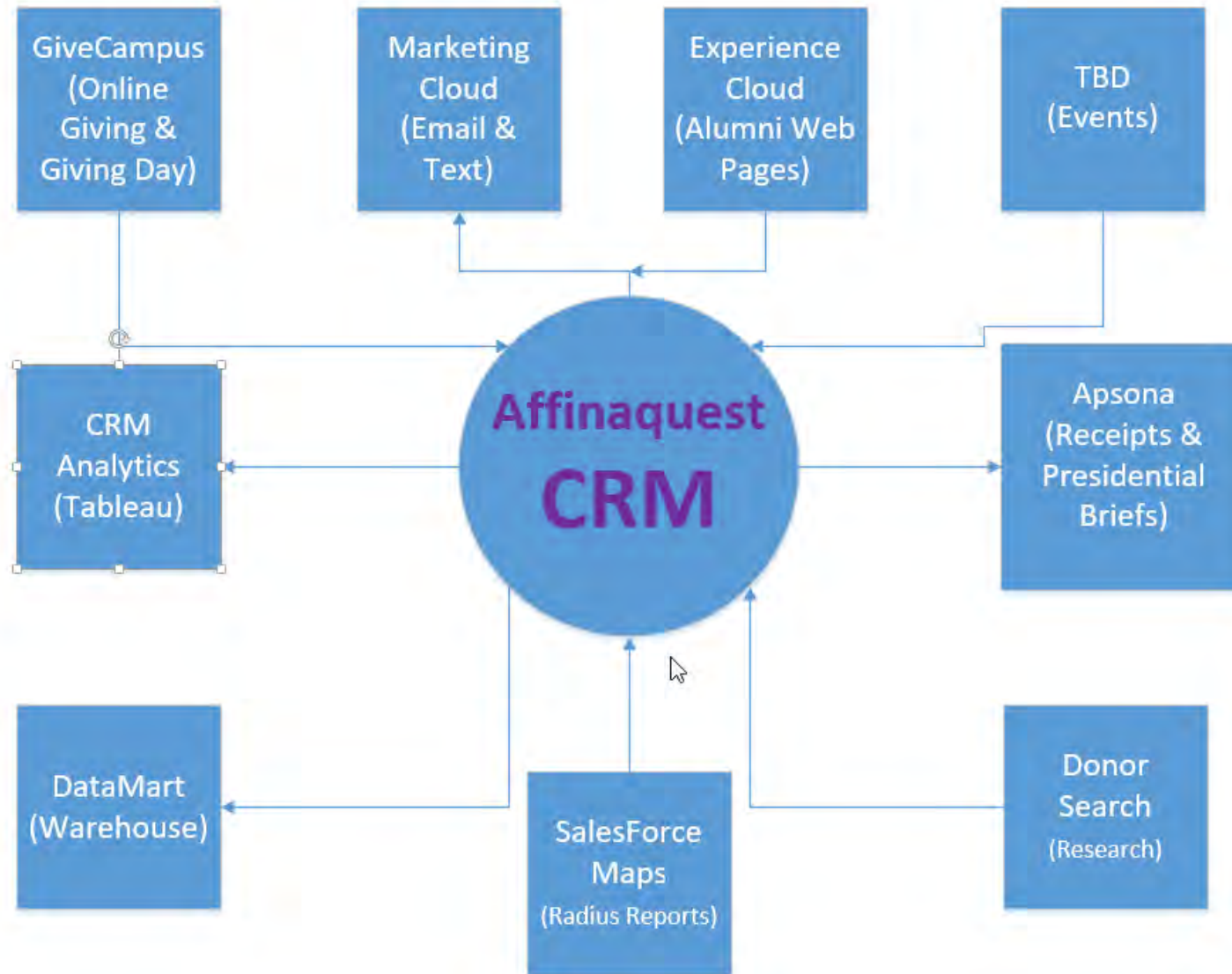
- Huron is the Implementation Partner (consulting)



Current Systems in Advancement:




Future Systems in Advancement:





New & Different & Better! Naming Inventory

- One of the configurations we chose to build in the new CRM is an inventory of spaces on campus available to name.
- The module will allow a space to be reserved for a donor by our Development staff.
- DO's will be able to see all available inventory including what has an offer pending.
- We built triggers to notify Donor Relations staff when the 20% payment threshold is met for signage.


Naming Options

[New](#)
[Import](#)
[Change Owner](#)
[Print](#)

1 item selected

	<input type="checkbox"/> Naming Option ↓	<input type="checkbox"/> Goal/Initiative	<input type="checkbox"/> Record Type	<input type="checkbox"/> Required Gift Amount	<input type="checkbox"/> Total Accepted An...	<input type="checkbox"/> Original Inven...	<input type="checkbox"/> Offers Accepted	<input type="checkbox"/> Offers Pending	<input type="checkbox"/> Inventory Avai...
53	<input type="checkbox"/> Medium Classrooms (10)	COB LC	Tier 1	\$50,000.00	\$0.00	1	0	0	1
54	<input type="checkbox"/> Medium Classrooms	COB Gold	Tier 1	\$50,000.00	\$0.00	1	0	0	1
55	<input type="checkbox"/> Medium Classrooms	COB Gold	Tier 1	\$50,000.00	\$0.00	1	0	0	1
56	<input type="checkbox"/> Marketing Suite	COB LC	Tier 1	\$250,000.00	\$0.00	1	0	0	1
57	<input type="checkbox"/> Management Suite	COB LC	Tier 1	\$250,000.00	\$0.00	1	0	0	1
58	<input type="checkbox"/> Majors naming test	Atlantic Union Bank Center	Tier 1	\$1.00	\$0.00		0	0	0
59	<input type="checkbox"/> Library Study Room	Carrier Library	Tier 1	\$50,000.00	\$0.00		0	2	-2
60	<input type="checkbox"/> Large Classrooms (6)	COB LC	Tier 1	\$75,000.00	\$0.00	1	0	0	1
61	<input type="checkbox"/> Large Classrooms (6)	COB LC	Tier 1	\$75,000.00	\$0.00	1	0	0	1
62	<input type="checkbox"/> Large Classrooms (5)	COB LC	Tier 1	\$75,000.00	\$0.00	1	0	0	1
63	<input type="checkbox"/> IT Office	COB LC	Tier 1	\$150,000.00	\$0.00	1	0	0	1
64	<input type="checkbox"/> Group Study Rooms	COB LC	Tier 1	\$25,000.00	\$0.00	1	0	0	1
65	<input type="checkbox"/> Group Study Rooms	COB LC	Tier 1	\$25,000.00	\$0.00	1	0	0	1

THE COMMONWEALTH OF VIRGINIA THE VISITORS OF JAMES MADISON UNIVERSITY

Athletics Committee
Thursday, November 7, 2024
Festival, Ballroom B
2:45 p.m.

Agenda

1. Approval of Minutes – September 12, 2024*
2. Sports Update (JMU/SBC/NCAA/House Settlement Update)
Matt Roan, Director of Athletics
3. 2023-2024 Academic Report
Jennifer Phillips, Senior Associate A.D. for Student-Athlete
Development/SWA
4. Student-Athlete Focus: Student-Athletes Utilizing Academic Resources
Jennifer Phillips, Senior Associate A.D. for Student-Athlete
Development/SWA
5. JMU's NIL Committee/Program Update (Education & Protection of
Student-Athletes)
Stephen LaPorta, Associate A.D. for Governance and NIL Strategy
6. Development Report
Scooter Renkin, Associate A.D. for Development
7. Future Agenda Items
Matt Roan, Director of Athletics

*Action Required

**THE COMMONWEALTH OF VIRGINIA
THE VISITORS OF JAMES MADISON UNIVERSITY**

Minutes of the Athletics Committee

The Athletics Committee met on September 12, 2024, in Ballroom B of the Festival and Student Center. The meeting was called to order at 2:47 p.m. by Dickie Bell, Chair.

Present:

Bell, Dickie, Chair
Eiland, Joanie
Rexrode, Dave
Smith, Steve C.
White, Jack

Others:

King, Charles, President
Obenshain, Suzanne, Rector
Allen, Dirron, AVP Student Life & Involvement
Bell, Marcus, Coordinator for Student-Athlete Leadership Development
Carter-Hoyt, Malika, VP, Diversity Equity & Inclusion
Clements, Cassidy, Assistant A.D. Student-Athlete Leadership
DeSantis, Brandon, Associate A.D. of Integrated Health and Sports Performance
Gorton, Eric, University Media Relations Coordinator
Ikenberry, Marlin, Head Coach Baseball
Knight, Jack, University Counsel
LaPorta, Stephen, Associate A.D., Governance & NIL Strategy
Lonett, Carson, Executive Advisor to VP of Student Affairs
Lough, Denise, Assistant A.D. for Administration and Operations
McConville, Jane, VP Student Affairs, Engagement Fellow
Miller, Timothy, Vice President of Student Affairs
Polglase, Geoffrey, Deputy Director of Athletics
Phillips, Jennifer, Senior Associate A.D. for Student-Athlete Development/SWA
Read, Caitlyn, Asst VP, Government Relations
Renkin, Scooter, Assistant A.D for Development
Roan, Matt, Director of Athletics
Saint-Germain, Esther, Student-Athlete, 2024-2025 SAAC Public Relations Chair
Soenksen, Roger, Faculty Athletics Representative
Warner, Kevin, Associate A.D. for Communications and Strategic Initiatives

Prior to adopting the minutes from April 18, 2024, Mr. Bell recognized Matt Roan as the new Director of Athletics and invited new board members to introduce themselves to the Committee. Mr. Bell then called for a motion to approve the minutes. It was moved by Steve Smith and seconded by Joanie Eiland to approve the minutes of the April 18, 2024, meeting of the Athletics Committee.

Sports Update

Matt Roan, Director of Athletics provided an Athletics update. He began by addressing the committee members and thanking them for their commitment to Athletics. Mr. Roan introduced Coach Marlin Ikenberry, Head Coach for Baseball, and recognized him for heading into his tenth season leading the JMU baseball program as well as the success of the program in the 2024 season. Coach Ikenberry thanked the committee for their ongoing support.

Mr. Roan updated the committee on the final standings and accomplishments of the 2023-2024 competition year by acknowledging JMU as holding an all-sports winning percentage of .609. JMU was 77th in the Learfield Director's Cup final standings and first in the Sun Belt Conference. JMU claimed two conference titles for Women's Swimming & Diving and Men's Basketball and made a total of ten NCAA postseason appearances. Mr. Roan also acknowledged the academic successes of our student-athletes by noting an overall department GPA of 3.262, placing 86 student-athletes on the President's List, 219 on the Dean's List and graduating 132 student-athletes over the course of the academic year. Student-athletes had individual successes with 14 named as All-Americans, five as Conference Players of the Year, and seven drafted in professional drafts with 10 having professional opportunities. Two coaches were also recognized as Conference Coach of the Year.

Mr. Roan discussed current standings for the Fall 2024 season noting that JMU holds a cumulative record of 8-7-5 for a .525 winning percentage as of September 11, 2024. Football season tickets were sold out for the second consecutive year and the first two home games have reached sell out status. The Football program has received votes in the LBM Coaches Poll, picked second in the East in the Sun Belt preseason poll and currently holds a 2-0 record for the season. Men's Soccer is undefeated this season with a recent win over No. 14 Georgetown and holds a 1-0-3 record; they were picked fifth in the Sun Belt preseason poll and were ranked 18th nationally at the start of the season. Women's Soccer was picked second in the Sun Belt preseason poll and holds a 1-3-2 record. Volleyball was selected to finish in first place in the East by the Sun Belt preseason poll and currently holds a 2-3 record for the season. Field Hockey is in its first season with the Mid-Atlantic Conference and was picked to finish third in the Conference. In the Sun Belt preseason poll for Cross Country, JMU was picked to finish second. On September 6, JMU Athletics inducted the Hall of Fame Class of 2024 with six new inductees along with the National Champion Football Team of 2004. The 2004 football team was the fourth team to be inducted into the JMU Athletics Hall of Fame. Mr. Roan spoke to the ongoing focus on student athlete wellbeing and shared that two key hires were recently added to the Integrated Health and Sports Performance Department: Brandon DeSantis, Associate A.D. for Integrated Health and Sports Performance, and Dr. Joseph Volpi, Chief Medical Officer/Team Physician.

Jennifer Phillips, Senior Associate A.D./Senior Women's Administrator has been appointed as the Sun Belt Conference representative for the NCAA Division I Council which includes an appointment to the subcommittee for Strategic Vision and Oversight.

Mr. Roan updated the committee on the transcript evaluation process and timeline and offered a high-level overview of the proposed House settlement. Mr. Roan then concluded the Sports Update by answering questions related to the topic.

2023-2024 Strategic Plan Accountability Measures

Geoff Polglase, Deputy Athletics Director, introduced himself to new Committee Members and asked if there were questions from Committee relating to the 2023-2024 Strategic Plan Accountability Measures; the report was shared with Committee Members prior to the meeting. He mentioned that it is a requirement to annually share the accountability metrics with the Board of Visitors. Further, he noted that

JMU Athletics continues to meet and exceed the majority of the measures outlined in the University Strategic Plan. The measures are included annually in the STAR Planning submission, which is aggregated into the University's data report for accreditation and published on jmusports.com.

Name, Image, Likeness (NIL) Update

Stephen LaPorta, Associate A.D. for Governance and NIL Strategy introduced himself and the role he serves at JMU as it relates to NIL strategy. He reported that the NCAA proposal regarding NIL activity was adopted on August 1, 2024; Virginia state law is effective July 1, 2024. Mr. LaPorta noted the updates to Virginia law which prohibits investigations or penalties for an institution or student engaging in NIL activities and states that institutional employees cannot be liable for damages to a student-athletes' ability to earn NIL. The Virginia law addresses updates to Compensation, which allows an institution to compensate a student-athlete for use of their NIL and allows an institution to identify, create, negotiate and facilitate in NIL by providing assets, resources or benefits as an incentive to support NIL opportunities, and general policies. He further examined the University's general policy toward NIL and the University Compensation Policy referencing that JMU reserves the right to compensate pursuant to the law, does not guarantee compensation, requires written notice of compensation and is at the discretion of the AD or designee. He reported that JMU must have a 'promotional activities release' on file, compensation will be provided for activities that go above and beyond the required athletically related activities and will not trigger an employee/employer relationship between the student and university. Mr. LaPorta highlighted the potential outcome of the House Settlement, which would require third parties to pay fair market value in NIL deals to students, allows institutions to enter into agreements with students and specifies that entities not owned, operated or controlled by the University, are considered third parties. All institutions are required to comply with mandatory reporting who opt-in. Mr. LaPorta concluded his update by answering questions related to the topic.

Student Athlete Leadership (Dukes LEAD)/SAAC Engagement Update

Cassidy Clements, Assistant A.D., Student-Athlete Leadership reported on Dukes LEAD key areas of focus for the 2024-2025 academic year; focus areas include: career readiness, community service, human development and leadership development to foster holistic growth and development of each student-athlete. Working with the University Career Center, student-athletes will be reintroduced to campus career readiness opportunities and development facilitators. Ms. Clements explained how networking opportunities will be incorporated with Duke Club events like the AD Circle Brunch and the Dukes Mentor Dukes Mixer, followed by the Spring Student-Athlete Career Kickoff.

Community Service is encouraged by each student-athlete and the Student-Athlete Advisory Committee's (SAAC) goal is to remain in the top 15 among NCAA Division I schools as leaders in community service hours. SAAC will utilize Helper Helper again this year to track hours and encourage teams to work together toward their community service goals. Last year, JMU student-athletes put JMU in the eighth spot nationally (third in SBC) for community service hours, which equals \$288,610 in economic impact. Top team contributors included Field Hockey, Volleyball, Track & Field, Lacrosse, Softball and Men's Soccer. Human development will be promoted through opportunities to attend workshops and listen to guest speakers, as well as the creation of six affinity groups and the availability of inclusive spaces for student-athletes on campus. Development is also encouraged through participation in the Dukes Leadership Academy, RISE Women's Leadership Academy and SAAC. Ms. Clements concluded her update by asking questions related to Dukes LEAD and SAAC Engagement.

Ms. Clements then introduced the SAAC Public Relations Chair for 2024-2025, Esther Saint-Germain who updated the Committee on the new structure of the Executive Leadership of SAAC. Leadership consists of

seven student athletes: Co-presidents, Kyleigh Renke (Women’s Golf) and Cassidy Strittmatter (Field Hockey), SBC Representative Jamie Swartz (Women’s Soccer), Community Service Chair Hope Moulin (Women’s Tennis), Diversity, Equity and Inclusion Chair Garrett Kuhla (Men’s Golf), Public Relations Chair, Esther Saint-Germain (Cross-Country/Track & Field), and the incumbent Wellness and Development Chair, Sierra Puleo (Cross-Country/Track & Field). The leadership goals of this group include multiple community engagement events including SBC Mental Health Week and SBC Diversity and Inclusion Week, a supply drive for a local elementary school, Meet the Dukes event and participation in the conference Sun Belt Food Drive, ‘Let’s SAAC Hunger’. SAAC will also promote student-athlete voter participation in preparation for election day, created ‘thank you’ cards for local high school teachers, and filmed engaging video messages with the Duke Club in anticipation for Diggin’ Dukes on Tuesday, December 3, 2024. Ms. Saint-Germain concluded her update by asking if there were any questions related to SAAC and its goals and initiatives for the year.

Development Update

Scooter Renkin, Associate Athletics Director for Development, shared the results of fundraising efforts from Fiscal Year 24 which showed overall financial growth as a record-breaking year! A donor record of 8,665 was set; this number of donors exceeded the previous year by over 3,000. The record breaking growth of the Annual Fund reached \$4,754,620 which added to the overall fundraising record of \$6,544,403. Mr. Renkin shared that the record-breaking year was due to the efforts of student-athletes and donor support.

Fiscal Year 25 numbers as of August 23, 2024, show overall fundraising up \$17,000 above this time last year with contributions from 1,918 donors and inclusive of \$364,995 in Annual Fund contributions. Fiscal Year 2025 goals are to raise \$4.9M for the Annual Fund which consists of Proud and True Gifts and Duke Club Seat Contributions and secure 9,000 donors. There are currently 3,300 members of the Student Duke Club. Mr. Renkin shared that the Duke Club has reached 8% toward its goal in fundraising efforts as of August 23, 2024. Looking forward, the Duke Club will host its second consecutive year of the sport specific giving campaign, Diggin’ Dukes, on December 3, 2024. Last year, the Diggin’ Dukes campaign produced over \$444,000 from 1,700 donors and each sport was represented in the fundraising efforts. Mr. Renkin mentioned that numbers since August 23, 2024, are now trending ahead of this time last year. The Proud and True Fund is up \$18,000, Restricted Giving is up \$72,000, Endowments are up \$6,000 and the Annual Fund is up \$82,000 from this time last year. Finally, the donor number is up 1,200 from this time last year, on pace for another record-breaking year. Mr. Renkin concluded his updated by answering questions from the Committee.

Led by Dickie Bell’s closing remarks, Matt Roan concluded the meeting by asking the Committee members for feedback concerning future agenda items they would like to be considered which included a brief discussion.

There being no further business, Dickie Bell, Chair, then called for a motion to adjourn. It was moved by Steve Smith and seconded by Dave Rexrode. The meeting was adjourned at 3:54 p.m.

Respectfully submitted,

Dickie Bell, Chair

David C. Kirkpatrick
Secretary to the Board

Athletics Committee

November 7, 2024



Sports Update - JMU, SBC, NCAA

Matt Roan, Director of Athletics



Sports Update: Competitive Success

- As of 10/24/2024:
 - Field Hockey – 10-4 (5-0, MAC)
 - Football – 5-2 (1-2, SBC)
 - Men’s Soccer – 7-2-5 (3-1-2)
 - Women’s Soccer – 9-3-3 (7-0-1)
 - Volleyball – 10-8 (5-3)
 - Cross Country
 - Men’s & Women’s Basketball
 - Swimming & Diving
 - Men’s & Women’s Golf (Fall Season)
 - Men’s & Women’s Tennis (Fall Season)





Valuation Update

- Four of eight JMU Football games on national TV, as of 10/18/2024
 - 16 of 32 games as members of Sun Belt
- Thursday Night national TV game on ESPN2 drew 390,000 viewers, which was the most-watched game of the week not on ESPN or a network channel
 - Most-watched “Group of Five” matchup
- ESPN+





Campus and Community Connections

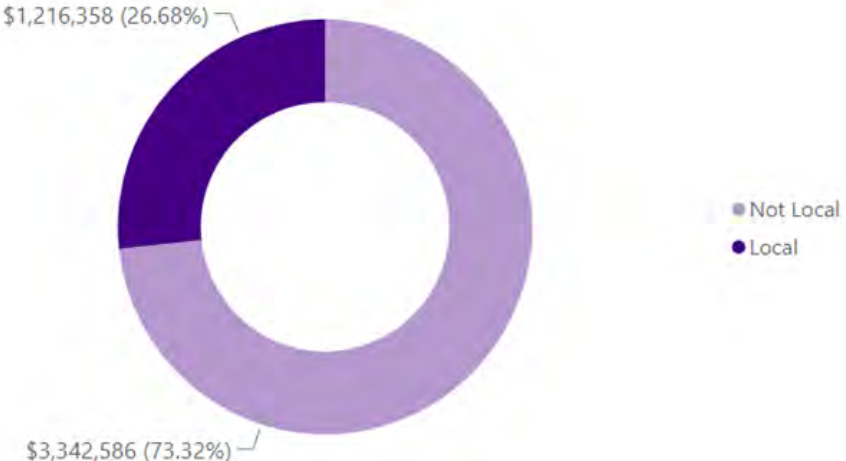
- GameChangers
- Weeknight Football Game Working Group
- Homecoming Parade and QuadFest
- University Economic Development Council (UEDC) and Community Night @ Basketball



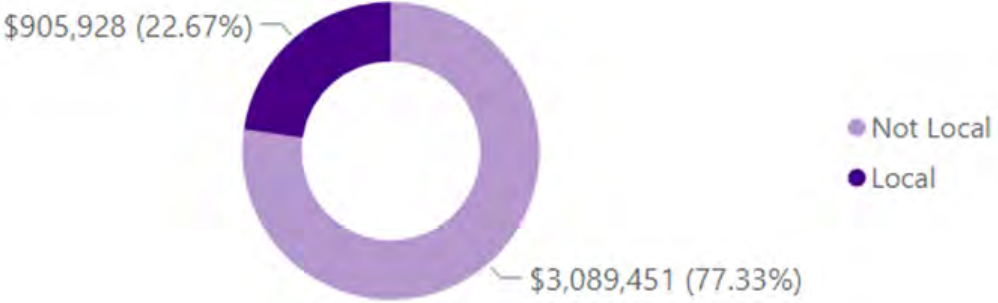
Campus and Community Connections



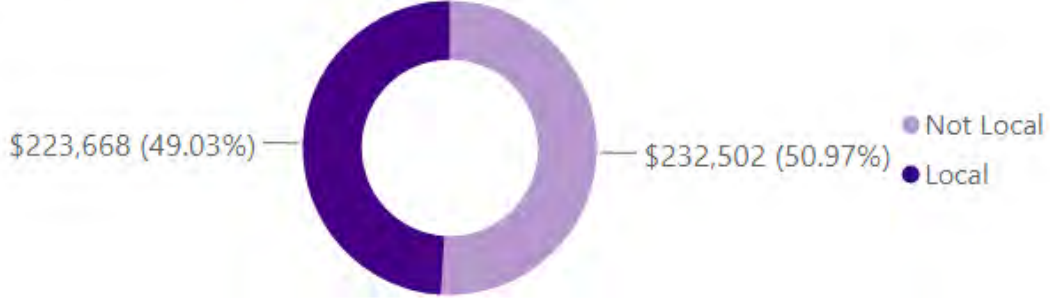
Total Payments Across All Seasons and Locality



Football



Men's Basketball



Women's Basketball



Total Payment Based on Locality (Local: within 30 miles, Not Local: over 30 miles)

Ticket Sales

- Five of six home football games SOLD OUT!
 - “Demand on Display”
- Basketball trending positively



Master Planning

- Initial vision meeting with Sasaki and Moseley Architects
- Working with Populous specifically on Bridgeforth Stadium
 - Concepts and cost estimates





Strategic Planning

- Updated Vision: Pursuit - Solidify as premier among peers by delivering an experience based in excellence for all stakeholders.
- Updated Mission: Purpose - JMU Athletics, as an integral part of the University community serving as a brand ambassador for its advancement, leadership laboratory, and enhancer of the student experience, supports the transformational development of student-athletes academically, athletically, and personally, through their involvement in nationally competitive intercollegiate athletics program that exhibits sportsmanship and ethical behavior.
- Guiding Principles: Values and Culture unchanged
- Two-year goal setting



House Update



- Planning for roster limits
 - At minimum, reduction of 28 opportunities
 - 22 men's and 6 women's
 - Title IX
 - Scholarships and Revenue Sharing
 - Cost-of-Attendance & Academic Awards
 - Trend of General Manager



2023-2024 Academic Report
Jennifer Phillips,
Senior Associate A.D. for Student-Athlete
Development/ SWA





2023-2024 Academic Report

- **Student-Athlete Services at a Glance:**
 - **What do we offer?**
 - Assist sports programs with recruiting
 - Technology equipment check out (laptops, headphones, calculators)
 - Tutoring Services
 - Academic Progress meetings with student-athletes and coaching staff
 - Monitor study hall
 - Academic Screening and testing by our Educational Psychologist
 - Academic Eligibility Review meetings
 - Communicate with Professors and Campus Offices



2023-2024 Academic Report

- Academic accomplishments for 2023-2024:
 - 86 total President's List honors
 - 219 total Dean's List honors
 - 117 graduates
 - 12 of 17 programs had a 1,000 single-year score
 - All 17 hit the department benchmark of 960 or higher in the multi-year score
 - 692 student-athletes achieved a 3.0 semester grade point average in at least one semester
 - 28 student-athletes achieved a 4.0 GPA during Fall 2023
 - 46 student-athletes achieved a 4.0 GPA during Spring 2024 (12 with Cum 4.0 GPA)
 - Five student-athletes and a tutor were inducted into James Madison's Beta Gamma Sigma chapter, as the International Business Honor Society



2023-2024 Academic Report

To qualify for an NCAA academic unit for Revenue Distribution, an institution must meet one of the following academic unit benchmarks:

- The Graduation Success Rate for the most recently available year is equal to or greater than 90 percent based on the single-year rate of all student-athletes at the individual level.
- The difference between the student-athlete and student body percentages in the most recently published Federal Graduation Rate is equal to or greater than 13 percentage.
- Division I APR for the previous year is equal to or greater than 985. The average of single-year rates for all teams is used to determine eligibility for this standard.



Academic Unit Historical Report

<u>Year of Distribution</u>	<u>GSR</u>	<u>FGR</u>	<u>APR</u>	<u>Qualified</u>
2018-2019	85	-11	990	Yes
2019-2020	88	-15	976	No
2020-2021	94	-7	990	Yes
2021-2022	86	-10	990	Yes
2022-2023	92	-13	993	Yes
2023-2024	90	-8	989	Yes
Requirements	90%	>=13%	985	

2023-2024 Academic Report



■ Overall Division I Federal Graduation rates:

FRESHMAN-COHORT GRADUATION RATES	<u>All Students</u>	<u>Student-Athletes #</u>
■ 2016-17 Graduation Rate	70%	69%
■ Four-Class Average	69%	69%
■ Student-Athlete Graduation Success Rate		90%

■ Overall Division I Football Bowl Subdivision Federal Graduation rates:

FRESHMAN-COHORT GRADUATION RATES	<u>All Students</u>	<u>Student-Athletes #</u>
■ 2016-17 Graduation Rate	73%	70%
■ Four-Class Average	73%	69%
■ Student-Athlete Graduation Success Rate		91%

■ James Madison University:

FRESHMAN-COHORT GRADUATION RATES	<u>All Students</u>	<u>Student-Athletes #</u>
■ 2016-17 Graduation Rate	81%	73%
■ Four-Class Average	82%	73%
■ Student-Athlete Graduation Success Rate		91%





2023-2024 Academic Report

- Single Year Federal Graduation Rate:

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
James Madison	87.7	94.1	86.5	92.1	90.2
All Division I	90.0	90.6	90.4	90.9	92.2
Sun Belt	83.0	86.0	86.4	84.1	88.6
FBS	90.0	89.9	90.0	91.0	92.3





2023-2024 Academic Report

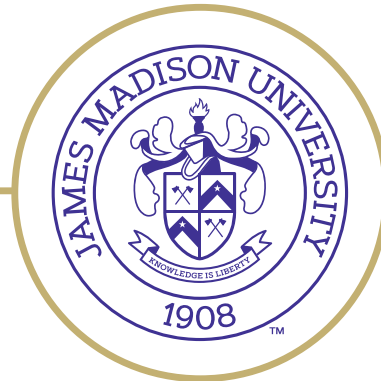
- Single Year Academic Program Rate:

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
James Madison	978	990	995	993	989
All Division I	985	988	986	984	987
Sun Belt	983	987	971	972	986
FBS	985	988	986	986	987



Student-Athlete Focus: Student-Athletes Utilizing Academic Resources

Jennifer Phillips, Senior Associate A.D. for Student-Athlete Development/ SWA



**JMU's NIL
Committee/Program Update
(Education & Protection of Student Athletes)**

**Stephen LaPorta, Associate A.D. for
Governance and NIL Strategy**





NIL Strategy Committee

- Stephen LaPorta- Associate AD for Governance & NIL Strategy
- Geoff Polglase- Deputy AD
- Jennifer Phillips- Senior Associate AD/SWA
- Scooter Renkin- Associate AD for Development
- Brad Burgess- Associate AD for Ticketing & Strategic Revenue
- Melissa Wyant- Assistant AD for Creative Services
- Kevin Warner- Associate AD for Communications & Strategic Initiatives
- Cassidy Clements- Assistant AD for Student Athlete Leadership
- Mike Chatburn- General Manager JMU Sports Properties

JMU NIL Committee/Program (NIL Strategy)





Honors 1

- Education
- JMU Dukes Marketplace
- Montpelier Collective
- Professional Representation



Honors 1- Education

- Focus on internal and external resources.
- Combination of active and passive learning.



Honors 1- JMU Dukes Marketplace

- Area for local businesses to connect with student-athletes.
 - Athlete profiles
 - Messaging
 - Proposing transactions
 - Post opportunities
 - Secure payments



Honors 1- Montpelier Collective

- 501(c)(3) focusing on assisting local non-profits.
- Focus on retention and recruitment of students.
- 8-member Board of Directors.
- Cliff Wood - President of the Board





Honors 1- Professional Representation

- Provide resources for:
 - Legal advice
 - Accounting and tax preparation
 - Entrepreneurship



Additional Business: JMU Compensation Policy

- Board of Visitors approval required.
 - Compensation for activities above and beyond current required athletically related activities.
 - Director of Athletics/Designee to determine value.
 - Signed promotional activity release form.
 - Compensation does not trigger an employee/employer relationship.

Development Update

**Scooter Renkin, Associate A.D. for
Development**



Development Update



By Fiscal Year YTD

	2021	2022	2023	2024	2025
Duke Club Seat Contribution	\$90,722	\$198,189	\$273,906	\$220,879	\$314,227
Proud and True Fund	\$503,101	\$310,263	\$335,079	\$316,062	\$353,687
Athletics Restricted	\$58,573	\$73,377	\$119,901	\$69,574	\$163,492
Athletics Capital	\$108,795	\$220,213	\$20,656	\$12,875	\$678
Athletics Endowed	\$23,678	\$32,643	\$8,975	\$26,852	\$67,535
Event Contribution Restricted	\$0	\$0	\$13,632	\$29,651	\$0
Total	\$784,869	\$834,685	\$772,149	\$675,893	\$899,618

(Includes Gifts, Matching Gifts, and Pledge Payments as of the Report Date in each Fiscal Year)

Current FY Annual Fund Dollars*: \$667,914

Athletics Annual Fund FY Goal: \$4,900,000

Percent of Goal: 14%

Total Unique Athletics Donors by Fiscal YTD

Includes unique households

2021	2022	2023	2024	2025
762	1,412	2,306	2,541	4,918

**Dollar Amounts and Donor Counts as of October 11, 2024*

Future Agenda Items

Matt Roan, Director of Athletics





JMU Athletics

Student-Athlete Compensation Policy

The Commonwealth of Virginia has granted Universities within the Commonwealth the ability to compensate student-athletes for the use of their Name, Image, and Likeness. The policy below will stipulate the circumstances in which James Madison University Intercollegiate Athletics (here forward referenced as JMU Athletics) may provide compensation to student-athletes.

1. Authority
 - a. James Madison University Athletics maintains and/or reserves the right to compensate its student-athletes for the use of their Name, Image, and Likeness (NIL) pursuant to the relevant laws in the Commonwealth of Virginia.
2. Terms of Compensation
 - a. Compensation is not guaranteed and will be agreed upon in writing between the Department of Athletics and student-athlete in advance of any promotional activities.
 - b. Any compensation provided to a student-athlete will be for activities that the student-athlete participates in that go above and beyond NCAA-defined required athletically-related activities.
 - c. Compensation amounts will consider the value that the activity brings to the university but will be at the discretion of the Director of Athletics, or any designee.
3. Requirements for Compensation
 - a. JMU Athletics must receive a signed promotional activity release form, which allows the institution to utilize the student-athletes' NIL for promotional purposes.
 - b. The student must be in good standing with the team, athletics department, and University to receive compensation.
4. Student Responsibilities
 - a. By receiving compensation from the athletics department student-athletes are not considered employees of the institution.
 - b. All liabilities, including potential taxes, shall be the sole responsibility of the student-athlete.

Promotional Release

Academic Year: 2024-25
Created: 10/18/2024
Created By: Stephen LaPorta

Promotional Release

By signing this release, you agree to allow James Madison University, the Sun Belt Conference (SBC), or the NCAA to use your name, image (including photograph(s)), or likeness for informational or promotional activities in print, digital, and broadcasts productions that are produced by the JMU, the SBC, or NCAA. This release will remain in effect until the student-athlete revokes the release in writing to the Director of Athletics. Further, by signing this acknowledgment and release, you agree to allow JMU, the SBC, or the NCAA the full extent allowed by NCAA bylaws, to use your name, image, likeness, and photograph for the purpose of promoting competitions and participating in promotional activities and functions that are sponsored, conducted and/or contributed to by the institution.

If you are a football student-athlete, you also consent that the Sun Belt Conference, its media partners, its Bowl partners, all broadcasters, and College Football Playoff Administration and Bowl Championship Series Properties may use my picture and name to promote or publicize the Playoff Game, a practice for the Playoff Game, and related activities that promote the game (including, but not limited to, programs, media guides, television spots, and other media) and for other news and informational purposes.

At no time will any of the previous entities (JMU, Sun Belt Conference, NCAA, etc.) use your name or picture in a manner that implies, suggests, or portrays your endorsement of (i) any Bowl sponsor; (ii) any other commercial entity, product, or service; or (iii) any political cause or candidate.

Signing this release is voluntary. If you elect to not sign this release your name, image, and likeness will not be used for promotional purposes by any aforementioned entity. Your name, image, and likeness may be used though for news and other informational activities that are not connected to any commercial product.

Student-Athlete Signature:

THIS VALUE IS REQUIRED.

Date of Signature:

THIS VALUE IS REQUIRED.

Date	Step	Performed By	Action	Comments
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**THE COMMONWEALTH OF VIRGINIA
THE VISITORS OF JAMES MADISON UNIVERSITY**

Finance and Physical Development Committee
Thursday, November 7, 2024
Meeting Room 3
1:00 p.m.

Agenda

1. Approval of Minutes* – September 12, 2024
2. Financial Review
Mark Angel, Associate Vice President, Finance
3. University Debt Review
Mark Angel, Associate Vice President, Finance
4. University Sustainability Update
Craig Short, Associate Vice President, Business Services
Abram Kaufman, Energy Conservation and Sustainability Manager
5. Capital Projects Update
Craig Short, Associate Vice President, Business Services
6. Closed Session*

*Action Items

**THE COMMONWEALTH OF VIRGINIA
THE VISITORS OF JAMES MADISON UNIVERSITY**

Minutes of the Finance and Physical Development Committee

The Finance and Physical Development Committee met on Thursday, September 12, 2024, at 1:00 p.m. The meeting was called to order by Mr. Steven Smith.

Present:

Smith, Steven, Chair
Fiorina, Carly
Obenshain, Suzanne, Rector

Absent:

Caudle, Larry
Stoltzfus, Michael

Others:

Moore, Towana, Vice President, Administration and Finance
Angel, Mark, Associate Vice President, Finance
Larson, Rick, Associate Vice President, Human Resources, Training, and Performance
Matos, Anthony, Chief of Police
Stamp, Diane, Associate Vice President, Budget Management
Read, Caitlyn, Assistant Vice President, State Government Relations

All members of the Administration and Finance team were introduced.

On motion of Ms. Suzanne Obenshain, and seconded by Ms. Carly Fiorina, the minutes of the April 18, 2024, meeting were approved.

Financial Review:

Mr. Mark Angel, Associate Vice President for Finance, reviewed the 2023-2024 financial report. This financial report included operational activity for the full fiscal year. The committee discussed formatting of year-end report data. Mr. Angel reported the University's revenue and expenditures for the 2024 fiscal year exceeded the university's revised budget expectations.

Bond Rating:

Mr. Mark Angel reported that Fitch Ratings has affirmed JMU's bond rating of AA-.

2023-2024 Receivables Write-Offs:

Mr. Angel presented the 2023-2024 Receivables Write-Offs Report. The university annually writes off accounts that have been deemed uncollectible. The write-offs were well within the board's established guidelines.

2025-2026 Budget Requests:

Ms. Diane Stamp, Associate Vice President for Budget Management, and Caitlyn Read, Assistant Vice President for State Government Relations reported that the university's proposed budget requests for 2025-26 included \$4.9 million to support Veterans through the Virginia Military Survivors & Dependents Education Program, support of just under \$1.0 million for a new "Fast Flex" Bachelor of Science in Nursing program to produce more nurses, and capital requests of \$26.8 million in General Funds to renovate Johnston Hall and \$86 million as a 9© Debt Request to construct a new residence hall.

Six-Year Plan Update:

Ms. Towana Moore, Vice President for Administration and Finance, and Ms. Stamp presented an overview of the annual six-year plan. The plan is a pro forma exercise that is required by the Commonwealth with specific guidelines for completion. The plan's content is consistent with last year's board approved submission to the State Council of Higher Education but includes updates to revenues, enrollments and expenditures. The six-year plan is a planning document, and by approving the amended six-year plan, the board is not approving tuition and fees for the 2025-26 academic year. On motion of Ms. Suzanne Obenshain, seconded by Ms. Carly Fiorina, the committee approved the plan.

Campus Security Update

Mr. Anthony Matos, Chief of Police, reported that university policies related to public expression and postings have been updated, and a new policy on use of tents on campus has been implemented. The JMU Police Department has obtained personal protection equipment for officers. Officers completed training to work with large gatherings. Additionally, the police department has solidified agreements with other local and state law enforcement agencies to provide institutional assistance.

Workforce Planning:

Mr. Rick Larson, Associate Vice President for HR, Training, and Performance presented an overview of the Virginia Department of Human Resource Management's Workforce Planning and Development Report, which is required on an annual basis. While DHRM required less data from JMU, the data gathered in 2024 shows improvements over the previous year.

Ms. Carly Fiorina made the following motion: "I move the Finance and Physical Development Committee go into closed session to discuss the following matters: pursuant to Virginia Code Section 2.2-3711A-3 of the Code of Virginia to discuss the acquisition/disposal of real property."

The motion was seconded by Ms. Suzanne Obenshain, and the committee moved into closed session.

Following the closed session, Ms. Carly Fiorina stated the following:

During the closed session, the committee discussed only matters lawfully exempted from open meeting requirements and only those types of matters identified in the motion for the closed session.

**RECORDED VOTE: the following is an affirmative recorded, member by member vote:
Smith, Steven, Chair
Fiorina, Carly
Obenshain, Suzanne, Rector**

There being no further business the committee adjourned at 2:22 p.m.

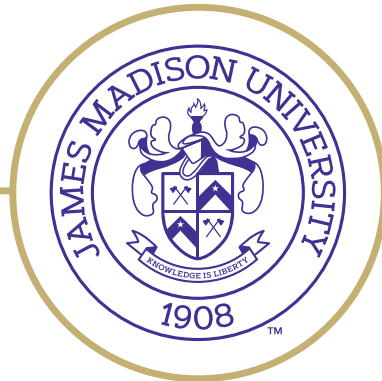
Respectfully submitted,

Steven Smith, Chair

David Kirkpatrick, Secretary to the Board

Financial Review

Mark Angel
Associate Vice President
Finance



2024-25 Revenue Review



	FY2025					FY2024		
	Original Revenue Budget	Revised Revenue Budget	Actual Revenue as of 9/30/2024	Uncollected Budget Balance 9/30/2024	Percentage Collected as of 9/30/2024	Percentage Collected as of 9/30/2023	Revised Budget as of 9/30/2023	Actual as of 9/30/2023
Educational and General								
State General Fund Appropriations - Operations (2)	161,340,482	161,340,482	41,063,165	120,277,317	25%	22%	152,714,810	34,022,945
State General Fund Appropriations - Financial Aid	22,864,056	23,694,945	23,116,693	578,252	98%	100%	19,184,400	19,187,219
Tuition and Technology Fee (1)	269,752,833	270,346,173	146,466,992	123,879,181	54%	53%	258,960,995	137,447,737
Non General Fund Transfer to State (1)	-	(3,098,291)	-	(3,098,291)	0%	0%	(3,098,291)	-
Undergraduate and Graduate Application Fees	1,537,123	1,537,123	118,993	1,418,130	8%	8%	1,529,623	114,940
Miscellaneous Revenue	2,683,588	2,691,813	1,580,014	1,111,799	59%	54%	2,606,373	1,402,231
Total Education and General	458,178,082	456,512,245	212,345,857	244,166,388	47%	44%	431,897,910	192,175,072
Auxiliary Enterprises								
Dining Services	84,702,662	84,702,662	33,987,634	50,715,028	40%	37%	76,395,208	28,276,559
Retail Services	1,579,000	1,579,000	372,282	1,206,718	24%	16%	1,587,000	251,390
Residential Facilities	42,224,021	42,429,209	19,793,312	22,635,897	47%	38%	40,750,649	15,327,262
Parking and Transportation	8,199,895	8,214,895	5,314,711	2,900,184	65%	63%	8,150,034	5,143,545
Telecommunications	2,010,234	2,010,234	841,427	1,168,807	42%	40%	2,007,117	800,270
Health Center	6,918,129	6,918,129	3,219,219	3,698,910	47%	44%	6,726,580	2,931,434
Student Union and Student Services	8,371,990	8,371,990	4,062,570	4,309,420	49%	45%	8,366,266	3,780,599
Recreation Center	14,970,747	14,970,747	7,087,373	7,883,374	47%	44%	15,019,264	6,634,477
Athletics	67,713,034	67,713,034	32,585,831	35,127,203	48%	41%	67,909,643	28,115,826
Other	21,886,736	21,945,236	11,876,135	10,069,101	54%	60%	19,816,099	11,953,272
Total Auxiliary Enterprises	258,576,448	258,855,136	119,140,494	139,714,642	46%	42%	246,727,860	103,214,634
TOTAL REVENUE	716,754,530	715,367,381	331,486,351	383,881,030	46%	44%	678,625,770	295,389,706

(1) Budgeted revenue includes a reduction of \$3,098,291 for non-general fund cash to be transferred back to the State. This, in effect, is a transfer of tuition, fee and other Educational and General revenue previously collected. The State makes these transfers for standard items such as debt service on state bond issues to finance equipment and capital fee assessments on out-of-state students.

(2) The Appropriation Act specifies that unexpended appropriations that remain on the last day of the fiscal year shall be reverted to the State and re-appropriated in the next year. The reversion amounts were \$31,800,000 and \$23,215,000 in 2024 and 2023, respectively. Those balances were re-appropriated in 2025 and 2024. The re-appropriations are transferred to the Educational and General fund on a monthly basis. For 2024, that occurred over the months October through June. The transfer timeline for 2025 will be November through June. Therefore, this schedule does not reflect the re-appropriated amounts in the budget or actual amounts in either year.

2024-25 Tuition and Other Fee Revenue



Description	Revised Budget	Actual Revenue 9/30/24	Uncollected Budget Balance	Percentage Collected as of 9/30/24
Regular Undergraduate In-State Tuition	\$119,751,914	\$58,198,891	\$61,553,023	49%
Summer Undergraduate In-State Tuition	9,378,950	11,322,028	(1,943,078)	121%
Graduate In-State Tuition	11,647,051	6,594,178	5,052,873	57%
Regular Undergraduate Out-of-State Tuition	109,363,308	56,658,972	52,704,336	52%
Summer Undergraduate Out-of-State Tuition	7,013,943	6,810,760	203,183	97%
Graduate Out-of-State Tuition	4,575,135	2,793,653	1,781,482	61%
Instruction - Off Campus	7,531,000	3,568,481	3,962,519	47%
Course and Other Fees	1,084,872	520,029	564,843	48%
Total Tuition & Technology Fee Revenue	\$270,346,173	\$146,466,992	\$123,879,181	54%

2024-25 Expense Review



	FY2025					FY2024		
	Original Expenditure Budget	Revised Expenditure Budget	Actual Expenditures as of 9/30/2024	Unexpended Budget 9/30/2024	Percentage Expended as of 9/30/2024	Percentage Expended as of 9/30/2023	Revised Budget as of 9/30/2023	Actual as of 9/30/2023
Education and General								
Instruction	213,796,431	211,914,096	59,707,993	152,206,103	28%	27%	204,288,108	55,890,353
Research and Public Service	1,658,958	1,858,763	(512,906)	2,371,669	-28%	-14%	1,949,069	(271,541)
Academic Support	53,865,506	54,975,707	14,263,990	40,711,717	26%	26%	52,521,574	13,464,601
Student Services	31,237,546	31,681,360	7,980,545	23,700,815	25%	24%	30,012,939	7,287,456
Institutional Support	74,566,042	70,886,137	19,113,922	51,772,215	27%	25%	64,935,996	16,002,824
Operation and Maintenance of Plant	47,946,039	48,693,425	13,274,313	35,419,112	27%	25%	46,795,742	11,721,594
Student Financial Asst - Univ and State GF	35,107,560	36,502,757	17,194,870	19,307,887	47%	49%	31,394,482	15,359,918
Total Education and General	458,178,082	456,512,245	131,022,727	325,489,518	29%	28%	431,897,910	119,455,205
Auxiliary Enterprises								
Dining Services	83,002,662	82,983,293	5,111,717	77,871,576	6%	6%	74,870,608	4,672,848
Retail Services	1,263,973	1,283,973	182,335	1,101,638	14%	12%	1,271,973	149,996
Residential Facilities	41,882,258	41,977,483	11,407,791	30,569,692	27%	26%	41,647,950	10,770,087
Parking and Transportation	8,199,895	8,268,682	3,480,648	4,788,034	42%	41%	8,150,034	3,313,788
Telecommunications	2,010,234	2,010,234	611,542	1,398,692	30%	44%	1,952,273	855,547
Health Center	6,918,129	7,134,189	2,216,617	4,917,572	31%	30%	6,737,580	2,023,287
Student Union and Student Services	8,371,990	8,652,384	2,245,564	6,406,820	26%	25%	8,480,018	2,086,990
Recreation Center	14,970,747	15,076,937	7,204,354	7,872,583	48%	47%	15,554,147	7,246,354
Athletics	67,713,034	69,303,223	25,851,541	43,451,682	37%	35%	69,350,558	24,135,250
Other	20,566,084	21,748,471	6,486,661	15,261,810	30%	32%	18,657,917	5,912,155
Auxiliary Reserve Projects (1)	-	18,287,759	4,801,825	13,485,934	26%	18%	15,335,809	2,775,231
Total Auxiliary Enterprises	254,899,006	276,726,628	69,600,595	207,126,033	25%	24%	262,008,867	63,941,533
TOTAL EXPENDITURES	713,077,088	733,238,873	200,623,322	532,615,551	27%	26%	693,906,777	183,396,738

(1) Auxiliary Reserve Projects are generally short-term projects funded from Auxiliary Cash Reserves. Because these projects are funded from reserves accumulated over prior years, there is NO related auxiliary operating revenue budget. Unspent budgets are generally carried forward to the next fiscal year.

2024-25 Restricted Fund Review



	FY2025			Comments	FY2024		
	Appropriation/ Allotment	Actual Expenditures as of 9/30/2024	Unexpended Appropriation		Appropriation/ Allotment	Actual Expenditures as of 9/30/2023	Unexpended Appropriation
Sponsored Programs, Grants and Contracts							
Virtual Library Of Virginia	10,884,348	2,576,935	8,307,413	The University manages procurement for the VIVA program. VIVA benefits all the state's higher education institutions. The program provides shared access to programs, services and collections, including electronic resources such as e-books and journals, research databases, etc.	8,398,301	2,882,504	5,515,797
Federal grants and contracts	34,000,000	13,961,940	20,038,060	\$11,248,237 and \$8,832,909 in financial aid for FY2025 and FY2024 respectively (mostly PELL grants).	26,000,000	12,507,841	13,492,159
State and nongovernmental grants and contracts	18,500,000	6,350,391	12,149,609		15,000,000	6,094,278	8,905,722
Indirect costs	5,000,000	823,956	4,176,044		5,000,000	721,764	4,278,236
All Other grants and contracts	3,142,639	405,808	2,736,831	Includes Work-Study, Eminent Scholars, Excess Indirect Costs, Commonwealth Innovative Internship Fund, College Lab School Fund, and Surplus Property.	870,078	1,759	868,319

Appropriations - The legal spending authority for State agencies to incur expenditures. Basic appropriation authority is established by the General Assembly through the biennial Appropriation Act. The Department of Planning and Budget has administrative responsibility for managing the process of appropriating and allotting funds. Agencies submit requests for appropriation and allotment actions and adjustments approval to DPB.

Allotments - Method under authority of the Governor to manage the rate of agency spending against its appropriation.

Unexpended Appropriation - Nongeneral fund unexpended appropriations do not automatically carry forward to the next fiscal year. While nongeneral fund cash balances do carry forward, those balances must be reappropriated to be available for expenditure.

Note 1 - The appropriation/allotment amount in Sponsored Programs, Grants and Contracts represents an estimate of the maximum amount of spending that could occur in the fiscal year. For the other categories, the appropriation/allotment amount is the actual award or revenue.





Financial Terms

- *Education and General* – Those activities which embrace the three programs directly related to the higher education mission: (1) instruction, (2) research and (3) public service. These activities encompass support programs (1) academic support, (2) institutional support and (3) operation and maintenance of physical plant.
- *Financial Assistance for Education and General* – Those activities which provide resources for education and general services through (1) state scholarships and fellowships, (2) sponsored programs and (3) eminent scholars.
- *Auxiliary Enterprises* – Those activities which are supported entirely through sales of services and use fees, such as housing, dining services, telecommunications and bookstore.
- *Instruction* – Expenditures for the primary mission of the University, including teaching faculty, support staff, instructional equipment and related routine operating costs.
- *Research* – Encompasses expenditures for activities such as support for research faculty, but does not include sponsored research. Activities include summer faculty research and faculty assistance.
- *Public Service* – Activities includes University supported workshops and institutes (Community Engagement & Volunteer Center, Student Theatre and Music productions).
- *Academic Support* – This program encompasses the Carrier Library, student computer labs, activities of the deans of colleges and schools, honors program and other related expenditures.
- *Student Services* – This programs primary purpose is to contribute to the student’s emotional well-being and to their intellectual, cultural and social development outside the classroom.
- *Institutional Support* – Primary purpose is to support the financial, administrative, logistical and development activities of the University.
- *Operation and Maintenance of Plant* – Activities related to the operation and maintenance of the physical plant of the University, net of amounts charged to auxiliary enterprises.
- *Student Financial Assistance* – University funded scholarships and fellowships.

University Debt Review

Mark Angel
Associate Vice President
Finance





Debt Obligation of the University

	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	Later Years	Total
Dining	5,890,000	6,088,613	6,390,144	5,265,000	5,515,000	49,155,000	\$78,303,757
Dormitory	7,652,656	8,539,742	8,511,056	8,750,228	7,595,000	81,700,000	\$122,748,682
Parking	1,680,000	1,765,000	1,830,000	1,315,000	1,380,000	16,905,000	\$24,875,000
Recreation	4,383,400	4,496,200	4,559,000	4,640,650	4,737,350	25,441,550	\$48,258,150
Athletics	6,226,600	6,448,800	6,661,000	6,649,350	6,972,650	67,213,450	\$100,171,850
Education & General	1,145,000	1,190,000	1,265,000	1,315,000	550,000	1,560,000	\$7,025,000
Student Health	675,000	675,000	680,000	685,000	695,000	3,385,000	\$6,795,000
Other	430,000	440,000	455,000	475,000	490,000	1,390,000	\$3,680,000
Total Bonds Payable	\$28,082,656	\$29,643,355	\$30,351,200	\$29,095,228	\$27,935,000	\$246,750,000	\$391,857,439



Debt Ratio Analysis – June 30, 2024

Annual Debt Service Cost	\$ <u>43,819,954</u>
Total Operating Revenue	\$ 702,940,423 = 6.23%

Note: Maximum Annual Debt Service Cost as a percentage of Total Operating Revenue shall not exceed 10%.



Comments Regarding Our Debt Portfolio

- The University has issued two categories of bonds pursuant to Section 9 of Article X of the Constitution of Virginia.
 - 9(c) bonds – General Obligation bonds backed by the full faith and credit of its Commonwealth.
 - 9(d) bonds – Debt Obligations backed by general revenue pledges of the University.



Comments Regarding Our Debt Portfolio

- All of the University's bonds are fixed rates with maturities ranging from 2025 through 2049. JMU does not have any derivative products nor has it used any credit agreements to enhance its credit in the portfolio.
- The University has complied with all significant financial and operating covenants and complied with all tax arbitrage calculations on its existing debt issues.
- The University does not have any "Off-Balance Sheet" financing held on its behalf by the James Madison University Foundation.

University Sustainability Update

Kirk Morris, Director of Engineering and Construction
Abe Kaufman, Energy Conservation & Sustainability Manager
Facilities Management



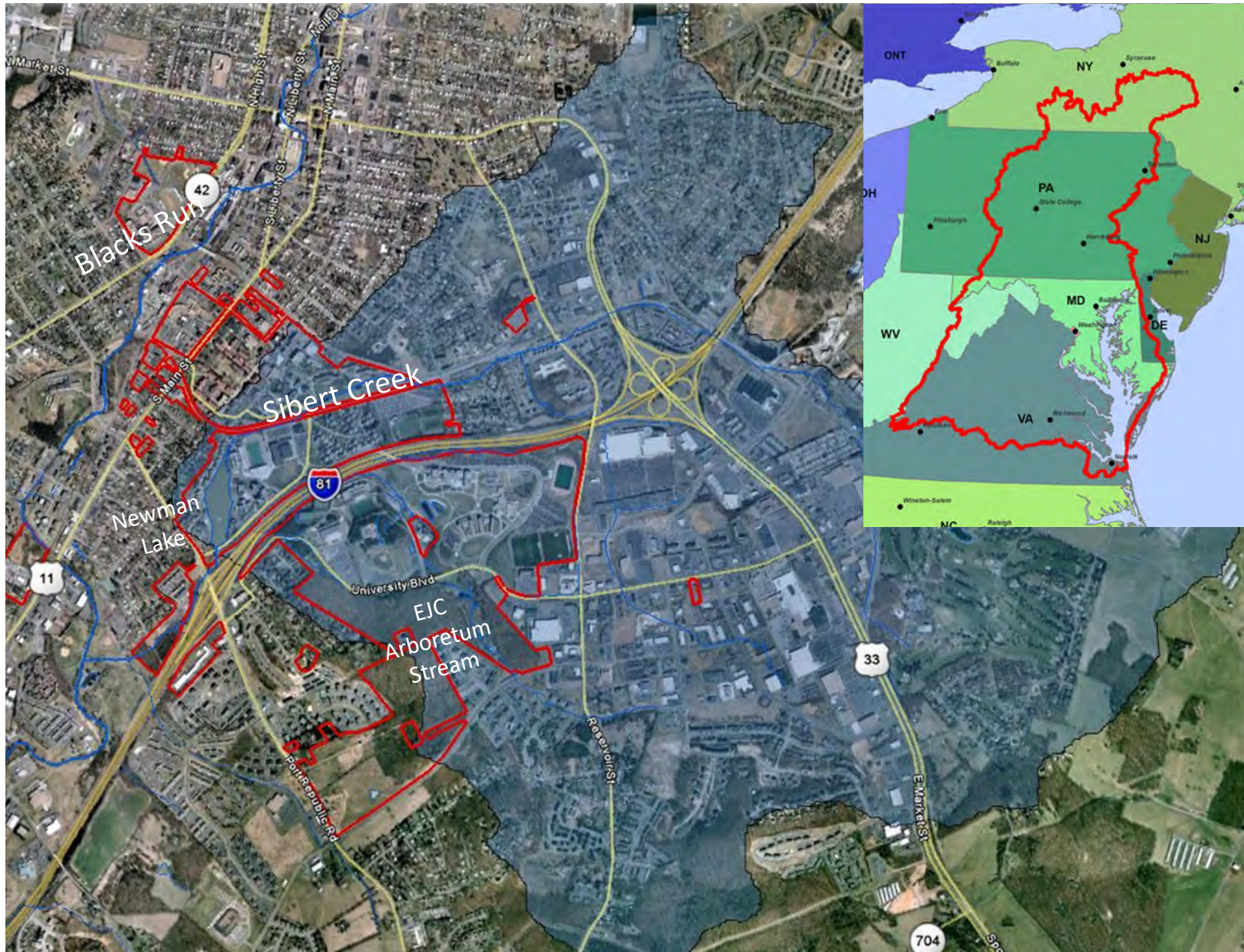


Stormwater Management

Environmental Benefits

Our Local Waterways

- Blacks Run
 - Sibert Creek
 - Newman Lake
 - (blue is drainage area)
- All of campus and the City is within the **Chesapeake Bay Watershed** – all campus stormwater drains to the bay.



Blacks Run Watershed map (JMU GES)

JMU's Municipal Separate Storm Sewer System (MS4) Permit

Required by the Department of Environmental Quality (DEQ) to obtain permit coverage to discharge pollutants to state waters.

Permit requires development of a program and plan to manage stormwater and prevent pollution.

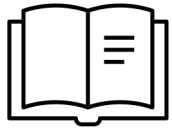
JMU and the City of Harrisonburg are both MS4 entities - each have their own permit and program.





JMU's Stormwater Program Plan

Required Permit Components



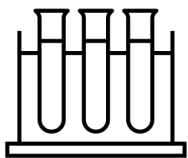
**Public
Education &
Outreach**



**Illicit Discharge
Detection &
Elimination**



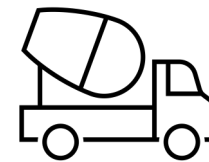
**Post-Construction
Stormwater
Management**



**Public
Involvement &
Participation**



**Pollution
Prevention & Good
Housekeeping**



**Construction
Site Stormwater
Runoff Control**



Stormwater BMPs

The real powerhouses on campus



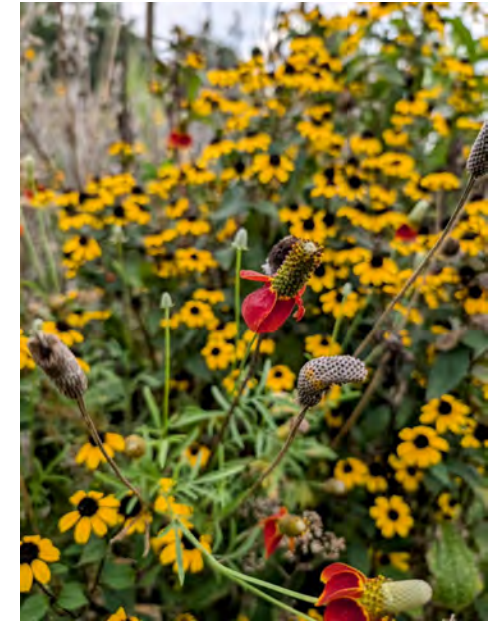
Bioretention



Stream Restoration



Green Roof



Land Use Conversion



**Retention Ponds
(Wet Ponds)**



Detention Ponds



Permeable Pavers



Stormfilters





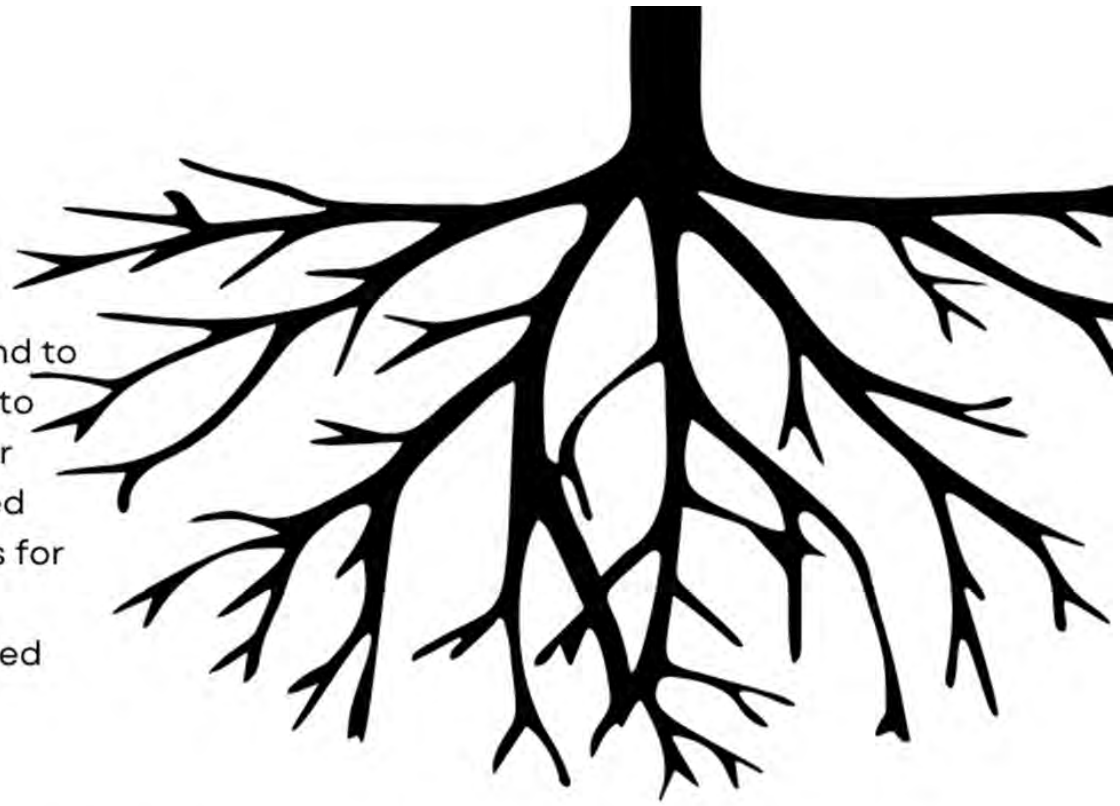
Tree Campus Higher Education

Arbor Day Foundation

Certified since 2017

Our Roots

Each year, JMU reports to the state forestry department and to the Arbor Day Foundation on how the university continues to achieve the standards set forth by the Tree Campus Higher Education program. The Arbor Day Foundation has reviewed JMU's application and has approved JMU as a Tree Campus for the seventh year in a row. A big thank you to the JMU Tree Campus Advisory Committee members for their tree-related work across campus and in the community.



Tree Campus Advisory Committee

- Abe Kaufman, FM Sustainability
 - Ali Sloop, FM Stormwater
 - Brandan Baker, FM Landscape & IPM
 - Elena Finelli, Student Representative
 - Jan Sievers-Mahon*, EJC Arboretum
 - Jason Campbell, FM IPM
 - Jeremy Harold*, Harrisonburg Public Works
 - Mikaela Schmitt-Harsh Ph.D*., IdLS
 - Nate Brown, FM Sustainability
 - Wes Runion*, Harrisonburg Public Works
- * denotes Certified ISA Arborist*



Our Trunk



Photo: JMU/A.Sloop

2,545

Number of trees pruned on campus. Regularly scheduled pruning by FM Tree Specialists keeps trees healthy and reduces potential conflicts with infrastructure as trees grow.

275

Number of trees planted on campus this year. FM does a 1:1 replacement when trees have to be removed on campus. With an estimated 125 trees removed this past year, our ratio was more than 2:1.

\$338,826

Amount of money invested in campus tree health and care this past year. This number includes the hiring of outside contractors, such as certified arborists, to climb trees to complete pruning and to prescribe disease treatment on specimen trees, like the mature elm and ash trees on the Quad.

567, 100+

Hours of volunteer service time spent tree planting or assisting with the campus tree inventory from over 100 unique student and community volunteers.

\$18,030.60

Value of service and volunteer hours this past year which were instrumental in JMU achieving Tree Campus status for its seventh year. The value was calculated using the national estimated volunteer hourly rate of \$31.80.



Our Branches



CAMPUS TREE INVENTORY

Over 97% of trees on main campus areas have been logged into the online tree inventory. There are just under 9,000 trees on campus.



ARBOR DAY OBSERVANCE

A Poet-Tree event at the EJC Arboretum with the Furious Flower Poetry Center celebrated how nature can inspire through poetry.



SERVICE LEARNING PROJECTS – RIPARIAN BUFFER PLANTING

JMU students, staff, community and H'burg Public Works planted over 330 trees in a campus stream buffer area.

Photos: JMU/EJC Arboretum & Amy Goodall & A.Sloop



Bee Campus USA

The Xerces Society
Certified since 2019

BEE CAMPUS USA™



Provides a framework for university and college campus communities to work together to conserve native pollinators by increasing the abundance of native plants, providing nest sites, and reducing the use of pesticides.



Program Commitments

- Establish standing Bee Campus Advisory Committee that advocates for pollinators.
- Create and enhance pollinator habitat on campus.
 - Increasing abundance of native plants and providing nesting sites.
- Reduce the use of pesticides.
- Offer courses or continuing education opportunities that incorporate pollinator conservation.
- Offer service-learning projects to enhance pollinator habitat.

Pollinator Habitat

Our pollinator conservation efforts include growing pollinator-friendly flowers, providing nest sites, avoiding insecticides in designated pollinator areas, and spreading the word.

Learn how to make your own habitat at www.jmu.edu/stewardship



Bees Virginia has 18 species of bumble bees and more than 450 other bee species – most of which are solitary.

Butterflies & Moths



Pure Golden Green Sweat Bee (Dale Chestnut)

Birds



Ruby-throated Hummingbird (Mike Donaldson)



Monarch butterfly (Dale Chestnut)



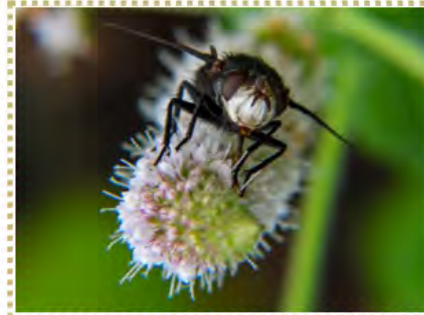
Petrophila sp. moth (Dale Chestnut)



Western honey bee (Dale Chestnut)

Honey Bees

An important non-native pollinator in the agricultural world, it is also known as the European Honey Bee and occurs naturally in Europe, Middle East and Africa.



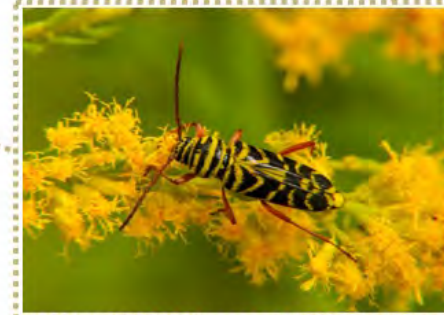
Bristly Flower Fly (Dale Chestnut)

Flies



Blue-winged Wasp (Dale Chestnut)

Wasps



Longhorn Beetle – Locust Borer (Dale Chestnut)

Beetles



Student recording pollinator species during annual City Pollinator BioBlitz.
Students learning about pollinator habitat with faculty at the Land Bridge meadow.
JMU Geography student org pollination activity at annual Harvest Fest at Arboretum.
JMU Beefriendly Beekeepers student organization.



Last Year...

- **8 service-learning projects** enhancing or creating pollinator habitat – involved over **280 students**.
- **9 credit courses** with pollinator-related components attended by **160 students**.
- **3 continuing education courses** focused on native plants or pollinators were attended **130 participants**.
- **28 pollinator-related events** with a combined total of **1,623 attendees**.
- **11 pollinator habitat projects** with **247 volunteers** where over **2.6 acres** of habitat were either created or enhanced on campus.





Natural Area Landscapes

Unique biodiverse areas on campus utilized for student learning and research and community outreach and engagement

The East Campus Hillside

1. Statue of President James Madison
2. East Campus Hillside Solar Facility
3. East Campus Upland Meadow
4. JMU Geography Weather Station
5. Raised Garden Beds for Student Research
6. Tree Education Area
7. Stream Restoration and Forested Buffer
8. JMU Edible Forest Garden
9. Triangle Steep Slope Meadow
10. Retention Stormwater Ponds





VA Pollinator-Smart Solar Certification

The East Campus Solar Facility expanded in 2023 and with that expansion the site was planted with native meadow pollinator-friendly species between the solar arrays and in the open spaces of the facility.

This pollinator habitat helped JMU become the first university in the state to become certified as a Pollinator Smart solar site and only the third site statewide.

East Campus Solar Facility meadow in bloom.
Solar facility aerial image during construction.
Native bee nesting houses on the perimeter of the solar facility.
Pollinator Smart certification sign on solar facility fence.





Campus Native Meadows – 6 acres

- East Campus Upland Meadow
 - est. 2012
- Triangle Steep Slope Meadow
 - est. 2023
- East Campus Solar Meadow
 - est. 2023
- Land Bridge Meadow
 - est. 2018
- University Farm Riparian Buffer Meadow
 - est. 2023

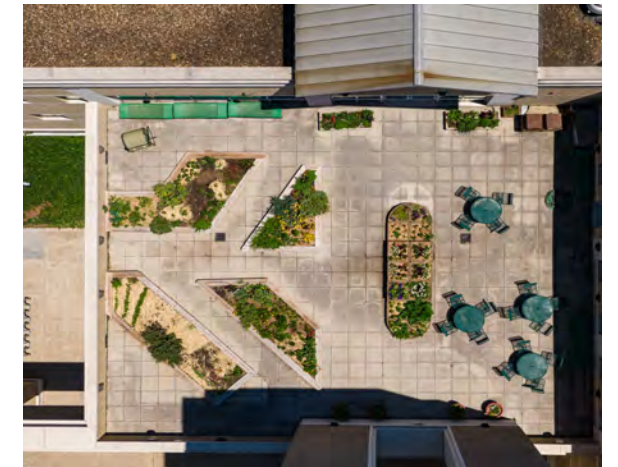
Native goldenrod in the East Campus Upland Meadow.
Students performing research and data collection in a meadow area on campus.
Black-eyed Susan's blooming in the Land Bridge meadow.
Native warm season grasses and wildflowers in meadow on campus.
New England Aster blooming in meadow area.



Pollinator & Learning Gardens

- **Rooftop Patio Garden at King Hall**
 - Bugs and Blooms Project – tracks phenology of flower bloom timing and pollinator abundance
- **Pollinator Garden at Bioscience**
 - Student constructed pollinator gardens to provide full season habitat to native pollinator species.
- **Monarch Waystation and Herb Garden at the E.J.C. Arboretum**
 - Certified Monarch habitat to support a declining species and herb garden supports pollinators
- **Madison Garden behind E-Hall Dining**
 - Native flowering plants to support pollinators, hosts regular student volunteer workdays
- **East Campus Raised Garden Beds**
 - Supports JMU's Bee Campus Program and student class and research projects

Students working in rooftop patio garden.
Students volunteering at Madison Garden work day.
Students constructing pollinator garden at Bioscience.
Students collecting data at EJC. Arboretum at Monarch Waystation.
Aerial view of rooftop patio garden.





Green Buildings Update

Green Buildings

- JMU Policy 1703 – Sustainable Construction - states that new buildings or major renovations must be designed according to a green building standard
- We follow standards outlined by:
 - LEED – Leadership in Energy and Environmental Design, developed by the U.S. Green Building Council®
 - VEES – The Virginia Energy Conservation and Environmental Standards, developed as state alternative to LEED



Green Buildings



19 buildings totaling 1.9 million GSF

- LEED Certified
 - Atlantic Union Bank Center
 - Dukes Dining
 - Carrier Renovation (pursuing)
 - Ikenberry Hall (pursuing)
- LEED Silver
 - College of Business
 - Madison Hall
 - USB Annex
 - UREC Addition
 - Grace Street Housing
 - D-Hall
 - Bioscience Building
 - University Park
 - Duke Hall (renovation)
- LEED Gold
 - E-Hall
 - Student Success Center
- LEED Platinum
 - Wayland Hall (renovation)
- VEES-built
 - Wilson Hall (renovation)
 - Paul Jennings Hall
 - Darcus Johnson (renovation)





Greenhouse Gas Emissions Inventory

Updated through FY 2022-2023

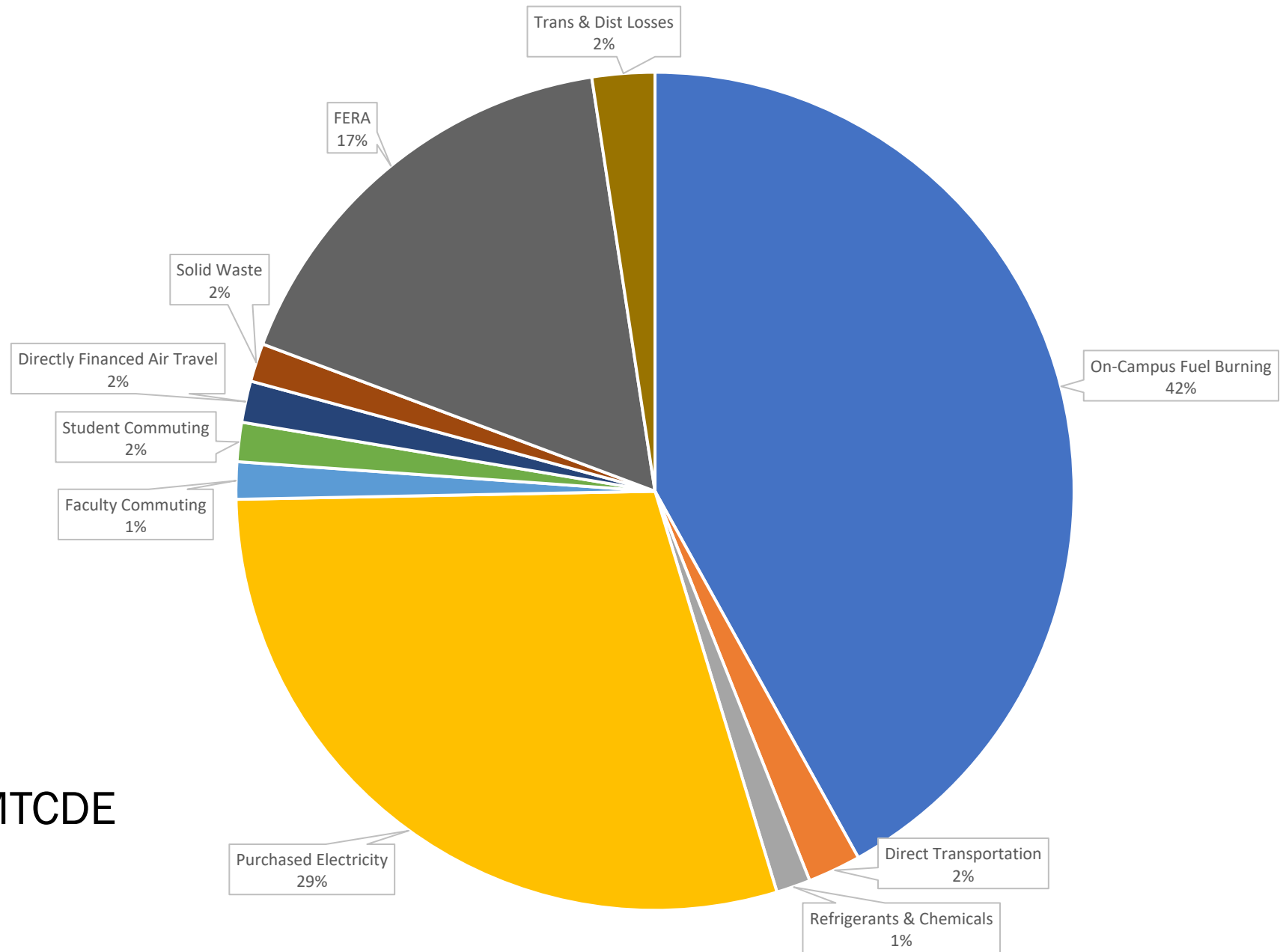
BOARD OF VISITORS



What is a GHG Emissions Inventory?

- More commonly known as “carbon footprint” but for entire organization
- Process of collecting, analyzing, and presenting data on the emissions of greenhouse gases attributable to the existence and operations of our institution
- Important metric for benchmarking JMU’s environmental stewardship compared to itself and other colleges/universities
- JMU Facilities Management staff has completed 6 emissions inventories that track our data from 2005-2023
- Completed using SIMAP online modeling tool and usually takes 4-6 months and involves collecting data from across campus





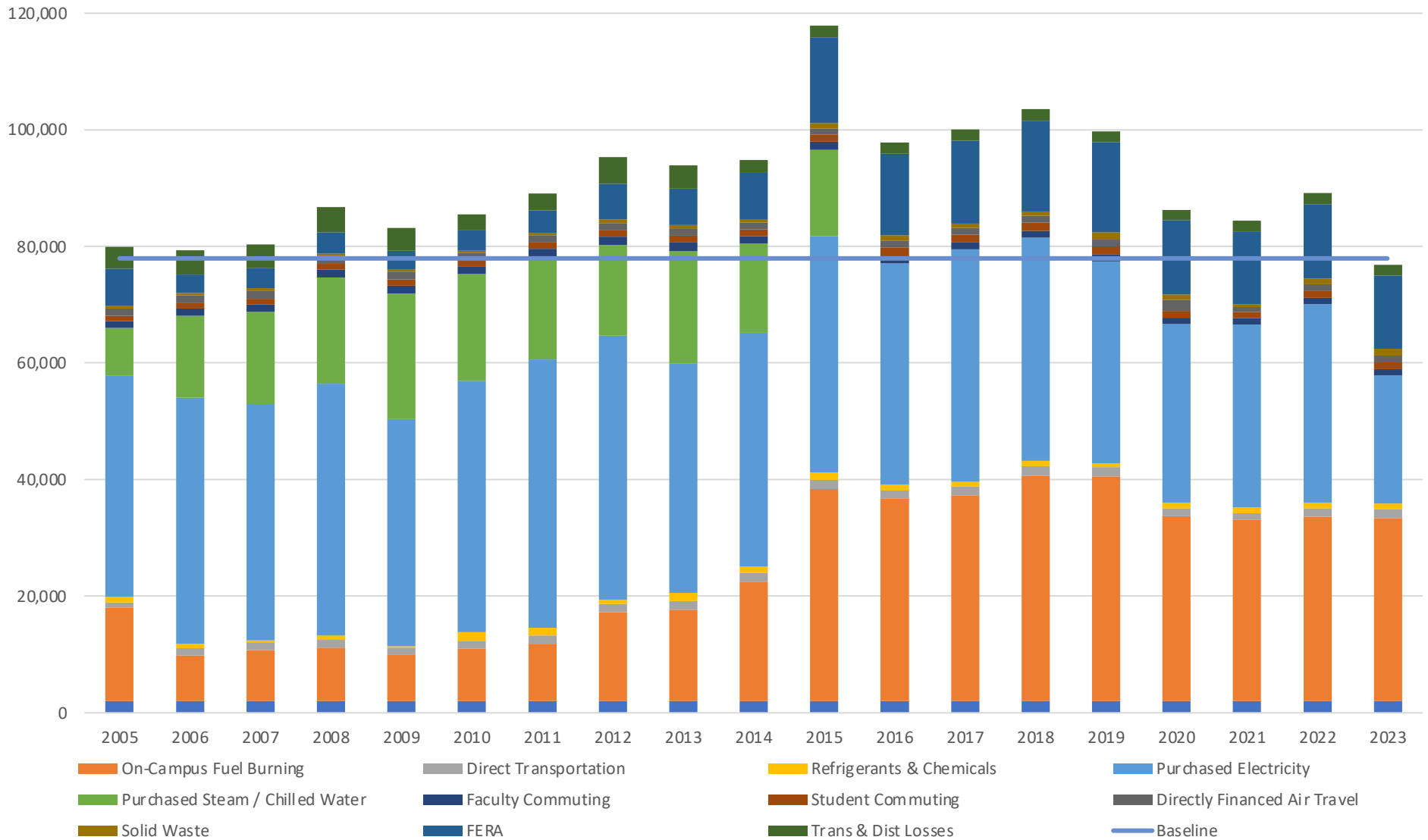
- FY 2023
- Total: 74,815 MTCDE

Emissions Trends

Metric Tons of CO2 Equivalent by Fiscal Year



2023 was first year since 2006 to be below the baseline year!



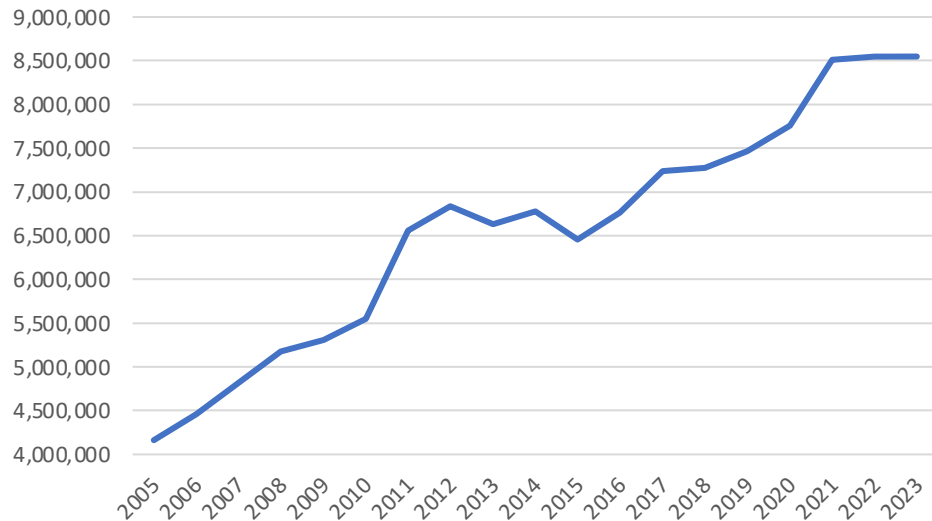
Emissions Trends



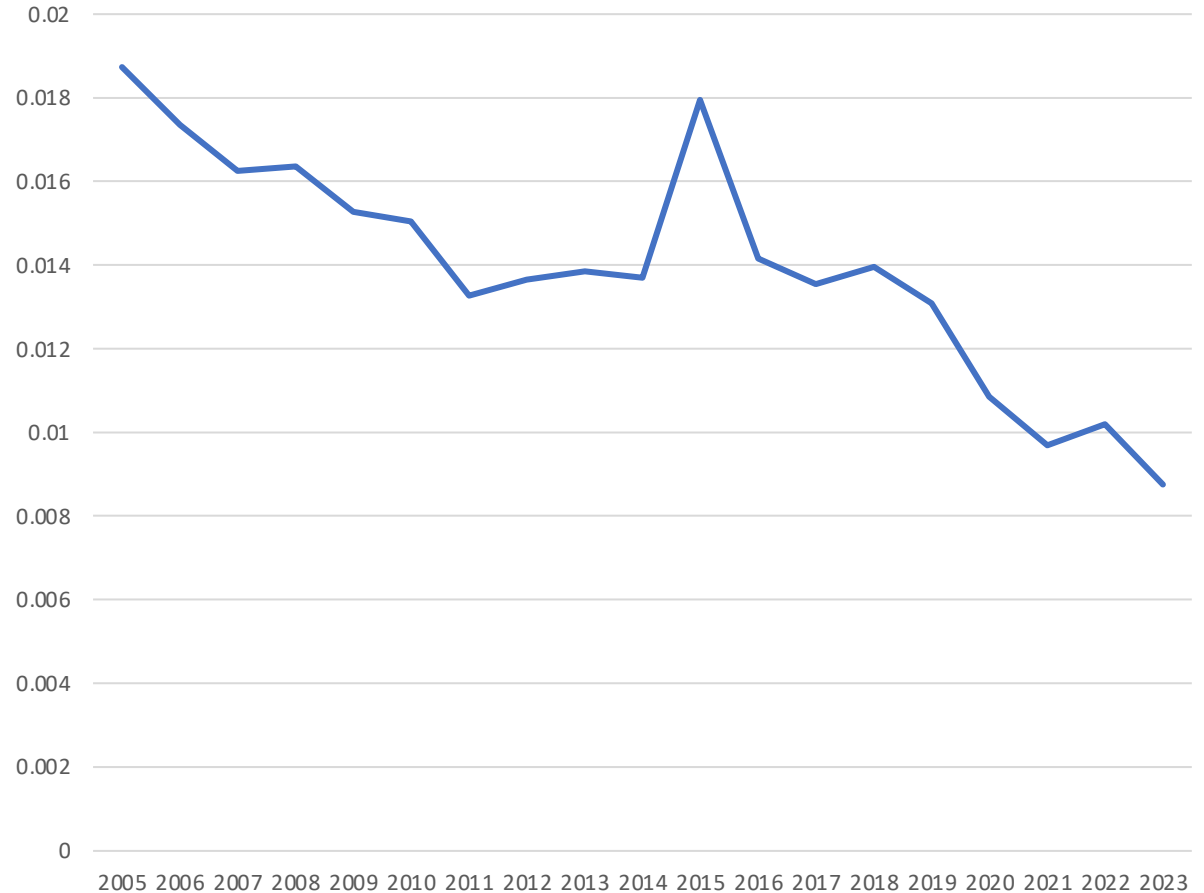
Comparing FY 2023 to FY 2005:

- Total area of campus buildings doubled
- Total emissions **decreased** by 4%
- Emissions per square foot of building space decreased by 53% from 2005 to 2023.

Campus Building Area



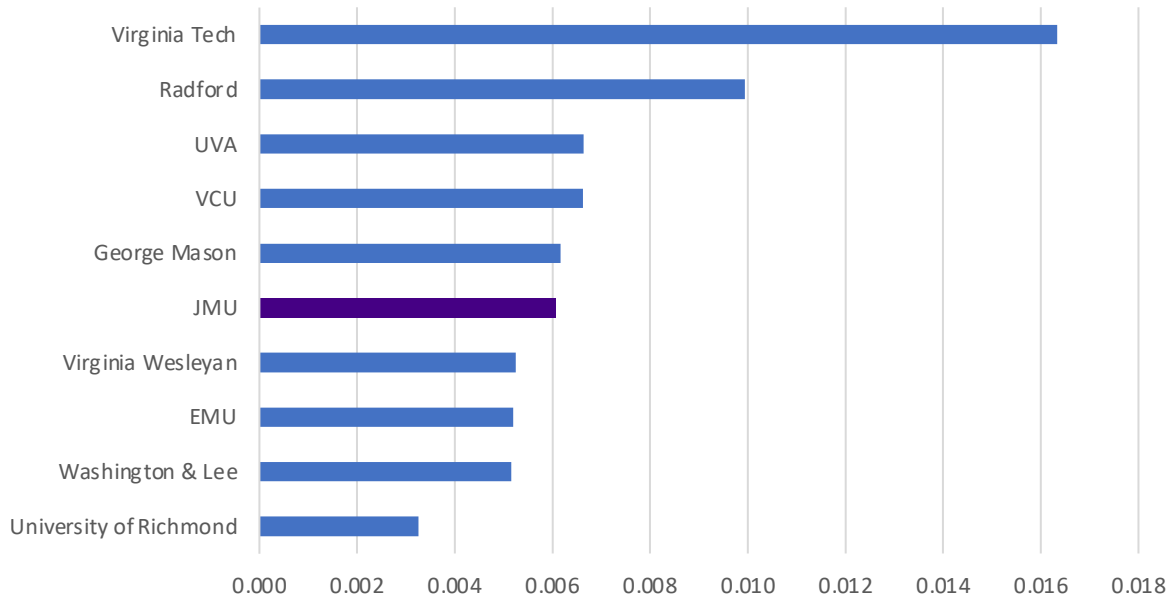
Total Emissions per GSF (MTCDE)



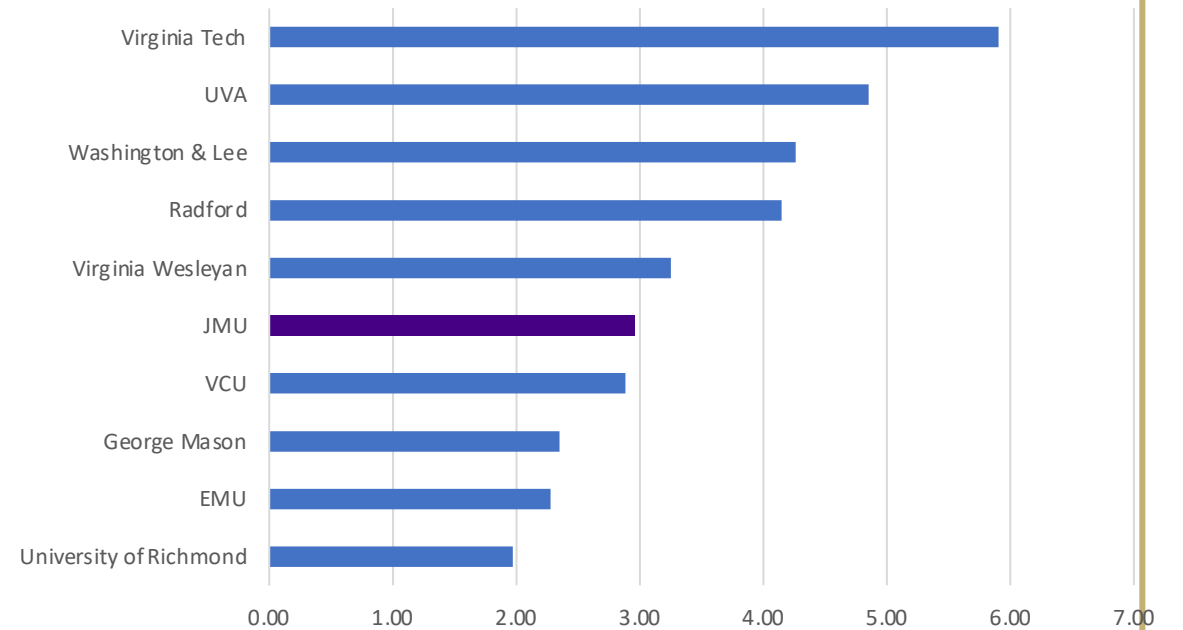


In-State Comparisons

Scope 1 & 2 GHG Emissions per EUI-adjusted Floor Area



Scope 1 & 2 GHG Emissions per Weighted Campus User





Emissions Trends

What has accounted for the downward trend in GHG emissions?

Electrification

- Replacing natural gas-powered chillers with new, electric chillers for cooling our buildings
- Virginia's energy mix is relatively clean:
 - 54% Natural Gas
 - 31% Nuclear
 - 11% Renewables
 - 4% Coal

Chiller loops

- Multiple buildings are cooled by the same chillers
- Larger chillers can run at higher capacity where they are more efficient



Sustainability Tracking, Assessment, and Rating System (STARS)

- Developed by the Association for the Advancement of Sustainability in Higher Education (AASHE)
- Over 350 institutions of Higher Ed in over 15 countries have a STARS rating.
- JMU is currently rated at Silver and has reported since 2013 on a three-year cycle



STARS – Campus Fleet

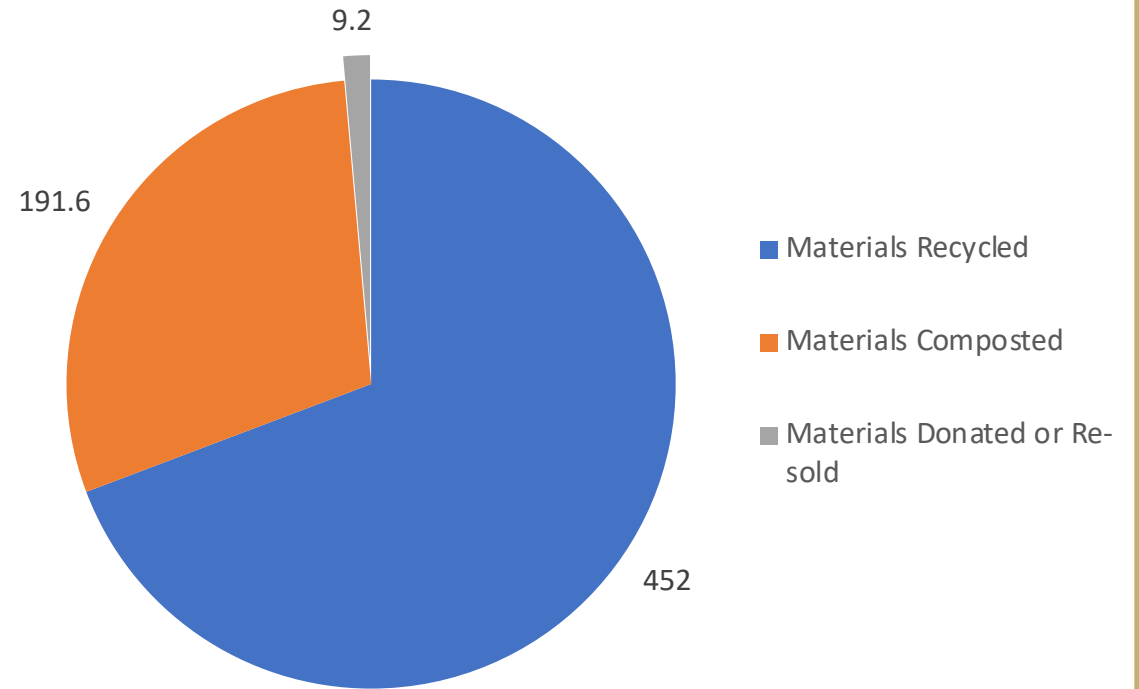
- JMU currently has 481 vehicles in the fleet
- 17% of JMU's fleet uses alternative, cleaner fuels such as:
 - Gas-electric hybrids
 - Dual-fuel (gasoline and propane)
 - Fully electric
 - Plug-in hybrids



STARS – Recycling and Waste

- 12% reduction in total waste generated per campus user from baseline year (2009) even though campus population has grown by 10%
- Percentage of materials diverted from the landfill or incinerator: 23%

FY 2023 Tons of Material Recycled, Composted, or Donated



STARS – Alternative Transportation

- JMU was awarded Silver-level Bicycle Friendly University status for its efforts to promote and enable safe, accessible bicycling on campus.
- Over 10 miles of bike lanes on campus
- Bike repair services available at UREC
- Semester-long bike rentals available for \$100/semester
- Extensive bus routes are available for off-campus students as well as an inter-campus shuttle



STARS – Sustainability in Dining

- Compost all pre-consumer waste in dining locations, and all pre and post-consumer waste is composted in residential dining halls
- Local food purchasing is prioritized where possible
- Over 7,000 pounds of leftover food was donated to local organizations last year





STARS – Clean Energy

- Hillside solar array was upgraded from a 10-kW system to a 300-kW system
- First solar array in the Commonwealth to be certified Virginia Pollinator-Smart Solar Site
- 36,000 MWh of Green-e National Wind/Solar Renewable Energy Credits were purchased in the fall of 2022, meaning that 12% of energy consumption was free clean, renewable sources

How Students Can Get Involved



Volunteer with an environment-focused [Alternative Break](#)



Take an [environmental sustainability-related course](#)
Over 90 courses, six of which satisfy GenEd requirements



Take the [Environmental Stewardship Tour](#)



Incorporate more walking, carpooling, using public transportation, and biking to and from campus

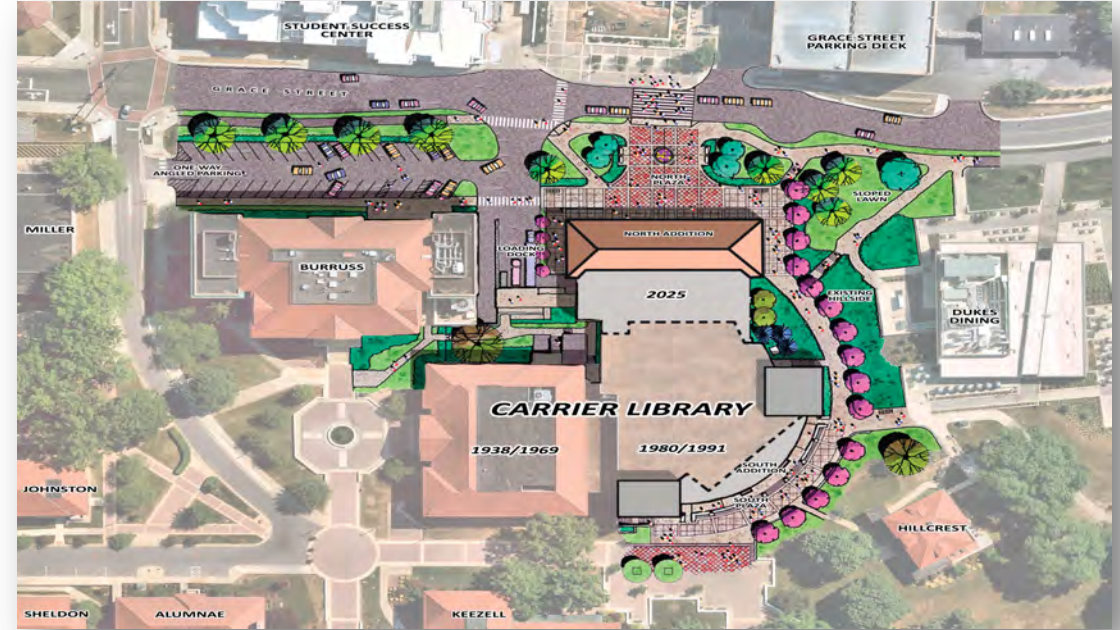


Capital Projects Update

Kirk Morris, Director of Engineering and Construction
Abe Kaufman, Energy Conservation & Sustainability Manager
Facilities Management



Carrier Library Renovation & Expansion



- 177,600 square foot facility
 - 121,000 Existing
 - 56,400 Addition
- Open to students August 2026

- Pursuing LEED Certification
- Metering all whole-building energy sources and any end use that uses $\geq 10\%$ of total consumption
- Site assessment including hydrologic, topographic and climate factors

Carrier Library Renovation & Expansion



Carrier Library Renovation & Expansion



Carrier Library Renovation & Expansion



Carrier Library Renovation & Expansion



Village Housing



- 461-bed dormitory
- Six stories
- 128,000 square feet
- Day 630 of 830 Day Construction Schedule
- Construction Start: June 2023
- Project Completion: August 2025

- Pursuing LEED Certification
- 27% energy use reduction compared to baseline
- Using materials that have third-party-verified Life Cycle Assessments
 - E.g., Spray-Applied Fire Resistive Materials on structural steel



East Campus Power Plant – Phase 1 & 2



- Pursuing VEES Certification
- Renewable Energy Installation

- 11,000 building to house the (2) new boilers and related equipment.
- The existing building will house the chillers and related equipment.
- Construction Start
 - Construction Start: January 2025
 - Project Completion: August 2026



Spotswood Hall



- Pursuing LEED Certification

- Bluestone Renovation
- Living/Learning
- Madison Center
- Construction Start: May 2025
- Project Completion: May 2026



Johnston Hall



- Pursuing LEED Certification
- Original Window Replacement
- Biophilic Design

- Bluestone Renovation - 19,974 square feet
- Addition – (3) Stories – 13,421 square feet
- Entry Orientation creates New Plaza
- Construction Start: July 2025
- Project Completion: January 2026

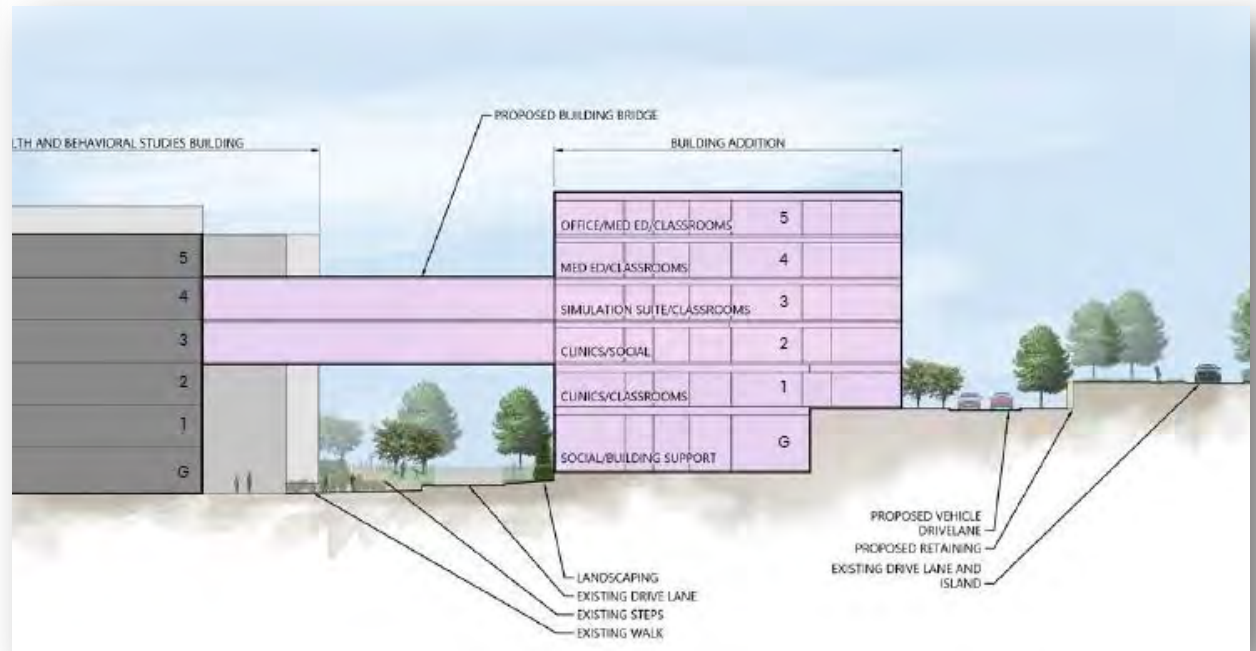


CHBS – Phase 2



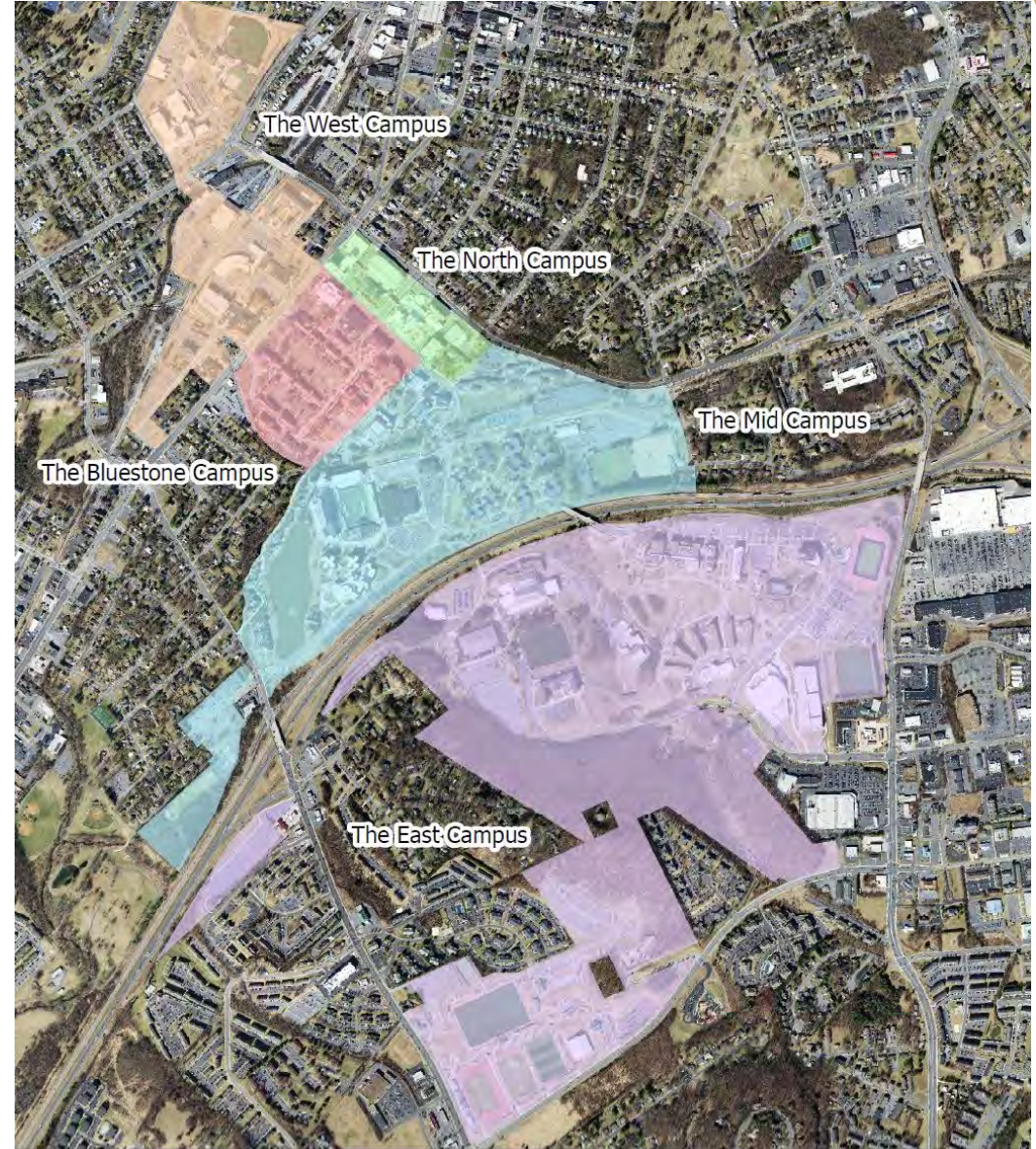
- Addition (5) Stories 125,367 square feet
- Circulation bridge to connect buildings
- RRMM/Paige selected
- Proposed Construction Start: January 2027
- Proposed Project Completion: May 2029

- Pursuing LEED Certification
- Renewable Energy Requirement



Campus Master Plan Update

- Sasaki Associates, Inc. Selected
- Overall Schedule Oct 24 – Oct 25
- Phase I Discovery & Analysis Oct 24-Jan 25
- Phase II Concept Alternatives Feb 25-April 25
- Phase III Campus Plan Development May 25-Sept 25
- Final Report Oct 25
- Complete Update to 2017 Plan
- Focus on Student Experience
- Land Use
- Space Use
- Tied to Strategic Plan



THE COMMONWEALTH OF VIRGINIA THE VISITORS OF JAMES MADISON UNIVERSITY

Governance Committee
Thursday, November 7, 2024
Meeting Room 2
12:00 p.m.

Agenda

1. Approval of Minutes – September 12, 2024*
2. JMU Board Self-Evaluation
3. Proposed JMU Board Manual Changes*
4. Student Handbook Review
5. Board Retreat, June 5-6, 2025

*Action Required

**THE COMMONWEALTH OF VIRGINIA
THE VISITORS OF JAMES MADISON UNIVERSITY**

GOVERNANCE COMMITTEE

Minutes of the Meeting September 12, 2024

The Governance Committee of the James Madison University Board of Visitors met on Thursday, September 12, 2024 in the Festival Conference and Student Center at James Madison University. Jack White, chair, called the meeting to order at 12:00 pm.

PRESENT:

Bolander, Jeff	Rexrode, David
Fiorina, Carly	White, Jack, Chair
Kirkpatrick, David, liaison	
Obenshain, Suzanne	

ABSENT:

James, Kay Coles

ALSO PRESENT:

King, Charles, President
Knight, Jack, University Legal Counsel

On motion by Jeff Bolander, seconded by Carly Fiorina, the committee approved an amended version of the minutes of the April 18, 2024 meeting to reflect accurate attendance.

The committee discussed the JMU board self-evaluation process.

The committee briefly discussed details for the two-day, off-site retreat on June 5-6, 2025.

Bylaw Revisions

The committee reviewed revisions and updates to the Board Manual. On motion by David Rexrode, seconded by Carly Fiorina, the committee approved the following revisions to the Board Manual:

Article V. Non-Voting Representatives

In addition to the members appointed by the governor, two non-voting representatives are invited to attend all open meetings of the board, ~~and of the Academic Excellence Committee~~ of the board, to provide information and advice as deemed appropriate by the rector or chair of the committee, without authority to vote or to make or second motions. The non-voting representatives are not authorized to attend closed sessions of the board or committees.

Article XI. MEETINGS

ADDED: Meetings

L. Faculty Senate Speaker

A. The Faculty Senate Speaker or representative will attend the Full Board meetings and provide a report to the board.

M. Student Representative to the Board

A. The student representative to the board will attend the Full Board meetings and provide a report to the board.

Appendices

Appendix B: Committee Charters

Academic Excellence Committee Charter

Composition and Independence

The Committee is comprised of three or more members of the Board of Visitors. The Provost and Faculty Senate Speaker, or their designees, are expected attendees.

Responsibilities

- ~~Hear report from the Faculty Senate Speaker at each committee meeting~~

Student Affairs Committee Charter

Responsibilities

Hear reports from the president of the Student Government Association and the student representative to the Board of Visitors

C. A Brief History of James Madison University

Presidents:

ADDED Title: Mr. Julian Ashby Burruss

ADDED Term ending: Mr. Jonathan A. Alger 2021-2024

ADDED: Mr. Charles W. King. 2024-

These changes will be brought to the full board at the November meeting.

With no further business, the committee adjourned at 12:45 pm.

Jack White, Chair

David C. Kirkpatrick, Secretary to the Board

Proposed Changes to Board Manual

September 11, 2024

p. 4 Remove “and of the Academic Excellence Committee of the board” (under Article V)

p. 11

H. Meetings held through Electronic Communication Means

p. 12

4) Change “25” percent to “50” percent.

1) b. Revise

A medical condition of a member of the member’s family requires them to provide care or the member must provide care for a person with a disability; or

p. 13 Added

L. Faculty Senate Speaker

A. The Faculty Senate Speaker or representative will attend the Full Board meetings and provide a report to the board.

M. Student Representative to the Board

A. The student representative to the board will attend the Full Board meetings and provide a report to the board.

p. 23 Remove “and Faculty Senate Speaker (under Composition and Independence)

p.23 Remove “Hear Report from Faculty Senate Speaker at each committee meeting.

p. 31 Remove “and the student representative” under the responsibilities of the Student Affairs Committee Charter

p. 32 Added “Mr.” for Julian Burruss

p. 32 Added year “2024” for Mr. Alger

p. 32 Added Charles W. King 2024 –

November 7, 2024

p. 5 Added

1. **of Virginia** (Article IX. Rights and Powers)

p. 7 Added

5.a. **and professional**

p. 11 Added

E. changed 7 to **seven** days prior to any meeting

p. 12 Delete

The board shall ensure that the meeting minutes contain all of the information required by law.

p. 14 Added

A. Executive Committee

4. Appendix **B**

p. 14 Added

e. added **and** real estate acquisitions

p. 18 Added

4. Deleted between added **among** the board and faculty

7.a. **and administrative and professional** faculty

p. 23 Added

Composition and Independence

Deleted Faculty Senate Speaker and added **Vice President for Academic Affairs**

p. 25 Added

Support the **Department of Athletics**' mission (deleted Athletic Department's) mission

p. 26

Added **board of visitors** (deleted BOV)

p. 27

Added **board of visitors** (deleted BOV)

p. 29

Composition and Independence

Deleted Administrative Affairs and added The Vice President of **Administration and Finance**, or their designee, is expected to attend.

p. 32

C. Brief History of JMU

Deleted: As of fall, 2019 the university's current enrollment is approximately 22,000. The university has been cited repeatedly in national surveys as one of America's finest undergraduate universities.

Added: **In 2013, JMU developed a vision to be "the national model of the engaged university" with a strategic plan focused on engaged learning and community, and civic engagement. JMU's Carnegie classification was elevated in 2022 to R2, establishing the university as a Doctoral University with High Research Activity.**

JMU has become a national model for high-impact learning practices, service learning, civic engagement, and promoting access with programs such as Valley Scholars, and it was ranked as the "top college in Virginia for getting a job."

As of Fall 2023, the university's enrollment is approximately 22,760 students.

**MANUAL OF THE
BOARD OF VISITORS
OF
JAMES MADISON UNIVERSITY**



James Madison University
Harrisonburg, Virginia

November 10, 2023

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THE BOARD MANUAL

A. Purpose of Manual: The *Manual of the Board of Visitors* of James Madison University is designed to serve as a guide to the rules, powers and duties of members of the university's board of visitors. It contains the Board Bylaws, the Code of Ethics, and information concerning James Madison University. Changes to the Bylaws and Code of Ethics require board action. Other portions of the Manual will be updated by the administration of the university as needed.

B. Copies provided: A copy of this manual shall be provided by the board secretary to each member of the board upon his/her appointment to the board, and to each member of the board upon amendment of the bylaws or any other significant changes made to the manual.

C. Website: The university maintains a website for the Board of Visitors at www.jmu.edu/visitors. The board's bylaws, meetings, members and minutes are posted on the website, along with information on the Virginia Freedom of Information Act (Code of Virginia Title 2.2, Chapter 37, § 2.2-3700), in compliance with state law. Code of Virginia Title 23.1, Chapter 13, § 23.1-1303.

D. Expenses: Members of the Board of Visitors are entitled to receive their actual expenses, when properly itemized, incurred in the discharge of their duties in attending the meetings of the board. Code of Virginia, Title 23.1, Chapter 13, § 23.1-1307.

E. Liability: Members of the board are covered by the Commonwealth of Virginia's self-insurance plan established by the Division of Risk Management of the Department of the Treasury. Code of Virginia, Title 2.2, Chapter 18, § 2.2-1837.

F. Conflicts of Interest: Members of the board are subject to the provisions of the State and Local Government Conflict of Interests Act (Code of Virginia, Title 2.2, Chapter 31, § 2.2-3100). Each member must file annual reports as required by law. Code of Virginia, Title 2.2, Chapter 31, § 2.2-3114.

G. Education: The State Council of Higher Education for Virginia has developed an educational program for board members, and all new board members must participate in these programs at least once during their first two years on the board. Code of Virginia, Title 23.1, Chapter 13, § 23.1-1304.

H. University Employment. Members of the board are ineligible for employment with the University for a period of two years following the expiration of their terms of service on the board. Code of Virginia § 23.1-1300.

BYLAWS OF THE BOARD OF VISITORS

Article I. Establishment of the Institution

James Madison University is a public comprehensive university, which is part of the statewide system of public higher education of the Commonwealth of Virginia.

Article II. Establishment of the Board of Visitors

The governing body of the university is the Board of Visitors, which by statute is responsible for overseeing the effective governance of the university. Code of Virginia, Title 23.1, Chapter 16, § 23.1-1600.

Article III. Statutory Authority

The university is a public corporation established by the General Assembly of the Commonwealth of Virginia in 1977, amending an act approved by the General Assembly in 1964, changing the name of the institution from Madison College to James Madison University. Code of Virginia, Title 23.1, Chapter 16, § 23.1-1600.

Article IV. Composition

The board is composed of 15 voting members appointed by the governor. Code of Virginia, Title 23.1, Chapter 16, § 23.1-1601.

Article V. Non-Voting Representatives

In addition to the members appointed by the governor, two non-voting representatives are invited to attend all open meetings of the board **and of the Academic Excellence Committee of the board**, to provide information and advice as deemed appropriate by the rector or chair of the committee, without authority to vote or to make or second motions. The non-voting representatives are not authorized to attend closed sessions of the board or committees.

A. A non-voting student representative to the board is chosen annually in a manner determined by the board. Code of Virginia, Title 23.1, Chapter 13, § 23.1-1300. The board has directed the election of the student representative to the board be conducted by the Student Government Association.

B. The Speaker of the JMU Faculty Senate serves in a non-voting capacity as the faculty representative to the board. Code of Virginia, Title 23.1, Chapter 13, § 23.1-1300.

Article VI. Appointment of Voting Members

The governor may appoint board members from names submitted by the University, but the governor is not limited to names submitted by the University. Code of Virginia, Title 23.1, Chapter 16, § 23.1-1601. The Virginia Commission on Higher Education reviews potential board appointees and makes recommendations to the Governor. Code of Virginia, Title 2.2, Chapter 25, § 2.2-2518. Of the persons appointed, no more than two may be non-residents of Virginia. Code of Virginia, Title 16, § 23.1-1601. All appointments are subject to confirmation by the General Assembly. Code of Virginia, Title 23.1, Chapter 13, § 23.1-1300.

Article VII. Terms of Appointment

Members of the board are appointed for terms of four years each. The term for a board member is from July 1 to June 30. Members shall continue to hold office until their successors have been

appointed and have qualified. Vacancies occurring other than by expiration of term are filled for the unexpired term. Code of Virginia, Title 23.1, Chapter 13, § 23.1-1300.

Members of the board are not eligible to serve for more than two successive four-year terms. A person appointed to serve an unexpired term created by a vacancy is eligible to serve two additional four-year terms. Code of Virginia, Title 23.1, Chapter 13, § 23.1-1300.

No member appointed by the governor to the governing board of a public institution of higher education who has served two consecutive four-year terms on such board is eligible to serve on the same board until at least four years have passed since the end of his or her second consecutive four-year term. Code § 23.1-1300 (2017)

The non-voting student representative serves a term of one year. The student representative may be elected to a second one-year term but is not eligible to serve for more than two successive one-year terms. The term of office shall be from the date of the May graduation to the following May graduation.

The non-voting faculty representative serves during his or her term of office as Speaker of the Faculty Senate, according to the bylaws of the Faculty Senate.
<https://www.jmu.edu/facultysenate/bylaws.shtml>

Article VIII. Removal

The Governor may remove any board member from the board. If any board member fails to perform the duties of his or her office for one year without good cause shown, the board may, at the next meeting after the end of such year, record the fact of such failure in the minutes of their proceedings, and may certify the same to the Governor. If any board member demonstrates unfitness for service on the board, whether by malfeasance, misfeasance, incompetence, gross neglect of duty or conviction of a felony, the board may recommend dismissal to the Governor. Dismissal of a board member for cause will be pursued in accordance with state law. Code of Virginia, Title 23.1, Chapter 13, § 1300.

The student representative or the faculty representative may be removed from service on the board upon a motion by two-thirds of the voting board members.

Article IX. Rights and Powers

The board has general and specific rights and powers set out in the Code of Virginia.

A. General: The general rights and powers of the board are set out in state law. Code of Virginia, Title 23.1, Chapter 13, § 23.1-1301.

1. The board has all the rights and powers conferred by statutory authority, insofar as the same are not inconsistent with the laws of the Commonwealth of Virginia.
2. The board appoints the president, who is its chief executive officer, and fixes his or her salary.
 - a. The president of the university is appointed by the board at a regular or any called meeting.
 - b. The president serves under terms and conditions satisfactory to the board.

c. In case of a planned or unplanned departure of the president, the board of visitors will designate an acting president to serve until a new president is appointed by the board and assumes office.

d. The board meets with the president at least once annually in a closed meeting and delivers an evaluation of the president's performance. Code of Virginia, Title 23.1, Chapter 13, § 23.1-1303.

e. Any change to the president's employment contract during any such meeting or any other meeting of the board shall be made only by a vote of the majority of the board members. Code of Virginia, Title 23.1, Chapter 13, § 23.1-1303.

3. The board controls and expends the funds of the university and any appropriation provided by the General Assembly.

a. Revenue and Expenditure Budgets. The board is responsible for the following actions concerning the university budget:

(1). The board approves the biennial budget for the university. The biennial budget for the university is presented by the administration to the board or its executive committee prior to submission to any other state agency. Based on the biennial budget approved by the General Assembly, the president presents to the board a budget for each fiscal year of the biennium.

(2) The board approves the rates charged the students of the university for tuition, fees and other necessary charges. Prior to approving an increase in undergraduate tuition or mandatory fees, the board shall provide students and the public a projected range of the planned increase, an explanation of the need for the increase, and minimum of 30 days' notice of the date and location of any vote on such increase. Further, prior to any such vote, the board shall schedule a time for public comment on the proposed increase in accordance with applicable law. The board shall provide an explanation of any deviation from the projected range provided. Code of Virginia § 23.1-307.

b. Capital Outlay and Real Property. The real and personal property formerly standing in the name of Madison College is vested in the name of James Madison University. Code of Virginia Title 23.1, Chapter 13, § 23.1-1310. The board is responsible for the following actions concerning capital outlay and real property of the university:

(1) The board approves capital outlay on behalf of the university. The board has delegated authority to the president to take the necessary steps to implement capital outlay items approved in the final appropriations act.

(2) The board approves the issuance of revenue bonds to finance capital projects, as approved by the Governor. Code of Virginia, Title 23.1, Chapter 11, § 23.1-1117 and Chapter 12, § 23.1-1227

(3) The board has overall responsibility for the care and preservation of all property belonging to the university.

(4) The board approves the purchase of real estate.

(5) The board approves the sale, exchange or other disposal of all real estate. Code of Virginia, Title 23.1, Chapter 13, § 23.1-1301.

(6) The board approves the granting of easements for road, sewers, streets, utility lines or other purposes. Code of Virginia, Title 23.1, Chapter 13, § 23.1-1300. ; This authority is delegated to the Vice President for Administration and Finance.

4. The board has the authority to make all needful rules and regulations concerning the university, including the following:

- a. The board may adopt policies and regulations for the administration of the university. Code of Virginia, Title 23.1, Chapter 13, § 23.1-1303.
- b. The board approves the crisis and emergency management plan for the university. Code of Virginia, Title 23.1, Chapter 8, § 23.1-804.
- c. The board may submit plans and recommendations for additions or changes to change the division level of its intercollegiate athletics program to the Intercollegiate Athletics Review Commission of the General Assembly. Code of Virginia § 23.1-1309.
- d. The *Faculty Handbook* of the university is subject to approval by the board.
- e. The board has delegated its authority to the president to establish the policies and procedures governing the university in areas where the board has not adopted specific regulations or policies.

5. The board has the authority to approve the appointment of all professors, teachers and agents, and their salaries. Code of Virginia Title 23.1, Chapter 16, § 23.1-1602.

- a. Instructional and administrative and professional faculty of the university receive their appointments by appropriate university officials, and the board must give approval for such appointments.
- b. The board approves the annual compensation plan for the university.
- c. The board approves promotions of faculty members and administrators, approves the grant of tenure to faculty members, and approves the establishment or discontinuance of any faculty rank.

d. The board approves the grant of a leave of absence to a faculty member or administrator and is notified about the resignation, termination or dismissal of faculty members and administrators.

6. The board provides general direction for the affairs of the university through the president and the administration.

B. Degrees

1. The board has the authority to approve the conferral of degrees. Code of Virginia Title 23.1, Chapter 16, § 23.1-1602.

2. The board may from time to time confer honorary degrees in appropriate circumstances, upon recommendation from the president.

C. Academic Programs

1. The board has the authority to approve new degree programs and discontinuation of degree programs, subject to such further approval as may be required from the State Council of Higher Education for Virginia. Code of Virginia, Title 23.1, Chapter 2, § 23.1-203.

2. The board has the authority to approve the curriculum of the university, as authorized under state law.
The board has delegated its authority to the president.

3. The board has the authority to approve articulation, dual admissions, and guaranteed admissions agreements with associate-degree-granting public institutions of higher education. Code of Virginia, Title 23.1, Chapter 9, § 23.1-907.

D. Investments of Funds

1. The board approves the transfer or surrender of registered bonds, and approves the policy for investment of funds derived from the sale of revenue bonds.

a. The board may request the state treasurer, or the treasurer's duly appointed assistant, to execute in the proper name the certificates or other writing necessary to affect the transfer or surrender of registered bonds of the United States or other bonds or securities held by the university.

b. The board has authorized the president to establish the policy for investment of any funds which become available for investment from construction project funds derived from the sale of revenue bonds.

E. Mission and Strategic Planning

1. The board approves the mission of the university, subject to such further approval as may be required from the State Council of Higher Education for Virginia. Code of Virginia Title 23.1, Chapter 2, § 23.1-203

2. The board approves a strategic plan designed to meet the future needs of the university, and approves modifications to the strategic plan as appropriate. The board approves biennially and amends or affirms annually a six-year plan for the institution. Code of Virginia, Title 23.1, Chapter 13, § 23.1-306.

3. The board approves the master plan of the university and modifications to the plan as appropriate.

F. Building Names. The board is responsible for the naming of all buildings, streets and other major facilities on campus, on recommendations from the president.

G. Transparency. The board is responsible for transparency, to the extent required by law, in all board actions. Code of Virginia, Title 23.1, Chapter 13, § 23.1-1303. The board operates within the provisions of the Virginia Freedom of Information Act in announcing meetings, providing materials, posting minutes, and other requirements of the statute. Code of Virginia, Title 2.2, Chapter 37, § 2.2-3707.

Article X. OFFICERS

The officers of the Board of Visitors consist of the rector, vice rector and secretary of the board. All are nominated and elected at the annual meeting. The transition of officers shall be effective July 1.

The rector and vice rector are elected for a term of two years or until a successor is elected and qualified should either not be able to complete the two-year term. The rector and vice rector may serve in their role more than once during their tenure on the Board of Visitors, but they may serve only a maximum of one two-year term in succession. Vacancies in any office, including those occurring when an officer is not reappointed to the board, may be filled at any meeting. A board member who is elected to fill a vacancy in the role of rector or vice rector shall serve for the remainder of that term, and may also be eligible thereafter for election to a two-year term. The rector and vice rector are members of the board; the secretary may be an administrative employee of the university.

A. Rector, Powers and Duties

1. The rector presides over meetings of the board or, if absent or unable to preside, the vice rector presides. If the vice rector is absent or unable to preside, the rector designates another voting board member to preside.

2. With the secretary, the rector executes all papers to which it is necessary to affix the seal of the university.

3. The rector appoints all committees.

4. The rector serves as member *ex officio* on all committees of the board and as chair of the Executive Committee.

5. The rector acts as the board's spokesperson or representative.

6. When the office of the president becomes vacant, or a vacancy is pending, the rector appoints a special committee to recommend to the board a person to fill the vacancy. The rector may chair this committee, or may appoint another board member to chair the committee.

7. The rector performs such additional duties which may be imposed upon the office by statute or by direction of the board.

B. Vice Rector, Powers and Duties

In the absence or inability of the rector to discharge the duties of office, all the duties pertaining to the office of the rector of the board devolve upon and are executed by the vice rector.

C. Secretary, Powers and Duties

1. The secretary keeps a faithful record of all proceedings and posts minutes of each open meeting on the board's website. Code of Virginia, Title 2.2, Chapter 37, § 2.2-3707 and 2.2-3707.1.

2. The secretary conducts correspondence for the board.

3. The secretary provides the board members and the public notice of time and place for meetings. Code of Virginia Title 2.2, Chapter 37, § 2.2-3711.

4. The secretary sees that all documents entrusted in his or her care are filed and safely kept at the university.

5. The secretary makes documents in his or her care available for inspection by the board or any committee of the board.

6. The secretary surrenders documents under his or her control only to an agent or officer authorized to receive them and upon proper receipt therefor.

7. The secretary coordinates clerical and administrative support for all committees.

8. The secretary provides a copy of the *Manual of the Board of Visitors* and all other appropriate materials to the members of the board when they are appointed and when any significant changes are made to the manual.

9. The president shall recommend a university employee to the Nominating Committee to serve as secretary to the Board of Visitors.

Article XI. MEETINGS

All board members are expected to attend all meetings in person consistent with provisions in the board manual. Meetings of the board of visitors are of three types: the annual meeting, regular

A. The Annual Meeting

The annual meeting of the board is held at the final regularly scheduled meeting of the university's fiscal year. The election of officers occurs at the annual meeting.

B. Regular Meetings

Three regular meetings of the board are usually held in September, November, and February, and in April the board holds its annual meeting. Dates and months may vary from year to year.

The board will participate in a retreat annually to be scheduled at a time and location suitable to meet the goals of the retreat.

C. Special Meetings

Special meetings of the board are held whenever called by the rector.

D. Notice of Meetings

At least sixty days' notice is required for the annual meeting and the three regular meetings of the board. The secretary of the board gives notice of each special meeting to each board member at least three days before the meeting. The secretary of the board also gives the public notice of each annual meeting, regular meeting and special meeting, as required by law. Code of Virginia Title 2.2, Chapter 37, § 2.2-3707.

E. Motions and Resolutions

A motion or resolution to be brought before the board must be sent to the secretary of the board no later than ~~7~~ seven days prior to any meeting of the board. The secretary will communicate the proposed motion and/or resolution to each board member no less than seven days prior to any meeting of the board; however, the introduction of a motion and/or resolution for board action may be offered at any time at the request of the president or the rector or on those occasions when 10 members of the board vote in the affirmative to suspend this rule.

F. Location of Meetings

The board meetings will normally take place on the campus of James Madison University. However, the board may hold its meetings in such place or places within or outside of the Commonwealth of Virginia as the board may determine. A member of the board may participate through electronic communication means for personal reasons as long as the rector is notified on or before the day of the meeting, specifying the nature of the personal matter, and the remote location from which the member participates. Code of Virginia Title 2.2, Chapter 37, §2.2-3708.2.

G. Quorum

No business will be conducted by the board at any meeting without a quorum. A majority of the voting membership of the board constitutes a quorum for the transaction of business at all authorized meetings. Code of Virginia Title 23.1, Chapter 11, § 23.1-1101. The lack of a quorum will not prevent a meeting, but the board may not vote on any matters at any such meeting.

H. Meetings held through Electronic Communication Means

The board may hold all-virtual public meetings following all the provisions set forth in 2.2-3708.3 of the Code of Virginia. These provisions include:

- 1) The required meeting notice must indicate if the meeting is in-person or all-virtual.
- 2) Public access to the all-virtual meeting public is provided via electronic communication means and included in the public notice.
 - a. Contact information must be included to notify the university if the electronic communication means is interrupted or fails.
- 3) No more than two members of the board are together in any one remote location unless that remote location is open to the public.

- 4) The full board may convene an all-virtual public meeting (i) not more than two times per calendar year or ~~25~~ 50 percent of the meetings held per calendar year; or (ii) not consecutively with another all-virtual public meeting.
- 5) All committees of the board may also hold all-virtual meetings in accordance with this policy and applicable law.
- 6) Requests for an all-virtual meeting shall be made to the rector, in consultation with the administration.
 - a. Such requests may be for such circumstances as emergency situations, when members are separated more than 60 miles from each other/location, difficulty in having quorum if held in-person, travel difficulties, or other types of situations allowed by law and deemed appropriate by the rector.

The board shall ensure that the meeting minutes contain all of the information required by law.

Section 2.2-3708.3 of the Code of Virginia allows for an individual member to participate remotely under the following provisions:

- 1) The member must request permission to participate remotely and notify the rector or committee chair that:
 - a. The member has a temporary or permanent disability or other medical condition that prevents their physical attendance; or
 - b. A medical condition of a member of the member's family requires them to provide care or the member must provide care for a person with a disability; or
 - c. The member's principal residence is more than 60 miles from the meeting location; or
 - d. The member is unable to attend due to a personal matter and must specify the nature of the matter.
 - i. The member may not use a personal matter reason to miss more than two meetings or 25 percent of the meetings held per calendar year.
- 2) These provisions regarding remote participation of individual board members apply to meetings of the full board and to each of its committees separately.

~~The board shall ensure that the meeting minutes contain all of the information required by law.~~

I. Meetings Open to the Public

As required under the Virginia Freedom of Information Act, all meetings of the Board of Visitors and all meetings of board committees are open to the public. Code of Virginia, Title 2.2, Chapter 37, § 2.2-3707. The board or any committee may move into a closed meeting as stipulated in the act to discuss topics exempt from the open meetings requirements. Code of Virginia Title 2.2, Chapter 37, § 2.2-3711. The board may invite specific individuals to attend a closed meeting. Discussions and actions on any topic not specifically exempted from the public meeting requirement by the statute shall be held in an open meeting. Any action of the board taken in a closed meeting shall be approved in an open meeting before it can have any force or effect. Code of

Virginia Title 2.2, Chapter 37, § 2.2-3711. Members of the board will be provided with a copy of the Act by the board secretary.

J. Minutes

The secretary of the board shall record minutes of each open meeting and post the minutes on the board's website. Code of Virginia Title 2.2, Chapter 37, § 2.2-3707.

K. Attorney General Representation

A representative of the Virginia Attorney General's Office shall receive notice of and is invited to all meetings of the board and all board committees, including the executive committee. Code of Virginia Title 23.1, Chapter 13, § 23.1-1303.

L. Faculty Senate Speaker

A. The Faculty Senate Speaker or representative will attend the Full Board meetings and provide a report to the board.

M. Student Representative to the Board

A. The student representative to the board will attend the Full Board meetings and provide a report to the board.

N. Roberts' Rules of Order

The board follows Roberts' Rules of Order for conducting its business.

Article XII. COMMITTEES

The committees of the board of visitors are of three types: the executive committee, standing committees and special committees. The secretary of the board will serve as the secretary of the executive committee and coordinate secretarial support for all other committees. The rector of the board is an *ex officio* member of all committees with the exception of the Executive Committee where the Rector serves as the chair. A majority of the voting membership of a board committee constitutes a quorum for the transaction of business at a committee meeting. If the rector is present at a committee meeting, he or she will be counted as a member of the committee for the purpose of constituting a quorum. The lack of a quorum will not prevent a meeting, but the committee may not vote on any matters at any such meeting.

A. Executive Committee

1. The executive committee consists of the rector, vice rector, and three committee chairs selected by the rector. The rector chairs the executive committee. A past rector may serve as an *ex-officio* member of the Executive Committee. In the event a committee chair is unable to attend a meeting, they may appoint a designee.
(approved 4/22/2022)
2. The executive committee evaluates the performance of the president each year and makes a report to the full board concerning his or her evaluation.
3. The executive committee may exercise the powers and transact the business of the full board when it is in recess, except in the following situations:

- a. To elect officers of the board;
 - b. To remove or change members of the instructional faculty;
 - c. To take final action on any question substantially affecting the policy of the university.
4. The charter for the Executive Committee, located in Appendix B, outlines the other specific responsibilities of the Executive Committee.
 5. All actions taken by the executive committee between meetings of the board will be reported in committee minutes presented to the board at the next annual, regular or special meeting.

B. Standing Committees

1. The standing committees of the board consist of the following committees: Academic Excellence; Advancement and Engagement; Athletics; Audit; Finance and Physical Development; Governance; and Student Affairs.

a. Academic Excellence Committee: provides oversight of the academic endeavors of the university, including, but not limited to academic programs; faculty hiring; satisfaction and achievements; student academic success; and national status.

b. Advancement and Engagement Committee: oversees, advises and advocates for the effective delivery and prudent management of a comprehensive university advancement program comprised of philanthropy, information systems, brand management and constituent relations; and generates resources and stakeholder support of the university's strategic goals relative to federal, corporate, and public relations.

c. Athletics Committee: provides oversight of the university's intercollegiate athletics program, ensuring the institution meets its expectations for academic and competitive success, quality student-athlete experiences and compliance with NCAA requirements.

d. Audit, Risk and Compliance Committee: responsible for the review of internal and external audit related functions for all divisions of the university and assists the board in fulfilling its fiduciary responsibilities related to overseeing the soundness of the university's system of internal controls, the integrity of the university's financial accounting and reporting practices, and the independence and performance of the internal and external audit functions and compliance.

e. Finance and Physical Development Committee: responsible for the fiscal policies and oversight of the financial operations of the university including the review of the annual budget, tuition and fees, and real estate acquisitions and recommending policies regarding all matters related to land use, physical facilities, and technology and General Assembly updates and legislative affairs.

f. Governance Committee: provides oversight of responsibilities related to board governance and policies and manages the board compliance with state requirements such as a self-evaluation, professional development opportunities and others; reviews and recommends improvements to board processes and performs regular strategic risk management and opportunity assessments to highlight key issues for the administration, executive committee and committee chairs to review.

g. Student Affairs Committee: oversees all elements of student life including discipline, co-and -extracurricular activities, the residential campus experience, and physical and behavioral health to ensure a high quality student experience.

2. In accordance with its responsibilities as outlined in its specific charter (Appendix B) each committee shall serve the purpose of advising the full board on specific areas of the administration of the institution, according to its assignment by the board. Each board member shall serve on two standing committees.

3. Each standing committee is composed of no fewer than three members appointed by the rector. At the time of appointment, the rector will designate the chair of each committee.

4. A vacancy on any committee will be filled by the rector for the unexpired term.

5. Each standing committee will meet at the call of the chair or the rector. Generally, the committees meet in conjunction with the annual and regular meetings, but committees may meet at different times, with proper notice.

6. The secretary of the board provides an agenda for each committee meeting, notifies the members and the public of the time and place of the meeting at least three days prior to the meeting, and coordinates secretarial support for the meeting.

7. Standing committees present their reports and recommendations to the board at an annual, regular or special meeting.

C. Special Committees

1. Special committees may be constituted at any time either by action of the board or by direction of the rector.

2. Special committees will consist of no fewer than three members appointed by the rector and shall have a term not to exceed one year, unless renewed for a specific period of time by action of either the board or the rector.

3. The rector designates the chair of each special committee.

4. Special committees meet at the call of the chair or the rector. Members and the public are notified of the time and place of the meeting at least three days prior to the meeting.

5. Each special committee presents its report and recommendations to the board.

6. The Rector shall appoint the Nominating Committee at the first meeting of the spring academic semester for the purpose of presenting a slate of officers for election. (see the Nominating Committee and Nominating Process policy)

Article XIII. ANNUAL REPORTS

Each year by the first day of the regular session of the General Assembly, the administration, on behalf of the board, submits to the General Assembly and the Governor an executive summary of the board's interim activity and work, as provided in the procedures of the Division of Legislative Automated Systems. The secretary prepares the report, presents it to the executive committee for review and approval, and submits it to the appropriate state offices. Code of Virginia Title 23.1, Chapter 13, § 23.1-1303.

Article XIV. SELF-EVALUATION OF THE BOARD

In accordance with the requirements of the Southern Association of College and Schools Commission on Colleges, the board shall regularly conduct a self-evaluation. SACSCOC Resource Manual for The Principles of Accreditation; CR 4.1, 4.2g Board Self-Evaluation.

Article XV. RELATED ENTITIES

The board is authorized to enter into affiliation agreements with appropriate entities related to the university's mission. Related entities include, but are not limited to, the James Madison University Foundation, Inc.; the James Madison University Real Estate Foundation, Inc.; the James Madison University Alumni Association; James Madison University Research and Development Center, Inc.; and James Madison Innovations.

Article XVI. AMENDMENTS AND SUSPENSION

A. Amendment: The bylaws of the board, except where mandated by law, may be amended at any meeting of the board with the approval of no fewer than 10 board members, provided that notice of the amendment is included in the notice of the meeting.

B. Suspension of Provisions: Any of the provisions of the bylaws of the board not mandated by law may be temporarily suspended at a meeting of the board with the approval of no fewer than 10 board members.

CODE OF ETHICS

Integrity is one of the core values of James Madison University. We pursue and embrace ethical reasoning because it is essential to meaningful citizenship, and our mission is to prepare students to be educated and enlightened citizens who lead productive and meaningful lives. As the leaders of the JMU community, the Board of Visitors is committed to ensuring lawful and ethical behavior in all of the university's activities. At JMU, we expect that all members of the university community—our board members, employees, students, and volunteers—comply with all applicable laws, regulations, policies and ethical practices. More generally, we are committed to being honest, fair and trustworthy ourselves and to taking care that other members of the university community are held to the same standards.

We, as members of the James Madison University community, will:

1. Obey the laws, regulations and policies applicable to our university activities.
2. Protect and preserve university resources and ensure their proper use.
3. Avoid both conflicts of interest and the appearance of such conflicts.
4. Safeguard confidential information.
5. Make procurement and other resources decisions impartially and objectively.
6. Maintain effective internal controls to safeguard the regularity and integrity of our activities.
7. Treat other people with dignity and respect, and guard against discrimination and harassment.
8. Report any illegal or unethical action, so that the university or other appropriate authorities can investigate and take corrective action.
9. Conduct all board actions under the principles of transparency, to the extent required by law.

This Code of Ethics was adopted by the Board of Visitors of James Madison University on January 17, 2014.

COMPETENCIES AND QUALIFICATIONS FOR BOARD MEMBERS

Recommended Qualifications and Competencies for Members of the James Madison University (JMU) Board of Visitors

- Commitment to the university's mission
- Ability to commit the time and energy required to fulfill all Board duties and responsibilities
- Success and proven leadership in the arenas of business, professional, academic, non-profit, government, and/or other civic engagement endeavors
- Knowledge and experience to help guide deliberations and decision making
- Adherence to the highest standards of professional and personal Integrity
- Respect for the concept of shared governance and the distinction between the Board's duties and the role of the president and Administration
- Respect for diversity and the role it plays in higher education
- Commitment to upholding the principles of academic freedom for the university and faculty
- Ability to challenge, support, and motivate the administration
- Familiarity with issues facing higher education in the Commonwealth of Virginia and nationally

Recommended Board composition

- A majority of the board members are James Madison University alumni
- Diversity of membership that reflects the aspirations of the University
- At least two members reside outside the Commonwealth of Virginia

ADMINISTRATION OF THE UNIVERSITY

Except as may be explicitly set forth in this manual or prohibited by applicable law, the administration of the university has been delegated by the board of visitors to the president of the university, including the following general powers and duties:

1. The president submits to the board at its annual meeting a report of the fiscal and other affairs of the university. Special reports are submitted at other meetings as needed.
2. The president calls to the attention of the board all matters that, in the president's opinion, affect the interests of the total university and require consideration by the board.
3. The president may attend and participate in all meetings of the board and its committees, including closed meetings, except when there is under consideration any matter affecting the president personally; in this case, the president's attendance will be only by special invitation.

4. The president develops and maintains a plan of institutional organization. The president is in charge of administration at the university and will be the usual means of communication ~~between~~ among the board and faculty, officers and administrative staff of the university. The president establishes the positions of and employs vice presidents and other administrative officers and delegates to them the day to day operation of the divisions of the university.
5. The president presides at all public meetings and general commencements of the university and confers all degrees, unless otherwise directed by the board.
6. The president convenes the general faculty when needed. The president, or his/her designee, presides at such meetings.
7. The president shall exercise the following powers and duties subject to the approval of the board:
 - a. The president makes faculty appointments, promotions and merit increases. The president recommends to the board the appointment, promotion, tenure and dismissal of all administrative staff and instructional ~~and administrative and professional~~ faculty.
 - b. The president establishes new positions including faculty, staff and administrative officers.
 - c. The president establishes policies concerning the general operation of the institution, including the employment of faculty and staff, benefits, the acceptance and assistance of students, and the conduct of students in accordance with state and federal policy and law.
 - d. The president establishes policies concerning the general operation of the institution, in accordance with state and federal policy and law.

Changes to the By-Laws:

11/19/21

4/22/22

9/16/2022

APPENDICES

Appendix A. Acts of General Assembly of Virginia

1. Excerpts from Original Act of 1908

For the establishment of State Normal and Industrial Schools for Women, at Harrisonburg and Fredericksburg, the sum of seventy-five thousand dollars, of which the sum of twenty-five thousand dollars shall be for the school at Fredericksburg and shall be available on and after February twenty-eighth, nineteen hundred and nine, but not before.

The said schools shall be under the supervision, management and government of the boards of trustees, which shall consist of ten members each, to be appointed by the governor, by and with the advice and consent of the senate, to hold office for the term of four years ...

Second. The said trustees shall be bodies corporate under the name and style of State Normal and Industrial School for Women at Harrisonburg and State Normal and Industrial School for Women at Fredericksburg respectively ... Said trustees shall from time to time make all needful rules and regulations for the government and management for said schools, fix the number and compensation of teachers and employees of said schools, and of said boards, and prescribe the preliminary examinations and conditions upon which students shall be received therein.

Third. The said trustees shall annually make and file with the said board of education a full report of their proceedings under this act, together with the report of the progress and condition of said schools. The trustees shall establish one of said schools within or near the corporate limits of Harrisonburg, in the county of Rockingham, Virginia, on a suitable site to be selected by said trustees, and one of said schools within or near the corporate limits of the city of Fredericksburg....

Fourth. Each county and city in the State shall be entitled to one pupil in each of said schools, who shall be nominated by the division superintendent of schools ...

Fifth. For purpose of the said schools there shall be paid out of the public treasury, from time to time, such sums as shall be appropriated to pay incidental expenses, the salaries of officers and teachers and to maintain the efficiency of the said schools ...

Sixth. The establishment of said schools near or within the corporate limits of the town of Harrisonburg, in the county of Rockingham, is conditioned upon an appropriation of not less than fifteen thousand dollars cash to be paid by the town of Harrisonburg and the county of Rockingham, upon the establishment of said school; and the guaranteeing of a suitable site connected with the water, light and sewer systems of said town, of not less than thirty acres of land for said institution at a cost not to exceed ten thousand dollars...

Seventh. The superintendent of public instruction shall render to the second auditor an annual account of the expenditures for said institutions.

2. Selected Current Acts of the General Assembly

§ 23.1-1600. Corporate name; name of the University.

A. The board of visitors of James Madison University (the board) is a corporation under the name and style of "The Visitors of James Madison University" and has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1 except those powers that are confined to corporations created pursuant to Title 13.1. The board shall at all times be under the control of the General Assembly.

B. The institution shall be known as James Madison University (the University).

C. All laws relating to Madison College or the board of visitors of Madison College shall be construed as relating to the University or the board, respectively.

1964, c. 97, § 23-164.1; 1977, cc. 296, 319; 2016, c. 588.

§ 23.1-1601. Membership.

A. The board shall consist of 15 members appointed by the governor, of whom at least 13 shall be residents of the Commonwealth.

B. The alumni association of the University may submit to the governor a list of at least three nominees for each vacancy on the board, whether the vacancy occurs by expiration of a term or otherwise. The Governor may appoint a member from the list of nominees. The governor is not limited in his appointments to the individuals so nominated.

1964, c. 97, §§ 23-164.3, 23-164.4; 1977, cc. 296, 319; 1979, c. 623; 1989, c. 107; 2016, c. 588.

§ 23.1-1602. Powers and duties.

A. The board shall appoint all teachers and agents and fix their salaries and generally direct the affairs of the University.

B. The board may confer degrees.

1964, c. 97, §§ 23-164.6, 23-164.8; 1977, cc. 296, 319; 2016, c. 588.

§ 23.1-1603. Program of instruction to educate and train teachers.

The University shall maintain a program of instruction to educate and train teachers for the public elementary and secondary schools of the Commonwealth without excluding other programs of instruction.

1964, c. 97, § 23-164.9; 1977, cc. 296, 319; 2016, c. 588.

§ 23.1-1300. Members of governing boards; removal; terms; nonvoting, advisory representatives; residency.

A. Members appointed by the governor to the governing boards of public institutions of higher education shall serve for terms of four years. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. No member appointed by the governor to such a governing board shall serve for more than two consecutive four-year terms; however, a member appointed by the governor to serve an unexpired term is eligible to serve two consecutive four-year terms immediately succeeding such unexpired term. Except as otherwise provided in § 23.1-2601, all appointments are subject to confirmation by the General Assembly. Members appointed by the governor to the governing board of a public institution of higher education shall continue to hold office until their successors have been appointed and qualified. Ex officio members shall serve a term coincident with their term of office.

B. No member appointed by the governor to the governing board of a public institution of higher education who has served two consecutive four-year terms on such board is eligible to serve on the same board until at least four years have passed since the end of his second consecutive four-year term.

C. Notwithstanding the provisions of subsection E or any other provision of law, the governor may remove from office for malfeasance, misfeasance, incompetence, or gross neglect of duty any member of the board of any public institution of higher education and fill the vacancy resulting from the removal.

D. The governor shall set forth in a written public statement his reasons for removing any member pursuant to subsection C at the time the removal occurs. The governor is the sole judge of the sufficiency of the cause for removal as set forth in subsection C.

E. If any member of the governing board of a public institution of higher education fails to attend (i) the meetings of the board for one year without sufficient cause, as determined by a majority vote of the board, or (ii) the educational programs required by § 23.1-1304 in his first two years of membership without sufficient cause, as determined by a majority vote of the board, the remaining members of the board shall record such failure in the minutes at its next meeting and notify the governor, and the office of such member shall be vacated. No member of the board of visitors of a baccalaureate public institution of higher education or the State Board for Community Colleges who fails to attend the educational programs required by § 23.1-1304 during his first four-year term is eligible for reappointment to such board.

F. The governing board of each public institution of higher education shall adopt in its bylaws policies (i) for removing members pursuant to subsection E and (ii) referencing the governor's power to remove members described in subsection C.

G. The governing board of each public institution of higher education and each local community college board may appoint one or more nonvoting, advisory faculty representatives to its respective board. In the case of local community college boards and boards of visitors, such representatives shall

be chosen from individuals elected by the faculty or the institution's faculty senate or its equivalent. In the case of the State Board, such representatives shall be chosen from individuals elected by the Chancellor's Faculty Advisory Committee. Such representatives shall be appointed to serve (i) at least one term of at least 12 months, which shall be coterminous with the institution's fiscal year or (ii) for such terms as may be mutually agreed to by the State Board and the Chancellor's Faculty Advisory Committee, or by the local community college board or the board of visitors, and the institution's faculty senate or its equivalent.

H. The board of visitors of any baccalaureate public institution of higher education shall appoint one or more students as nonvoting, advisory representatives. Such representatives shall be appointed under such circumstances and serve for such terms as the board of visitors of the institution shall prescribe.

I. Nothing in subsections G and H shall prohibit the governing board of any public institution of higher education or any local community college board from excluding such nonvoting, advisory faculty or student representatives from discussions of faculty grievances, faculty or staff disciplinary matters or salaries, or any other matter.

J. The president or any one of the vice presidents of the board of visitors of Virginia Military Institute, the chairman or the vice-chairman of the State Board, and the rector or vice-rector of the governing board of each other public institution of higher education shall be a resident of the Commonwealth.

K. No baccalaureate public institution of higher education shall employ an individual appointed by the Governor to the board of visitors of such institution within two years of the expiration of his term. Such prohibition shall not apply to the employment of an individual to serve as an institution president or, in the case of Virginia Military Institute, the Superintendent.

§ 23.1-1301. Governing boards; powers.

A. The board of visitors of each baccalaureate public institution of higher education or its designee may:

1. Make regulations and policies concerning the institution;
2. Manage the funds of the institution and approve an annual budget;
3. Appoint the chief executive officer of the institution;
4. Appoint professors and fix their salaries; and
5. Fix the rates charged to students for tuition, mandatory fees, and other necessary charges.

B. The governing board of each public institution of higher education or its designee may:

1. In addition to the powers set forth in Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.), lease or sell and convey its interest in any real property that it has acquired by purchase, will, or deed of gift, subject to the prior approval of the Governor and any terms and conditions of the will or deed of gift, if applicable. The proceeds shall be held, used, and administered in the same manner as all other gifts and bequests;
2. Grant easements for roads, streets, sewers, waterlines, electric and other utility lines, or other purposes on any property owned by the institution;
3. Adopt regulations or institution policies for parking and traffic on property owned, leased, maintained, or controlled by the institution;
4. Adopt regulations or institution policies for the employment and dismissal of professors, teachers, instructors, and other employees;
5. Adopt regulations or institution policies for the acceptance and assistance of students in addition to the regulations or institution policies required pursuant to § 23.1-1303;
6. Adopt regulations or institution policies for the conduct of students in attendance and for the rescission or restriction of financial aid, suspension, and dismissal of students who fail or refuse to abide by such regulations or policies;
7. Establish programs, in cooperation with the Council and the Office of the Attorney General, to promote (i) student compliance with state laws on the use of alcoholic beverages and (ii) the awareness and prevention of sexual crimes committed upon students;

8. Establish guidelines for the initiation or induction of students into any social fraternity or sorority in accordance with the prohibition against hazing as defined in § 18.2-56;
9. Assign any interest it possesses in intellectual property or in materials in which the institution claims an interest, provided such assignment is in accordance with the terms of the institution's intellectual property policies adopted pursuant to § 23.1-1303. The Governor's prior written approval is required for transfers of such property (i) developed wholly or predominantly through the use of state general funds, exclusive of capital assets and (ii)(a) developed by an employee of the institution acting within the scope of his assigned duties or (b) for which such transfer is made to an entity other than (1) the Innovation and Entrepreneurship Investment Authority, (2) an entity whose purpose is to manage intellectual properties on behalf of nonprofit organizations, colleges, and universities, or (3) an entity whose purpose is to benefit the respective institutions. The Governor may attach conditions to these transfers as he deems necessary. In the event the Governor does not approve such transfer, the materials shall remain the property of the respective institutions and may be used and developed in any manner permitted by law;
10. Conduct closed meetings pursuant to §§ 2.2-3711 and 2.2-3712 and conduct business as a "state public body" for purposes of subsection D of § 2.2-3708.2; and
11. Adopt a resolution to require the governing body of a locality that is contiguous to the institution to enforce state statutes and local ordinances with respect to offenses occurring on the property of the institution. Upon receipt of such resolution, the governing body of such locality shall enforce statutes and local ordinances with respect to offenses occurring on the property of the institution.

Appendix B: Committee Charters

Academic Excellence Committee Charter

Purpose

The Academic Excellence Committee oversees the academic endeavors of the university, including, but not limited to academic programs; faculty hiring, student and faculty satisfaction and academic achievements; student academic success; and national status.

Composition and Independence

The Committee is comprised of three or more members of the Board of Visitors. The Provost and ~~Faculty Senate Speaker~~ Vice President for Academic Affairs, or their designees, are expected attendees. In addition to complying with the Commonwealth of Virginia's Conflict of Interest laws and any university policies, each member must be free from any financial, family or other material personal relationship that, in the opinion of the board or the committee members, would impair their independence from management and the university.

Responsibilities

- Review revisions to the Faculty Handbook for approval by the board
- Review all new academic programs, major, degrees, as well as discontinuation of degree programs for approval by the board
- Review nominations of honorary degrees for approval by the board
- **Hear report from the Faculty Senate Speaker at each committee meeting**
- Hear annual report from the Graduate Student Association
- Receive SACSCOC Accreditation and Quality Enhancement Plan updates
- Review international academic partnerships
- Review research strategies and policies requiring board action
- Review proposals for the organization of the academic structure of the university

Meetings

The committee will meet at least three times annually. Additional meetings may occur more frequently as circumstances warrant.

Responsibility of the Chair

The chair shall coordinate with the designated administrative liaison for their committee in establishing the agenda and organizing strategic conversations during the committee meeting.

Advancement and Engagement Committee Charter

Purpose

The Advancement and Engagement Committee oversees, advises and advocates for the effective delivery and prudent management of a comprehensive university advancement program comprised of philanthropy, information systems, brand management and constituent relations; and generates resources and stakeholder support of the university's strategic goals relative to federal, corporate and public relations.

Composition and Independence

The committee is comprised of three or more members of the Board of Visitors. The Vice President for Advancement, or their designee, is expected to attend. In addition to complying with the Commonwealth of Virginia's Conflict of Interest laws and any University policies, each member must be free from any financial, family or other material personal relationship that, in the opinion of the board or the committee members, would impair their independence from management and the university.

Responsibilities

- Review quarterly fundraising report
- Hear reports on Annual Giving, Alumni Relations, Parent Relations, Institutional Branding, and Planned Giving
- Review plans and progress of campaigns
- Review naming proposals for approval by the board
- Review public relations and marketing communication strategies
- Assist with generating resources and stakeholder support for the university

Meetings

The committee will meet at least three times annually. Additional meetings may occur more frequently as circumstances warrant.

Responsibility of the Chair

The chair shall coordinate with the designated administrative liaison for their committee in establishing the agenda and organizing strategic conversations during the committee meeting.

Athletics Committee Charter

Purpose

The Athletics Committee oversees the university's intercollegiate athletics program, ensuring the institution meets its expectations for academic and competitive success, quality student-athlete experiences and compliance with NCAA requirements.

Composition and Independence

The committee is comprised of three or more members of the Board of Visitors. The Athletic Director, or their designee, is expected to attend. In addition to complying with the Commonwealth of Virginia's Conflict of Interest laws and any university policies, each member must be free from any financial, family or other material personal relationship that, in the opinion of the board or the committee members, would impair their independence from management and the university.

Responsibilities

- Review the Strategic Plan Accountability Measures
- Review the yearly Academic Report
- Monitor the annual fund-raising strategies
- Keep current with NCAA legislation as appropriate
- Review the Student-Athlete Disciplinary Report
- Review the annual Title IX Report
- Support the **Department of Athletics'** mission
- Review facility renovations and construction plans as appropriate
- Annual review of the Virginia State Auditors APA Report

Meetings

The committee will meet at least two times annually. Additional meetings may occur more frequently as circumstances warrant.

Responsibility of the Chair

The chair shall coordinate with the designated administrative liaison for their committee in establishing the agenda and organizing strategic conversations during the committee meeting.

Audit Committee Charter (Summary – see Audit Committee Charter revision August 2020)

Purpose

The audit committee assists the BOV in fulfilling its fiduciary responsibilities related to overseeing the:

- soundness of the university’s system of internal controls;
- integrity of the university’s financial accounting and reporting practices;
- performance of the internal and external audit functions; and
- compliance with applicable laws and regulations/

University management is responsible for the preparation, presentation, and integrity of the university’s financial statements. University management is also responsible for maintaining appropriate financial accounting and reporting policies, procedures and internal accounting controls. These are designed to ensure compliance with generally accepted accounting principles, applicable laws and regulations, accreditation standards and contractual obligations.

Audit and Management Services (AMS) examines and evaluates the adequacy and effectiveness of the university’s system of internal controls.

The university’s external auditor, the Auditor of Public Accounts (APA), is responsible for planning and conducting the financial statement examination in accordance with generally accepted auditing standards and issuing an opinion on the financial statements.

The JMU Compliance Committee is responsible for tracking and monitoring the university’s compliance with applicable laws and regulations, accreditation standards and contractual obligations. The chief audit executive (CAE – Director of AMS) serves as the chair of the JMU Compliance Committee and reports on compliance-related matters to the president and the audit committee.

Composition and Independence

The audit committee shall consist of at least three members of the BOV with one member acting as chairperson of the committee.

Each member must be free from any financial, family or other material personal relationship that, in the opinion of the **BOV board of visitors** or audit committee members, would impair their independence from management and the university.

Responsibilities:

General

- Adopt a formal written charter that specifies the audit committee's scope of responsibility. The charter should be reviewed every five years and updated as necessary.
- Maintain minutes of meetings.
- Authorize investigations into any matter within the audit committee's scope of responsibilities when necessary.
- Ensure that significant findings and recommendations made by the internal and external auditors are acted upon appropriately and promptly.
- Report audit committee actions to the **BOV board of visitors**. In addition, the audit committee shall provide its recommendations for actions to be taken by the BOV and management in order to strengthen the institution's controls, financial reporting process, and compliance procedures.
- Meet, consistent with commonwealth law, in closed meetings with the internal or external auditors, to discuss matters that the audit committee or any of these groups believes should be discussed privately.

Internal Controls

- Assure that management is setting the appropriate tone in communicating the importance of internal controls and in establishing policies and procedures to mitigate risk.
- Determine whether internal control recommendations made by internal and external auditors have been implemented by management.
- Understand the nature of any significant deficiencies and material weaknesses reported with the financial statements and reportable findings under *Government Auditing Standards*.

Financial Statements

- Meet with the external auditors to review the scope of the external audit for the year being audited. The chair or full committee should be informed of any significant changes in the audit plan or any special work scheduled.
- Review the annual financial statements with management and the external auditors.
- Review management's letter and monitor the university's compliance with its recommendations.
- Meet privately with the external auditors, if necessary.

JMU Compliance Committee

- Review the CAE's annual report on the activities and accomplishments of the JMU Compliance Committee. Specifically, any significant compliance risks and/or non-compliance, as well as action plans for addressing compliance risks and non-compliance should be reported to the audit committee.

- Ensure that the university's system for monitoring compliance with laws and regulations, accreditation and contractual obligations is effective.

Executive Committee Charter

Purpose

The Executive Committee organizes the working processes of the board and exercise the powers and transact the business of the full board when it is in recess, except in the following situations:

- a. To elect officers of the board;
- b. To remove or change members of the instructional faculty; or
- c. To take final action on any question radically affecting the policy of the university.

Composition and Independence

The executive committee consists of the rector, vice rector, and three committee chairs selected by the rector. The rector chairs the executive committee. A past rector may serve as an ex-officio member of the Executive Committee. In the event a committee chair is unable to attend a meeting, they may appoint a designee. In addition to complying with the Commonwealth of Virginia's Conflict of Interest laws and any university policies, each member must be free from any financial, family or other material personal relationship that, in the opinion of the board or the committee members, would impair their independence from management and the university.

Responsibilities

- As appropriate, exercise the powers and transact the business of the board between scheduled meetings/when it is in recess (with exceptions) between scheduled meetings
- Conduct the annual evaluation of the president and the review of their contract and compensation
- Establish and manage the selection process for the president
 - When the office of the president becomes vacant, or a vacancy is pending, the rector appoints a special committee to recommend to the board a person to fill the vacancy. The rector may chair this committee, or may appoint another board member to chair the committee
- The rector, in consultation with the president, assigns committee chairs and committee members
- Regularly review compensation strategy and structure for senior leaders and policies to ensure competitiveness and equity
- Review succession planning for the president's position

Meetings

The committee will meet as needed and appropriate.

Finance and Physical Development Committee Charter

Purpose

The Finance and Physical Development Committee is responsible for the fiscal policies and oversees the financial operations of the university including the review of the annual budget, tuition and fees, and real estate acquisitions and recommending policies regarding all matters related to land use, physical facilities and technology.

Composition and Independence

The committee is comprised of three or more members of the Board of Visitors. The Vice President of **Administration and Finance**, or their designee, is expected to attend. In addition to complying with the Commonwealth of Virginia's Conflict of Interest laws and any university policies, each member must be free from any financial, family or other material personal relationship that, in the opinion of the Board or the committee members, would impair their independence from management and the university.

Responsibilities

- Review the proposed annual budget for approval by the board
- Review the proposed tuition and fees for approval by the board
- Review proposed real estate transactions for approval by the board
- Review composite real estate holdings and strategy
- Review the Master Plan for approval by the board
- Review the annual Receivables Write-Off
- Review the university debt
- Review the annual financial audit
- Review the capital outlay and capital projects updates
- Review easements for approval by the board
- Review banking, bond and legal resolutions for approval by the board
- Review the Six-Year Plan for approval by the board
- Review the quarterly financial review
- Review workforce planning and development
- Review General Assembly updates and legislative affairs
- Review of plans and policies pertaining to emergency preparedness and campus security

Meetings

The Committee will meet at least three times annually. Additional meetings may occur more frequently as circumstances warrant.

Responsibility of the Chair

The chair shall coordinate with the designated administrative liaison for their committee in establishing the agenda and organizing strategic conversations during the committee meeting.

Governance Committee Charter

Purpose

The Governance Committee oversees board compliance with state law requirements such as a self-evaluation, professional development opportunities and others; reviews and recommends improvements to board processes and performs regular strategic risk management and opportunity assessments to highlight key issues for the administration, executive committee and committee chairs to review.

Composition and Independence

The committee is comprised of three or more members of the Board of Visitors. In addition to complying with the Commonwealth of Virginia's Conflict of Interest laws and any university policies, each member must be free from any financial, family or other material personal relationship that, in the opinion of the board or the committee members, would impair their independence from management and the university.

Responsibilities

- Develop relevant processes related to the responsibilities of the board, including but not limited to:
 - The evaluation of the performance of president
 - The self-evaluation process of the Bboard of Visitors
 - The nominating process for board officers
- Assist in the planning of the annual board retreat.
- Recommend best practices for board governance
- Review and update as appropriate the board by-laws, manual and committee charters to ensure the effective functioning and efficiency of the board and the board meetings
- Develop an orientation and professional development opportunities for board members that includes training on the Virginia Freedom of Information Act
- Review compliance with a code of ethics for board members
- Develop a set of qualifications and competencies for membership on the board for approval by the board and recommendations to the Governor
- Recommends to the rector the membership for the Nominating Committee
- Reviews strategic risks and opportunities for responsibility and assessment
- Responsible for developing and documenting board processes and addresses matters that lead to efficient and orderly conduct of business of the board

Meetings

The committee will meet at least three times annually. Additional meetings may occur more frequently as circumstances warrant.

- Topics for Governance Committee meetings could include, but **are** not limited to, review notes from any retreat and develop strategies for success and updates (September); Review by-laws, charters, best practices and professional development opportunities (November); strategic review of trends and long-

term goals (February); and review of board self-evaluation and propose retreat topics (April).

Student Affairs Committee Charter

Purpose

The Student Life Committee oversees all elements of student affairs including health and wellbeing, diversity, equity and inclusion, career, experiential learning and transitions, student life and involvement, and dean of students to ensure a high quality student experience.

Composition and Independence

The committee is comprised of three or more members of the Board of Visitors. The Vice President for Student Affairs, or their designee, is expected to attend. In addition to complying with the Commonwealth of Virginia's Conflict of Interest laws and any university policies, each member must be free from any financial, family or other material personal relationship that, in the opinion of the board or the committee members, would impair their independence from management and the university.

Responsibilities

- Gain an understanding of the student experience and the work of student affairs
- Review matters and policies relating to student rights, responsibilities, conduct and discipline
- Provide advice and counsel to Student Affairs on all aspects of their efforts to create and support the student experience
- Hear reports from the president of the Student Government Association **and the student representative to the Board of Visitors**
- Review topical areas of interest related to the student experience

Meetings

The committee will meet at least three times annually. Additional meetings may occur more frequently as circumstances warrant.

Responsibility of the Chair

The chair shall coordinate with the designated administrative liaison for their committee in establishing the agenda and organizing strategic conversations during the committee meeting.

C . A Brief History of James Madison University

James Madison University was founded by a 1908 act of the Virginia General Assembly and first opened its doors to students on Sept. 28, 1909. At that time, the institution was named the State Normal and Industrial School for Women at Harrisonburg. There were 15 faculty members and a student body of 150 young women at the opening session in 1909. The academic program provided four years of high school and two years of post-high school courses. Courses were designed for future teachers and homemakers.

As the years passed, the emphasis at the institution changed. In 1914, the school's name dropped the word "Industrial" and became the State Normal School for Women at Harrisonburg. In 1919, the first bachelor of science degree was awarded and the high school program was eliminated the following year.

The name of the institution was changed to the State Teachers College at Harrisonburg in 1924 and, three years later, the college received national accreditation.

Another name change took place in 1938, when the institution became Madison College in honor of President James Madison. Enrollment exceeded 1,000 for the first time that year. In 1942, the two-year teaching diplomas were awarded for the last time. All two-year programs were eliminated by the late 1950s. The graduate program was begun at Madison in 1954, with the introduction of master's degree programs.

Men were first enrolled as day students in the regular session at Madison College in 1946. Men had enrolled in summer school at the institution since the first summer session in 1910. In 1966, Madison became fully coeducational when the General Assembly approved male students living on campus.

The school grew significantly in the 1960s and 1970s and expanded its offerings to become a comprehensive institution. The great changes at the university were symbolized on July 1, 1977, when the name of the institution was changed from Madison College to James Madison University. The university offered its first doctoral program in the 1995-96 session.

The university celebrated its 100th birthday in 2008. ~~As of fall, 2019 the university's current enrollment is approximately 22,000. The university has been cited repeatedly in national surveys as one of America's finest undergraduate universities.~~ In 2013, JMU developed a vision to be "the national model of the engaged university" with a strategic plan focused on engaged learning and community, and civic engagement. JMU's Carnegie classification was elevated in 2022 to R2, establishing the university as a Doctoral University with High Research Activity.

~~JMU has become a national model for high-impact learning practices, service learning, civic engagement, and promoting access with programs such as Valley Scholars, and it was ranked as the "top college in Virginia for getting a job."~~

~~As of Fall 2023, the university's enrollment is approximately 22,760 students.~~

Presidents:

Mr. Julian Ashby Burruss	1908-1919
Dr. Samuel Page Duke	1919-1949
Dr. G. Tyler Miller	1949-1970
Dr. Ronald E. Carrier	1970-1998
Dr. Linwood H. Rose	1998-2012
Mr. Jonathan R. Alger	2012-2024 (add)
Mr. Charles W. King	2024- (add)



Office of Student Accountability and Restorative Practices

Student Accountability Process and Standards of Conduct Handbook

James Madison University

2024 - 2025

*This print version of the 2024-2025 JMU Student Handbook is for reference only. The most accurate and up-to-date version of the 2024-2025 JMU Student Handbook is online at jmu.edu/handbook.

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General Handbook Information

Definitions

Handbook/Student Handbook

The abbreviated term used to represent “JMU Student Accountability Processes and Standards of Conduct Handbook”

JMU

The abbreviated term used to represent “James Madison University”.

Organizational Record

Only applicable for recognized student organizations or student groups. See “[Records – Recognized Student Organizations and Student Groups](#)” for more information on an organizational record.

OSARP

The abbreviated term used to represent “the Office of Student Accountability and Restorative Practices” at James Madison University.

OSARP Processes

OSARP Processes is a term used to encompass all the accountability processes that OSARP facilitates, unless otherwise specified in the Handbook. These processes include the Individual Accountability Process, Individual Interim Suspension Process, Organizational Accountability Process, Sexual Misconduct Accountability Process, and Title IX Sexual Harassment Adjudication Process.

Possession

Possession is defined as having, maintaining, owning, having control over, or being responsible for something. Examples of possession include, but are not limited to, holding, keeping, or having something in an area under the responsibility of the student or recognized student organization. Areas of responsibility for a student or recognized student organization may include, but not be limited to backpacks, refrigerators, residence hall rooms, personal belongings, private rooms, common spaces, organizational offices and mailboxes, organizational storage spaces and lockers, organizational residences, and/or vehicles.

Preponderance of the Evidence

Preponderance of the evidence will be the standard of proof used to make determinations for all alleged policy violation(s) in the Handbook. Preponderance of the evidence means that there is greater than a fifty percent likelihood that the Responding Party/Respondent/Responding Organization violated policy.

Public

As defined in [Code of Virginia § 4.1-100](#), "Public place" means any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

"Public place" does not include (i) hotel or restaurant dining areas or ballrooms while in use for private meetings or private parties limited in attendance to members and guests of a particular group, association or organization; (ii) restaurants licensed by the Authority in office buildings or industrial or similar facilities while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on which alcoholic beverages are not sold.

"Residence" means any building or part of a building or structure where a person resides but does not include any part of a building which is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

Recognized Student Organization

For the purposes of the Student Handbook and the investigation and/or review of alleged violations of university policy, a “recognized student organization” is a student group that completed the annual or new student organization registration process through the Office of Student Life and received official notice of recognition.

Examples of recognized student organizations include but are not limited to sports clubs, sororities and fraternities, clubs and organizations (associated with University Recreation (UREC), Center for Multicultural Student Services (CMSS), Fraternity and Sorority Life (FSL), and Student Leadership and Involvement).

Information on the annual or new student organization registration process can be found on the Office of Student Life’s webpage: <https://www.jmu.edu/osl/sli/organization-resources/start-an-organization.shtml>

Student

For the purposes of the Student Handbook, the term “student” includes all persons who enroll or take courses at the university, either full-time, part-time, dual-enrolled, and/or non-degree seeking; this also includes participants in the Bridge to Madison Program or the International Study Center Program. “Student” status will begin at the payment or waiver of the deposit for admission, matriculation into a graduate or doctoral program, or at the payment or waiver of the application fee for admission to classes or programs through Professional and Continuing Education. “Student” status will continue through the verification of the completion of all academic requirements for a declared degree program(s) or the completion of classes or programs through Professional and Continuing Education. Additionally, “student” status will end if a student is permanently separated from the university through expulsion, academic dismissal, or death.

OSARP may pursue an alleged policy violation(s) for individuals who have completed all academic requirements for a declared degree program(s) or classes or programs through Professional and Continuing Education and then matriculate within one year into another degree program or classes or program through Professional and Continuing Education at JMU.

Student Disciplinary Record

Only applicable for individual students, as defined in the Handbook. See [“Records – Students”](#) for more information on a student disciplinary record.

Student Group

For the purposes of the Student Handbook and the investigation and/or review of alleged violations of university *Hazing* policy, in accordance with Adam’s Law, a “student group” is a group of students that has not received official notice of recognition through the Office of Student Life and JMU is aware of the student group’s existence prior to, or after, an alleged hazing incident is reported.

Examples of student groups include but are not limited to varsity sports teams, performance groups/ensembles, honor societies, Marching Royal Dukes, Dukettes, unrecognized, formerly recognized, or underground organizations, or secret societies.

University

Another term for James Madison University.

University Official

A university official includes but is not limited to members of the faculty, administrative staff, classified staff, Office of Residence Life staff (including house managers), Office of Student Life staff, CMSS staff, UREC staff, event/program staff, or other professional or student staff of university departments/offices.

OSARP Mission

We facilitate student development and restoration through a fair process that holds students accountable to community and university standards in order to support student and community success.

OSARP Values

Our office CARES about student, organizational, and community success through:

Collaboration

Our office partners with students through intentional and caring interactions while cultivating sustainable relationships with JMU, organizations, and communities.

Accountability

Our office facilitates caring environments through fair processes that encourage student and organizational responsibility, reflection, and growth.

Restoration

Our office facilitates conversations using Restorative Practices to guide students and organizations as they develop the skills to build community, effectively navigate conflict, and address harm.

Education

Our office supports student and organizational development by facilitating learning and reflection through our interactions, processes, and outcomes.

Support

Our office provides support to students, organizations, and communities in a variety of ways including answering questions, fostering inclusive spaces, and connecting to appropriate resources.

OSARP Philosophy

OSARP approaches student conduct from an educational, developmental, and restorative perspective. We strive to engage students, recognized student organizations, and student groups in a fair and equitable process to foster a safe learning environment for the entire university community. Our primary concerns are the safety of the university community and the development of students, recognized student organizations, and student groups. However, there are times when the safety of the community or an individual student, recognized student organization, or student group must take precedence over their needs or a developmental approach.

We believe that individual, organizational, and group behaviors do not represent the individual, organization, or group as a whole. We believe that behaviors can have positive and negative impacts on multiple parties and communities. We also believe that while individuals, organizations, and groups must take responsibility for these behaviors, it is possible to change behavior and to learn from mistakes. Through dialogue, we strive to illuminate and explore the nature of any harms that have been caused to create a better understanding of the impact that behavior can have on oneself or the community. We strive to motivate students, recognized student organizations, and student groups to change their behavior to experience more positive impacts and fewer negative impacts.

In reviewing cases during an OSARP process, a decision must be made regarding the alleged policy violation(s) assigned. Decisions regarding the findings on an alleged policy violation(s) are made only by evaluating the totality of the evidence in the case. To make this decision, the relevant decision-maker(s) use a preponderance of the evidence standard, which is defined in the Definitions section of the Handbook. Since decisions regarding the findings on an alleged policy violation(s) are made only by evaluating the totality of the evidence in the case, the intent, purpose, motivation, or other related factors surrounding their behavior are not considered when making this decision. If this decision does not include a finding of responsible for violating policy(ies), then no other decision is made. However, if this decision does include a finding of responsible for violating policy(ies), then another decision is made. The next decision that is made is to determine the outcome(s) of the case.

When determining outcome(s), a student, recognized student organization, or student group may receive as a result of their behavior, we consider not only the circumstances of the actual incident, previous case history, and perspectives of the participants involved, but also the overall needs of the student, recognized student organization, or student group. Their need for the benefit

provided by a particular outcome is not necessarily dependent on their behavior in a particular instance but on the totality of their experience. Further, the intent, purpose, motivation, impact, and other related factors surrounding their behavior may be considered when determining outcomes. Although we place a high value on the importance of consistency in our process, we also recognize that every situation and every person is different and sometimes reflect that through our outcomes. Our outcomes are designed to be educational in nature and based on current theory, best practices, and relevant assessment. Ultimately, we hope to engage with students, recognized student organizations, and student groups to turn negative incidents into opportunities for positive growth.

OSARP applies JMU's Non-Discrimination Statement, which is found at the following link: <https://www.jmu.edu/oeo/non-discrimination-statement.shtml>

University Accountability System Structure

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. Additionally, JMU has this same right and obligation to set reasonable standards of conduct for students who voluntarily and willingly choose to become members of, affiliate with, or join a recognized student organization or student group. In conjunction with its right to determine reasonable standards, the university has established a system of procedures for use when university policies are allegedly violated. In turn, the university recognizes the need to ensure that students, recognized student organizations, and student groups have the right to fair procedures if they receive an alleged policy violation(s).

Whereas criminal courts most often seek to punish unlawful behavior, it is generally accepted that conduct proceedings at educational institutions are intended to impress upon individuals, organizations, and groups their responsibilities and are an extension of the educational process. In the most severe cases, educational processes may require suspension, expulsion or notice of trespass from JMU and/or removal from all university housing. 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 courts and are authorized by the President of the university. This authority, which JMU exercises in notifying and reviewing of alleged policy violation(s) for students, investigating and reviewing alleged policy violation(s) for student organizations and student groups, and assigning outcomes 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 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:

- OSARP processes adopted by the university are administrative and not judicial in spirit; considerable latitude must be permitted to avoid excessive legalisms.
- Only errors that may reasonably have prejudiced, in a significant way, the interests of a 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 a Responding Party/Respondent and/or Responding Organization and not to a Reporting Party. However, in cases alleging Sexual Misconduct and/or Title IX Sexual Harassment, reviewed through the Sexual Misconduct Accountability Process and/or the Title IX Sexual Harassment Adjudication Process, the Reporting Party/Complainant is also extended the right to appeal.

The decision to postpone any aspect of an OSARP process for any reason is at the discretion of the Director of OSARP or designee. Anticipated timelines, deadlines, restrictions, procedures, or assigned educational or restorative outcomes listed within an OSARP process will not be altered except in unexpected and unavoidable circumstances in order to uphold the intent of the process, as determined by the Director of OSARP or designee, or with the agreement of the party(ies), as approved 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.

Any scheduled meetings in OSARP will be postponed, delayed, or rescheduled when they conflict with days during 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, recognized student organizations, or student groups will be informed of the date of any deadlines for submission in their cases by a staff member in OSARP or designee.

Further, when stated throughout the Student Handbook, references to the term “day” indicates a calendar day unless otherwise stated.

In most circumstances, the university will not proceed with an OSARP process when the Responding Party/Respondent is not actively enrolled in classes in the current semester. The decision to proceed or not proceed with a process when the Responding Party/Respondent is not actively enrolled in classes in the current semester is at the discretion of the Director of OSARP or designee and will be based on the severity of the case and the availability of relevant persons to the case, including but not limited to the Responding Party/Respondent, the Reporting Party/Complainant, University Witnesses, and OSARP staff members. If the Responding Party/Respondent is enrolled in classes and relevant persons to the case are available, OSARP will generally proceed with an OSARP process.

OSARP processes will follow the procedures as outlined in the Student Handbook for the academic year in which the case is being reviewed and will be based on the policies outlined in the Student Handbook for the academic year during which the alleged incident(s) occurred.

If the university determines, at any point in the Organizational Accountability Process, there is a severely elevated risk to individual or campus safety, OSARP will typically proceed with the OAP, including an investigation, using any information received, which may include information provided by a reporter, regardless of their desire to be anonymous. In these circumstances, the reporter(s) known to the university will not remain anonymous in any report that is received, will be informed of the university’s decision to proceed with the reporter’s information provided, and will be given the opportunity to participate in the investigation and any subsequent proceedings. OSARP will also reach out to non-confidential faculty and staff who a reporter may have provided information to about the incident(s) and request their participation in the investigation of the matter.

Other university or external investigation or conduct processes may assign outcomes listed in the Handbook for recognized student organizations or student groups. In addition, university officials or external entities that provide oversight for a recognized student organization or student group may require completion of outcomes. These other university or external processes and entities may assign outcomes in conjunction with or separately from an OSARP process. Regardless of whether an OSARP process was pursued or resulted in assigned outcomes, OSARP staff may work with other university officials or external entities to facilitate and/or provide guidance on outcomes they assign through their processes or oversight (i.e., facilitating or providing guidance on Restorative Practices).

JMU and OSARP are committed to providing programs that are equally inclusive and accessible to all participants. Participants may request accommodations in accordance with [JMU Policy 1331](#). If you are a student who needs accommodation of a disability to support your participation in an OSARP process, submit your accommodation request to ODS via the Accommodate portal available in MyMadison (see also <https://www.jmu.edu/ods/getting-started/index.shtml>). You may send an email to the [Office of Disability Services](#) (ODS) at disability-svcs@jmu.edu asking for an expedited review in light of the timelines associated with the OSARP process. ODS and OSARP may consult to identify potentially reasonable accommodations to support effective participation in the OSARP process. ODS will communicate with OSARP about the identified accommodations and copy you on the written notice of accommodations. All requests must be communicated to OSARP at least three business days prior to a process, so please contact the Office of Disability Services immediately. For others who may need accommodations, contact the appropriate unit as indicated in JMU policy 1331.

Changes and Amendments

The Vice President for Student Affairs has the authority to enact changes to the policies and procedures defined in the Student Handbook at any time. During the annual summer revision process of the Student Handbook, OSARP drafts proposed changes based on the needs and feedback from the community. These proposed changes are distributed to the members of the Student Handbook Review Board, serving as the voice of the community in the review of any proposed changes. OSARP provides the proposed rationale and any feedback from the Student Handbook Review Board to the Vice President for Student Affairs who authorizes any changes to the Student Handbook for the upcoming academic year. The campus community shall be informed of any policy or procedural changes enacted.

The Student Handbook Review Board is convened by OSARP during the annual summer revision process. The Student Handbook Review Board consists of the Student Government Association (SGA) President, the Graduate Student Association (GSA) President, a representative from the membership of the Student Defenders recognized student organization, two faculty or staff members, three

students in a leadership position with a recognized student organization, and one student appointed by the SGA President who is not a current member of either SGA, GSA, or the Student Defenders. The Associate Vice President for Student Life, the Director of OSARP, and three Student Case Administrators serve as ex-officio members.

The university reserves the right, at its discretion, to change or amend the Handbook at any time. OSARP reserves the right to make grammatical, typographical, or other non-substantive changes to the Handbook at any time without the approval of the Vice President of Student Affairs or feedback from the Student Handbook Review Board. The campus community will not be notified of grammatical, typographical, or other non-substantive changes. If any substantive changes need to be made to the Handbook during the current academic year, the changes and rationale for those changes will be sent to the Vice President of Student Affairs for review; if the Vice President of Student Affairs approves these substantive changes during the current academic year, they will be enacted by OSARP and the campus community will be notified.

Jurisdiction - Students

Jurisdiction for all cases shall be determined by OSARP and includes the following:

- Alleged policy violation(s) occurring on university owned or operated property, off-campus, on Study Abroad programs, on service trips/programs, in online or virtual environments, or at any university sponsored event;
- Alleged policy violation(s) that may present a danger or threat to the health or safety of individuals, regardless of location;
- Substance violations (alcohol or drug, criminal or civil) or felony violations that occur off-campus in the City of Harrisonburg or Rockingham County, or are adjudicated in in the Harrisonburg/Rockingham General District Court and/or the Rockingham Circuit Court;
- A review and appropriate response to any report of alleged behavior received from a police officer or other Reporting Party, regardless of location; and,
- Alleged student behavior that is against the mission of the institution, regardless of location.

Students have a continuing duty to promptly report to OSARP any arrests for violations of federal, state, local, or international law, excluding minor traffic violations that do not result in injury to others. This duty applies regardless of where the arrest occurred (inside or outside the Commonwealth of Virginia) and regardless of whether the University is in session at the time of the arrest. An arrest includes the issuance of a written citation or summons regardless of whether the student is taken into custody by law enforcement. Charges related to driving under the influence of alcohol or other drugs are not 'minor traffic violations' and must be reported. Once OSARP receives these reports, they may choose to issue notice of alleged policy violation(s) or require educational meeting(s) and/or outcome(s).

The university may proceed with notice of alleged policy violation(s) through an OSARP process regardless of enrollment status if the Responding Party/Respondent meets the definition of student as listed in the Student Handbook or have alleged policy violation(s) and/or outcomes remain pending until a Responding Party/Respondent's request to re-enroll, which will initiate the case to be reviewed at that time.

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 review the case should the individual return to the university. 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 of enrollment.

OSARP may address behavior that occurs at any point while a person is considered a student, as defined in the Handbook. Once an individual no longer meets the definition of a student as defined in the Handbook, OSARP will not withhold their official academic transcript for the initiation or completion of any OSARP individual process or outcome (see [Virginia Code § 23.1-900.2](#)).

For any student who receives an immediate suspension or expulsion from JMU, regardless of academic year, the immediate suspension or expulsion from JMU will be deemed effective for the current semester or, if it is rendered for a graduating senior, for the most recent semester the student attended, which may mean a loss of academic credits for that semester. Further, after a final decision in the case has been rendered, the effective date of an immediate suspension or expulsion from JMU will be the date of the initial case review. The removal from university owned or operated property associated with a decision of immediate suspension or expulsion does not go into effect until the decision in the case is final, unless the student is under an Individual Interim Suspension Status or Emergency Removal that provides for this removal until the final decision in the case.

OSARP may initiate a process prior to, concurrently, or after the outcome of a court, university investigation or conduct process, or other external investigation or conduct process. If the OSARP process stems from a current criminal case, civil case, Honor Council case, University Policy 1324 process case, or case being investigated or reviewed by another university or external process, the case may be investigated and/or reviewed concurrently by OSARP. If the case was investigated or reviewed concurrently and the OSARP process concludes prior to the resolution of the criminal process, civil case, Honor Council process, University Policy 1324 process, or other investigation or review by another university or external process, the case(s) in OSARP will not be revisited at the conclusion of the other investigation or review process. Additionally, the Individual Accountability Process can occur concurrently for a student while a recognized student organization or student group, for which that student is a member, proceeds through the Organizational Accountability Process, or other investigation or review by another university or external process.

Other university or external investigation or conduct processes may assign outcomes listed in the Handbook for students, recognized student organizations, or student groups. In addition, university officials or external entities that provide oversight for a recognized student organization or student group may require completion of outcomes. These other university or external processes and entities may assign outcomes in conjunction with or separately from an OSARP process. Regardless of whether an OSARP process was pursued or resulted in assigned outcomes, OSARP staff may work with other university officials or external entities to facilitate and/or provide guidance on outcomes they assign through their processes or oversight (i.e., facilitating or providing guidance on Restorative Practices).

Jurisdiction - Recognized Student Organizations and Student Groups

Jurisdiction for all cases shall be determined by OSARP and includes the following:

- Alleged policy violation(s) occurring on university owned or operated property, off-campus, on Study Abroad programs, on service trips/programs, in online or virtual environments, at any university sponsored event, or at any event that the recognized student organization or student group registers with, or should have registered with, the university, or otherwise notifies, or should have notified, the university that it is sponsoring/co-sponsoring/hosting;
- Alleged policy violation(s) that may present a danger or threat to the health or safety of individuals, regardless of location;
- Substance violations (alcohol or drug, criminal or civil) or felony violations that occur off-campus in the City of Harrisonburg or Rockingham County, or are adjudicated in in the Harrisonburg/Rockingham General District Court and/or the Rockingham Circuit Court, and are alleged to be associated with a recognized student organization or student group;
- A review and appropriate response to any report of alleged behavior received from a police officer, Reporting Party, or initial anonymous report, regardless of location; and,
- Alleged behavior by a recognized student organization or student group that is against the mission of the institution, regardless of location.

The university may proceed with notice of alleged policy violation(s) through the Organizational Accountability Process if the recognized student organization or student group meet the applicable definition as listed in the Handbook or have alleged policy violation(s) and/or outcomes remain pending, as determined by OSARP.

OSARP reserves the right to retain information regarding alleged behavior that occurred while a recognized student organization or student group met the applicable definition as listed in the Handbook. In the case of former recognized student organizations or student groups, OSARP reserves the right to use previous OSARP cases retained under OSARP's defined records retention policies as organizational records for any new reports or new alleged policy violation(s) that occur for the recognized student organization or student group. Any restrictions associated with a decision of immediate suspension or expulsion from JMU and/or removal from all university housing do not go into effect until the decision in the case is final, unless the recognized student organization or student group is under an Organizational Interim Suspension Status that provides for a restriction until the final decision in the case.

A recognized student organization or student group that is notified of alleged policy violation(s) is permitted to dissolve or surrender recognition; however, OSARP may proceed with the Organizational Accountability Process at the discretion of the Director of OSARP or designee.

OSARP may initiate a process prior to, concurrently, or after the outcome of a court, university investigation or conduct process, or other external investigation or conduct process. If the OSARP process stems from a current criminal case, civil case, Honor Council case, University Policy 1324 process case, or case being investigated or reviewed by another university or external process, the case may be investigated and/or reviewed concurrently by OSARP. If the case was investigated or reviewed concurrently and the OSARP

process concludes prior to the resolution of the criminal process, civil case, Honor Council process, University Policy 1324 process, or other investigation or review by another university or external process, the case(s) in OSARP will not be revisited at the conclusion of the other investigation or review process. Additionally, the Individual Accountability Process can occur concurrently for a student while a recognized student organization or student group, for which that student is a member, proceeds through the Organizational Accountability Process, or other investigation or review by another university or external process.

Other university or external investigation or conduct processes may assign outcomes listed in the Handbook for students, recognized student organizations, or student groups. In addition, university officials or external entities that provide oversight for a recognized student organization or student group may require completion of outcomes. These other university or external processes and entities may assign outcomes in conjunction with or separately from an OSARP process. Regardless of whether an OSARP process was pursued or resulted in assigned outcomes, OSARP staff may work with other university officials or external entities to facilitate and/or provide guidance on outcomes they assign through their processes or oversight (i.e., facilitating or providing guidance on Restorative Practices).

Records - Students

Case Files

As a part of the Individual Accountability Process, Individual Interim Suspension Process, Sexual Misconduct Accountability Process, and Title IX Sexual Harassment Adjudication Process, OSARP creates case files, as an electronic or physical version, to be used by OSARP staff members or University Case Administrators in the review of the case. For record retention purposes, these case files may include but not be limited to any of the following: student directory information, information regarding the alleged behavior(s) or alleged policy violation(s), incident documentation or other statements and/or evidence and information gathered during follow-up conversations, correspondence between OSARP and the participants in the case, notes and/or audio or video recordings submitted to the case, audio and/or video recording made during Individual Accountability Appeal Reviews, Sexual Misconduct Case Reviews, Sexual Misconduct Appeal Reviews, Title IX Sexual Harassment Case Reviews, and Title IX Sexual Harassment Appeal Reviews, and record of the decisions made in the case including any outcome(s) imposed.

University Account Holds

In certain circumstances, OSARP may add an account hold to a student's university account, which prevents the student from registering for classes until the hold is removed by OSARP. Account holds may be placed in situations including, but not limited to:

- Pending cases;
- Pending re-entry interviews with OSARP (following a suspension from JMU);
- Outstanding outcome(s) to be completed.

When placed by OSARP, an account hold may be designated as not to be removed until a student has a pending case reviewed, completes a re-entry interview with OSARP, or completes outstanding outcome(s). In certain circumstances, and at the discretion of the Director of OSARP or designee, an account hold may be temporarily removed and will be permanently removed once the student has completed necessary action(s) with OSARP. Multiple account holds may be added for students depending on the type of case(s) in OSARP. If a student withdraws after being properly notified of alleged policy violation(s), but prior to a decision being made in the case, OSARP will typically retain the case file and place an account hold, as noted earlier in this section, indicating that the student has a pending case to be reviewed if the student chooses to return to JMU. For holds only placed due to an outstanding outcome(s), the relevant case file(s) will be retained until the completion of the outcome(s). See below for more information.

Outstanding Outcomes

If a student has an outstanding outcome(s), the relevant case file(s) will be retained indefinitely until the completion of the outcome(s). Once the relevant case file(s) reach a time when OSARP would otherwise destroy the relevant case file(s) due to the date of case review, the relevant case file(s) will no longer be reported as a student disciplinary record, although OSARP will continue to retain these relevant case file(s) indefinitely due to outstanding outcome(s). If at any point these relevant case file(s) are to be kept indefinitely due to other instances noted within the Student Handbook, those procedures will supersede those in this paragraph. For example, if one case file is only being retained indefinitely until the completion of outstanding outcome(s) and the student has another case with OSARP that requires all case files for the student to be kept indefinitely (e.g., suspension, expulsion,

or notice of trespass from JMU), then the case file that was only being kept indefinitely due to the outstanding outcome(s) would now be kept indefinitely for other reasons and would be shared as a student disciplinary record.

Reporting Party Records

OSARP retains information provided by a known Reporting Party, even if it does not lead to a case involving alleged policy violation(s) or a referral to Restorative Practices. OSARP generally destroys this information after eight academic years from when the report is provided to OSARP (e.g., all information regarding this information for the 2023-2024 academic year will be destroyed at the conclusion of the 2031-2032 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 information that has been destroyed.

Student Disciplinary Records

NOTE: For information regarding the organizational records for recognized student organizations and student groups, see the [“Records – Recognized Student Organizations and Student Groups”](#) section.

After August 2012, and aside from the exceptions noted in this section, after being found responsible for any policy violation(s) through the Individual Accountability Process, Individual Interim Suspension Process, Sexual Misconduct Accountability Process, or Title IX Sexual Harassment Adjudication Process, students are considered to have a student 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 policy violation(s), had policy violation(s) Held in Abeyance, had alleged policy violation(s) Dropped, and/or had alleged policy violation(s) Dropped-Amnesty are not considered to have a student disciplinary record for these circumstances; however, OSARP does retain the case file in accordance with the procedures outlined in this section.

Beginning in the 2024-2025 academic year, probation is no longer a possible outcome for students who are found responsible for policy violation(s) in the Individual Accountability Process, Individual Interim Suspension Process, Sexual Misconduct Accountability Process, or Title IX Sexual Harassment Adjudication Process. For cases where probation was assigned as an outcome prior to 2024-2025 academic year, probation was defined as follows: 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. For students who were assigned probation as an outcome from an OSARP process prior to the 2024-2025 academic year, that outcome will remain a part of the student’s disciplinary record and will be reported in a student disciplinary record check as noted in this section. OSARP will not retroactively remove any previously assigned probation outcomes.

In addition to maintaining records regarding cases that are reviewed or pending in OSARP, the pending cases and informal or formal outcomes for individual students found responsible and sanctioned by the Honor Council and the outcomes for cases for individual students found responsible from the University Policy 1324 process are also maintained by OSARP for the purpose of student disciplinary record checks. These pending cases and outcome records will be retained in accordance with the procedures outlined in this section (e.g., if an individual student was suspended from JMU by Honor Council, OSARP would maintain that outcome record indefinitely). If an entity doing a student disciplinary record check for an Honor Council or University Policy 1324 case requires more information than what OSARP maintains in the outcome record, then the entity will be referred to the Honor Council or the Office of Equal Opportunity.

In some circumstances, individual students may need to disclose their student disciplinary record or policy 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 student disciplinary record should contact OSARP.

Students must provide permission for OSARP to release retained records on pending cases in OSARP or Honor Council and outcomes of OSARP, Honor Council, and University Policy 1324 cases; 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 student’s disciplinary record, pending cases for OSARP and Honor Council cases will be included. If a student has given a release to OSARP and the disciplinary record request asks if the student is in good standing with the university, OSARP will answer "no" only in circumstances where a student is currently suspended from JMU, has been expelled from JMU, was issued a notice of trespass from JMU, has an academic transcript notation as outlined in the “Records – Students” section, or has a pending case whose notification stated there was a possibility of suspension, expulsion, or notice of trespass from JMU and/or removal from

all university housing as an outcome for the case. In addition, a student disciplinary record and corresponding case files may be subject to disclosure through court orders or subpoenas.

Students may provide authorization for another entity (e.g., an office or department at JMU) to access their student disciplinary records, or educational records maintained by OSARP, for a specified time. For employment opportunities, this specified time could be the duration of the student's employment. For involvement opportunities, this specified time could be the duration of the student's membership with the recognized student organization or student group. In certain circumstances, student's may be asked to release their student disciplinary records maintained by OSARP, educational records maintained by OSARP, or both, to inter/national governing bodies or national headquarters for Greek letter organizations related to the Organizational Accountability Process in OSARP.

For students who are involved in the Organizational Accountability Process as a member of a recognized student organization or student group:

- OSARP will only disclose a student's disciplinary record that result from the Individual Accountability Process, Individual Interim Suspension Process, Sexual Misconduct Accountability Process, or Title IX Sexual Harassment Adjudication Process; organizational records for recognized student organizations or student groups are not reported as a student disciplinary record.
- Pending cases in the Organizational Accountability Process for a recognized student organization or student group are not reported as a student disciplinary record.
- If a recognized student organization or student group has an organizational record as a result of the Organizational Accountability Process, the finding(s) and any assigned outcome(s) are not reported as a student disciplinary record.
- If a recognized student organization or student group is found responsible for a policy violation(s) during the Organizational Accountability Process, and one of the outcomes was suspension expulsion from JMU and/or removal from all university housing, it is not reported as a student disciplinary record.

Family Educational Rights and Privacy Act (FERPA)

OSARP may disclose information contained in a student's disciplinary record to all eligible persons as outlined in the exceptions listed in the Family Educational Rights and Privacy Act (FERPA). This disclosure for a student would not include organizational records for a recognized student organization or student group, even if the student was/is a member of a recognized student organization or student group with an organizational record.

The student's disciplinary records and corresponding case files may be subject to disclosure through court orders or subpoenas.

Destruction/Retention of Student Disciplinary Records

Aside from the exceptions noted, OSARP generally destroys case files for students, including records of policy violation(s), and/or findings in a case (i.e., the "student disciplinary record"), after eight academic years from when the review of the case occurs (e.g., all information regarding cases occurring during the 2024-2025 academic year will be destroyed at the conclusion of the 2031-2032 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 student disciplinary record or case files that have been destroyed. However, the case files for cases that resulted in suspension, expulsion, or a notice of trespass from JMU and/or removal from all university housing are retained indefinitely along with any case files pertaining to the student's disciplinary record (i.e., OSARP, University Policy 1324, or Honor Council cases) prior to the suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing, and can be accessed if a student disciplinary record is requested and/or approved by the student. For cases that involve an expulsion or notice of trespass from JMU, the Responding Party may contact OSARP after a period of three years to request removal of notice of trespass for good cause shown. If a notice of trespass is removed by OSARP, the case file that resulted in the notice of trespass, along with other case files kept as a result of the notice of trespass, will be destroyed in accordance with OSARP's record retention guidelines. However, cases that resulted in expulsion from JMU, but had the notice of trespass removed by OSARP will be permanently retained in accordance with expulsion record retention procedures.

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 reviewed and can be accessed if a student disciplinary record is requested and/or approved by the student. If a student with a

pending case returns to JMU, OSARP will review 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 review 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 reviewed without the student returning to JMU; in this circumstance, OSARP will review the case and retain the case files for the student's cases for eight academic years from when the review 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 student disciplinary record.

Case information retained for referrals to a voluntary Restorative Practices process are considered an educational record, but not a student disciplinary record. As such, OSARP will not report these types of cases when conducting a record check and students are not required to disclose these types of cases if asked about their student disciplinary record. However, since Restorative Practices cases are considered a part of a student's educational record, OSARP will maintain the case information for a period of eight academic years from the date the case was referred to the Restorative Practices unit in OSARP.

Academic Transcript Notations

Except for certain circumstances in cases alleging Sexual Misconduct or Title IX Sexual Harassment, OSARP does not make notations on a student's academic transcript of suspensions from JMU, expulsions from JMU, decisions, outcomes, or cases. Academic 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 from JMU.

In cases where a Responding Party/Respondent is found responsible for and suspended or expelled from JMU 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/Respondent's transcript for the duration of the suspension or expulsion from JMU. If a Responding Party/Respondent withdraws while under investigation for an allegation of sexual violence, a notation will be placed on the Responding Party/Respondent's transcript and an account hold will be placed on their university student account 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 from JMU has ended. After a period of three years, students may contact OSARP to request removal of a notation for good cause shown.

Records - Recognized Student Organizations and Student Groups

Case Files

As a part of the Organizational Accountability Process, OSARP creates case files, as an electronic or physical version, to be used in the investigation and review of the case. For record retention purposes, these case files may include but not be limited to any of the following: student directory information, information regarding the alleged behavior(s) or alleged policy violation(s), incident documentation or other statements and/or evidence and information gathered during follow-up conversations, investigation materials (recordings, notes, reports, and other information gathered before, during, and after an investigation process), correspondence between OSARP and the participants in the case, notes and/or audio or video recordings submitted to the case, audio and/or video recordings made during an Organizational Accountability Appeal Review, and record of the decisions made in the case including any assigned outcome(s).

Outstanding Outcomes

If a recognized student organization or student group has an outstanding outcome(s), the relevant case file(s) will be retained indefinitely until the completion of the outcome(s). Once the relevant case file(s) reach a time when OSARP would otherwise destroy

the relevant case file(s) due to the date that a final decision was rendered in the case, the relevant case file(s) will no longer be reported as an organizational record, although OSARP will continue to retain these relevant case file(s) indefinitely due to outstanding outcome(s).

OSARP may communicate with the Office of Student Life, CMSS, UREC, or another applicable JMU department to prevent a recognized student organization or student group from accessing certain resources, such as the BelInvolved website, until outstanding outcome(s) have been completed. This may include but not be limited to a recognized student organization not having their annual registration approved by the Office of Student Life, or a student group not having their new student organization application approved by the Office of Student Life, until completion of outstanding outcome(s).

If at any point these relevant case file(s) are to be kept indefinitely due to other instances noted within the Handbook, those procedures will supersede those in this paragraph. For example, if one case file is only being retained indefinitely until the completion of outstanding outcome(s) and the recognized student organization or student group has another case with OSARP that requires all case files for the recognized student organization or student group to be kept indefinitely (e.g., suspension or expulsion from JMU), then the case file that was only being kept indefinitely due to the outstanding outcome(s) would now be kept indefinitely for other reasons and would be shared as an organizational record.

Reporting Party Records

OSARP retains information provided by a known Reporting Party, even if it does not lead to a case involving alleged policy violation(s) or a referral to Restorative Practices. In addition, known or anonymous Reporting Party records of alleged behavior for a recognized student organization or student group that do not result in initiation of the Organizational Accountability Process, or result in an initiation of the Organizational Accountability Process but the alleged policy violation(s) are dropped after the investigation process, are retained by OSARP. OSARP generally destroys this information after ten academic years from when the report is provided to OSARP (e.g., all information regarding this information for the 2024-2025 academic year will be destroyed at the conclusion of the 2033-2034 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 information that has been destroyed.

Organizational Records

NOTE: For information regarding a student's disciplinary records, see the "[Records – Students](#)" section.

Aside from the exceptions noted in this section:

- After a finding of "Responsible" or "Voluntarily Completed Restorative Practices" for any policy violation(s) through the Organizational Accountability Process, recognized student organizations and student groups are considered to have an organizational record and their case file(s) is retained in accordance with the procedures outlined in this section.
- After a finding of "Not Responsible" for policy violation(s) or "Dropped" for alleged policy violation(s) in the Organizational Accountability Process, recognized student organizations and student groups are not considered to have an organizational record, however, OSARP does retain the case file in accordance with the procedures outlined in this section.
- When a recognized student organization or student group receives Notification of Alleged Policy Violation(s) through the Organizational Accountability Process, the alleged policy violation(s) are pending, and the recognized student organization or student group are considered to have an organizational record until finding(s) on alleged policy violation(s) are made in the case.
- When OSARP is made aware, the finding(s) and/or outcome(s) of other university or external investigation or conduct processes for recognized student organizations or student groups will be an organizational record if the finding(s) meet the criteria in this section (see above). These other university or external processes and entities may determine finding(s) and/or outcome(s) in conjunction with or separately from an OSARP process.

Organizational records are recorded on the "Organizational Records" (*coming soon*) portion of OSARP's website, which displays all organizational records maintained by OSARP. Organizational records remain on the website permanently, or until they are required by process to be destroyed. For more information, see "Destruction/Retention of Organizational Records" in this Handbook. Pending alleged policy violation(s) will remain on these websites until a final decision is rendered in the case. When applicable, an organizational record may also be recorded on the organization's own webpage, maintained by the appropriate university office (e.g., Student Life, CMSS, or UREC).

Organizational records, if applicable, of a recognized student organization or student group are publicly available on OSARP's website, including but not limited to:

- The name of the recognized student organization or student group
- Finding(s) and assigned outcome(s) (if applicable) or alleged policy violation(s) if they are pending
- Date(s) in which the policy violation(s) occurred, or the alleged policy violation(s) are alleged to have occurred
- Date(s) in which the Organizational Accountability Process was initiated and concluded (if applicable)
- Comprehensive description of the incident(s) (not provided for pending alleged policy violation(s))

These publicly available records will not include personally identifiable information for an individual student or their student disciplinary record as these educational record(s) for individual students are protected by the Family Educational Rights and Privacy Act (FERPA). OSARP will only disclose individual student educational record(s) to those individuals at JMU with a legitimate educational interest, as outlined in FERPA. Exceptions include but are not limited to:

- If a student would like to share their educational record(s) associated with an Organizational Accountability Process or organizational record with an entity not covered by the above, they must first complete an educational records release with the appropriate entity. See "Records - Students" for more information.
- For OSARP to communicate information with an entity external to JMU (e.g., inter/national governing bodies or national headquarters) regarding an Organizational Accountability Process or organizational record that contains educational records(s) for individual student(s), the individual student(s) must first complete an educational records release with the appropriate office/entity. See "Records - Students" for more information.

In some circumstances, a recognized student organization or student group may need to disclose their organizational record or policy violation(s) (e.g., during the new student organization or annual registration process through the Office of Student Life; contingency funds application through JMU's Student Government Association). Recognized student organizations or student groups who are unsure of what their response should be or who need verification of their organizational record should contact OSARP.

A recognized student organization or student group is considered "not in good disciplinary standing" with the university when the recognized student organization or student group is currently suspended from JMU, has been expelled from JMU, or has a pending case whose notification stated there was a possibility of suspension or expulsion from JMU and/or removal from all university housing as an outcome for the case.

Organizational records and corresponding case files may be subject to disclosure through court orders or subpoenas.

For students who are involved in the Organizational Accountability Process as a member of a recognized student organization or student group:

- OSARP will only disclose a student's disciplinary record that result from the Individual Accountability Process, Individual Interim Suspension Process, Sexual Misconduct Accountability Process, or Title IX Sexual Harassment Adjudication Process; organizational records for recognized student organizations or student groups are not reported as a student disciplinary record.
- Pending cases in the Organizational Accountability Process for a recognized student organization or student group are not reported as a student disciplinary record.
- If a recognized student organization or student group has an organizational record as a result of the Organizational Accountability Process, the finding(s) and any assigned outcome(s) are not reported as a student disciplinary record.
- If a recognized student organization or student group is found responsible for a policy violation(s) during the Organizational Accountability Process, and one of the outcomes was suspension expulsion from JMU and/or removal from all university housing, it is not reported as a student disciplinary record.

Destruction/Retention of Organizational Records

Aside from the exceptions noted, OSARP generally destroys case files for recognized student organizations and student groups, including records of policy violation(s), and/or findings in a case (i.e., the "organizational record"), after ten academic years from when a final decision is rendered in the case (e.g., all information regarding cases occurring during the 2024-2025 academic year will be destroyed at the conclusion of the 2033-2034 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 organizational record or case files that have been destroyed.

However, the case files for cases that resulted in suspension or expulsion from JMU and/or removal from all university housing are retained indefinitely along with any case files pertaining to the recognized student organization or student group's organizational record prior to the suspension or expulsion from JMU and/or removal from all university housing and can be accessed if an organizational record is requested.

Case files for cases that are pending are retained indefinitely along with any case files pertaining to the recognized student organization or student group's organizational record prior to the pending case. Further, if a recognized student organization or student group has a case that is indefinitely retained, the case files for any other case that recognized student organization or student group has in OSARP will also be retained indefinitely, regardless of the outcome of those cases or the academic year in which a final decision was rendered in the case and can be accessed if an organizational record is requested.

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 individual student disciplinary record or any organizational record in which their information exists.

Case information retained for referrals to a Restorative Practices process, not associated with the Organizational Accountability Process, for recognized student organizations or student groups are not considered an organizational record. As such, OSARP will not report these types of cases when disclosing an organizational record. However, since Restorative Practices cases are considered a part of an individual student's educational record, OSARP will maintain the case information for a period of eight academic years from the date the case was referred to Restorative Practices in OSARP.

Reporting Hazing that Causes Bodily Injury

Pursuant to [Virginia Code §18.2-56](#), OSARP will, upon receipt of an alleged Hazing policy violation(s) that may have caused bodily injury, share information regarding the alleged behavior with JMU police and/or local law enforcement for the purposes of reporting it to the Commonwealth of Virginia attorney for Rockingham County, who shall take such action as they deem appropriate.

Reporting Crimes of Violence

OSARP will disclose to known Reporting Parties/Complainants the findings regarding responsibility and associated outcomes, if applicable, for a policy violation(s) that meet the definition of "crimes of violence" under the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations. Crime of violence means (A) An offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or (B) Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense. Crimes of violence include arson, assault offenses (aggravated assault, simple assault, intimidation), burglary, criminal homicide (manslaughter, murder), destruction/damage/vandalism of property, kidnapping/abduction, robbery, and forcible sex offenses.

Typically, crimes of violence would be addressed by OSARP as an alleged policy violation, including but not limited to [Damage, Attempted Damage, or Vandalism of Property; Hazing; Physical Force or Attempted Physical Force; Sexual Misconduct; or Title IX Sexual Harassment](#). Known Reporting Parties/Complainants will be notified of outcomes relating to *Damage, Attempted Damage, or Vandalism of Property* only if the behavior was deemed to be willful and malicious.

General Process Statements

General Process Statements for the Individual Accountability Process, Individual Interim Suspension Process, Organizational Accountability Process, Sexual Misconduct Accountability Process, and Title IX Sexual Harassment Adjudication Process

1. OSARP will structure and execute the Individual Accountability Process, Individual Interim Suspension Process, Organizational Accountability Process, Sexual Misconduct Accountability Process, and Title IX Sexual Harassment Adjudication Process in a manner that presumes the Responding Party/Respondent/Responding Organization not responsible for violating policy, provides fairness to the parties involved, and facilitates a determination based on a preponderance of the evidence standard concerning the allegations presented.

2. OSARP will make public the range of possible outcomes for violations of university policies, as well as clearly formulate and communicate the adequate cause for separation from the university.
3. OSARP can address behavior in accordance with the stipulations addressed in the “Jurisdiction - Students” and “Jurisdiction – Recognized Student Organizations and Student Groups” sections of the Handbook.
4. OSARP will not represent reporting faculty, staff or students, but will provide a process for fact-finding and fair decision-making.
5. In evaluating evidence and information presented in the Individual Accountability Process, Individual Interim Suspension Process, Organizational Accountability Process, Sexual Misconduct Accountability Process, and Title IX Sexual Harassment Adjudication Process, the technical rules of evidence applicable in civil and criminal cases shall not apply.

University Rights and Responsibilities

1. The university has the right and obligation to provide an open forum to present and debate public issues.
2. The university has the right to prohibit individuals and groups who are not members of the university community from using its name, finances, and physical operating facilities for commercial or political activities.
3. The university has the right to prohibit students, recognized student organizations, or student groups from using its name, finances, and physical operating facilities for commercial activities or political activities.
4. The university has the right and obligation to provide students, recognized student organizations, or student groups with the use of meeting rooms under the rules of the campus, including the use of space for political purposes such as political clubs; to prohibit the use of its rooms by individual members or groups of members on a regular or a prolonged basis as free headquarters for political campaigns; and to prohibit the use of its name, finances and office equipment and supplies for any political purpose at any time.
5. The university has neither the right nor the obligation to take a position in party politics and public issues, except on those issues that directly affect its autonomy, academic functions, financial support and the freedom of its members.
6. The university has a right to require students to identify themselves by name and address. Additionally, visitors to the campus may be required to state what connection, if any, they have with the university.
7. The university has the right to set reasonable standards of conduct in order to safeguard the educational process and provide for the protection of university property and the safety of students and the community.

Students’ Rights

Students’ rights as described here are not definitive; rather, they are indicative of the direction of a growing and changing educational environment. Students enjoy the same basic rights and are bound by the same responsibilities to respect the rights of others, as are all citizens.

1. The student, as a citizen, has the rights of freedom of speech, freedom of the press, freedom of peaceful assembly and association, freedom of political beliefs and freedom from personal force and violence, threats of violence and personal abuse. In keeping with the right to freedom of speech, James Madison University has adopted Policy 1121 that fully describes this right and how to file complaints if the student feels freedom of speech rights have been violated.
2. The student, as a citizen, has a right to be considered equally for admission to, employment by and promotion within the campus in accordance with the provisions against discrimination in the general law.
3. James Madison University is not a sanctuary from the general law; furthermore, the campus is a community of growth and fulfillment for all rather than a setting described in the concept of *in loco parentis*.

Standards of Conduct and 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 standards of conduct for students, recognized student organizations, and student groups that are not presently included in this Handbook.
- JMU reserves the right to enforce the Standards of Conduct & Policies based on the “[Jurisdiction](#)” outlined in this Handbook for students, recognized student organizations, and student groups. Additionally, each of the Standards of Conduct & Policies listed in this Handbook have a notation of whether the policy applies to students, recognized student organizations, or student groups, as defined in this Handbook.
- 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.
- Every student, recognized student organization, and student group is expected to comply with university policies. A student, recognized student organization, or student group that violates federal, state, or local law or city ordinance may be subject to criminal or civil action and an OSARP process.
- JMU reserves the right to hold students, recognized student organizations, and student groups accountable for certain types of off-campus behavior. Disciplinary action will result if a behavior compromises the educational atmosphere or mission of the institution, as determined by OSARP.

Policies

Alcohol

This policy applies to students and recognized student organizations, as defined in this Handbook.

1. Individuals must be 21 years of age or older 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 or recognized student organization. Areas of responsibility for a student or recognized student organization may include, but not be limited to backpacks, refrigerators, residence hall rooms, personal belongings, private rooms, common spaces, organizational offices and mailboxes, organizational storage spaces and lockers, organizational residences, and/or vehicles.
2. Alcoholic beverages may not be sold or provided to any person who at the time of sale or exchange is underage or visibly under the influence of alcohol.
3. Drunkenness and/or possession of open containers of alcohol is prohibited in public areas, as defined in the “Definitions” section of the Student Handbook, in accordance with local ordinance, state law or university policy.
4. Students shall not drive or operate a motor vehicle under the influence of alcohol in accordance with state law.
5. Alcoholic beverages may not be possessed, distributed or consumed at events open to the general university community and held on university owned or operated property except when specific university approval has been obtained for the event. Sponsors are responsible for assuring that all persons in attendance at an event comply with state law, and university policy related to alcohol.
6. Kegs or other large containers with alcohol are prohibited on university owned or operated property unless previously approved by JMU Special Events Catering. 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.

Camping or Shelter Construction

This policy applies to students and recognized student organizations, as defined in this Handbook.

Constructing, occupying, or sleeping in tents or camping on university-owned or operated properties is prohibited unless approved in advance by the University. Tents shall include any structure, enclosure, or shelter with or without sidewalls or drops that is constructed of canvas or pliable material supported in any manner except by the contents it protects. Camping shall include: (a) the use of any item to create a shelter; (b) the outdoor use of heating devices, generators, or the use of portable toilets; (c) sleeping outdoors with or without a tent between the hours of 12:00 a.m. and 6:00 a.m.

- Students or recognized student organizations that do not comply with instructions, requirements and/or restrictions given at the time of advanced approval, as listed in [JMU Policy 1121](#), may receive an alleged policy violation of [Noncompliance](#).

Campus Election Rules

This policy applies to students and recognized student organizations, as defined in this Handbook.

No student or recognized student organization shall 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

This policy applies to students and recognized student organizations, as defined in this Handbook.

No student or recognized student organization shall intentionally or unintentionally damage, attempt to damage, or otherwise vandalize or attempt to vandalize university owned or operated property, property belonging to another person or entity, or property in an area under a student's or recognized student organization's responsibility. Areas of responsibility for a student or recognized student organization may include, but not be limited to backpacks, refrigerators, residence hall rooms, personal belongings, private rooms, common spaces, organizational offices and mailboxes, organizational storage spaces and lockers, organizational residences, and/or vehicles.

Disruptive Conduct

This policy applies to students and recognized student organizations, as defined in this Handbook

No student or student organization shall disrupt or obstruct the normal living and work environments of other members of the university community or the functions or activities of the university (as well as activities conducted on the university's property with its permission). No student or recognized student organization shall cause, incite or participate in any disturbance or behavior that creates an excessive inconvenience, annoyance, or alarm that interrupts an individual, university operations, and/or the community, as determined by a reasonable person standard:

1. Includes on-campus, off-campus, and online or virtual environments.
2. Examples may include but are not limited to excessive noise (to include the unapproved use of sound amplification equipment); creating an unnecessary burden on university or first responder resources; or impeding a university official, law enforcement officer, or medical expert in the performance of their duties.
3. Additional examples include: blocking entrances, corridors or exits; interfering with ongoing educational activities cultural events, or recreational, extracurricular or athletic programs; unauthorized presence in a building after normal closing hours or after notice that the building is being closed; interfering with vehicular or pedestrian traffic; [creating unsanitary conditions;] and interfering with any other effort to protect the health and safety of members of the university community or larger public.
4. No student may obstruct, disrupt, or attempt by physical force to cancel or discontinue speech by any speaker, or the observation of speech by any person intending to see or hear a speaker.
5. Disruptive conduct does include any restrictions as defined in [JMU Policy 1121](#).
6. Disruptive conduct does not include speech or other forms of conduct that are protected under federal and state law or JMU Policy 1121.

Drugs

This policy applies to students and recognized student organizations, as defined in this Handbook.

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:

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

intend to sell, distribute, or give a drug to another person. Examples of possession and use include but are not limited to ingesting a drug or having a drug in an area under the responsibility of the student or recognized student organization. Areas of responsibility include but are not limited to backpacks, refrigerators, residence hall rooms, personal belongings, private rooms, common spaces, organizational offices and mailboxes, organizational storage spaces and lockers, organizational residences, and/or vehicles.

2. No student or recognized student organization 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 or recognized student organization. Areas of responsibility include but are not limited to backpacks, refrigerators, residence hall rooms, personal belongings, private rooms, common spaces, organizational offices and mailboxes, organizational storage spaces and lockers, organizational residences, and/or vehicles.
3. Students shall not drive or operate a motor vehicle under the influence of a drug in accordance with state law.
4. Intoxication due to a drug is prohibited in public areas. 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 university owned or operated 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 university owned or operated property or part of any of its programs or activities.

Endangerment

This policy applies to students and recognized student organizations, as defined in this Handbook.

No student or recognized student organization shall engage in any activity or behavior which endangers or is reasonably likely to endanger the safety, health, or well-being of that student, recognized student organization, or of others. No student or recognized student organization 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 or staff guidance are not covered under this policy. This policy prohibits but is not limited to the following activities:

1. The use, possession, or false reporting of fireworks, firecrackers, gunpowder, ammunition, firearms or any dangerous chemicals, explosive materials, or incendiary devices on university owned or operated property. Students may register and store firearms and ammunition with the [JMU Police](#) under [University Policy 1105](#).
2. Inappropriate or dangerous use of fires, open flames or other flammable materials on university owned or operated property. This includes the unsafe or inappropriate disposal of smoking materials.
3. Blocking or in any way preventing use of entrances, corridors, exits, fire exit doors, handicapped ramps, residence hall room doors, classroom and office doors, routes of egress at events, and building hallways on university owned or operated property, except as specifically directed in cases of intruder alerts or other serious emergencies.
4. Improper use of electrical appliances or wiring on university owned or operated property which may create a fire hazard.
5. 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 owned or operated property.
6. Throwing or causing to be projected any object or substance, which has the potential for damaging or defacing university owned or operated property or private property or causing personal injury or disruption of activity.
7. Operation of a vehicle, bicycle, skateboard, scooter, hover board, or similar mode of transportation in an unsafe manner on university owned or operated property or other prohibited areas. Operation in an unsafe manner includes but not limited to reckless operation that could lead to an injury to oneself or others; failure to follow traffic signals or signage; failure to yield to pedestrians; or failure to maintain control of a vehicle, skateboard, scooter, hover board, or similar mode of transportation.

8. 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.

Facilitating Academic Misconduct

This policy applies to recognized student organizations, as defined in this Handbook.

1. No recognized student organization shall use or share unauthorized materials without instructor permission, including but not limited to previous works. Previous works include but are not limited to examinations, papers, exhibits, experiments, and other supplementary items submitted for academic credit and includes previous works submitted to any institution.
2. No recognized student organization shall provide unauthorized assistance during an examination or in connection with any work done for academic credit.
3. No recognized student organization shall request or require a member or potential new member to attend a class or examination on behalf of another member or potential new member.
4. No recognized student organization shall request or require a member or potential new member to complete academic assignments on behalf of another member or potential new member.
5. No recognized student organization shall facilitate the sharing of exams, exams responses, or academic assignments through means including but not limited to group meetings, group communications, file sharing, and digital archives.
6. No recognized student organization shall collect and/or provide copies of previously assigned examinations or academic assignments.

An alleged policy violation(s) for a recognized student organization through OSARP should not be confused with the JMU Honor Council process for individual students. For more information, visit the [Honor Council website](#).

Failure to Comply with an Outcome

This policy applies to students and recognized student organizations, as defined in this Handbook.

No student or recognized student organization shall fail to comply with any disciplinary outcomes, assigned outcomes, agreed-upon outcomes, or requirements imposed by an informal or formal Honor Council process, University Policy 1324 process, Restorative Practices or Adaptable Resolution process, or other OSARP process.

- Violations include but are not limited to not attending or being late for educational programs, failing to complete assignments or agreed-upon outcomes, or failing to follow the expectations of assigned or required programs.

Falsification of Information

This policy applies to students and recognized student organizations, as defined in this Handbook.

1. No student or recognized student organization shall alter, replicate, or have in their possession an altered or replicated parking permit.
2. No student or recognized student organization 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.
3. No student or recognized student organization shall misrepresent themselves as a JMU official or as a member of an organization affiliated with the university. No student or recognized student organization shall provide false or misleading information about their or their organization's recognition status with the university. No student or recognized student organization 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.
4. No student or recognized student organization 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

This policy applies to students and recognized student organizations, as defined in this Handbook.

1. No student or recognized student organization shall activate a fire alarm except in case of an actual fire.
2. No student or recognized student organization shall disregard a fire alarm signal, refuse to evacuate a building, or re-enter without permission from a university official.
 - A university official includes but is not limited to members of the faculty, administrative staff, classified staff, Office of Residence Life staff (including house managers), Office of Student Life staff, CMSS staff, UREC staff, event/program staff, or other professional or student staff of university departments/offices.
3. No student or recognized student organization shall enter or exit from a fire escape except during a fire drill or in the case of an actual fire.
4. No student or recognized student organization shall, without authorization, operate, move, tamper with or otherwise misuse any fire suppression equipment.
5. No student or recognized student organization shall move, remove, tamper with or otherwise misuse any fire detection or early warning devices, emergency lighting or evacuation systems, including signage.

Gambling

This policy applies to students and recognized student organizations, as defined in this Handbook.

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

Harassment

This policy applies to students and recognized student organizations, as defined in this Handbook.

[JMU Policy 1302 "Equal Opportunity and Non-Discrimination"](#) addresses sexual harassment and harassment based on protected characteristics. Sexual harassment is further defined and addressed by: [JMU Policy 1340 "Sexual Misconduct"](#); Student Handbook sections [Sexual Misconduct](#) and [Sexual Misconduct Accountability Process](#); [JMU Policy 1346 "Title IX Sexual Harassment"](#); and Student Handbook sections [Title IX Sexual Harassment](#) and [Title IX Sexual Harassment Adjudication Process](#). Harassment on the basis of other protected characteristics is further defined and addressed by [JMU 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 oral, written, graphic, or physical conduct that is sufficiently severe, pervasive, and objectively offensive such that it 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, 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

This policy applies to students, recognized student organizations, and student groups, as defined in this Handbook.

The university prohibits hazing, including recklessly or intentionally endangering the health or safety of a student or students, or inflicting bodily injury on a student or students 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 or injured participates voluntarily in the relevant activity. Students, recognized student organizations, or student groups 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 conduct, statements, or actions in connection with or for the purpose of initiation, admission into or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body that are intentional or reckless; extreme, outrageous and intolerable; and that directly cause severe emotional distress of another student regardless of whether the student or students participated voluntarily in the relevant activity. Examples may include, but not be limited to: 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.

Sections [18.2-56](#) and [23.1-821](#) 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.
- Requires OSARP, upon receipt of an alleged Hazing policy violation(s) that may have caused bodily injury, to share information regarding the alleged behavior with JMU and/or local law enforcement for the purposes of reporting it to the Commonwealth's Attorney for Harrisonburg and Rockingham County, who shall take such action as they deem appropriate.
- Requires JMU to include as part of its policy, code, rules, or set of standards governing hazing a provision for immunity from individual 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

This policy applies to students and recognized student organizations, as defined in this Handbook.

No student or recognized student organization shall engage in, or direct through a third party, any activity which disrupts, unfairly influences or obstructs a Title IX process, OSARP process, Honor Council process, University Policy 1324 process, or other conduct process at JMU. This includes but is not limited to the following activities:

1. Attempting to influence, intimidate, or threaten any participant, witness, council, investigator, or decision-maker in the reporting and/or preparation of a Title IX process, OSARP process, Honor Council process, University Policy 1324 process, or other conduct process at JMU.

2. Attempting to influence, intimidate, or threaten any participant, witness, council, investigator, or decision-maker in a Title IX process, OSARP Process, Honor Council process, University Policy 1324 process, or other conduct process, proceeding, investigation, or resolution at JMU.
3. Knowingly providing falsified or misleading information to the Title IX Office, OSARP staff, University Case Administrators, Honor Council coordinators and/or Honor Council, or other staff conducting a conduct process at JMU.
4. Overt or covert acts of discrimination, harassment, interference, intimidation, penalty, reprisal or restraint against an individual or group of individuals exercising, cooperating with, or having exercised a Title IX process, OSARP process, Honor Council process, University Policy 1324 process, or other conduct process at JMU.
5. Attempting to influence, intimidate, or threaten any participant, including but not limited to the parties, support person(s), or facilitator(s), by any means, in the preparation for or the participation in Restorative Practices or Adaptable Resolution, coordinated by OSARP.

Littering

This policy applies to students and recognized student organizations, as defined in this Handbook.

1. No student or recognized student organization shall intentionally dispose of refuse of any kind except in receptacles provided for that purpose.
2. No receptacle used for trash shall be overturned on university owned or operated property.
3. Activities outlined in [JMU Policy 4310](#) are also covered by this policy.

Misuse of Technology

This policy applies to students and recognized student organizations, as defined in this Handbook.

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:

1. 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-ID, telecommunications account, or access privileges.
2. Tampering with or 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 files belonging to someone else without permission (whether inside or outside the computer system).
3. 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.
4. Degrading or attempting to degrade computer or other technological hardware or software performance to alter or circumvent established security measures.
5. 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

This policy applies to students and recognized student organizations, as defined in this Handbook.

1. No student or recognized student organization 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.
 - Departments/offices include but are not limited to the Office of Residence Life, Office of Student Life, Fraternity & Sorority Life, Student Leadership and Involvement, Center for Multicultural Student Services (CMSS), or University Recreation (UREC).

- A university official includes but is not limited to members of the faculty, administrative staff, classified staff, Office of Residence Life staff (including house managers), Office of Student Life staff, CMSS staff, UREC staff, event/program staff, or other professional or student staff of university departments/offices.
2. No student or recognized student organization shall fail to schedule or attend an administratively requested meeting or investigation interview.
 3. No student or recognized student organization shall refuse to follow directives or instructions communicated to the university community generally, or as a part of a university policy, process, or procedure.
 - Communications include but are not limited to: university notifications; university documents; organizational constitutions and/or governing documents; instructions, requirements, or restrictions in a university policy, process, or procedure; and written or verbal directives or instructions.

Obscene Conduct

This policy applies to students and recognized student organizations, as defined in this Handbook.

1. No student or recognized student organization shall publicly engage in lewd, indecent or obscene conduct, including, but not limited to; public nudity (streaking, etc.), public urination, or public sexual acts.
2. No student or recognized student organization shall possess and/or produce illegal sexual materials.

NOTE: Depending on the circumstances of the incident, the alleged behaviors of a student or recognized student organization related to this policy may first be reviewed by the Title IX Office for response.

Physical Force or Attempted Physical Force

This policy applies to students and recognized student organizations, as defined in this Handbook.

1. No student or recognized student organization shall use physical force or attempt to use physical force against another person or group of people. 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.
2. No student or recognized student organization shall communicate a serious expression of the intent to commit an act of unlawful violence against another person or group of people made directly to that person or group of individuals, or to someone the speaker intended would communicate the threat to that person or group of individuals. Additionally, no student or recognized student organization should make a threat which is identified as prohibited within [Code of Virginia §18.2-60](#).
3. No student or recognized student organization shall utilize an object or objects in a manner that causes harm, pain, or discomfort to another.
4. No student or recognized student organization shall physically force or attempt to physically force another person to consume a substance against their will.

Using physical force as a response to physical force that continues and/or escalates an altercation may also be addressed by this policy. In addition, acts committed against persons while in the performance of their duties (e.g., university official, law enforcement officer, court official, or medical expert) are considered more serious.

- A university official includes but is not limited to members of the faculty, administrative staff, classified staff, Office of Residence Life staff (including house managers), Office of Student Life staff, CMSS staff, UREC staff, event/program staff, or other professional or student staff of university departments/offices.

Prohibited Conduct

This policy applies to students and recognized student organizations, as defined in this Handbook.

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

Prohibited Masking

This policy applies to students and recognized student organizations, as defined in this Handbook.

Consistent with [Virginia Code § 18.2-422](#), it shall be a violation for any person over 16 years of age to, with the intent to conceal his identity, wear any mask, hood or other device whereby a substantial portion of the face is hidden or covered so as to conceal the identity of the wearer, to be or appear in any public place, or upon any private property in this Commonwealth without first having obtained from the owner or tenant thereof consent to do so in writing. However, the provisions of this section shall not apply to persons (i) wearing traditional holiday costumes; (ii) engaged in professions, trades, employment or other activities and wearing protective masks which are deemed necessary for the physical safety of the wearer or other persons; (iii) engaged in any bona fide theatrical production or masquerade ball; or (iv) wearing a mask, hood or other device for bona fide medical reasons upon (a) the advice of a licensed physician or osteopath and carrying on his person an affidavit from the physician or osteopath specifying the medical necessity for wearing the device and the date on which the wearing of the device will no longer be necessary and providing a brief description of the device, or (b) the declaration of a disaster or state of emergency by the Governor of Virginia in response to a public health emergency where the emergency declaration expressly waives this section, defines the mask appropriate for the emergency, and provides for the duration of the waiver.

Any individual who is present on University Property or attending a University Event who is wearing a mask, hood, or other device whereby a substantial portion of the face is hidden or covered so as to conceal the identity of the wearer, must present an Identification Document when requested by an Authorized University Employee or otherwise establish their identity to the satisfaction of the Authorized University Employee.

Responsibility for Guest(s)

This policy applies to students and recognized student organizations, as defined in this Handbook.

Each student or recognized student organization will be held accountable for any damage or violation of university policy by their guest(s) on university owned or operated property. Guests include but are not limited to non-JMU individuals, alumni, or other visitors.

Sexual Misconduct

This policy applies to students, as defined in this Handbook.

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](#), and 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:

1. **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.

2. 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.
3. 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.
4. 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.
5. 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.

6. **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.
7. **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:

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

This policy applies to students and recognized student organizations, as defined in this Handbook.

1. The following is prohibited in university buildings, university vehicles, residence hall courtyards, or other areas outlined in [JMU Policy 1111](#): the possession of any kind of activated smoking equipment; the lighting and/or burning of any smoking material, including but not limited to, a pipe, cigar, cigarette, bong, and rolled cannabis cigarette; the inhaling and/or exhaling of smoke or vapor from any device or material used for smoking.
2. No student or recognized student organization 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 otherwise exempted by law.
3. No student 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 otherwise exempted by law.

Soliciting, Petitioning, Selling, Surveying, and Publicizing

This policy applies to students and recognized student organizations, as defined in this Handbook.

1. No student or recognized student organization may sell or solicit on university owned or operated property for any purpose whatsoever without first obtaining the sponsorship of a recognized student organization and registering with the Associate Director of organizations. Sales and solicitation may only take place in the areas designated by the Office of Student Life. (For activities in residential buildings, refer to #3)
 - The sponsoring organization must obtain the written approval of the Associate Director of organizations, 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.

2. All students or recognized student organizations planning to conduct programs on university owned or operated property or off campus requiring a contractual agreement with non-university agencies must obtain the written approval of the Director of Student Life or other pertinent university officials.
 - For this purpose, a university official includes but is not limited to members of the faculty, administrative staff, classified staff, Office of Residence Life staff (including house managers), Office of Student Life staff, CMSS staff, UREC staff, event/program staff, or other professional or student staff of university departments/offices.
3. Soliciting, petitioning, selling, surveying, publicizing and distribution by students, recognized student 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 hall director agrees to sponsor the program, which is then subject to the review and approval by the Director of Residence Life or designee.
 - 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 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.
4. No student or recognized student organization, or their guest(s), shall engage in behavior prohibited by [JMU Policy 3104: Bulletin Board Use & Posting Public Notes](#).

Theft, Attempted Theft, or Possession of Stolen Items

This policy applies to students and recognized student organizations, as defined in this Handbook.

1. No student or recognized student organization 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.
2. No student or recognized student organization shall use, appropriate, or possess any property not belonging to them without permission of its owner or the right of sale. This includes possession of any university or road signage without proof of ownership or sale.
3. No student or recognized student organization 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](#))

Please refer to [JMU Policy 1603: Fraud, Waste and Abuse Reporting](#) for information about procedures for reporting fraud, waste and abuse involving university property or resources.

Title IX Sexual Harassment

This policy applies to students, as defined in this Handbook.

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

This policy applies to students and recognized student organizations, as defined in this Handbook.

1. No unauthorized student or recognized student organization shall enter, attempt to enter, or remain in university owned or operated property or private property. 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.
2. No student or recognized student organization 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. This includes persons who are in public spaces in a residence hall, in which they do not reside, without the resident who provided permission to access the space. Refer to the [Office of Residence Life's Hall Policies](#) for more information on guests in a residence hall.

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

This policy applies to students and recognized student organizations, as defined in this Handbook.

1. No student or recognized student organization 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.
2. No student or recognized student organization shall lend or sell their own or another individual's identification, key, access code, parking decal, or JMU Access Card (or replication thereof).
3. No student or recognized student organization shall use documents or identifying information (or replication thereof) of another individual outside of its authorized use.
4. No student or recognized student organization 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.
5. No student or recognized student organization shall use university property outside of its authorized use.

Weapons

This policy applies to students and recognized student organizations, as defined in this Handbook.

1. No student or recognized student organization shall carry, maintain, possess, or store weapons or weapon facsimiles in violation of [JMU Policy 1105](#), and must adhere to all requirements outlined in JMU Policy 1105.
2. No student or recognized student organization shall use or possess realistic facsimiles of weapons on any university owned or operated property, including in vehicles on university owned or operated property, unless used or possessed during the course of an instructor-approved activity.
3. Weapons that are to be used for hunting may be registered and stored at the university police station. Refer to JMU Policy 1105: Prohibition of Weapons or contact the [JMU Police](#) for more information on permissible weapons storage.
4. No student or recognized student organization shall use any item as a weapon in a manner that is intended to lead to the injury of another. This includes but is not limited to academic, athletic, and recreational equipment.
5. No student or recognized student organization, or their guest(s), shall engage in behavior prohibited by JMU Policy 1105: Prohibition of Weapons.

Individual Accountability Process (IAP)

The information contained in this section of the Handbook is only applicable for those participating in the Individual Accountability Process. At times, the word “individual” will not be placed in front of various steps of the process but if it is in this section of the Handbook, it only pertains to individuals and their accountability procedures. For cases alleging a violation of university policy for a student organization or student group, see the “[Organizational Accountability Process](#)” section within this Handbook. For cases alleging Sexual Misconduct, see the “[Sexual Misconduct Accountability Process](#)” section within this Handbook. For cases alleging Title IX Sexual Harassment, see the “[Title IX Sexual Harassment Adjudication Process](#)” section within this Handbook. For cases involving the interim suspension of an individual student, see the “[Individual Interim Suspension Process](#)” section within this Handbook.

Definitions

IAP

An acronym for the Individual Accountability Process.

IAAR

An acronym for the Individual Accountability Appeal Review.

IACR

An acronym for the Individual Accountability Case Review.

OSARP Case Administrator

An OSARP Case Administrator is a staff member who works for, or has a practicum, externship, or internship with, the Office of Student Accountability and Restorative Practices (OSARP).

Reporting Party

A Reporting Party is an individual who reports alleged behavior committed by a JMU student that can be addressed by the Individual Accountability Process. A Reporting Party need not necessarily present an alleged policy violation(s) against a Responding Party, but it is often their interaction with a Responding Party that led to an alleged policy violation(s) being placed by OSARP. A Reporting Party does not attend the IACR, but their perspectives are included in the process through the information they submitted to OSARP or through the follow-up conducted by an OSARP Case Administrator.

The availability of a Reporting Party is considered when OSARP schedules a UCA-IACR or IAAR based on new evidence, when permitted by the process in the Handbook. OSARP cannot compel, mandate, or require a Reporting Party to attend or participate in the Individual Accountability Process. OSARP confers the rights outlined in the Reporting Party Rights to those who meet this definition.

Reporting Party (Crimes of Violence)

NOTE: This section does not apply to crimes of violence that are covered in the Sexual Misconduct or Title IX Sexual Harassment policies.

A Reporting Party ([Crimes of Violence](#)) is an individual who reports alleged behavior committed by a JMU student that can be addressed by the Individual Accountability Process for the Physical Force or Attempted Physical Force or Damage, Attempted Damage, or Vandalism of Property policies where the damage, attempted damage, or vandalism of property was deemed to be willful or malicious. A Reporting Party (Crimes of Violence) need not necessarily present an alleged policy violation(s) against a Responding Party, but it is often their interaction or experience with a Responding Party that led to an alleged policy violation(s) being placed by OSARP. A Reporting Party (Crimes of Violence) does not attend the IACR, but their perspectives are included in the process through the information they submitted to OSARP or through the follow-up conducted by an OSARP Case Administrator.

The availability of a Reporting Party (Crimes of Violence) is considered when OSARP schedules a UCA-IACR or IAAR based on new evidence, when permitted by the process in the Handbook. OSARP cannot compel, mandate, or require a Reporting Party (Crime of

Violence) to attend or participate in the Individual Accountability Process. OSARP confers the rights outlined in the Reporting Party Rights to those who meet this definition.

Reporting Party Witness

A Reporting Party Witness is an individual who provides a report, statement, evidence, or other information, at the request of the Reporting Party, to be used in the placing or review of an alleged policy violation(s) in the Individual Accountability Process. A Reporting Party Witness does not attend the IACR, but their perspectives are included in the process through the information they submitted to OSARP or through the follow-up conducted by an OSARP Case Administrator.

A Reporting Party Witness can provide information relevant to the case, including what they know about the alleged incident or their knowledge of the Reporting Party in accordance with the restrictions listed in the process. A Reporting Party Witness may not provide their perspective on what they feel the appropriate decision or outcomes in the case should be at any time during the process. OSARP typically will not initiate the Individual Accountability Process and pursue an alleged policy violation(s) if there is evidence shared regarding the Reporting Party Witness's personal consumption of drugs or alcohol while participating solely as a witness. However, if a case has already been conducted to address the witness's personal consumption of drugs or alcohol, OSARP will not revisit the outcome of that case. Additionally, OSARP will pursue an alleged policy violation(s) if the Reporting Party Witness claims responsibility for the Responding Party's alleged policy violation(s) during the course of their statements or interactions with OSARP.

For an IAAR based on new evidence, a Reporting Party Witness may be called by a Reporting Party to provide a statement in response to the new evidence. A Reporting Party Witness may provide a written or in-person statement at an IAAR in accordance with the requirements as listed in the Handbook. The availability of a Reporting Party Witness is reasonably considered when OSARP schedules an IAAR and/or an UCA-IACR, when permitted by the process in the Handbook. OSARP cannot compel, mandate, or require Reporting Party Witnesses to attend or participate in the Individual Accountability Process. It is the responsibility of the Reporting Party to coordinate their witnesses' attendance when the process allows their attendance. OSARP confers the rights outlined in the Reporting Party Witness Rights to those serving in this role.

Responding Party

A Responding Party is a student who receives notification of an alleged policy violation(s) and is afforded rights and an Individual Accountability Process by OSARP to respond to the alleged policy violation(s). The availability of a Responding Party is considered when OSARP schedules an IACR, Follow-Up Meeting(s), IAAR, or UCA-IACR, when applicable.

Responding Party Witness

A Responding Party Witness is an individual who provides a report, statement, evidence, or other information, at the request of a Responding Party, to be used in the review of an alleged policy violation(s) in the IAP. A Responding Party Witness does not attend the IACR, but their perspectives are included in the process through written statement(s) they submit to OSARP on behalf of the Responding Party or through the follow-up conducted by an OSARP Case Administrator.

A Responding Party Witness can provide information relevant to the case, including what they know about the alleged incident, or their knowledge of the Responding Party in accordance with the restrictions listed in the process. A Responding Party Witness may not provide their perspective on what they feel the appropriate decision or outcomes in the case should be at any time during the process. OSARP typically will not initiate the Individual Accountability Process and pursue an alleged policy violation(s) if there is evidence shared regarding the Responding Party Witness's personal consumption of drugs or alcohol while participating as a witness if it is new information regarding the incident. However, if a case has already been conducted to address the witness's personal consumption of drugs or alcohol, OSARP will not revisit the outcome of that case. Additionally, OSARP will pursue an alleged policy violation(s) if the Responding Party Witness claims responsibility for the Responding Party's alleged policy violation(s) during the course of their statements or interaction with OSARP.

For an IAAR based on new evidence, a Responding Party Witness may be called by a Responding Party to provide a statement in response to the new evidence. A Responding Party Witness may provide a written or in-person statement at an IAAR when permitted by the process in the Handbook. The availability of a Responding Party Witness is reasonably considered when OSARP schedules an IAAR and/or an UCA-IACR, when permitted by the process in the Handbook. OSARP cannot compel, mandate, or require Responding Party Witnesses to attend or participate in the Individual Accountability Process. It is the responsibility of the

Responding Party to coordinate their witnesses' attendance when the process allows their attendance. OSARP confers the rights outlined in the Responding Party Witness Rights to those serving in this role.

Support Person

Reporting Parties, Reporting Parties ([Crimes of Violence](#)), Responding Parties, Reporting Party Witnesses, and Responding Party Witnesses participating in the Individual Accountability Process, in accordance with the restrictions in the Handbook, may be accompanied by one Support Person. A Support Person may not attend an IACR, Follow Up Meeting(s), or UCA-IACR, when applicable, with a Responding Party except in cases where the potential outcomes of the case include suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing.

UCA-IACR

An acronym for the University Case Administrator–Individual Accountability Case Review.

University Case Administrator (UCA)

A UCA is a volunteer faculty or staff member who has been trained by OSARP to hear cases. Full-time employees, part-time employees, faculty members, Administrative and Professional faculty, and classified staff are eligible to serve as UCAs. Graduate student staff who have prior experience with OSARP but are not currently working with OSARP are also eligible for this role. A UCA shall not hold an administrative position at a Vice President level or higher and they may not have supervisory oversight of OSARP. OSARP may appoint additional UCAs as needed. UCAs are indefinitely eligible provided that they remain affiliated with the university and have the support of their direct supervisor. UCAs with a university disciplinary record maintained by OSARP will have their eligibility evaluated by OSARP on a case-by-case basis including but not limited to the facts of the case, impact on community, and time since incident. A UCA may withdraw from this volunteer opportunity at any time.

OSARP is responsible for the training of UCAs. UCAs are required to complete initial and ongoing training as determined by OSARP.

A UCA in the Individual Accountability Process will receive access to the case file and documentation for the sole purpose of reviewing the case.

When appointed, a UCA is authorized to conduct the following stages of the Individual Accountability Process:

- Individual Accountability Appeal Reviews
- UCA—Individual Accountability Case Reviews
- Other circumstances as determined by the Director of OSARP or designee

University Witness

A University Witness is an individual who provides a report, statement, evidence, or other information to be used in the placing or review of an alleged policy violation(s) in OSARP. University Witnesses are not called as a witness by a Responding Party or Reporting Party, if applicable, but are determined by OSARP as having relevant information necessary for the review of the case. University Witnesses may include, but are not limited to, Office of Residence Life staff, faculty, university staff, or police officers reporting alleged policy violation(s). University Witnesses do not attend the IACR, but their perspectives are included in the process through the information they submitted to OSARP or through the follow-up conducted by an OSARP Case Administrator.

The availability of a University Witness is considered when OSARP schedules a UCA-IACR or IAAR based on new evidence, when permitted by the process in the Handbook.

In cases where a University Witness is also defined as a Reporting Party or a Reporting Party (Crimes of Violence), they will be permitted the same rights as a Reporting Party or a Reporting Party (Crimes of Violence).

Participants' Roles, Rights, and Restrictions

Responding Party - Responsibilities and Rights - Individual Administrative Case Review (IACR) and Follow-Up Meeting(s), when applicable

Procedural Responsibilities of the Office of Student Accountability and Restorative Practices

1. OSARP will send the Responding Party notification of all policies allegedly violated, the date(s) and location(s) of the allegation(s), and how OSARP received that information via their official JMU email address.
2. OSARP will send the Responding Party notification of the date, time, and location of the IACR at least three days prior to the IACR meeting via their official JMU email address.
3. OSARP will provide a fair and impartial process with unbiased decision-makers that presume the Responding Party is not responsible for violating policy. OSARP will use a preponderance of the evidence standard to determine if a Responding Party is responsible for violating policy.
4. OSARP will notify the Reporting Party (if any) of the outcomes of the case related to responsible findings for policy violation(s) that are [crimes of violence](#), as required by law.
5. OSARP may be required to report specific information provided during the Individual Accountability Process (IAP) to other accountability processes, JMU department(s), or law enforcement, including but not limited to: sexual harm, harassment or discrimination based on a protected class, hazing, harm or threat of harm to self or others, or other behavior that is against the mission of the institution.

Responding Party Rights

Rights #1 through #5 only apply if the Responding Party chooses to attend the IACR and Follow-Up Meeting(s), when applicable.

1. The right to attend the IACR meeting, except for administrative consultation or additional information gathering, and the right to attend a Follow-Up Meeting(s), when applicable. A Responding Party who fails to attend the IACR or Follow-Up Meeting(s), when applicable, waives certain rights in the process and understands their case will be decided by the OSARP Case Administrator in their absence based on the information contained in the case file and any follow-up conversations the OSARP Case Administrator may have regarding the case.
2. The right to have an OSARP Case Administrator review the alleged violation(s) in the case and the information contained in the case file.
3. The right to not answer the OSARP Case Administrator's questions or provide information to be used to make a decision in the case.
4. The right to know and respond to all information being used to make a decision in the case; the right to provide information to be included in the case file and used in the review of the case in accordance with the deadlines and restrictions listed in the IAP.
5. The right to receive the final decision of an IAP case in writing via their official JMU email account within 10 business days of a final decision being rendered.

Responding Party - Responsibilities and Rights - Individual Administrative Case Review (IACR) and Follow-Up Meeting(s), when applicable, when suspension, expulsion, notice of trespass, and/or removal from all university housing is a possible outcome

Procedural Responsibilities of the Office of Student Accountability and Restorative Practices

1. OSARP will send the Responding Party notification of all policies allegedly violated, the date(s) and location(s) of the allegation(s), and how OSARP received that information via their official JMU email address.
2. OSARP will send the Responding Party notification of the date, time, and location of the IACR at least three days prior to the IACR meeting via their official JMU email address.
3. OSARP will provide a fair and impartial process with unbiased decision-makers that presume the Responding Party is not responsible for violating policy. OSARP will use a preponderance of the evidence standard to determine if a Responding Party is responsible for violating policy.
4. OSARP will notify the Reporting Party (if any) of the outcomes of the case related to responsible findings for policy violation(s) that are [crimes of violence](#), as required by law.
5. OSARP may be required to report specific information provided during the Individual Accountability Process (IAP) to other accountability processes, JMU department(s), or law enforcement, including but not limited to: sexual harm, harassment or discrimination based on a protected class, hazing, harm or threat of harm to self or others, or other behavior that is against the mission of the institution.

Responding Party Rights

Rights #1 through #5 only apply if the Responding Party chooses to attend the IACR and Follow-Up Meeting(s), when applicable.

1. The right to attend the IACR meeting, except for administrative consultation or additional information gathering, and the right to attend a Follow-Up Meeting(s), when applicable. A Responding Party who fails to attend the IACR or Follow-Up Meeting(s), when applicable, waives certain rights in the process and understands their case will be decided by the OSARP Case Administrator in their absence based on the information contained in the case file and any follow-up conversations the OSARP Case Administrator may have regarding the case.
2. The right for one Support Person to attend the IACR or Follow-Up Meeting(s), when applicable, **when the case includes potential outcomes of suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing**, as acknowledged in the email notification of alleged policy violation(s) to the Responding Party. The Support Person attending an IACR, or Follow-Up Meeting(s), when applicable, may not communicate for or speak on behalf of a Responding Party but may provide support or advice on how to present the case in accordance with the restrictions outlined in the Handbook.
3. The right to have an OSARP Case Administrator review the alleged violation(s) in the case and the information contained in the case file.
4. The right to not answer the OSARP Case Administrator's questions or provide information to be used to make a decision in the case.
5. The right to know and respond to all information being used to make a decision in the case; the right to provide information to be included in the case file and used in the review of the case in accordance with the deadlines and restrictions listed in the IAP.
6. The right to submit a written appeal of the decision by the OSARP Case Administrator, within four days of receiving the decision via their official JMU email account. **This right is only applicable for cases where the decision included an outcome of suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing.** Appeals may only be submitted on the following grounds. When referenced below, "affected the outcome of the matter" refers to the entirety of the decision rendered including the determination regarding responsibility or outcomes assigned, if applicable.
 - **Procedural irregularity that affected the outcome of the matter.** The appeal submission must outline the procedural irregularity and how that affected the decision in the case.
 - **Excessively harsh outcome(s) for a case with a responsible finding(s) on policy.** The appeal submission must outline the reason(s) the outcome(s) assigned are excessively harsh.
 - **New evidence that was not reasonably available or accessible at the time of the IACR or Follow-Up Meeting(s), when applicable, and only relevant to refute information as to whether or not the Responding Party is responsible for violating policy.** The appeal submission must outline the new evidence, why the new evidence was not reasonably available or accessible at the time of the IACR, Follow-Up Meeting(s), or University Case Administrator-Individual Accountability Case Review (UCA-IACR) when applicable, and how it is relevant to the decision of whether or not the Responding Party is responsible for violating policy.
7. The right to receive the final decision of an IAP case in writing via their official JMU email account within 10 business days of a final decision being rendered.

Responding Party - Responsibilities and Rights - Individual Accountability Appeal Review (IAAR)

Procedural Responsibilities of the Office of Student Accountability and Restorative Practices

1. OSARP will send the Responding Party notification of all policies allegedly violated, the date and location of the allegation(s), and how OSARP received that information via their official JMU email address.
2. For appeals on new evidence, OSARP will send the Responding Party notification of the date, time, and location of the IAAR at least three days prior to the IAAR meeting via their official JMU email address.
3. OSARP will schedule a University Case Administrator (UCA) to provide a fair and impartial process as an unbiased decision-maker that presumes the Responding Party is not responsible for violating policy. As applicable, the UCA will use a preponderance of the evidence standard to determine if a Responding Party is responsible for violating policy.
4. OSARP will notify the Reporting Party (if any) of the outcomes of the case related to responsible findings for policy violation(s) that are [crimes of violence](#), as required by law.
5. OSARP may be required to report specific information provided during the Individual Accountability Process (IAP) to other accountability processes, JMU department(s), or law enforcement, including but not limited to: sexual harm, harassment or

discrimination based on a protected class, hazing, harm or threat of harm to self or others, or other behavior that is against the mission of the institution.

Responding Party Rights

Rights #1 through #6 only apply if the Responding Party chooses to attend the IAAR and the UCA holds the IAAR for the new evidence portion.

1. The right to attend the IAAR if allowed by the IAP. A Responding Party that fails to attend the IAAR, if allowed, waives certain rights in the process and understands their case will be decided by the UCA in their absence based on the information contained in the case file and from any witnesses who present during the IAAR.
2. The right for one Support Person to attend the IAAR, if the Responding Party is allowed to attend the IAAR by the IAP, and only for cases that include potential outcomes of suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing, as acknowledged in the email notification of alleged policy violation(s) to the Responding Party. The Support Person attending an IAAR may not communicate for or speak on behalf of a Responding Party but may provide support or advice on how to present the information in accordance with the restrictions outlined in the Handbook.
3. The right to present the new evidence during the IAAR, according to the IAP.
4. The right to not answer questions or provide information to be used in the IAAR.
5. The right to question all witnesses and Reporting Parties (if any) who present at the IAAR.
6. The right to have witnesses present regarding the new evidence at the IAAR in accordance with the restrictions listed in the IAP, provided witnesses are able to attend the scheduled IAAR; the right to provide witness statements regarding the new evidence to be included in the IAAR in accordance with the deadlines and restrictions provided to them.
7. The right to be notified of the UCA's decision, rationale, and outcomes, if applicable, within two business days from the date of the IAAR.
8. The right to receive the final decision of an IAAR in writing via their official JMU email account within 10 business days of a final decision being rendered.

Responding Party - Responsibilities and Rights - University Case Administrator-Individual Accountability Case Review (UCA-IACR)

Procedural Responsibilities of the Office of Student Accountability and Restorative Practices (OSARP)

1. OSARP will send the Responding Party notification of all policies allegedly violated, the date and location of the allegation(s), and how OSARP received that information via their official JMU email address.
2. OSARP will send the Responding Party notification of the date, time, and location of the UCA-IACR at least three days prior to the UCA-IACR via their official JMU email address.
3. OSARP will schedule a University Case Administrator (UCA) to provide a fair and impartial process as an unbiased decision-maker that presumes the Responding Party is not responsible for violating policy. The UCA will use a preponderance of the evidence standard to determine if a Responding Party is responsible for violating policy.
4. OSARP will notify the Reporting Party (if any) of the outcomes of the case related to responsible findings for policy violation(s) that are [crimes of violence](#), as required by law.
5. OSARP may be required to report specific information provided during the Individual Accountability Process (IAP) to other accountability processes, JMU department(s), or law enforcement, including but not limited to: sexual harm, harassment or discrimination based on a protected class, hazing, harm or threat of harm to self or others, or other behavior that is against the mission of the institution.

Responding Party Rights

Rights #1 through #5 only apply if the Responding Party chooses to attend the UCA-IACR.

1. The right to attend the UCA-IACR meeting. A Responding Party that fails to attend the UCA-IACR waives certain rights in the process and understands their case will be decided by the UCA in their absence based on the information contained in the case file and from any witnesses who present during the UCA-IACR.
2. The right for one Support Person to attend the UCA-IACR when the case includes potential outcomes of suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing, as acknowledged in the email notification of alleged policy violation(s) to the Responding Party. The Support Person attending an UCA-IACR may not

communicate for or speak on behalf of a Responding Party but may provide support or advice on how to present the case in accordance with the restrictions outlined in the Handbook.

3. The right to have the UCA review the alleged violation(s) in the case and the information contained in the case file.
4. The right to not answer the UCA's questions or provide information to be used to make a decision in the case.
5. The right to know and respond to all information being used to make a decision in the case; the right to provide information to be included in the case file and used in the review of the case in accordance with the deadlines and restrictions listed in the IAP.
6. The right to question all witnesses and Reporting Parties (if any) who present at the UCA-IACR.
7. The right to have witnesses present at the UCA-IACR in accordance with the restrictions listed in the IAP, provided witnesses are able to attend the scheduled UCA-IACR; the right to provide witness statements to be included in the case review in accordance with the deadlines and restrictions provided to them.
8. The right to be notified of the UCA's decision, rationale, and outcomes, if applicable, within two business days from the date of the UCA-IACR.
9. The right to submit a written appeal of the decision by the UCA, within four days of receiving the decision via their official JMU email account. **This right is only applicable for cases where the decision included an outcome of suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing.**
Appeals may only be submitted on the following grounds. When referenced below, "affected the outcome of the matter" refers to the entirety of the decision rendered including the determination regarding responsibility or outcomes assigned, if applicable.
 - **Procedural irregularity that affected the outcome of the matter.** The appeal submission must outline the procedural irregularity and how that affected the decision in the case.
 - **Excessively harsh outcome(s) for a case with a responsible finding(s) on policy.** The appeal submission must outline the reason(s) the outcomes assigned are excessively harsh.
 - **New evidence that was not reasonably available or accessible at the time of the IACR or Follow-Up Meeting(s), when applicable, and only relevant to refute information as to whether or not the Responding Party is responsible for violating policy.** The appeal submission must outline the new evidence, why the new evidence was not reasonably available or accessible at the time of the IACR, Follow-Up Meeting(s), or UCA-IACR when applicable, and how it is relevant to the decision of whether or not the Responding Party is responsible for violating policy.
10. The right to have access to a recording of the UCA-IACR solely for the purposes of preparing an appeal upon request.
11. The right to receive the final decision of an IAP case in writing via their official JMU email account within 10 business days of a final decision being rendered.

Reporting Party Rights

The Reporting Party for an incident(s) that allegedly violates university policy(ies) committed by a JMU student, and does not fall under the *Physical Force or Attempted Physical Force or Damage, Attempted Damage, or Vandalism of Property* policies where the damage, attempted damage, or vandalism of property was deemed to be willful or malicious, in the Individual Accountability Process (IAP) has the following rights:

1. The right to receive access to a Reporting Party case file in order to prepare for a University Case Administrator-Individual Accountability Case Review (UCA-IACR) and/or an Individual Accountability Appeal Review (IAAR) based on new evidence, when permitted by the process in the Handbook. Reporting Party case files will consist of evidence provided by the Reporting Party and public information related to the case.
2. The right to be notified of the date, time and location of a UCA-IACR and/or an IAAR based on new evidence, when permitted by the process in the Handbook, via email at least three days prior to the meeting.
3. The right to attend a UCA-IACR, when permitted by the process in the Handbook, to share their perspective and be questioned by the University Case Administrator (UCA) and the Responding Party in accordance with the guidelines and restrictions outlined in the IAP.
4. The right to attend the IAAR meeting based on new evidence, when permitted by the process in the Handbook, and participate according to the guidelines and restrictions outlined in the IAP. A Reporting Party is only able to provide their response to the new evidence according to any restrictions outlined in the Handbook.
5. The right for one Support Person to attend a UCA-IACR or IAAR based on new evidence, when permitted by the process in the Handbook, according to the restrictions outlined in the IAP. The Support Person for the Reporting Party may not also

serve as a witness in the IAP or other OSARP processes that derive out of the same set of facts or circumstances. The Support Person may not communicate for or speak on behalf of a Reporting Party but may provide support or advice on how to present the information in accordance with the restrictions outlined in the Handbook.

Reporting Party (Crime of Violence) Rights

The Reporting Party (Crimes of Violence) for an incident(s) that allegedly violates the *Physical Force or Attempted Physical Force or Damage, Attempted Damage, or Vandalism of Property* policies where the damage, attempted damage, or vandalism of property was deemed to be willful or malicious has the following rights:

1. The right to receive access to a Reporting Party (Crime of Violence) case file in order to prepare for a UCA-IACR and/or an IAAR based on new evidence, when permitted by the process in the Handbook. Reporting Party case files will consist of evidence provided by the Reporting Party and public information related to the case.
2. The right to be notified of the date, time and place of the UCA-IACR and/or an IAAR based on new evidence, when permitted by the process in the Handbook, via email at least three days prior to the meeting.
3. The right to attend a UCA-IACR, when permitted by the process in the Handbook, to share their perspective and be questioned by the UCA and the Responding Party according to the guidelines and restrictions outlined in the IAP.
4. The right to attend the IAAR meeting based on new evidence, when permitted by the process in the Handbook, and participate according to the guidelines and restrictions outlined in the IAP. A Reporting Party (Crimes of Violence) is only able to provide their response to the new evidence according to any restrictions outlined in the Student Handbook.
5. The right for one Support Person to attend a UCA-IACR or IAAR based on new evidence, when permitted by the process in the Handbook, according to the restrictions outlined in the IAP. The Support Person for the Reporting Party may not also serve as a witness in the IAP or other OSARP processes that derive out of the same set of facts or circumstances. The Support Person may not communicate for or speak on behalf of a Reporting Party but may provide support or advice on how to present the information in accordance with the restrictions outlined in the Handbook.
6. The right to be informed of the findings in the case related to the alleged violation(s) that meet the definition of a [crime of violence](#) and any outcomes, if applicable.

Reporting Party Witness Rights

A Reporting Party Witness called by a Reporting Party has the following rights:

1. The right to be notified of the date, time, and location of the UCA-IACR and/or an IAAR based on new evidence, when permitted by the process in the Handbook, at least one day prior to a meeting via email if their name and contact information has been provided to OSARP by the Reporting Party.
2. The right for one Support Person to attend a UCA-IACR or IAAR based on new evidence, when permitted by the process in the Handbook, in accordance with the restrictions outlined in the IAP. The Support Person for the Reporting Party Witness may not also serve as a witness in the IAP or other OSARP processes that derive out of the same set of facts or circumstances. The Support Person may not communicate for or speak on behalf of a Reporting Party Witness but may provide support or advice on how to present the information in accordance with the restrictions outlined in the Handbook.

Responding Party Witness Rights

A Responding Party Witness called by a Responding Party has the following rights:

1. The right to be notified of the date, time, and location of the UCA-IACR and/or an IAAR based on new evidence, when permitted by the process in the Handbook, at least one day prior to a meeting via email if their name and contact information has been provided to OSARP by the Responding Party.
2. The right for one Support Person to attend a UCA-IACR or IAAR based on new evidence, when permitted by the process in the Handbook, in accordance with the restrictions outlined in the IAP. The Support Person for the Responding Party Witness may not also serve as a witness in the IAP or other OSARP processes that derive out of the same set of facts or circumstances. The Support Person may not communicate for or speak on behalf of a Responding Party Witness but may provide support or advice on how to present the information in accordance with the restrictions outlined in the Handbook.

The Role of a Support Person

In the Individual Accountability Process (IAP):

1. Participants may have one Support Person of their choice, which can be an attorney, provided they follow the guidelines outlined in the IAP. The University does not provide students participating in the IAP 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 within the IAP nor compels a Support Person to attend. It is the participant's responsibility to coordinate their Support Person's attendance.
3. A person who serves as a witness, University Witness, Responding Party, Reporting Party, OSARP Case Administrator or UCA cannot also serve as a Support Person in the IAP or other OSARP processes that derive out of the same set of facts or circumstances. A person who serves as a Support Person in the IAP or other OSARP processes cannot serve in any other capacity at any point in the process cases that derive out of the same set of facts or circumstances.
4. Prior to a meeting within the IAP, one Support Person may help the participant prepare for the case, which may include accompanying the Responding or Reporting Party to any meetings, reviewing the case file in OSARP with the Responding or Reporting Party, or communicating with OSARP and/or the University about the case and/or procedures with the permission of the Responding or Reporting Party.
5. During a meeting within the IAP, the one Support Person may:
 - Not communicate for or speak on behalf of the participant. Responding Parties, Reporting Parties, and witnesses, in portions of the process that allow for them, must present their statements or information themselves.
 - Consult with the participant on how to present their statements or information by whispering, providing notes, sending messages via electronic communication, or taking notes as long as it does not disrupt the review of the case.
 - Provide support by taking breaks with, or requesting breaks on behalf of, the participant they are accompanying.
6. OSARP may remove a Support Person from any meeting within the IAP if they are disruptive to the process or do not adhere to the requirements set forth in the IAP or in the Rules of Decorum.

Rules of Decorum

Responding Parties

The case review process must be managed to ensure all participants receive a fair, impartial, and unbiased experience that allows the decision-maker (e.g., OSARP Case Administrator or University Case Administrator (UCA)) to gather information necessary to make a decision regarding responsibility for the alleged policy violation(s) in the case. During the case review process, Responding Parties must adhere to the following expectations and the procedures in the Individual Accountability Case Review (IACR), Follow-Up Meeting(s), Individual Accountability Appeal Review (IAAR), or University Case Administrator-Individual Accountability Case Review (UCA-IACR) processes, as applicable and outlined within the Student Handbook.

General Expectations

Responding Parties in the Individual Accountability Process (IAP) must:

- Listen respectfully to the individual speaking without interruption.
- Speak appropriately with the OSARP Case Administrator or wait to begin speaking until addressed by the UCA, if applicable.
- Avoid speaking over other participants.
- Use respectful language that is not demeaning, derogatory, or disrespectful.
- Avoid raising their voices.
- Remain seated in their predetermined locations.
- Refrain from making distracting or offensive gestures (e.g., rolling eyes, throwing arms in the air, etc.) or audible reactions (e.g., scoffing, speaking under their breath, etc.).
- For questions about the Rules of Decorum or case review procedures, a participant should request a break to consult with the OSARP Case Administrator or the UCA, when applicable.

Responding Parties, when asking questions of Witnesses (of any type) or Reporting Party(ies) during a UCA-IACR, when applicable:

- Must allow the UCA time to evaluate each question and verbally or non-verbally permit the participant to respond. This is referenced as "through the UCA" in the IAP.
- Must maintain a professional and respectful attitude towards the other party, witnesses, UCA, and any other participants in the case review process.

A witness has the right not to answer questions or provide information to be used in the review of the case.

Violation of Expectations & Procedures

Determination regarding a participant's violation of one of these expectations lies with the OSARP Case Administrator or UCA, when applicable. If a participant violates an expectation of the Rules of Decorum or the case review procedures outlined in the IACR, Follow-Up Meeting(s), IAAR, or UCA-IACR processes, the OSARP Case Administrator or UCA, when applicable, will issue a verbal warning, identifying the expectation violated and how it was violated.

If a participant continues to violate these expectations or case review procedures, the OSARP Case Administrator or UCA, when applicable, will immediately call for a break. During the break, the OSARP Case Administrator or UCA, when applicable, will address the problematic behavior directly. If the participant refuses to comply with the warning or causes additional problems, the OSARP Case Administrator or UCA, when applicable, may decide to take one or more of the following actions:

- Implement other methods to address the problematic behavior, as determined by the OSARP Case Administrator or UCA, when applicable, that allows the case to continue in a fair manner for all participants.
- Remove the participant from the IACR, Follow-Up Meeting(s), IAAR, or UCA-IACR, when applicable. If a participant is removed, the case will proceed in their absence and the OSARP Case Administrator or UCA, when applicable, will make a determination in the case based on all of the available information, including any information shared after the participant's removal.
- End the IACR, Follow-Up Meeting(s), IAAR, or UCA-IACR, when applicable, and potentially reconvene at a later date, at the discretion of the Director of OSARP or designee, if the removed participant is the Responding Party or Reporting Party (if applicable).

Participants may receive an alleged policy violation(s) for their behavior if they meet the definition of a student as listed in the Student Handbook.

Reporting Parties

The case review process must be managed to ensure all participants receive a fair, impartial, and unbiased experience that allows the University Case Administrator (UCA), to gather information necessary to make a decision regarding responsibility for the alleged policy violation(s) in the case. During the case review process, all participants must adhere to the following expectations and the procedures in the University Case Administrator-Individual Accountability Case Review (UCA-IACR) and Individual Accountability Appeal Review (IAAR) processes, when these processes are utilized in the IAP, as outlined within the JMU Student Handbook.

General Expectations

Reporting Parties in the IAP, must:

- Listen respectfully to the individual speaking without interruption.
- Wait to begin speaking until addressed by the UCA.
- Avoid speaking over other participants.
- Use respectful language that is not demeaning, derogatory, or disrespectful.
- Avoid raising their voices.
- Remain seated in their predetermined locations.
- Refrain from making distracting or offensive gestures (e.g., rolling eyes, throwing arms in the air, etc.) or audible reactions (e.g., scoffing, speaking under their breath, etc.).
- For questions about the Rules of Decorum or case review procedures, a participant should request a break to consult with the UCA.

Violation of Expectations & Procedures

Determination regarding a participant's violation of one of these expectations lies with the UCA. If a participant violates an expectation of the Rules of Decorum or the procedures outlined in the IAP, the UCA will issue a verbal warning, identifying the expectation violated and how it was violated.

If a participant continues to violate these expectations or procedures, the UCA will immediately call for a break. During the break, the UCA will address the problematic behavior directly. If the participant refuses to comply with the warning or causes additional problems, the UCA may decide to take one or more of the following actions:

- Implement other methods to address the problematic behavior, as determined by the UCA, that allows the case to continue in a fair manner for all participants.
- Remove the participant from the UCA-IACR or IAAR. If a participant is removed, the case will proceed in their absence and the UCA will make a determination in the case based on all of the available information, including any information shared after the participant's removal.
- End the UCA-IACR or IAAR and potentially reconvene at a later date, at the discretion of the Director of OSARP or designee, if the removed participant is the Responding Party or Reporting Party (if applicable).

Participants may receive an alleged policy violation(s) for their behavior if they meet the definition of a JMU student as listed in the Student Handbook.

Support Persons

The case review process must be managed to ensure all participants receive a fair, impartial, and unbiased experience that allows the decision-maker (e.g., OSARP Case Administrator or University Case Administrator (UCA)) to gather information necessary to make a decision regarding responsibility for the alleged policy violation(s) in the case. During the case review process, Support Persons must adhere to the following expectations and the procedures in the Individual Accountability Case Review (IACR), Follow-Up Meeting(s), Individual Accountability Appeal Review (IAAR), or University Case Administrator-Individual Accountability Case Review (UCA-IACR) processes, as applicable and outlined within the JMU Student Handbook.

General Expectations

Support Persons for any party in the Individual Accountability Process (IAP) must:

- Listen respectfully to the individual speaking without interruption.
- Wait to begin speaking until addressed by the OSARP Case Administrator or UCA, if applicable.
- Avoid speaking over other participants.
- Use respectful language that is not demeaning, derogatory, or disrespectful.
- Avoid raising their voices.
- Remain seated in their predetermined locations.
- Refrain from making distracting or offensive gestures (e.g., rolling eyes, throwing arms in the air, etc.) or audible reactions (e.g., scoffing, speaking under their breath, etc.).
- For questions about the Rules of Decorum or case review procedures, a participant should request a break to consult with the OSARP Case Administrator or the UCA, when applicable.

Additional Expectations for Support Persons

In the IAP a Support Person may:

- Not communicate for or speak on behalf of the party; Responding Parties, Reporting Parties (if applicable), Responding Party Witnesses (if applicable), and Reporting Party Witnesses (if applicable) must present their statements or information themselves.
- Consult with the party on how to present their statements or information by whispering, providing notes, sending messages via electronic communication, or taking notes as long as it does not disrupt the review of the case.
- Provide support by taking breaks with or requesting breaks on behalf of the party they are accompanying.

Violation of Expectations & Procedures

Determination regarding a participant's violation of one of these expectations lies with the OSARP Case Administrator or UCA, when applicable. If a participant violates an expectation of the Rules of Decorum or the case review procedures outlined in the IACR, Follow-Up Meeting(s), IAAR, or UCA-IACR process, the OSARP Case Administrator or UCA, when applicable, will issue a verbal warning, identifying the expectation violated and how it was violated.

If a participant continues to violate these expectations or case review procedures, the OSARP Case Administrator or UCA, when applicable, will immediately call for a break. During the break, the OSARP Case Administrator or UCA, when applicable, will address the problematic behavior directly. If the participant refuses to comply with the warning or causes additional problems, the OSARP Case Administrator or UCA, when applicable, may decide to take one or more of the following actions:

- Implement other methods to address the problematic behavior, as determined by the OSARP Case Administrator or UCA, when applicable, that allows the case to continue in a fair manner for all participants.
- Remove the participant from the IACR, Follow-Up Meeting(s), IAAR, or UCA-IACR, when applicable. If a participant is removed, the case will proceed in their absence and the OSARP Case Administrator or UCA, when applicable, will make a determination in the case based on all of the available information, including any information shared after the participant's removal.
- End the IACR, Follow-Up Meeting(s), IAAR, or UCA-IACR, when applicable, and potentially reconvene at a later date, at the discretion of the Director of OSARP or designee, if the removed participant is the Responding Party or Reporting Party (if applicable).

Participants may receive an alleged policy violation(s) for their behavior if they meet the definition of a JMU student as listed in the Student Handbook.

Responding/Reporting Party Witnesses

The case review process must be managed to ensure all participants receive a fair, impartial, and unbiased experience that allows the University Case Administrator (UCA) to gather information necessary to make a decision regarding responsibility for the alleged violations in the case. During the case review process, all participants must adhere to the following expectations and the procedures in the University Case Administrator-Individual Accountability Case Review (UCA-IACR) and Individual Accountability Appeal Review (IAAR) processes, when these processes are utilized in the Individual Accountability Process (IAP), as outlined within the JMU Student Handbook.

General Expectations

Responding/Reporting Party Witnesses in the IAP must:

- Listen respectfully to the individual speaking without interruption.
- Wait to begin speaking until addressed by the UCA.
- Avoid speaking over other participants.
- Use respectful language that is not demeaning, derogatory, or disrespectful.
- Avoid raising their voices.
- Remain seated in their predetermined locations.
- Refrain from making distracting or offensive gestures (e.g., rolling eyes, throwing arms in the air, etc.) or audible reactions (e.g., scoffing, speaking under their breath, etc.).
- For questions about the Rules of Decorum or case review procedures, a participant should request a break to consult with the UCA.

A Responding/Reporting Party Witness can provide information relevant to the case, including what they know about the alleged incident, or their knowledge of the person who requested their participation in the process (i.e., Responding/Reporting Party) in accordance with the restrictions listed in the process. A Responding/Reporting Party Witness may not provide their perspective on what they feel the appropriate decision or outcomes in the case should be at any time during the process. OSARP typically will not initiate the IAP and pursue alleged policy violations if there is evidence shared regarding the Responding/Reporting Party Witness's personal consumption of drugs or alcohol while participating as a witness if it is new information regarding the incident. However, if a case has already been conducted to address the witness's personal consumption of drugs or alcohol, OSARP will not revisit the outcome of that case. Additionally, OSARP will pursue an alleged policy violation(s) if a Responding/Reporting Party Witness claims responsibility for the Responding Party's alleged policy violation(s) during the course of their statements or interactions with OSARP.

For an IAAR based on new evidence, a Responding/Reporting Party Witness may be called by a Responding/Reporting Party to provide a statement in response to the new evidence. A Responding/Reporting Party Witness may provide a written or in person

statement at an IAAR or a UCA-IACR in accordance with the requirements as listed in the Student Handbook. The availability of a Responding/Reporting Party Witness is reasonably considered when OSARP schedules an IAAR and/or a UCA-IACR, when applicable in the process as stated in the Handbook. OSARP cannot compel, mandate, or require witnesses to attend or participate in the IAP. It is the responsibility of the Responding/Reporting Party to coordinate their witnesses' attendance when the process allows their attendance.

Violation of Expectations & Procedures

Determination regarding a participant's violation of one of these expectations lies with the UCA. If a participant violates an expectation of the Rules of Decorum or the procedures outlined in the IAP, the UCA will issue a verbal warning, identifying the expectation violated and how it was violated.

If a participant continues to violate these expectations or procedures, the UCA will immediately call for a break. During the break, the UCA will address the problematic behavior directly. If the participant refuses to comply with the warning or causes additional problems, the UCA may decide to take one or more of the following actions:

- Implement other methods to address the problematic behavior, as determined by the UCA, that allows the case to continue in a fair manner for all participants.
- Remove the participant from the UCA-IACR or IAAR. If a participant is removed, the case will proceed in their absence and the UCA will make a determination in the case based on all of the available information, including any information shared after the participant's removal.
- End the UCA-IACR or IAAR and potentially reconvene at a later date, at the discretion of the Director of OSARP or designee, if the removed participant is the Responding Party or Reporting Party (if applicable).

Participants may receive an alleged policy violation(s) for their behavior if they meet the definition of a JMU student as listed in the Student Handbook.

Determining an Alleged Policy Violation(s)

Any JMU student, faculty, or staff member alleging that a student has violated a university policy(ies) may provide relevant details of the alleged policy violation(s) to OSARP. If a case is reported by a non-JMU individual, it may be considered if it follows the guidelines listed in the "[Jurisdiction](#)" section of the Student Handbook.

Generally, resolution of these allegations will follow the Individual Accountability Process (IAP), except in the following circumstances:

- Cases involving an alleged violation(s) of university policy for a student organization or student group will follow the separate and distinct Organizational Accountability Process.
 - The IAP may be initiated for an individual student who was involved in the reporting of, investigation of, or case review process for an alleged violation(s) of university policy by a student organization or student group in the [Organizational Accountability Process](#). The initiation of the IAP can occur concurrently, before, or after the Organizational Accountability Process.
- Cases involving an alleged violation(s) of the [Sexual Misconduct](#) or [Title IX Sexual Harassment](#) policies will follow the separate and distinct [Sexual Misconduct Accountability Process](#) or [Title IX Sexual Harassment Adjudication Process](#), respectively.
 - Responding Parties and Reporting Parties in cases involving alleged sexual misconduct should refer to the *Sexual Misconduct* policy, the Sexual Misconduct Accountability Process, and the "Responding & Reporting Party - Responsibilities and Rights – Sexual Misconduct".
 - Respondents and Complainants in cases involving alleged Title IX sexual harassment should refer to the *Title IX Sexual Harassment* policy, the Title IX Sexual Harassment Adjudication Process, and the "Respondent & Complainant - Responsibilities and Rights – Title IX Sexual Harassment".
- Cases involving an alleged violation(s) for which a student has been interim suspended will follow the separate and distinct [Individual Interim Suspension Process](#) as listed in the Student Handbook.

Throughout the IAP, Responding Parties are afforded certain rights outlined in the "Responding Party - Responsibilities and Rights – Individual Accountability Case Review (IACR)".

Upon receiving relevant details of the alleged violation(s), OSARP will determine:

- If there are grounds for notification of an alleged policy violation(s) and the initiation of the IAP.
- If the incident should be referred to the Restorative Practices unit for response or to other university officials, administrative committees, or accountability processes.
- The OSARP Case Administrator who will be assigned to review the case.
- If the potential outcomes of the case include suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing.
 - To evaluate these potential outcomes, OSARP will consider a variety of factors, including but not limited to: the impact on the safety of the student and/or community; whether the behavior created a risk to the campus community; the student's previous disciplinary history maintained by OSARP; how many times the student has been found responsible for alcohol/drug policy violations.

These determinations occur when OSARP receives a report from a known reporter, including but not limited to a police report, community report, incident report, incident narrative, witness statement, information from the Organizational Accountability Process, or record of a court outcome; however, an alleged violation(s) may be placed in other circumstances at the discretion of the Director of OSARP or designee.

If the information received by OSARP provides sufficient cause that an alleged violation(s) may have occurred, the Responding Party will be notified of the alleged policy violation(s). In accordance with [JMU Policy 1209](#), proper notification of an alleged policy violation(s) shall consist of an email to the student's official JMU e-mail address. The notice will be considered received the day the notice is sent via email. In addition, OSARP may also send a text message to the Responding Party's cell phone that is on file with the university as a part of this notification process.

The university may proceed with an alleged policy violation(s) and the IAP regardless of enrollment status of the Responding Party or have an alleged policy violation(s) and/or outcomes remain pending until a Responding Party's request to re-enroll is received. In most circumstances, the university will not proceed with the IAP during a period in which a Responding Party is not actively enrolled in classes in the current semester. The decision to proceed or not proceed with the IAP 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 of relevant persons to the case, including but not limited to the Responding Party, the Reporting Party, University 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 IAP.

OSARP may address behavior that occurs at any point while a person is considered a student, as defined in the Handbook. For any Responding Party who receives an immediate suspension or expulsion from JMU, regardless of academic year, the immediate suspension or expulsion from JMU will be deemed effective for the current semester or, if it is rendered for a graduating senior, for the most recent semester the student attended, which may mean a loss of academic credits for that semester. Further, after a final decision in the case has been rendered, the effective date of an immediate suspension or expulsion from JMU will be the date of the initial Individual Accountability Case Review (IACR). The removal from university owned or operated property associated with a decision of immediate suspension or expulsion does not go into effect until the decision in the case is final, unless the Responding Party is under an Individual Interim Suspension Status or Emergency Removal that provides for this removal until the final decision in the case.

OSARP will grant 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. More information regarding OSARP's Enlightened Citizen Amnesty Process, which pertains directly to alcohol and drug consumption and/or possession for involved individuals, can be found in the "[Alcohol and Drug Information](#)" section of the Handbook.

Notification of Alleged Policy Violation(s)

If information shared with OSARP provides sufficient cause that an alleged policy violation(s) may have occurred, the Responding Party will be notified of the alleged policy violation(s) through email.

- The email notification will include:
 - The alleged policy violation(s) and a link to the Standards of Conduct & Policies in the Student Handbook

- Date(s) and location(s) of the alleged incident(s)
- How OSARP received information about the alleged policy violation(s)
- Instructions for attending or scheduling the Individual Accountability Case Review (IACR)
- Information about the rights a student has in the process and the rights waived should they fail to attend the IACR
- Contact information for OSARP in order to ask questions about the Individual Accountability Process (IAP)
- Links to relevant sections of the Student Handbook and OSARP website to prepare for the IACR
- The name of the OSARP Case Administrator assigned to the case
- When applicable, notice to the student that the potential outcomes of the case may include suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing, and information regarding additional rights afforded them if these are potential outcomes on the case
- The [process to request disability accommodations](#), if needed
- Information on the academic, mental health, personal well-being, and campus resources available to students at James Madison University, which can be found at: <https://www.jmu.edu/osarp/resources/index.shtml>

For the purposes of notification throughout all portions of the IAP, this initial email will serve as the official notification regarding the bulleted items above for the case.

- When students are informed of the alleged policy violation(s), they may also be issued an OSARP No Contact Order for specific members of the university community through the conclusion of the IAP. The OSARP No Contact Order includes, but is not limited to, verbal or non-verbal contact in person, through electronic means, or through a third party. This instruction does not prohibit contact through a third party for the purposes of conducting lawful activity during a pending criminal or civil case, or other specific extenuating circumstances as determined by OSARP. OSARP will not pursue alleged violations of the OSARP No Contact Order that occur through a third party for the purposes of conducting lawful activity during a pending criminal or civil case, or other specific extenuating circumstances as determined by OSARP unless the contact may have violated the [Interference or Retaliation in a University Process](#) policy or other policies as listed in the Handbook.
- If any decision-maker in the IAP feels that their previous contact with the case or the individual(s) involved will prevent them from providing a fair, impartial, and unbiased process, that decision-maker must request that they not be assigned to the case. Responding Parties will be informed of any decision-maker assigned to their case during the IAP. Upon receiving that notification, a Responding Party may request that the decision-maker be replaced if the Responding Party can show a bias on the part of the decision-maker. Merely being assigned a decision-maker who has previously heard a case with the Responding Party does not constitute actual bias. To make such a request, a Responding Party must contact the Director of OSARP or designee immediately, setting forth their reasons in writing. In cases where the Director is the OSARP Case Administrator assigned to the case, an Associate Director of OSARP or designee will review the request. Any decision to remove a decision-maker and/or to postpone a meeting in the IAP is at the discretion of the Director of OSARP or designee.

Individual Administrative Case Review (IACR)

A Responding Party notified of an alleged policy violation(s) will be provided the opportunity to attend an IACR with an OSARP Case Administrator in accordance with the following procedures:

- Upon notification of the alleged policy violation(s), the Responding Party will be provided instructions for attending or scheduling their IACR with OSARP:
 - The Responding Party will typically have their IACR set for them based on their academic schedule. The Responding Party will be informed of the date, time, and location via their official JMU email with at least three days' notice.
 - When a student is not currently enrolled at the university, their case will be marked as pending and they will be asked to schedule an IACR by contacting OSARP according to the instructions provided in their notification email. If the instructions provide a scheduling deadline and the Responding Party does not meet that deadline, an IACR will be set for them based on their academic schedule during their next enrolled semester and they will be informed via their official JMU email with at least three days' notice. In circumstances where a pending case involves the possibility of suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing, an account hold will be placed that will not permit the Responding Party to enroll in classes until the case has been resolved. In these circumstances, the case will be scheduled when the Responding Party contacts OSARP regarding the account hold.

- The IACR is typically conducted in person in the OSARP office on the 2nd floor of the Student Success Center. All in-person appointments will follow recommended local, state, and federal health and safety guidelines if any are in effect at the time of the meeting. For good cause, students may request an appointment be conducted virtually, which will be granted or denied at the discretion of the Director of OSARP or designee.
- In some circumstances, including but not limited to threats to campus, student health or safety, the timeliness of the case, or the Responding Party not being physically present on or near campus, OSARP may schedule the IACR to occur virtually, at the discretion of the Director of OSARP or designee.
 - For virtual appointments, instructions will be provided via email for accessing the IACR. If the Responding Party is unable to secure a private location for their virtual IACR or requires an in-person appointment as an accommodation, the Responding Party should contact OSARP immediately upon receiving the notification email to reschedule their virtual IACR, which will be granted or denied at the discretion of the Director of OSARP or designee.

If the Responding Party chooses to attend the IACR:

- The Responding Party will check in with OSARP staff and wait in the lobby until their IACR begins. During this waiting period, OSARP staff may request that a Responding Party complete a survey or pre-assessment related to their case. This is not required for participation in the IACR.
- The OSARP Case Administrator assigned to the case will greet the Responding Party in the lobby and escort them to a private office or meeting room in OSARP. The following is reviewed by the OSARP Case Administrator:
 - Responding Party directory information on file with the University in order to ensure accuracy.
 - A brief overview of the IACR and the Individual Accountability Process (IAP).
 - The alleged policy violation(s) in the case and the information sent to OSARP that is being used in the case.
 - Responsibilities and Rights for a Responding Party at an IACR and Follow-Up Meeting(s), when applicable, including if a possible outcome of suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing exists for this case.
- The OSARP Case Administrator will review the information currently in the case file regarding the alleged policy violation(s).
 - The OSARP Case Administrator will ask questions and seek additional information to be used in the decision-making process during the IACR. This may include, but not be limited to:
 - If a student tells the OSARP Case Administrator that they are responsible for all alleged policy violations in the case, then most of the questions will focus on the Responding Party's perspective regarding the current case and on context that helps with the assignment of outcomes for the case.
 - Typically, when a student takes responsibility for all alleged policy violations in a case, the OSARP Case Administrator renders a decision in the case at the conclusion of the IACR. In certain circumstances, the OSARP Case Administrator may determine the need for a Follow-Up Meeting(s) with the Responding Party. (See "Follow-Up Meeting(s)" section below)
 - The Responding Party has the right to not answer questions from the OSARP Case Administrator or provide information to be used in the review of the case.
 - If applicable, the OSARP Case Administrator will consider any previous disciplinary history maintained by OSARP for the Responding Party when determining outcomes(s) for the case. The OSARP Case Administrator may consult with other OSARP staff in the decision-making process. (See the previous section for what would be shared if a Responding Party receives a decision at the IACR.)
 - If the OSARP Case Administrator makes a decision in the case at the conclusion of the IACR, they will share the finding(s) on the alleged policy violation(s), including a verbal rationale for the finding(s). If found responsible for any policy violation(s), the Responding Party will be notified of what being found responsible means, including but not limited to:
 - If the Responding Party is assigned a strike
 - If a Parent/Guardian Notification is sent
 - If the Responding Party has a university disciplinary record
 - If the Enlightened Citizen Amnesty Process (ECAP) has been granted

- If applicable, the OSARP Case Administrator will share any assigned outcome(s) with the Responding Party, including a verbal rationale for their assignment.
- After answering questions from the Responding Party and discussing any applicable instructions for completing assigned outcome(s), if applicable, the Responding Party will sign documentation stating they understand the finding(s) and, if applicable, outcome(s) assigned.
- If the case did not result in suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing as an outcome in the case, then the decision provided by the OSARP Case Administrator will be the final decision in the case. The OSARP Case Administrator will then inform the Responding Party that they will receive an email from OSARP that will provide the final decision and, if applicable, any instructions and deadlines for assigned outcome(s).
 - The Responding Party will receive this communication via their official JMU email within 10 business days of the IACR. This email will provide the following information:
 - The finding(s) on policy violation(s).
 - Any outcome(s) assigned by the OSARP Case Administrator including instructions and deadlines for outcome(s) completion. Failure to complete, schedule, attend, or be on time for programs/meetings, failing to complete related assignments, or failing to follow program expectations may result in a \$50 fine per program/meeting not completed by the deadline and a student account hold, which prevents class registration and is typically only removed once pending outcomes are verified as completed by OSARP. Repeated failure may result in an alleged policy violation of [*Failure to Comply with an Outcome*](#).
 - If the case resulted in any of the following outcomes of suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing, then the OSARP Case Administrator will go over the instructions and deadlines for submitting an appeal.
 - In lieu of submitting an appeal, the Responding Party can choose to accept the decision in the case at the conclusion of the IACR, including any of the following outcomes of suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing.
 - If the Responding Party indicates a desire to appeal or take time to think about an appeal, the OSARP Case Administrator will send an email at the conclusion of the IACR with the instructions and deadlines for submitting an appeal. See the [“Appeals—Individual Accountability Process”](#) section of the Handbook for the procedural details.
 - If an appeal is not received by the required deadline, the decision of the OSARP Case Administrator rendered as a result of the IACR will become the final decision in the case.
- If the student tells the OSARP Case Administrator they are not responsible for some, or all, of the alleged policy violation(s) in the case, the OSARP Case Administrator will ask questions regarding evidence in the case as well as contextual information to help them determine outcome(s), if needed.
 - Questions from the OSARP Case Administrator may include but not be limited to:
 - The perspective of the Responding Party in regards to the alleged policy violation(s) or the information shared with OSARP for the case.
 - The Responding Party has the opportunity to share information, evidence, or witness statements with the OSARP Case Administrator to be considered in the decision-making process; Responding Parties should come to their IACR

- prepared with any information, evidence, or witness statements they want considered.
 - The names and contact information for Responding Party Witnesses who can provide information relevant to the decision-making process may also be provided to the OSARP Case Administrator.
 - The Responding Party can provide questions they would like the OSARP Case Administrator to ask of other individuals involved in the case, if applicable, such as University Witnesses, Reporting Parties, Reporting Party Witnesses, or Responding Party Witnesses.
 - Questions regarding information about the Responding Party (i.e., academics, involvement at JMU, general use of substances) that would only be used for determining appropriate outcome(s) if the Responding Party is found responsible for one or more alleged policy violation(s), based on a preponderance of the evidence.
- The Responding Party has the right to not answer questions from the OSARP Case Administrator or provide information to be used in the review of the case.
- Typically, when a student tells the OSARP Case Administrator they are not responsible for some, or all, of the alleged policy violation(s) in the case, OSARP will schedule a Follow-Up Meeting(s) and notify the Responding Party at the end of the IACR meeting and via their official JMU email address of the date, time and location of the Follow-Up Meeting(s).
 - Depending on the information provided by the Responding Party during the IACR, the OSARP Case Administrator may determine there is no need for any follow-up conversations with witnesses and may render finding(s) and, if applicable, outcome(s) at the conclusion of the IACR. If applicable, the OSARP Case Administrator will consider any previous disciplinary history maintained by OSARP for the Responding Party when determining outcomes(s) for the case. The OSARP Case Administrator may consult with other OSARP staff in the decision-making process. (See the previous section for what would be shared if a Responding Party receives a decision at the IACR.)

Follow-Up Meeting(s)

- After the IACR and prior to the Follow-Up Meeting(s) the OSARP Case Administrator will gather as much information as possible with regards to the case by talking to witnesses and seeking clarification on information already in the case file. The OSARP Case Administrator will make an attempt to contact parties and witnesses for more information but OSARP cannot compel Responding Parties, Reporting Parties, or witnesses to respond to these attempts or to participate in the process.
- If the Responding Party chooses to attend the Follow-Up Meeting(s):
 - The OSARP Case Administrator will review the information gathered between the IACR and the Follow-Up Meeting(s) and provide an opportunity for the Responding Party to provide their perspective regarding the information. The OSARP Case Administrator will seek additional information from the Responding Party to determine appropriate outcome(s) in the event they are found responsible for a policy violation(s). The OSARP Case Administrator may also ask questions regarding previous disciplinary history maintained by OSARP.
 - The Responding Party has the right to not answer questions from the OSARP Case Administrator or provide information to be used in the review of the case.
 - After gathering the Responding Party's perspective and additional information, the OSARP Case Administrator will apply the preponderance of the evidence standard to the information in the case and, if applicable, will determine the outcomes being assigned while also considering any previous disciplinary history maintained by OSARP pertaining to the Responding Party maintained by OSARP in the assigning of appropriate outcomes(s) for the current case. The OSARP Case Administrator may consult with other OSARP staff in order to determine findings or outcomes.
 - The OSARP Case Administrator will share the finding(s) on the alleged policy violation(s) including a verbal rationale for the finding(s), during the Follow-Up Meeting(s). If found responsible for any policy violation(s), the Responding Party will be notified of what being found responsible means, including but not limited to:
 - If the Responding Party is assigned a strike

- If a Parent/Guardian Notification is sent
 - If the Responding Party has a university disciplinary record
 - If the Enlightened Citizen Amnesty Process (ECAP) has been granted
- If applicable, the OSARP Case Administrator will share any assigned outcome(s) with the Responding Party, including a verbal rationale for their assignment, during the Follow-Up Meeting(s).
- After answering questions from the Responding Party and discussing any applicable instructions for completing assigned outcome(s), if applicable, the Responding Party will sign documentation stating they understand the finding(s) and, if applicable, outcome(s) assigned.
 - If the case did not result in suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing, the decision provided by the OSARP Case Administrator at the Follow-Up Meeting(s) will be the final decision in the case. The OSARP Case Administrator will then inform the Responding Party that they will receive an email from OSARP that will provide the final decision and, if applicable, any instructions and deadlines for assigned outcome(s).
 - The Responding Party will receive this communication via their official JMU email within 10 business days of the Follow-Up Meeting(s). This email will provide the following information:
 - The finding(s) on policy(ies).
 - Any outcomes assigned by the OSARP Case Administrator. Instructions and deadlines for outcome completion. Failure to complete, schedule, attend, or be on time for programs/meetings, failing to complete related assignments, or failing to follow program expectations may result in a \$50 fine per program/meeting not completed by the deadline and a student account hold, which prevents class registration and is typically only removed once pending outcomes are verified as completed by OSARP. Repeated failure may result in an alleged policy violation of *Failure to Comply with an Outcome*.
 - If the case resulted in any of the following outcomes of suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing, then the OSARP Case Administrator will go over the instructions and deadlines for submitting an appeal.
 - In lieu of submitting an appeal, the Responding Party can choose to accept the decision in the case at the conclusion of the Follow-Up Meeting(s), including any of the following outcomes: suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing.
 - If the Responding Party indicates a desire to appeal or take time to think about an appeal, the OSARP Case Administrator will send an email at the conclusion of the Follow-Up Meeting(s) with the instructions and deadlines for submitting an appeal. See the “Appeals—Individual Accountability Process” section of the Handbook for the procedural details.
 - If an appeal is not received by the required deadline, the decision of the OSARP Case Administrator rendered during the Follow-Up Meeting(s) will become the final decision in the case.
- If the Responding Party fails to attend the Follow-Up Meeting(s):
 - The OSARP Case Administrator will apply the preponderance of the evidence standard to the information in the case and, if applicable, will determine the outcomes being assigned while also considering any previous disciplinary history maintained by OSARP pertaining to the Responding Party maintained by OSARP in the assigning of appropriate outcomes(s) for the current case. The OSARP Case Administrator may consult with other OSARP staff in order to determine findings or outcomes.
 - The OSARP Case Administrator will document the finding(s) and, if applicable, outcome(s) assigned.
 - If the case did not result in any of the following outcomes of suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing, the decision rendered by the OSARP Case Administrator at the Follow-Up Meeting(s) will be the final decision in the case.
 - The Responding Party will receive the finding(s) and, if applicable, outcome(s) assigned at the Follow-Up Meeting(s) via their official JMU email within 10 business days of the Follow-Up Meeting(s). This email will provide the following information:
 - The findings (s) on policy(ies).

- If applicable, any outcomes assigned by the OSARP Case Administrator. Instructions and deadlines for outcomes completion. Failure to complete, schedule, attend, or be on time for programs/meetings, failing to complete related assignments, or failing to follow program expectations may result in a \$50 fine per program/meeting not completed by the deadline and a student account hold, which prevents class registration and is typically only removed once pending outcomes are verified as completed by OSARP. Repeated failure may result in an alleged policy violation of *Failure to Comply with an Outcome*.
- If the case did result in any of the following outcomes of suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing, then the OSARP Case Administrator will send the decision, including finding(s) and outcome(s) to the Responding Party via their official JMU email within two business days of the scheduled Follow-Up Meeting(s).
 - In lieu of submitting an appeal, the Responding Party can choose to call or email OSARP prior to the appeal deadline and accept the decision in the case, including any of the following outcomes: suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing.
 - The Responding Party can submit an appeal of the OSARP Case Administrator's decision according to the instructions and deadlines for submitting an appeal as listed in the Handbook and the email sent to the Responding Party. See the "Appeals—Individual Accountability Process" section of the Handbook for the procedural details.
 - If an appeal is not received by the required deadline, the decision of the OSARP Case Administrator rendered during the Follow-Up Meeting(s) will become the final decision in the case.

If the Responding Party fails to attend the IACR:

A Responding Party who fails to attend the IACR waives certain rights in the IAP.

- In the notification email a Responding Party receives from OSARP about a case, information is provided regarding the Responding Party's Responsibilities & Rights in the IAP, including the right to attend the IACR, what rights the Responding Party waives should they fail to attend the IACR, and if suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing is a possible outcome in the case.
- A Responding Party who fails to attend the IACR, regardless of whether the appointment was set based on their academic schedule or scheduled by the Responding Party, indicates the following to OSARP with their absence:
 - The Responding Party chooses to have their case decided by the OSARP Case Administrator in their absence.
 - The Responding Party chooses not to provide their perspective or information to the OSARP Case Administrator in the resolution of the case.
- With the absence of the Responding Party at the IACR, the OSARP Case Administrator determines finding(s) on policy, based on a preponderance of the evidence and, if applicable, assigns outcome(s) based solely on the information in OSARP's possession. An OSARP Case Administrator may attempt to contact witnesses or a Reporting Party for additional information prior to rendering a decision. The OSARP Case Administrator will not contact the Responding Party, however, since they indicated they do not wish to participate in the case through their absence at the IACR.
- A Responding Party who has the OSARP Case Administrator determine finding(s) and, if applicable, outcome(s) in their absence will be notified via their official JMU email within 10 business days of the date the OSARP Case Administrator renders a decision in the case, after any additional information has been gathered. This email will provide the following information:
 - The finding(s) on the alleged policy violation(s) or information regarding the Enlightened Citizen Amnesty Process, if applicable.
 - Any outcome(s) assigned by the OSARP Case Administrator, if applicable. Instructions and deadlines for outcome completion, if applicable. Failure to complete, schedule, attend, or be on time for programs/meetings, failing to complete related assignments, or failing to follow program expectations may result in a \$50 fine per program/meeting not completed by the deadline and a student account hold, which prevents class registration

and is typically only removed once pending outcomes are verified as completed by OSARP. Repeated failure may result in an alleged policy violation of *Failure to Comply with an Outcome*.

- Instructions and deadlines for submitting an appeal, if applicable:
 - The Responding Party is only able to appeal the decision if suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing is an assigned outcome in the case.
- Additionally, if a Responding Party fails to attend the IACR, they waive their right to submit an appeal regarding the determination of amnesty as outlined in the Enlightened Citizen Amnesty Process.

If a student missed their IACR or Follow-Up Meeting(s) due to unexpected and unavoidable circumstances, they may request the IACR or Follow-Up Meeting(s) be rescheduled; this request must be communicated as soon as practicable and OSARP will determine if it meets the unexpected and unavoidable circumstance criteria.

The IACR and Follow-Up Meeting(s) are closed meetings between the student and the OSARP Case Administrator except in cases where potential outcomes include suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing. In these cases, one Support Person may attend with the Responding Party in accordance with the restrictions outlined in the IAP. OSARP shall keep all information and decisions confidential and only release it with the student's permission or to the extent permitted by law. Students are not permitted to make their own recordings of an IACR or Follow-Up Meeting(s). In the IACR and Follow-Up Meeting(s), the technical rules of evidence applicable in civil and criminal cases do not apply.

Anticipated timelines, deadlines, restrictions, procedures, or assigned educational or restorative outcomes listed within an OSARP process will not be altered except in unexpected and unavoidable circumstances in order to uphold the intent of the process, as determined by the Director of OSARP or designee, or with the agreement of the party(ies), as approved 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.

A student who provides falsified or misleading information at an IACR or Follow-Up Meeting(s) may receive an additional alleged policy violation of [Interference or Retaliation in a University Process](#).

Appeals

If a Responding Party is found responsible for a violation(s) of university policy and received an outcome(s) of suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing, the Responding Party has the right to submit a written appeal of the decision within four days of receiving the decision via their official JMU email account. If an appeal is submitted, it must be submitted directly by the Responding Party; appeals submitted by anyone other than the Responding Party will not be evaluated.

Appeal submissions can be made on one or more of the following grounds: procedural irregularity, excessively harsh outcomes, and/or new evidence. When referenced below, "affected the outcome of the matter" refers to the entirety of the decision rendered including the determination regarding responsibility or outcomes assigned, if applicable.

- Appeal submissions on **procedural irregularity that affected the outcome of the matter** must outline the procedural irregularity and how that affected the decision in the case.
- Appeal submissions on **excessively harsh outcome(s) for a case with a responsible finding(s) on policy** must outline the reason(s) the outcomes assigned are excessively harsh.
- Appeal submissions on **new evidence that was not reasonably available or accessible at the time of the Individual Accountability Case Review (IACR) or Follow-Up Meeting(s), when applicable, and only relevant to refute information as to whether or not the Responding Party is responsible for violating policy** must outline the new evidence, why the new evidence was not reasonably available or accessible at the time of the IACR, Follow-Up Meeting(s), or University Case Administrator-Individual Accountability Case Review (UCA-IACR) when applicable, and how it is relevant to the decision of whether or not the Responding Party is responsible for violating policy.
 - New evidence does not include a witness who was accessible and available to participate prior to the IACR, Follow-Up Meeting(s), or UCA-IACR, when applicable, but chose not to and is now willing to participate in an appeal process.

If an appeal is based on grounds of procedural irregularity and new evidence, grounds of excessively harsh outcomes and new evidence, or on all three grounds, OSARP will schedule an Individual Accountability Appeal Review (IAAR), where the University Case Administrator (UCA) will first evaluate the portions of the appeal on procedural irregularity, if applicable, then on excessively harsh

outcomes, if applicable, proceeding as outlined in the Handbook. If the UCA orders a new IACR because an appeal was submitted on procedural irregularity, and a procedural irregularity occurred that affected the outcome of the case, then the portion(s) of the appeal related to excessively harsh outcomes and/or new evidence will not be reviewed; the Responding Party will have the opportunity to share any new evidence at the new IACR heard by a different UCA, which will result in a new decision in the case being rendered. If the UCA does not order a new IACR because an appeal was submitted on procedural irregularity, and a procedural irregularity did not occur or did occur but did not affect the outcome of the case, the UCA will then evaluate the appeal on excessively harsh outcomes, if applicable, and then evaluate the new evidence portion of the appeal, if applicable, proceeding as outlined in the Handbook.

The appeal submission will be reviewed by one UCA. If the UCA feels that their previous contact with the case or the individual(s) involved will prevent them from rendering a fair decision, they must request that they not be assigned to the IAAR. Responding Parties and Reporting Parties, if applicable, will be informed of the UCA assigned to the IAAR. Upon receiving notification of the assigned UCA, a Responding Party or Reporting Party may request that a UCA be replaced if they can show a bias on the part of the UCA. 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 replace a UCA and/or to postpone an IAAR is at the discretion of the Director of OSARP or designee.

An IAAR based on new evidence will typically be held in person but may be conducted virtually for reasons including but not limited to health and/or safety concerns, at the discretion of the Director of OSARP or designee. For a virtual IAAR, OSARP will have a staff member in the Zoom meeting to manage the administrative and technical aspects of Zoom so the UCA can focus solely on the review of the appeal.

Anticipated timelines, deadlines, restrictions, procedures, or assigned educational or restorative outcomes listed within an OSARP process will not be altered except in unexpected and unavoidable circumstances in order to uphold the intent of the process, as determined by the Director of OSARP or designee, or with the agreement of the party(ies), as approved 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.

The UCA will review the case documentation, other items submitted as evidence to the case, the written appeal, administrative items provided by OSARP, and the Responding Party's previous disciplinary history maintained by OSARP.

If an appeal submission is based on procedural irregularity and/or excessively harsh outcomes, the IAAR will generally proceed in accordance with the procedures below. A Responding Party does not attend or participate in an IAAR granted solely based on procedural irregularity and/or excessively harsh outcomes.

Step 1: Appeal based on Procedural Irregularity, if applicable

The UCA will first determine whether or not a procedural irregularity occurred by considering the information made in the appeal. The UCA will also have access to the case documentation, other items submitted as evidence to the case, administrative items provided by OSARP, and the Responding Party's previous disciplinary history maintained by OSARP.

- If the appeal submission did not include a procedural irregularity, the UCA will move to Step 2 and review the excessively harsh outcomes appeal.
- If the UCA determines that no procedural irregularity occurred, the decision rendered at the IACR, the Follow-Up Meeting(s), or the UCA-IACR, when applicable, will stand unless other grounds were included in the appeal. If procedural irregularity was the only appeal submission, then the UCA will conclude the IAAR.
 - If the Responding Party also included excessively harsh outcomes in their appeal submission, the UCA will move to step 2 and review the appeal.
 - If the Responding Party did not include excessively harsh outcomes but did present new evidence in their appeal submission, the UCA will move to step 3 and conduct the new evidence portion of the IAAR.
 - If the Responding Party did not have any other grounds in their appeal submission, then the decision rendered at the IACR, the Follow-Up Meeting(s), or the UCA-IACR, when applicable, will stand.
- If the UCA determines that a procedural irregularity occurred, the UCA will then determine if the procedural irregularity can reasonably be said to have affected the outcome of the matter.

- If the UCA determines that the procedural irregularity cannot reasonably be said to have affected the outcome of the matter, the decision rendered at the IACR, the Follow-Up Meeting(s), or the UCA-IACR, when applicable, will stand unless other grounds were included in the appeal.
 - If the Responding Party also included excessively harsh outcomes in their appeal submission, the UCA will move to step 2 and review the appeal.
 - If the Responding Party did not include excessively harsh outcomes but did present new evidence in their appeal submission, the UCA will move to step 3 and conduct the new evidence portion of the IAAR.
 - If the Responding Party did not have any other grounds in their appeal submission, then the decision rendered at the IACR, the Follow-Up Meeting(s), or the UCA-IACR, when applicable, will stand.
- If the UCA determines that the procedural irregularity can reasonably be said to have affected the outcome of the matter, the UCA will order a new IACR, conducted by a different UCA, be scheduled to render a new decision for the case. See “University Case Administrator—Individual Accountability Case Review Process” in the Handbook for the details of this process. The IAAR will end and no other grounds in the appeal submission, if applicable, will be reviewed.

Step 2: Appeal based on Excessively Harsh Outcomes, if applicable

If the appeal submission included excessively harsh outcomes, the UCA will determine whether or not the outcomes in the case were excessively harsh by considering the information included in the appeal submission. The UCA will also have access to the case documentation, other items submitted as evidence to the case, administrative items provided by OSARP, and the Responding Party’s previous disciplinary history maintained by OSARP.

- If the UCA determines that the outcomes assigned in the case are not excessively harsh based on the totality of the information reviewed, they will keep the outcomes rendered at the IACR, Follow-Up Meeting(s), or UCA-IACR, when applicable.
 - If the appeal only included excessively harsh outcomes in the appeal submission, then the UCA will conclude the IAAR. The decision rendered at the IACR, the Follow-Up Meeting(s), or the UCA-IACR, when applicable, will stand.
 - If the appeal only included procedural irregularity and excessively harsh outcomes in the appeal submission, then the UCA will conclude the IAAR. The decision rendered at the IACR, the Follow-Up Meeting(s), or the UCA-IACR, when applicable, will stand.
 - If the appeal submission also included new evidence, the UCA will move to step 3 and review the appeal.
- If the UCA determines that excessively harsh outcomes were assigned in the case, the UCA will alter the outcomes to make them appropriate. If a UCA chooses to alter the outcome(s) imposed, the UCA may not impose outcome(s) more severe than those imposed at the IACR, the Follow-Up Meeting(s), or the UCA-IACR, when applicable.
 - If the appeal only included excessively harsh outcomes in the appeal submission, then the UCA will conclude the IAAR.
 - If the appeal only included procedural irregularity and excessively harsh outcomes in the appeal submission, the UCA will conclude the IAAR.
 - If the appeal submission also included new evidence, the UCA will move to step 3 and review the appeal.

Step 3: Appeal based on New Evidence, if applicable

If an appeal submission is based solely on new evidence or includes new evidence in addition to previously reviewed grounds of procedural irregularity and/or excessively harsh outcomes, the UCA will first evaluate if the new evidence included in the appeal submission meets the stated criteria to be considered new evidence by conducting the following procedures. The UCA will also have access to the case documentation, other items submitted as evidence to the case, administrative items provided by OSARP, and the Responding Party’s previous disciplinary history maintained by OSARP.

- Per the Individual Accountability Process (IAP), new evidence is defined as information that was not reasonably available or accessible at the time of the IACR, Follow-Up Meeting(s), or UCA-IACR, when applicable, and only relevant to refute information as to whether or not the Responding Party is responsible for violating policy.
- The UCA will determine if the evidence was not reasonably available or accessible at the time of the IACR, Follow-Up Meeting(s), or UCA-IACR, when applicable, based on the information submitted in the appeal. However, new evidence does not include a witness who was accessible and available to participate prior to the IACR, Follow-Up Meeting(s), or UCA-IACR, when applicable, but chose not to and is now willing to participate in an appeal process.

- If the UCA determines that the evidence included in the appeal submission does not meet the criteria for being new, they will keep the outcomes rendered at the IACR, Follow-Up Meeting(s), or UCA-IACR, when applicable, and they will conclude the IAAR.
- If the UCA determines that the evidence included in the appeal submission does meet the criteria for being new, they will then determine if the evidence included in the appeal submission is only relevant to refute information as to whether or not the Responding Party is responsible for violating policy.
 - If the UCA determines that the evidence included in the appeal submission is not solely relevant to refute information as to whether or not the Responding Party is responsible for violating policy, they will keep the outcomes rendered at the IACR, Follow-Up Meeting(s), or UCA-IACR, when applicable, and they will conclude the IAAR.
 - If the UCA determines that the evidence included in the appeal submission is solely relevant to refute information as to whether or not the Responding Party is responsible for violating policy, the IAAR will proceed. OSARP will schedule an IAAR to provide an opportunity for relevant participants to present and/or respond to the new evidence.

The Responding Party may choose to present the new evidence in person to the UCA and may choose to have the witness(es) relevant to the new evidence present to the UCA. The Responding Party must let OSARP know the name(s) and email address(es) of any witness(es) they plan to have present at least two days prior to the date of the IAAR. If a Responding Party Witness is unable to attend the scheduled IAAR, they may submit a written statement to OSARP related to the relevant new evidence at least 24 hours prior to the IAAR for the UCA to review. The IAAR will be scheduled around the Responding Party's academic schedule. In cases that have a Reporting Party(ies), the new evidence will be shared with the Reporting Party(ies) and the Reporting Party(ies) will have the opportunity to respond to the new evidence at the IAAR and may choose to have a witness(es) relevant to the new evidence present at the IAAR. The Reporting Party(ies) must let OSARP know the name(s) and email address(es) of any witness(es) they plan to have present at least two days prior to the date of the IAAR; the names of any witness(es) will be shared with the Responding Party. If a Reporting Party Witness is unable to attend the scheduled IAAR, they may submit a written statement to OSARP related to the relevant new evidence at least 24 hours prior to the IAAR for the UCA to review. If there is a Reporting Party(ies), the case will also be scheduled around their academic schedule.

If a participant of any type fails to appear at an IAAR after being properly notified of its date and time, the IAAR will generally proceed and be heard on the basis of the case file, other items submitted as evidence to the appeal, the information provided by those in attendance at the IAAR, and the previous disciplinary history maintained by OSARP of the Responding Party.

The IAAR will be audio and/or video recorded; students are not permitted to make their own recordings. The Responding Party shall receive notice of all rights they are guaranteed through the IAP (see "Responding Party – Responsibilities and Rights – Individual Accountability Appeal Review (IAAR)"). Any participant who does not follow the requirements of the IAAR process, or the Rules of Decorum, may be removed, as determined by the UCA.

The start time of the IAAR includes the UCA meeting with each participant to discuss procedural information and answer questions from the participants. The length of these meetings cannot be predetermined.

In IAARs where the Responding Party and/or Reporting Party chooses to present to the UCA, the Responding Party and Reporting Party each have a right to one Support Person if OSARP is notified at least two days before the IAAR, provided that person is willing and able to attend. Support Persons must meet the criteria and follow the guidelines and expectations as listed in the Student Handbook.

Additionally, the phrase "through the UCA" used throughout the IAAR procedures refers to the UCA confirming or denying a Reporting Party, Responding Party, Reporting Party Witness, or Responding Party Witness the ability to respond to a question; this confirmation or denial may be verbal or non-verbal. The UCA has the authority to prohibit information from being shared that violates the rights of a party, is not allowed by the IAP, or bears no relevancy to the new evidence in the case. Any participant may be removed by the UCA if they violate the Rules of Decorum or procedures outlined in the Student Handbook.

An IAAR will generally proceed in accordance with the procedure below; however, the UCA may ask questions at any time.

1. The UCA meets with each participant individually to discuss procedural information and answer questions.
2. The IAAR begins and the UCA and participants introduce themselves.
3. The Responding Party presents information solely about the new evidence in the case.

- The UCA may question the Responding Party about the new evidence.
4. If applicable, the Responding Party's Witnesses will be called individually to share their statement on the new evidence.
 - The Responding Party may question the Responding Party Witness about their statement on the new evidence.
 - The UCA may question the Responding Party Witness about the new evidence.
 - At the conclusion of the statement and questions for the witness, the witness will leave the room. The UCA may request that a Responding Party Witness return at a later point in the IAAR for further questions.
 - Step #4 repeats until all Responding Party Witnesses have participated.
 5. The Reporting Party(ies) present information solely in response to the new evidence in the case. If there is more than one Reporting Party, they will each be called individually.
 - The Responding Party may question the Reporting Party about the response to the new evidence through the UCA.
 - The UCA may question the Reporting Party about the new evidence.
 - The UCA will ask the Reporting Party to remain available as they will be called back at a later point as outlined in the IAAR procedures.
 6. If applicable, the Reporting Party's Witnesses will be called individually to share their response to the new evidence.
 - The Responding Party may question the Reporting Party Witness about their response to the new evidence through the UCA.
 - The UCA may question the Reporting Party Witness about the new evidence.
 - At the conclusion of the statement and questions for the witness, the witness will leave the room. The UCA may request that a Reporting Party Witness return at a later point in the IAAR for further questions.
 - Step #6 repeats until all Reporting Party Witnesses have participated.
 7. The UCA may ask questions of the Responding Party.
 8. Any Responding Party Witnesses asked by the UCA to return later will be brought in individually, if applicable.
 - The Responding Party may ask questions of their witness, followed by UCA's opportunity to ask any remaining questions they have of the Responding Party Witness.
 - The Responding Party Witnesses will then be dismissed from the IAAR
 9. Any Reporting Party Witnesses asked by the UCA to return later will be brought in individually, if applicable.
 - The Responding Party may ask questions through the UCA, followed by UCA's opportunity to ask any remaining questions they have of the Reporting Party Witness.
 - The Reporting Party Witnesses will then be dismissed from the IAAR.
 10. The Reporting Party(ies) will return to the IAAR individually.
 - The UCA may ask final questions of the Reporting Party(ies).
 - The Responding Party may ask final questions of the Reporting Party(ies) through the UCA.
 - The Reporting Party(ies) may present concluding remarks about the new evidence.
 - The Reporting Party(ies) and their Support Person, if applicable, will leave.
 11. The UCA may ask final questions of the Responding Party.
 12. The Responding Party may present concluding remarks.
 13. The Responding Party and their Support Person, if applicable, will leave.
 14. The UCA will deliberate and make a decision using the procedures below:
 - The UCA will consider the totality of the evidence in the case file, the appeal, and information presented during the IAAR to determine if the decision rendered at the IACR, the Follow-Up Meeting(s), or the UCA-IACR, when applicable, should stand or if the finding(s) on policy and/or outcome(s) rendered at the IACR, the Follow-Up Meeting(s), or the UCA-IACR, when applicable, should be altered.
 - If, in considering the totality of the evidence, the UCA determines, using a preponderance of the evidence, that the finding(s) on policy should not be altered, the decision rendered at the IACR, Follow-Up Meeting(s), or the UCA-IACR, when applicable, will stand unless altered as a result of the current appeal based on excessively harsh outcome(s).
 - If, in considering the totality of the evidence, the UCA determines, using a preponderance of the evidence, that the finding(s) on policy should be altered, the UCA will determine whether or not the Responding Party is responsible for violating policy.
 - If alterations are made to the finding(s) on policy, the UCA will determine whether or not the outcome(s) assigned should be altered. If the alteration of finding(s) requires a change in outcome(s), the UCA will determine the new outcome(s). If a UCA chooses to alter the outcomes imposed, the UCA

may not impose outcomes more severe than ones that were imposed at the IACR, the Follow-Up Meeting(s), or the UCA-IACR, when applicable.

OSARP will notify the Responding Party of the final decision of the IAAR and provide the UCA's written rationale of the decision within two business days from the date of the IAAR. Typically, this notification is conducted in person or virtually with an OSARP staff member but may be solely sent via their official JMU email address if, based on the circumstances of the case, it is deemed appropriate or necessary by the Director of OSARP or designee. If the final decision rendered at the conclusion of an IAAR involves required outcome(s), the Responding Party will be sent information for completing required outcomes, including any applicable deadlines. Failure to complete, schedule, attend, or be on time for programs/meetings, failing to complete related assignments, or failing to follow program expectations may result in a \$50 fine per program/meeting not completed by the deadline and a student account hold, which prevents class registration and is typically only removed once outstanding outcomes are verified as completed by OSARP. Repeated failure may result in an alleged policy violation of *Failure to Comply with an Outcome*.

University Case Administrator - Individual Accountability Case Review (UCA-IACR)

If a UCA determines, during an IAAR that the procedural irregularity can reasonably be said to have affected the outcome of the matter, the UCA will order that a new IACR, conducted by a different UCA, be scheduled to render a new decision for the case. If a UCA feels that their previous contact with the case or the individual(s) involved will prevent them from rendering a fair decision, the UCA must request that they not be assigned to the UCA—IACR. Responding Parties and Reporting Parties (if any) will be informed of the UCA assigned to their case. Upon receiving notification of the assigned UCA, a Responding Party or Reporting Party (if any) may request that a UCA be replaced if the student can show a bias on the part of the UCA. To make such a request, a Responding Party or Reporting Party (if any) 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 replace a UCA and/or to postpone a UCA—IACR is at the discretion of the Director of OSARP or designee.

The UCA assigned to conduct the UCA-IACR will not be informed of the decision rendered at the IACR or Follow-Up Meeting(s) conducted by the OSARP Case Administrator.

The rights of a Responding Party participating in a UCA—IACR Process are delineated in the "[Responding Party - Responsibilities and Rights – UCA—Individual Accountability Case Review Process](#)".

Participants who have a right to a Support Person may be accompanied by one Support Person. The Handbook section entitled "[Individual Accountability Process: Participants' Roles, Rights, and Restrictions](#)" describes the role of the Support Person, limitations and restrictions placed on the role, and who is qualified to serve in the role in different circumstances. Participants must notify OSARP of any Support Person at least two days prior to the UCA—IACR.

In a UCA—IACR involving a Reporting Party, Responding Parties and Reporting Parties may request reasonable safety accommodations be put in place during the UCA—IACR. Reasonable safety accommodations may include, but are not limited to, a partition, teleconferencing, or police presence.

A UCA—IACR, at the discretion of the Director of OSARP or designee, may be conducted virtually for reasons including but not limited to health and/or safety concerns. They may also be conducted virtually with the agreement of the Responding Party(ies) and Reporting Party(ies), if applicable, and the approval of the Director of OSARP or designee. For virtual case reviews, OSARP will have a staff member in the Zoom meeting to manage the administrative and technical aspects of Zoom so the UCA can focus solely on the case review.

UCA-IACR times are reasonably set based on the academic schedules of the Responding Party, Responding Party Witness(es), the Reporting Party, if applicable, Reporting Party Witness(es), if applicable, and the availability of the University Witnesses. Witnesses who are unable to attend the scheduled UCA-IACR may submit a written statement in their absence. OSARP cannot compel Responding Parties, Reporting Parties, or witnesses of any kind to attend a UCA-IACR. If a participant of any type fails to appear at a UCA-IACR after being properly notified of its date and time, the case will generally proceed and be heard on the basis of the case file, other items submitted as evidence to the case, the information provided by those in attendance at the UCA-IACR, and the previous disciplinary history maintained by OSARP of the Responding Party. If a Responding Party fails to appear at a UCA-IACR, the Responding Party will be notified of the decision and written rationale via email within two business days of the UCA-IACR.

The decision to postpone a UCA-IACR for any reason is at the discretion of the Director of OSARP or designee. Anticipated timelines, deadlines, restrictions, procedures, or assigned educational or restorative outcomes listed within an OSARP process will not be altered except in unexpected and unavoidable circumstances in order to uphold the intent of the process, as determined by the Director of OSARP or designee, or with the agreement of the party(ies), as approved 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.

The Director of OSARP or designee will determine the appropriate course of action in circumstances where multiple Responding Parties in the same case are provided a UCA-IACR; the determination will be based on upholding the intent of the IAP. Multiple Responding Parties may have their cases heard together during the same UCA-IACR if their cases derive from the same set of facts and circumstances. Decisions on finding(s) and outcome(s), if applicable, will be made individually for each Responding Party by the UCA.

A UCA—IACR will be audio and/or video recorded. Students are not permitted to make their own recordings of a UCA—IACR.

The start time of the UCA-IACR includes the UCA meeting with each participant to discuss procedural information and answer questions from the participants. The length of these meetings cannot be predetermined.

A UCA-IACR will generally be conducted in accordance with the procedures below; however, the UCA may ask additional questions at any time. Additionally, the phrase “through the UCA” used throughout the UCA-IACR procedures refers to the UCA confirming or denying a University Witness, Reporting Party, or a Reporting Party Witness’ ability to respond to a question; this confirmation or denial may be verbal or non-verbal. The UCA has the authority to prohibit information from being shared that violates the rights of a party, is not allowed by the IAP, or bears no relevancy to the case. Any participant who does not follow the requirements of the rules of decorum may be removed, as determined by the UCA.

1. The UCA meets with each participant individually to discuss procedural information and answer questions.
2. The UCA-IACR begins and the UCA and participants introduce themselves.
3. The statement of the alleged policy violation(s) is presented by the UCA.
4. Participants state any questions they have concerning rights or procedures.
5. Information is presented about the alleged incident; each University Witness is called individually.
 - Each University Witness will individually share their perspective and be questioned by the UCA, then they will be questioned by the Responding Party through the UCA.
 - The UCA may request University Witnesses to return for further questions.
 - Step #5 repeats until all University Witnesses have participated.
6. If applicable, information is presented about the alleged incident by the Reporting Party and each Reporting Party Witness. Each Reporting Party and/or Reporting Party Witness will be called individually.
 - The Reporting Party and/or each Reporting Party Witness will individually share their perspective and be questioned by the UCA and then by the Responding Party, through the UCA. A Reporting Party Witness can provide information relevant to the case, including but not limited to what they know about the alleged incident or their knowledge of the Reporting Party. A Reporting Party Witness may not provide their perspective on the character of the Responding Party, Responding Party Witness(es), or University Witness(es), nor what they feel the appropriate decision or outcome in the case should be.
 - The Support Person for the Reporting Party or Reporting Party Witness may not also serve as a witness in the IAP or other OSARP processes that derive out of the same set of facts or circumstances.
 - After a Reporting Party Witness has presented to the UCA and answered all questions, the witness may be asked to leave by the UCA. At such request, witnesses must leave the meeting. If the UCA does not specifically ask a witness to remain for further questions, the witness must leave the office.
 - The UCA may request that a Reporting Party Witness return at a later point in the UCA-IACR for further questions. The Reporting Party will be called in at a later point in the UCA-IACR as outlined in the UCA-IACR procedures.
 - The UCA shall have the authority to limit the number of witnesses and/or content in order to avoid unreasonable delays, where the information would be repetitious or unnecessary, or where the information does not contribute positively to the fair review of the case.
 - Step #6 repeats until all Reporting Parties and Reporting Party Witnesses have participated.
7. Information is presented by the Responding Party. The UCA may question the Responding Party.

- This presentation is the Responding Party's opportunity to share information they want considered by the UCA, including any responses to the evidence or information included in the case file. The UCA shall have the authority to limit the information and/or content in order to avoid unreasonable delays, where the information would be repetitious or unnecessary, or where the information does not contribute positively to the fair review of the case.
 - During questioning, the UCA may seek clarification on information that will assist them with making a determination regarding responsibility, using a preponderance of the evidence standard. The UCA may also seek information that may, if needed, assist them with assigning outcome(s), including questions regarding the Responding Party's previous disciplinary history maintained by OSARP as it relates to the current case.
8. The Responding Party will call their witnesses individually.
 - Each witness called by the Responding Party will individually share their perspective and be questioned by the Responding Party, followed by questions from the UCA. Witnesses called by the Responding Party can provide information relevant to the case, including but not limited to what they know about the alleged incident or their knowledge of the Responding Party. A Responding Party Witness may not provide their perspective on the character of the Reporting Party, Reporting Party Witness(es) or University Witness(es), nor what they feel the appropriate decision or outcome in the case should be.
 - The Support Person for the Responding Party or Responding Party Witness may not also serve as a witness in the IAP or other OSARP processes that derive out of the same set of facts or circumstances.
 - After a Responding Party Witness has presented to the UCA and answered all questions, the witness may be asked to leave by the UCA. At such request, witnesses must leave the meeting. If the UCA does not specifically ask a witness to remain for further questions, the witness must leave the office.
 - The UCA may request that a witness for the Responding Party return at a later point in the UCA-IACR for further questions.
 - After presenting to the UCA, a witness is not permitted to have any communication regarding the case with witnesses who have not presented to the UCA or with the Responding Party and their Support Person until after the UCA-IACR has concluded. This includes verbal communication, written communication, and/or electronic communication.
 - The UCA shall have the authority to limit the number of witnesses and/or content in order to avoid unreasonable delays, where the information would be repetitious or unnecessary, or where the information does not contribute positively to the fair review of the case.
 - Step #8 repeats until all Responding Party Witnesses have participated.
 9. Any University Witnesses asked by the UCA to return later will be brought in individually, if applicable.
 - The Responding Party may ask questions through the UCA, followed by the UCA's opportunity to ask any remaining questions they have of the University Witness.
 - The University Witnesses will then be dismissed from the UCA-IACR.
 10. Any Responding Party Witnesses asked by the UCA to return later will be brought in individually, if applicable.
 - The Responding Party may ask questions of their witness, followed by the UCA's opportunity to ask any remaining questions they have of the Responding Party Witness.
 - The Responding Party Witnesses will then be dismissed from the UCA-IACR.
 11. Any Reporting Party Witnesses asked by the UCA to return later will be brought in individually, if applicable.
 - The Responding Party may ask questions through the UCA, followed by the UCA's opportunity to ask any remaining questions they have of the Reporting Party Witness.
 - The Reporting Party Witnesses will then be dismissed from the UCA-IACR.
 12. The Reporting Party will return to the UCA—IACR.
 - The UCA may ask final questions of the Reporting Party.
 - The Responding Party may ask final questions of the Reporting Party through the UCA.
 - The Reporting Party may present concluding remarks.
 13. The Reporting Party and their Support Person, if applicable, will be dismissed from the UCA-IACR.
 14. The UCA may ask final questions of the Responding Party.
 15. The Responding Party may present concluding remarks.
 16. All persons are dismissed while the UCA determines whether or not the Responding Party is responsible for violating policy and, if applicable, assigns outcome(s).

- The UCA will consider the case file, other items submitted as evidence to the case, and the information provided by those in attendance at the UCA—IACR.
- The UCA will determine whether or not the Responding party is responsible using a preponderance of the evidence standard.
- If a student is found responsible for a policy violation(s), the UCA will determine the outcome(s) to assign. If applicable, the UCA will consider any previous disciplinary history maintained by OSARP pertaining to the Responding Party for the current case.

17. The finding(s) and, if applicable, outcome(s), along with a rationale for their assignment is given to OSARP by the UCA.

OSARP will notify the Responding Party of the decision, rationale, and outcome(s), if applicable, within two business days from the date of the UCA—IACR. This notification will include information on the process for submitting an appeal, if applicable. Typically, this notification is conducted in person or virtually with an OSARP staff member but may be solely sent via their official JMU email address if, based on the circumstances of the case, it is deemed appropriate or necessary by the Director of OSARP or designee. The Responding Party will also be provided the opportunity to waive their right to appeal and accept the decision made at the UCA—IACR. If this occurs, the Responding Party will be sent information, if applicable, for completing required outcome(s), including any applicable deadlines. Failure to complete, schedule, attend, or be on time for programs/meetings, failing to complete related assignments, or failing to follow program expectations may result in a \$50 fine per program/meeting not completed by the deadline and a student account hold, which prevents class registration and is typically only removed once outstanding outcomes are verified as completed by OSARP. Repeated failure may result in an alleged policy violation of *Failure to Comply with a Disciplinary Outcome*.

Procedures for appeals in the IAP are outlined within the section titled “Appeals—Individual Accountability Process”. A Responding Party may only appeal if they are found responsible for a policy violation(s) and received an outcome of suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing. In these circumstances, the Responding Party has the right to submit a written appeal of the decision by the UCA, within four days of receiving the decision via their official JMU email account.

In circumstances where the Responding Party waives their right to appeal the decision made at the UCA—IACR, or if the Responding Party does not submit an appeal of the decision made at the UCA—IACR within the timeline set by the procedures listed in the Student Handbook, the decision made at the UCA—IACR will be considered final.

A student who knowingly provides falsified or misleading information at a UCA—IACR may receive an alleged policy violation of [Interference or Retaliation in a University Process](#).

OSARP may pursue an alleged violation of [Interference or Retaliation in a University Process](#) if it receives information that a Responding Party or a student who is a Reporting Party attempts to discuss the case before the UCA—IACR with the UCA. OSARP will not pursue an alleged violation(s) of any no contact orders issued by the University when the contact occurs for the purposes of a pending criminal, civil, or legal process or other specific extenuating circumstances as determined by OSARP unless the contact may have violated [Noncompliance](#) and/or [Interference or Retaliation in a University Process](#) policies.

The UCA—IACR is a closed meeting. OSARP shall keep all information and decisions confidential and only release it with the student’s permission or to the extent permitted by law. The Responding Party shall receive notice of all rights they are guaranteed through the IAP (see “Responding Party – Responsibilities and Rights – UCA-Individual Accountability Case Review (UCA-IACR)”). In a UCA—IACR, the technical rules of evidence applicable in civil and criminal cases do not apply.

Information on Disability Accommodations in the Individual Accountability Process (IAP)

JMU and OSARP are committed to providing programs that are equally inclusive and accessible to all participants. Participants may request accommodations in accordance with [JMU Policy 1331](#). If you are a student who needs accommodation of a disability to support your participation in an OSARP process, submit your accommodation request to ODS via the Accommodate portal available in MyMadison (see also <https://www.jmu.edu/ods/getting-started/index.shtml>). You may send an email to the [Office of Disability Services](#) (ODS) at disability-svcs@jmu.edu asking for an expedited review in light of the timelines associated with the OSARP process. ODS and OSARP may consult to identify potentially reasonable accommodations to support effective participation in the OSARP process. ODS will communicate with OSARP about the identified accommodations and copy you on the written notice of accommodations. All requests must be communicated to OSARP at least three business days prior to a process, so please contact the Office of Disability Services immediately. For others who may need accommodations, contact the appropriate unit as indicated in JMU policy 1331.

Individual Interim Suspension Process (IISP)

The information contained in this section of the Handbook is only applicable for those participating in the Individual Interim Suspension Process. At times, the word “individual” will not be placed in front of various steps of the process but if it is in this section of the Handbook, it only pertains to individuals and their Interim Suspension procedures. For cases alleging a violation(s) of university policy for individual students where the Individual Interim Suspension Process was not initiated, see the “[Individual Accountability Process](#)” section within this Handbook. For cases alleging a violation(s) of university policy for a recognized student organization or student group, see the “[Organizational Accountability Process](#)” section within this Handbook. For cases alleging [Sexual Misconduct](#), see the “[Sexual Misconduct Accountability Process](#)” section within this Handbook. For cases alleging [Title IX Sexual Harassment](#), see the “[Title IX Sexual Harassment Adjudication Process](#)” section within this Handbook.

Definitions

IAP

An acronym for the Individual Accountability Process.

IAAR

An acronym for the Individual Accountability Appeal Review.

IISP

An acronym for the Individual Interim Suspension Process.

IISR

An acronym for the Individual Interim Suspension Review.

Reporting Party

A Reporting Party is an individual who reports alleged behavior committed by a JMU student that can be addressed by the IISP. A Reporting Party need not necessarily present an alleged policy violation(s) against a Responding Party, but it is often their interaction with a Responding Party that led to an alleged policy violation(s) being placed by OSARP.

The availability of a Reporting Party is considered when OSARP schedules a UCA-IACR or IAAR based on new evidence, when permitted by the process in the Handbook. OSARP cannot compel, mandate, or require a Reporting Party to attend or participate in the Individual Interim Suspension Process. OSARP confers the rights outlined in the Reporting Party Rights to those who meet this definition.

Reporting Party (Crimes of Violence)

NOTE: This section does not apply to crimes of violence that are covered in the Sexual Misconduct or Title IX Sexual Harassment policies.

A Reporting Party ([Crimes of Violence](#)) is an individual who reports alleged behavior committed by a JMU student that can be addressed by the IISP for the *Physical Force or Attempted Physical Force or Damage, Attempted Damage, or Vandalism of Property* policies where the damage, attempted damage, or vandalism of property was deemed to be willful or malicious. A Reporting Party (Crimes of Violence) need not necessarily present an alleged policy violation(s) against a Responding Party, but it is often their interaction or experience with a Responding Party that led to an alleged policy violation(s) being placed by OSARP.

The availability of a Reporting Party (Crimes of Violence) is considered when OSARP schedules a UCA-IACR or IAAR based on new evidence, when permitted by the process in the Handbook. OSARP cannot compel, mandate, or require a Reporting Party (Crime of Violence) to attend or participate in the Individual Interim Suspension Process. OSARP confers the rights outlined in the Reporting Party Rights to those who meet this definition.

Reporting Party Witness

A Reporting Party Witness is an individual who provides a report, statement, evidence, or other information, at the request of a Reporting Party, to be used in the placing or review of an alleged policy violation(s) in the IISP.

A Reporting Party Witness can provide information relevant to the case, including what they know about the alleged incident or their knowledge of the Reporting Party in accordance with the restrictions listed in the process. A Reporting Party Witness may not provide their perspective on what they feel the appropriate decision or outcomes in the case should be at any time during the process. OSARP typically will not initiate the IAP and pursue an alleged policy violation(s) if there is evidence shared regarding the Reporting Party Witness's personal consumption of drugs or alcohol while participating solely as a witness. However, if a case has already been conducted to address the witness's personal consumption of drugs or alcohol, OSARP will not revisit the outcome of that case. Additionally, OSARP will pursue an alleged policy violation(s) if the Reporting Party Witness claims responsibility for the Responding Party's alleged policy violation(s) during the course of their statements or interactions with OSARP.

For an IAAR based on new evidence, a Reporting Party Witness may be called by a Reporting Party to provide a statement in response to the new evidence. A Reporting Party Witness may provide a written or in-person statement at an IAAR in accordance with the requirements as listed in the Handbook. The availability of a Reporting Party Witness is reasonably considered when OSARP schedules IAAR and/or an UCA-IACR, when permitted by the process in the Handbook. OSARP cannot compel, mandate, or require Reporting Party Witnesses to attend or participate in the IISP. It is the responsibility of the Reporting Party to coordinate their witnesses' attendance when the process allows their attendance. OSARP confers the rights outlined in the Reporting Party Witness Rights to those serving in this role.

Responding Party

A Responding Party is a student who receives notification of an alleged policy violation(s) and is afforded rights and an IISP by OSARP to respond to the alleged policy violation(s). The availability of a Responding Party is considered when OSARP schedules an IISR, a UCA-IACR, or an IAAR, when applicable.

Responding Party Witness

A Responding Party Witness is an individual who provides a report, statement, evidence, or other information, at the request of a Responding Party, to be used in the review of an alleged policy violation(s) in the IISP.

A Responding Party Witness can provide information relevant to the case, including what they know about the alleged incident, or their knowledge of the Responding Party in accordance with the restrictions listed in the process. A Responding Party Witness may not provide their perspective on what they feel the appropriate decision or outcomes in the case should be at any time during the process. OSARP typically will not initiate the IAP and pursue an alleged policy violation(s) if there is evidence shared regarding the Reporting Party Witness's personal consumption of drugs or alcohol while participating solely as a witness. However, if a case has already been conducted to address the witness's personal consumption of drugs or alcohol, OSARP will not revisit the outcome of that case. Additionally, OSARP will pursue an alleged policy violation(s) if the Reporting Party Witness claims responsibility for the Responding Party's alleged policy violation(s) during the course of their statements or interactions with OSARP.

For an IAAR based on new evidence, a Responding Party Witness may be called by a Responding Party to provide a statement in response to the new evidence. A Responding Party Witness may provide a written or in-person statement at an IAAR when permitted by the process in the Handbook. The availability of a Responding Party Witness is reasonably considered when OSARP schedules an IAAR and/or an UCA-IACR, when permitted by the process in the Handbook. OSARP cannot compel, mandate, or require Responding Party Witnesses to attend or participate in the IISP. It is the responsibility of the Responding Party to coordinate their witnesses' attendance when the process allows their attendance. OSARP confers the rights outlined in the Responding Party Witness Rights to those serving in this role.

Support Person

Reporting Parties, Reporting Parties (Crimes of Violence), Responding Parties, Reporting Party Witnesses, and Responding Party Witnesses participating in the IISP, in accordance with the restrictions in the Handbook, may be accompanied by one Support Person.

UCA-IACR

An acronym for the University Case Administrator-Individual Accountability Case Review.

University Case Administrator (UCA)

A UCA is a volunteer faculty or staff member who has been trained by OSARP to hear cases. Full-time employees, part-time employees, faculty members, Administrative and Professional faculty, and classified staff are eligible to serve as UCAs. Graduate student staff who have prior experience with OSARP but are not currently working with OSARP are also eligible for this role. A UCA shall not hold an administrative position at a Vice President level or higher and they may not have supervisory oversight of OSARP. OSARP may appoint additional UCAs as needed. UCAs are indefinitely eligible provided that they remain affiliated with the university and have the support of their direct supervisor. UCAs with a university disciplinary record maintained by OSARP will have their eligibility evaluated by OSARP on a case-by-case basis including but not limited to the facts of the case, impact on community, and time since incident. A UCA may withdraw from this volunteer opportunity at any time.

OSARP is responsible for the training of UCAs. UCAs are required to complete initial and ongoing training as determined by OSARP.

A UCA in the Individual Interim Suspension Process will receive access to the case file for the sole purpose of reviewing the case.

When appointed, a UCA is authorized to conduct the following stages of the Individual Interim Suspension Process:

- Individual Interim Suspension Review
- UCA—Individual Accountability Case Review
- Individual Accountability Appeal Review
- Other circumstances as determined by the Director of OSARP or designee

University Witness

A University Witness is an individual who provides a report, statement, evidence, or other information to be used in the placing or review of an alleged policy violation(s) in OSARP. University Witnesses are not called as a witness by a Responding Party or Reporting Party, if applicable, but are determined by OSARP as having relevant information necessary for the review of the case. University Witnesses may include, but are not limited to, Office of Residence Life staff, faculty, university staff, or police officers reporting alleged policy violation(s).

The availability of a University Witness is considered when OSARP schedules a UCA-IACR or IAAR based on new evidence, when permitted by the process in the Handbook.

In cases where a University Witness is also defined as a Reporting Party or a Reporting Party (Crimes of Violence), they will be permitted the same rights as a Reporting Party or a Reporting Party (Crimes of Violence).

Participants' Roles, Rights, and Restrictions

Responding Party - Responsibilities and Rights: University Case Administrator - Individual Accountability Case Review (UCA-IACR)

Procedural Responsibilities of the Office of Student Accountability and Restorative Practices (OSARP)

1. OSARP will send the Responding Party notification of all policies allegedly violated, the date(s) and location(s) of the allegation(s), and how OSARP received that information via their official JMU email address.
2. OSARP will send the Responding Party notification of the date, time, and location of the UCA-IACR at least three days prior to the UCA-IACR via their official JMU email address.
3. OSARP will schedule a University Case Administrator (UCA) to provide a fair and impartial process as an unbiased decision-maker that presumes the Responding Party is not responsible for violating policy. The UCA will use a preponderance of the evidence standard to determine if a Responding Party is responsible for violating policy.
4. OSARP will notify the Reporting Party (if any) of the outcomes of the case related to responsible findings for policy violation(s) that are [crimes of violence](#), as required by law.
5. OSARP may be required to report specific information provided during the Individual Interim Suspension Process (IISP) to other accountability processes, JMU department(s), or law enforcement, including but not limited to: sexual harm, harassment or discrimination based on a protected class, hazing, harm or threat of harm to self or others, or other behavior that is against the mission of the institution.

Responding Party Rights

Rights #1 through #5 only apply if the Responding Party chooses to attend the UCA-IACR.

1. The right to attend the UCA-IACR meeting. A Responding Party that fails to attend the UCA-IACR waives certain rights in the process and understands their case will be decided by the UCA in their absence based on the information contained in the case file and from any witnesses who present during the UCA-IACR.
2. The right for one Support Person to attend the UCA-IACR since the case includes potential outcomes of suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing. The Support Person attending an UCA-IACR may not communicate for or speak on behalf of a Responding Party but may provide support or advice on how to present the case in accordance with the restrictions outlined in the Handbook.
3. The right to have the UCA review the alleged violation(s) in the case and the information contained in the case file.
4. The right to not answer the UCA's questions or provide information to be used to make a decision in the case.
5. The right to know and respond to all information being used to make a decision in the case; the right to provide information to be included in the case file and used in the review of the case in accordance with the deadlines and restrictions listed in the IISP.
6. The right to question all witnesses and Reporting Parties (if any) who present at the UCA-IACR.
7. The right to have witnesses present at the UCA-IACR in accordance with the restrictions listed in the IISP, provided witnesses are able to attend the scheduled UCA-IACR; the right to provide witness statements to be included in the case review in accordance with the deadlines and restrictions provided to them.
8. The right to be notified of the UCA's decision, rationale, and outcomes, if applicable, within two business days from the date of the UCA-IACR.
9. The right to submit a written appeal of the decision by the UCA, within four days of receiving the decision via their official JMU email account. **This right is only applicable for cases where the decision included an outcome of suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing.**
Appeals may only be submitted on the following grounds. When referenced below, "affected the outcome of the matter" refers to the entirety of the decision rendered including the determination regarding responsibility or outcomes assigned, if applicable.
 - **Procedural irregularity that affected the outcome of the matter.** The appeal submission must outline the procedural irregularity and how that affected the decision in the case.
 - **Excessively harsh outcome(s) for a case with a responsible finding(s) on policy.** The appeal submission must outline the reason(s) the outcome(s) assigned are excessively harsh.
 - **New evidence that was not reasonably available or accessible at the time of the UCA-IACR and only relevant to refute information as to whether or not the Responding Party is responsible for violating policy.** The appeal submission must outline the new evidence, why the new evidence was not reasonably available or accessible at the time of the UCA-IACR, and how it is relevant to the decision of whether or not the Responding Party is responsible for violating policy.
10. The right to request access to a recording of the UCA-IACR solely for the purposes of preparing an appeal.
11. The right to receive the final decision of an IISP case in writing via their official JMU email account within 10 business days of a final decision being rendered.

Responding Party - Responsibilities and Rights: Individual Accountability Appeal Review (IAAR)

Procedural Responsibilities of the Office of Student Accountability and Restorative Practices (OSARP)

1. OSARP will send the Responding Party notification of all policies allegedly violated, the date(s) and location(s) of the allegation(s), and how OSARP received that information via their official JMU email address.
2. For appeals on new evidence, OSARP will send the Responding Party notification of the date, time, and location of the IAAR at least three days prior to the IAAR meeting via their official JMU email address.
3. OSARP will schedule a University Case Administrator (UCA) to provide a fair and impartial process as an unbiased decision-maker that presumes the Responding Party is not responsible for violating policy. As applicable, the UCA will use a preponderance of the evidence standard to determine if a Responding Party is responsible for violating policy.
4. OSARP will notify the Reporting Party (if any) of the outcomes of the case related to responsible findings for policy violation(s) that are [crimes of violence](#), as required by law.
5. OSARP may be required to report specific information provided during the Individual Interim Suspension Process (IISP) to other accountability processes, JMU department(s), or law enforcement, including but not limited to: sexual harm,

harassment or discrimination based on a protected class, hazing, harm or threat of harm to self or others, or other behavior that is against the mission of the institution.

Responding Party Rights

Rights #1 through #6 only apply if the Responding Party chooses to attend the IAAR and the UCA holds the IAAR for the new evidence portion.

1. The right to attend the IAAR if allowed by the IISP. A Responding Party that fails to attend the IAAR, if allowed, waives certain rights in the process and understands their case will be decided by the UCA in their absence based on the information contained in the case file and from any witnesses who present during the IAAR.
2. The right for one Support Person to attend the IAAR, if the Responding Party is allowed to attend the IAAR by the IISP. The Support Person attending an IAAR may not communicate for or speak on behalf of a Responding Party but may provide support or advice on how to present the information in accordance with the restrictions outlined in the Handbook.
3. The right to present the new evidence during the IAAR, according to the IISP.
4. The right to not answer questions or provide information to be used in the IAAR.
5. The right to question all witnesses and Reporting Parties (if any) who present at the IAAR.
6. The right to have witnesses present regarding the new evidence at the IAAR in accordance with the restrictions listed in the IISP, provided witnesses are able to attend the scheduled IAAR; the right to provide witness statements regarding the new evidence to be included in the IAAR in accordance with the deadlines and restrictions provided to them.
7. The right to be notified of the UCA's decision, rationale, and outcomes, if applicable, within two business days from the date of the IAAR.
8. The right to receive the final decision of an IAAR in writing via their official JMU email account within 10 business days of a final decision being rendered.

Reporting Party Rights

The Reporting Party for an incident(s) that allegedly violates university policy(ies) committed by a JMU student, and does not fall under the *Physical Force or Attempted Physical Force or Damage, Attempted Damage, or Vandalism of Property* policies where the damage, attempted damage, or vandalism of property was deemed to be willful or malicious, in the Individual Interim Suspension Process (IISP), has the following rights:

1. The right to receive access to a Reporting Party case file in order to prepare for a University Case Administrator-Individual Accountability Case Review (UCA-IACR) and/or an Individual Accountability Appeal Review (IAAR) based on new evidence, when permitted by the process in the Handbook. Reporting Party case files will consist of evidence provided by the Reporting Party and public information related to the case.
2. The right to be notified of the date, time and location of a UCA-IACR and/or an IAAR based on new evidence, when permitted by the process in the Handbook, via email at least three days prior to the meeting.
3. The right to attend a UCA-IACR, when permitted by the process in the Handbook, to share their perspective and be questioned by the UCA and the Responding Party in accordance with the guidelines and restrictions outlined in the IISP.
4. The right to attend the IAAR meeting based on new evidence, when permitted by the process in the Handbook, and participate according to the guidelines and restrictions outlined in the IISP. A Reporting Party is only able to provide their response to the new evidence according to any restrictions outlined in the Handbook.
5. The right for one Support Person to attend a UCA-IACR or IAAR based on new evidence, when permitted by the process in the Handbook, according to the restrictions outlined in the IISP. The Support Person for the Reporting Party may not also serve as a witness in the IISP or other OSARP processes that derive out of the same set of facts or circumstances. The Support Person may not communicate for or speak on behalf of a Reporting Party but may provide support or advice on how to present the information in accordance with the restrictions outlined in the Handbook.

Reporting Party (Crimes of Violence) Rights

The Reporting Party ([Crimes of Violence](#)) for an incident(s) that allegedly violates the *Physical Force or Attempted Physical Force or Damage, Attempted Damage, or Vandalism of Property* policies where the damage, attempted damage, or vandalism of property was deemed to be willful or malicious, in the IISP, has the following rights:

1. The right to receive access to a Reporting Party (Crime of Violence) case file in order to prepare for a UCA-IACR and/or an IAAR based on new evidence, when permitted by the process in the Handbook. Reporting Party case files will consist of evidence provided by the Reporting Party and public information related to the case.
2. The right to be notified of the date, time and place of the UCA-IACR and/or an IAAR based on new evidence, when permitted by the process in the Handbook, via email at least three days prior to the meeting.
3. The right to attend a UCA-IACR, when permitted by the process in the Handbook, to share their perspective and be questioned by the UCA and the Responding Party according to the guidelines and restrictions outlined in the IISP.
4. The right to attend the IAAR meeting based on new evidence, when permitted by the process in the Handbook, and participate according to the guidelines and restrictions outlined in the IISP. A Reporting Party (Crimes of Violence) is only able to provide their response to the new evidence according to any restrictions outlined in the Student Handbook.
5. The right for one Support Person to attend a UCA-IACR or IAAR based on new evidence, when permitted by the process in the Handbook, according to the restrictions outlined in the IISP. The Support Person for the Reporting Party may not also serve as a witness in the IISP or other OSARP processes that derive out of the same set of facts or circumstances. The Support Person may not communicate for or speak on behalf of a Reporting Party but may provide support or advice on how to present the information in accordance with the restrictions outlined in the Handbook.
6. The right to be informed of the findings in the case related to the alleged violation(s) that meet the definition of a crime of violence and any outcomes, if applicable.

Reporting Party Witness Rights

A Reporting Party Witness called by a Reporting Party has the following rights:

1. The right to be notified of the date, time, and location of the UCA-IACR and/or an IAAR based on new evidence, when permitted by the process in the Handbook, at least one day prior to a meeting via email if their name and contact information has been provided to OSARP by the Reporting Party.
2. The right for one Support Person to attend a UCA-IACR or IAAR based on new evidence, when permitted by the process in the Handbook, in accordance with the restrictions outlined in the Individual Accountability Process (IAP). The Support Person for the Reporting Party Witness may not also serve as a witness in the IISP or other OSARP processes that derive out of the same set of facts or circumstances. The Support Person may not communicate for or speak on behalf of a Reporting Party Witness but may provide support or advice on how to present the information in accordance with the restrictions outlined in the Handbook.

Responding Party Witness Rights

A Responding Party Witness called by a Responding Party has the following rights:

1. The right to be notified of the date, time, and location of the UCA-IACR and/or an IAAR based on new evidence, when permitted by the process in the Handbook, at least one day prior to a meeting via email if their name and contact information has been provided to OSARP by the Responding Party.
2. The right for one Support Person to attend a UCA-IACR or IAAR based on new evidence, when permitted by the process in the Handbook, in accordance with the restrictions outlined in the IISP. The Support Person for the Responding Party Witness may not also serve as a witness in the IISP or other OSARP processes that derive out of the same set of facts or circumstances. The Support Person may not communicate for or speak on behalf of a Responding Party Witness but may provide support or advice on how to present the information in accordance with the restrictions outlined in the Handbook.

The Role of a Support Person

In the Individual Interim Suspension Process (IISP):

1. Participants may have one Support Person of their choice, which can be an attorney, provided they follow the guidelines outlined in the IISP. The University does not provide students participating in the IISP 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 within the IISP nor compels a Support Person to attend. It is the participant's responsibility to coordinate their Support Person's attendance.
3. A person who serves as a witness, University Witness, Responding Party, Reporting Party, OSARP Case Administrator or University Case Administrator (UCA) cannot also serve as a Support Person in the IISP or other OSARP processes that derive

out of the same set of facts or circumstances. A person who serves as a Support Person in the IISP or other OSARP processes cannot serve in any other capacity at any point in the process cases that derive out of the same set of facts or circumstances.

4. Prior to a meeting within the IISP, one Support Person may help the participant prepare for the case, which may include accompanying the Responding or Reporting Party to any meetings, reviewing the case file in OSARP with the Responding or Reporting Party, or communicating with OSARP and/or the University about the case and/or procedures with the permission of the Responding or Reporting Party.
5. During a meeting within the IISP, the one Support Person may:
 - Not communicate for or speak on behalf of the participant. Responding Parties, Reporting Parties, and witnesses, in portions of the process that allow for them, must present their statements or information themselves.
 - Consult with the participant on how to present their statements or information by whispering, providing notes, sending messages via electronic communication, or taking notes as long as it does not disrupt the review of the case.
 - Provide support by taking breaks with, or requesting breaks on behalf of, the participant they are accompanying.
6. OSARP may remove a Support Person from any meeting within the IISP if they are disruptive to the process or do not adhere to the requirements set forth in the IISP or in the Rules of Decorum.

Rules of Decorum

Responding Parties

The case review process must be managed to ensure all participants receive a fair, impartial, and unbiased experience that allows the University Case Administrator (UCA) to gather information necessary to make a decision regarding responsibility for the alleged policy violation(s) in the case. During the case review process, Responding Parties must adhere to the following expectations and the procedures in the University Case Administrator-Individual Accountability Case Review (UCA-IACR) or the Individual Accountability Appeal Review (IAAR) processes, as applicable and outlined within the Student Handbook.

General Expectations

Responding Parties in the Individual Interim Suspension Process (IISP) must:

- Listen respectfully to the individual speaking without interruption.
- Speak appropriately with the UCA or wait to begin speaking until addressed by the UCA.
- Avoid speaking over other participants.
- Use respectful language that is not demeaning, derogatory, or disrespectful.
- Avoid raising their voices.
- Remain seated in their predetermined locations.
- Refrain from making distracting or offensive gestures (e.g., rolling eyes, throwing arms in the air, etc.) or audible reactions (e.g., scoffing, speaking under their breath, etc.).
- For questions about the Rules of Decorum or case review procedures, a participant should request a break to consult with the UCA.

Responding Parties, when asking questions of Witnesses (of any type) or Reporting Party(ies) during a UCA-IACR:

- Must allow the UCA time to evaluate each question and verbally or non-verbally permit the participant to respond. This is referenced as “through the UCA” in the IISP.
- Must maintain a professional and respectful attitude towards the other party, witnesses, UCA, and any other participants in the case review process.

A witness has the right not to answer questions or provide information to be used in the review of the case.

Violation of Expectations & Procedures

Determination regarding a participant’s violation of one of these expectations lies with the UCA. If a participant violates an expectation of the Rules of Decorum or the case review procedures outlined in the UCA-IACR, or IAAR processes, the UCA will issue a verbal warning, identifying the expectation violated and how it was violated.

If a participant continues to violate these expectations or case review procedures, the UCA will immediately call for a break. During the break, the UCA will address the problematic behavior directly. If the participant refuses to comply with the warning or causes additional problems, the UCA may decide to take one or more of the following actions:

- Implement other methods to address the problematic behavior, as determined by the UCA that allows the case to continue in a fair manner for all participants.
- Remove the participant from the UCA-IACR or IAAR. If a participant is removed, the case will proceed in their absence and the UCA will make a determination in the case based on all of the available information, including any information shared after the participant's removal.
- End the UCA-IACR or IAAR and potentially reconvene at a later date, at the discretion of the Director of OSARP or designee, if the removed participant is the Responding Party or Reporting Party (if applicable).

Participants may receive an alleged policy violation(s) for their behavior if they meet the definition of a student as listed in the Student Handbook.

Reporting Parties

The case review process must be managed to ensure all participants receive a fair, impartial, and unbiased experience that allows the University Case Administrator (UCA), to gather information necessary to make a decision regarding responsibility for the alleged policy violation(s) in the case. During the case review process, all participants must adhere to the following expectations and the procedures in the University Case Administrator-Individual Accountability Case Review (UCA-IACR) and Individual Accountability Appeal Review (IAAR) processes, when these processes are utilized in the Individual Interim Suspension Process (IISP), as outlined within the JMU Student Handbook.

General Expectations

Reporting Parties in the IISP, must:

- Listen respectfully to the individual speaking without interruption.
- Wait to begin speaking until addressed by the UCA.
- Avoid speaking over other participants.
- Use respectful language that is not demeaning, derogatory, or disrespectful.
- Avoid raising their voices.
- Remain seated in their predetermined locations.
- Refrain from making distracting or offensive gestures (e.g., rolling eyes, throwing arms in the air, etc.) or audible reactions (e.g., scoffing, speaking under their breath, etc.).
- For questions about the Rules of Decorum or case review procedures, a participant should request a break to consult with the UCA.

Violation of Expectations & Procedures

Determination regarding a participant's violation of one of these expectations lies with the UCA. If a participant violates an expectation of the Rules of Decorum or the procedures outlined in the IISP, the UCA will issue a verbal warning, identifying the expectation violated and how it was violated.

If a participant continues to violate these expectations or procedures, the UCA will immediately call for a break. During the break, the UCA will address the problematic behavior directly. If the participant refuses to comply with the warning or causes additional problems, the UCA may decide to take one or more of the following actions:

- Implement other methods to address the problematic behavior, as determined by the UCA, that allows the case to continue in a fair manner for all participants.
- Remove the participant from the UCA-IACR or IAAR. If a participant is removed, the case will proceed in their absence and the UCA will make a determination in the case based on all of the available information, including any information shared after the participant's removal.
- End the UCA-IACR or IAAR and potentially reconvene at a later date, at the discretion of the Director of OSARP or designee, if the removed participant is the Responding Party or Reporting Party (if applicable).

Participants may receive an alleged policy violation(s) for their behavior if they meet the definition of a student as listed in the Student Handbook.

Support Persons

The case review process must be managed to ensure all participants receive a fair, impartial, and unbiased experience that allows the University Case Administrator (UCA) to gather information necessary to make a decision regarding responsibility for the alleged policy violation(s) in the case. During the case review process, Support Persons must adhere to the following expectations and the procedures in the University Case Administrator-Individual Accountability Case Review (UCA-IACR) or Individual Accountability Appeal Review (IAAR) processes, as applicable and outlined within the JMU Student Handbook.

General Expectations

Support Persons for any party in the Individual Interim Suspension Process (IISP) must:

- Listen respectfully to the individual speaking without interruption.
- Wait to begin speaking until addressed by the UCA.
- Avoid speaking over other participants.
- Use respectful language that is not demeaning, derogatory, or disrespectful.
- Avoid raising their voices.
- Remain seated in their predetermined locations.
- Refrain from making distracting or offensive gestures (e.g., rolling eyes, throwing arms in the air, etc.) or audible reactions (e.g., scoffing, speaking under their breath, etc.).
- For questions about the Rules of Decorum or case review procedures, a participant should request a break to consult with the UCA, when applicable.

Additional Expectations for Support Persons

In the IISP a Support Person may:

- Not communicate for or speak on behalf of the party; Responding Parties, Reporting Parties (if applicable), Responding Party Witnesses (if applicable), and Reporting Party Witnesses (if applicable) must present their statements or information themselves.
- Consult with the party on how to present their statements or information by whispering, providing notes, sending messages via electronic communication, or taking notes as long as it does not disrupt the review of the case.
- Provide support by taking breaks with or requesting breaks on behalf of the party they are accompanying.

Violation of Expectations & Procedures

Determination regarding a participant's violation of one of these expectations lies with the UCA. If a participant violates an expectation of the Rules of Decorum or the case review procedures outlined in the UCA-IACR or IAAR process, the UCA will issue a verbal warning, identifying the expectation violated and how it was violated.

If a participant continues to violate these expectations or case review procedures, the UCA will immediately call for a break. During the break, the UCA will address the problematic behavior directly. If the participant refuses to comply with the warning or causes additional problems, the UCA may decide to take one or more of the following actions:

- Implement other methods to address the problematic behavior, as determined by the UCA that allows the case to continue in a fair manner for all participants.
- Remove the participant from the UCA-IACR or IAAR. If a participant is removed, the case will proceed in their absence and the UCA will make a determination in the case based on all of the available information, including any information shared after the participant's removal.
- End the UCA-IACR or IAAR and potentially reconvene at a later date, at the discretion of the Director of OSARP or designee, if the removed participant is the Responding Party or Reporting Party (if applicable).

Participants may receive an alleged policy violation(s) for their behavior if they meet the definition of a student as listed in the Student Handbook.

Responding Party/Reporting Party Witnesses

The case review process must be managed to ensure all participants receive a fair, impartial, and unbiased experience that allows the UCA to gather information necessary to make a decision regarding responsibility for the alleged violations in the case. During the case review process, all participants must adhere to the following expectations and the procedures in the University Case Administrator-Individual Accountability Case Review (UCA-IACR) and Individual Accountability Appeal Review (IAAR) processes, when these processes are utilized in the Individual Interim Suspension Process (IISP), as outlined within the JMU Student Handbook.

General Expectations

Responding/Reporting Party Witnesses in the IISP must:

- Listen respectfully to the individual speaking without interruption.
- Wait to begin speaking until addressed by the University Case Administrator (UCA).
- Avoid speaking over other participants.
- Use respectful language that is not demeaning, derogatory, or disrespectful.
- Avoid raising their voices.
- Remain seated in their predetermined locations.
- Refrain from making distracting or offensive gestures (e.g., rolling eyes, throwing arms in the air, etc.) or audible reactions (e.g., scoffing, speaking under their breath, etc.).
- For questions about the Rules of Decorum or case review procedures, a participant should request a break to consult with the UCA.

A Responding/Reporting Party Witness can provide information relevant to the case, including what they know about the alleged incident, or their knowledge of the person who requested their participation in the process (i.e., Responding/Reporting Party) in accordance with the restrictions listed in the process. A Responding/Reporting Party Witness may not provide their perspective on what they feel the appropriate decision or outcomes in the case should be at any time during the process. OSARP typically will not initiate the Individual Accountability Process (IAP) and pursue an alleged policy violation(s) if there is evidence shared regarding the Responding/Reporting Party Witness's personal consumption of drugs or alcohol while participating solely as a witness. However, if a case has already been conducted to address the witness's personal consumption of drugs or alcohol, OSARP will not revisit the outcome of that case. Additionally, OSARP will pursue an alleged policy violation(s) if the Responding/Reporting Party Witness claims responsibility for the Responding Party's alleged policy violation(s) during the course of their statements or interactions with OSARP.

For an IAAR based on new evidence, a Responding/Reporting Party Witness may be called by a Responding/Reporting Party to provide a statement in response to the new evidence. A Responding/Reporting Party Witness may provide a written or in person statement at a UCA-IACR or an IAAR in accordance with the requirements as listed in the Student Handbook. The availability of a Responding/Reporting Party Witness is reasonably considered when OSARP schedules an IAAR and/or a UCA-IACR, when applicable in the process as stated in the Handbook. OSARP cannot compel, mandate, or require witnesses to attend or participate in the IISP. It is the responsibility of the Responding/Reporting Party to coordinate their witnesses' attendance when the process allows their attendance.

Violation of Expectations & Procedures

Determination regarding a participant's violation of one of these expectations lies with the UCA. If a participant violates an expectation of the Rules of Decorum or the procedures outlined in the IISP, the UCA will issue a verbal warning, identifying the expectation violated and how it was violated.

If a participant continues to violate these expectations or procedures, the UCA will immediately call for a break. During the break, the UCA will address the problematic behavior directly. If the participant refuses to comply with the warning or causes additional problems, the UCA may decide to take one or more of the following actions:

- Implement other methods to address the problematic behavior, as determined by the UCA, that allows the case to continue in a fair manner for all participants.

- Remove the participant from the UCA-IACR or IAAR. If a participant is removed, the case will proceed in their absence and the UCA will make a determination in the case based on all of the available information, including any information shared after the participant's removal.
- End the UCA-IACR or IAAR and potentially reconvene at a later date, at the discretion of the Director of OSARP or designee, if the removed participant is the Responding Party or Reporting Party (if applicable).

Participants may receive an alleged policy violation(s) for their behavior if they meet the definition of a student as listed in the Student Handbook.

Determining the Ground(s) for Interim Suspension

Any JMU student, faculty, or staff member alleging that a student has violated a university policy(ies) may provide relevant details of the alleged policy violation(s) to OSARP. If a case is reported by a non-JMU individual, it may be considered if it follows the guidelines listed in the "[Jurisdiction](#)" section of the Student Handbook.

If the Director of OSARP or a designee determines that a student presents a significant risk to the orderly operation of the university or to the health, safety, or welfare of any member of the University community, the Director of OSARP or designee may initiate the Individual Interim Suspension Process (IISP) and place the Responding Party under an Individual Interim Suspension Status.

Interim suspension is an action that is protective in nature. It is designed to mitigate the risk to members of the university community by deterring future prohibited conduct, while alleged policy violation(s) are pending for reported misconduct. This interim action is separate and distinct from the final decision of the Individual Interim Suspension Process as outlined in the Handbook. If a student violates the terms of an interim suspension, that student may be subject to disciplinary action by the University, arrest, and/or criminal prosecution.

The university may issue an interim suspension as a measure to remove a student reasonably believed to pose a threat to the University community. An interim suspension is authorized upon information that a student has been or is likely to be notified of alleged violation(s) of JMU policy involving acts of violence or other serious conduct that would reasonably support a finding that the student is not fit to remain a member of the University community pending the outcome of university or legal proceedings.

Since a Responding Party under an Individual Interim Suspension Status is immediately suspended from JMU, pending a final decision in the case, Responding Parties are afforded certain rights outlined in the "Responding Party - Responsibilities and Rights – University Case Administrator- Individual Accountability Case Review (UCA-IACR)".

Determining an Alleged Policy Violation(s)

These determinations occur as OSARP receives a report(s) from a known reporter, including but not limited to a police report, community report, incident report, incident narrative, witness statement, information from the Organizational Accountability Process, or record of a court outcome; however, an alleged violation(s) may be placed in other circumstances at the discretion of the Director of OSARP or designee.

Upon receiving relevant details, OSARP will determine the alleged policy violation(s). Due to the faster processing of an Individual Interim Suspension Process (IISP) case, there are often times that OSARP will provide notice of an additional alleged policy violation(s) if OSARP receives more information to warrant them.

If the information received by OSARP provides sufficient cause that an alleged policy violation(s) may have occurred, the Responding Party will be notified of the alleged policy violation(s). In accordance with [JMU Policy 1209](#), proper notification of an alleged policy violation(s) shall consist of an email to the student's official JMU e-mail address. The notice will be considered received the day the notice is sent via email. In addition, OSARP may also send a text message to the Responding Party's cell phone that is on file with the university as a part of this notification process.

The university may proceed with an alleged policy violation(s) and the IISP regardless of enrollment status of the Responding Party or have an alleged policy violation(s) and/or outcomes remain pending until a Responding Party's request to re-enroll is received. In most circumstances, the university will not proceed with the IISP during a period in which a Responding Party is not actively enrolled in classes in the current semester. The decision to proceed or not proceed with the IISP 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 of relevant persons to the case, including but not limited to the Responding Party, the Reporting Party, University 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 IISP.

OSARP may address behavior that occurs at any point while a person is considered a student, as defined in the Handbook. For any Responding Party who receives an immediate suspension or expulsion from JMU, regardless of academic year, the immediate suspension or expulsion from JMU will be deemed effective for the current semester or, if it is rendered for a graduating senior, for the most recent semester the student attended, which may mean a loss of academic credits for that semester. Further, after a final decision in the case has been rendered, the effective date of an immediate suspension or expulsion from JMU will be the date of the initial University Case Administrator-Individual Accountability Case Review (UCA-IACR). The removal from university owned or operated property associated with a decision of immediate suspension or expulsion does not go into effect until the decision in the case is final, unless the Responding Party is under an Individual Interim Suspension Status or Emergency Removal that provides for this removal until the final decision in the case.

Per [Virginia Code § 23.1-900.2](#), *Release of student transcripts*, OSARP is not permitted to withhold a student's official academic transcript pending the conclusion of the IISP and/or the completion of any pending outcomes.

OSARP will grant 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. More information regarding OSARP's Enlightened Citizen Amnesty Process, which pertains directly to alcohol and drug consumption and/or possession for involved individuals, can be found in the "[Alcohol and Drug Information](#)" section of the Handbook.

Circumstances that surround the IISP often involve concurrent criminal charges, and sometimes involve concurrent civil litigation. OSARP or its designee may implement an Individual Interim Suspension Status, with or without specific provisions, prior to the conclusion of the criminal or civil process; decisions made as a part of the IISP or Individual Accountability Process (IAP) will not be revisited at the conclusion of the criminal or civil process.

In cases where a student has extenuating circumstances, including but not limited to incarceration, that prevent attendance at an Individual Interim Suspension Review (IISR), UCA-IACR, or Individual Accountability Appeal Review (IAAR), the decision to continue with or delay any part of the IISP is at the discretion of the Director of OSARP or designee.

Anticipated timelines, deadlines, restrictions, procedures, or assigned educational or restorative outcomes listed within an OSARP process will not be altered except in unexpected and unavoidable circumstances in order to uphold the intent of the process, as determined by the Director of OSARP or designee, or with the agreement of the party(ies), as approved 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.

Notification of an Alleged Policy Violation(s)

If information shared with OSARP provides sufficient cause that an alleged policy violation(s) may have occurred and an Individual Interim Suspension Status should be implemented, the Responding Party will be notified of the alleged policy violation(s) via their official JMU email address. The Responding Party may also be notified of the alleged policy violation(s) and that they are being placed under an Individual Interim Suspension Status by a full-time staff member from OSARP or designee through a method that may include, but is not limited to, notification in person, via phone, or through police officer delivery.

- While under an Individual Interim Suspension Status, the Responding Party may not attend classes in person, live in or enter residence halls, or enter university owned or operated property without permission from the Director of OSARP or designee. At their discretion, the Director of OSARP or designee may choose to provide specific provisions that allow the student to enter university owned or operated property as a part of the Individual Interim Suspension Status (i.e., to attend classes only; to attend a meeting related to the Individual Accountability Process (IAP)); if this special provision is made, it will be communicated to the student and to JMU Police Department. If the Responding Party violates the expectations of the Individual Interim Suspension Status, they will be subject to arrest for trespassing and additional alleged policy violation(s) in OSARP.
- The email notification will include:
 - The alleged policy violation(s) and a link to the Standards of Conduct & Policies in the Student Handbook
 - Date(s) and location(s) of the alleged incident(s)
 - How OSARP received information about the alleged policy violation(s)

- Information about the restrictions placed on a student while under an Individual Interim Suspension Status
- Instructions for attending an Individual Interim Suspension Review (IISR)
- Information about the rights a student has in the process and the rights waived should they fail to attend the University Case Administrator-Individual Accountability Case Review (UCA-IACR)
- Contact information for OSARP in order to ask questions about the Individual Interim Suspension Process (IISP)
- Links to relevant sections of the Student Handbook and OSARP website
- Notice to the student that the potential outcomes of the case may include suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing, and information regarding additional rights afforded them
- The [process to request disability accommodations](#), if needed
- Information on the academic, mental health, personal well-being, and campus resources available to students at James Madison University, which can be found at: <https://www.jmu.edu/osarp/resources/index.shtml>

For the purposes of notification throughout all portions of the IISP, this initial email will serve as the official notification regarding the bulleted items above for the case.

- When students are informed of the alleged policy violation(s), they may also be issued an OSARP No Contact Order for specific members of the university community through the conclusion of the IISP. The OSARP No Contact Order includes, but is not limited to, verbal or non-verbal contact in person, through electronic means, or through a third party. This instruction does not prohibit contact through a third party for the purposes of conducting lawful activity during a pending criminal or civil case, or other specific extenuating circumstances as determined by OSARP. OSARP will not pursue an alleged violation(s) of the OSARP No Contact Order that occur through a third party for the purposes of conducting lawful activity during a pending criminal or civil case, or other specific extenuating circumstances as determined by OSARP unless the contact may have violated the [Interference or Retaliation in a University Process](#) policy or other policies as listed in the Handbook.
- If any decision-maker in the IISP feels that their previous contact with the case or the individual(s) involved will prevent them from providing a fair, impartial, and unbiased process, that decision-maker must request that they not be assigned to the case. Responding Parties will be informed of any decision-maker assigned to their case during the IISP. Upon receiving that notification, a Responding Party may request that the decision-maker be replaced if the Responding Party can show a bias on the part of the decision-maker. Merely being assigned a decision-maker who has previously heard a case with the Responding Party does not constitute actual bias. To make such a request, a Responding Party must contact the Director of OSARP or designee immediately, setting forth their reasons in writing. In cases where the Director is the individual who initiated the IISP, an Associate Director of OSARP or designee will review the request. Any decision to remove a decision-maker and/or to postpone a meeting in the IAP is at the discretion of the Director of OSARP or designee.

Individual Interim Suspension Review (IISR)

Within **three** business days of the Responding Party receiving notice that they are being placed under an Individual Interim Suspension Status, with or without specific provisions, OSARP will provide an IISR. An IISR does not determine if a student is responsible for violating university policy(ies), nor does it assign any outcomes for the case. An IISR only determines if the current Individual 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 Individual Interim Suspension Status, with or without specific provisions, is upheld at the IISR, the Individual Interim Suspension Status, with or without specific provisions, will remain in place until the conclusion of the Individual Interim Suspension Process (IISP).

- IISRs will be conducted by a University Case Administrator (UCA).
- For virtual IISRs, OSARP will have a staff member in the meeting to manage the administrative and technical aspects of the virtual environment so the UCA can focus solely on the case.
- Since suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing are potential outcomes of the IISP, a Responding Party at an IISR may bring one Support Person of their choice. The Support Person attending an IISR may not communicate for or speak on behalf of the Responding Party but may give advice to the Responding Party on how to present information; the Support Person cannot also serve as a witness in the IISP or other OSARP processes that derive out of the same set of facts or circumstances.

- The IISR will be audio and/or video recorded; students are not permitted to make recordings of IISRs. If information or evidence is provided during the IISR that is related to the alleged incident or behavior, OSARP reserves the right to include it in the case file being used by the decision-makers in the case.
 - The Responding Party will be notified of the outcome of the IISR, along with a written rationale of the outcome, the same calendar day as the IISR.

University Case Administrator - Individual Accountability Case Review (UCA-IACR)

After the Individual Interim Suspension Review (IISR) is completed, the UCA-IACR will occur determine the finding(s) on policy and, if applicable, outcome(s) for the case. The UCA-IACR will take place within **ten business days** from the date of the IISR.

The UCA-IACR will be conducted by a different University Case Administrator (UCA) than the one who conducted the IISR for this case. If a UCA feels that their previous contact with the case or the individual(s) involved will prevent them from rendering a fair decision, the UCA must request that they not be assigned to the UCA—IACR. Responding Parties and Reporting Parties (if any) will be informed of the UCA assigned to their case. Upon receiving notification of the assigned UCA, a Responding Party or Reporting Party (if any) may request that a UCA be replaced if the student can show a bias on the part of the UCA. To make such a request, a Responding Party or Reporting Party (if any) 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 replace a UCA and/or to postpone a UCA—IACR is at the discretion of the Director of OSARP or designee.

Responding Parties are afforded certain rights outlined in the "Responding Party - Responsibilities and Rights –University Case Administrator- Individual Accountability Case Review (UCA-IACR)", including the additional rights given to students who may receive suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing as a final outcome in their case.

Participants who have a right to a Support Person may be accompanied by one Support Person. The Handbook section entitled "Participants' Roles, Rights, and Restrictions" describes the role of the Support Person, limitations and restrictions placed on the role, and who is qualified to serve in the role in different circumstances. Participants must notify OSARP of any Support Person at least two days prior to the UCA—IACR.

A UCA—IACR, will be conducted virtually for reasons including but not limited to the alleged health and/or safety concerns of an IISP. For virtual case reviews, OSARP will have a staff member in the meeting to manage the administrative and technical aspects of the virtual environment so the UCA can focus solely on the case review. In rare cases, and for good cause, the parties may request the UCA-IACR be conducted in-person. If an in-person UCA-IACR is approved by the Director of OSARP or designee, then Responding Parties and Reporting Parties may request reasonable safety accommodations be put in place during the UCA—IACR. Reasonable safety accommodations may include, but are not limited to, a partition, police presence, or have a participant(s) join virtually.

Due to the required timelines of the IISP, the UCA-IACR times are set based on the academic schedules of the Responding Party, the Reporting Party, if applicable, if they are enrolled in classes, and the availability of the University Witnesses. If the UCA-IACR 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 Responding Party Witnesses and Reporting Party Witnesses, if applicable, will be reasonably considered when scheduling a UCA-IACR. Responding Party Witnesses and Reporting Party Witnesses, if applicable, who are unable to attend the scheduled UCA-IACR may submit a written statement in their absence. OSARP cannot compel Responding Parties, Reporting Parties, or witnesses of any kind to attend a UCA-IACR. If a participant of any type fails to appear at a UCA-IACR after being properly notified of its date and time, the case will generally proceed and be heard on the basis of the case file, other items submitted as evidence to the case, the information provided by those in attendance at the UCA-IACR, and the previous disciplinary history maintained by OSARP of the Responding Party, if necessary. If a Responding Party fails to appear at a UCA-IACR, the Responding Party will be notified of the decision and written rationale via email within **two business days** of the UCA-IACR.

The decision to postpone a UCA-IACR for any reason is at the discretion of the Director of OSARP or designee. Anticipated timelines, deadlines, restrictions, procedures, or assigned educational or restorative outcomes listed within an OSARP process will not be altered except in unexpected and unavoidable circumstances in order to uphold the intent of the process, as determined by the Director of OSARP or designee, or with the agreement of the party(ies), as approved 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.

The Director of OSARP or designee will determine the appropriate course of action in circumstances where multiple Responding Parties in the same case are provided a UCA-IACR; the determination will be based on upholding the intent of the Individual Accountability Process (IAP). Multiple Responding Parties may have their cases heard together during the same UCA-IACR if their cases derive from the same set of facts and circumstances. Decisions on finding(s) and outcome(s), if applicable, will be made individually for each Responding Party by the UCA.

A UCA—IACR will be audio and/or video recorded. Students are not permitted to make their own recordings of a UCA—IACR.

The start time of the UCA-IACR includes the UCA meeting with each participant to discuss procedural information and answer questions from the participants. The length of these meetings cannot be predetermined.

A UCA-IACR will generally be conducted in accordance with the procedures below; however, the UCA may ask additional questions at any time. Additionally, the phrase “through the UCA” used throughout the UCA-IACR procedures refers to the UCA confirming or denying a University Witness, Reporting Party, or a Reporting Party Witness’ ability to respond to a question; this confirmation or denial may be verbal or non-verbal. The UCA has the authority to prohibit information from being shared that violates the rights of a party, is not allowed by the Individual Interim Suspension Process (IISP), or bears no relevancy to the case. Any participant who does not follow the requirements of the rules of decorum may be removed, as determined by the UCA.

1. The UCA meets with each participant individually to discuss procedural information and answer questions.
2. The UCA-IACR begins and the UCA and participants introduce themselves.
3. The statement of the alleged policy violation(s) is presented by the UCA.
4. Participants state any questions they have concerning rights or procedures.
5. Information is presented about the alleged incident; each University Witness is called individually.
 - Each University Witness will individually share their perspective and be questioned by the UCA, then they will be questioned by the Responding Party through the UCA.
 - The UCA may request University Witnesses to return for further questions.
 - Step #5 repeats until all University Witnesses have participated.
6. If applicable, information is presented about the alleged incident by the Reporting Party and each Reporting Party Witness. Each Reporting Party and/or Reporting Party Witness will be called individually.
 - The Reporting Party and/or each Reporting Party Witness will individually share their perspective and be questioned by the UCA and then by the Responding Party, through the UCA. A Reporting Party Witness can provide information relevant to the case, including but not limited to what they know about the alleged incident or their knowledge of the Reporting Party. A Reporting Party Witness may not provide their perspective on the character of the Responding Party, Responding Party Witness(es), or University Witness(es), nor what they feel the appropriate decision or outcome in the case should be.
 - The Support Person for the Reporting Party or Reporting Party Witness may not also serve as a witness in the IISP or other OSARP processes that derive out of the same set of facts or circumstances.
 - After a Reporting Party Witness has presented to the UCA and answered all questions, the witness may be asked to leave by the UCA. At such request, witnesses must leave the meeting. If the UCA does not specifically ask a witness to remain for further questions, the witness must leave the UCA-IACR.
 - The UCA may request that a Reporting Party Witness return at a later point in the UCA-IACR for further questions.
 - The UCA shall have the authority to limit the number of witnesses and/or content in order to avoid unreasonable delays, where the information would be repetitious or unnecessary, or where the information does not contribute positively to the fair review of the case.
 - Step #6 repeats until all Reporting Parties and Reporting Party Witnesses have participated.
7. Information is presented by the Responding Party. The UCA may question the Responding Party.
 - This presentation is the Responding Party’s opportunity to share information they want considered by the UCA, including any responses to the evidence or information included in the case file. The UCA shall have the authority to limit the information and/or content in order to avoid unreasonable delays, where the information would be repetitious or unnecessary, or where the information does not contribute positively to the fair review of the case.
 - During questioning, the UCA may seek clarification on information that will assist them with making a determination regarding responsibility, using a preponderance of the evidence standard. The UCA may also seek information that may, if needed, assist them with assigning outcome(s), including questions regarding the Responding Party’s previous disciplinary history maintained by OSARP as it relates to the current case.

8. The Responding Party will call their witnesses individually.
 - Each witness called by the Responding Party will individually share their perspective and be questioned by the Responding Party, followed by questions from the UCA. Witnesses called by the Responding Party can provide information relevant to the case, including but not limited to what they know about the alleged incident or their knowledge of the Responding Party. A Responding Party Witness may not provide their perspective on the character of the Reporting Party, Reporting Party Witness(es) or University Witness(es), nor what they feel the appropriate decision or outcome in the case should be.
 - The Support Person for the Responding Party or Responding Party Witness may not also serve as a witness in the IISP or other OSARP processes that derive out of the same set of facts or circumstances.
 - After a Responding Party Witness has presented to the UCA and answered all questions, the witness may be asked to leave by the UCA. At such request, witnesses must leave the UCA-IACR. If the UCA does not specifically ask a witness to remain for further questions, the witness must leave the UCA-IACR.
 - The UCA may request that a witness for the Responding Party return at a later point in the UCA-IACR for further questions.
 - After presenting to the UCA, a witness is not permitted to have any communication regarding the case with witnesses who have not presented to the UCA or with the Responding Party and their Support Person until after the UCA-IACR has concluded. This includes verbal communication, written communication, and/or electronic communication.
 - The UCA shall have the authority to limit the number of witnesses and/or content in order to avoid unreasonable delays, where the information would be repetitious or unnecessary, or where the information does not contribute positively to the fair review of the case.
 - Step #8 repeats until all Responding Party Witnesses have participated.
9. Any University Witnesses asked by the UCA to return later will be brought in individually, if applicable.
 - The Responding Party may ask questions through the UCA, followed by the UCA's opportunity to ask any remaining questions they have of the University Witness.
 - The University Witnesses will then be dismissed from the UCA-IACR.
10. Any Responding Party Witnesses asked by the UCA to return later will be brought in individually, if applicable.
 - The Responding Party may ask questions of their witness, followed by the UCA's opportunity to ask any remaining questions they have of the Responding Party Witness.
 - The Responding Party Witnesses will then be dismissed from the UCA-IACR.
11. Any Reporting Party Witnesses asked by the UCA to return later will be brought in individually, if applicable.
 - The Responding Party may ask questions through the UCA, followed by the UCA's opportunity to ask any remaining questions they have of the Reporting Party Witness.
 - The Reporting Party Witnesses will then be dismissed from the UCA-IACR.
12. The Reporting Party will return to the UCA—IACR.
 - The UCA may ask final questions of the Reporting Party.
 - The Responding Party may ask final questions of the Reporting Party through the UCA.
 - The Reporting Party may present concluding remarks.
13. The Reporting Party and their Support Person, if applicable, will be dismissed from the UCA-IACR.
14. The UCA may ask final questions of the Responding Party.
15. The Responding Party may present concluding remarks.
16. All persons are dismissed while the UCA determines whether or not the Responding Party is responsible for violating university policy(ies) and, if applicable, assigns outcome(s).
 - The UCA will consider the case file, other items submitted as evidence to the case, and the information provided by those in attendance at the UCA—IACR.
 - The UCA will determine whether or not the Responding party is responsible using a preponderance of the evidence standard.
 - If a student is found responsible for a policy violation(s), the UCA will determine the outcome(s) to assign. If applicable, the UCA will consider any previous disciplinary history maintained by OSARP pertaining to the Responding Party for the current case.
17. The finding(s) and, if applicable, outcome(s), along with a rationale for their assignment is given to OSARP by the UCA.

OSARP will notify the Responding Party of the decision, rationale, and outcome(s), if applicable, within **two business days** from the date of the UCA—IACR. This notification will include information on the process for submitting an appeal, if applicable. Typically, this notification is conducted in person or virtually with an OSARP staff member but may be solely sent via their official JMU email address if, based on the circumstances of the case, it is deemed appropriate or necessary by the Director of OSARP or designee. The Responding Party will also be provided the opportunity to waive their right to appeal and accept the decision made at the UCA—IACR. If this occurs, the Responding Party will be sent information, if applicable, for completing required outcome(s), including any applicable deadlines. Failure to complete, schedule, attend, or be on time for programs/meetings, failing to complete related assignments, or failing to follow program expectations may result in a \$50 fine per program/meeting not completed by the deadline and a student account hold, which prevents class registration and is typically only removed once outstanding outcomes are verified as completed by OSARP. Repeated failure may result in an alleged policy violation of *Failure to Comply with an Outcome*.

Procedures for appeals in the IAP are outlined within the section titled “Appeals”. A Responding Party may only appeal if they are found responsible for a policy violation(s) and received an outcome of suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing. In these circumstances, the Responding Party has the right to submit a written appeal of the decision by the UCA, within **four** days of receiving the decision via their official JMU email account.

In circumstances where the Responding Party waives their right to appeal the decision made at the UCA—IACR, or if the Responding Party does not submit an appeal of the decision made at the UCA—IACR within the timeline set by the procedures listed in the Student Handbook, the decision made at the UCA—IACR will be considered final.

A student who knowingly provides falsified or misleading information at a UCA—IACR may receive an alleged policy violation of [Interference or Retaliation in a University Process](#).

OSARP may pursue an alleged policy violation of Interference or Retaliation in a University Process if it receives information that a Responding Party or a student who is a Reporting Party attempts to discuss the case before the UCA—IACR with the UCA. OSARP will not pursue an alleged policy violation(s) of any no contact orders issued by the University when the contact occurs for the purposes of a pending criminal, civil, or legal process or other specific extenuating circumstances as determined by OSARP unless the contact may have violated Noncompliance and/or Interference or Retaliation in a University Process policies.

The UCA—IACR is a closed meeting. OSARP shall keep all information and decisions confidential and only release it with the student’s permission or to the extent permitted or required by law. The Responding Party shall receive notice of all rights they are guaranteed through the IAP (see “Responding Party – Responsibilities and Rights – UCA-Individual Accountability Case Review (UCA-IACR)”. In a UCA—IACR, the technical rules of evidence applicable in civil and criminal cases do not apply.

Appeals

If a Responding Party is found responsible for a violation(s) of university policy and received an outcome(s) of suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing, the Responding Party has the right to submit a written appeal within **four** days of receiving the decision via their official JMU email account. If an appeal is submitted, it must be submitted directly by the Responding Party; appeals submitted by anyone other than the Responding Party will not be evaluated.

Appeal submissions can be made on one or more of the following grounds: procedural irregularity, excessively harsh outcomes, and/or new evidence. When referenced below, “affected the outcome of the matter” refers to the entirety of the decision rendered including the determination regarding responsibility or outcomes assigned, if applicable.

- Appeal submissions on **procedural irregularity that affected the outcome of the matter** must outline the procedural irregularity and how that affected the decision in the case.
- Appeal submissions on **excessively harsh outcome(s) for a case with a responsible finding(s) on policy** must outline the reason(s) the outcomes assigned are excessively harsh.
- Appeal submissions on **new evidence that was not reasonably available or accessible at the time of the University Case Administrator-Individual Accountability Case Review (UCA-IACR) and only relevant to refute information as to whether or not the Responding Party is responsible for violating policy** must outline the new evidence, why the new evidence was not reasonably available or accessible at the time of the UCA-IACR, and how it is relevant to the decision of whether or not the Responding Party is responsible for violating policy.
 - New evidence does not include a witness who was accessible and available to participate prior to the UCA-IACR, but chose not to and is now willing to participate in an appeal process.

If an appeal is based on grounds of procedural irregularity and new evidence, grounds of excessively harsh outcomes and new evidence, or on all three grounds, OSARP will schedule an Individual Accountability Appeal Review (IAAR), where the University Case Administrator (UCA) will first evaluate the portions of the appeal on procedural irregularity, if applicable, then on excessively harsh outcomes, if applicable, proceeding as outlined in the Handbook. If the UCA orders a new UCA-IACR because an appeal was submitted based on procedural irregularity, and a procedural irregularity occurred that affected the outcome of the case, then the portion(s) of the appeal related to excessively harsh outcomes and/or new evidence will not be reviewed; the Responding Party will have the opportunity to share any new evidence at the new UCA-IACR heard by a different UCA, which will result in a new decision in the case being rendered. If the UCA does not order a new UCA-IACR because an appeal was submitted on procedural irregularity, and a procedural irregularity did not occur or did occur but did not affect the outcome of the case, the UCA will then evaluate the appeal on excessively harsh outcomes, if applicable, and then evaluate the new evidence portion of the appeal, if applicable, proceeding as outlined in the Handbook.

The appeal submission will be reviewed by one UCA. If the UCA feels that their previous contact with the case or the individual(s) involved will prevent them from rendering a fair decision, they must request that they not be assigned to the IAAR. Responding Parties and Reporting Parties, if applicable, will be informed of the UCA assigned to the IAAR. Upon receiving notification of the assigned UCA, a Responding Party or Reporting Party may request that a UCA be replaced if they can show a bias on the part of the UCA. 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 replace a UCA and/or to postpone an IAAR is at the discretion of the Director of OSARP or designee.

An IAAR based on new evidence will typically be held in person but may be conducted virtually for reasons including but not limited to health and/or safety concerns, at the discretion of the Director of OSARP or designee. For a virtual IAAR, OSARP will have a staff member in the meeting to manage the administrative and technical aspects of the virtual environment so the UCA can focus solely on the review of the appeal.

Anticipated timelines, deadlines, restrictions, procedures, or assigned educational or restorative outcomes listed within an OSARP process will not be altered except in unexpected and unavoidable circumstances in order to uphold the intent of the process, as determined by the Director of OSARP or designee, or with the agreement of the party(ies), as approved 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.

The UCA will review the case documentation, other items submitted as evidence to the case, the written appeal, administrative items provided by OSARP, and the Responding Party's previous disciplinary history maintained by OSARP.

If an appeal submission is based on procedural irregularity and/or excessively harsh outcomes, the IAAR will generally proceed in accordance with the procedures below. A Responding Party does not attend or participate in an IAAR solely based on procedural irregularity and/or excessively harsh outcomes.

Step 1: Appeal based on Procedural Irregularity, if applicable

The UCA will first determine whether or not a procedural irregularity occurred by considering the information in the appeal. The UCA will also have access to the case documentation, other items submitted as evidence to the case, administrative items provided by OSARP, and the Responding Party's previous disciplinary history maintained by OSARP.

- If the appeal submission did not include a procedural irregularity, the UCA will move to Step 2 and review the excessively harsh outcomes appeal.
- If the UCA determines that no procedural irregularity occurred, the decision rendered at the UCA-IACR will stand unless other grounds were included in the appeal. If procedural irregularity was the only appeal submission, then the UCA will conclude the IAAR.
 - If the Responding Party also included excessively harsh outcomes in their appeal submission, the UCA will move to step 2 and review the appeal.
 - If the Responding Party did not include excessively harsh outcomes but did present new evidence in their appeal submission, the UCA will move to step 3 and conduct the new evidence portion of the IAAR.
 - If the Responding Party did not have any other grounds in their appeal submission, then the decision rendered at the UCA-IACR will stand.

- If the UCA determines that a procedural irregularity occurred, the UCA will then determine if the procedural irregularity can reasonably be said to have affected the outcome of the matter.
 - If the UCA determines that the procedural irregularity cannot reasonably be said to have affected the outcome of the matter, the decision rendered at the UCA-IACR will stand unless other grounds were included in the appeal.
 - If the Responding Party also included excessively harsh outcomes in their appeal submission, the UCA will move to step 2 and review the appeal.
 - If the Responding Party did not include excessively harsh outcomes but did present new evidence in their appeal submission, the UCA will move to step 3 and conduct the new evidence portion of the IAAR.
 - If the Responding Party did not have any other grounds in their appeal submission, then the decision rendered at the UCA-IACR will stand.
 - If the UCA determines that the procedural irregularity can reasonably be said to have affected the outcome of the matter, the UCA will order a new UCA-IACR, conducted by a different UCA, be scheduled to render a new decision for the case. See “University Case Administrator—Individual Accountability Case Review Process” in the Individual Interim Suspension Process (IISP) section of the Handbook for the details of this process. The IAAR will end and no other grounds in the appeal submission, if applicable, will be reviewed.

Step 2: Appeal based on Excessively Harsh Outcomes, if applicable

If the appeal submission included excessively harsh outcomes, the UCA will determine whether or not the outcomes in the case were excessively harsh by considering the information included in the appeal submission. The UCA will also have access to the case documentation, other items submitted as evidence to the case, administrative items provided by OSARP, and the Responding Party’s previous disciplinary history maintained by OSARP.

- If the UCA determines that the outcomes assigned in the case are not excessively harsh based on the totality of the information reviewed, they will keep the outcomes rendered at the UCA-IACR.
 - If the appeal only included excessively harsh outcomes in the appeal submission, then the UCA will conclude the IAAR. The decision rendered at the UCA-IACR will stand.
 - If the appeal only included procedural irregularity and excessively harsh outcomes in the appeal submission, then the UCA will conclude the IAAR. The decision rendered at the UCA-IACR will stand.
 - If the appeal submission also included new evidence, the UCA will move to step 3 and review the appeal.
- If the UCA determines that excessively harsh outcomes were assigned in the case, the UCA will alter the outcomes to make them appropriate. If a UCA chooses to alter the outcome(s) imposed, the UCA may not impose outcome(s) more severe than those imposed at the UCA-IACR.
 - If the appeal only included excessively harsh outcomes in the appeal submission, then the UCA will conclude the IAAR.
 - If the appeal only included procedural irregularity and excessively harsh outcomes in the appeal submission, the UCA will conclude the IAAR.
 - If the appeal submission also included new evidence, the UCA will move to step 3 and review the appeal.

Step 3: Appeal based on New Evidence, if applicable

If an appeal submission is based solely on new evidence or includes new evidence in addition to previously reviewed grounds of procedural irregularity and/or excessively harsh outcomes, the UCA will first evaluate if the new evidence included in the appeal submission meets the stated criteria to be considered new evidence by conducting the following procedures. The UCA will also have access to the case documentation, other items submitted as evidence to the case, administrative items provided by OSARP, and the Responding Party’s previous disciplinary history maintained by OSARP.

- Per the IISP, new evidence is defined as information that was not reasonably available or accessible at the time of the UCA-IACR and only relevant to refute information as to whether or not the Responding Party is responsible for violating policy.
- The UCA will determine if the evidence was not reasonably available or accessible at the time of the UCA-IACR based on the information submitted in the appeal. However, new evidence does not include a witness who was accessible and available to participate prior to the UCA-IACR but chose not to and is now willing to participate in an appeal process.
 - If the UCA determines that the evidence included in the appeal submission does not meet the criteria for being new, they will keep the outcomes rendered at the UCA-IACR, and they will conclude the IAAR.

- If the UCA determines that the evidence included in the appeal submission does meet the criteria for being new, they will then determine if the evidence included in the appeal submission is only relevant to refute information as to whether or not the Responding Party is responsible for violating policy.
 - If the UCA determines that the evidence included in the appeal submission is not solely relevant to refute information as to whether or not the Responding Party is responsible for violating policy, they will keep the outcomes rendered at the UCA-IACR, and they will conclude the IAAR.
 - If the UCA determines that the evidence included in the appeal submission is solely relevant to refute information as to whether or not the Responding Party is responsible for violating policy, the IAAR will proceed. OSARP will schedule an IAAR to provide an opportunity for relevant participants to present and/or respond to the new evidence.

The Responding Party may choose to present the new evidence in person to the UCA and may choose to have the witness(es) relevant to the new evidence present to the UCA. The Responding Party must let OSARP know the name(s) and email address(es) of any witness(es) they plan to have present at least two days prior to the date of the IAAR. If a Responding Party Witness is unable to attend the scheduled IAAR, they may submit a written statement to OSARP related to the relevant new evidence at least 24 hours prior to the IAAR for the UCA to review. The IAAR will be scheduled around the Responding Party's academic schedule. In cases that have a Reporting Party(ies), the new evidence will be shared with the Reporting Party(ies) and the Reporting Party(ies) will have the opportunity to respond to the new evidence at the IAAR and may choose to have a witness(es) relevant to the new evidence present at the IAAR. The Reporting Party(ies) must let OSARP know the name(s) and email address(es) of any witness(es) they plan to have present at least two days prior to the date of the IAAR; the names of any witness(es) will be shared with the Responding Party. If a Reporting Party Witness is unable to attend the scheduled IAAR, they may submit a written statement to OSARP related to the relevant new evidence at least 24 hours prior to the IAAR for the UCA to review. If there is a Reporting Party(ies), the case will also be scheduled around their academic schedule.

If a participant of any type fails to appear at an IAAR after being properly notified of its date and time, the IAAR will generally proceed and be heard on the basis of the case file, other items submitted as evidence to the appeal, the information provided by those in attendance at the IAAR, and the previous disciplinary history maintained by OSARP of the Responding Party.

The IAAR will be audio and/or video recorded; students are not permitted to make their own recordings. The Responding Party shall receive notice of all rights they are guaranteed through the Individual Accountability Process (IAP) (see "Responding Party – Responsibilities and Rights – Individual Accountability Appeal Review (IAAR)"). Any participant who does not follow the requirements of the IAAR process, or the Rules of Decorum, may be removed, as determined by the UCA.

The start time of the IAAR includes the UCA meeting with each participant to discuss procedural information and answer questions from the participants. The length of these meetings cannot be predetermined.

In IAARs where the Responding Party and/or Reporting Party chooses to present to the UCA, the Responding Party and Reporting Party each have a right to one Support Person if OSARP is notified at least two days before the IAAR, provided that person is willing and able to attend. Support Persons must meet the criteria and follow the guidelines and expectations as listed in the Student Handbook.

Additionally, the phrase "through the UCA" used throughout the IAAR procedures refers to the UCA confirming or denying a Reporting Party, Responding Party, Reporting Party Witness, or Responding Party Witness the ability to respond to a question; this confirmation or denial may be verbal or non-verbal. The UCA has the authority to prohibit information from being shared that violates the rights of a party, is not allowed by the IISP, or bears no relevancy to the new evidence in the case. Any participant may be removed by the UCA if they violate the Rules of Decorum or procedures outlined in the Student Handbook.

An IAAR will generally proceed in accordance with the procedure below; however, the UCA may ask questions at any time.

1. The UCA meets with each participant individually to discuss procedural information and answer questions.
2. The IAAR begins and the UCA and participants introduce themselves.
3. The Responding Party presents information solely about the new evidence in the case.
 - The UCA may question the Responding Party about the new evidence.
4. If applicable, the Responding Party's Witnesses will be called individually to share their statement on the new evidence.
 - The Responding Party may question the Responding Party Witness about their statement on the new evidence.

- The UCA may question the Responding Party Witness about the new evidence.
 - At the conclusion of the statement and questions for the witness, the witness will leave the room. The UCA may request that a Responding Party Witness return at a later point in the IAAR for further questions.
 - Step #4 repeats until all Responding Party Witnesses have participated.
5. The Reporting Party(ies) presents information solely in response to the new evidence in the case. If there is more than one Reporting Party, they will each be called individually.
 - The Responding Party may question the Reporting Party about the response to the new evidence through the UCA.
 - The UCA may question the Reporting Party about the new evidence.
 - The UCA will ask the Reporting Party to remain available as they will be called back at a later point as outlined in the IAAR procedures.
 6. If applicable, the Reporting Party's Witnesses will be called individually to share their response to the new evidence.
 - The Responding Party may question the Reporting Party Witness about their response to the new evidence through the UCA.
 - The UCA may question the Reporting Party Witness about the new evidence.
 - At the conclusion of the statement and questions for the witness, the witness will leave the room. The UCA may request that a Reporting Party Witness return at a later point in the IAAR for further questions.
 - Step #6 repeats until all Reporting Party Witnesses have participated.
 7. The UCA may ask questions of the Responding Party.
 8. Any Responding Party Witnesses asked by the UCA to return later will be brought in individually, if applicable.
 - The Responding Party may ask questions of their witness, followed by UCA's opportunity to ask any remaining questions they have of the Responding Party Witness.
 - The Responding Party Witnesses will then be dismissed from the IAAR.
 9. Any Reporting Party Witnesses asked by the UCA to return later will be brought in individually, if applicable.
 - The Responding Party may ask questions through the UCA, followed by UCA's opportunity to ask any remaining questions they have of the Reporting Party Witness.
 - The Reporting Party Witnesses will then be dismissed from the IAAR.
 10. The Reporting Party(ies) will return to the IAAR individually.
 - The UCA may ask final questions of the Reporting Party(ies).
 - The Responding Party may ask final questions of the Reporting Party(ies) through the UCA.
 - The Reporting Party(ies) may present concluding remarks about the new evidence.
 - The Reporting Party(ies) and their Support Person, if applicable, will leave.
 11. The UCA may ask final questions of the Responding Party.
 12. The Responding Party may present concluding remarks.
 13. The Responding Party and their Support Person, if applicable, will leave.
 14. The UCA will deliberate and make a decision using the procedures below:
 - The UCA will consider the totality of the evidence in the case file, the appeal, and information presented during the IAAR to determine if the decision rendered at the UCA-IACR should stand or if the finding(s) on policy and/or outcome(s) rendered at the UCA-IACR should be altered.
 - If, in considering the totality of the evidence, the UCA determines, using a preponderance of the evidence, that the finding(s) on policy should not be altered, the decision rendered at the IACR, Follow-Up Meeting(s), or the UCA-IACR, when applicable, will stand unless altered as a result of the current appeal based on excessively harsh outcome(s).
 - If, in considering the totality of the evidence, the UCA determines, using a preponderance of the evidence, that the finding(s) on policy should be altered, the UCA will determine whether or not the Responding Party is responsible for violating policy.
 - If alterations are made to the finding(s) on policy, the UCA will determine whether or not the outcome(s) assigned should be altered. If the alteration of finding(s) requires a change in outcome(s), the UCA will determine the new outcome(s). If a UCA chooses to alter the outcomes imposed, the UCA may not impose outcomes more severe than ones that were imposed at the UCA-IACR.

OSARP will notify the Responding Party of the final decision of the IAAR and provide the UCA's written rationale of the decision within **two business days** from the date of the IAAR. Typically, this notification is conducted in person or virtually with an OSARP staff member but may be solely sent via their official JMU email address if, based on the circumstances of the case, it is deemed appropriate or necessary by the Director of OSARP or designee. If the final decision rendered at the conclusion of an IAAR involves required outcome(s), the Responding Party will be sent information for completing required outcomes, including any applicable deadlines. Failure to complete, schedule, attend, or be on time for programs/meetings, failing to complete related assignments, or failing to follow program expectations may result in a \$50 fine per program/meeting not completed by the deadline and a student account hold, which prevents class registration and is typically only removed once outstanding outcomes are verified as completed by OSARP. Repeated failure may result in an alleged policy violation of [*Failure to Comply with an Outcome*](#).

Information on Disability Accommodations in the Individual Interim Suspension Process (IISP)

JMU and OSARP are committed to providing programs that are equally inclusive and accessible to all participants. Participants may request accommodations in accordance with [JMU Policy 1331](#). If you are a student who needs accommodation of a disability to support your participation in an OSARP process, submit your accommodation request to ODS via the Accommodate portal available in MyMadison (see also <https://www.jmu.edu/ods/getting-started/index.shtml>). You may send an email to the [Office of Disability Services](#) (ODS) at disability-svcs@jmu.edu asking for an expedited review in light of the timelines associated with the OSARP process. ODS and OSARP may consult to identify potentially reasonable accommodations to support effective participation in the OSARP process. ODS will communicate with OSARP about the identified accommodations and copy you on the written notice of accommodations. All requests must be communicated to OSARP at least three business days prior to a process, so please contact the Office of Disability Services immediately. For others who may need accommodations, contact the appropriate unit as indicated in JMU policy 1331.

Organizational Accountability Process (OAP)

The information contained in this section of the Handbook is only applicable for those participating in the Organizational Accountability Process (OAP).

At times, the word “organizational” may not be placed in front of various steps of the process but if it is in this section of the Handbook, it only pertains to recognized student organizations or student groups and their accountability procedures. Additionally, the word “organization” or “organizational” may be used to describe a recognized student organization or student group, as they are defined in the Handbook.

- For cases alleging a violation of university policy for an individual student, see the “[Individual Accountability Process](#)” section within the Handbook.
- For cases involving the interim suspension of an individual student, see the “[Individual Interim Suspension Process](#)” section within the Handbook.
- For cases alleging a violation of the [Sexual Misconduct](#) policy, see the “[Sexual Misconduct Accountability Process](#)” section within the Handbook.
- For cases alleging a violation of the [Title IX Sexual Harassment](#) policy, see the “[Title IX Sexual Harassment Adjudication Process](#)” section within the Handbook.

Definitions

Adviser

Any individual designated by a recognized student organization or student group as their Adviser. The university may designate an Adviser or designee should a recognized student organization or student group not have an Adviser.

Chairperson

Among other duties, the chairperson is the person designated during an Organizational Accountability Case Review or Organizational Accountability Appeal Review that has the responsibility of carrying out the stated procedures of the process and upholding the Rules of Decorum. This person also has the authority to determine relevancy of questions, prohibit information from being shared or instruct decision-makers to disregard information shared that violates the rights of a party, is not allowed by the process, or bears no relevancy to the hearing of the case.

Decision-Maker(s)

Decision-maker(s) include OSARP staff and University Case Administrators (UCAs), when applicable.

Investigation Participant

An individual who provides information during the Organizational Accountability Investigation Process, including but not limited to a Responding Organization, Responding Organization Witness, Reporting Party, Reporting Party Witness, or University Witness. See those defined roles for more information.

OSARP cannot compel, mandate, or require Investigation Participants to participate in the Organizational Accountability Process, but may require attendance at specific meetings. OSARP confers the rights outlined in the Investigation Participant Rights to those serving in this role.

Investigation Report

Created by an Organizational Accountability Investigator(s) at the conclusion of the Organizational Accountability Investigation Process.

The Investigation Report consists of all relevant investigation materials received during the investigation of alleged policy violation(s), excluding information redacted in accordance with the OSARP process, including but not limited to the initial report of alleged misconduct, a summary of the investigation process and timeline, investigation interview summaries, emails, photos, and videos.

OAAR

An acronym for an Organizational Accountability Appeal Review.

OACR

An acronym for an Organizational Accountability Case Review.

OAIP

An acronym for the Organizational Accountability Investigation Process.

OAOR

An acronym for an Organizational Accountability Outcomes Review.

OAP

An acronym for the Organizational Accountability Process.

OAPR

An acronym for an Organizational Accountability Process Review.

OARR

An acronym for an Organizational Accountability Resolution Review.

Organizational Accountability Investigator

The neutral, fact-finding individual(s) or entity(ies) that investigates alleged policy violation(s) for a recognized student organization or student group in the Organizational Accountability Process. Typically, the Organizational Accountability Investigator is an OSARP staff member, but can be other individuals or entities, as designated by OSARP, including but not limited to:

- Full-time or part-time employees of the university
- External entities, agencies, or companies contracted by the university

Individuals who serve as an Organizational Accountability Investigator complete annual training for their role as an investigator.

The availability of an Organizational Accountability Investigator is considered when OSARP schedules an Organizational Accountability Process Review, Organizational Accountability Resolution Review, Organizational Accountability Outcomes Review, Organizational Accountability Case Review, and Organizational Accountability Appeal Review, when applicable.

Organizational Governing Body

Any known or designated association or governing body affiliated with a recognized student organization or student group. Examples include but are not limited to international or national headquarters of Greek-letter organizations, national governing bodies of sport club organizations, or national honor societies.

Organizational Representative

One elected or appointed leader (e.g., president or team captain) of a recognized student organization or student group that will receive direct communication from OSARP throughout the Organizational Accountability Process and respond on behalf of the recognized student organization or student group. At the discretion of OSARP, the organization can request that another member of the organization represent the organization during the Organizational Accountability Process. Should the eligibility of the Organizational Representative change during the Organizational Accountability Process (e.g., the representative withdraws from JMU or is no longer a member of the recognized student organization or student group), or if the organization dissolves or surrenders recognition prior to or during the Organizational Accountability Process, OSARP may designate an Organizational Representative.

Participant

A term for any individual participating in the Organizational Accountability Process.

Preponderance of the Evidence

Preponderance of the evidence means that there is greater than a fifty percent likelihood that the Responding Organization violated the policy.

Recognized Student Organization

For the purposes of the Student Handbook and the investigation and/or review of alleged violations of university policy, a “recognized student organization” is a student group that completed the annual or new student organization registration process through the Office of Student Life and received official notice of recognition.

- Examples of recognized student organizations include but are not limited to sports clubs, sororities and fraternities, clubs and organizations (associated with University Recreation (UREC), Center for Multicultural Student Services (CMSS), Fraternity and Sorority Life (FSL), and Student Leadership and Involvement).
- Information on the annual or new student organization registration process can be found on the Office of Student Life’s webpage: <https://www.jmu.edu/osl/sli/organization-resources/start-an-organization.shtml>

Relevant Evidence

Evidence is relevant if it has any tendency to make a fact more or less probable than it would be without the evidence, and the fact is of consequence in determining the outcome of the case. Relevant evidence includes evidence concerning the credibility of a party or witness.

Reporting Party

A Reporting Party is an individual who reports alleged behavior committed by a recognized student organization or student group that can be addressed by the Organizational Accountability Process (OAP). A Reporting Party need not necessarily present an alleged policy violation(s) against a Responding Organization, but it is often their interaction with, or knowledge of a Responding Organization that led to an alleged policy violation(s) being placed by OSARP.

A Reporting Party may submit alleged behavior to OSARP anonymously, which may be used to place an alleged policy violation(s) against a Responding Organization. A Reporting Party who chooses to participate in the OAP, including but not limited to the investigation of an alleged policy violation(s), may not participate anonymously. Though initial anonymous reports of alleged behavior are permitted for the placement of alleged policy violation(s), doing so may limit OSARP’s ability to investigate and respond.

The availability of a Reporting Party is considered when OSARP schedules the Organizational Accountability Case Review or Organizational Accountability Appeal Review, based on new evidence, when permitted by the process in the Handbook.

OSARP cannot compel, mandate, or require Reporting Parties to participate in the Organizational Accountability Process, but may require attendance at specific meetings. OSARP confers the rights outlined in the Reporting Party Rights to those who meet this definition.

Reporting Party (Crimes of Violence)

NOTE: This section does not apply to crimes of violence that are covered in the *Sexual Misconduct* or *Title IX Sexual Harassment* policies.

A Reporting Party ([Crimes of Violence](#)) is an individual who reports alleged behavior committed by a recognized student organization or student group that can be addressed by the Organizational Accountability Process (OAP) as an alleged policy violation, including but not limited to *Physical Force or Attempted Physical Force; Hazing; or Damage, Attempted Damage, or Vandalism of Property* policies where the damage, attempted damage, or vandalism of property was deemed to be willful or malicious. A Reporting Party (Crimes of Violence) need not necessarily present an alleged policy violation(s) against a Responding Organization, but it is often their interaction with, or knowledge of a Responding Organization that led to an alleged policy violation(s) being placed by OSARP.

A Reporting Party (Crimes of Violence) may submit alleged behavior to OSARP anonymously, which may be used to place an alleged policy violation(s) against a Responding Organization. A Reporting Party (Crimes of Violence) who chooses to participate in the OAP,

including but not limited to the investigation of an alleged policy violation(s), may not participate anonymously. Though initial anonymous reports of alleged behavior are permitted for the placement of alleged policy violation(s), doing so may limit OSARP's ability to investigate and respond.

The availability of a Reporting Party (Crimes of Violence) is considered when OSARP schedules the Organizational Accountability Case Review or Organizational Accountability Appeal Review, based on new evidence, when permitted by the process in the Handbook.

OSARP cannot compel, mandate, or require Reporting Parties (Crimes of Violence) to participate in the Organizational Accountability Process, but may require attendance at specific meetings. OSARP confers the rights outlined in the Reporting Party (Crimes of Violence) Rights to those who meet this definition.

Responding Organization

A Responding Organization is a recognized student organization or student group that receives notification of an alleged policy violation(s) and is afforded rights and an Organizational Accountability Process by OSARP to respond to the alleged policy violation(s). A Responding Organization is represented by the Organizational Representative, as defined in this portion of the Handbook.

The availability of the Organizational Representative is considered when OSARP schedules an Organizational Accountability Process Review, Organizational Accountability Resolution Review, Organizational Accountability Outcomes Review, Organizational Accountability Case Review, and Organizational Accountability Appeal Review, when applicable.

OSARP confers the rights outlined in the Responding Organization Rights to those recognized student organizations or student groups who meet this definition.

Responding Organization/Reporting Party Witness

A Responding Organization/Reporting Party Witness is an individual who provides a report, statement, evidence, or other information, at the request of the Responding Organization/Reporting Party, to be used in the review of an alleged policy violation(s) in the Organizational Accountability Process.

A Responding Organization/Reporting Party Witness who chooses to participate in the Organizational Accountability Process, including but not limited to the investigation of an alleged policy violation(s), may not participate anonymously.

A Responding Organization/Reporting Party Witness can provide information relevant to the case, including what they know about the alleged incident or their knowledge of the Responding Organization/Reporting Party in accordance with the restrictions listed in the process. A Responding Organization/Reporting Party Witness may not provide their perspective on what they feel the appropriate decision or outcomes in the case should be at any time during the process. OSARP typically will not initiate the Individual Accountability Process and pursue an alleged policy violation(s) if there is evidence shared regarding the Responding Organization/Reporting Party Witness's personal consumption of drugs or alcohol while participating solely as a witness. However, if a case has already been conducted to address the witness's personal consumption of drugs or alcohol, OSARP will not revisit the outcome of that case. Additionally, OSARP will pursue an alleged policy violation(s) through the Individual Accountability Process if the Responding Organization/Reporting Party Witness claims responsibility for the Responding Organization's alleged policy violation(s) during their statements or interactions with OSARP.

The availability of a Responding Organization/Reporting Party Witness is reasonably considered when OSARP schedules the Organizational Accountability Case Review or Organizational Accountability Appeal Review, based on new evidence, when permitted by the process in the Handbook. It is the responsibility of the Responding Organization/Reporting Party to coordinate their witnesses' attendance when the process allows their attendance.

OSARP cannot compel, mandate, or require Responding Organization/Reporting Party Witnesses to participate in the Organizational Accountability Process, but may require attendance at specific meetings. OSARP confers the rights outlined in the Responding Organization/Reporting Party Witness Rights to those serving in this role.

Student Group

For the purposes of the Student Handbook and the investigation and/or review of alleged violations of university [Hazing](#) policy, in accordance with Adam's Law, a "student group" is a group of students that has not received official notice of recognition through the Office of Student Life and JMU is aware of the student group's existence prior to, or after, an alleged hazing incident is reported.

- Examples of student groups include but are not limited to varsity sports teams, performance groups/ensembles, honor societies, Marching Royal Dukes, Dukettes, unrecognized, formerly recognized, or underground organizations, or secret societies.

Support Person

Generally, one person who provides support to individuals participating in the Organizational Accountability Process, such as the organization's Adviser. A Support Person may be an attorney if that individual adheres to the restrictions and guidelines in the Organizational Accountability Process for a Support Person. A Support Person may not also serve as a witness in the Organizational Accountability Process or other OSARP processes that derive out of the same set of facts or circumstances. The availability of a Support Person for the Organizational Representative and any Reporting Party(ies) is reasonably considered when OSARP schedules the Organizational Accountability Case Review or Organizational Accountability Appeal Review, based on new evidence, when permitted by the process in the Handbook. It is the responsibility of the individual to coordinate their Support Person's attendance when the process allows their attendance.

University Case Administrator

A volunteer faculty or staff member who has been trained by OSARP to hear cases. Full-time employees, part-time employees, faculty members, Administrative and Professional faculty, and classified staff are eligible to serve as University Case Administrators. Graduate student staff who have prior experience with OSARP but are not currently working with OSARP are also eligible for this role. A University Case Administrator shall not hold an administrative position at a Vice President level or higher and they may not have supervisory oversight of OSARP. OSARP may appoint additional University Case Administrators as needed. University Case Administrators are indefinitely eligible if they remain affiliated with the university, do not have a pending disciplinary case at the university, and have the support of their direct supervisor. A University Case Administrator may withdraw from this volunteer opportunity at any time.

OSARP is responsible for the training of University Case Administrators. University Case Administrators are required to complete initial and ongoing training as determined by OSARP.

A University Case Administrator in the Organizational Accountability Process will receive access to the case file for the sole purpose of reviewing the case.

When appointed, a University Case Administrator is authorized to conduct the following stages of the Organizational Accountability Process:

- Organizational Accountability Case Reviews
- Organizational Accountability Appeal Reviews
- Other circumstances as determined by the Director of OSARP or designee

University Witness

A University Witness is an individual who provides a report, statement, evidence, or other information to be used in the placing or review of an alleged policy violation(s) in OSARP. University Witnesses are not called as a witness by a Responding Organization or Reporting Party, if applicable, but are determined by OSARP as having relevant information necessary for the investigation and/or review of the case. University Witnesses may include, but are not limited to, an Organizational Accountability Investigator, Office of Residence Life staff, Office of Student Life staff, Center for Multicultural Student Services staff, University Recreation staff, university faculty or staff, or police officers reporting alleged policy violation(s).

The availability of a University Witness is considered when OSARP schedules an Organizational Accountability Case Review or Organizational Accountability Appeal Review, based on new evidence, when permitted by the process in the Handbook.

In cases where a University Witness is also defined as a Reporting Party or a Reporting Party ([Crimes of Violence](#)), they will be permitted the same rights as a Reporting Party or a Reporting Party (Crimes of Violence).

Participants' Roles, Rights, and Restrictions

Responding Organization - Responsibilities and Rights - Organizational Accountability Process (OAP)

Procedural Responsibilities of the Office of Student Accountability and Restorative Practices (OSARP)

1. OSARP will send the Responding Organization notification of all alleged policy violation(s), the date(s) and location(s) of the allegation(s), and how OSARP received that information, via the official JMU email address of the Organizational Representative.
2. OSARP will send the Responding Organization notification of the date, time, and location of any meeting(s) with OSARP at least three days prior, via the official JMU email address of the Organizational Representative. The only exception is for an investigation interview(s), as outlined in the Rights afforded an Investigation Participant, which is notification at least one day prior.
3. OSARP will provide a fair and impartial process with unbiased Organizational Accountability Investigator(s) and/or decision-makers that presume the Responding Organization is not responsible for violating policy. OSARP will use a preponderance of the evidence standard to determine if a Responding Organization is responsible for violating policy.
4. OSARP will address alleged behavior by any JMU student, recognized student organization, or student group that may violate the [Interference or Retaliation with a University Process](#) policy in the Student Handbook.
5. OSARP will grant immunity from individual 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.
6. OSARP may be required to report specific information provided during the OAP to other accountability processes, JMU department(s), or law enforcement, including but not limited to sexual harm, harassment or discrimination based on a protected class, hazing, harm or threat of harm to self or others, or other behavior that is against the mission of the institution.
7. OSARP will notify the Reporting Party (if any) of the outcomes of the case related to responsible findings for policy violation(s) that are [crimes of violence](#), as required by law.

Responding Organization Rights

Certain Rights only apply if the Organizational Representative chooses to attend applicable meetings.

1. The right to accept responsibility for all alleged policy violation(s) in the case at any point in the OAP by communicating that acceptance to OSARP through the Organizational Representative.
2. The right for one Support Person to attend any meeting in the OAP with the Organizational Representative. The Support Person may not communicate for or speak on behalf of an Organizational Representative but may provide support or advice on how to present the case in accordance with the restrictions outlined in the Handbook.
3. The right to attend an Organizational Accountability Process Review (OAPR) and select the Resolution Option, when provided the opportunity to choose by OSARP. An Organizational Representative that fails to attend the OAPR waives certain rights in the process and understands the Resolution Option will automatically be the Organizational Accountability Investigation Process (OAIP).
4. The right to provide information to be used in the OAIP if that is the selected Resolution Option. A Responding Organization that provides information in the OAIP, through their Organizational Representative, is afforded the additional rights of an "Investigation Participant."
5. The right to attend an Organizational Accountability Resolution Review (OARR) if the selected Resolution Option proceeds to an OARR. An Organizational Representative that fails to attend the OARR waives certain rights in the process and understands the OARR will proceed, as outlined in the OAP.
6. The right to attend an Organizational Accountability Outcomes Review (OAOR), if applicable. An Organizational Representative that fails to attend the OAOR waives certain rights in the process and understands the OAOR will proceed, as outlined in the OAP.
7. The right to choose and attend an Organizational Accountability Case Review (OACR), if applicable, at the conclusion of the OAIP. An Organizational Representative that fails to attend the OACR waives certain rights in the process and understands their case will be decided by the University Case Administrators in their absence based on the information contained in the case file and information provided by other participants who attend the OACR.
 - a. At an OACR, the right to attend the entire OACR, except for closed deliberation.

- b. At an OACR, the right to not answer the University Case Administrators' questions or provide information to be used to make a decision in the case.
 - c. At an OACR, the right to know and respond to all information being used to make a decision in the case; the right to provide information to be included in the case file and used in the review of the case in accordance with the deadlines and restrictions listed in the OAP.
 - d. At an OACR, the right to question all witnesses and Reporting Parties (if any) who present at the OACR through the chairperson (if applicable).
 - e. At an OACR, the right to have Responding Organization Witnesses present in accordance with the restrictions listed in the OAP, provided witnesses are able to attend the scheduled OACR.
 - f. After an OACR, the right to be notified of the University Case Administrators' decision, rationale, and outcomes, if applicable, within two business days from the date of the OACR.
8. The right to submit a written appeal of any decision in the OAP within four days of the Responding Organization receiving the decision via the official JMU email of the Organizational Representative. **This right is only applicable for cases where the decision included an outcome of suspension or expulsion from JMU and/or removal from all university housing.** Appeals may only be submitted on the following grounds and must be submitted by the Organizational Representative. When referenced below, "affected the outcome of the matter" refers to the entirety of the decision rendered including the determination regarding responsibility or outcomes assigned, if applicable:
- **Procedural irregularity that affected the outcome of the matter.** The appeal submission must outline the procedural irregularity and how that affected the decision in the case.
 - **Excessively harsh outcome(s) for a case with a responsible finding(s) on policy.** The appeal submission must outline the reason(s) the outcome(s) assigned are excessively harsh.
 - **New evidence that was not available or accessible at the time of the Organizational Accountability Outcomes Review or Organizational Accountability Case Review and only relevant to refute information as to whether or not the Responding Organization is responsible for violating policy.** The appeal submission must outline the new evidence, why the new evidence was not available or accessible at the time of the Organizational Accountability Outcomes Review or Organizational Accountability Case Review, and how it is relevant to the decision of whether or not the Responding Organization is responsible for violating policy.
9. The right to have access to a recording of the OACR, upon request from the Organizational Representative, solely for the purposes of preparing an appeal.
10. If an appeal is submitted by the deadline provided by OSARP, the right to attend the Organizational Accountability Appeal Review (OAAR) if allowed by the OAP. An Organizational Representative that fails to attend the OAAR, if allowed, waives certain rights in the process and understands their case will be decided by the UCA in their absence based on the information contained in the case file and from any witnesses who present during the OAAR.
- a. At an OAAR, the right to present the new evidence, according to the OAP.
 - b. At an OAAR, the right to not answer questions or provide information.
 - c. At an OAAR, the right to question all witnesses and Reporting Parties (if any) who present through the chairperson (if applicable).
 - d. At an OAAR, the right to have witnesses present regarding the new evidence at the OAAR in accordance with the restrictions listed in the OAP, provided witnesses can attend the scheduled OAAR; the right to provide witness statements regarding the new evidence to be included in the OAAR in accordance with the deadlines and restrictions provided to them.
 - e. At an OAAR, the right to be notified of the UCA's decision, rationale, and outcomes, if applicable, within two business days from the date of the OAAR.
11. The right to receive the final decision of an OAP case in writing via the official JMU email of the Organizational Representative within 10 business days of a final decision being rendered.

Investigation Participant - Responsibilities and Rights - Organizational Accountability Process (OAP)

Procedural Responsibilities of the Office of Student Accountability & Restorative Practices (OSARP):

1. OSARP will provide a fair and impartial process with unbiased Organizational Accountability Investigator(s) that presumes the Responding Organization not responsible for violating policy.

2. OSARP will notify the Investigation Participant of the date, time, and location of an investigation interview(s) at least one day prior to an investigation interview(s) via their official JMU email address or the email address provided by the Investigation Participant.
3. OSARP will address alleged behavior by any JMU student, recognized student organization, or student group that may violate the [Interference or Retaliation with a University Process](#) policy in the Student Handbook.
4. OSARP may be required to report specific information provided during the OAP to other accountability processes, JMU department(s), or law enforcement, including but not limited to sexual harm, harassment or discrimination based on a protected class, hazing, harm or threat of harm to self or others, or other behavior that is against the mission of the institution.
5. OSARP will grant immunity from individual 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.

An Investigation Participant has the following rights in the OAP:

1. The right for one Support Person to attend the investigation interview(s). The Support Person attending the investigation interview(s) may not communicate for or speak on behalf of an Investigation Participant but may provide support or advice on how to present information in accordance with the restrictions outlined in the OAP.
2. The right to provide information to be included in the OAP in accordance with any deadlines or restrictions that may be listed in the OAP. The right not to answer questions or provide information to be included in the OAP.

An Investigation Participant will acknowledge one of the following regarding their decision to participate in the OAP prior to participation:

- They agree to participate in the OAP, which may include multiple investigation interviews or opportunities to provide information to be used in the OAP. They are expected to provide accurate and truthful information to the best of their knowledge, and they understand that any attempt to provide false or misleading information or attempts to disrupt, unfairly influence, or obstruct the OAP may be addressed by OSARP through an alleged policy violation(s) in the Individual Accountability Process. By providing information during the OAP, they understand that:
 - The information they share during the OAP will **not** be anonymous and may be included in the Investigation Report. The information they share during the OAP is considered a student educational record with the university. In accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974, university policy generally prohibits the release of student educational records without the express written consent of the student; the information and records maintained by OSARP are considered educational records and fall within the protections, restrictions, and exemptions outlined in FERPA.
 - By agreeing to participate in the OAP, they authorize the release of information contained in their student educational records for the case, maintained by OSARP, to the Responding Organization (via the Organizational Representative), university official(s) (e.g., staff from the Office of Student Life, CMSS, or UREC), law enforcement, Adviser(s), and/or individual(s) from the Organizational Governing Body, for the purpose of the investigation of alleged policy violation(s) for the Responding Organization. In doing so, they release James Madison University, OSARP, and its employees of any responsibility for the misappropriation of the information released to these designated parties as a result of this authorization. They can revoke this authorization at any time by contacting OSARP directly.
- They decline to participate in the OAP.

Reporting Party Rights

The Reporting Party in the Organizational Accountability Process (OAP) for an incident(s) that allegedly violates university policy(ies) committed by a recognized student organization or student group, and does not meeting the definition of “Crimes of Violence” as outlined in the Handbook, has the following rights:

1. The right to receive access to a Reporting Party case file to prepare for an Organizational Accountability Case Review (OACR) or Organizational Accountability Appeal Review (OAAR), based on new evidence, when permitted by the process in the Handbook. Reporting Party case files will consist of evidence provided by the Reporting Party and public information related to the case.

2. The right to be notified of the date, time and location of an investigation interview via email at least one day prior to the meeting.
3. The right to be notified of the date, time and location of an OACR, and/or an OAAR based on new evidence, when permitted by the process in the Handbook, via email at least three days prior to the meeting.
4. The right to attend an OACR, when permitted by the process in the Handbook, to share their perspective and be questioned by the University Case Administrators and Organizational Representative according to the guidelines and restrictions outlined in the OAP.
5. The right to attend the OAAR based on new evidence, when permitted by the process in the Handbook, and participate according to the guidelines and restrictions outlined in the OAP. A Reporting Party is only able to provide their response to the new evidence according to any restrictions outlined in the Handbook.
6. The right for one Support Person to attend an investigation interview, OACR, or OAAR based on new evidence, when permitted by the process in the Handbook, according to the restrictions outlined in the OAP. The Support Person for the Reporting Party may not also serve as a witness in the OAP or other OSARP processes that derive out of the same set of facts or circumstances. The Support Person may not communicate for or speak on behalf of a Reporting Party but may provide support or advice on how to present the information in accordance with the restrictions outlined in the Handbook.

Reporting Party (Crimes of Violence) Rights

The Reporting Party ([Crimes of Violence](#)) in the Organizational Accountability Process (OAP) has the following rights. Typically, “crimes of violence” would be addressed by OSARP as an alleged policy violation, including but not limited to *Damage, Attempted Damage, or Vandalism of Property; Hazing; Physical Force or Attempted Physical Force; Sexual Misconduct; or Title IX Sexual Harassment*. Known Reporting Parties (Crimes of Violence) will be notified of outcomes relating to *Damage, Attempted Damage, or Vandalism of Property* only if the behavior was deemed to be willful and malicious:

1. The right to receive access to a Reporting Party case file to prepare for an Organizational Accountability Case Review (OACR) or Organizational Accountability Appeal Review (OAAR), based on new evidence, when permitted by the process in the Handbook. Reporting Party case files will consist of evidence provided by the Reporting Party and public information related to the case.
2. The right to be notified of the date, time and location of an investigation interview via email at least one day prior to the meeting.
3. The right to be notified of the date, time and location of an OACR, and/or an OAAR based on new evidence, when permitted by the process in the Handbook, via email at least three days prior to the meeting.
4. The right to attend an OACR, when permitted by the process in the Handbook, to share their perspective and be questioned by the University Case Administrators and Organizational Representative according to the guidelines and restrictions outlined in the OAP.
5. The right to attend the OAAR based on new evidence, when permitted by the process in the Handbook, and participate according to the guidelines and restrictions outlined in the OAP. A Reporting Party (Crimes of Violence) is only able to provide their response to the new evidence according to any restrictions outlined in the Student Handbook.
6. The right for one Support Person to attend an investigation interview, OACR, or OAAR based on new evidence, when permitted by the process in the Handbook, according to the restrictions outlined in the OAP. The Support Person for the Reporting Party may not also serve as a witness in the OAP or other OSARP processes that derive out of the same set of facts or circumstances. The Support Person may not communicate for or speak on behalf of a Reporting Party but may provide support or advice on how to present the information in accordance with the restrictions outlined in the Handbook.
7. The right to be informed of the finding(s) in the case related to the alleged policy violation(s) that meet the definition of a crime of violence and any outcome(s), if applicable.

Responding Organization/Reporting Party Witness Rights

A Responding Organization/Reporting Party Witness has the following rights:

1. The right to be notified of the date, time, and location of an investigation interview, Organizational Accountability Case Review (OACR), and/or Organizational Accountability Appeal Review (OAAR), based on new evidence, when permitted by the process in the Handbook, at least one day prior to a meeting via email if their name and contact information has been provided to OSARP by the Responding Organization/Reporting Party.

2. The right for one Support Person to attend an investigation interview, OACR, and/or OAAR, based on new evidence, when permitted by the process in the Handbook, in accordance with the restrictions outlined in the Organizational Accountability Process (OAP). The Support Person for the Responding Organization/Reporting Party Witness may not also serve as a witness in the OAP or other OSARP processes that derive out of the same set of facts or circumstances. The Support Person may not communicate for or speak on behalf of a Responding Organization/Reporting Party Witness but may provide support or advice on how to present the information in accordance with the restrictions outlined in the Handbook.

The Role of a Support Person

In the Organizational Accountability Process (OAP):

1. Participants may have one Support Person of their choice, which can be an attorney, provided they follow the guidelines outlined in the OAP. The University does not provide students participating in the OAP 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 within the OAP nor compels a Support Person to attend. It is the participant's responsibility to coordinate their Support Person's attendance.
3. An individual who serves as a Responding Organization/Reporting Party Witness, University Witness, Reporting Party, or the Organizational Representative cannot also serve as a Support Person in the OAP or other OSARP processes that derive out of the same set of facts or circumstances. A person who serves as a Support Person in the OAP or other OSARP processes cannot serve in any other capacity at any point in the process cases that derive out of the same set of facts or circumstances.
4. Prior to a meeting within the OAP, one Support Person may help the participant prepare, which may include accompanying the Organizational Representative or Reporting Party to any meetings, reviewing the case file in OSARP with the Organizational Representative or Reporting Party, or communicating with OSARP and/or the university about the case and/or procedures with the permission of the Organizational Representative or Reporting Party.
5. During a meeting within the OAP, the one Support Person may:
 - Not communicate for or speak on behalf of the participant. The Organizational Representative, Reporting Parties, and witnesses, in portions of the process that allow for them, must present their statements or information themselves.
 - Consult with the participant on how to present their statements or information by whispering, providing notes, sending messages via electronic communication, or taking notes as long as it is not disruptive to the meeting or process.
 - Provide support by taking breaks with, or requesting breaks on behalf of, the participant they are accompanying.
6. OSARP may remove a Support Person from any meeting within the OAP if they are disruptive to the process or do not adhere to the requirements set forth in the OAP or in the Rules of Decorum as stated in the Handbook.

Rules of Decorum

Responding Organizations

The Organizational Accountability Process (OAP) must be managed to ensure all participants receive a fair, impartial, and unbiased experience that allows Organizational Accountability Investigator(s) and/or decision maker(s) to gather information necessary for the investigation and/or case. During the investigation and/or case review process, Responding Organizations must adhere to the following expectations and the procedures in the OAP, as applicable and outlined within the Student Handbook.

General Expectations

Responding Organizations, via the Organizational Representative, in the OAP must:

- Listen respectfully to the individual speaking without interruption.
- Speak appropriately with, or wait to begin speaking until addressed by, an Organizational Accountability Investigator(s) and/or decision maker(s).
- Avoid speaking over other participants.
- Use respectful language that is not demeaning, derogatory, or disrespectful.
- Avoid raising their voices.

- Remain seated in their predetermined locations.
- Refrain from making distracting or offensive gestures (e.g., rolling eyes, throwing arms in the air, etc.) or audible reactions (e.g., scoffing, speaking under their breath, etc.).
- For questions about the Rules of Decorum or OAP procedures, a participant should request a break to consult with the Organizational Accountability Investigator(s) and/or decision maker(s).

Responding Organizations, via the Organizational Representative, when asking questions of witnesses (of any type) or Reporting Party(ies) during an Organizational Accountability Case Review or Organizational Accountability Appeal Review, when applicable:

- Must allow the chairperson time to evaluate each question and verbally or non-verbally permit the participant to respond. This is referenced as “through the chairperson” in the OAP.
- Must maintain a professional and respectful attitude towards the other party, witnesses, UCAs, and any other participants in the case review process.

A witness has the right not to answer questions or provide information to be used in the review of the case.

Violation of Expectations & Procedures

Determination regarding a participant’s violation of one of these expectations lies with the Organizational Accountability Investigator(s) and/or decision maker(s). If a participant violates an expectation of the Rules of Decorum or the OAP procedures, the Organizational Accountability Investigator(s) and/or decision maker(s) will issue a verbal warning, identifying the expectation violated and how it was violated.

If a participant continues to violate these expectations or OAP procedures, the Organizational Accountability Investigator(s) and/or decision maker(s) will immediately call for a break. During the break, the Organizational Accountability Investigator(s) and/or decision maker(s) will address the problematic behavior directly. If the participant refuses to comply with the warning or causes additional problems, the Organizational Accountability Investigator(s) and/or decision maker(s) may decide to take one or more of the following actions:

- Implement other methods to address the problematic behavior, as determined by the Organizational Accountability Investigator(s) and/or decision maker(s), that allows the investigation and/or case to continue in a fair manner for all participants.
- Remove the participant from the meeting. If a participant is removed, the investigation and/or case will proceed in their absence and the Organizational Accountability Investigator(s) and/or decision maker(s) will continue the investigation and/or make a determination in the case based on all of the available information, including any information shared after the participant’s removal.
- End the meeting and potentially reconvene at a later date, at the discretion of the Director of OSARP or designee, if the removed participant is the Responding Organization or Reporting Party (if applicable).

Participants may receive an alleged policy violation(s) for their behavior if they meet the definition of a student as listed in the Student Handbook.

Reporting Parties

The Organizational Accountability Process (OAP) must be managed to ensure all participants receive a fair, impartial, and unbiased experience that allows Organizational Accountability Investigator(s) and/or decision maker(s) to gather information necessary for the investigation and/or case. During the investigation and/or case review process, Reporting Parties must adhere to the following expectations and the procedures in the OAP, as applicable and outlined within the Student Handbook.

General Expectations

Reporting Parties in the OAP must:

- Listen respectfully to the individual speaking without interruption.
- Speak appropriately with, or wait to begin speaking until addressed by, an Organizational Accountability Investigator(s) and/or decision maker(s).
- Avoid speaking over other participants.

- Use respectful language that is not demeaning, derogatory, or disrespectful.
- Avoid raising their voices.
- Remain seated in their predetermined locations.
- Refrain from making distracting or offensive gestures (e.g., rolling eyes, throwing arms in the air, etc.) or audible reactions (e.g., scoffing, speaking under their breath, etc.).
- For questions about the Rules of Decorum or OAP procedures, a participant should request a break to consult with the Organizational Accountability Investigator(s) and/or decision maker(s).

Violation of Expectations & Procedures

Determination regarding a participant's violation of one of these expectations lies with the Organizational Accountability Investigator(s) and/or decision maker(s). If a participant violates an expectation of the Rules of Decorum or the OAP procedures, the Organizational Accountability Investigator(s) and/or decision maker(s) will issue a verbal warning, identifying the expectation violated and how it was violated.

If a participant continues to violate these expectations or OAP procedures, the Organizational Accountability Investigator(s) and/or decision maker(s) will immediately call for a break. During the break, the Organizational Accountability Investigator(s) and/or decision maker(s) will address the problematic behavior directly. If the participant refuses to comply with the warning or causes additional problems, the Organizational Accountability Investigator(s) and/or decision maker(s) may decide to take one or more of the following actions:

- Implement other methods to address the problematic behavior, as determined by the Organizational Accountability Investigator(s) and/or decision maker(s), that allows the investigation and/or case to continue in a fair manner for all participants.
- Remove the participant from the meeting. If a participant is removed, the investigation and/or case will proceed in their absence and the Organizational Accountability Investigator(s) and/or decision maker(s) will continue the investigation and/or make a determination in the case based on all of the available information, including any information shared after the participant's removal.
- End the meeting and potentially reconvene at a later date, at the discretion of the Director of OSARP or designee, if the removed participant is the Responding Organization or Reporting Party (if applicable).

Participants may receive an alleged policy violation(s) for their behavior if they meet the definition of a student as listed in the Student Handbook.

Support Persons

The Organizational Accountability Process (OAP) must be managed to ensure all participants receive a fair, impartial, and unbiased experience that allows Organizational Accountability Investigator(s) and/or decision maker(s) to gather information necessary for the investigation and/or case. During the investigation and/or case review process, Support Persons must adhere to the following expectations and the procedures in the Organizational Accountability Process (OAP) and outlined within the Student Handbook.

General Expectations

Support Persons in the OAP, must:

- Listen respectfully to the individual speaking without interruption.
- Speak appropriately with, or wait to begin speaking until addressed by, an Organizational Accountability Investigator(s) and/or decision maker(s).
- Avoid speaking over other participants.
- Use respectful language that is not demeaning, derogatory, or disrespectful.
- Avoid raising their voices.
- Remain seated in their predetermined locations.
- Refrain from making distracting or offensive gestures (e.g., rolling eyes, throwing arms in the air, etc.) or audible reactions (e.g., scoffing, speaking under their breath, etc.).
- For questions about the Rules of Decorum or OAP procedures, a participant should request a break to consult with the Organizational Accountability Investigator(s) and/or decision maker(s).

Additional Expectations for Support Persons

In the OAP a Support Person may:

- Not communicate for or speak on behalf of the party; Responding Organization, Reporting Parties (if applicable), Responding Organization Witnesses (if applicable), and Reporting Party Witnesses (if applicable) must present their statements or information themselves.
- Consult with the party on how to present their statements or information by whispering, providing notes, sending messages via electronic communication, or taking notes as long as it does not disrupt the investigation and/or review of the case.
- Provide support by taking breaks with or requesting breaks on behalf of the party they are accompanying.

Violation of Expectations & Procedures

Determination regarding a participant's violation of one of these expectations lies with the Organizational Accountability Investigator(s) and/or decision maker(s). If a participant violates an expectation of the Rules of Decorum or the OAP procedures, the Organizational Accountability Investigator(s) and/or decision maker(s) will issue a verbal warning, identifying the expectation violated and how it was violated.

If a participant continues to violate these expectations or OAP procedures, the Organizational Accountability Investigator(s) and/or decision maker(s) will immediately call for a break. During the break, the Organizational Accountability Investigator(s) and/or decision maker(s) will address the problematic behavior directly. If the participant refuses to comply with the warning or causes additional problems, the Organizational Accountability Investigator(s) and/or decision maker(s) may decide to take one or more of the following actions:

- Implement other methods to address the problematic behavior, as determined by the Organizational Accountability Investigator(s) and/or decision maker(s), that allows the investigation and/or case to continue in a fair manner for all participants.
- Remove the participant from the meeting. If a participant is removed, the investigation and/or case will proceed in their absence and the Organizational Accountability Investigator(s) and/or decision maker(s) will continue the investigation or make a determination in the case based on all of the available information, including any information shared after the participant's removal.
- End the meeting, and potentially reconvene at a later date, at the discretion of the Director of OSARP or designee, if the removed participant is the Responding Organization or Reporting Party (if applicable).

Participants may receive an alleged policy violation(s) for their behavior if they meet the definition of a student as listed in the Student Handbook.

Responding Organization/Reporting Party Witnesses

The Organizational Accountability Process (OAP) must be managed to ensure all participants receive a fair, impartial, and unbiased experience that allows Organizational Accountability Investigator(s) and/or decision maker(s) to gather information necessary for the investigation and/or case. During the investigation and/or case review process, Responding Organization/Reporting Party Witnesses must adhere to the following expectations and the procedures in the Organizational Accountability Process (OAP) and outlined within the Student Handbook.

General Expectations

Responding Organization/Reporting Party Witnesses in the OAP must:

- Listen respectfully to the individual speaking without interruption.
- Speak appropriately with, or wait to begin speaking until addressed by, an Organizational Accountability Investigator(s) and/or decision maker(s).
- Avoid speaking over other participants.
- Use respectful language that is not demeaning, derogatory, or disrespectful.
- Avoid raising their voices.
- Remain seated in their predetermined locations.

- Refrain from making distracting or offensive gestures (e.g., rolling eyes, throwing arms in the air, etc.) or audible reactions (e.g., scoffing, speaking under their breath, etc.).
- For questions about the Rules of Decorum or OAP procedures, a participant should request a break to consult with the Organizational Accountability Investigator(s) and/or decision maker(s).

A Responding Organization/Reporting Party Witness can provide information relevant to the case, including what they know about the alleged incident, or their knowledge of the party who requested their participation in the process (i.e., Responding Organization/Reporting Party) in accordance with the restrictions listed in the process. A Responding Organization/Reporting Party Witness may not provide their perspective on what they feel the appropriate decision or outcomes in the case should be at any time during the process.

OSARP will grant immunity from individual 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. However, if a case has already been conducted to address the witness's personal consumption of drugs or alcohol, OSARP will not revisit the outcome of that case. Additionally, OSARP will pursue an alleged policy violation(s) if a participant claims responsibility for the Responding Organization's alleged policy violation(s) during the course of their statements or interactions with OSARP.

For an Organizational Accountability Appeal Review (OAAR) based on new evidence, a Responding Organization/Reporting Party Witness may be called by a Responding Organization/Reporting Party to provide a statement in response to the new evidence. A Responding Organization/Reporting Party Witness may provide a written or in person statement at an Organizational Accountability Case Review (OACR) or OAAR in accordance with the requirements as listed in the Student Handbook.

The availability of a Responding Organization/Reporting Party Witness is reasonably considered when OSARP schedules an OACR or OAAR, when applicable in the process as stated in the Handbook. It is the responsibility of the Responding Organization/Reporting Party to coordinate their witnesses' attendance when the process allows their attendance.

Violation of Expectations & Procedures

Determination regarding a participant's violation of one of these expectations lies with the Organizational Accountability Investigator(s) and/or decision maker(s). If a participant violates an expectation of the Rules of Decorum or the OAP procedures, the Organizational Accountability Investigator(s) and/or decision maker(s) will issue a verbal warning, identifying the expectation violated and how it was violated.

If a participant continues to violate these expectations or OAP procedures, the Organizational Accountability Investigator(s) and/or decision maker(s) will immediately call for a break. During the break, the Organizational Accountability Investigator(s) and/or decision maker(s) will address the problematic behavior directly. If the participant refuses to comply with the warning or causes additional problems, the Organizational Accountability Investigator(s) and/or decision maker(s) may decide to take one or more of the following actions:

- Implement other methods to address the problematic behavior, as determined by the Organizational Accountability Investigator(s) and/or decision maker(s), that allows the investigation and/or case to continue in a fair manner for all participants.
- Remove the participant from the meeting. If a participant is removed, the investigation and/or case will proceed in their absence and the Organizational Accountability Investigator(s) and/or decision maker(s) will continue the investigation or make a determination in the case based on all of the available information, including any information shared after the participant's removal.
- End the meeting, and potentially reconvene at a later date, at the discretion of the Director of OSARP or designee, if the removed participant is the Responding Organization or Reporting Party (if applicable).

Participants may receive an alleged policy violation(s) for their behavior if they meet the definition of a student as listed in the Student Handbook.

Collaboration in the Organizational Accountability Process (OAP)

OSARP recognizes the importance of collaborating with partners to support a recognized student organization or student group going through the OAP. The following outlines the established relationships OSARP has, or seeks to create, with university and external partners related to the OAP:

<u>Organization Type</u>	<u>University Partner(s)</u>	<u>External Partner(s)</u>
Fraternities & Sororities, typically affiliated with IFC and Panhellenic	Fraternity & Sorority Life (FSL) staff and Adviser(s)	International and National Headquarters Governing Bodies Advisers Coaches
Clubs & Organizations	Student Leadership & Involvement (SLI) staff and Adviser(s)	
Sports Clubs	University Recreation (UREC) staff and Adviser(s)	
Fraternities & Sororities, typically affiliated with ICGC	Center for Multicultural Student Services (CMSS) staff and Adviser(s)	

Communication with university and external partners throughout the OAP happens on a case-by-case basis considering the type of organization and the appropriate protection of individual student records. OSARP seeks partnership in the following ways, including but not limited to:

- Providing initial and ongoing training regarding the OAP
- Informing partner(s) when a report(s) is received
- Consulting on restriction(s) related to Organizational Interim Suspension
- Keeping partner(s) informed throughout the Organizational Accountability Investigation Process
- Inviting partner(s) to certain meetings in the OAP
- Seeking feedback from partner(s) on appropriate outcome(s)
- Providing opportunities for university partner(s) to serve as University Case Administrators in the OAP
- Providing partner(s) opportunities to work with Responding Organizations on the completion of assigned outcome(s)

Evaluation of Organizational Connections to Alleged Misconduct

Throughout the Organizational Accountability Process, OSARP will consider various factors when evaluating organizational connections to alleged misconduct. These considerations and/or decisions may occur by OSARP at different stages of the process, including but not limited to the determination of whether to issue Notification of Alleged Policy Violation(s) in the Organizational Accountability Process or other OSARP process, whether an Organizational Interim Suspension should be initiated, what Resolution Option(s) may exist for a Responding Organization, or when determining responsibility for alleged policy violation(s).

Evaluation of organizational connections to alleged misconduct include but are not limited to:

- Is the alleged misconduct covered under the “Jurisdiction – Recognized Student Organizations and Student Groups” portion of the Handbook?
- Did one or more of its officers, leaders, or executive board, acting in the scope of their organizational capacities and/or duties commit the alleged misconduct?
 - To what extent was the alleged misconduct the result of individual choice or choice with the knowledge of others in the organization?
- Did one or more of its officers, leaders, or executive board aid, abet, authorize, sanction, or organize the event or initiative where the alleged misconduct occurred?

- To what extent was the alleged misconduct the result of individual choice or choice with the knowledge of others in the organization?
- Did one or more of its members commit the alleged misconduct and the action that constitutes the alleged misconduct was approved by a majority vote of those members of the Responding Organization present and voting?
- Did one or more members of a committee of the Responding Organization commit the alleged misconduct while acting in the scope of the committee's assignment?
- Did a member of the Responding Organization commit the alleged misconduct while acting with apparent or actual authority of the Responding Organization?
- Did one or more members of the Responding Organization or its officers, leaders, or executive board permit, encourage, aid, or assist any of its members in committing the alleged misconduct?
- Is the alleged misconduct against the mission of the institution, regardless of the location?

Receipt of Report(s) and Determining an Alleged Policy Violation(s)

Any JMU student, faculty, or staff member believing that an organization has violated a university policy(ies) may provide relevant details of an alleged policy violation(s) to OSARP. If a case is reported by a non-JMU individual, it may be considered if it follows the guidelines listed in the "Jurisdiction – Recognized Student Organizations and Student Groups" section of the Student Handbook.

For more information on reporting an alleged policy violation(s) for an organization, including the information needed for a report, see "[Organizational Resources: Reporting to OSARP](#)". This webpage also contains information about the on-campus resources that can provide ongoing mental and behavioral health support to any student who reports to OSARP an alleged act of hazing or bullying experienced as a result of a report of an alleged act of hazing for such incident.

Generally, resolution of these allegations for an organization will follow the Organizational Accountability Process (OAP), except in the following circumstances:

- Cases involving an alleged violation(s) of university policy for an individual student will follow the separate and distinct [Individual Accountability Process \(IAP\)](#).
 - The IAP may be initiated for an individual student who was involved in the reporting of, investigation of, or case review process for an alleged violation(s) of university policy by a recognized student organization or student group in the Organizational Accountability Process (OAP). The initiation of the IAP can occur concurrently, before, or after the OAP. Individual students and organizations can both be accountable and/or responsible for the allegations that arise out of the OAP.
- Cases involving an alleged violation(s) for which an individual student has been interim suspended will follow the separate and distinct [Individual Interim Suspension Process](#) as listed in the Student Handbook.
- Cases involving an alleged violation(s) of the [Sexual Misconduct](#) or [Title IX Sexual Harassment](#) policies for an individual student will follow the separate and distinct [Sexual Misconduct Accountability Process](#) or [Title IX Sexual Harassment Adjudication Process](#), respectively.
 - Responding Parties and Reporting Parties in cases involving alleged sexual misconduct should refer to the *Sexual Misconduct* policy, the Sexual Misconduct Accountability Process, and the "Responding & Reporting Party - Responsibilities and Rights – Sexual Misconduct".
 - Respondents and Complainants in cases involving alleged Title IX sexual harassment should refer to the *Title IX Sexual Harassment* policy, the Title IX Sexual Harassment Adjudication Process, and the "Respondent & Complainant - Responsibilities and Rights – Title IX Sexual Harassment".

Upon receiving a report(s) of alleged organizational misconduct, OSARP will determine whether there are grounds for Notification of an Alleged Policy Violation(s) and the initiation of the OAP. This preliminary assessment may include but not be limited to:

- Consultation with appropriate university official(s) (e.g., staff from the Office of Student Life, CMSS, or UREC)
- Consultation with JMU police or local law enforcement
- Consultation with individual(s) from the Organizational Governing Body
- Additional information gathering with the Reporting Party(ies)
- Review of any prior report(s) of alleged misconduct for the organization
- Any organizational records or student disciplinary records maintained by OSARP

- Criteria listed in the “Evaluation of Organizational Connections to Alleged Misconduct” in this portion of the Handbook

OSARP will also consider various factors in its preliminary assessment, including but not limited to what alleged misconduct is related to the organization and/or an individual(s) within the organization, whether to issue alleged policy violation(s) to a Responding Organization or refer an individual student(s) to the IAP, what Resolution Option(s) may exist for the Responding Organization, whether the alleged misconduct requires interim suspension, and whether another resource or process is better suited to address the alleged misconduct. After this preliminary assessment, OSARP will determine the next steps:

- **If there is sufficient information to proceed, and thus, grounds for Notification of an Alleged Policy Violation(s) in the OAP:**
 - Whether potential outcomes of the case include suspension or expulsion from JMU and/or removal from all university housing. To evaluate these potential outcomes, OSARP will consider a variety of factors, including but not limited to the impact on the safety of the organization, other students, and/or community; whether the behavior created a risk to the campus community, or the Responding Organization’s organizational records maintained by OSARP.
 - Whether the organization will be placed on Organizational Interim Suspension, with or without specific provisions, which will remain in place until a final decision in the OAP unless OSARP subsequently communicates otherwise (see the “Organizational Interim Suspension” section in the Handbook for more information).
 - The Organizational Accountability Investigator(s) assigned to the case (if applicable).
 - As additional information is gathered throughout the OAP, OSARP reserves the right to re-issue a Notification of Alleged Policy Violation(s) via the official JMU email of the Organizational Representative, should alleged policy violation(s) be added, updated, or removed for the Responding Organization participating in the OAP. In the re-issue of a Notification of Alleged Policy Violation(s), OSARP may update the potential outcome(s) of the case, which may include suspension or expulsion from JMU and/or removal from all university housing.
- **If there is insufficient information to proceed, and thus, no grounds for Notification of an Alleged Policy Violation(s) in the OAP:**
 - The report(s) are retained by OSARP as outlined in the “Records – Recognized Student Organizations and Student Groups” section of the Handbook.
 - OSARP may notify the organization of information received and/or request that appropriate university official(s) (e.g., staff from the Office of Student Life, CMSS, or UREC) meet with the organization regarding the alleged misconduct or report(s). If this occurs, the organization will not receive access to the report(s) or the identities of any Reporting Party(ies).
 - If OSARP receives additional information/report(s) at a later date related to allegations that were not pursued by the OAP, OSARP reserves the right to issue Notification of Alleged Policy Violation(s) and proceed with the OAP at that time. In the re-issue of a Notification of Alleged Policy Violation(s), OSARP may update the potential outcome(s) of the case, which may include suspension or expulsion from JMU and/or removal from all university housing.
- **Whether the report(s)/alleged misconduct should be referred, including but not limited to university officials (e.g., Office of Student Life, CMSS, UREC, Office of Equal Opportunity, or Title IX Office), other university conduct processes (e.g., individual student OSARP processes, Policy 1324 process, or investigation, adjudication, and/or resolution options through the Title IX Office), law enforcement (see “Reporting Hazing that Causes Bodily Injury” section of the Handbook), or the appropriate Organizational Governing Body. This referral(s) can occur whether or not the organization is notified of the OAP.**

These determinations occur upon OSARP receiving a report(s) from a known source such as a police report, community report, incident report, incident narrative, witness statement, or record of court outcome; however, an alleged policy violation(s) may be placed in other circumstances at the discretion of the Director of OSARP or designee. If OSARP receives a report(s) from an unknown source, or a Reporting Party who chooses to be anonymous, that anonymous report can be evaluated for an alleged policy violation(s), as noted above, and be the impetus for notification of an alleged policy violation(s) in the OAP.

Though initial anonymous reports of alleged organizational misconduct are permitted, doing so may limit OSARP’s ability to investigate and/or respond. Additionally, there is no time limit for reporting alleged organizational misconduct, but the longer an individual(s) waits to submit a report, the more difficult it may be for OSARP to obtain information and/or make determinations on

an alleged policy violation(s). Those who are aware of alleged organizational misconduct are encouraged to report it to OSARP as quickly as possible.

While an anonymous report(s) can be used to initiate the OAP, the university cannot guarantee any request for anonymity after the OAP begins. The university is required by law to provide organizations with reasonable notice of the alleged policy violation(s) and a summary of the report(s) with enough information for the organization to understand the alleged policy violation(s) in order to present their perspective. Organizations must be able to review and respond to all information presented to the Organizational Accountability Investigator(s) and/or decision maker(s), requiring any information gathered in the OAP to include the identification of people, places, and events.

If the information provides sufficient cause that an alleged policy violation(s) may have occurred, the Organizational Representative will be notified of the alleged policy violation(s). In accordance with [JMU Policy 1209](#), proper notification of an alleged policy violation(s) shall consist of an email to the student's official JMU email address. The notice will be considered received the day the notice is sent via email. In addition, OSARP may also send a text message as a part of this notification process.

Partnered Resolution and/or the Organizational Accountability Investigation Process (OAIP) are the only opportunities for the Responding Organization or Reporting Party(ies) to submit evidence, information, personal statements, names of witnesses, and witness statements for the OAP. Only individuals who directly provided information during Partnered Resolution or the OAIP are eligible to serve as witnesses at an Organizational Accountability Case Review (OACR) or Organizational Accountability Appeal Review (OAAAR), based on new evidence.

The decision to proceed with the OAP rests with OSARP and is based on factors listed in this section of the Handbook. The university may proceed with an alleged policy violation(s) and the OAP regardless of the enrollment status of the Organizational Representative. If that individual is not actively enrolled in classes in the current semester, OSARP may designate another member of the Responding Organization as the Organizational Representative.

OSARP may address behavior that occurs at any point while an organization is considered a recognized student organization or student group, as defined in the Handbook. After a final decision in the case has been rendered, the effective date of an immediate suspension or expulsion from JMU, if it was an outcome of a case, will be provided in the final decision.

OSARP will grant immunity from individual 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. However, if a case has already been reviewed to address the witness's personal consumption of drugs or alcohol, OSARP will not revisit the outcome of that case. Additionally, OSARP will pursue an alleged policy violation(s) if a participant claims responsibility for the Responding Organization's alleged policy violation(s) during their statements or interactions with OSARP. More information regarding OSARP's Enlightened Citizen Amnesty Process for individual students, which pertains directly to alcohol and drug consumption and/or possession for both bystanders and the affected party, can be found in the "[Alcohol and Drug Information](#)" section of the Handbook.

The Individual Accountability Process can occur concurrently for a student while an organization, for which that student is a member, proceeds through the OAP, or concurrently with any other university or external investigation or conduct processes.

Other university or external investigation or conduct processes may assign outcomes listed in the Handbook for organizations. In addition, university officials or external entities that provide oversight for an organization may require completion of outcomes. These other university or external processes and entities may assign outcomes in conjunction with or separately from an OSARP process. Regardless of whether an OSARP process was pursued or resulted in assigned outcomes, OSARP staff may work with other university officials or external entities to facilitate and/or provide guidance on outcomes they assign through their processes or oversight (i.e., facilitating or providing guidance on Restorative Practices).

If the university determines, at any point in the OAP, there is a severely elevated risk to individual or campus safety, OSARP will typically proceed with the OAP, including an Organizational Accountability Investigation Process (OAIP), using any information received, which may include information provided by a Reporting Party(ies), regardless of their desire to be anonymous. In these circumstances, the Reporting Party(ies) known to the university will not remain anonymous in any report that is received, will be informed of the university's decision to proceed with the Reporting Party(ies)'s information provided, and will be given the opportunity to participate in the OAIP and any subsequent proceedings. OSARP will also reach out to non-confidential faculty and

staff who a Reporting Party(ies) may have provided information to about the incident(s) and request their participation in the investigation and/or review of the matter.

Organizational Interim Suspension

If during the review of report(s) of alleged organization misconduct (see “Receipt of Report(s) and Determining an Alleged Policy Violation(s)” in this section of the Handbook) or after receiving and/or reviewing information obtained during the Organizational Accountability Process (OAP) (i.e., during the Organizational Accountability Investigation Process or through additional report(s) after the OAP was initiated), the Director of OSARP or a designee may determine that an organization presents a significant risk to the orderly operation of the university or to the health, safety, or welfare of any member of the university community and may place the organization under an Organizational Interim Suspension.

Organizational Interim Suspension is an action that is protective in nature. It is designed to mitigate the risk to members of the university community by deterring future prohibited conduct, while alleged policy violation(s) are pending for reported misconduct. This interim action is separate and distinct from the final decision of the OAP process as outlined in the Handbook. If an organization violates the terms of an Organizational Interim Suspension, that organization, or individual students, may be subject to disciplinary action by the university, arrest, and/or criminal prosecution.

The university may issue an Organizational Interim Suspension as a measure to prevent specified organizational activities reasonably believed to pose a threat to the university community. An Organizational Interim Suspension is authorized upon information that an organization has been or is likely to be notified of alleged violation(s) of university policy involving acts of violence or other serious conduct that would reasonably support a finding that the organization is not fit to continue specified organizational activities pending the outcome of university and/or legal proceedings.

An Organizational Interim Suspension may include but not be limited to:

- A full Interim Suspension of all organizational activities
- A partial Interim Suspension of organizational activities, such as:
 - New member recruitment through an official university process
 - Initiation of new members through an official university process
 - Using resources provided by JMU
 - Co-sponsoring or participating in any or all university-sponsored social, intramural, athletic, or other similar activities on university owned or operated property or off campus

If initiated, a Responding Organization will be notified of an Organizational Interim Suspension, with or without specific provisions, via the official JMU email address of the Organizational Representative. The Responding Organization may also be notified of the alleged policy violation(s) and that they are being placed under an Organizational Interim Suspension by a full-time staff member from OSARP or designee through a method that may include but not be limited to notification in person, via phone, or through police officer delivery.

Circumstances that surround an Organizational Interim Suspension may involve concurrent criminal charges, civil litigation, or other university or external investigation or conduct processes. OSARP or its designee may implement an Organizational Interim Suspension, with or without specific provisions, prior to the conclusion of the criminal process, civil process, or other university or external investigation or conduct process; decisions made as a part of the OAP will not be revisited at the conclusion of the criminal process, civil process, or other university or external investigation or conduct process. For more information, see “Jurisdiction – Recognized Student Organizations and Student Groups” in this Handbook.

In cases where an organization has extenuating circumstances that prevent participation in the OAP, including but not limited to incarceration of the Organizational Representative or other students relevant to the investigation and/or review of an alleged policy violation(s), the decision to continue with or delay any part of the OAP is at the discretion of the Director of OSARP or designee.

In the notification of an Organizational Interim Suspension, with or without specific provisions, the Responding Organization will be informed that an Organizational Interim Suspension remains in place until a final decision is rendered in the case, unless OSARP subsequently communicates otherwise. If OSARP receives information during the OAP that warrants a removal of, or update to, an Organizational Interim Suspension or specific provisions, the Responding Organization will be notified immediately via the official JMU email of the Organizational Representative. During the OAP, OSARP will continually review and assess the Organizational

Interim Suspension, with or without specific provisions, to determine if updates are needed. A Responding Organization may submit a request in writing to the Director of OSARP or designee at any point during the OAP to request a reassessment of an Organizational Interim Suspension, including any specific provisions. The decision to remove an Organizational Interim Suspension or update any specific provisions is at the sole discretion of the Director of OSARP or designee.

Anticipated timelines, deadlines, restrictions, or procedures listed within the OAP will not be altered except in unexpected and unavoidable circumstances to uphold the intent of the process, as determined by the Director of OSARP or designee, or with the agreement of the party(ies), as approved by the Director of OSARP or designee. Other alterations to the process may be made with the agreement of the party(ies), as approved 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.

Notification of Alleged Policy Violation(s)

If information shared with OSARP provides sufficient cause that an alleged policy violation(s) may have occurred, the Responding Organization will be notified of the alleged policy violation(s) through the official JMU email of the Organizational Representative. Other individuals may be copied on this email notification, including but not limited to:

- Appropriate university official(s) (e.g., staff from the Office of Student Life, CMSS, or UREC)
- Adviser(s)
- Organizational Governing Body

The email notification will include:

- The alleged policy violation(s) and a link to the Standards of Conduct & Policies in the Student Handbook
- Date(s) and location(s) of the alleged incident(s)
- How OSARP received information about the alleged policy violation(s)
- Information on the *Interference or Retaliation with a University Process* policy and possible outcome(s) should an organization or individual student be found responsible for this behavior
- Instructions for attending or scheduling the Organizational Accountability Process Review (OAPR)
- Information about a Responding Organization's responsibilities and rights in the OAP, including any rights waived by failing to participate in the Organizational Accountability Process (OAP) and the ability for the Organizational Representative to bring one Support Person with them to any meeting in OSARP
- Contact information for OSARP to ask questions about the OAP
- Links to relevant sections of the Student Handbook and OSARP website to prepare for the OAP
- When applicable, notice that the potential outcomes of the case may include suspension or expulsion from JMU and/or removal from all university housing
- When applicable, information about Organizational Interim Suspension, with or without specific provisions
- The [process to request disability accommodations](#), if needed
- Information on the academic, mental health, personal well-being, and campus resources available to students at James Madison University, which can be found at: <https://www.jmu.edu/osarp/resources/index.shtml>

For the purposes of notification throughout all portions of the OAP, this initial email will serve as the official notification regarding the bulleted items above for the case unless the Notification of Alleged Policy Violation(s) is re-issued by OSARP during the OAP.

If any Organizational Accountability Investigator or decision-maker in the OAP feels that their previous contact with the case, the Responding Organization, the Organizational Representative, or the individual(s) involved will prevent them from providing a fair, impartial, and unbiased process, that Organizational Accountability Investigator or decision-maker must request that they not be assigned to the case. The Organizational Representative will be informed of any Organizational Accountability Investigator or decision-maker assigned to their case during the OAP. Upon receiving that notification, an Organizational Representative may request that the Organizational Accountability Investigator or decision-maker be replaced if the Organizational Representative can show a bias on the part of the Organizational Accountability Investigator or decision-maker. Merely being assigned an Organizational Accountability Investigator or decision-maker who has previously worked on a case involving the Responding Organization does not constitute actual bias. To make such a request, an Organizational Representative must contact the Director of OSARP or designee immediately, setting forth their reasons in writing. In cases where the Director is a decision-maker in the case, an Associate Director

of OSARP or designee will review the request. Any decision to remove an Organizational Accountability Investigator or decision-maker and/or to postpone a meeting in the OAP is at the discretion of the Director of OSARP or designee.

As additional information is gathered throughout the OAP, OSARP reserves the right to re-issue a Notification of Alleged Policy Violation(s) via the official JMU email of the Organizational Representative, should alleged policy violation(s) be added, updated, or removed for the Responding Organization participating in the OAP. Additionally, this re-issue of the Notification of Alleged Policy Violation(s) may include information about the initiation of, or update to, an Organizational Interim Suspension as well as notification regarding the potential outcome(s) of the case, which may include suspension or expulsion from JMU and/or removal from all university housing

Organizational Records

For more information on organizational records, including how and when information is publicly available on OSARP's website, see the "Records – Recognized Student Organizations and Student Groups" section of the Handbook.

Organizational Accountability Process Review (OAPR)

When a Responding Organization is notified of an alleged policy violation(s), the Organizational Representative will be provided the opportunity to attend an OAPR with OSARP in accordance with the following procedures. The purpose of an OAPR is to orient the Organizational Representative, and any individuals in attendance, to the Organizational Accountability Process (OAP), including but not limited to the Responsibilities and Rights of the Responding Organization and the Resolution Option(s) for the alleged policy violation(s).

- The Organizational Representative will typically have their OAPR set based on their academic schedule. The Organizational Representative will be informed of the date, time, and location via their official JMU email with at least three days' notice.
 - Individuals in attendance at an OAPR may include, but not be limited to OSARP staff, appropriate university official(s) (e.g., staff from the Office of Student Life, CMSS, or UREC), law enforcement, or individual(s) from the Organizational Governing Body.
 - The Organizational Representative can bring one Support Person to the OAPR, which is typically an Adviser for the organization, if person is willing and able to attend. A Support Person must meet the criteria and follow the guidelines and expectations as listed in the Handbook. A Support Person for the Organizational Representative may not also serve as a witness in the OAP or other OSARP processes that derive out of the same set of facts or circumstances.
 - The availability of participants, other than the Organizational Representative and OSARP staff, will be reasonably considered with scheduling the OAPR.
- If the Organizational Representative is not actively enrolled in classes in the current semester, OSARP may designate another member of the Responding Organization as the Organizational Representative.
- The OAPR is typically conducted in person in the OSARP office on the 2nd floor of the Student Success Center for participants on or near campus. A virtual option will typically be provided for those participants who are not on or near campus. All in-person appointments will follow recommended local, state, and federal health and safety guidelines if any are in effect at the time of the meeting. For good cause, the Organizational Representative may request they be able to attend virtually, which will be granted or denied at the discretion of the Director of OSARP or designee.
- In some circumstances, including but not limited to threats to campus, student health or safety, the timeliness of the case, or the Organizational Representative not being physically present on or near campus, OSARP may schedule the OAPR to occur entirely virtually, with no in-person option, at the discretion of the Director of OSARP or designee.
 - For virtual appointments, instructions will be provided via email for accessing the OAPR. If the Organizational Representative is unable to secure a private location for their virtual OAPR or requires an in-person appointment as an accommodation, the Organizational Representative should contact OSARP immediately upon receiving the notification email to reschedule their virtual OAPR, which will be granted or denied at the discretion of the Director of OSARP or designee.

If the Organizational Representative attends the OAPR:

- The Organizational Representative will check in with OSARP staff and wait in the lobby until their OAPR begins. During this waiting period, OSARP staff may request that an Organizational Representative complete a survey or pre-assessment related to the process. This is not required for participation in the OAPR.
- OSARP staff, typically the Associate Director of Case Management or designee and any other OSARP staff relevant to the OAP (e.g., Organizational Accountability Investigator), will greet the Organizational Representative in the lobby and escort them to a private office or meeting room in OSARP. The following is reviewed by the OSARP staff:
 - Organizational Representative directory information on file with the university to ensure accuracy.
 - The alleged policy violation(s) in the case and the information sent to OSARP that is being used in the case, including access to report(s) or information that were used to initiate the OAP.
 - Responsibilities & Rights for a Responding Organization in the OAP, including how information is gathered and shared during the OAP, information regarding university policy on [Interference or Retaliation in a University Process](#), and whether possible outcomes of suspension or expulsion from JMU and/or removal from all university housing exist for the case.
- OSARP staff will then provide the Organizational Representative with the Resolution Option(s) available for the case, as determined by OSARP. See the “Resolution Options” section of the Handbook below for more information on Resolution Option(s). Although not every Resolution Option is available for every case, the four possibilities are as follows:
 - Acceptance of Responsibility
 - Restorative Practices
 - Partnered Resolution
 - Organizational Accountability Investigation Process
- The Organizational Representative will select the Resolution Option on behalf of the Responding Organization and next steps will be discussed. In certain circumstances, including a case with any alleged policy violation(s) of Hazing, OSARP is required to conduct an investigation of the alleged misconduct and will not offer another Resolution Option to the Responding Organization. See below for more information on Resolution Option(s).
- Once a Resolution Option is selected and discussed by those in attendance at an OAPR, any meeting(s) associated with the selected Resolution Option are typically scheduled, and the OAPR concludes.

While the purpose of the OAPR is to review the OAP and the selected Resolution Option, information shared by the Organizational Representative during the OAPR can be used in the OAP.

The Family Educational Rights and Privacy Act (FERPA) protects the educational records of students. OSARP may disclose information contained in the educational record(s) of students to all eligible persons as outlined in the exceptions listed in FERPA. For more information on FERPA and its role with the educational record(s) of individual students who are also participating in the OAP, see the “General Handbook Information” section of the Handbook.

- For example, OSARP may review an educational records release with a student to determine if the student would like OSARP to be able to release information gathered in the OAP with individuals from an Organizational Governing Body, unless the appropriate educational records release is already on file with the university.

If the Organizational Representative fails to attend the OAPR:

An Organizational Representative waives certain rights in the OAP should they fail to attend the OAPR.

- In the notification email a Responding Organization receives from OSARP about a case, information is provided regarding the Responding Organization’s Responsibilities & Rights in the OAP, including the right to attend the OAPR and what rights the Organizational Representative waives should they fail to attend the OAPR.
- An Organizational Representative who fails to attend the OAPR, regardless of whether the appointment was set based on their academic schedule or scheduled by the Organizational Representative, indicates the following to OSARP with their absence:
 - The understanding that the OAPR will proceed in the absence of the Organizational Representative.
 - The Resolution Option for the alleged policy violation(s) will be an Organizational Accountability Investigation Process (OAIP).
 - The Responding Organization will not typically have the opportunity to choose another Resolution Option, unless authorized by OSARP.

- OSARP will communicate with the Responding Organization, through the Organizational Representative, within three business days of the date of the OAPR with further instructions regarding the OAIP.

If an Organizational Representative missed their OAPR due to unexpected and unavoidable circumstances, they may request the OAPR be rescheduled; this request must be communicated as soon as practicable and OSARP will determine if it meets the unexpected and unavoidable circumstance criteria.

The OAPR is a closed meeting between the Organizational Representative and OSARP and may include other individuals as noted earlier in this section. Individual(s) attending an OAPR are not permitted to make their own recordings. In the OAP, the technical rules of evidence applicable in civil and criminal cases do not apply.

Anticipated timelines, deadlines, restrictions, or procedures listed within the OAP will not be altered except in unexpected and unavoidable circumstances to uphold the intent of the process, as determined by the Director of OSARP or designee, or with the agreement of the party(ies), as approved 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.

OSARP may pursue an alleged policy violation(s) of *Interference or Retaliation in a University Process* if it receives information that a student or organization provides falsified or misleading information or engaged in any activity which disrupts, unfairly influences, or obstructs the OAP.

Resolution Option(s)

When a Responding Organization is notified of an alleged policy violation(s), OSARP will determine which Resolution Options are available to address the alleged policy violation(s) in the case. A Responding Organization may have multiple Resolution Options available or only one option. This determination of Resolution Options may consider various factors, including but not limited to:

- Nature and/or severity of the allegation(s)
- Whether the alleged policy violation(s) are minor, major, or flexible, as defined in the Handbook
- Whether there are Reporting Party(ies) involved in the process
- The current or perceived risk of harm to other individuals, the community, the university, or physical property
- Any organizational records, if applicable
- OSARP consultation with appropriate university official(s) (e.g., staff from the Office of Student Life, CMSS, or UREC), law enforcement, Adviser(s), or the Organizational Governing Body
- Criteria listed in the “Evaluation of Organizational Connections to Alleged Misconduct” in this portion of the Handbook

1. Acceptance of Responsibility

After being properly notified of an alleged policy violation(s) in the OAP, the Organizational Representative may take responsibility for all alleged policy violation(s) by communicating that acceptance to OSARP. This will typically occur during the OAPR but could occur at any point in the OAP. Upon OSARP receiving this information from the Organizational Representative, OSARP will determine whether to accept this information and proceed to an Organizational Accountability Outcomes Review (OAOR) or if the OAP and/or Resolution Option(s) will continue. For more information on the OAOR, should OSARP determine that is the next step in the OAP, see “Organizational Accountability Outcomes Review (OAOR)” within this section of the Handbook.

- “Adam’s Law” in the State of Virginia requires JMU to use its disciplinary process to investigate alleged policy violation(s) of Hazing and the students involved in that alleged behavior, so if an organization accepts responsibility for an alleged policy violation(s) of Hazing, OSARP will include that information in the OAIP and continue with the OAIP.

2. Restorative Practices

The Responding Organization is provided the opportunity to resolve the alleged policy violation(s) through completion of Restorative Practices, facilitated by or in partnership with OSARP, including any agreed-upon or facilitator-assigned outcome(s).

Restorative Practices offer participants the opportunity to take active accountability for their actions and work within the JMU, City of Harrisonburg, and Rockingham County communities to collaboratively address any harm created. This approach emphasizes **community well-being** and **empowers participants** to repair the harm that has occurred.

If Restorative Practices is available as a Resolution Option, as determined by OSARP, the Organizational Representative will be provided this option during the OAPR. Should the Organizational Representative choose Restorative Practices as the Resolution Option for the case, the case will be referred to an OSARP-approved staff member who facilitate Restorative Practices. For more details on Restorative Practices at JMU, including information about intake meetings, Restorative Processes, and agreed-upon or facilitator-assigned outcomes, visit the [Restorative Practices](#) section of the JMU Student Handbook.

All alleged policy violation(s) for the Responding Organization will remain pending until completion of Restorative Practices, including any agreed-upon or facilitator-assigned outcome(s). For more information on the next steps following completion of Restorative Practices, see “Organizational Accountability Resolution Review (OARR)” in this section of the Handbook.

Should facilitator(s) report unsuccessful completion of Restorative Practices, including any agreed-upon or facilitator-assigned outcome(s), OSARP will determine the Resolution Option(s) available to the Responding Organization and meet with the Organizational Representative to discuss other available Resolution Option(s) and next steps based on the selected Resolution Option.

OSARP reserves the right to terminate Restorative Practices and select another Resolution Option and/or re-issue the Notification of Alleged Policy Violation(s) if during Restorative Practices, information is shared with or obtained by OSARP regarding additional major and/or flexible alleged policy violation(s) not known when the OAP was initiated. Additionally, if information is shared with or obtained by OSARP regarding an alleged policy violation(s) of Hazing, Restorative Practices will be terminated and the Organizational Accountability Investigation Process (OAIP) will commence with proper notification of such sent to the official JMU email of the Organizational Representative. Any re-issue of the Notification of Alleged Policy Violation(s) may include an update to the potential outcomes of suspension or expulsion from JMU and/or removal from all university housing.

3. Partnered Resolution

The Responding Organization and/or the Organizational Governing Body are provided the opportunity to investigate the alleged policy violation(s) in the case.

If Partnered Resolution is available as a Resolution Option, as determined by OSARP, the Organizational Representative will be provided this option during the OAPR. Should the Organizational Representative choose Partnered Resolution as the Resolution Option for the case, the Partnered Resolution process will include the following:

- OSARP, in consultation with the Organizational Representative, appropriate university official(s) (e.g., staff from the Office of Student Life, CMSS, or UREC), Adviser(s), or the Organizational Governing Body, will develop a Partnered Resolution investigation plan, which may include any expectations for the investigation process, the criteria listed in the “Evaluation of Organizational Connections to Alleged Misconduct” in this portion of the Handbook, the scope of the investigation, and estimated timeline for completion.
 - OSARP will provide the Responding Organization and/or Organizational Governing Body any necessary information or report(s) related to the alleged policy violation(s), including any redactions made to that information or report(s), for the purpose of the Partnered Resolution process.
- OSARP will provide an Organizational Accountability Investigator to serve as a liaison to the Responding Organization and/or Organizational Governing Body during Partnered Resolution. They are available to answer questions and consult on the investigation process or the OAP but they will not assist with investigation interviews or information gathering.
- The Responding Organization and/or Organizational Governing Body must conduct the investigation of alleged policy violation(s), implementing any requirements established by OSARP, and submit their full investigation report and investigation materials to OSARP within the agreed-upon timeline, unless approved otherwise by OSARP.
 - OSARP will provide the Responding Organization and/or Organizational Governing Body with a template for an investigation report that must be used when submitting final investigation materials to OSARP.
- Once the investigation report and investigation materials are received by OSARP, all information will be reviewed and OSARP will make one of the following determinations:
 - **Partnered Resolution is complete** – OSARP will schedule an Organizational Accountability Resolution Review (OARR) to discuss the Partnered Resolution process and the next steps in the OAP.
 - **Partnered Resolution is pending completion** – OSARP determines the investigation of alleged policy violation(s) was insufficient or incomplete and provides instructions to the Responding Organization and/or Organizational Governing Body to adequately complete Partnered Resolution.

- **Partnered Resolution is terminated** – OSARP determines the Responding Organization and/or Organizational Governing Body provided inaccurate or incomplete information, obstructed the process, or was otherwise noncompliant or uncooperative. OSARP will notify the Responding Organization of the next steps in the OAP, including the manner in which the alleged policy violation(s) will be resolved in this case.

The Individual Accountability Process (IAP) may be initiated for an individual student(s) who was involved in Partnered Resolution for an alleged policy violation(s) by the Responding Organization in the OAP. The initiation of the IAP can occur concurrently, before, or after Partnered Resolution. Individual students and organizations can both be accountable and/or responsible for the allegations that arise out of the OAP.

All alleged policy violation(s) for the Responding Organization will remain pending until completion of Partnered Resolution. For more information on the next steps following completion of Partnered Resolution, see “Organizational Accountability Resolution Review (OARR)” in this section of the Handbook.

OSARP reserves the right to terminate Partnered Resolution and select another Resolution Option and/or re-issue the Notification of Alleged Policy Violation(s) if during Partnered Resolution, information is shared with or obtained by OSARP regarding additional major and/or flexible alleged policy violation(s) not known when the OAP was initiated. Additionally, if information is shared with or obtained by OSARP regarding an alleged policy violation(s) of Hazing, Partnered Resolution will be terminated and the Organizational Accountability Investigation Process (OAIP) will commence with proper notification of such sent to the official JMU email of the Organizational Representative. Any re-issue of the Notification of Alleged Policy Violation(s) may include an update to the potential outcomes of suspension or expulsion from JMU and/or removal from all university housing.

4. Organizational Accountability Investigation Process (OAIP)

The Responding Organization is provided the opportunity to have the alleged policy violation(s) in the case investigated by an Organizational Accountability Investigator(s). In certain circumstances, including a case with an alleged policy violation(s) of [Hazing](#), OSARP is required to conduct the OAIP and will not offer another Resolution Option to the Responding Organization.

If an OAIP is available as a Resolution Option, as determined by OSARP, the Organizational Representative will be provided this option during the Organizational Accountability Process Review (OAPR). Should the Organizational Representative choose this as the Resolution Option for the case, the OAIP will proceed. If an OAIP is the only Resolution Option available for a Responding Organization, the Organizational Representative will be provided this as the only Resolution Option during the OAPR.

Typically, once it is determined at the OAPR that an OAIP will proceed, OSARP will review the investigation process with the Organizational Representative, including but not limited to scheduling an initial investigation interview with the Organizational Representative, gathering information from the Organizational Representative regarding individuals to contact for the investigation process, or requesting that the Organizational Representative communicate with members of the Responding Organization to request their participation in the investigation process

The Individual Accountability Process (IAP) may be initiated for an individual student(s) who was involved in the Organizational Accountability Investigation Process (OAIP) for an alleged policy violation(s) by the Responding Organization in the Organizational Accountability Process (OAP). The initiation of the IAP can occur concurrently, before, or after the OAIP. Individual students and organizations can both be accountable and/or responsible for the allegations that arise out of the OAP.

For more information, see the “Organizational Accountability Investigation Process (OAIP)” in this section of the Handbook.

Organizational Accountability Investigation Process (OAIP)

If the OAIP is selected as the Resolution Option by the Organizational Representative or is selected by OSARP as outlined in the Organizational Accountability Process (OAP), the OAIP will proceed until the completion of the Investigation Report and the collection of any final response from the Responding Organization. In certain circumstances, as determined by OSARP, such as the Responding Organization accepting responsibility for all alleged policy violation(s) during the investigation, the OAIP maybe terminated, and the Responding Organization will proceed to an Organizational Accountability Resolution Review (OARR).

The Individual Accountability Process (IAP) may be initiated for an individual student(s) who was involved in the OAIP for an alleged policy violation(s) by the Responding Organization in the OAP. The initiation of the IAP can occur concurrently, before, or after the

OAIP. Individual students and organizations can both be accountable and/or responsible for the allegations that arise out of the OAP.

Anticipated timelines, deadlines, restrictions, or procedures listed within the OAP will not be altered except in unexpected and unavoidable circumstances to uphold the intent of the process, as determined by the Director of OSARP or designee, or with the agreement of the party(ies), as approved 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.

OSARP may pursue an alleged policy violation(s) of [Interference or Retaliation in a University Process](#) if it receives information that a student or organization provides falsified or misleading information or engaged in any activity which disrupts, unfairly influences, or obstructs the OAP.

Phase One: Preparation

- OSARP will assign an Organizational Accountability Investigator(s) to investigate the alleged policy violation(s). This assignment will typically occur when the Responding Organization is notified of alleged policy violation(s) so the Organizational Accountability Investigator(s) can attend the Organizational Accountability Process Review (OAPR), regardless of the Resolution Option selected by, or for, the Responding Organization.
- Before proceeding with the OAIP, OSARP will notify the Responding Organization of the Organizational Accountability Investigator(s) assigned to investigate the alleged policy violation(s).
- Prior to the OAIP, the Organizational Accountability Investigator(s) will:
 - Review the report(s) and/or information shared with OSARP, which were the impetus for the OAP and notification of alleged policy violation(s).
 - Review other information relevant to the alleged policy violation(s) or the Responding Organization, including but not limited to the Responding Organization's organizational records maintained by OSARP, previous report(s) received regarding the Responding Organization, or social media.
 - Communicate with applicable university official(s) (e.g., staff from the Office of Student Life, CMSS, or UREC), law enforcement, Adviser(s), or the Organizational Governing Body to discuss the OAIP, including but not limited to:
 - Determining their role(s) and schedules for participation, if applicable
 - Obtaining information on the Responding Organization, such as a current membership or executive board rosters
 - Coordinating a concurrent investigation of the alleged policy violation(s) (e.g., joint investigation by OSARP and the Organizational Governing Body) or concurrent processes that arise from the same set of facts or circumstances (e.g., investigation of the Responding Organization by OSARP and investigation of students by the Title IX Office)
- Determine the most appropriate way to collect information during the OAIP (e.g., individual or group investigation interviews, in-person or virtual investigation interviews, survey-based information gathering, questionnaires, or a combination of approaches).

Phase Two: Information Gathering

OSARP confers the rights outlined in the "Investigation Participant - Responsibilities and Rights – Organizational Accountability Process" to individual(s) who provide information in the OAIP, such as the Responding Organization, Reporting Party(ies), University Witness(es), or Responding Organization/Reporting Party Witness(es). Prior to participating in the OAIP, an Investigation Participant will be asked to review these Responsibilities and Rights and indicate their understanding.

Individual(s) who choose to provide information during the OAIP may not participate and/or provide information anonymously.

During the OAIP, individual(s) may be contacted to schedule/attend an investigation interview or to provide information if the Organizational Accountability Investigator(s) determines the individual(s) may have information that is relevant to the investigation of alleged policy violation(s). This is typically done through their official JMU email if they are a student but may occur through another email provided by the individual.

The OAIP typically begins with information gathering from, or an investigation interview with, the Organizational Representative and/or Reporting Party(ies) who are known or who have chosen not to be anonymous during the OAIP, but the circumstances of the case may alter the order in which individuals are given the opportunity to provide information. OSARP may request information

from the Organizational Representative and/or any Reporting Party(ies) regarding individual(s) they feel are relevant to the investigation of alleged policy violation(s), although the ultimate determination of who will be contacted during the OAIP rests with the Organizational Accountability Investigator(s).

Typically, the Organizational Accountability Investigator(s) will provide each Investigation Participant the opportunity for an investigation interview as the primary way to collect information during the OAIP. The purpose of an investigation interview is to ask questions of, and gather information from, the Investigation Participant that is relevant to the alleged policy violation(s) for the Responding Organization. While OSARP prefers in-person, synchronous interactions with Investigation Participants, OSARP may offer an Investigation Participant the opportunity to participate differently, such as requesting information through email, an online survey, or an in-person questionnaire. This information request may be the only information-sharing opportunity provided to an Investigation Participant or it may be a way to collect initial information from individual(s) prior to extending additional opportunity(ies) for individual(s) to provide information to be used in the OAP.

Information that may be relevant within the OAIP includes but is not limited to information provided during investigation interviews, the initial report(s) or information provided to OSARP that led to the notification of alleged policy violation(s), screenshots, photos, and/or videos, written statements, emails, or phone calls. An Investigation Participant may be required to complete a release form so OSARP can receive and/or maintain specific information provided during the OAIP (e.g., individual educational records, personal medical records, or other health-related information) if the participant wants those records to become a part of the investigation process.

When an Investigation Participant is given the opportunity to provide information to be used in the OAP, that Investigation Participant can:

- Accept the invitation to provide information to be used in the OAP by scheduling/attending an investigation interview
- Decline the invitation to schedule/attend an investigation interview, choosing instead to provide information to be used in the OAP another way (e.g., emailing a statement, screenshots, and/or photos/videos)
- Decline the invitation to schedule/attend an investigation interview and/or provide information to be used in the OAP another way (e.g., emailing a statement, screenshots, and/or photos/videos), unless OSARP requires attendance at an investigation interview

If an individual(s) chooses to participate as an Investigation Participant, OSARP may follow-up with the Investigation Participant after their participation to provide a summary of the information they shared, to seek feedback on the summary of the information they shared, or to provide resources related to the OSARP process, their participation, and/or information shared during the OAP.

OSARP cannot compel, mandate, or require individuals to participate in the Organizational Accountability Process, but may require attendance at specific meetings. OSARP may not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence or refusal to provide information in the OAP.

If notified of the opportunity for an investigation interview, the Interview Participant will be provided instructions for attending or scheduling an investigation interview:

- An Investigation Participant will typically have their investigation interview set for them based on their academic schedule (if they are currently enrolled at the university) and will be notified in accordance with the rights outlined in the "Investigation Participant - Responsibilities and Rights – Organizational Accountability Process."
 - In certain circumstances, including an OAIP that involves many potential Investigation Participant(s), OSARP may use formats other than email for scheduling investigation interviews, such as online scheduling tools or surveys, to collect participant availability and/or schedule investigation interviews.
 - In certain circumstances, including an OAIP where many Investigation Participants are scheduled during a block of time or will be interviewing one after the other, OSARP may take preventative measures to limit the interactions between Investigation Participants before, during and after an investigation interview, such as sequestering individuals in different spaces.
- An Investigation Participant who is not currently enrolled at the university, or who is not a student at the university, will be asked to schedule an investigation interview by contacting OSARP according to the instructions provided in their email. In some cases, the email may provide a scheduling deadline for the investigation interview, and if the deadline passes, OSARP may schedule an investigation interview for the Investigation Participant.

- The availability of participants (e.g., Support Person), other than the Investigation Participant and Organizational Accountability Investigator(s), will be reasonably considered when scheduling and/or rescheduling an investigation interview.
- An investigation interview is typically conducted in person in the OSARP office on the 2nd floor of the Student Success Center but may occur in another location as determined by OSARP. All in-person interviews will follow recommended local, state, and federal health and safety guidelines if any are in effect at the time of the interview. For good cause, individuals may request an appointment be conducted virtually, which will be granted or denied at the discretion of the Director of OSARP or designee.
 - In some circumstances, including but not limited to threats to campus, student health or safety, the timeliness of the case, or the Investigation Participant not being physically present on or near campus, OSARP may schedule the investigation interview to occur virtually, at the discretion of the Director of OSARP or designee.
 - For virtual appointments, instructions will be provided via email for accessing the investigation interview. If the Investigation Participant is unable to secure a private location for their virtual investigation interview or requires an in-person interview as an accommodation, the Investigation Participant should contact OSARP immediately upon receiving the notification email to reschedule their virtual investigation interview, which will be granted or denied at the discretion of the Director of OSARP or designee.

At any point in the OAIP, OSARP may request that an Investigation Participant schedule and/or attend additional investigation interview(s) or provide additional information to be used in the OAP. This may include an additional opportunity(ies) to participate in the OAIP for individuals who have previously declined to participate.

If an Investigation Participant missed their investigation interview or deadline to provide information due to unexpected and unavoidable circumstances, they may request the investigation interview be rescheduled or the deadline extended; this request must be communicated as soon as practicable and OSARP will determine if it meets the unexpected and unavoidable circumstance criteria.

The investigation interview is a closed meeting between the Investigation Participant and the Organizational Accountability Investigator(s) and may include other individuals as noted in the OAP. While OSARP may audio/video record an investigation interview, other individual(s) attending the investigation interview are not permitted to make their own recordings. In the OAP, the technical rules of evidence applicable in civil and criminal cases do not apply.

As additional information is gathered throughout the OAP, OSARP reserves the right to re-issue a Notification of Alleged Policy Violation(s) via the official JMU email of the Organizational Representative, should alleged policy violation(s) be added, updated, or removed for the Responding Organization participating in the OAP. Additionally, this re-issue of the Notification of Alleged Policy Violation(s) may include information about the initiation of, or update to, an Organizational Interim Suspension as well as notification regarding the potential outcome(s) of the case, which may include suspension or expulsion from JMU and/or removal from all university housing.

OSARP may pursue an alleged policy violation(s) of *Interference or Retaliation in a University Process* if it receives information that a student or organization provides falsified or misleading information or engaged in any activity which disrupts, unfairly influences, or obstructs the OAP.

Phase Three: Investigation Report

The Investigation Report is created by an Organizational Accountability Investigator(s) at the conclusion of an investigation of alleged policy violation(s) in the OAIP. The Investigation Report consists of all relevant investigation materials received during the investigation of alleged policy violation(s), excluding information redacted in accordance with the OSARP process, including but not limited to the initial report(s) of alleged misconduct, a summary of the investigation process and timeline, investigation interview summaries, emails, photos, and videos.

As individual(s) share information during the OAIP, the Organizational Accountability Investigator(s) will evaluate the relevancy of information as it pertains to the investigation of alleged policy violation(s) for the Responding Organization, utilizing the definition of relevant evidence in the OAP. Information deemed relevant will be included in the investigation report.

The Organizational Accountability Investigator(s) may communicate with relevant university official(s) (e.g., staff from the Office of Student Life, CMSS, or UREC), law enforcement, Adviser(s), or the Organizational Governing Body during the completion of the Investigation Report to gather additional information or clarify existing information for the Investigation Report.

Typically, OSARP completes the Investigation Report within 30 days of the OAPR, however, the circumstances surrounding the case may make it necessary for the university to shorten or extend that timeline. If this occurs, the Organizational Representative will be notified through their official JMU email.

Once the Organizational Accountability Investigator(s) completes the Investigation Report, the Organizational Representative will be notified through their official JMU email of the availability and instructions to access the Investigation Report. The Organizational Representative will be provided four days from receiving access to the Investigation Report to provide a final response, which will be incorporated into the Investigation Report if it is received by the deadline provided by OSARP.

Once the deadline for a final response passes, or once a final response is received from the Organizational Representative, the Organizational Accountability Investigator(s) will provide the Investigation Report and all investigation materials to the Associate Director of Case Management or designee, who will review the information and schedule an OARR to review the OAIP. See “Organizational Accountability Resolution Review (OARR)” in this section of the Handbook for more information.

OSARP may pursue an alleged policy violation(s) of *Interference or Retaliation in a University Process* if it receives information that a student or organization provides falsified or misleading information or engaged in any activity which disrupts, unfairly influences, or obstructs the OAP.

Organizational Accountability Resolution Review (OARR)

The Organizational Accountability Process (OAP) proceeds to an Organizational Accountability Resolution Review (OARR) when the selected Resolution Option is complete, as determined by OSARP, including but not limited to:

- The facilitator(s) of Restorative Practices report successful completion, including any agreed-upon or facilitator-assigned outcome(s).
- Partnered Resolution concludes when the Responding Organization and/or Organizational Governing Body provides their investigation report and investigation materials to OSARP and OSARP determines their investigation of the alleged policy violation(s) was adequately completed.
- The Organizational Accountability Investigation Process concludes and the Investigation Report and all investigation materials are provided to the Associate Director of Case Management or designee.

When OSARP approves the Acceptance of Responsibility by the Responding Organization (for more information, see “Resolution Options” in this section of the Handbook), the case will proceed directly to an Organizational Accountability Outcomes Review. For more information, see “Organizational Accountability Outcomes Review (OAOR)” in this section of the Handbook.

When OSARP determines that a case within the OAP can proceed to an OARR, the Organizational Representative is provided the opportunity to attend an OARR with OSARP in accordance with the following procedures. The purpose of an OARR is to review the status of the selected Resolution Option and discuss the next steps in the OAP.

- The Organizational Representative will typically have their OARR set based on their academic schedule. The Organizational Representative will be informed of the date, time, and location via their official JMU email with at least three days' notice.
 - Individuals in attendance at an OARR may include, but not be limited to OSARP staff, appropriate university official(s) (e.g., staff from the Office of Student Life, CMSS, or UREC), law enforcement, or the Organizational Governing Body.
 - The Organizational Representative can bring one Support Person to the OARR, which is typically an Adviser for the organization, if person is willing and able to attend. A Support Person must meet the criteria and follow the guidelines and expectations as listed in the Student Handbook. A Support Person for the Organizational Representative may not also serve as a witness in the OAP or other OSARP processes that derive out of the same set of facts or circumstances.
 - The availability of participants, other than the Organizational Representative and OSARP staff, will be reasonably considered with scheduling the OARR.

- If the Organizational Representative is not actively enrolled in classes in the current semester, OSARP may designate another member of the Responding Organization as the Organizational Representative.
- The OARR is typically conducted in person in the OSARP office on the 2nd floor of the Student Success Center for participants on or near campus. A virtual option will typically be provided for those participants who are not on or near campus. All in-person appointments will follow recommended local, state, and federal health and safety guidelines if any are in effect at the time of the meeting. For good cause, the Organizational Representative may request they be able to attend virtually, which will be granted or denied at the discretion of the Director of OSARP or designee.
- In some circumstances, including but not limited to threats to campus, student health or safety, the timeliness of the case, or the Organizational Representative not being physically present on or near campus, OSARP may schedule the OARR to occur entirely virtually, with no in-person option, at the discretion of the Director of OSARP or designee.
 - For virtual appointments, instructions will be provided via email for accessing the OARR. If the Organizational Representative is unable to secure a private location for their virtual OARR or requires an in-person appointment as an accommodation, the Organizational Representative should contact OSARP immediately upon receiving the notification email to reschedule their virtual OARR, which will be granted or denied at the discretion of the Director of OSARP or designee.

If the Organizational Representative attends the OARR:

- The Organizational Representative will check in with OSARP staff and wait in the lobby until their OARR begins. During this waiting period, OSARP staff may request that an Organizational Representative complete a survey or pre-assessment related to the process. This is not required for participation in the OARR.
- OSARP staff, typically the Associate Director of Case Management or designee and any other OSARP staff relevant to the OAP (e.g., Organizational Accountability Investigator), will greet the Organizational Representative in the lobby and escort them to a private office or meeting room in OSARP.
- OSARP staff will provide an opportunity for the Organizational Representative to ask any questions about the OAP, including questions they have about the Responsibilities & Rights afforded to a Responding Organization in the OAP.
- OSARP staff will provide an overview of the status of the selected Resolution Option and the next steps in the OAP:
 - **If Restorative Practices was the selected Resolution Option**
 - Should the facilitator(s) of Restorative Practices report successful completion, including completion of any agreed-upon or facilitator-assigned outcomes, the case will typically result in a finding(s) of “Voluntarily Completed Restorative Practices” for all alleged policy violation(s), which results in the removal of any restrictions related to an Organizational Interim Suspension, if applicable.
 - OSARP staff will then inform the Organizational Representative that they will receive an email from OSARP that will provide the final decision. The Organizational Representative will receive this communication via their official JMU email within 10 business days of the OARR.
 - For more information on organizational records, see [“Records – Recognized Student Organizations and Student Groups”](#) in the Handbook.
 - **If Partnered Resolution was the selected Resolution Option**
 - The Associate Director of Case Management or designee will have reviewed the investigation report and investigation materials provided by the Responding Organization and/or the Organizational Governing Body prior to the OARR, including the criteria listed in the “Evaluation of Organizational Connections to Alleged Misconduct” in this portion of the Handbook, and will present the Organizational Representative with the following options:
 - **No Policy Violation(s)** – If the Responding Organization and/or Organizational Governing Body determine that no policy(ies) were violated, and OSARP chooses to accept that determination, the case will typically result in a finding(s) of “Not Responsible” for all alleged policy violation(s) and the removal of any restrictions related to an Organizational Interim Suspension, if applicable. OSARP staff will then inform the Organizational Representative that they will receive an email from OSARP that will provide the final decision. The Organizational Representative will receive this communication via their official JMU email within 10 business days of the OARR.
 - **Responsibility Accepted for All Alleged Policy Violation(s)** – If the Responding Organization and/or Organizational Governing Body determine that the Responding Organization is responsible for all alleged policy violation(s) in the case, and OSARP chooses to accept this

determination, the OAP will proceed to an Organizational Accountability Outcomes Review (OAOR) to determine outcomes, if applicable.

- **Responsibility Not Accepted for All Alleged Policy Violation(s)** – If the Responding Organization and/or Organizational Governing Body determine that the Responding Organization is responsible for some, but not all alleged policy violation(s) in the case, OSARP will make one of the following determinations:
 - OSARP can accept the determinations from the Partnered Resolution and proceed to an OAOR to determine outcomes, if applicable, for the alleged policy violation(s) for which the Responding Organization took responsibility. The other alleged policy violation(s) for which the Responding Organization did not take responsibility will typically result in a finding(s) of “Not Responsible.”
 - OSARP can reject the determinations from the Partnered Resolution and proceed to the Organizational Accountability Investigation Process (OAIP) for investigation of the alleged policy violation(s).
- For more information on organizational records, see “Records – Recognized Student Organizations and Student Groups” in the Handbook.
- **If the Organizational Accountability Investigation Process was the selected Resolution Option**
 - The Associate Director of Case Management or designee will have reviewed the Investigation Report and all investigation materials, including any response submitted by the Organizational Representative, prior to the OARR and will present the Organizational Representative with the following options:
 - **No Policy Violation(s)** – OSARP determines, based on a preponderance of the evidence and the criteria listed in the “Evaluation of Organizational Connections to Alleged Misconduct” portion of the Handbook, that no policy(ies) were violated. The case will typically result in a finding(s) of “Not Responsible” for all alleged policy violation(s) and the removal of any restrictions related to an Organizational Interim Suspension, if applicable. OSARP staff will then inform the Organizational Representative that they will receive an email from OSARP that will provide the final decision. The Organizational Representative will receive this communication via their official JMU email within 10 business days of the OARR.
 - **OSARP Determination Accepted** – OSARP determines, based on a preponderance of the evidence and the criteria listed in the “Evaluation of Organizational Connections to Alleged Misconduct” portion of the Handbook, that the Responding Organization is responsible for some, or all alleged policy violation(s) in the case. Should the Organizational Representative decide to accept OSARP’s determination, the OAP will proceed to an Organizational Accountability Outcomes Review (OAOR) to determine outcomes, if applicable.
 - **OSARP Determination Not Accepted** – OSARP determines, based on a preponderance of the evidence and the criteria listed in the “Evaluation of Organizational Connections to Alleged Misconduct” portion of the Handbook, that the Responding Organization is responsible for some, or all alleged policy violation(s) in the case. If the Organizational Representative decides not to accept OSARP’s determination, they choose to proceed to an Organizational Accountability Case Review (OACR). OSARP will advise the Organizational Representative on the OACR during the OARR or by scheduling an additional meeting. For more information, see “Organizational Accountability Case Review (OACR)” in this section of the Handbook.
 - For more information on organizational records, see “Records – Recognized Student Organizations and Student Groups” in the Handbook.

The Family Educational Rights and Privacy Act (FERPA) protects the educational records of students. OSARP may disclose information contained in the educational record(s) of students to all eligible persons as outlined in the exceptions listed in FERPA. For more information on FERPA and its role with the educational record(s) of individual students who are also participating in the OAP, see the “General Handbook Information” section of the Handbook.

- For example, OSARP may review an educational records release with a student to determine if the student would like OSARP to be able to release information gathered in the OAP with individuals from an Organizational Governing Body, unless the appropriate educational records release is already on file with the university.

If the Organizational Representative fails to attend the OARR:

An Organizational Representative waives certain rights in the OAP should they fail to attend the OARR.

- In the notification email a Responding Organization receives from OSARP about a case, information is provided regarding the Responding Organization's Responsibilities & Rights in the OAP, including the right to attend the OARR and what rights the Organizational Representative waives should they fail to attend the OARR.
- An Organizational Representative who fails to attend the OARR, regardless of whether the appointment was set based on their academic schedule or scheduled by the Organizational Representative, indicates the following to OSARP with their absence:
 - The understanding that the OARR will proceed in the absence of the Organizational Representative.
- **If Restorative Practices was the selected Resolution Option**
 - Should the facilitator(s) of Restorative Practices report successful completion, including completion of any agreed-upon or facilitator-assignment outcomes, the case will typically result in a finding(s) of "Voluntarily Completed Restorative Practices" for all alleged policy violation(s), which results in the removal of any restrictions related to an Organizational Interim Suspension, if applicable.
 - The Organizational Representative will receive the final decision via their official JMU email within 10 business days of the OARR.
 - For more information on organizational records, see "Records – Recognized Student Organizations and Student Groups" in the Handbook.
- **If Partnered Resolution was the selected Resolution Option**
 - The Associate Director of Case Management or designee will have reviewed the investigation report and investigation materials provided by the Responding Organization and/or the Organizational Governing Body, including the criteria listed in the "Evaluation of Organizational Connections to Alleged Misconduct" in this portion of the Handbook, prior to the OARR:
 - **No Policy Violation(s)** – If the Responding Organization and/or Organizational Governing Body determine that no policy(ies) were violated, and OSARP chooses to accept that determination, the case will typically result in a finding(s) of "Not Responsible" for all alleged policy violation(s) and the removal of any restrictions related to an Organizational Interim Suspension, if applicable. The Organizational Representative will receive the final decision via their official JMU email within 10 business days of the OARR.
 - **Responsibility Accepted for All Alleged Policy Violation(s)** – If the Responding Organization and/or Organizational Governing Body determine that the Responding Organization is responsible for all alleged policy violation(s) in the case, and OSARP chooses to accept this determination, the OAP will proceed to an Organizational Accountability Outcomes Review (OAOR) to determine outcomes, if applicable.
 - **Responsibility Not Accepted for All Alleged Policy Violation(s)** – If the Responding Organization and/or Organizational Governing Body determine that the Responding Organization is responsible for some, but not all alleged policy violation(s) in the case, OSARP will make one of the following determinations:
 - OSARP can accept the determinations from the Partnered Resolution and proceed to an Organizational Accountability Outcomes Review (OAOR) to determine outcomes, if applicable, for the alleged policy violation(s) for which the Responding Organization took responsibility. The other alleged policy violation(s) for which the Responding Organization did not take responsibility will typically result in a finding(s) of "Not Responsible."
 - OSARP can reject the determinations from the Partnered Resolution and proceed to the Organizational Accountability Investigation Process (OAIP) for investigation of the alleged policy violation(s).
 - For more information on organizational records, see "Records – Recognized Student Organizations and Student Groups" in the Handbook.
- **If the Organizational Accountability Investigation Process was the selected Resolution Option**
 - The Associate Director of Case Management or designee will have reviewed the Investigation Report and all investigation materials, including any response submitted by the Organizational Representative, prior to the OARR:
 - **No Policy Violation(s)** – OSARP determines, based on a preponderance of the evidence and the criteria listed in the "Evaluation of Organizational Connections to Alleged Misconduct" portion of the Handbook,

that no policy(ies) were violated. The case will typically result in a finding(s) of “Not Responsible” for all alleged policy violation(s) and the removal of any restrictions related to an Organizational Interim Suspension, if applicable. The Organizational Representative will receive the final decision via their official JMU email within 10 business days of the OARR.

- **OSARP Determination Automatically Accepted** – OSARP determines, based on a preponderance of the evidence and the criteria listed in the “Evaluation of Organizational Connections to Alleged Misconduct” portion of the Handbook, that the Responding Organization is responsible for some, or all alleged policy violation(s) in the case. Since the Organizational Representative failed to attend the OARR, OSARP’s determination is automatically accepted and the OAP will proceed to an Organizational Accountability Outcomes Review (OAOR) to determine outcomes, if applicable.
- For more information on organizational records, see “Records – Recognized Student Organizations and Student Groups” in the Handbook.

If an Organizational Representative missed their OARR due to unexpected and unavoidable circumstances, they may request the OARR be rescheduled; this request must be communicated as soon as practicable and OSARP will determine if it meets the unexpected and unavoidable circumstance criteria.

The OARR is a closed meeting between the Organizational Representative and OSARP and may include other individuals as noted earlier in this section. Individual(s) attending an OARR are not permitted to make their own recordings. In the OAP, the technical rules of evidence applicable in civil and criminal cases do not apply.

The Individual Accountability Process (IAP) may be initiated for an individual student who was involved in the resolution of an alleged policy violation(s) by the Responding Organization in the Organizational Accountability Process (OAP). The initiation of the IAP can occur concurrently, before, or after the OAIP. Individual students and organizations can both be accountable and/or responsible for the allegations that arise out of the OAP.

Anticipated timelines, deadlines, restrictions, or procedures listed within the OAP will not be altered except in unexpected and unavoidable circumstances to uphold the intent of the process, as determined by the Director of OSARP or designee, or with the agreement of the party(ies), as approved 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.

OSARP may pursue an alleged policy violation(s) of *Interference or Retaliation in a University Process* if it receives information that a student or organization provides falsified or misleading information or engaged in any activity which disrupts, unfairly influences, or obstructs the OAP.

Organizational Accountability Outcomes Review (OAOR)

The Organizational Accountability Process (OAP) typically proceeds to an Organizational Accountability Outcomes Review (OAOR) after specific determinations are made during an Organizational Accountability Resolution Review (OARR) or when OSARP allows the Acceptance of Responsibility by the Responding Organization (for more information, see “Resolution Options” in this section of the Handbook).

Prior to the OAOR, OSARP will typically communicate with appropriate university official(s) (e.g., staff from the Office of Student Life, CMSS, or UREC), law enforcement, Adviser(s), or the Organizational Governing Body to discuss appropriate outcomes for the Responding Organization, based on the alleged policy violation(s) for which there is a “Responsible” finding.

Outcome(s) are typically assigned in a case by reviewing various details and information, including but not limited to the current case file, information provided by those in attendance at the OAOR, information gathered from appropriate university official(s) (e.g., staff from the Office of Student Life, CMSS, or UREC), law enforcement, Adviser(s), or the Organizational Governing Body(ies) prior to the OAOR, and the Responding Organization’s organizational records maintained by OSARP.

When OSARP determines that a case within the OAP can proceed to an OAOR, the Organizational Representative is provided the opportunity to attend an OAOR with OSARP in accordance with the following procedures. The purpose of an OAOR is to determine appropriate outcomes, if any, for the Responding Organization.

- The Organizational Representative will typically have their OAOR set based on their academic schedule. The Organizational Representative will be informed of the date, time, and location via their official JMU email with at least three days' notice.

- Individuals in attendance at an OAOR may include, but not be limited to OSARP staff, appropriate university official(s) (e.g., staff from the Office of Student Life, CMSS, or UREC), law enforcement, Adviser(s), or the Organizational Governing Body.
- The Organizational Representative can bring one Support Person to the OAOR, which is typically an Adviser for the organization, if person is willing and able to attend. A Support Person must meet the criteria and follow the guidelines and expectations as listed in the Student Handbook. A Support Person for the Organizational Representative may not also serve as a witness in the OAP or other OSARP processes that derive out of the same set of facts or circumstances.
- The availability of participants, other than the Organizational Representative and OSARP staff, will be reasonably considered with scheduling the OAOR.
- If the Organizational Representative is not actively enrolled in classes in the current semester, OSARP may designate another member of the Responding Organization as the Organizational Representative.
- The OAOR is typically conducted in person in the OSARP office on the 2nd floor of the Student Success Center for participants on or near campus. A virtual option will typically be provided for those participants who are not on or near campus. All in-person appointments will follow recommended local, state, and federal health and safety guidelines if any are in effect at the time of the meeting. For good cause, the Organizational Representative may request they be able to attend virtually, which will be granted or denied at the discretion of the Director of OSARP or designee.
- In some circumstances, including but not limited to threats to campus, student health or safety, the timeliness of the case, or the Organizational Representative not being physically present on or near campus, OSARP may schedule the OAOR to occur entirely virtually, with no in-person option, at the discretion of the Director of OSARP or designee.
 - For virtual appointments, instructions will be provided via email for accessing the OAOR. If the Organizational Representative is unable to secure a private location for their virtual OARR or requires an in-person appointment as an accommodation, the Organizational Representative should contact OSARP immediately upon receiving the notification email to reschedule their virtual OAOR, which will be granted or denied at the discretion of the Director of OSARP or designee.

In some cases, the Organizational Accountability Outcomes Review (OAOR) will occur immediately following the Organizational Accountability Resolution Review (OARR), at the discretion of OSARP and approval from the Organizational Representative. If this occurs, procedures from the section below will be adapted for that meeting with the Organizational Representative.

If the Organizational Representative attends the OAOR:

- The Organizational Representative will check in with OSARP staff and wait in the lobby until their OAOR begins. During this waiting period, OSARP staff may request that an Organizational Representative complete a survey or pre-assessment related to the process. This is not required for participation in the OAOR.
- OSARP staff, typically the Associate Director of Case Management or designee and any other OSARP staff relevant to the OAP (e.g., Organizational Accountability Investigator), will greet the Organizational Representative in the lobby and escort them to a private office or meeting room in OSARP.
- OSARP staff will provide an opportunity for the Organizational Representative to ask any questions about the OAP, including questions they have about the Responsibilities and Rights afforded to a Responding Organization in the OAP.
- OSARP staff will engage the Organizational Representative about outcome(s) that are appropriate to effectively address the behavior of the Responding Organization related to the alleged policy violation(s) for which there is a "Responsible" finding. This may include discussion with appropriate university official(s) (e.g., staff from the Office of Student Life, CMSS, or UREC), law enforcement, Adviser(s), or the Organizational Governing Body.
- If applicable, OSARP will determine any assigned outcome(s) and will share those assigned outcome(s) with the Organizational Representative, including a verbal rationale for their assignment.
- After answering questions from the Organizational Representative and discussing any applicable instructions for completing assigned outcome(s), if applicable, the Organizational Representative will sign documentation stating they understand the finding(s) and, if applicable, outcome(s) assigned.
 - If the case did not result in suspension or expulsion from JMU and/or removal from all university housing, the finding(s) and outcome(s), if applicable, are considered the final decision in the case. OSARP will then inform the Organizational Representative that they will receive an email from OSARP via their official JMU email within 10

business days of the OAOR that will provide the final decision and, if applicable, any instructions and deadlines for assigned outcome(s).

- **Failure to complete, schedule, attend, or be on time for programs/meetings, failing to complete related assignments, or failing to follow outcome(s) expectations may result in the loss of specific access or resources, such as the BelInvolved website, until outstanding outcome(s) are verified as completed by OSARP. Repeated failure may result in an alleged policy violation(s) of [Failure to Comply with an Outcome](#).**
- If the case resulted in any of the following outcomes of suspension or expulsion from JMU and/or removal from all university housing, then the OSARP staff will review the instructions and deadline for submitting an appeal.
 - In lieu of submitting an appeal, the Organizational Representative can choose to call or email OSARP prior to the appeal deadline and accept the decision in the case, including any of the following outcomes: suspension or expulsion from JMU and/or removal from all university housing.
- If the Organizational Representative indicates a desire to appeal or to take time to think about an appeal, OSARP staff will send an email at the conclusion of the OAOR with the instructions and deadline for submitting an appeal. For more information, see “Appeals—Organizational Accountability Process” in this section of the Handbook.
 - If an appeal is not received by the required deadline, the finding(s) and outcome(s) provided at the OAOR will become the final decision in the case.

If the Organizational Representative fails to attend the OAOR:

An Organizational Representative waives certain rights in the OAP should they fail to attend the OAOR.

- In the notification email a Responding Organization receives from OSARP about a case, information is provided regarding the Responding Organization’s Responsibilities & Rights in the OAP, including the right to attend the OAOR and what rights the Responding Organization waives should they fail to attend the OAOR.
- An Organizational Representative who fails to attend the OAOR, regardless of whether the appointment was set based on their academic schedule or scheduled by the Organizational Representative, indicates the following to OSARP with their absence:
 - The understanding that the OAOR will proceed in the absence of the Organizational Representative.
- OSARP staff will assign outcome(s) that are appropriate to effectively address the behavior of the Responding Organization related to the alleged policy violation(s) for which there is a “Responsible” finding. This may include discussion with appropriate university official(s) (e.g., staff from the Office of Student Life, CMSS, or UREC), law enforcement, Adviser(s), or the Organizational Governing Body.
 - If the case did not result in suspension or expulsion from JMU and/or removal from all university housing, the finding(s) and outcome(s), if applicable, are considered the final decision in the case. OSARP will then inform the Organizational Representative via their official JMU email within 10 business days of the OAOR of the final decision and, if applicable, any instructions and deadlines for assigned outcome(s).
 - **Failure to complete, schedule, attend, or be on time for programs/meetings, failing to complete related assignments, or failing to follow outcome(s) expectations may result in the loss of specific access or resources, such as the BelInvolved website, until outstanding outcome(s) are verified as completed by OSARP. Repeated failure may result in an alleged policy violation(s) of [Failure to Comply with an Outcome](#).**
- If the case resulted in any of the following outcomes of suspension or expulsion from JMU and/or removal from all university housing, then the Responding Organization will be provided an opportunity to appeal.
 - In lieu of submitting an appeal, the Organizational Representative can choose to call or email OSARP prior to the appeal deadline and accept the decision in the case, including any of the following outcomes: suspension or expulsion from JMU and/or removal from all university housing.
 - OSARP staff will send an email at the conclusion of the OAOR with the instructions and deadline for submitting an appeal. For more information, see “Appeals—Organizational Accountability Process” in this section of the Handbook.
 - If an appeal is not received by the required deadline, the finding(s) and outcome(s) provided at the OAOR will become the final decision in the case.

Upon a final decision in the case, the finding(s) and outcome(s), if applicable, will be sent to the official JMU email of the Organizational Representative within 10 business days of the final decision being rendered. If applicable, the email will include any deadlines or instructions associated with assigned outcome(s) and will typically include information for the individual(s) who will

partner with the Responding Organization to oversee completion. Other individuals may be copied on this final decision email, including but not limited to:

- Appropriate university official(s) (e.g., staff from the Office of Student Life, CMSS, or UREC)
- Adviser(s)
- Organizational Governing Body

If an Organizational Representative missed their OAOR due to unexpected and unavoidable circumstances, they may request the OAOR be rescheduled; this request must be communicated as soon as practicable and OSARP will determine if it meets the unexpected and unavoidable circumstance criteria.

The OAOR is a closed meeting between the Organizational Representative and OSARP and may include other individuals as noted earlier in this section. Individual(s) attending an OAOR are not permitted to make their own recordings. In the OAP, the technical rules of evidence applicable in civil and criminal cases do not apply.

The Individual Accountability Process (IAP) may be initiated for an individual student who was involved in the resolution of an alleged policy violation(s) by the Responding Organization in the Organizational Accountability Process (OAP). The initiation of the IAP can occur concurrently, before, or after the OAIP. Individual students and organizations can both be accountable and/or responsible for the allegations that arise out of the OAP.

Anticipated timelines, deadlines, restrictions, or procedures listed within the OAP will not be altered except in unexpected and unavoidable circumstances to uphold the intent of the process, as determined by the Director of OSARP or designee, or with the agreement of the party(ies), as approved 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.

OSARP may pursue an alleged policy violation(s) of [Interference or Retaliation in a University Process](#) if it receives information that a student or organization provides falsified or misleading information or engaged in any activity which disrupts, unfairly influences, or obstructs the OAP.

Organizational Accountability Case Review (OACR)

A Responding Organization has the right to proceed to an OACR if at an Organizational Accountability Resolution Review (OARR), the Organizational Representative chooses not to accept OSARP's decision that the Responding Organization is responsible, based on a preponderance of the evidence and the criteria listed in the "Evaluation of Organizational Connections to Alleged Misconduct" portion of the Handbook, for some, or all alleged policy violation(s) in the case.

The University Case Administrators (UCAs) assigned to conduct the OACR will be re-hearing the entire case and therefore, based on the totality of the evidence at the OACR, may render a decision regarding responsibility that is the same as or different from the determination made by OSARP at an OARR. The UCAs assigned to the OACR will not be informed of the determination made by OSARP at the OARR. A Responding Organization cannot choose to accept the determination made by OSARP at an OARR after a decision is rendered at an OACR.

During the last three weeks of any regular semester or the summer sessions, if a Responding Organization chooses an OACR, the Responding Organization may also choose to have the OACR conducted as soon as practicable or choose to postpone the OACR until the following semester to be conducted as outlined in the OAP. OSARP may require that the OACR be conducted as soon as possible due to the availability of witnesses and/or the parties (e.g., graduating or transferring students, study abroad participants, off-site student teaching, etc.), or in other circumstances as determined by the Director of OSARP or designee, or may require that the OACR be postponed to the following semester.

An OACR will be conducted by three UCAs:

- Two voting UCAs will typically be JMU faculty, staff, or graduate students who are associated with departments that work with organizations (e.g., Office of Student Life, CMSS, or UREC), but will typically not work directly with the Responding Organization (i.e., if a Sports Club is the Responding Organization, the UCAs will typically not work for UREC).
- The third voting UCA will be a JMU faculty, staff, or graduate student who serves as the chairperson.

If any UCA feels their previous contact with the case or the individuals involved will prevent them from rendering a fair, impartial, and unbiased decision, the UCA must request that they not be assigned to the OACR. Responding Organizations and Reporting Parties (if any) will be informed of the UCAs assigned to their case. Upon receiving notification of the assigned UCAs, a Responding Organization or Reporting Party (if any) may request that a UCA be replaced if they can show a bias on the part of the UCA. To make such a request, a Responding Organization or Reporting Party (if any) 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 UCA and/or to postpone an OACR is at the discretion of the Director of OSARP or designee.

The rights of a Responding Organization participating in an OACR are delineated in the Responding Organization – Responsibilities and Rights – Organizational Accountability Process.

Participants who have a right to a Support Person may be accompanied by one Support Person. The Handbook section entitled “Organizational Accountability Process: Participants’ Roles, Rights, and Restrictions” describes the role of the Support Person, limitations and restrictions placed on the role and who is qualified to serve in the role in different circumstances. Participants must notify OSARP of any Support Person at least two days prior to the OACR.

In an OACR involving a Reporting Party that occurs in-person, Responding Organizations and Reporting Parties may request reasonable safety accommodations be put in place during the OACR. Reasonable safety accommodations may include, but are not limited to, partition, teleconferencing, or police presence.

An OACR, at the discretion of the Director of OSARP or designee, may be conducted virtually for reasons including but not limited to health and/or safety concerns. They may also be conducted virtually with the agreement of the Responding Organization and Reporting Party(ies), if applicable, and the approval of the Director of OSARP or designee. For virtual case reviews, OSARP will have a staff member in the virtual meeting to manage the administrative and technical aspects so the UCAs can focus solely on the review of the case. The OSARP staff member will not participate in the case review process or be present while the UCAs deliberate.

An OACR is set based on the academic schedule of the Organizational Representative, any Reporting Party(ies) who are not anonymous during the OAIP, if applicable, and any University Witnesses, if applicable. The schedules of Responding Organization Witnesses, Reporting Party Witnesses, or Support Persons will be reasonably considered. OSARP cannot compel the Responding Organization, Reporting Parties, or witnesses of any kind to attend an OACR. If a participant of any type fails to appear at an OACR after being properly notified of its date and time, the case will generally proceed and be reviewed based on the Investigation Report, including any response provided by the Responding Organization, and the information provided by those in attendance at the OACR. If an Organizational Representative fails to appear at an OACR, the Organizational Representative will be notified of the decision and written rationale via email within two business days of the OACR.

When advised on the OACR process during or after the Organizational Accountability Appeal Review (OAAR), the Responding Organization will be informed of the individuals they can request to attend the OACR. OSARP has the authority to limit the number of individual(s) who participate at an OACR (e.g., allowing a certain number of Responding Organization Witnesses) to avoid unreasonable delays, limit repetitious or unnecessary information, or to prevent information that does not contribute positively to the fair review of the case. Partnered Resolution and/or the Organizational Accountability Investigation Process (OAIP) are the only opportunities for the Responding Organization or Reporting Party(ies) to submit evidence, information, personal statements, names of witnesses, and witness statements for the OAP. Only individuals who directly provided information during Partnered Resolution or the OAIP are eligible to serve as witnesses at an OACR.

The decision to postpone an OACR for any reason is at the discretion of the Director of OSARP or designee. Anticipated timelines, deadlines, restrictions, or procedures listed within the OAP will not be altered except in unexpected and unavoidable circumstances to uphold the intent of the process, as determined by the Director of OSARP or designee, or with the agreement of the party(ies), as approved 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.

An OACR will be audio and/or video recorded; the UCAs closed deliberation will not be recorded. Individuals who participate in an OACR are not permitted to make their own recordings.

The start time of the OACR includes the chairperson meeting with each participant to discuss procedural information and answer questions. The length of these meetings cannot be predetermined.

An OACR will generally be conducted in accordance with the procedures below; however, UCAs may ask additional questions at any time. Additionally, the phrase “through the chairperson” used throughout the OACR procedures refers to the chairperson confirming or denying a University Witness, Reporting Party, or a Reporting Party Witness’ ability to respond to a question; this confirmation or denial may be verbal or non-verbal. The chairperson has the authority to prohibit information from being shared that violates the rights of a party, is not allowed by the OAP, or bears no relevancy to the review of the alleged policy violation(s). The UCA chairperson also has the authority to instruct UCAs to disregard information that violates the rights of a party, is prohibited by the OAP, or bears no relevancy to the review of the alleged policy violation(s). Any participant who does not follow the requirements of the Rules of Decorum or the OAP procedures may be removed, as determined by the chairperson.

An OACR involves the objective evaluation of all relevant evidence and utilizes a preponderance of evidence standard and the criteria listed in the “Evaluation of Organizational Connections to Alleged Misconduct” portion of the Handbook to determine whether a Responding Organization is responsible or not responsible for a policy violation(s).

1. The chairperson meets with each participant to discuss procedural information and answer questions.
2. The UCAs and participants are introduced.
3. The statement of the alleged policy violation(s) is presented by the UCA who presides over the OACR.
4. Participants state any questions they have concerning rights or procedures.
5. Information is presented about the alleged policy violation(s) involving the Responding Organization; each University Witness is called individually, if applicable.
 - Each University Witness will individually share their information and be questioned by the UCAs; each University Witness will be questioned by the Organizational Representative through the chairperson.
 - The UCAs may request witnesses to return for further clarification.
6. If applicable, information is presented about the alleged policy violation(s) involving the Responding Organization by the Reporting Party(ies) and/or each Reporting Party Witness. Each Reporting Party and/or Reporting Party Witness will be called individually.
 - When called, the Reporting Party and/or each Reporting Party Witness will individually share their information and be questioned by the UCAs and then by the Organizational Representative through the chairperson. A Reporting Party Witness can provide information relevant to the case, including but not limited to what they know about the alleged policy violation(s) or their knowledge of the Reporting Party. A Reporting Party Witness may not provide their perspective on the character of the Organizational Representative, Responding Organization Witness(es), or University Witness(es), nor what they feel the appropriate decision or outcomes in the case should be.
 - The Support Person for the Reporting Party or Reporting Party Witness may not also serve as a witness at OACR or subsequent OAAR, if applicable.
 - The UCAs may request that a Reporting Party Witness return at a later point in the OACR for further clarification. The Reporting Party will be called in at a later point in the OACR as outlined in the OACR procedures.
 - The chairperson shall have the authority to limit the number of witnesses and/or content to avoid unreasonable delays, where the information would be repetitious or unnecessary, or where the information does not contribute positively to the fair review of the case.
7. Information is presented by the Organizational Representative. The UCAs may question the Organizational Representative.
 - This presentation is the Organizational Representative’s opportunity to share information they want considered by the UCAs in the review of the case. The chairperson shall have the authority to limit the information and/or content to avoid unreasonable delays, where the information would be repetitious or unnecessary, or where the information does not contribute positively to the fair review of the case.
8. The Responding Organization will call their witnesses individually, if applicable.
 - Each witness called by the Responding Organization will individually share their perspective and be questioned by the Organizational Representative, followed by questions from the UCAs. Witnesses called by the Responding Organization can provide information relevant to the case, including but not limited to what they know about the alleged policy violation(s) or their knowledge of the Responding Organization. A Responding Organization Witness may not provide their perspective on the character of the Reporting Party, Reporting Party Witness(es) or University Witness(es), nor what they feel the appropriate decision or outcomes in the case should be.
 - The Support Person for the Organizational Representative or Responding Organization Witness may not also serve as a witness at the OACR or subsequent OAAR, if applicable.

- After a Responding Organization Witness has presented to the UCAs and answered all questions, the witness may be asked to leave. At such request, witnesses must leave OSARP or the virtual OACR.
 - The Board may request that a Responding Organization Witness return at a later point in the OACR for further clarification.
 - After presenting to the UCAs, a witness is not permitted to have any communication regarding the case with witnesses who have not presented to the UCAs or with the Organizational Representative and/or their Support Person until after the OACR has concluded. This includes verbal, written, and/or electronic communication.
 - The chairperson shall have the authority to limit the number of witnesses and/or content to avoid unreasonable delays, where the information would be repetitious or unnecessary, or where the information does not contribute positively to the fair review of the case.
9. Any University Witnesses asked by the UCAs to return will be brought in individually, if applicable.
 - The Organizational Representative may ask questions through the chairperson, followed by UCAs opportunity to ask any remaining questions they have of the University Witness.
 - The University Witness will then be dismissed from the OACR.
 10. Any Responding Organization Witnesses asked by the UCAs to return will be brought in individually, if applicable.
 - The Organizational Representative may ask questions of their witness, followed by UCAs opportunity to ask any remaining questions they have of the Responding Organization Witness.
 - The Responding Organization Witnesses will then be dismissed from the OACR.
 11. Any Reporting Party Witnesses asked by the UCAs to return will be brought in individually, if applicable.
 - The Organizational Representative may ask questions through the chairperson, followed by UCAs opportunity to ask any remaining questions they have of the Reporting Party Witness.
 - The Reporting Party Witnesses will then be dismissed from the OACR.
 12. The Reporting Party(ies) will return to the OACR, if applicable.
 - The UCAs may ask final questions of the Reporting Party.
 - The Organizational Representative may ask final questions of the Reporting Party through the chairperson.
 - The Reporting Party may present concluding remarks.
 13. The UCAs may ask final questions of the Organizational Representative.
 14. The Organizational Representative may present concluding remarks.
 15. All persons are dismissed from the OACR while the UCAs determine whether or not the Responding Organization is responsible for violating policy, utilizing a preponderance of the evidence and the criteria listed in the “Evaluation of Organizational Connections to Alleged Misconduct” portion of the Handbook, and, if applicable, assign outcomes.
 - The UCAs will consider only the Investigation Report, any response submitted by the Responding Organization, and the information provided by those in attendance at the OACR.
 - During deliberation, the UCAs will determine whether or not the Responding Organization is responsible for violating policy(ies), using a preponderance of the evidence standard and the criteria listed in the “Evaluation of Organizational Connections to Alleged Misconduct” portion of the Handbook, and determined by a majority vote of the three UCAs.
 - If a Responding Organization is found responsible, the UCAs will determine the appropriate outcomes to assign. If applicable, OSARP will provide the UCAs with any of the Responding Organization’s organizational records maintained by OSARP, which are considered in the assigning of appropriate outcomes for the current case.
 16. The decision regarding finding(s) on the alleged policy violation(s), and if applicable, outcomes assigned, is provided to OSARP by the UCA who presides over the OACR.

OSARP will notify the Organizational Representative of the decision, rationale, and outcomes, if applicable, within two business days from the date of the OACR. Typically, this notification is conducted in person or virtually with an OSARP staff member but may be sent solely via the official JMU email of the Organizational Representative if, based on the circumstances of the case, it is deemed appropriate or necessary by the Director of OSARP or designee.

- If the case did not result in any of the following outcomes of suspension or expulsion from JMU and/or removal from all university housing, the decision rendered at the OACR will be the final decision in the case.
 - The Organizational Representative will receive the finding(s) and, if applicable, outcome(s) assigned at the OACR via their official JMU email within 10 business days of the OACR. This email will provide the following information:

- The findings(s) on policy(ies).
- If applicable, any outcomes assigned by the UCAs at the OACR and any instructions and deadlines for outcomes completion. **Failure to complete, schedule, attend, or be on time for programs/meetings, failing to complete related assignments, or failing to follow outcome(s) expectations may result in the loss of specific access or resources, such as the Belinvolved website, until outstanding outcome(s) are verified as completed by OSARP. Repeated failure may result in an alleged policy violation(s) of [Failure to Comply with an Outcome](#).**
- If the case did result in any of the following outcomes of suspension or expulsion from JMU and/or removal from all university housing, then OSARP will send the decision, including finding(s) and outcome(s), to the Organizational Representative via their official JMU email within two business days of the OACR.
 - In lieu of submitting an appeal, the Organizational Representative can choose to call or email OSARP prior to the appeal deadline and accept the decision in the case, including any of the following outcomes: suspension or expulsion from JMU and/or removal from all university housing.
 - The Organizational Representative can submit an appeal of the decision rendered at the OACR according to the instructions and deadline for submitting an appeal as listed in the Handbook and the email sent to the Organizational Representative. See the “Appeals—Organizational Accountability Process” section of the Handbook for the procedural details.
 - If an appeal is not received by the required deadline, the decision rendered at the OACR will become the final decision in the case.

The OACR is a closed meeting between the Organizational Representative and OSARP and may include other individuals as noted earlier in this section. In the OAP, the technical rules of evidence applicable in civil and criminal cases do not apply.

OSARP may pursue an alleged policy violation(s) of *Interference or Retaliation in a University Process* if it receives information that a student or organization provides falsified or misleading information or engaged in any activity which disrupts, unfairly influences, or obstructs the OAP, including discussing the case before the OACR with any of the UCAs.

Appeals

If a Responding Organization is found responsible for a violation(s) of university policy and received an outcome(s) of suspension or expulsion from JMU and/or removal from all university housing, the Responding Organization has the right to submit a written appeal of the decision within four days of receiving the decision via the official JMU email of the Organizational Representative. If an appeal is submitted, it must be submitted directly by the Organizational Representative; appeals submitted by anyone other than the Organizational Representative will not be evaluated.

Appeal submissions can be made on one or more of the following grounds: procedural irregularity, excessively harsh outcomes, and/or new evidence. When referenced below, “affected the outcome of the matter” refers to the entirety of the decision rendered including the determination regarding responsibility or outcomes assigned, if applicable.

- Appeal submissions on **procedural irregularity that affected the outcome of the matter** must outline the procedural irregularity and how that affected the decision in the case.
- Appeal submissions on **excessively harsh outcome(s) for a case with a responsible finding(s) on policy** must outline the reason(s) the outcomes assigned are excessively harsh.
- Appeal submissions on **new evidence that was not available or accessible at the time of the Organizational Accountability Outcomes Review or Organizational Accountability Case Review and only relevant to refute information as to whether or not the Responding Organization is responsible for violating policy** must outline the new evidence, why the new evidence was not available or accessible at the time of the Organizational Accountability Outcomes Review or Organizational Accountability Case Review and how it is relevant to the decision of whether or not the Responding Organization is responsible for violating policy.
 - New evidence does not include a witness who was accessible and available to participate but chose not to and is now willing to participate in an appeal process.

If an appeal is based on grounds of procedural irregularity and new evidence, grounds of excessively harsh outcomes and new evidence, or on all three grounds, OSARP will schedule an Organizational Accountability Appeal Review (OAAR), where one University Case Administrator (UCA) will first evaluate the portions of the appeal on procedural irregularity, if applicable, then on

excessively harsh outcomes, if applicable, proceeding as outlined in the Handbook. If the UCA orders a new Organizational Accountability Case Review (OACR) because an appeal was submitted on procedural irregularity, and a procedural irregularity occurred that affected the outcome of the case, then the portion(s) of the appeal related to excessively harsh outcomes and/or new evidence will not be reviewed; the Organizational Representative will have the opportunity to share any new evidence at the new OACR heard by different UCAs, which will result in a new decision in the case being rendered. If the UCA does not order a new OACR because an appeal was submitted on procedural irregularity, and a procedural irregularity did not occur or did occur but did not affect the outcome of the case, the UCA will then evaluate the appeal on excessively harsh outcomes, if applicable, and then evaluate the new evidence portion of the appeal, if applicable, proceeding as outlined in the Handbook.

The appeal submission will be reviewed by one UCA. If the UCA feels that their previous contact with the case or the individual(s) involved will prevent them from rendering a fair decision, they must request that they not be assigned to the OAAR. Responding Organizations and Reporting Parties, if applicable, will be informed of the UCA assigned to the OAAR. Upon receiving notification of the assigned UCA, an Organizational Representative or Reporting Party may request that a UCA be replaced if they can show a bias on the part of the UCA. To make such a request, an Organizational Representative 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 replace a UCA and/or to postpone an OAAR is at the discretion of the Director of OSARP or designee.

An OAAR based on new evidence will typically be held in person but may be conducted virtually for reasons including but not limited to health and/or safety concerns, at the discretion of the Director of OSARP or designee. For a virtual OAAR, OSARP will have a staff member in the virtual meeting to manage the administrative and technical aspects so the UCA can focus solely on the review of the appeal.

Anticipated timelines, deadlines, restrictions, or procedures listed within the OAP will not be altered except in unexpected and unavoidable circumstances to uphold the intent of the process, as determined by the Director of OSARP or designee, or with the agreement of the party(ies), as approved 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.

The UCA will review the Investigation Report, including any response provided by the Responding Organization, the written appeal, administrative items provided by OSARP, and the Responding Organization's organizational records maintained by OSARP.

If an appeal submission is based on procedural irregularity and/or excessively harsh outcomes, the OAAR will generally proceed in accordance with the procedures below. A Responding Organization does not attend or participate in an OAAR granted solely based on procedural irregularity and/or excessively harsh outcomes.

Step 1: Appeal based on Procedural Irregularity, if applicable

The UCA will first determine whether or not a procedural irregularity occurred by considering the information made in the appeal. The UCA will also have access to the Investigation Report, including any response provided by the Responding Organization, the written appeal, administrative items provided by OSARP, and the Responding Organization's organizational records maintained by OSARP. When referenced below, "affected the outcome of the matter" refers to the entirety of the decision rendered including the determination regarding responsibility or outcomes assigned, if applicable.

- If the appeal submission did not include a procedural irregularity, the UCA will move to Step 2 and review the excessively harsh outcomes appeal.
- If the UCA determines that no procedural irregularity occurred, the decision previously rendered will stand unless other grounds were included in the appeal. If procedural irregularity was the only appeal submission, then the UCA will conclude the OAAR.
 - If the Responding Organization also included excessively harsh outcomes in their appeal submission, the UCA will move to step 2 and review the appeal.
 - If the Responding Organization did not include excessively harsh outcomes but did present new evidence in their appeal submission, the UCA will move to step 3 and conduct the new evidence portion of the OAAR.
 - If the Responding Organization did not have any other grounds in their appeal submission, then the decision previously rendered will stand.
- If the UCA determines that a procedural irregularity occurred, the UCA will then determine if the procedural irregularity can reasonably be said to have affected the outcome of the matter.

- If the UCA determines that the procedural irregularity cannot reasonably be said to have affected the outcome of the matter, the decision previously rendered will stand unless other grounds were included in the appeal.
 - If the Responding Organization also included excessively harsh outcomes in their appeal submission, the UCA will move to step 2 and review the appeal.
 - If the Responding Organization did not include excessively harsh outcomes but did present new evidence in their appeal submission, the UCA will move to step 3 and conduct the new evidence portion of the OAAR.
 - If the Responding Organization did not have any other grounds in their appeal submission, then the decision previously rendered will stand.
- If the UCA determines that the procedural irregularity can reasonably be said to have affected the outcome of the matter, the UCA will order a new OACR, conducted by different UCAs, be scheduled to render a new decision for the case. See “Organizational Accountability Case Review (OACR)” in the Handbook for the details of this process. The OAAR will end and no other grounds in the appeal submission, if applicable, will be reviewed.

Step 2: Appeal based on Excessively Harsh Outcomes, if applicable

If the appeal submission included excessively harsh outcomes, the UCA will determine whether or not the outcomes in the case were excessively harsh by considering the information included in the appeal submission. The UCA will also have access to the Investigation Report, including any response provided by the Responding Organization, the written appeal, administrative items provided by OSARP, and the Responding Organization’s organizational records maintained by OSARP.

- If the UCA determines that the outcomes assigned in the case are not excessively harsh based on the totality of the information reviewed, they will keep the outcomes already rendered.
 - If the appeal only included excessively harsh outcomes in the appeal submission, then the UCA will conclude the OAAR. The decision previously rendered will stand.
 - If the appeal only included procedural irregularity and excessively harsh outcomes in the appeal submission, then the UCA will conclude the OAAR. The decision previously rendered will stand.
 - If the appeal submission also included new evidence, the UCA will move to step 3 and review the appeal.
- If the UCA determines that excessively harsh outcomes were assigned in the case, the UCA will alter the outcomes to make them appropriate. If a UCA chooses to alter the outcome(s) imposed, the UCA may not impose outcome(s) more severe than those already imposed.
 - If the appeal only included excessively harsh outcomes in the appeal submission, then the UCA will conclude the OAAR.
 - If the appeal only included procedural irregularity and excessively harsh outcomes in the appeal submission, the UCA will conclude the OAAR.
 - If the appeal submission also included new evidence, the UCA will move to step 3 and review the appeal.

Step 3: Appeal based on New Evidence, if applicable

If an appeal submission is based solely on new evidence or includes new evidence in addition to previously reviewed grounds of procedural irregularity and/or excessively harsh outcomes, the UCA will first evaluate if the new evidence included in the appeal submission meets the stated criteria to be considered new evidence by conducting the following procedures. The UCA will also have access to the Investigation Report, including any response provided by the Responding Organization, the written appeal, administrative items provided by OSARP, and the Responding Organization’s organizational records maintained by OSARP.

- Per the OAP, new evidence is defined as information that was not available or accessible at the time of the Organizational Accountability Outcomes Review or Organizational Accountability Case Review and only relevant to refute information as to whether or not the Responding Organization is responsible for violating policy.
- The UCA will determine if the evidence was not available or accessible at the time of the Organizational Accountability Outcomes Review or Organizational Accountability Case Review based on the information submitted in the appeal. However, new evidence does not include a witness who was accessible and available to participate but chose not to and is now willing to participate in an appeal process.
- If the UCA determines that the evidence included in the appeal submission does not meet the criteria for being new, they will keep the outcomes previously rendered and they will conclude the OAAR.

- If the UCA determines that the evidence included in the appeal submission does meet the criteria for being new, they will then determine if the evidence included in the appeal submission is only relevant to refute information as to whether or not the Responding Organization is responsible for violating policy.
 - If the UCA determines that the evidence included in the appeal submission is not solely relevant to refute information as to whether or not the Responding Organization is responsible for violating policy, they will keep the outcomes previously and they will conclude the OAAR.
 - If the UCA determines that the evidence included in the appeal submission is solely relevant to refute information as to whether or not the Responding Organization is responsible for violating policy, the OAAR will proceed. OSARP will schedule an OAAR to provide an opportunity for relevant participants to present and/or respond to the new evidence.

The Organizational Representative may choose to present the new evidence in person to the UCA and may choose to have the witness(es) relevant to the new evidence present to the UCA. The Organizational Representative must let OSARP know the name(s) and email address(es) of any witness(es) they plan to have present at least two days prior to the date of the OAAR. If a Responding Organization Witness is unable to attend the scheduled OAAR, they may submit a written statement to OSARP related to the relevant new evidence at least 24 hours prior to the OAAR for the UCA to review. The OAAR will be scheduled around the Organizational Representative's academic schedule. In cases that have a Reporting Party(ies), the new evidence will be shared with the Reporting Party(ies) and the Reporting Party(ies) will have the opportunity to respond to the new evidence at the OAAR and may choose to have a witness(es) relevant to the new evidence present at the OAAR. The Reporting Party(ies) must let OSARP know the name(s) and email address(es) of any witness(es) they plan to have present at least two days prior to the date of the OAAR; the names of any witness(es) will be shared with the Organizational Representative. If a Reporting Party Witness is unable to attend the scheduled OAAR, they may submit a written statement to OSARP related to the relevant new evidence at least 24 hours prior to the OAAR for the UCA to review. If there is a Reporting Party(ies), the case will also be scheduled around their academic schedule.

If a participant of any type fails to appear at an OAAR after being properly notified of its date and time, the OAAR will generally proceed and be heard on the basis of the Investigation Report, including any response provided by the Responding Organization, the written appeal, administrative items provided by OSARP, the information provided by those in attendance at the OAAR, and the Responding Organization's organizational records maintained by OSARP.

An OAAR will be audio and/or video recorded; closed deliberation will not be recorded. Individuals who participate in an OAAR are not permitted to make their own recordings. The Responding Organization shall receive notice of all rights they are guaranteed through the OAP (see "Responding Organization – Responsibilities and Rights – Organizational Accountability Process (OAP).") Any participant who does not follow the requirements of the OAAR process or the Rules of Decorum, may be removed, as determined by the UCA.

The start time of the OAAR includes the UCA meeting with each participant to discuss procedural information and answer questions from the participants. The length of these meetings cannot be predetermined.

In an OAAR where the Organizational Representative and/or Reporting Party chooses to present to the UCA, the Organizational Representative and Reporting Party each have a right to one Support Person if OSARP is notified at least two days before the OAAR, if person is willing and able to attend. Support Persons must meet the criteria and follow the guidelines and expectations as listed in the Student Handbook.

Additionally, the phrase "through the UCA" used throughout the OAAR procedures refers to the UCA confirming or denying a Reporting Party, Organizational Representative, Reporting Party Witness, or Responding Organization Witness the ability to respond to a question; this confirmation or denial may be verbal or non-verbal. The UCA has the authority to prohibit information from being shared that violates the rights of a party, is not allowed by the OAP, or bears no relevancy to the new evidence in the case. Any participant may be removed by the UCA if they violate the Rules of Decorum or procedures outlined in the Student Handbook.

An OAAR will generally proceed in accordance with the procedure below; however, the UCA may ask questions at any time.

1. The UCA meets with each participant individually to discuss procedural information and answer questions.
2. The OAAR begins and the UCA and participants introduce themselves.
3. The Organizational Representative presents information solely about the new evidence in the case.
 - The UCA may question the Organizational Representative about the new evidence.

4. If applicable, the Responding Organization's Witnesses will be called individually to share their statement on the new evidence.
 - The Organizational Representative may question the Responding Organization Witness about their statement on the new evidence.
 - The UCA may question the Responding Organization Witness about the new evidence.
 - At the conclusion of the statement and questions for the witness, the witness will leave. The UCA may request that a Responding Organization Witness return at a later point in the OAAR for further questions.
 - Step #4 repeats until all Responding Organization Witnesses have participated.
5. The Reporting Party(ies) present information solely in response to the new evidence in the case. If there is more than one Reporting Party, they will each be called individually.
 - The Organizational Representative may question the Reporting Party about the response to the new evidence through the UCA.
 - The UCA may question the Reporting Party about the new evidence.
 - The UCA will ask the Reporting Party to remain available as they will be called back at a later point as outlined in the OAAR procedures.
6. If applicable, the Reporting Party's Witnesses will be called individually to share their response to the new evidence.
 - The Organizational Representative may question the Reporting Party Witness about their response to the new evidence through the UCA.
 - The UCA may question the Reporting Party Witness about the new evidence.
 - At the conclusion of the statement and questions for the witness, the witness will leave. The UCA may request that a Reporting Party Witness return at a later point in the OAAR for further questions.
 - Step #6 repeats until all Reporting Party Witnesses have participated.
7. The UCA may ask questions of the Organizational Representative.
8. Any Responding Organization Witnesses asked by the UCA to return later will be brought in individually, if applicable.
 - The Organizational Representative may ask questions of their witness, followed by UCA's opportunity to ask any remaining questions they have of the Responding Organization Witness.
 - The Responding Organization Witnesses will then be dismissed from the OAAR.
9. Any Reporting Party Witnesses asked by the UCA to return later will be brought in individually, if applicable.
 - The Organizational Representative may ask questions through the UCA, followed by UCA's opportunity to ask any remaining questions they have of the Reporting Party Witness.
 - The Reporting Party Witnesses will then be dismissed from the OAAR.
10. The Reporting Party(ies) will return to the OAAR individually.
 - The UCA may ask final questions of the Reporting Party(ies).
 - The Organizational Representative may ask final questions of the Reporting Party(ies) through the UCA.
 - The Reporting Party(ies) may present concluding remarks about the new evidence.
 - The Reporting Party(ies) and their Support Person, if applicable, will leave.
11. The UCA may ask final questions of the Organizational Representative.
12. The Organizational Representative may present concluding remarks.
13. The Organizational Representative and their Support Person, if applicable, will leave.
14. The UCA will deliberate and make a decision using the procedures below:
 - The UCA will consider the totality of the evidence in the Investigation Report, including any response provided by the Responding Organization, the written appeal, administrative items provided by OSARP, the information provided by those in attendance at the OAAR, and the Responding Organization's organizational records maintained by OSARP to determine if the decision previously rendered should stand or if the finding(s) on policy and/or outcome(s) previously rendered should be altered. The Responding Organization's organizational records maintained by OSARP will only be used in determining outcomes, if applicable.
 - If, in considering the totality of the evidence, the UCA determines, using a preponderance of the evidence and the criteria listed in the "Evaluation of Organizational Connections to Alleged Misconduct" portion of the Handbook, that the finding(s) on policy should not be altered, the decision previously rendered will stand unless altered as a result of the current appeal based on excessively harsh outcome(s).
 - If, in considering the totality of the evidence, the UCA determines, using a preponderance of the evidence and the criteria listed in the "Evaluation of Organizational Connections to Alleged Misconduct" portion of

the Handbook, that the finding(s) on policy should be altered, the UCA will determine whether or not the Responding Organization is responsible for violating policy.

- If alterations are made to the finding(s) on policy, the UCA will determine whether or not the outcome(s) assigned should be altered. If the alteration of finding(s) requires a change in outcome(s), the UCA will determine the new outcome(s). If a UCA chooses to alter the outcomes imposed, the UCA may not impose outcomes more severe than ones that were previously imposed.

OSARP will notify the Responding Organization of the final decision of the OAAR and provide the UCA's written rationale of the decision within two business days from the date of the OAAR. Typically, this notification is conducted in person or virtually with an OSARP staff member but may be solely sent via the official JMU email of the Organizational Representative when, based on the circumstances of the case, it is deemed appropriate or necessary by the Director of OSARP or designee. If the final decision rendered at the conclusion of an OAAR involves required outcome(s), the Responding Organization will be sent information for completing required outcomes, including any applicable deadlines. **Failure to complete, schedule, attend, or be on time for programs/meetings, failing to complete related assignments, or failing to follow outcome(s) expectations may result in the loss of specific access or resources, such as the Belnvoled website, until outstanding outcome(s) are verified as completed by OSARP. Repeated failure may result in an alleged policy violation(s) of [Failure to Comply with an Outcome](#).**

The OAAR is a closed meeting between the Organizational Representative and OSARP and may include other individuals as noted earlier in this section. In the OAP, the technical rules of evidence applicable in civil and criminal cases do not apply.

OSARP may pursue an alleged policy violation(s) of [Interference or Retaliation in a University Process](#) if it receives information that a student or recognized student organization provides falsified or misleading information or engaged in any activity which disrupts, unfairly influences, or obstructs the OAP, including discussing the case before the OACR with any of the UCAs.

Information on Disability Accommodations in the Organizational Accountability Process (OAP)

JMU and OSARP are committed to providing programs that are equally inclusive and accessible to all participants. Participants may request accommodations in accordance with [JMU Policy 1331](#). If you are a student who needs accommodation of a disability to support your participation in an OSARP process, submit your accommodation request to ODS via the Accommodate portal available in MyMadison (see also <https://www.jmu.edu/ods/getting-started/index.shtml>). You may send an email to the [Office of Disability Services](#) (ODS) at disability-svcs@jmu.edu asking for an expedited review in light of the timelines associated with the OSARP process. ODS and OSARP may consult to identify potentially reasonable accommodations to support effective participation in the OSARP process. ODS will communicate with OSARP about the identified accommodations and copy you on the written notice of accommodations. All requests must be communicated to OSARP at least three business days prior to a process, so please contact the Office of Disability Services immediately. For others who may need accommodations, contact the appropriate unit as indicated in JMU policy 1331.

Sexual Misconduct Accountability Process (SMAP)

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. The [Title IX Office](#) oversees and conducts the investigation from Formal Complaints arising out of alleged violations of the [Sexual Misconduct](#) policy.

The information contained in this section of the Handbook is only applicable for those participating in the Sexual Misconduct Accountability Process as a result of alleged violation(s) of the *Sexual Misconduct* policy. For cases not alleging a *Sexual Misconduct* policy violation, see the "[Individual Accountability Process](#)" or the "[Title IX Sexual Harassment Adjudication Process](#)" sections within this Handbook.

For purposes of Sexual Misconduct, the Sexual Misconduct Policies and Procedures set forth in the Sexual Misconduct Accountability Process apply when a Responding Party is a student as defined in the "[Definitions](#)" section of this Handbook.

Definitions

Case Coordinator

The Case Coordinator is a trained person who is assigned to a case and has the main responsibility for coordinating the administrative and technical aspects of the Sexual Misconduct Accountability Process for that case. This includes communication with parties, Support Persons, witnesses, decision-makers, and any other relevant participants; creation and distribution of the case file; scheduling of Guide Appointments, the Case Review, and the Appeal Review, if applicable; making case-related decisions; and any other necessary tasks. Typically, the Case Coordinator is the Director or an Associate Director of OSARP; however, circumstances may require other trained individuals to serve as the Case Coordinator. The Case Coordinator does not also serve as the decision-maker for a specific case.

Chairperson

Among other duties, the chairperson is the person designated during an Appeal Review that has the responsibility of carrying out the stated procedures of the process and upholding the Rules of Decorum. This person also has the authority to determine relevancy of questions, prohibit information from being shared or instruct the Appeal Board to disregard information shared that violates the rights of a party, is not allowed by the process, or bears no relevancy to the hearing of the case.

Decision-Maker(s)

Decision-maker(s) include OSARP Case Administrators and University Case Administrators (UCAs), when applicable.

OSARP Case Administrator

This is a full-time professional staff member in OSARP who has received training to hear Sexual Misconduct-related cases. The OSARP Case Administrator serves as the decision-maker for Sexual Misconduct Case Reviews and is responsible for making determinations regarding findings on policy and, if applicable, assigning outcomes. They are also responsible for the written rationale for the determinations.

OSARP Process Guide

- An OSARP Process Guide is a full-time OSARP staff member or designee assigned to a Reporting Party or Responding Party to provide procedural information and respond to questions about the Sexual Misconduct Accountability Process. The OSARP Process Guide solely provides procedural information and does not provide the party with advice on how to present their case.
- This position will be referred to as "OSARP Guide" throughout the Sexual Misconduct Accountability Process.

Participant

A term for any individual participating in the Sexual Misconduct Accountability Process.

Party

A term for the Responding Party or Reporting Party.

Relevant Evidence

Evidence is relevant if it has any tendency to make a fact more or less probable than it would be without the evidence, and the fact is of consequence in determining the outcome of the case. Relevant evidence includes evidence concerning the credibility of a party or witness.

Reporting Party

A Reporting Party is a person who reports that they experienced alleged behavior committed by a JMU student that is covered by the *Sexual Misconduct* policy. A Reporting Party presents information regarding alleged policy violation(s) to the Title IX Office 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 reasonably 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.

Reporting Party Witnesses & Responding Party Witnesses

Reporting Party and Responding Party Witnesses are individuals who provide a report, statement, evidence, or other information to the Title IX Office during the Sexual Misconduct Formal Complaint Investigation Process and who is called by a Reporting Party or Responding Party, respectively, to participate in the Sexual Misconduct Accountability Process. They may provide their information to the decision-maker(s) in accordance with any rights and restrictions as listed in the Student Handbook. During a Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, witnesses for the Reporting Party or Responding Party can provide information relevant to the case, including what they know directly about the alleged incident or behavior and/or what they have been told about the alleged incident or behavior. They may not provide their perspective on what they feel the appropriate decision or outcome(s) in the case should be at any time during the process. Their availability is reasonably considered when OSARP schedules a Sexual Misconduct Case Review and/or a Sexual Misconduct Appeal Review, if applicable. OSARP confers the rights below to those serving in these roles.

Responding Party

A Responding Party is a student who receives notification of an alleged policy violation(s), including at least one alleged violation of *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 reasonably 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.

SMAP

An acronym for the Sexual Misconduct Accountability Process.

SMAR

An acronym for the Sexual Misconduct Appeal Review.

SMCR

An acronym for the Sexual Misconduct Case Review.

University Case Administrator (UCA)

UCAs are faculty/staff members who have received training to hear Sexual Misconduct-related cases. As outlined in the Sexual Misconduct Accountability Process, UCAs may:

- Serve on a panel of three UCAs in the Sexual Misconduct Appeal Process who form the Appeal Board. One of the panel members will be assigned by OSARP as the chairperson. In addition to serving as a voting member of the panel, the chairperson is responsible for administering the Appeal Review process and creating the rationale of the outcome.
- Serve as the single decision-maker in Sexual Misconduct Case Reviews that occur as a result of a new Sexual Misconduct Case Review being ordered from a Sexual Misconduct Appeal Review. They are responsible for making determinations regarding findings on policy and, if applicable, assigning outcomes. They are also responsible for the written rationale for the determinations.
- Serve as the single decision-maker in initial Sexual Misconduct Case Reviews in necessary circumstances, as determined by the Case Coordinator or designee.

University Witness

A University Witness is not called as a witness by a Responding Party or Reporting Party but is called as a witness by the university as an individual who has relevant information for hearing of the case. The availability of a University Witness is reasonably considered when OSARP schedules a Sexual Misconduct Case Review. University Witnesses do not have the right to be accompanied by a Support Person at a Sexual Misconduct Case Review.

Participants' Roles, Rights, and Restrictions

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 with an unbiased decision-maker(s) that presumes the Responding Party not responsible for violating policy.
2. OSARP will use a preponderance of the evidence standard to determine if a Responding Party is responsible for violating policy.
3. OSARP will not restrict the rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.
4. OSARP will notify the Reporting Party of the outcomes of the case related to the alleged violation(s) of the [Sexual Misconduct](#) policy in accordance with FERPA and its implementing regulations.
5. OSARP will not permit, or deem relevant, questions and evidence about the party's sexual predisposition, current sexual behavior, or prior sexual behavior from discussion during the Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, unless such questions and evidence about the party's prior sexual behavior are offered to prove that someone other than the Responding Party committed the conduct alleged by the Reporting Party, or if the questions and evidence concern specific incidents of the Reporting Party's prior sexual behavior with respect to the Responding Party and are offered to prove consent.

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 alleged violation(s) of the *Sexual Misconduct* policy and the behavior(s) leading to those alleged policy violation(s) via their official JMU email address.
2. The right to be notified of the date, time, and location of the Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, via their official JMU email address at least three days prior to the Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable.
3. The right for one 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 and Sexual Misconduct Appeal Review, if applicable, may not communicate for or speak on behalf of a party, but may provide support or advice on how to present their case. At the party's request, OSARP may copy one Support Person on electronic communication pertaining to the party's case; the Support Person must agree to adhere to guidelines and restrictions related to confidential information as set forth by OSARP.
4. Upon request, the right to have reasonable safety measures, including but not limited to a partition or police presence, in place during the Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, if the parties are physically present in the same geographic location; such request will be implemented at the university's discretion.

5. The parties may request the process be conducted in person for cause, which will be granted or denied at the discretion of the Case Coordinator or designee. Requests for the case review to be conducted in person for cause may include but not be limited to an accommodation through the Office of Disability Services. If a party is unable to secure a private location for their virtual Sexual Misconduct Case Review or requires an in-person case review as an accommodation, the party should contact OSARP immediately upon receiving the notification email to let OSARP know of the concern and request, which will be granted or denied at the discretion of the Case Coordinator or designee.
6. The right to receive an electronic copy of, and respond to, all information in the Case File during the Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable.
7. The right to participate in the entire Sexual Misconduct Case Review, as outlined in the Sexual Misconduct Accountability Process.
8. 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 case; the right to not answer questions or provide information to be used in the case.
9. The right to have witnesses who provided information in the Sexual Misconduct Formal Complaint Investigation Process participate at the Sexual Misconduct Case Review, provided the witness is willing and able to attend.
10. The right to question the other party and all witnesses present at the Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable; parties will be permitted to ask questions of the other party and witnesses called by the other party in the case through the single decision-maker or chairperson, as applicable.
11. The right to not be asked questions that attempt to elicit information from conversations protected by a legal privilege. Relationships providing legal privilege include, but are not limited to attorney-client, doctor-patient, clergy-confessional, etc. A party may share their own privileged conversations. If a party provides information during the Sexual Misconduct Case Review or Sexual Misconduct Appeal Review, if applicable, that is from privileged conversations, this information is able to be questioned by the decision-maker(s) and by the other party. However, the questions must focus solely on the information that the party consented to share and may not attempt to elicit new information.
12. If a 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 single decision-maker or chairperson, as applicable.
13. The right to be notified via email on the tenth business day after the date of the Sexual Misconduct Case Review with the availability and instructions to access the findings, rationale, and outcomes, if applicable, rendered at the Sexual Misconduct Case Review.
14. The right to receive a recording of the Sexual Misconduct Case Review, which will be made available with access to the findings, rationale, and outcomes, if applicable.
15. The right to submit a written appeal of the decision rendered as a result of the Sexual Misconduct Case Review within four days of OSARP sending notification of the outcome of the case review on any of the following grounds. When referenced below, "affected the outcome of the matter" refers to the entirety of the decision rendered including the determination regarding responsibility or outcomes assigned, if applicable.
 - Procedural irregularity that affected the outcome of the matter.
 - New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.
 - The Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Reporting Parties or Responding Parties generally or the individual Reporting Party or Responding Party that affected the outcome of the matter.
16. In Appeal Reviews submitted on the grounds of new evidence, the right to attend, present the new evidence or respond to the new evidence if the Appeal Board determines that the submitted evidence is considered new, as defined in the process.
17. When a Sexual Misconduct Appeal Review is held, the right to receive final decision, order for a new Sexual Misconduct Formal Complaint Investigation Process, or order for a new Sexual Misconduct Case Review rendered by the Appeal Board in writing. If the Appeal Board renders a finding and outcomes, this notification is the final decision in the case and 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 outcomes(s). The notification will be sent by OSARP via email on the **fifth business day** after the date of the Sexual Misconduct Appeal Review.

Reporting Party and Responding Party Witness Rights

A witness called by a Reporting Party or Responding Party to participate in the 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 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 to share information relevant to the case, including what they know directly about the alleged incident or behavior and/or what they have been told about the alleged incident or behavior; the right to not answer questions or provide information to be used in the case.
4. The right for one Support Person to attend the Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, in accordance with the restrictions outlined in the Sexual Misconduct Accountability Process.

The Role of a Support Person

1. Participants (Reporting Parties, Responding Parties, Reporting Party Witnesses, and Responding Party Witnesses) may bring one Support Person of their choosing to any meeting, the Sexual Misconduct Case Review, and Sexual Misconduct Appeal Review, if applicable. Attorneys may serve as the 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.
2. OSARP reasonably considers the availability of the Support Person for the Responding Party and Reporting Party when scheduling meetings, the Sexual Misconduct Case Review, or the Sexual Misconduct Appeal Review, if applicable, as outlined in the "Receipt of Title IX Investigative Report, Alleged Policy Violation(s) Notification, and Preparation for the Sexual Misconduct Case Review" section. OSARP cannot compel a Support Person to attend any meeting; it is the participant's responsibility to coordinate their Support Person's attendance. If a Support Person does not attend, the Sexual Misconduct Case Review will proceed with any necessary adaptations to the procedures.
3. A Support Person may not also serve as a witness at the Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, for the case.
4. Prior to a Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, one Support Person may help the participant prepare for the case, which may include accompanying the Responding Party or Reporting Party to the Guide Appointment. A Support Person may also communicate with OSARP about the case and/or procedures with the permission of the Responding Party or Reporting Party. At the party's request, OSARP may copy a Support Person on electronic communication directed to the party pertaining to the party's case; the Support Person must agree to adhere to guidelines and restrictions related to confidential information as set forth by OSARP.
5. OSARP will provide an electronic copy of the Case File to the Support Person prior to the Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, after they agree to guidelines and restrictions related to confidential information as set forth by OSARP.
6. During a Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, 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.
7. During a Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, one Support Person may consult with the participant on how to present their statements or information by whispering, providing notes, electronically sending messages, or taking notes as long as it does not disrupt the adjudication of the case.
8. During a Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, one Support Person may provide support by taking breaks with or requesting breaks on behalf of the participant they are accompanying.

Rules of Decorum

Responding Parties & Reporting Parties

The process must be managed to ensure all participants receive a fair, impartial, and unbiased experience that allows the decision-maker(s) to gather information necessary to make a decision for the alleged violations in the case. During the process, all participants must adhere to the following expectations and the procedures in the Sexual Misconduct Accountability Process, outlined within the JMU Student Handbook at www.jmu.edu/handbook.

General Expectations

Responding and Reporting Parties must:

- Listen respectfully to the individual speaking without interruption.
- Wait to begin speaking until addressed by the single decision-maker or chairperson, as applicable.
- Avoid speaking over other participants.
- Use respectful language that is not demeaning, derogatory, or disrespectful.
- Avoid raising their voices.
- Remain seated in their predetermined locations.
- Refrain from making distracting or offensive gestures (e.g. rolling eyes, throwing arms in the air, etc.) or audible reactions (e.g. scoffing, speaking under their breath, etc.).
- For questions about the Rules of Decorum or procedures, a participant should request a break through the single decision-maker or chairperson, as applicable, to consult with the party's Guide or Case Coordinator.

Designated Times When Parties Ask Questions:

Reporting Parties and Responding Parties, when asking questions of the other party or Witnesses (of any type):

- Must allow the single decision-maker or chairperson, as applicable, time to evaluate each question and verbally or non-verbally permit the participant to respond.
- May ask the single decision-maker or chairperson, as applicable, to reconsider a determination, but must refrain from arguing with the single decision-maker or chairperson, as applicable, if a question is deemed not to be answered and rationale was provided.
- Must pose questions that elicit information relevant to the investigated incident(s) in question.
- Must maintain a professional and respectful attitude towards the other party, witnesses, decision-maker(s), and any other participants in the process.
- Must refrain from repeating a question where a response has been provided by a participant.

A participant has the right not to answer questions or provide information to be used in the case.

Questions from Reporting Parties and Responding Parties are limited based on the following topics:

- Sexual predisposition of a party
- Current/prior sexual behavior of a party
 - Unless such questions and evidence about the party's prior sexual behavior are offered to prove that someone other than the Responding Party committed the conduct alleged by the Reporting Party, or if the questions and evidence concern specific incidents of the Reporting Party's prior sexual behavior with respect to the Responding Party and are offered to prove consent.
- Legal privilege
 - Questions may not attempt to elicit information from conversations protected by a legal privilege. Relationships providing legal privilege include, but are not limited to attorney-client, doctor-patient, clergy-confessional, etc.
 - A party may admit their own privileged conversations. If a party provides information during the Sexual Misconduct Case Review or Sexual Misconduct Appeal Review (if applicable) that is from privileged conversations, this information is able to be questioned by the decision-maker(s) and by the other party during appropriate times for questions. However, the questions must focus solely on the information that the party consented to share and may not attempt to elicit new information.

Violation of Expectations & Procedures

Determination regarding a participant's violation of one of these expectations lies with the single decision-maker or chairperson, as applicable. If a participant violates an expectation of the Rules of Decorum or the procedures outlined in the Sexual Misconduct Accountability Process, the single decision-maker or chairperson, as applicable, will issue a verbal warning, identifying the expectation violated and how it was violated. This notice and rationale will be captured in both audio and video on the recording.

Should a participant continue to violate these expectations or procedures, the single decision-maker or chairperson, as applicable, will immediately call for a break. During the break, the single decision-maker or chairperson, as applicable, will address the problematic behavior directly. If the participant refuses to comply with the warning given by the single decision-maker or

chairperson, as applicable, or causes additional problems, the single decision-maker or chairperson, as applicable, may decide to take one or more of the following actions:

- Implement other methods to address the problematic behavior, as determined by the single decision-maker or chairperson, as applicable, that allows the case to continue in a fair manner for all participants.
- Remove the participant from the Sexual Misconduct Case Review or Sexual Misconduct Appeal Review (if applicable).
- End the Sexual Misconduct Case Review or Sexual Misconduct Appeal Review (if applicable) and potentially reconvene at a later date, at the discretion of the Case Coordinator or designee, if the removed participant is the Reporting Party or Responding Party.

Participants may receive an alleged policy violation(s) for their behavior if they meet the definition of a JMU student as listed in the Student Handbook.

Support Persons

The process must be managed to ensure all participants receive a fair, impartial, and unbiased experience that allows the decision-maker(s) to gather information necessary to make a decision for the alleged violations in the case. During the process, all participants must adhere to the following expectations and the procedures in the Sexual Misconduct Accountability Process, outlined within the JMU Student Handbook.

General Expectations

Support Persons must:

- Listen respectfully to the individual speaking without interruption.
- Wait to begin speaking until addressed by the single decision-maker or chairperson, as applicable.
- Avoid speaking over other participants.
- Use respectful language that is not demeaning, derogatory, or disrespectful.
- Avoid raising their voices.
- Remain seated in their predetermined locations.
- Refrain from making distracting or offensive gestures (e.g., rolling eyes, throwing arms in the air, etc.) or audible reactions (e.g., scoffing, speaking under their breath, etc.).
- For questions about the Rules of Decorum or procedures, a participant should request a break through the single decision-maker or chairperson, as applicable, to consult with the party's Guide or Case Coordinator.

Additional Expectations for Support Persons

In the Sexual Misconduct Accountability Process, a Support Person may:

- Not communicate for or speak on behalf of the participant. Responding Parties, Reporting Parties, and witnesses must present their statements or information themselves.
- Consult with the party on how to present their statements or information by whispering, providing notes, or taking notes as long as it does not disrupt the case.
- Provide support by taking breaks with or requesting breaks on behalf of the party they are accompanying.

A participant has the right not to answer questions or provide information to be used in the case.

Violation of Expectations & Procedures

Determination regarding a participant's violation of one of these expectations lies with the single decision-maker or chairperson, as applicable. If a participant violates an expectation of the Rules of Decorum, or the procedures outlined in the Sexual Misconduct Accountability Process, the single decision-maker or chairperson, as applicable, will issue a verbal warning, identifying the expectation violated and how it was violated. This notice and rationale will be captured in both audio and video on the recording.

Should a participant continue to violate these expectations or procedures, the single decision-maker or chairperson, as applicable, will immediately call for a break. During the break, the single decision-maker or chairperson, as applicable, will address the problematic behavior directly. If the participant refuses to comply with the warning given by the single decision-maker or

chairperson, as applicable, or causes additional problems, the single decision-maker or chairperson, as applicable, may decide to take one or more of the following actions:

- Implement other methods to address the problematic behavior, as determined by the single decision-maker or chairperson, as applicable, that allows the case to continue in a fair manner for all participants.
- Remove the participant from the Sexual Misconduct Case Review or Sexual Misconduct Appeal Review (if applicable).
- End the Sexual Misconduct Case Review or Sexual Misconduct Appeal Review (if applicable) and potentially reconvene at a later date, at the discretion of the Case Coordinator or designee, if the removed participant is the Reporting Party or Responding Party.

Participants may receive an alleged policy violation(s) for their behavior if they meet the definition of a JMU student as listed in the Student Handbook.

Witnesses

The process must be managed to ensure all participants receive a fair, impartial, and unbiased experience that allows the decision-maker(s) to gather information necessary to make a decision for the alleged violations in the case. During the process, all participants must adhere to the following expectations and the procedures in the Sexual Misconduct Accountability Process, outlined within the JMU Student Handbook.

Refer to the "[Definitions](#)" section of this process for more information pertaining to witnesses.

General Expectations

Participants must:

- Listen respectfully to the individual speaking without interruption.
- Wait to begin speaking until addressed by the single decision-maker or chairperson, as applicable.
- Avoid speaking over other participants.
- Use respectful language that is not demeaning, derogatory, or disrespectful.
- Avoid raising their voices.
- Remain seated in their predetermined locations.
- Refrain from making distracting or offensive gestures (e.g., rolling eyes, throwing arms in the air, etc.) or audible reactions (e.g., scoffing, speaking under their breath, etc.).
- For questions about the Rules of Decorum or procedures, a participant should request a break through the single decision-maker or chairperson, as applicable, to consult with the party's Guide or Case Coordinator.

Designated Times When Parties Ask Questions of Witnesses:

Reporting Parties and Responding Parties, when asking questions of Witnesses (of any type):

- Must allow the single decision-maker or chairperson, as applicable, time to evaluate each question and verbally or non-verbally permit the participant to respond.
- May ask the single decision-maker or chairperson, as applicable, to reconsider a determination, but must refrain from arguing with the single decision-maker or chairperson, as applicable, if a question is deemed not to be answered and rationale was provided.
- Must pose questions that elicit information relevant to the investigated incident(s) in question.
- Must maintain a professional and respectful attitude towards the other party, witnesses, decision-maker(s), and any other participants in the process.
- Must refrain from repeating a question where a response has been provided by a participant.

A witness for either party has the right not to answer questions or provide information to be used in the case.

Questions from Reporting Parties and Responding Parties are limited based on the following topics:

- Sexual predisposition of a party
- Current/prior sexual behavior of a party

- Unless such questions and evidence about the party's prior sexual behavior are offered to prove that someone other than the Responding Party committed the conduct alleged by the Reporting Party, or if the questions and evidence concern specific incidents of the Reporting Party's prior sexual behavior with respect to the Responding Party and are offered to prove consent.
- Legal privilege
 - Questions may not attempt to elicit information from conversations protected by a legal privilege. Relationships providing legal privilege include, but are not limited to attorney-client, doctor-patient, clergy-confessional, etc.
 - A party may admit their own privileged conversations. If a party provides information during the Sexual Misconduct Case Review or Sexual Misconduct Appeal Review (if applicable) that is from privileged conversations, this information is able to be questioned by the decision-maker(s) and by the other party during appropriate times for questions. However, the questions must focus solely on the information that the party consented to share and may not attempt to elicit new information.

Violation of Expectations & Procedures

Determination regarding a participant's violation of one of these expectations lies with the single decision-maker or chairperson, as applicable. If a participant violates an expectation of the Rules of Decorum, or the procedures outlined in the Sexual Misconduct Accountability Process, the single decision-maker or chairperson, as applicable, will issue a verbal warning, identifying the expectation violated and how it was violated. This notice and rationale will be captured in both audio and video on the recording.

Should a participant continue to violate these expectations or procedures, the single decision-maker or chairperson, as applicable, will immediately call for a break. During the break, the single decision-maker or chairperson, as applicable, will address the problematic behavior directly. If the participant refuses to comply with the warning given by the single decision-maker or chairperson, as applicable, or causes additional problems, the single decision-maker or chairperson, as applicable, may decide to take one or more of the following actions:

- Implement other methods to address the problematic behavior, as determined by the single decision-maker or chairperson, as applicable, that allows the case to continue in a fair manner for all participants.
- Remove the participant from the Sexual Misconduct Case Review or Sexual Misconduct Appeal Review (if applicable).
- End the Sexual Misconduct Case Review or Sexual Misconduct Appeal Review (if applicable) and potentially reconvene at a later date, at the discretion of the Case Coordinator or designee, if the removed participant is the Reporting Party or Responding Party.

Participants may receive an alleged policy violation(s) for their behavior if they meet the definition of a JMU student as listed in the Student Handbook.

Cases Involving Both Sexual Misconduct and Title IX Sexual Harassment

Some incidents may involve conduct that is prohibited under [Policy 1346: Title IX Sexual Harassment](#), and other conduct that is prohibited under [Policy 1340: Sexual Misconduct](#). When both policies apply for different conduct arising out of the same incident or pattern of incidents, the university may investigate and hear all allegations simultaneously under each policy. If the university consolidates the investigation and hearing under both policies, then the procedures applicable to the Title IX Sexual Harassment policy will apply. Alternatively, the university may choose to investigate and hear the conduct separately under each policy.

Formal complaints alleging (1) sexual harassment on the basis of hostile environment under Policy 1340: Sexual Misconduct (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) and (2) sexual harassment under Policy 1346: Title IX Sexual Harassment on the basis of 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, may be investigated and heard simultaneously under both policies. If the university consolidates the investigation and hearing under both policies, then the procedures applicable to the *Title IX Sexual Harassment* policy will apply. The decision-maker will decide on the allegations under both the *Sexual Misconduct* and *Title IX Sexual Harassment* policies, providing a written rationale for allegations under each policy. Alternatively, the university may choose to investigate and hear the conduct separately under each policy.

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

The Sexual Misconduct Accountability Process is the process used to hear cases of alleged violations of the [Sexual Misconduct](#) policy. JMU reserves the right to impose any outcome, ranging from educational outcomes up to and including suspension or expulsion, for any violation of the Sexual Misconduct policy. JMU considers acts of sexual violence to be the most serious and therefore typically imposes the most severe outcomes when a Responding Party is found responsible for such offenses, including suspension or expulsion. However, suspension and expulsion are potential outcomes for any case.

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. After a period of three years, students may contact OSARP to request removal of a notation for good cause shown.

In order for OSARP to hear a case involving student behavior that allegedly violates the *Sexual Misconduct* policy, the Title IX Office must complete the Sexual Misconduct Formal Complaint Investigation Process and provide their investigation materials to OSARP. The Sexual Misconduct Formal Complaint Investigation Process conducted by the Title IX Office is the only opportunity for the Reporting Party and Responding Party to submit evidence, information, personal statements, names of witnesses, and witness statements in the Sexual Misconduct Accountability Process.

If the Reporting Party decides to withdraw the Formal Complaint after OSARP has received the investigation materials from the Title IX Office, the Reporting Party must notify the Title IX Coordinator in writing of their decision to withdraw the Formal Complaint. OSARP should be copied on this written notification for the purposes of planning the process. The process will continue until OSARP receives notification of the dismissal from the Title IX Coordinator.

The investigation materials received from the Title IX Office at the conclusion of the Sexual Misconduct Formal Complaint Investigation Process will indicate the alleged policy violation(s) in the case resulting from the information shared during the investigation process. The Sexual Misconduct Accountability Process is then initiated when the Responding Party is a student as defined in the Student Handbook and the Reporting Party meets the criteria required by [JMU Policy 1340](#). During the last three weeks of the semester, the decision to proceed or postpone the Sexual Misconduct Accountability Process will be determined by OSARP. For any Responding Party who receives an immediate suspension or expulsion from JMU, regardless of academic year, the immediate suspension or expulsion from JMU will be deemed effective for the current semester or, if it is rendered for a graduating senior, for the most recent semester the student attended, which may mean a loss of academic credits for that semester. Further, after a final decision in the case has been rendered, the effective date of an immediate suspension or expulsion from JMU will be the date of the initial case review. The removal from university owned or operated property associated with a decision of immediate suspension or expulsion does not go into effect until the decision in the case is final, unless the Responding Party is under an Emergency Removal that provides for this removal until the final decision in the case.

In circumstances where the Title IX Coordinator signed the Formal Complaint without the authorization of the Reporting Party, OSARP will initiate the Sexual Misconduct Accountability Process. In these cases, OSARP may alter the Sexual Misconduct Accountability Process and procedures as necessary to allow for a fair hearing of the case. In addition, the Sexual Misconduct Accountability Process may be altered to allow for multiple Reporting Parties and/or Responding Parties if OSARP receives a consolidated Formal Complaint Report with multiple Reporting Parties and/or Responding Parties where the allegations of sexual misconduct arise out of the same facts or circumstances.

Further, if the investigation materials received from the Title IX Office at the conclusion of the Sexual Misconduct Formal Complaint Investigation Process indicates alleged policy violations other than the *Sexual Misconduct* policy or the alleged behavior does not meet the threshold for the *Sexual Misconduct* policy, OSARP reserves the right to initiate the [Individual Accountability Process](#) to hear these alleged violations even if the Sexual Misconduct Formal Complaint is dismissed.

Circumstances that may lead to mandatory dismissal of a formal complaint of Sexual Misconduct may be found in Policy 1340. The Title IX office is responsible for informing the Complainant and Respondent of the dismissal of a formal complaint under Policy 1340 as applicable. A mandatory dismissal, as outlined in Policy 1340, does not preclude action under another university policy or procedure. When the mandatory dismissal of a formal complaint occurs, the alleged conduct and complainant are referred to OSARP. The Individual Accountability Process will be used if the alleged conduct within the dismissed formal complaint constitutes an alleged violation of university policy, as outlined in the Student Handbook. In certain circumstances, a restorative process may be used with the agreement of the parties and/or university.

If there is evidence included in the investigation materials received from the Title IX Office at the conclusion of the Sexual Misconduct 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 Individual 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 "Responding & Reporting Party - Responsibilities and Rights – Sexual Misconduct".

OSARP may initiate the Sexual Misconduct Accountability Process in accordance with the procedures listed in the Student Handbook. The Sexual Misconduct Accountability Process will typically be conducted virtually in a manner in which participants simultaneously see and hear each other; instructions will be provided via email for accessing the Sexual Misconduct Case Review. Parties may request the process be conducted in person for cause, which will be granted or denied at the discretion of the Case Coordinator or designee. Requests for the case review to be conducted in person for cause may include but not be limited to an accommodation through the Office of Disability Services. If a party is unable to secure a private location for their virtual Sexual Misconduct Case Review or requires an in-person case review as an accommodation, the party should contact OSARP immediately upon receiving the notification email to let OSARP know of the concern and request, which will be granted or denied at the discretion of the Case Coordinator or designee. Anticipated timelines, deadlines, restrictions, or procedures listed within the Sexual Misconduct Accountability Process will not be altered except when good cause is provided by either party, as determined by the Case Coordinator or designee; or in unexpected and unavoidable circumstances in order to uphold the intent of the process, as determined by the Case Coordinator or designee, or with the agreement of the party(ies), as approved by the Case Coordinator or designee. Good cause may include but is not limited to the absence of a party or a witness, concurrent law enforcement activity, or the need for language assistance or [accommodation of disability\(s\)](#). If a delay or extension is granted at the request of a party and that impacts the other party, OSARP will communicate the reason(s) in writing for the extension to both parties. OSARP reserves the right, for cause, to postpone the Sexual Misconduct Accountability Process and return the investigation materials received from the Title IX Office at the conclusion of the Sexual Misconduct Formal Complaint Investigation Process to the Title IX Office for further investigation under the Sexual Misconduct Formal Complaint Investigation Process.

Both parties will simultaneously be notified of the beginning of the Sexual Misconduct Accountability Process to hear the case for the alleged policy violation(s).

In accordance with [JMU Policy 1209](#), proper notification shall consist of an email to the student's official JMU email address. The notice will be considered received the day after the notice is sent via email. This notification will include the allegation(s), including sufficient details such as date and location of the alleged violation(s), the contact information of the party's OSARP Guide, and the date, time, and location of the initial appointment with the OSARP Guide. This notice will inform parties that suspension and expulsion are potential outcomes for violations of the Sexual Misconduct policy in circumstances where the Responding Party is found responsible; additionally, rights afforded to parties as a result of the potential for these two outcomes will be included. Specifically, this email will provide information about the rights for the parties to submit one Support Person and any Witnesses to OSARP within **four** days of receiving this notification email, according to the restrictions in the process as provided below. This notice will also include information on the academic, mental health, personal well-being, and campus resources available to students at James Madison University, which can be found at: <https://www.jmu.edu/osarp/resources/index.shtml>.

Parties may submit their Support Person to OSARP.

Each party has the right to one Support Person in the Sexual Misconduct Case Review. Each party must submit their Support Person's name and contact information within **four** days of the party's notification email being received in order for OSARP to reasonably consider the Support Person's schedule when scheduling the Sexual Misconduct Case Review. Parties may submit their Support Person after this deadline, but OSARP may not be able to consider their schedule when scheduling the Sexual Misconduct Case Review. Additional information regarding the role of a Support Person in the Sexual Misconduct Accountability Process can be found in the "The Role of a Support Person" section.

Witnesses will be determined by OSARP and/or submitted by either party.

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

Each party has the right to submit to OSARP the name and contact information for any person they intend to have speak as a witness at the Sexual Misconduct Case Review via formal submission up to **four** days after the party's notification email being received in order for OSARP to reasonably consider the Witness's schedule when scheduling the Sexual Misconduct Case Review. Formal submission instructions will be included in the party's notification email. Parties may submit their Witnesses after this deadline, but OSARP may not be able to consider their schedule when scheduling 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 Investigation Process conducted by the Title IX Office are eligible to serve as witnesses in the Sexual Misconduct Accountability Process.

- Once the deadline for formal witness submission has passed, the Responding Party and Reporting Party will be informed of the witnesses submitted to the Sexual Misconduct Accountability Process.
- 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 what they feel the appropriate decision or outcome(s) 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 and Sexual Misconduct Appeal Review, if applicable.

OSARP reserves the right to pursue alleged violations for any reported alleged behavior by the student Reporting Party, the Responding Party, or other students directed at a Reporting Party, Responding Party, Reporting Party Witness, Responding Party Witness, University Witness, or Support Person that may violate [Interference or Retaliation in a University Process](#) or other policies as listed in the Student Handbook. OSARP may pursue an alleged violation of *Interference or Retaliation in a University Process* if it receives information that a student Reporting Party or Responding Party discusses the case before the Sexual Misconduct Case Review or Sexual Misconduct Appeal Review with a decision-maker involved in the case.

Parties will be notified of OSARP No Contact Orders.

In the notification email outlining the alleged policy violation(s), parties will be notified to have no direct or indirect contact with specific members of the university community including but not limited to the other party and the decision-maker(s) involved in the case. Prohibited contact 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 notice may result in an alleged policy violation for parties that meet the definition of a JMU student as listed in the Student Handbook, of [Noncompliance](#) and/or *Interference or Retaliation in a University Process*, which may result in immediate suspension or expulsion.

OSARP will not pursue alleged violations of a no contact order issued by the University when the contact occurs through a third party for the purposes of conducting lawful activity during a pending criminal or civil case, or other specific extenuating circumstances as determined by OSARP, unless the contact may have violated policy *Interference or Retaliation in a University Process* or other policies as listed in the Student Handbook.

OSARP reserves the right to pursue alleged violations for any reported alleged behavior by the student Reporting Party, the Responding Party, or other students directed at a Reporting Party, Responding Party, Reporting Party Witness, Responding Party

Witness, University Witness, or Support Person that may violate *Interference or Retaliation in a University Process* or other policies as listed in the Student Handbook. OSARP may pursue an alleged violation of *Interference or Retaliation in a University Process* if it receives information that a student Reporting Party or Responding Party discusses the case before the Sexual Misconduct Case Review or Sexual Misconduct Appeal Review with a decision-maker involved in the case.

A Responding Party or Reporting Party in the Sexual Misconduct Accountability Process is not prohibited from discussing their case with a person they are calling as a witness, a Support Person, or witness Support Person; contact is also not prohibited through third parties for purposes of conducting lawful activity during a pending criminal or civil case, or other specific extenuating circumstances as determined by OSARP.

These OSARP No Contact Orders will remain in place until a final decision is rendered as outlined in the Sexual Misconduct Accountability Process.

OSARP Guides will be assigned, and a Guide appointment will be set for both parties.

- Both Reporting Parties and Responding Parties will be assigned separate OSARP Guides to explain 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 OSARP Guide does not help either party prepare how to present their case; OSARP Guides are employed and/or designated by OSARP.
- OSARP will set the time of the Guide appointment 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 Guide appointment is at a time they can participate. At the Guide appointment, the Reporting Party and Responding Party will meet individually with their OSARP Guide to ensure that they understand the Sexual Misconduct Accountability Process and the rights afforded to them. Responding Parties and Reporting Parties may have one Support Person of their choice accompany them to this Guide appointment if the Support Person's schedule permits their attendance.

Both parties will have access to the Case File.

- The Case File to be used by OSARP in the hearing of the case consists of all investigation materials received from the Title IX Office at the conclusion of the Sexual Misconduct Formal Complaint Investigation Process, excluding information redacted during the Sexual Misconduct Formal Complaint Investigation Process and any redactions done in accordance with the OSARP process. It should be noted that the Case File will include investigation materials even if they were not deemed relevant by the Title IX Office during the Sexual Misconduct Formal Complaint Investigation Process.
- Prior to the Sexual Misconduct Case Review and Sexual Misconduct Appeal Review, if applicable, the Responding Party, Reporting Party, their respective Support Person, and decision-maker(s) will be provided an electronic version of the Case File.

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 Guide appointment in OSARP. However, the circumstances surrounding the case may make it necessary for the university to shorten or extend that timeline.
- OSARP reasonably schedules the Sexual Misconduct Case Review around the availability of the decision-maker(s), OSARP Staff, Support Persons, Witnesses, and the University Witnesses as outlined in the Handbook. 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 reasonably be scheduled around their academic schedule(s). If the Sexual Misconduct Case Review is to occur when the Responding Party and/or Reporting Party are not enrolled in classes at JMU, it will be reasonably scheduled around their availability. The availability or academic schedules of witnesses called by either party or a Support Person for either party will reasonably be considered in scheduling the Sexual Misconduct Case Review provided they are formally submitted to OSARP by the deadlines provided in the Sexual Misconduct Accountability Process.
- 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 Responding Party or Reporting 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 participants in attendance; the procedures for the case review will be adapted to accommodate their absence. It is the

responsibility of the Responding Party or Reporting Party to ensure their witnesses and Support Person attend the Sexual Misconduct Case Review. If any witness or Support Person does not attend, the Sexual Misconduct Case Review will proceed with any necessary adaptations to the procedures.

- The decision to postpone a Sexual Misconduct Case Review is solely at the discretion of the Case Coordinator or designee.

The Sexual Misconduct Accountability Process involves the objective evaluation of all relevant evidence and utilizes a preponderance of evidence standard to determine whether a student is responsible or not responsible for a violation(s).

The definition of relevant evidence used is:

Evidence is relevant if it has any tendency to make a fact more or less probable than it would be without the evidence, and the fact is of consequence in determining the outcome of the case. Relevant evidence includes evidence concerning the credibility of a party or witness.

The definition of preponderance of the evidence used is:

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, including but not limited to police presence, be put in place during the Sexual Misconduct Case Review, if the parties are physically present in the same geographic location. Such a request will be implemented at the university's discretion.

In Sexual Misconduct Case Reviews, Responding Parties and Reporting Parties have a right to one Support Person of their choice in accordance with the restrictions stated in the Sexual Misconduct Accountability Process.

The Sexual Misconduct Case Review will be conducted by an OSARP Case Administrator, who will serve as the sole decision-maker. The OSARP Case Administrator is a professional full-time staff member in OSARP who has been trained to hear Sexual Misconduct cases. A trained University Case Administrator will serve as the sole decision-maker for Sexual Misconduct Case Reviews when determined necessary by the Case Coordinator and when a new Sexual Misconduct Case Review is ordered as a result of the appeals process. The decision-maker is to have no conflict of interest or bias for or against Reporting Parties or Responding Parties generally or an individual Reporting Party or Responding Party. If the decision-maker feels that their previous contact with the case or the parties involved will prevent them from rendering a fair decision, the decision-maker shall recuse themselves from the Sexual Misconduct Case Review. Responding Parties and Reporting Parties will be informed of the decision-maker assigned to their case. Upon receiving notification of the assigned decision-maker, a Responding Party or Reporting Party may request that the decision-maker be replaced if the student can show a bias on the part of the decision-maker. To make such a request, a Responding Party or Reporting Party must contact the Case Coordinator or designee immediately, setting forth their reasons in writing. The Case Coordinator or designee will review all requests. Any decision to remove a decision-maker is at the discretion of the Case Coordinator 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 determination on whether or not the Responding Party is responsible for violating policy will be rendered on the basis of the Case File and the information provided by those in attendance at the Sexual Misconduct Case Review. If a University Witness fails to participate at a Sexual Misconduct Case Review, the Sexual Misconduct Case Review will generally proceed without the University Witness. The decision to postpone a Sexual Misconduct Case Review for cause is at the discretion of the Case Coordinator or designee and will be communicated to each party.

For virtual case reviews, OSARP will have a staff member in the Zoom meeting to manage the administrative and technical aspects of Zoom so the decision-maker can focus solely on the case. The OSARP staff member will not participate in the case.

The start time of the case review includes the decision-maker meeting with each participant to discuss procedural information and answer questions from the participants. The length of these meetings cannot be predetermined.

Sexual Misconduct Case Reviews will be audio and/or video 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, the decision-maker may ask additional questions at any time. Any participant, including the decision-maker, may request a break at any point during the Sexual Misconduct Case Review. Additionally, the phrase “through the decision-maker” used throughout the Sexual Misconduct Case Review procedures refers to the decision-maker confirming or denying a Reporting Party, Responding Party, Reporting Party Witness, or Responding Party Witness’s ability to respond to a question; this confirmation or denial may be verbal or non-verbal. The decision-maker 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 case. The decision-maker will disregard information that violates the rights of a party, is prohibited by the Sexual Misconduct Accountability Process, or bears no relevancy to the case. Adaptations to the process may be made to ensure the fair review of cases including, but not limited to, if OSARP initiated the Sexual Misconduct Accountability Process without the authorization of the Reporting Party or to allow for multiple Reporting Parties and/or Responding Parties; if this occurs Reporting Party(ies) and the Responding Party(ies) will be notified of the adaptations prior to the Sexual Misconduct Case Review. Any participant may be removed by the decision-maker if they violate the Rules of Decorum or procedures outlined in the Student Handbook.

1. The decision-maker meets with each participant to discuss procedural information and answer questions.
2. The decision-maker and participants are introduced.
3. The statement of the alleged policy violation(s) is presented by the decision-maker.
4. Procedures for the Sexual Misconduct Case Review are explained; participants state any questions they have concerning rights or procedures.
5. The Reporting Party is allotted 3 minutes to make an opening statement that outlines the main points of their allegations.
6. The Responding Party is allotted 3 minutes to make an opening statement that outlines the main points of their response to the allegations.
7. University Witnesses will be called individually and provided an opportunity to share a verbal statement regarding the allegations.
 - The decision-maker will ask questions they have for each University Witness.
 - The Reporting Party will be allotted time to question each University Witness.
 - The Responding Party will be allotted time to question each University Witness.
 - The decision-maker may request that an University Witness return at a later point in the Case Review for further clarification.
 - Step #7 repeats until all University Witnesses have participated.
8. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
9. The Reporting Party is allotted time to share a full verbal statement which may include information regarding the allegations in this case. This is also the Reporting Party’s opportunity to respond to any information or evidence included in the Case File or that has been shared up until this point in the case review.
10. The Responding Party is allotted time to share a full verbal statement which may include information regarding the allegations in this case. This is also the Responding Party’s opportunity to respond to any information or evidence included in the Case File or that has been shared up until this point in the case review.
11. A scheduled 10-minute break will occur unless all parties agree to continue without a break.
12. The decision-maker will ask any questions they have for either the Responding Party or the Reporting Party.
13. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
14. The Responding Party will be allotted time to question the Reporting Party through the decision-maker.
15. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
16. The Reporting Party will be allotted time to question the Responding Party through the decision-maker.
17. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
18. The Reporting Party will call their witnesses individually.
 - Each witness called by the Reporting Party will be allotted time 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 time to question their witness.

- At the conclusion of the Reporting Party's questions for their witness, the Responding Party will be allotted time to question the Reporting Party's witness through the decision-maker.
 - At the conclusion of the Responding Party's questions for each witness called by the Reporting Party, the decision-maker will ask any questions they have of the witness.
 - Witnesses called by the Reporting Party can provide information relevant to the case, including what they know directly about the alleged incident or behavior and/or what they have been told about the alleged incident or behavior. Witnesses called by the Reporting Party may not provide their perspective on what they feel the appropriate decision or outcome(s) in the case should be.
 - The decision-maker may request that a witness for the Reporting Party return at a later point in the Case Review for further clarification.
 - Step #18 repeats until all Reporting Party Witnesses have participated.
19. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
20. The Responding Party will call their witnesses individually.
- Each witness called by the Responding Party will be allotted time 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 time to question their witness.
 - At the conclusion of the Responding Party's questions for their witness, the Reporting Party will be allotted time to question the Responding Party's witness through the decision-maker.
 - At the conclusion of the Reporting Party's questions for each witness called by the Responding Party, the decision-maker will ask any questions they have of the witness.
 - Witnesses called by the Responding Party can provide information relevant to the case, including what they know directly about the alleged incident or behavior and/or what they have been told about the alleged incident or behavior. Witnesses called by the Responding Party may not provide their perspective on what they feel the appropriate decision or outcome(s) in the case should be.
 - The decision-maker may request that a witness for the Responding Party return at a later point in the Case Review for further clarification.
 - Step #20 repeats until all Responding Party Witnesses have participated.
21. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
22. Any University Witnesses asked by the decision-maker to return later will be brought in individually, if applicable.
- The Reporting Party may ask questions, followed by the Responding Party, and then the decision-maker's opportunity to ask any remaining questions they have of the University Witness.
 - The University Witnesses will then be dismissed from the Sexual Misconduct Case Review.
 - Step #22 repeats until all University Witnesses have participated.
23. Any Reporting Party Witnesses asked by the decision-maker to return later will be brought in individually, if applicable.
- The Reporting Party may ask questions, followed by the Responding Party through the decision-maker, and then the decision-maker's opportunity to ask any remaining questions they have of the Reporting Party Witness.
 - The Reporting Party Witnesses will then be dismissed from the Sexual Misconduct Case Review.
 - Step #23 repeats until all Reporting Party Witnesses have participated.
24. Any Responding Party Witnesses asked by the decision-maker to return later will be brought in individually, if applicable.
- The Responding Party may ask questions of their witness, followed by the Reporting Party through the decision-maker, and then the decision-maker's opportunity to ask any remaining questions they have of the Responding Party Witness.
 - The Responding Party Witnesses will then be dismissed from the Sexual Misconduct Case Review.
 - Step #24 repeats until all Responding Party Witnesses have participated.
25. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
26. The Reporting Party will be allotted time to make a statement that responds to anything shared by the Responding Party in the Case File or during the Sexual Misconduct Case Review.
27. The Responding Party will be allotted time to make a statement that responds to anything shared by the Reporting Party in the Case File or during the Sexual Misconduct Case Review.
28. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
29. The Responding Party will be allotted time for final questions of the Reporting Party through the decision-maker.

30. The Reporting Party will be allotted time for final questions of the Responding Party through the decision-maker.
31. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
32. The decision-maker will ask any final questions they have for either the Responding Party or the Reporting Party.
33. A scheduled 20-minute break will occur unless all parties agree to continue without a break.
34. 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 decision-maker.
35. 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 decision-maker.
36. All participants will be dismissed from the Sexual Misconduct Case Review. The decision-maker will evaluate evidence to determine the finding on the alleged policy violation(s). Determinations are based on a preponderance of the evidence.
 - If the decision-maker finds the Responding Party responsible for violating policy, they will determine the outcomes to be rendered for the case.
 - If the decision-maker finds the Responding Party not responsible for violating policy, no outcomes will be assigned.

OSARP will concurrently contact the Responding Party and Reporting Party via email on the **tenth business day** after the date of the Sexual Misconduct Case Review with the availability and instructions to access the decision and, if applicable, outcomes rendered at the Sexual Misconduct Case Review. This will include the decision-maker's rationale for each finding on policy(ies), outcomes rendered, if applicable, and a recording of the Sexual Misconduct Case Review.

Once the decision-maker has rendered a decision at the conclusion of the Sexual Misconduct Case Review, the Sexual Misconduct Accountability Process will continue through the final decision, regardless of enrollment status of either party.

If neither party submits an appeal of the decision-maker's decision within the timeline set by the procedures listed in the Student Handbook, the decision-maker's decision in the case is final on the next calendar day following the appeal deadline. OSARP will communicate that final decision simultaneously to both parties, including any information for completing required outcomes. Failure to complete, schedule, attend, or be on time for programs/meetings, failing to complete related assignments, or failing to follow program expectations may result in a \$50 fine per program/meeting not completed by the deadline and a student account hold, which prevents class registration and is typically only removed once outstanding outcome(s) are verified as completed by OSARP. Repeated failure may result in an alleged policy violation of *Failure to Comply with an Outcome*.

OSARP may initiate the Individual Accountability Process if a student knowingly provides falsified or misleading information at a Sexual Misconduct Case Review for alleged violation of the [Interference or Retaliation in a University Process](#) policy. An employee may be charged with misconduct under relevant university policies.

OSARP may initiate the Individual Accountability Process against a Reporting Party or Responding Party if it receives information that a party discusses the case with a decision-maker prior to the Sexual Misconduct Case Review for alleged violation of the [Interference or Retaliation in a University Process](#) policy. An employee may be charged with misconduct under the 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 permitted 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.

Appeals

Responding Parties and Reporting Parties have the right to submit a written appeal of the decision rendered at a Sexual Misconduct Case Review within **four** days of receiving the decision rendered at the Sexual Misconduct Case Review. Responding Parties and/or Reporting Parties must submit their appeal themselves; no one is permitted to submit an appeal on their behalf.

Once a decision has been made at the conclusion of the Sexual Misconduct Case Review, the Sexual Misconduct Accountability Process will continue through the final decision regardless of the enrollment status of either party.

Either party may submit an appeal of the decision made at a Sexual Misconduct Case Review on one or more of the following grounds. When referenced below, "affected the outcome of the matter" refers to the entirety of the decision rendered including the determination regarding responsibility or remedies and outcomes assigned, if applicable.

- Procedural irregularity that affected the outcome of the matter.
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.
- The Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Reporting Parties or Responding Parties generally or the individual Reporting Party or Responding Party that affected the outcome of the matter.

If either party submits an appeal, the other party will be notified in writing that the appeal was submitted. OSARP reserves the right to redact information from the submitted appeal to be used by the Appeal Board that is prohibited by the Sexual Misconduct Accountability Process or that violates the rights of either party. If redactions are made, the party who submitted the appeal may challenge these redactions to the Case Coordinator or designee within **two** days of their receipt of the submitted appeal to be used by the Appeal Board.

After all challenges to redactions have been resolved or the deadline to challenge redactions has passed, the other party will then be notified in writing that the appeal submission is ready for review and provided **four** days to submit a response to the appeal.

OSARP reserves the right to redact information from the other party's response submitted that is prohibited by the Sexual Misconduct Accountability Process or that violates the rights of either party. If redactions are made, the party who submitted the response may challenge these redactions to the Case Coordinator or designee within **two** days of their receipt of the submitted response to be used by the Appeal Board.

For appeals involving new evidence, if a party wishes to have witnesses participate at the Sexual Misconduct Appeal Review, they must submit their witnesses within **two** days of being notified that an Appeal Review regarding new evidence will occur where the parties are permitted to participate.

OSARP typically schedules Sexual Misconduct Appeal Reviews to occur within **fifteen business days** of notifying the parties in a case that a Sexual Misconduct Appeal Review will be held. However, the circumstances surrounding the case may make it necessary for the university to shorten or extend that timeline.

When applicable, OSARP reasonably schedules Sexual Misconduct Appeal Reviews around the availability of Appeal Board members, OSARP Staff, and University Witnesses. If a Sexual Misconduct Appeal Review is to occur when the Responding Party and/or Reporting Party are enrolled in classes at JMU, the Sexual Misconduct Appeal Review will reasonably be scheduled around their academic schedule(s). If a Sexual Misconduct Appeal Review is to occur when the Responding Party and/or Reporting Party are not enrolled in classes at JMU, it will be reasonably scheduled around their availability. The availability or academic schedules of witnesses called by either party or a Support Person for either party will reasonably be considered in scheduling a Sexual Misconduct Appeal Review.

Sexual Misconduct Appeal Reviews will be conducted by three voting faculty or staff decision-makers called University Case Administrators who form the Appeal Board; they are not employed by OSARP but have received training to hear Sexual Misconduct-related cases. One of the faculty or staff members, in addition to being a voting member, will also serve as the chairperson. The faculty or staff members serving as Appeal Board members will not be the Title IX Coordinator, Investigator(s) in the case, or the decision-maker from the Sexual Misconduct Case Review. If any of the Appeal Board members feel that their previous contact with the case or the parties involved will prevent them from rendering a fair decision, the decision-maker must request that they not be

assigned to the Sexual Misconduct Appeal Review. Responding Parties and Reporting Parties will be informed of the Appeal Board assigned to the Sexual Misconduct Appeal Review. Upon receiving notification of the assigned Appeal Board, a Responding Party or Reporting Party may request that a decision-maker be replaced if the student can show a bias or conflict of interest on the part of the decision-maker. In order to make such a request, a Responding Party or Reporting Party must contact the Case Coordinator or designee immediately, setting forth their reasons in writing. The Case Coordinator or designee will review all requests. Any decision to remove a decision-maker and/or to postpone a Sexual Misconduct Appeal Review for cause is at the discretion of the Case Coordinator or designee.

OSARP may initiate the Sexual Misconduct Accountability Process in accordance with the procedures listed in the Student Handbook. The Sexual Misconduct Appeal Review for New Evidence will typically be conducted virtually in a manner in which participants simultaneously see and hear each other; instructions will be provided via email for accessing the Sexual Misconduct Appeal Review. Parties may request the process be conducted in person for cause, which will be granted or denied at the discretion of the Case Coordinator or designee. Requests for the appeal review to be conducted in person for cause may include but not be limited to an accommodation through the Office of Disability Services. If a party is unable to secure a private location for their virtual Sexual Misconduct Appeal Review or requires an in-person case review as an accommodation, the party should contact OSARP immediately upon receiving the notification email to let OSARP know of the concern and request; such concerns or requests will be granted or denied at the discretion of the Case Coordinator or designee.

Responding Parties and Reporting Parties may request reasonable safety measures, including but not limited to police presence, be put in place during the Sexual Misconduct Appeal Review, if the parties are physically present in the same geographic location; such request will be implemented at the university's discretion.

The Appeal Board will review the Case File, a recording of the Sexual Misconduct Case Review, the submitted appeal with any appropriate redactions, any responses provided to the submitted appeal with any appropriate redactions, and, when applicable, the information provided by those in attendance at the Sexual Misconduct Appeal Review.

The decisions rendered at a Sexual Misconduct Appeal Review are based on a preponderance of the evidence and determined by a majority vote of the Appeal Board members. During the Sexual Misconduct Appeal Review the chairperson has the authority to prohibit information, and/or instruct Appeal Board members to disregard 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 grounds for appeal submission. Any participant may be removed by the chairperson if they violate the Rules of Decorum or procedures outlined in the Student Handbook.

At the conclusion of the Appeal Review process, the Appeal Board will provide a decision, including a rationale, to OSARP within five business days of the Sexual Misconduct Appeal Review. OSARP will concurrently notify the Responding Party and the Reporting Party of the final decision, rationale, and any outcomes rendered on the fifth business day from the scheduled Sexual Misconduct Appeal Review. Decisions rendered by the Appeal Board at an Appeal Review are considered final. As such, there is no mechanism for a Responding Party or Reporting Party to appeal the decision made by the Appeal Review Appeal Board.

If, as a result of an Appeal Review, the Appeal Board determines that the decision rendered at the Sexual Misconduct Case Review is final, OSARP will communicate that final decision simultaneously to both parties, including any information for completing required outcomes. Failure to complete, schedule, attend, or be on time for programs/meetings, failing to complete related assignments, or failing to follow program expectations may result in a \$50 fine per program/meeting not completed by the deadline and a student account hold, which prevents class registration and is typically only removed once outstanding outcome(s) are verified as completed by OSARP. Repeated failure may result in an alleged policy violation of *Failure to Comply with an Outcome*.

In cases where both the Reporting Party and Responding Party submit an appeal for an Appeal Review, there will be one Sexual Misconduct Appeal Review to render decisions considering the arguments raised in both appeals.

If an appeal is submitted based on procedural irregularity that affected the outcome, by either one or both parties, the Sexual Misconduct Appeal Review will follow the procedures listed in "Procedures – Sexual Misconduct Appeal Review: Procedural Irregularity." Neither the Reporting Party nor the Responding Party participate or attend this type of Sexual Misconduct Appeal Review.

If an appeal is submitted on grounds that the Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Reporting Parties or Responding Parties generally or the individual Reporting Party or Responding Party, by either

one of both parties, the Sexual Misconduct Appeal Review will follow the procedures listed in “Procedures – Sexual Misconduct Appeal Review: Conflict of Interest or Bias.” Neither the Reporting Party nor the Responding Party participate or attend this type of Sexual Misconduct Appeal Review.

If an appeal is submitted based on new evidence that was not reasonably available at the time the original decision was made (i.e. Sexual Misconduct Case Review) that could affect the outcome of the case, by either one or both parties, the Sexual Misconduct Appeal Review will follow the procedures listed in “Procedures – Sexual Misconduct Appeal Review: New Evidence.” Both parties may choose to attend this type of Appeal Review only if the Appeal Board determines the appeal submission meets the criteria for new evidence, per the procedures outlined in the Handbook. The party who submitted the appeal may choose to present the new evidence to the Appeal Board and the party who submitted a response may choose to present their response to the Appeal Board.

If an appeal is submitted based on multiple grounds, by either one or both parties, one Sexual Misconduct Appeal Review will be held and follow the procedures listed in “Procedures - Sexual Misconduct Appeal Review: Multiple Grounds for Appeal.”

The Responding Party and the Reporting Party will be notified via email of the outcome of the Sexual Misconduct Appeal Review simultaneously by OSARP on the **fifth business day** after the date of the Sexual Misconduct Appeal Review. This notification will be to inform them that a new Sexual Misconduct Formal Complaint Investigation Process has been ordered, a new Sexual Misconduct Case Review has been ordered, or of the final decision in the case.

The Sexual Misconduct Appeal Review will generally follow the procedures below based on the reason(s) for appeal. Adaptations to the process may be made to ensure the fair review of cases including, but limited to, if OSARP initiated the Sexual Misconduct Accountability Process without the authorization of the Reporting Party or to allow for multiple Reporting Parties and/or Responding Parties; if this occurs, Reporting Party(s) and the Responding Party(s) will be notified of the adaptations prior to the Sexual Misconduct Case Review.

Procedures – Sexual Misconduct Appeal Review: Procedural Irregularity

Responding Parties and Reporting Parties are not present for and do not participate in Sexual Misconduct Appeal Reviews based on procedural irregularity. If both parties submitted this type of appeal, then each appeal submission and its response will be reviewed separately in the order they were received by OSARP using the following procedures. The Responding Party and the Reporting Party will be notified of the outcome of the Sexual Misconduct Appeal Review in accordance with the procedures listed in the Sexual Misconduct Accountability Process.

1. For the first, or only, submitted appeal and response, the Appeal Board will determine whether a procedural irregularity occurred by considering the arguments made in the appeal and any response submitted.
 - If the Appeal Board determines that no procedural irregularity occurred, the decision rendered at the Sexual Misconduct Case Review will stand.
 - If the other party in the case also submitted an appeal based on procedural irregularity, then the Appeal Board will proceed to Step 3.
2. If the Appeal Board determines that a procedural irregularity occurred, they will then determine if the procedural irregularity can reasonably be said to have affected the outcome of the case for the first, or only, party who submitted the appeal.
 - If the Appeal Board determines that the procedural irregularity cannot reasonably be said to have affected the outcome of the case for the first party who submitted an appeal, the decision rendered at the Sexual Misconduct Case Review will stand.
 - If the other party in the case also submitted an appeal based on procedural irregularity, then the Appeal Board will proceed to Step 3.
 - If the Appeal Board determines that the procedural irregularity can reasonably be said to have affected the outcome of the case for the first party who submitted an appeal, the Appeal Board will either send the case to the Title IX Coordinator’s supervisor or designee (for procedural irregularit(ies) that occurred during the investigation) or to the OSARP Case Manager or designee (for procedural irregularit(ies) that occurred only during the case review). For cases that are sent to the Title IX Coordinator’s supervisor or designee, the Title IX Formal Complaint Investigation Process will be re-conducted which will also result in a rehearing of the Title IX Sexual Harassment

Case Review. For cases that are sent to the OSARP Case Manager or designee, OSARP will conduct a new Sexual Misconduct Case Review.

- If the case is sent to the Title IX Coordinator's supervisor or designee or the OSARP Case Manager or designee after review of the first appeal where a second appeal was submitted by the other party, the Appeal Board will review the second submission using the process as described in steps 3-4 of this section.
3. For the second submitted appeal and response, the Appeal Board will determine whether a procedural irregularity occurred by considering the arguments made in the appeal and any response submitted.
 - If the Appeal Board determines that no procedural irregularity occurred, the decision rendered at the Sexual Misconduct Case Review will stand.
 4. If the Appeal Board determines that a procedural irregularity occurred, they will then determine if the procedural irregularity can reasonably be said to have affected the outcome of the case for the second party who submitted the appeal.
 - If the Appeal Board determines that the procedural irregularity cannot reasonably be said to have affected the outcome of the case for the second party who submitted the appeal, the decision rendered at the Sexual Misconduct Case Review will stand.
 - If the Appeal Board determines that the procedural irregularity can reasonably be said to have affected the outcome of the case for the second party who submitted the appeal, the Appeal Board will either send the case to the Title IX Coordinator's supervisor or designee (for procedural irregularit(ies) that occurred during the investigation) or to the OSARP Case Manager or designee (for procedural irregularit(ies) that occurred only during the case review). For cases that are sent to the Title IX Coordinator's supervisor or designee, the Title IX Formal Complaint Investigation Process will be re-conducted which will also result in a rehearing of the Sexual Misconduct Case Review. For cases that are sent to the OSARP Case Manager or designee, OSARP will conduct a new Sexual Misconduct Case Review.
 5. If the appeal submission solely contained arguments for procedural irregularit(ies), then the appeal will end.
 6. If the appeal submission contained arguments for conflict of interest or bias, the appeal board will follow the procedures for reviewing those aspects of the appeal submission. If the appeal submission did not contain arguments for conflict of interest or bias, the appeal board will follow the procedures for reviewing the new evidence portion of the appeal, if applicable.

Procedures – Sexual Misconduct Appeal Review: Conflict of Interest or Bias

Responding Parties and Reporting Parties are not present for and do not participate in Sexual Misconduct Appeal Reviews based on grounds that the Title IX Coordinator, Investigator(s), or Decision Maker(s) had a conflict of interest or bias for or against Reporting Parties or Responding Parties generally, or the individual Reporting Party or Responding Party, that affected the outcome of the case. If both parties submitted this type of appeal, then each appeal submission and its response will be reviewed separately in the order they were received by OSARP using the following procedures. The Responding Party and the Reporting Party will be notified of the outcome of the Sexual Misconduct Appeal Review in accordance with the procedures listed in the Sexual Misconduct Accountability Process.

1. For the first, or only, submitted appeal and response, the Appeal Board will determine whether a conflict of interest or bias occurred by considering the arguments made in the appeal and any response submitted.
 - If the Appeal Board determines that no conflict of interest or bias occurred, the decision rendered at the Sexual Misconduct Case Review will stand.
 - If the other party in the case also submitted an appeal based on alleged conflict of interest or bias, then the Appeal Board will proceed to Step 3.
2. If the Appeal Board determines that a conflict of interest or bias occurred, they will then determine if the conflict of interest or bias affected the outcome of the case for the first, or only, party who submitted an appeal.
 - If the Appeal Board determines that the conflict of interest or bias did not affect the outcome of the case for the first party who submitted an appeal, the decision rendered at the Sexual Misconduct Case Review will stand.
 - If the other party in the case also submitted an appeal based on an alleged conflict of interest or bias, then the Appeal Board will proceed to Step 3.
 - If the Appeal Board determines that the conflict of interest or bias affected the outcome of the case for the first party who submitted the appeal, the Appeal Board will either send the case to the Title IX Coordinator's supervisor

or designee (for bias by the investigator(s) or Title IX Coordinator) or to the OSARP Case Manager or designee (for bias of a decision-maker). For cases that are sent to the Title IX Coordinator's supervisor or designee, the Title IX Formal Complaint Investigation Process will be reconducted. For cases that are sent to the OSARP Case Manager or designee, OSARP will conduct a new Sexual Misconduct Case Review.

- If the case is sent to the Title IX Coordinator's supervisor or designee or the OSARP Case Manager or designee after review of the first submitted appeal in a Sexual Misconduct Appeal Review where a second appeal was submitted by the other party, the Appeal Board will review the second submission using the process as described in steps 3-4 of this section.
3. For the second submitted appeal and response, the Appeal Board will determine whether a conflict of interest or bias occurred by considering the arguments made in the appeal and any response submitted.
 - If the Appeal Board determines that no conflict of interest or bias occurred, the decision rendered at the Sexual Misconduct Case Review will stand.
 4. If the Appeal Board determines that a conflict of interest or bias occurred, they will then determine if the conflict of interest or bias affected the outcome of the case for the second party who submitted the appeal.
 - If the Appeal Board determines that the conflict of interest or bias cannot reasonably be said to have materially affected the outcome of the case for the second party who submitted the appeal, the decision rendered at the Sexual Misconduct Case Review will stand.
 - If the Appeal Board determines that the conflict of interest or bias affected the outcome of the case for the second party who submitted the appeal, the Appeal Board will either send the case to the Title IX Coordinator's supervisor or designee (for bias by the investigator(s) or Title IX Coordinator) or to the OSARP Case Manager or designee (for bias of a decision-maker). For cases that are sent to the Title IX Coordinator's supervisor or designee, the Title IX Formal Complaint Investigation Process will be reconducted. For cases that are sent to the OSARP Case Manager or designee, OSARP will conduct a new Sexual Misconduct Case Review.
 5. If the appeal submission solely contained arguments for procedural irregularit(ies)and/or conflict of interest or bias, then the appeal will end.
 6. If the appeal submission also contained arguments for new evidence, the appeal board will follow the procedures for reviewing the new evidence portion of the appeal.

Procedures – Sexual Misconduct Appeal Review: New Evidence

If an appeal submission included arguments based on new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter, the Appeal Board will first evaluate if the new evidence included in the appeal submission meets the stated criteria to be considered new evidence by conducting the following procedures. The Appeal Board will also have access to the case documentation, a recording of the Sexual Misconduct Case Review, the appeal submission and any responses to the submitted appeal, administrative items provided by OSARP, and the Respondent's previous disciplinary history maintained by OSARP.

Per the SMAP, new evidence is defined as information that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter. When referenced here, "affected the outcome of the matter" refers to the entirety of the decision rendered including the determination regarding responsibility or remedies and outcomes assigned, if applicable.

1. The Appeal Board will determine if the evidence was not reasonably available at the time the determination regarding responsibility or dismissal was made, based on the information in the first submitted appeal.
 - If the Appeal Board determines that the evidence included in the first appeal submission does not meet the criteria for being new, they will keep the decision and outcomes and remedies, if applicable, rendered at the Sexual Misconduct Case Review.
 - If there was not a second appeal submission based on new evidence, then the appeal board will conclude the Appeal Review.
 - If there was a second appeal submission based on new evidence, then the appeal board will move to step 2.
 - If the Appeal Board determines that the evidence included in the appeal submission does meet the criteria for being new, they will then determine if the evidence included in the appeal submission could have affected the outcome of the case.

- If the Appeal Board determines that the evidence included in the appeal submission could not have affected the outcome of the case, they will keep the decision and outcomes and remedies, if applicable, rendered at the Sexual Misconduct Case Review.
 - If there was not a second appeal submission based on new evidence, then the appeal board will conclude the Appeal Review.
 - If the Appeal Board determines that the evidence included in the appeal submission could have affected the outcome of the case, then one of the following will occur:
 - If there was a second appeal submission based on new evidence, then the appeal board will move to step 2.
 - If there was not a second appeal submission based on new evidence, and new evidence was the only grounds in the appeal submissions, then the Appeal Review will proceed using the procedures below. OSARP will schedule an Appeal Review to provide an opportunity for relevant participants to present and/or respond to the new evidence; this next step is considered to be the second stage of an Appeal Review involving new evidence.
 - If there was not a second appeal submission based on new evidence, and it was already determined during the Appeal Review that a re-investigation or a new case review will need to occur based on prior decisions made on arguments of procedural irregularit(ies) and/or conflict of interest or bias, then the Appeal Review will end.
 - If the new evidence was determined to meet the criteria for being new and it was determined that the new evidence could have affected the outcome of the case, then the new evidence and any response(s) to it will be given to the Title IX Coordinator's supervisor or designee to be added to the new investigation or given to the OSARP Case Manager or designee to be added the Case File to be used in the new Sexual Misconduct Case Review.
 - If the new evidence was not determined to meet the criteria for being new or it was not determined that the new evidence could have affected the outcome of the case, then the new evidence and any response(s) to it will not be given to the Title IX Coordinator's supervisor or designee to be added to the new investigation or given to the OSARP Case Manager or designee to be added the Case File to be used in the new Sexual Misconduct Case Review.
2. The appeal board will determine if the evidence was not reasonably available at the time the determination regarding responsibility or dismissal was made, based on the information in the second submitted appeal.
- If the Appeal Board determines that the evidence included in the second appeal submission does not meet the criteria for being new, they will keep the decision and outcomes and remedies, if applicable, rendered at the Sexual Misconduct Case Review and conclude the Appeal Review.
 - If the Appeal Board determines that the evidence included in the second appeal submission does meet the criteria for being new, they will then determine if the evidence included in the second appeal submission could have affected the outcome of the case.
 - If the Appeal Board determines that the evidence included in the second appeal submission could not have affected the outcome of the case, they will keep the decision and outcomes and remedies, if applicable, rendered at the Sexual Misconduct Case Review and conclude the Appeal Review.
 - If the Appeal Board determines that the evidence included in the second appeal submission could have affected the outcome of the case, then one of the following will occur:
 - If new evidence was the only grounds in the appeal submissions, then the Appeal Review will proceed using the procedures below. OSARP will schedule an Appeal Review to provide an opportunity for relevant participants to present and/or respond to the new evidence; this next step is considered to be the second stage of an Appeal Review involving new evidence.
 - If it was already determined during the Appeal Review that a re-investigation or a new case review will need to occur based on prior decisions made on arguments of procedural irregularit(ies) and/or conflict of interest or bias, then the Appeal Review will end.
 - If the new evidence was determined to meet the criteria for being new and it was determined that the new evidence could have affected the outcome of the case, then

the new evidence and any response(s) to it will be given to the Title IX Coordinator's supervisor or designee to be added to the new investigation or given to the OSARP Case Manager or designee to be added the Case File to be used in the new Sexual Misconduct Case Review.

- If the new evidence was not determined to meet the criteria for being new or it was not determined that the new evidence could have affected the outcome of the case, then the new evidence and any response(s) to it will not be given to the Title IX Coordinator's supervisor or designee to be added to the new investigation or given to the OSARP Case Manager or designee to be added the Case File to be used in the new Sexual Misconduct Case Review.

OSARP reasonably schedules the Sexual Misconduct Appeal Review on grounds of new evidence around the availability of Responding Parties, Reporting Parties, Appeal Board members, OSARP Staff, Support Persons, and Witnesses. If the Sexual Misconduct Appeal Review is to occur when the Responding Party, and/or Reporting Party are enrolled in classes at JMU, the Sexual Misconduct Appeal Review will reasonably be scheduled around their academic schedule(s). If the Sexual Misconduct Appeal Review is to occur when the Responding Party and/or Reporting Party are not enrolled in classes at JMU, it will be reasonably scheduled around their availability. The availability or academic schedules of witnesses called by either party or a Support Person for either party will reasonably be considered in scheduling the Sexual Misconduct Appeal Review.

In these types of Appeal Reviews, Responding Parties and Reporting Parties have a right to a Support Person in accordance with the restrictions stated in the Sexual Misconduct Accountability Process.

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 decision to postpone a Sexual Misconduct Appeal Review for cause is at the discretion of the Case Coordinator or designee and will be communicated to each party.

Sexual Misconduct Appeal Reviews on the grounds of new evidence will be audio and/or video recorded; the Appeal Board's closed deliberation will not be recorded. No party may make their own recordings of the Sexual Misconduct Appeal Review.

For virtual case reviews, OSARP will have a staff member in the Zoom meeting to manage the administrative and technical aspects of Zoom so the Appeal Board can focus solely on the case. The OSARP staff member will not participate in the hearing process or be present while the Appeal Board deliberates.

The start time of the case review includes the chairperson meeting with each participant to discuss procedural information and answer questions from the participants. The length of these meetings cannot be predetermined.

A Sexual Misconduct Appeal Review will proceed in accordance with the procedures below; however, Appeal Board members may ask additional questions at any time. Any participant, including the Appeal Board members, may request a break at any point during the Sexual Misconduct Case Review. The chairperson 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 case. The chairperson also has the authority to instruct Appeal 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 case.

Adaptations to the process may be made for cases including, but limited to, if OSARP initiated the Sexual Misconduct Accountability Process without the authorization of the Reporting Party or to allow for multiple Reporting Parties and/or Responding Parties; if this occurs Reporting Party(s) and the Responding Party(s) will be notified of the adaptations prior to the Sexual Misconduct Appeal Review.

If only the Responding Party submitted an appeal based on new evidence, then Steps 7-10 will be eliminated in the procedures below. If only the Reporting Party submitted an appeal based on new evidence, then Steps 3-6 will be eliminated in the procedures below. If both parties submitted an appeal based on new evidence, then each appeal submission and its response will be reviewed separately using the entirety of the following procedures. The Responding Party and the Reporting Party will be notified of the outcome of the Sexual Misconduct Appeal Review in accordance with the procedures listed in the Sexual Misconduct Accountability Process.

1. The chairperson meets with each participant to discuss procedural information and answer questions.
2. The Appeal Board members and participants are introduced.
3. Information is presented by the Responding Party solely about the new evidence in their appeal.
 - The Appeal Board may ask questions about the new evidence presented in the Responding Party's appeal.
 - The Reporting Party, through the chairperson, will be allotted time to question the Responding Party about the new evidence presented in the Responding Party's appeal.
4. If applicable, the Responding Party will call their witnesses individually.
 - Each witness called by the Responding Party will be allotted time to make a verbal statement regarding the new evidence submitted in the appeal or response.
 - At the conclusion of the statement shared by the Responding Party's Witness, the Responding Party will be allotted time to question the Responding Party's Witness.
 - At the conclusion of the Responding Party's questions for their witness, the Reporting Party, through the chairperson, will be allotted time to question the Responding Party's Witness.
 - At the conclusion of the Reporting Party's questions for the witness called by the Responding Party, the Appeal Board will ask any questions they have of the witness.
 - Witnesses called by the Responding Party may provide what they know directly about and/or what they have been told about the new evidence as it relates to the submitted appeal or response. Witnesses called by the Responding Party may not provide their perspective on what they feel the appropriate decision or outcome(s) in the case should be.
 - The Appeal Board may request that a witness for the Responding Party return at a later point in the Appeal Review for further clarification.
 - Section #4 repeats until all of the Responding Party's Witnesses have participated.
5. Information is presented by the Reporting Party solely about their response to the new evidence in the Responding Party's appeal.
 - The Appeal Board may question the Reporting Party about their response to the new evidence in the Responding Party's appeal.
 - The Responding Party, through the chairperson, will be allotted time for questions of the Reporting Party.
6. If applicable, the Reporting Party will call their witnesses individually.
 - Each witness called by the Reporting Party will be allotted time to make a verbal statement regarding the new evidence submitted in the appeal or response.
 - At the conclusion of the statement shared by the Reporting Party's Witness, the Reporting Party will be allotted time to question the Reporting Party's Witness.
 - At the conclusion of the Reporting Party's questions for their witness, the Responding Party, through the chairperson, will be allotted time to question the Reporting Party's Witness.
 - At the conclusion of the Responding Party's questions for the witness called by the Reporting Party, the Appeal Board will ask any questions they have of the witness.
 - Witnesses called by the Reporting Party may provide what they know directly about and/or what they have been told about the new evidence as it relates to the submitted appeal or response. Witnesses called by the Reporting Party may not provide their perspective on what they feel the appropriate decision or outcome(s) in the case should be.
 - The Appeal Board may request that a witness for the Reporting Party return at a later point in the Appeal Review for further clarification.
 - Section #6 repeats until all of the Reporting Party's Witnesses have participated.
7. Information is presented by the Reporting Party solely about the new evidence in their appeal.
 - The Appeal Board may ask questions about the new evidence presented in the Reporting Party's appeal.
 - The Responding Party, through the chairperson, will be allotted time for questions of the Reporting Party.
8. If applicable, the Reporting Party will call their witnesses individually.
 - Each witness called by the Reporting Party will be allotted time to make a verbal statement regarding the new evidence submitted in the appeal or response.
 - At the conclusion of the statement shared by the Reporting Party's Witness, the Reporting Party will be allotted time to question the Reporting Party's Witness.

- At the conclusion of the Reporting Party's questions for their witness, the Responding Party, through the chairperson, will be allotted time to question the Reporting Party's Witness.
 - At the conclusion of the Responding Party's questions for the witness called by the Reporting Party, the Appeal Board will ask any questions they have of the witness.
 - Witnesses called by the Reporting Party may provide what they know directly about and/or what they have been told about the new evidence as it relates to the submitted appeal or response. Witnesses called by the Reporting Party may not provide their perspective on what they feel the appropriate decision or outcome(s) in the case should be.
 - The Appeal Board may request that a witness for the Reporting Party return at a later point in the Appeal Review for further clarification.
 - Section #8 repeats until all of the Reporting Party's Witnesses have participated.
9. Information is presented by the Responding Party solely about their response to the new evidence in the Reporting Party's appeal.
- The Appeal Board may question the Responding Party about their response to the new evidence in the Reporting Party's appeal.
 - The Reporting Party, through the chairperson, will be allotted time for questions of the Responding Party.
10. If applicable, the Responding Party will call their witnesses individually.
- Each witness called by the Responding Party will be allotted time to make a verbal statement regarding the new evidence submitted in the appeal or response.
 - At the conclusion of the statement shared by the Responding Party's Witness, the Responding Party will be allotted time to question the Responding Party's Witness.
 - At the conclusion of the Responding Party's questions for their witness, the Reporting Party, through the chairperson, will be allotted time to question the Responding Party's Witness.
 - At the conclusion of the Reporting Party's questions for the witness called by the Responding Party, the Appeal Board will ask any questions they have of the witness.
 - Witnesses called by the Responding Party may provide what they know directly about and/or what they have been told about the new evidence as it relates to the submitted appeal or response. Witnesses called by the Responding Party may not provide their perspective on what they feel the appropriate decision or outcome(s) in the case should be.
 - The Appeal Board may request that a witness for the Responding Party return at a later point in the Appeal Review for further clarification.
 - Section #10 repeats until all of the Responding Party's Witnesses have participated.
11. Any Reporting Party Witnesses asked by the Appeal Board to return later will be brought in individually, if applicable.
- The Reporting Party may ask questions, followed by the Responding Party through the chairperson, and then Appeal Board. This is their opportunity to ask any remaining questions they have of the Reporting Party Witness.
 - The Reporting Party Witnesses will then be dismissed from the Sexual Misconduct Appeal Review.
 - Section #11 repeats until all of the Reporting Party's Witnesses have participated.
12. Any Responding Party Witnesses asked by the Appeal Board to return later will be brought in individually, if applicable.
- The Responding Party may ask questions of their witness, followed by the Reporting Party through the chairperson, and then Appeal Board. This is their opportunity to ask any remaining questions they have of the Responding Party Witness.
 - The Responding Party Witnesses will then be dismissed from the Sexual Misconduct Appeal Review.
 - Section #12 repeats until all of the Responding Party's Witnesses have participated.
13. The Appeal Board may ask final questions of the Responding Party and/or Reporting Party.
14. The Responding Party, Reporting Party, and Support Persons will leave; the Appeal Board will enter closed deliberation.
15. The Appeal Board will vote to determine if the new evidence and any response(s) are significant enough to alter the decisions 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), is not significant enough to alter the decision made at the Sexual Misconduct Case Review, the decision 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), is significant enough to alter the decision made at the Sexual Misconduct Case Review, they will render the decision of whether or not the Responding Party is responsible for violating policy and proceed to step 16.A or 16.B.
16.
 - A. If the Appeal Board finds the Responding Party not responsible for violating all policies, they will proceed to Step 18.
 - B. If the Appeal Board finds the Responding Party responsible for violating policy, they will proceed to step 17.
 17. The Appeal Board will render outcomes for the case. If an appeal was only submitted by the Responding Party, the Appeal Board may not assign more severe outcomes than those assigned at the Sexual Misconduct Case Review.
 18. The Responding Party and the Reporting Party will be notified of the outcome of the Sexual Misconduct Appeal Review in accordance with the procedures listed in the Sexual Misconduct Accountability Process.

Procedures – Sexual Misconduct Appeal Review: Multiple Grounds for Appeal

If both parties submit an appeal based only on procedural irregularity and/or conflict of interest or bias that affected the outcome, the Appeal Board will first review appeal submissions regarding procedural irregularity and then appeal submissions regarding conflict of interest or bias, in the order in which they were received by OSARP.

If an appeal is based on multiple grounds, submitted by one or both parties, OSARP will schedule an Appeal Review where the Appeal Board will first evaluate the portions of the appeal on procedural irregularity, if applicable, then on conflict of interest or bias, if applicable, and then on new evidence, if applicable, proceeding as outlined in the related sections of the Handbook.

Information on Disability Accommodations in the Sexual Misconduct Accountability Process (SMAP)

JMU and OSARP are committed to providing programs that are equally inclusive and accessible to all participants. Participants may request accommodations in accordance with [JMU Policy 1331](#). If you are a student who needs accommodation of a disability to support your participation in an OSARP process, submit your accommodation request to ODS via the Accommodate portal available in MyMadison (see also <https://www.jmu.edu/ods/getting-started/index.shtml>). You may send an email to the [Office of Disability Services](#) (ODS) at disability-svcs@jmu.edu asking for an expedited review in light of the timelines associated with the OSARP process. ODS and OSARP may consult to identify potentially reasonable accommodations to support effective participation in the OSARP process. ODS will communicate with OSARP about the identified accommodations and copy you on the written notice of accommodations. All requests must be communicated to OSARP at least three business days prior to a process, so please contact the Office of Disability Services immediately. For others who may need accommodations, contact the appropriate unit as indicated in JMU policy 1331.

Title IX Sexual Harassment Adjudication Process (TIXSHAP)

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. The [Title IX Office](#) oversees and conducts the investigation from Formal Complaints arising out of alleged violations of the [Title IX Sexual Harassment](#) policy.

The information contained in this section of the Handbook is only applicable for those participating in the Title IX Sexual Harassment Adjudication Process as a result of alleged violation(s) of the *Title IX Sexual Harassment* policy. For cases not alleging a *Title IX Sexual Harassment* policy violation, see the "[Individual Accountability Process](#)" or the "[Sexual Misconduct Accountability Process](#)" sections within this Handbook.

For purposes of Title IX Sexual Harassment, the Title IX Sexual Harassment Policies and Procedures set forth in the Title IX Sexual Harassment Adjudication Process apply when a Respondent is a student as defined in the "[Definitions](#)" section of this Handbook.

Definitions

Case Coordinator

The Case Coordinator is a trained person who is assigned to a case and has the main responsibility for coordinating the administrative and technical aspects of the Title IX Sexual Harassment Adjudication Process for that case. This includes communication with parties, Advisors, witnesses, decision-makers, and any other relevant participants; creation and distribution of the case file; scheduling of Guide Appointments, the Case Review, and the Appeal Review, if applicable; making case-related decisions; and any other necessary tasks. Typically, the Case Coordinator is the Director or an Associate Director of OSARP; however, circumstances may require other trained individuals to serve as the Case Coordinator. The Case Coordinator does not also serve as the decision-maker for a specific case.

Chairperson

Among other duties, the chairperson is the person designated during an Appeal Review that has the responsibility of carrying out the stated procedures of the process and upholding the Rules of Decorum. This person also has the authority to determine relevancy of questions, prohibit information from being shared or instruct the Appeal Board to disregard information shared that violates the rights of a party, is not allowed by the process, or bears no relevancy to the hearing of the case.

Cross-Examination

Cross-examination is the time when each party's Advisor asks the other party and any witnesses all relevant questions and follow-up questions, including challenges to credibility.

Complainant

A Complainant is an individual who is alleged to be the victim of conduct that could constitute sexual harassment and alleges a violation of the *Title IX Sexual Harassment* policy. They are a person who reports that they experienced alleged behavior committed by a JMU student that is covered by the *Title IX Sexual Harassment* policy. A Complainant presents information regarding alleged policy violation(s) to the Title IX Office in a Formal Complaint, and it is their interaction with a Respondent that led to an alleged policy violation(s) being placed by OSARP. Complainants participate in the Title IX Sexual Harassment Case Review and Title IX Sexual Harassment Appeal Review, if applicable, as outlined in the Student Handbook. The availability of a Complainant is reasonably considered when OSARP schedules a Title IX Sexual Harassment Case Review and Title IX Sexual Harassment Appeal Review, if applicable, as outlined in the Handbook. OSARP confers the rights outlined in the "Respondent & Complainant- Responsibilities and Rights- Title IX Sexual Harassment" to those who meet this definition.

Complainant Witnesses & Respondent Witnesses

Complainant and Respondent Witnesses are individuals who provide a report, statement, evidence, or other information to the Title IX Office during the Title IX Formal Complaint Investigation Process and who is called by a Complainant or Respondent, respectively, to participate in the Title IX Sexual Harassment Adjudication Process. They may provide their information to the decision maker(s) in accordance with any rights and restrictions as listed in the Student Handbook. During a Title IX Sexual Harassment Case Review and Title IX Sexual Harassment Appeal Review, if applicable, witnesses for the Complainant or Respondent can provide information

relevant to the case, including what they know directly about the alleged incident or behavior and/or what they have been told about the alleged incident or behavior. They may not provide their perspective on what they feel the appropriate decision, outcome(s), or remedy(ies) in the case should be at any time during the process. Their availability is reasonably considered when OSARP schedules a Title IX Sexual Harassment Case Review and/or a Title IX Sexual Harassment Appeal Review, if applicable. OSARP confers the rights below to those serving in these roles.

Decision-Maker(s)

Decision-maker(s) include OSARP Case Administrators and University Case Administrators (UCA), when applicable.

OSARP Case Administrator

This is a full-time professional staff member in OSARP who has received training to hear Title IX Sexual Harassment-related cases. The OSARP Case Administrator serves as the decision maker for Title IX Sexual Harassment Case Reviews and is responsible for making determinations regarding findings on policy and, if applicable, assigning outcomes and/or remedies. They are also responsible for the written rationale for the determinations.

OSARP Process Guide

- An OSARP Process Guide is a full-time OSARP staff member or designee assigned to a Complainant or Respondent to provide procedural information and respond to questions about the Title IX Sexual Harassment Adjudication Process. The OSARP Process Guide solely provides procedural information and does not provide the party with advice on how to present their case.
- This position will be referred to as "OSARP Guide" throughout the Title IX Sexual Harassment Adjudication Process.

Participant

A term for any individual participating in the Title IX Sexual Harassment Adjudication Process.

Party

A term for the Complainant or Respondent.

Relevant Evidence

Evidence is relevant if it has any tendency to make a fact more or less probable than it would be without the evidence, and the fact is of consequence in determining the outcome of the case. Relevant evidence includes evidence concerning the credibility of a party or witness.

Remedy

Measures implemented after a finding of responsibility that are designed to restore or preserve equal access to the university's education program or activity for the Complainant and may include the same individualized services described as supportive measures by Title IX.

Respondent

A Respondent is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. They are a student who receives notification of an alleged policy violation(s), including at least one alleged violation of the *Title IX Sexual Harassment* policy, and is afforded rights and a Title IX Sexual Harassment Adjudication Process by OSARP to respond to all of the alleged policy violation(s). Respondents participate in the Title IX Sexual Harassment Case Review and Title IX Sexual Harassment Appeal Review, if applicable, as outlined in the Student Handbook. The availability of a Respondent is reasonably considered when OSARP schedules a Title IX Sexual Harassment Case Review and Title IX Sexual Harassment Appeal Review, if applicable, as outlined in the Student Handbook. OSARP confers the rights outlined in the "Respondent & Complainant - Responsibilities and Rights – Title IX Sexual Harassment" to those who meet this definition.

TIXSHAP

An acronym for the Title IX Sexual Harassment Adjudication Process.

TIXSHAR

An acronym for the Title IX Sexual Harassment Appeal Review.

TIXSHCR

An acronym for the Title IX Sexual Harassment Case Review.

University-Appointed Advisor

An Advisor provided to the Respondent or Complainant by the university for the purpose of conducting cross-examination during a Title IX Sexual Harassment Case Review or Title IX Sexual Harassment Appeal Review, if applicable. The university-appointed Advisor will be chosen at the university's discretion.

University Case Administrator (UCA)

UCAs are faculty/staff members who have received training to hear Title IX Sexual Harassment-related cases. As outlined in the Title IX Sexual Harassment Adjudication Process, UCAs may:

- Serve on a panel of three UCAs in the Title IX Sexual Harassment Appeal Process who form the Appeal Board. One of the panel members will be assigned by OSARP as the chairperson. In addition to serving as a voting member of the panel, the chairperson is responsible for administering the Appeal Review process and creating the rationale of the outcome.
- Serve as the single decision-maker in Title IX Sexual Harassment Case Reviews that occur as a result of a new Title IX Sexual Harassment Case Review being ordered from a Title IX Sexual Harassment Appeal Review. They are responsible for making determinations regarding findings on policy and, if applicable, assigning outcomes and/or remedies. They are also responsible for the written rationale for the determinations.
- Serve as the single decision-maker in initial Title IX Sexual Harassment Case Reviews in necessary circumstances, as determined by the Case Coordinator or designee.

University Witness

A University Witness is not called as a witness by a Respondent or Complainant but is called as a witness by the university as an individual who has relevant information for hearing of the case. The availability of a University Witness is reasonably considered when OSARP schedules a Title IX Sexual Harassment Case Review. University Witnesses do not have the right to be accompanied by a Support Person at a Title IX Sexual Harassment Case Review.

Participants' Roles, Rights, and Restrictions

Respondent & Complainant - Responsibilities and Rights - Title IX Sexual Harassment

Procedural Responsibilities of the Office of Student Accountability and Restorative Practices

1. OSARP will provide a fair and impartial process with an unbiased decision maker(s) that presumes the Respondent not responsible for violating policy.
2. OSARP will use a preponderance of the evidence standard to determine if a Respondent is responsible for violating policy.
3. OSARP will not restrict the rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.
4. OSARP will concurrently notify the Complainant and Respondent of the outcomes of the case related to the alleged violation(s) of the [Title IX Sexual Harassment](#) policy in accordance with FERPA and its implementing regulations.
5. OSARP will not permit, or deem relevant, questions and evidence about the party's sexual predisposition, current sexual behavior, or prior sexual behavior from discussion during the Title IX Sexual Harassment Case Review and Title IX Sexual Harassment Appeal Review, if applicable, unless such questions and evidence about the party's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Rights Granted in the Title IX Sexual Harassment Adjudication Process

Respondents and Complainants in the Title IX Sexual Harassment Adjudication Process have the following rights:

1. The right to receive notification of the alleged violation(s) of the *Title IX Sexual Harassment* policy and the behavior(s) leading to those alleged policy violation(s) via their official JMU email address.
2. The right to be notified of the date, time, and location of the Title IX Sexual Harassment Case Review and Title IX Sexual Harassment Appeal Review, if applicable, via their official JMU email address at least three days prior to the Title IX Sexual Harassment Case Review and Title IX Sexual Harassment Appeal Review, if applicable.
3. The right for an Advisor of their choice to accompany them at any meetings in OSARP, including but not limited to the Title IX Sexual Harassment Case Review and Title IX Sexual Harassment Appeal Review, if applicable. If the party does not choose an Advisor of their own, the university shall appoint an Advisor to accompany them at the Title IX Sexual Harassment Case Review and Title IX Sexual Harassment Appeal Review, if applicable, for the purpose of conducting cross-examination.
4. Upon request, the right to have reasonable safety measures, including but not limited to police presence, in place during the Title IX Sexual Harassment Case Review and Title IX Sexual Harassment Appeal Review, if applicable, if the parties are physically present in the same geographic location; such request will be implemented at the university's discretion.
5. The parties may request the process be conducted in person for cause, which will be granted or denied at the discretion of the Case Coordinator or designee. Requests for the case review to be conducted in person for cause may include but not be limited to an accommodation through the Office of Disability Services. If a party is unable to secure a private location for their virtual Title IX Sexual Harassment Case Review or requires an in-person case review as an accommodation, the party should contact OSARP immediately upon receiving the notification email to let OSARP know of the concern and request, which will be granted or denied at the discretion of the Case Coordinator or designee.
6. The right to receive an electronic copy of, and respond to, all information in the Case File during the Title IX Sexual Harassment Case Review and Title IX Sexual Harassment Appeal Review, if applicable.
7. The right to participate in the entire Title IX Sexual Harassment Case Review, as outlined in the Title IX Sexual Harassment Adjudication Process.
8. The right to relate their account of the alleged incident and the right to share information during the Title IX Sexual Harassment Case Review to be used in the case, and the right to not answer questions or provide information to be used in the case.
9. The right to have witnesses who provided information in the Title IX Formal Complaint Investigation Process participate at the Title IX Sexual Harassment Case Review, provided the witness is willing and able to attend.
10. The right to question the other party and all witnesses present at the Title IX Sexual Harassment Case Review and Title IX Sexual Harassment Appeal Review, if applicable, through their Advisor; at no point during the Title IX Sexual Harassment Case Review and Title IX Sexual Harassment Appeal Review, if applicable, may a party question the other party directly.
11. The right to not be asked questions that attempt to elicit information from conversations protected by a legal privilege. Relationships providing legal privilege include, but are not limited to attorney-client, doctor-patient, clergy-confessional, etc. A party may share their own privileged conversations. If a party provides information during the Title IX Sexual Harassment Case Review or Title IX Sexual Harassment Appeal Review, if applicable, that is from privileged conversations, this information is able to be questioned by the decision-maker(s) and by the other party, through their Advisor during cross-examination. However, the questions must focus solely on the information that the party consented to share and may not attempt to elicit new information.
12. If a 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 single decision maker or chairperson, as applicable.
13. The right to be notified via email on the tenth business day after the date of the Title IX Sexual Harassment Case Review with the availability and instructions to access the findings, rationale, and remedies and outcomes, if applicable, rendered at the Title IX Sexual Harassment Case Review.
14. The right to receive a recording of the Title IX Sexual Harassment Case Review, which will be made available with the access to the findings, rationale, and remedies and outcomes, if applicable.
15. The right to submit a written appeal of the decision rendered as a result of the Title IX Sexual Harassment Case Review within four days of OSARP sending notification of the outcome of the case review on any of the following grounds. When referenced below, "affected the outcome of the matter" refers to the entirety of the decision rendered including the determination regarding responsibility or remedies and outcomes assigned, if applicable.
 - Procedural irregularity that affected the outcome of the matter.
 - New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.

- The Title IX Coordinator, Investigator(s), or Decision Maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.
16. In Appeal Reviews submitted on the grounds of new evidence, the right to attend, present the new evidence or respond to the new evidence if the Appeal Board determines that the submitted evidence is considered new, as defined in the process.
 17. When a Title IX Sexual Harassment Appeal Review is held, the right to receive the final decision, order for a new Title IX Formal Complaint Investigation Process, or order for a new Title IX Sexual Harassment Case Review rendered by the Appeal Board in writing. If the Appeal Board renders a finding and remedies and outcomes, this notification is the final decision in the case and will include whether or not the Appeal Board found the Respondent responsible for the relevant violation(s), the Board's rationale and, if applicable, outcome(s) and remedies. The notification will be sent by OSARP via email on the fifth business day after the date of the Title IX Sexual Harassment Appeal Review.

Complainant & Respondent Witness Rights

A witness called by a Complainant or Respondent to participate in the Title IX Sexual Harassment Adjudication Process has the following rights:

1. The right to be notified of the date, time, and place of the Title IX Sexual Harassment Case Review at least three days prior to the case review via email.
2. When called to present at a Title IX Sexual Harassment Appeal Review, the right to be notified of the date, time, and place of the Title IX Sexual Harassment Appeal Review at least three days prior to the Title IX Sexual Harassment Appeal Review via email.
3. The right to share information relevant to the case, including what they know directly about the alleged incident or behavior and/or what they have been told about the alleged incident or behavior; the right to not answer questions or provide information to be used in the adjudication of the case.
4. The right for one Support Person to attend the Title IX Sexual Harassment Case Review and Title IX Sexual Harassment Appeal Review, if applicable, in accordance with the restrictions outlined in the Title IX Sexual Harassment Adjudication Process.

The Role of an Advisor of Choice for Complainant & Respondent

1. Complainants and Respondents may bring an Advisor of choice as the support person to any meeting, the Title IX Sexual Harassment Case Review, and Title IX Sexual Harassment Appeal Review, if applicable. Attorneys may serve as an Advisor, provided they follow the guidelines outlined in the Title IX Sexual Harassment Adjudication Process.
2. Prior to a Title IX Sexual Harassment Case Review and Title IX Sexual Harassment Appeal Review, if applicable, an Advisor may help the party prepare for the case, which may include accompanying the Respondent or Complainant to the Guide appointment. An Advisor may also communicate with OSARP about the case and/or procedures with the permission of the Respondent or Complainant. At the party's request, OSARP may copy an Advisor on electronic communication directed to the party pertaining to the party's case; the Advisor must agree to adhere to guidelines and restrictions related to confidential information as set forth by OSARP.
3. OSARP reasonably considers the availability of an Advisor when scheduling meetings, the Title IX Sexual Harassment Case Review, or the Title IX Sexual Harassment Appeal Review, if applicable, as outlined in the "Receipt of Title IX Sexual Harassment Report, Alleged Policy Violation(s) Notification, and Preparation for the Title IX Sexual Harassment Case Review" section. OSARP cannot compel an Advisor to attend; it is the party's responsibility to coordinate an Advisor's attendance. If an Advisor does not attend, the Title IX Sexual Harassment Case Review will proceed with any necessary adaptations to the procedures, in accordance with the Title IX Sexual Harassment adjudication process section of the Student Handbook.
4. OSARP will provide an electronic copy of the Case File to the Advisor prior to the Title IX Sexual Harassment Case Review and Title IX Sexual Harassment Appeal Review, if applicable, after they agree to the guidelines and restrictions related to confidential information as set forth by OSARP.
5. During a Title IX Sexual Harassment Case Review and Title IX Sexual Harassment Appeal Review, if applicable, an Advisor for a party may not communicate for or speak on behalf of the party except for conducting cross-examination. Respondents and Complainants must present their statements or information themselves.

6. If a party does not have an Advisor, the university will appoint an Advisor for the purpose of conducting cross-examination. The university-appointed Advisor will be chosen at the university's discretion.
7. During a Title IX Sexual Harassment Case Review and Title IX Sexual Harassment Appeal Review, if applicable, an Advisor may consult with the party on how to present their statements or information by whispering, providing notes, electronically sending messages, or taking notes as long as it does not disrupt the adjudication of the case.
8. During a Title IX Sexual Harassment Case Review and Title IX Sexual Harassment Appeal Review, if applicable, an Advisor may provide support by taking breaks with or requesting breaks on behalf of the party they are accompanying.
9. An Advisor may not also serve as a witness at the Title IX Sexual Harassment Case Review and/or Title IX Sexual Harassment Appeal Review, if applicable, for the case.

The Role of a Support Person for Complainant Witnesses & Respondent Witnesses

1. Witnesses may bring one Support Person of their choosing to the Title IX Sexual Harassment Case Review, and Title IX Sexual Harassment Appeal Review, if applicable. Attorneys may serve as the Support Person, provided they follow the guidelines outlined in the Title IX Sexual Harassment Adjudication Process. The University does not provide those participating as a witness in the Title IX Sexual Harassment Adjudication Process with a Support Person. It is the participant's responsibility to determine a Support Person and coordinate their participation, if they choose to have one.
2. OSARP does not consider the availability of a Support Person for a witness when scheduling a Title IX Sexual Harassment Case Review and Title IX Sexual Harassment Appeal Review, if applicable.
3. Support Persons for Complainant Witnesses and Respondent Witnesses do not conduct cross-examination.

Rules of Decorum

Respondents & Complainants

The process must be managed to ensure all participants receive a fair, impartial, and unbiased experience that allows the decision-maker(s) to gather information necessary to make a decision for the alleged violations in the case. During the process, all participants must adhere to the following expectations and the procedures in the Title IX Sexual Harassment Adjudication Process, outlined within the JMU Student Handbook.

General Expectations

Respondents and Complainants must:

- Listen respectfully to the individual speaking without interruption.
- Wait to begin speaking until addressed by the single decision-maker or chairperson, as applicable.
- Avoid speaking over other participants.
- Use respectful language that is not demeaning, derogatory, or disrespectful.
- Avoid raising their voices.
- Remain seated in their predetermined locations.
- Refrain from making distracting or offensive gestures (e.g., rolling eyes, throwing arms in the air, etc.) or audible reactions (e.g., scoffing, speaking under their breath, etc.).
- For questions about the Rules of Decorum or procedures, a participant should request a break through the single decision-maker or chairperson, as applicable, to consult with the party's OSARP Guide or the Case Coordinator.

A party or witness may choose not to answer questions or provide information to be used in the case. The decision-maker may not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence or refusal to answer cross-examination or other questions.

During cross-examination, questions are limited based on the following topics:

- Sexual predisposition of a party
- Current/prior sexual behavior of a party
 - Unless such questions and evidence about the party's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence

concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

- Legal privilege
 - Questions may not attempt to elicit information from conversations protected by a legal privilege. Relationships providing legal privilege include, but are not limited to attorney-client, doctor-patient, clergy-confessional, etc.
 - A party may admit their own privileged conversations. If a party provides information during the Title IX Sexual Harassment Case Review or Title IX Sexual Harassment Appeal Review (if applicable) that is from privileged conversations, this information is able to be questioned by the decision-maker(s) and by the other party, through their Advisor during cross-examination. However, the questions must focus solely on the information that the party consented to share and may not attempt to elicit new information.
- Credibility
 - Questions based solely on a person's status as a Complainant, Respondent, or witness may not be used to address credibility.

Violation of Expectations & Procedures

Determination regarding a participant's violation of one of these expectations lies with the single decision-maker or chairperson, as applicable. If a participant violates an expectation of the Rules of Decorum or the procedures outlined in the Title IX Sexual Harassment Adjudication Process, the single decision-maker or chairperson, as applicable, will issue a verbal warning, identifying the expectation violated and how it was violated. This notice and rationale will be captured via audio and/or video recording.

Should a participant continue to violate these expectations or procedures, the single decision-maker or chairperson, as applicable, will immediately call for a break. During the break, the single decision-maker or chairperson, as applicable, will address the problematic behavior directly. If the participant refuses to comply with the warning given by the single decision-maker or chairperson, as applicable, or causes additional problems, the single decision-maker or chairperson, as applicable, may decide to take one or more of the following actions:

- Implement other methods to address the problematic behavior, as determined by the single decision-maker or chairperson, as applicable, that allows the case to continue in a fair manner for all participants.
- Remove the participant from the Title IX Sexual Harassment Case Review or Title IX Sexual Harassment Appeal Review (if applicable). If the participant removed is an Advisor for the Complainant or Respondent, a new Advisor may be appointed by the university to serve as their Advisor for the remainder of the Title IX Sexual Harassment Case Review or Title IX Sexual Harassment Appeal Review (if applicable). The new Advisor is provided at no cost to the party.
- End the Title IX Sexual Harassment Case Review or Title IX Sexual Harassment Appeal Review (if applicable) and potentially reconvene at a later date, at the discretion of the Case Coordinator or designee, if the removed participant is the Complainant or Respondent

Participants may receive an alleged policy violation(s) for their behavior if they meet the definition of a JMU student as listed in the Student Handbook.

Advisors

The process must be managed to ensure all participants receive a fair, impartial, and unbiased experience that allows the decision-maker(s) to gather information necessary to make a decision for the alleged violations in the case. During the process, all participants must adhere to the following expectations and the procedures in the Title IX Sexual Harassment Adjudication Process, outlined within the JMU Student Handbook.

General Expectations

Advisors must:

- Listen respectfully to the individual speaking without interruption.
- Wait to begin speaking until addressed by the single decision-maker or chairperson, as applicable.
- Avoid speaking over other participants.
- Use respectful language that is not demeaning, derogatory, or disrespectful.
- Avoid raising their voices.

- Remain seated in their predetermined locations.
- Refrain from making distracting or offensive gestures (e.g., rolling eyes, throwing arms in the air, etc.) or audible reactions (e.g., scoffing, speaking under their breath, etc.).
- For questions about the Rules of Decorum or procedures, a participant should request a break through the single decision-maker or chairperson, as applicable, to consult with the party's OSARP Guide or the Case Coordinator.

Expectations for Advisors (of Choice or University-Appointed)

Advisors for the Complainant and Respondent will conduct cross-examination. This is the time when each party's Advisor asks the other party and any witnesses all relevant questions and follow-up questions, including challenges to credibility. Cross-examination will be conducted directly, orally, and in real time by the party's Advisor. At no time may a party personally conduct cross-examination. Additionally, an Advisor may:

- Not communicate for or speak on behalf of the party except for conducting cross-examination. Respondents and Complainants must present their statements or information themselves.
- Consult with the party on how to present their statements or information by whispering, providing notes, sending messages via electronic communication, or taking notes as long as it does not disrupt the hearing of the case.
- Provide support by taking breaks with or requesting breaks on behalf of the party they are accompanying.

Before a Complainant, Respondent, or Witness answers a cross-examination question, the single decision-maker or chairperson, as applicable, will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The single decision-maker or chairperson, as applicable, may provide Advisors the opportunity to rephrase a question to comply with adjudication procedures.

During cross-examination, the Advisor (of Choice or University-Appointed):

- Must allow the single decision-maker or chairperson, as applicable, time to evaluate each question for relevancy and verbally permit the participant to respond if deemed relevant.
- May ask the single decision-maker or chairperson, as applicable, to reconsider a relevancy determination, but must refrain from arguing with the single decision-maker or chairperson, as applicable, if a question is deemed not relevant and rationale was provided.
- Must pose questions that elicit information relevant to the investigated incident(s) in question.
- Must maintain a professional and respectful attitude towards the other party, witnesses, the decision-maker(s), and any other participants in the process.
- Must refrain from repeating a question where a response has been provided by a participant.

A party or witness may choose not to answer questions or provide information to be used in the case. The decision-maker(s) may not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence or refusal to answer cross-examination or other questions.

During cross-examination, questions are limited based on the following topics:

- Sexual predisposition of a party
- Current/prior sexual behavior of a party
 - Unless such questions and evidence about the party's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- Legal privilege
 - Questions may not attempt to elicit information from conversations protected by a legal privilege. Relationships providing legal privilege include, but are not limited to attorney-client, doctor-patient, clergy-confessional, etc.
 - A party may admit their own privileged conversations. If a party provides information during the Title IX Sexual Harassment Case Review or Title IX Sexual Harassment Appeal Review (if applicable) that is from privileged conversations, this information is able to be questioned by the decision-maker(s) and by the other party, through

their Advisor during cross-examination. However, the questions must focus solely on the information that the party consented to share and may not attempt to elicit new information.

- Credibility
 - Questions based solely on a person's status as a Complainant, Respondent, or witness may not be used to address credibility.

Violation of Expectations & Procedures

Determination regarding a participant's violation of one of these expectations lies with the single decision-maker or chairperson, as applicable. If a participant violates an expectation of the Rules of Decorum or the procedures outlined in the Title IX Sexual Harassment Adjudication Process, the single decision-maker or chairperson, as applicable, will issue a verbal warning, identifying the expectation violated and how it was violated. This notice and rationale will be captured via audio and/or video recording.

Should a participant continue to violate these expectations or procedures, the single decision-maker or chairperson, as applicable, will immediately call for a break. During the break, the single decision-maker or chairperson, as applicable, will address the problematic behavior directly. If the participant refuses to comply with the warning given by the single decision-maker or chairperson, as applicable, or causes additional problems, the single decision-maker or chairperson, as applicable, may decide to take one or more of the following actions:

- Implement other methods to address the problematic behavior, as determined by the single decision-maker or chairperson, as applicable, that allows the case to continue in a fair manner for all participants.
- Remove the participant from the Title IX Sexual Harassment Case Review or Title IX Sexual Harassment Appeal Review (if applicable). If the participant removed is an Advisor for the Complainant or Respondent, a new Advisor may be appointed by the university to serve as their Advisor for the remainder of the Title IX Sexual Harassment Case Review or Title IX Sexual Harassment Appeal Review (if applicable). The new Advisor is provided at no cost to the party.
- End the Title IX Sexual Harassment Case Review or Title IX Sexual Harassment Appeal Review (if applicable) and potentially reconvene at a later date, at the discretion of the Case Coordinator or designee, if the removed participant is the Complainant or Respondent

Participants may receive an alleged policy violation(s) for their behavior if they meet the definition of a JMU student as listed in the Student Handbook.

Witnesses

The process must be managed to ensure all participants receive a fair, impartial, and unbiased experience that allows the decision-maker(s) to gather information necessary to make a decision for the alleged violations in the case. During the process, all participants must adhere to the following expectations and the adjudication procedures in the Title IX Sexual Harassment Adjudication Process, outlined within the JMU Student Handbook.

Refer to the "[Definitions](#)" section of this process for more information pertaining to witnesses.

General Expectations

Witnesses must:

- Listen respectfully to the individual speaking without interruption.
- Wait to begin speaking until addressed by the single decision-maker or chairperson, as applicable.
- Avoid speaking over other participants.
- Use respectful language that is not demeaning, derogatory, or disrespectful.
- Avoid raising their voices.
- Remain seated in their predetermined locations.
- Refrain from making distracting or offensive gestures (e.g., rolling eyes, throwing arms in the air, etc.) or audible reactions (e.g., scoffing, speaking under their breath, etc.).
- For questions about the Rules of Decorum or procedures, a participant should request a break through the single decision-maker or chairperson, as applicable, to consult with the party's OSARP Guide or the Case Coordinator.

Cross-Examination of a Witness by the Respondent's and Complainant's Advisor

During the Title IX Sexual Harassment Case Review or Title IX Sexual Harassment Appeal Review (if applicable), Advisors (of Choice or University-Appointed) for the Complainant and Respondent will conduct cross-examination. This is the time when each party's Advisor asks any witnesses all relevant questions and follow-up questions, including challenges to credibility. Cross-examination will be conducted directly, orally, and in real time by the party's Advisor. At no time may a party personally conduct cross-examination of any witnesses.

Before a witness for either party answers a cross-examination question, the single decision maker or chairperson, as applicable, will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The single decision-maker or chairperson, as applicable, may provide Advisors the opportunity to rephrase a question to comply with procedures.

A witness for either party may choose not to answer questions or provide information to be used in the case. The decision-maker(s) may not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence or refusal to answer cross-examination or other questions.

During cross-examination of a witness for either party, questions are limited based on the following topics:

- Sexual predisposition of a party
- Current/prior sexual behavior of a party
 - Unless such questions and evidence about the party's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- Legal privilege
 - Questions may not attempt to elicit information from conversations protected by a legal privilege. Relationships providing legal privilege include, but are not limited to attorney-client, doctor-patient, clergy-confessional, etc.
 - A party may admit their own privileged conversations. If a party provides information during the Title IX Sexual Harassment Case Review or Title IX Sexual Harassment Appeal Review (if applicable) that is from privileged conversations, this information is able to be questioned by the decision-maker(s) and by the other party, through their Advisor during cross-examination. However, the questions must focus solely on the information that the party consented to share and may not attempt to elicit new information.
- Credibility
 - Questions based solely on a person's status as a Complainant, Respondent, or witness may not be used to address credibility.

Violation of Expectations & Procedures

Determination regarding a participant's violation of one of these expectations lies with the single decision-maker or chairperson, as applicable. If a participant violates an expectation of the Rules of Decorum or the procedures outlined in the Title IX Sexual Harassment Adjudication Process, the single decision-maker or chairperson, as applicable, will issue a verbal warning, identifying the expectation violated and how it was violated. This notice and rationale will be captured via audio and/or video recording.

Should a participant continue to violate these expectations or procedures, the single decision-maker or chairperson, as applicable, will immediately call for a break. During the break, the single decision-maker or chairperson, as applicable, will address the problematic behavior directly. If the participant refuses to comply with the warning given by the single decision-maker or chairperson, as applicable, or causes additional problems, the single decision-maker or chairperson, as applicable, may decide to take one or more of the following actions:

- Implement other methods to address the problematic behavior, as determined by the single decision-maker or chairperson, as applicable, that allows the case to continue in a fair manner for all participants.
- Remove the participant from the Title IX Sexual Harassment Case Review or Title IX Sexual Harassment Appeal Review (if applicable).
- End the Title IX Sexual Harassment Case Review or Title IX Sexual Harassment Appeal Review (if applicable) and potentially reconvene at a later date, at the discretion of the Case Coordinator or designee, if the removed participant is the Complainant or Respondent

Participants may receive an alleged policy violation(s) for their behavior if they meet the definition of a JMU student as listed in the Student Handbook.

Cases Involving Both Title IX Sexual Harassment and Sexual Misconduct

Some incidents may involve conduct that is prohibited under [Policy 1346: Title IX Sexual Harassment](#), and other conduct that is prohibited under [Policy 1340: Sexual Misconduct](#). When both policies apply for different conduct arising out of the same incident or pattern of incidents, the university may investigate and hear all allegations simultaneously under each policy. If the university consolidates the investigation and hearing under both policies, then the procedures applicable to the *Title IX Sexual Harassment* policy will apply. Alternatively, the university may choose to investigate and hear the conduct separately under each policy.

Formal complaints alleging (1) sexual harassment on the basis of hostile environment under Policy 1340: Sexual Misconduct (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) and (2) sexual harassment under Policy 1346: Title IX Sexual Harassment on the basis of 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, may be investigated and heard simultaneously under both policies. If the university consolidates the investigation and hearing under both policies, then the procedures applicable to the *Title IX Sexual Harassment* policy will apply. The decision-maker will make a decision on the allegations under both the *Sexual Misconduct* and *Title IX Sexual Harassment* policies, providing a written rationale for allegations under each policy. Alternatively, the university may choose to investigate and hear the conduct separately under each policy.

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

The Title IX Sexual Harassment Adjudication Process is the process used to hear cases of alleged violations of the *Title IX Sexual Harassment* policy. JMU reserves the right to impose any outcome, ranging from educational outcomes up to and including suspension or expulsion, for any violation of the Title IX Sexual Harassment policy. JMU considers acts of sexual violence to be the most serious and therefore typically imposes the most severe outcomes when a Respondent is found responsible for such offenses, including suspension or expulsion. However, suspension and expulsion are potential outcomes for any case.

In cases where a Respondent 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 Respondent's transcript for the duration of the suspension or expulsion. If a Respondent withdraws while under investigation for an allegation of sexual violence, a notation will be placed on the Respondent's transcript until a final decision in the case is rendered, or the case is dismissed. 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. After a period of three years, students may contact OSARP to request removal of a notation for good cause shown.

In order for OSARP to hear a case involving student behavior that allegedly violates the *Title IX Sexual Harassment* policy, the Title IX Office must complete the Title IX Formal Complaint Investigation Process and provide their investigation materials to OSARP. The Title IX Formal Complaint Investigation Process conducted by the Title IX Office is the only opportunity for the Complainant and Respondent to submit evidence, information, personal statements, names of witnesses, and witness statements in the Title IX Sexual Harassment Adjudication Process.

If the Complainant decides to withdraw the Formal Complaint after OSARP has received the investigation materials from the Title IX Office, the Complainant must notify the Title IX Coordinator in writing of their decision to withdraw the Formal Complaint. OSARP should be copied on this written notification for the purposes of planning the adjudication process. The process will continue until OSARP receives notification of the dismissal from the Title IX Coordinator.

The investigation materials received from the Title IX Office at the conclusion of the Title IX Formal Complaint Investigation Process will indicate the alleged policy violation(s) in the case resulting from the information shared during the investigation process. The Title IX Sexual Harassment Adjudication Process is then initiated when the Respondent is a student as defined in the Student Handbook and the Complainant meets the criteria required by [JMU Policy 1346](#). During the last three weeks of the semester, the decision to proceed or postpone the Title IX Sexual Harassment Adjudication Process will be determined by OSARP. For any Respondent who receives an immediate suspension or expulsion from JMU, regardless of academic year, the immediate suspension or expulsion from JMU will be deemed effective for the current semester or, if it is rendered for a graduating senior, for the most recent semester the student attended, which may mean a loss of academic credits for that semester. Further, after a final decision in the case has been rendered, the effective date of an immediate suspension or expulsion from JMU will be the date of the initial case review. The removal from university owned or operated property associated with a decision of immediate suspension or expulsion does not go into effect until the decision in the case is final, unless the Respondent is under an Emergency Removal that provides for this removal until the final decision in the case.

In circumstances where the Title IX Coordinator signed the Formal Complaint without the authorization of the Complainant, OSARP will initiate the Title IX Sexual Harassment Adjudication Process. In these cases, OSARP may alter the Title IX Sexual Harassment Adjudication Process and procedures as necessary to allow for a fair hearing of the case. In addition, the Title IX Sexual Harassment Adjudication Process may be altered to allow for multiple Complainants and/or Respondents if OSARP receives a consolidated Formal Complaint Report with multiple Complainants and/or Respondents where the allegations of sexual harassment arise out of the same facts or circumstances.

Further, if the investigation materials received from the Title IX Office at the conclusion of the Title IX Formal Complaint Investigation Process indicates alleged policy violations other than the *Title IX Sexual Harassment* policy or the alleged behavior does not meet the threshold for the *Title IX Sexual Harassment* policy, OSARP reserves the right to initiate the Individual Accountability Process to hear these alleged violations even if the Title IX Sexual Harassment Formal Complaint is dismissed.

Circumstances that may lead to mandatory dismissal of a formal complaint of Title IX Sexual Harassment may be found in Policy 1346. The Title IX office is responsible for informing the Complainant and Respondent of a dismissal of a formal complaint under Policy 1346 as applicable. A mandatory dismissal, as outlined in Policy 1346, does not preclude action under another university policy or procedure. When the mandatory dismissal of a formal complaint occurs, the alleged conduct and complainant are referred to OSARP. The Individual Accountability Process will be used if the alleged conduct within the dismissed formal complaint constitutes an alleged violation of university policy, as outlined in the Student Handbook. In certain circumstances, a restorative process may be used with the agreement of the parties and/or university.

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 Individual Accountability Process and pursue alleged violations of these policies against these parties.

The rights of a Respondent and Complainant participating in the Title IX Sexual Harassment Adjudication Process are delineated in the "Respondent & Complainant - Responsibilities and Rights – Title IX Sexual Harassment".

OSARP may initiate the Title IX Sexual Harassment Adjudication Process in accordance with the procedures listed in the Student Handbook. The Title IX Sexual Harassment Adjudication Process will typically be conducted virtually in a manner in which participants simultaneously see and hear each other; instructions will be provided via email for accessing the Title IX Sexual Harassment Case Review. Parties may request the process be conducted in person for cause, which will be granted or denied at the discretion of the Case Coordinator or designee. Requests for the case review to be conducted in person for cause may include but not be limited to an accommodation through the Office of Disability Services. If a party is unable to secure a private location for their virtual Title IX Sexual Harassment Case Review or requires an in-person case review as an accommodation, the party should contact OSARP immediately upon receiving the notification email to let OSARP know of the concern and request, which will be granted or denied at the discretion of the Case Coordinator or designee. Anticipated timelines, deadlines, restrictions, or procedures listed within the Title IX Sexual Harassment Adjudication Process will not be altered except when good cause is provided by either party, as determined by the Case Coordinator or designee; or in unexpected and unavoidable circumstances in order to uphold the intent of the process, as determined by the Case Coordinator or designee, or with the agreement of the party(ies), as approved by the Case Coordinator or designee. Good cause may include but is not limited to the absence of a party, a party's advisor, or a witness,

concurrent law enforcement activity, or the need for language assistance or [accommodation of disability\(s\)](#). If a delay or extension is granted at the request of a party and that impacts the other party, OSARP will communicate the reason(s) in writing for the extension to both parties. OSARP reserves the right, for cause, to postpone the Title IX Sexual Harassment Adjudication Process and return the investigation materials received from the Title IX Office at the conclusion of the Title IX Formal Complaint Investigation Process to the Title IX Office for further investigation under the Title IX Formal Complaint Investigation Process.

Both parties will simultaneously be notified of the beginning of the Title IX Sexual Harassment Adjudication Process to hear the case for the alleged policy violation(s).

In accordance with [JMU Policy 1209](#), proper notification shall consist of an email to the student's official JMU email address. The notice will be considered received the day after the notice is sent via email. This notification will include the allegation(s), including sufficient details such as date and location of the alleged violation(s), the contact information of the party's OSARP Guide, and the date, time, and location of the initial appointment with their OSARP Guide. This notice will inform parties that suspension and expulsion are potential outcomes for violations of the Title IX Sexual Harassment policy in circumstances where the Respondent is found responsible; additionally, rights afforded to parties as a result of the potential for these two outcomes will be included. Specifically, this email will provide information about the rights for the parties to submit one Advisor of Choice and any Witnesses to OSARP within four days of receiving this notification email, according to the restrictions in the process as provided below. This notice will also include information on the academic, mental health, personal well-being, and campus resources available to students at James Madison University, which can be found at: <https://www.jmu.edu/osarp/resources/index.shtml>.

Parties may submit their Advisor of Choice to OSARP.

Each party has the right to one Advisor of Choice in the Title IX Sexual Harassment Case Review. Each party must submit their Advisor of Choice's name and contact information within **four** days of the party's notification email being received in order for OSARP to reasonably consider the Advisor of Choice's schedule when scheduling the Title IX Sexual Harassment Case Review. Parties may submit their Advisor of Choice after this deadline, but OSARP may not be able to consider their schedule when scheduling the Title IX Sexual Harassment Case Review. Additional information regarding the role of an Advisor of Choice in the Title IX Sexual Harassment Adjudication Process can be found in the "The Role of an Advisor of Choice for Complainant & Respondent" section.

Witnesses will be determined by OSARP and/or submitted by either party.

OSARP will determine the University Witnesses to be called in the case; both the Respondent and Complainant will be informed of the University Witnesses being called in the case. University Witnesses may not also serve as an Advisor of Choice at the Title IX Sexual Harassment Case Review and Title IX Sexual Harassment Appeal Review, if applicable.

Each party has the right to submit to OSARP the name and contact information for any person they intend to have speak as a witness at the Title IX Sexual Harassment Case Review via formal submission up to **four** days after the party's notification email being received in order for OSARP to reasonably consider the Witness's schedule when scheduling the Title IX Sexual Harassment Case Review. Formal submission instructions will be included in the party's notification email. Parties may submit their Witnesses after this deadline, but OSARP may not be able to consider their schedule when scheduling the Title IX Sexual Harassment 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 Title IX Formal Complaint Investigation Process conducted by the Title IX Office are eligible to serve as witnesses in the Title IX Sexual Harassment Adjudication Process.

- Once the deadline for formal witness submission has passed, the Respondent and Complainant will be informed of the witnesses submitted to the Title IX Sexual Harassment Adjudication Process.
- Witnesses who speak at the Title IX Sexual Harassment Case Review can provide a verbal statement about the alleged incident or behavior. Witnesses who speak at the Title IX Sexual Harassment Case Review may not provide their perspective on what they feel the appropriate decision or outcome(s) in the case should be, or information that violates the rights of either party. Witnesses may not also serve as an Advisor of Choice at the Title IX Sexual Harassment Case Review and Title IX Sexual Harassment Appeal Review, if applicable.

OSARP reserves the right to pursue alleged violations for any reported alleged behavior by the student Respondent, the Complainant, or other students directed at a Respondent, Complainant, Respondent Witness, Complainant Witness, University Witness, or Advisor of Choice that may violate Interference or Retaliation in a University Process or other policies as listed in the Student Handbook. OSARP may pursue an alleged violation of Interference or Retaliation in a University Process if it receives

information that a student Complainant or Respondent discusses the case before the Title IX Sexual Harassment Case Review or Title IX Sexual Harassment Appeal Review with a decision-maker involved in the case.

Parties will be notified of OSARP No Contact Orders.

In the notification email outlining the alleged policy violation(s), parties will be notified to have no direct or indirect contact with specific members of the university community including but not limited to the other party and the decision-maker(s) involved in the case. Prohibited contact 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 notice may result in an alleged policy violation, for parties that meet the definition of a JMU student as listed in the Student Handbook, of [Noncompliance](#) and/or [Interference or Retaliation in a University Process](#), which may result in immediate suspension or expulsion.

OSARP will not pursue alleged violations of a no contact order issued by the University when the contact occurs through a third party for the purposes of conducting lawful activity during a pending criminal or civil case, or other specific extenuating circumstances as determined by OSARP, unless the contact may have violated policy *Interference or Retaliation in a University Process* or other policies as listed in the Student Handbook.

OSARP reserves the right to pursue alleged violations for any reported alleged behavior by the student Complainant, the Respondent, or other students directed at a Complainant, Respondent, Complainant Witness, Respondent Witness, University Witness, Advisor of choice, or Support Person that may violate *Interference or Retaliation in a University Process* or other policies as listed in the Student Handbook. OSARP may pursue an alleged violation of *Interference or Retaliation in a University Process* if it receives information that a student Complainant or Respondent discusses the case before the Title IX Sexual Harassment Case Review or Title IX Sexual Harassment Appeal Review with the decision-maker involved in the case.

A Respondent or Complainant in the Title IX Sexual Harassment Adjudication Process is not prohibited from discussing their case with a witness, an Advisor of choice, or witness Support Person; contact is also not prohibited through third parties for purposes of conducting lawful activity during a pending criminal or civil case, or other specific extenuating circumstances as determined by OSARP.

These OSARP No Contact Orders will remain in place until a final decision is rendered as outlined in the Title IX Sexual Harassment Adjudication Process.

OSARP Guides will be assigned, and a Guide appointment will be set for both parties.

- Both Complainants and Respondents will be assigned separate Guides by OSARP to explain the Title IX Sexual Harassment Adjudication Process, to serve as a point of contact in OSARP, and to help them understand the rights afforded to them. An OSARP Guide does not help either party prepare how to present their case; OSARP Guides are employed and/or designated by OSARP.
- OSARP will set the time of the Guide appointment around the academic schedule(s) of the Respondent and Complainant if they are enrolled in classes at JMU. If the Respondent and/or Complainant are not enrolled in classes at JMU, their availability will be considered, and reasonable efforts will be made to ensure the Guide appointment is at a time they can participate. At the Guide appointment, the Complainant and Respondent will meet individually with their OSARP Guide to ensure that they understand the Title IX Sexual Harassment Adjudication Process and the rights afforded to them. Respondents and Complainants may have an Advisor of choice accompany them to this Guide appointment.

Both parties will have access to the Case File.

- The Case File to be used by OSARP in the hearing of the case consists of all investigation materials received from the Title IX Office at the conclusion of the Title IX Formal Complaint Investigation Process, excluding information redacted during the Title IX Formal Complaint Investigation Process and any redactions done in accordance with the OSARP process. It should be noted that the Case File will include investigation materials even if they were not deemed relevant by the Title IX Office during the Title IX Formal Complaint Investigation Process.
- Prior to the Title IX Sexual Harassment Case Review and Title IX Sexual Harassment Appeal Review, if applicable, the Respondent, Complainant, their respective Advisor, and decision-maker(s) will be provided an electronic version of the Case File.

OSARP will schedule the Title IX Sexual Harassment Case Review.

- Typically, OSARP schedules the Title IX Sexual Harassment Case Review to occur within twenty business days of the Respondent's guide appointment in OSARP. However, the circumstances surrounding the case may make it necessary for the university to shorten or extend that timeline.
- OSARP reasonably schedules the Title IX Sexual Harassment Case Review around the availability of the decision maker(s), OSARP Staff, University Witnesses, Advisors, and Witnesses as outlined in the Handbook. If the Title IX Sexual Harassment Case Review is to occur when the Respondent and/or Complainant are enrolled in classes at JMU, the Title IX Sexual Harassment Case Review will reasonably be scheduled around their academic schedule(s). If the Title IX Sexual Harassment Case Review is to occur when the Respondent and/or Complainant are not enrolled in classes at JMU, it will be reasonably scheduled around their availability. The availability or academic schedules of witnesses called by either party or an Advisor for either party will reasonably be considered in scheduling the Title IX Sexual Harassment Case Review provided they are formally submitted to OSARP by the deadlines provided in the Title IX Sexual Harassment Adjudication Process.
- OSARP has no mechanism to compel any party or witness of any type to attend and/or participate in the Title IX Sexual Harassment Case Review. If a Respondent or Complainant does not attend, the Title IX Sexual Harassment Case Review will proceed based on the information included in the Case File and information shared at the Title IX Sexual Harassment Case Review by the participants in attendance; the procedures for the case review will be adapted to accommodate their absence. It is the responsibility of the Respondent or Complainant to ensure their witnesses and Advisor attend the Title IX Sexual Harassment Case Review. If any witness or Advisor does not attend, the Title IX Sexual Harassment Case Review will proceed with any necessary adaptations to the procedures. If a Respondent or Complainant chooses not to attend but their Advisor is in attendance, then the party's Advisor will participate as an Advisor in the case review as stated in the process. For instance, the Advisor will still conduct cross-examination but will not answer any questions on behalf of the absent Respondent or Complainant. If any party and their Advisor both choose not to attend, the Title IX Sexual Harassment Case Review will proceed with any necessary adaptations to procedure, including the provision of a university-appointed Advisor. Attendance of a university-appointed Advisor is OSARP's responsibility.
- The decision to postpone a Title IX Sexual Harassment Case Review is solely at the discretion of the Case Coordinator or designee.

The Title IX Sexual Harassment Adjudication Process involves the objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provides that credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.

The Title IX Sexual Harassment Adjudication Process utilizes a preponderance of evidence standard to determine whether a student is responsible or not responsible for a violation(s).

The definition of relevant evidence used is:

Evidence is relevant if it has any tendency to make a fact more or less probable than it would be without the evidence, and the fact is of consequence in determining the outcome of the case. Relevant evidence includes evidence concerning the credibility of a party or witness.

The definition of preponderance of the evidence used is:

Preponderance of the evidence means that there is greater than a fifty percent likelihood that the Respondent violated the policy.

Title IX Sexual Harassment Case Review

Respondents and Complainants may request reasonable safety measures, including but not limited to police presence, be put in place during the Title IX Sexual Harassment Case Review, if the parties are physically present in the same geographic location. Such a request will be implemented at the university's discretion.

In Title IX Sexual Harassment Case Reviews, Respondents and Complainants have a right to an Advisor in accordance with the restrictions stated in the Title IX Sexual Harassment Adjudication Process.

The Title IX Sexual Harassment Case Review will be conducted by an OSARP Case Administrator, who will serve as the sole decision-maker. The OSARP Case Administrator is a professional full-time staff member in OSARP who has been trained to hear Title IX Sexual Harassment cases. In certain circumstances, a trained University Case Administrator will serve as the sole decision-maker for Title IX Sexual Harassment Case Reviews. These circumstances include when determined as necessary by the Case Coordinator or designee and when a new Title IX Sexual Harassment Case Review is ordered as a result of the appeals process. The decision-maker is to have no conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. If the decision-maker feels that their previous contact with the case or the parties involved will prevent them from rendering a fair decision, the decision-maker shall recuse themselves from the Title IX Sexual Harassment Case Review. Respondents and Complainants will be informed of the decision-maker assigned to their case. Upon receiving notification of the assigned decision-maker, a Respondent or Complainant may request that the decision-maker be replaced if the student can show a bias on the part of the decision-maker. To make such a request, a Respondent or Complainant must contact the Case Coordinator or designee immediately, setting forth their reasons in writing. The Case Coordinator or designee will review all requests. Any decision to remove a decision-maker is at the discretion of the Case Coordinator or designee.

If a Respondent, Complainant, Respondent Witness, or Complainant Witness fails to appear at a Title IX Sexual Harassment Case Review after being properly notified of its date and time, the Title IX Sexual Harassment Case Review will proceed; the determination on whether or not the Respondent is responsible for violating policy will be rendered on the basis of the Case File and the information provided by those in attendance at the Title IX Sexual Harassment Case Review. If a University Witness fails to participate at a Title IX Sexual Harassment Case Review, the Sexual Misconduct Case Review will generally proceed without the University Witness. The decision to postpone a Title IX Sexual Harassment Case Review for cause is at the discretion of the Case Coordinator or designee and will be communicated to each party.

Title IX Sexual Harassment Case Reviews will be audio and/or video recorded; no party may make their own recordings of the Title IX Sexual Harassment Case Review.

For virtual case reviews, OSARP will have a staff member in the Zoom meeting to manage the administrative and technical aspects of Zoom so the decision-maker can focus solely on the case. The OSARP staff member will not participate in the hearing of the case.

The start time of the case review includes the decision-maker meeting with each participant to discuss procedural information and answer questions from the participants. The length of these meetings cannot be predetermined.

Cross-examination is the time when each party's Advisor asks the other party and any witnesses all relevant questions and follow-up questions, including challenges to credibility. Cross-examination will be conducted directly, orally, and in real time by the party's Advisor of choice or one appointed for them by the university, if applicable. At no time may a party personally conduct cross-examination. Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or Witness answers a cross-examination or other question, the decision-maker will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence about the party's sexual predisposition, current sexual behavior, or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. The decision-maker may not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence or refusal to answer cross-examination or other questions.

A Title IX Sexual Harassment Case Review will proceed in accordance with the procedures below; however, the decision-maker may ask additional questions at any time. The decision-maker has the authority to prohibit information from being shared that violates the rights of a party, is not allowed by the Title IX Sexual Harassment Adjudication Process or bears no relevancy to the case. The decision maker will verbally state they will disregard information that violates the rights of a party, is prohibited by the Title IX Sexual Harassment Adjudication Process, or bears no relevancy to the case. Any participant, including the decision-maker, may request a break at any point during the Title IX Sexual Harassment Case Review. Adaptations to the process may be made to ensure the fair review of cases including, but not limited to, if OSARP initiated the Title IX Sexual Harassment Adjudication Process without the authorization of the Complainant or to allow for multiple Complainants and/or Respondents; if this occurs Complainant(s) and the Respondent(s) will be notified of the adaptations prior to the Title IX Sexual Harassment Case Review. Any participant may be removed by the decision-maker if they violate the Rules of Decorum or procedures outlined in the Student Handbook.

1. The decision-maker meets with each participant to discuss procedural information and answer questions.

2. The decision-maker and participants are introduced.
3. The statement of the alleged policy violation(s) is presented by the decisionmaker.
4. Procedures for the Title IX Sexual Harassment Case Review are explained; participants state any questions they have concerning rights or procedures.
5. The Complainant is allotted 3 minutes to make an opening statement that outlines the main points of their allegations.
6. The Respondent is allotted 3 minutes to make an opening statement that outlines the main points of their response to the allegations.
7. University Witnesses will be called individually and provided an opportunity to share a verbal statement regarding the allegations.
 - The decision-maker will ask questions they have for each University Witness.
 - The Complainant's Advisor will be allotted time to question each University Witness.
 - The decision-maker will evaluate each question for relevancy and verbally permit the University Witness to respond if deemed relevant.
 - The Respondent's Advisor will be allotted time to question each University Witness.
 - The decision-maker will evaluate each question for relevancy and verbally permit the University Witness to respond if deemed relevant.
 - The decision-maker may request that a University Witness return at a later point in the Case Review for further clarification.
 - Step #7 repeats until all University Witnesses have participated.
8. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
9. The Complainant is allotted time to share a full verbal statement which may include information regarding the allegations in this case. This is also the Complainant's opportunity to respond to any information or evidence included in the Case File or that has been shared up until this point in the case review.
10. The Respondent is allotted time to share a full verbal statement which may include information regarding the allegations in this case. This is also the Respondent's opportunity to respond to any information or evidence included in the Case File or that has been shared up until this point in the case review.
11. A scheduled 10-minute break will occur unless all parties agree to continue without a break.
12. The decision-maker will ask any questions they have for either the Respondent or the Complainant.
13. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
14. The Respondent's Advisor will be allotted time to question the Complainant.
 - The decision-maker will evaluate each question for relevancy and verbally permit the Complainant to respond if deemed relevant.
15. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
16. The Complainant's Advisor will be allotted time to question the Respondent.
 - The decision-maker will evaluate each question for relevancy and verbally permit the Respondent to respond if deemed relevant.
17. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
18. The Complainant will call their witnesses individually.
 - Each witness called by the Complainant will be allotted time to make a verbal statement regarding the alleged incident or behavior.
 - At the conclusion of the statement shared by the Complainant's Witness, the Complainant's Advisor will be allotted time to question the Complainant's Witness.
 - The decision-maker will evaluate each question for relevancy and verbally permit the Complainant's Witness to respond if deemed relevant.
 - At the conclusion of the Complainant Advisor's questions for their witness, the Respondent's Advisor will be allotted time to question the Complainant's Witness.
 - The decision-maker will evaluate each question for relevancy and verbally permit the Complainant's witness to respond if deemed relevant.
 - At the conclusion of the Respondent Advisor's questions for each witness called by the Complainant, the decision-maker will ask any questions they have of the witness.
 - Witnesses called by the Complainant may provide what they know directly about the alleged incident or behavior and/or what they have been told about the alleged incident or behavior. Witnesses called by the Complainant may

- not provide their perspective on what they feel the appropriate decision, outcome(s), or remedy(ies) in the case should be.
- The decision-maker may request that a witness for the Complainant return at a later point in the Case Review for further clarification.
 - Step #18 repeats until all Complainant Witnesses have participated.
19. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
20. The Respondent will call their witnesses individually.
- Each witness called by the Respondent will be allotted time to make a verbal statement regarding the alleged incident or behavior.
 - At the conclusion of the statement shared by the Respondent's Witness, the Respondent's Advisor will be allotted time to question the Respondent's Witness.
 - The decision-maker will evaluate each question for relevancy and verbally permit the Respondent's Witness to respond if deemed relevant.
 - At the conclusion of the Respondent Advisor's questions for their witness, the Complainant's Advisor will be allotted time to question the Respondent's Witness.
 - The decision-maker will evaluate each question for relevancy and verbally permit the Respondent's Witness to respond if deemed relevant.
 - At the conclusion of the Complainant Advisor's questions for each witness called by the Respondent, the decision-maker will ask any questions they have of the Respondent's Witness.
 - Witnesses called by the Respondent may provide what they know directly about the alleged incident or behavior and/or what they have been told about the alleged incident or behavior. Witnesses called by the Respondent may not provide their perspective on what they feel the appropriate decision, outcome(s), or remedy(ies) in the case should be.
 - The decision-maker may request that a witness for the Respondent return at a later point in the Case Review for further clarification.
 - Step #20 repeats until all Respondent Witnesses have participated.
21. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
22. Any University Witnesses asked by the decision-maker to return later will be brought in individually, if applicable.
- The Complainant's Advisor may ask questions, followed by the Respondent's Advisor, and then the decision-maker's opportunity to ask any remaining questions they have of the University Witness.
 - The University Witnesses will then be dismissed from the Title IX Sexual Harassment Case Review.
 - Step #22 repeats until all University Witnesses have participated.
23. Any Complainant Witnesses asked by the decision-maker to return later will be brought in individually, if applicable.
- The Complainant's Advisor may ask questions, followed by the Respondent's Advisor, and then the decision-maker's opportunity to ask any remaining questions they have of the Complainant Witness.
 - The Complainant Witnesses will then be dismissed from the Title IX Sexual Harassment Case Review.
 - Step #23 repeats until all Complainant Witnesses have participated.
24. Any Respondent Witnesses asked by the decision-maker to return later will be brought in individually, if applicable.
- The Respondent's Advisor may ask questions, followed by the Complainant's Advisor, and then the decision-maker's opportunity to ask any remaining questions they have of the Respondent Witness.
 - The Respondent Witnesses will then be dismissed from the Title IX Sexual Harassment Case Review.
 - Step #24 repeats until all Respondent Witnesses have participated.
25. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
26. The Complainant will be allotted time to make a statement that responds to anything shared in the Case File or during the Title IX Sexual Harassment Case Review.
27. The Respondent will be allotted time to make a statement that responds to anything shared in the Case File or during the Title IX Sexual Harassment Case Review.
28. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
29. The Respondent's Advisor will be allotted time for final questions of the Complainant.
- The decision-maker will evaluate each question for relevancy and verbally permit the Complainant to respond if deemed relevant.
30. The Complainant's Advisor will be allotted time for final questions of the Respondent.

- The decision-maker will evaluate each question for relevancy and verbally permit the Respondent to respond if deemed relevant.
31. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
 32. The decision-maker will ask any final questions they have for either the Respondent or the Complainant.
 33. A scheduled 20-minute break will occur unless all parties agree to continue without a break.
 34. The Complainant 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 Complainant has already shared, their final thoughts, their thoughts moving forward, and any impact on the Complainant related to the allegation(s) of the *Title IX Sexual Harassment* policy
 - If the Complainant 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 decision-maker.
 35. The Respondent 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 Respondent has already shared, their final thoughts, their thoughts moving forward, and any impact on the Respondent related to the allegation(s) of the *Title IX Sexual Harassment* policy
 - If the Respondent 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 decision-maker.
 36. All participants will be dismissed from the Title IX Sexual Harassment Case Review. The decision-maker will evaluate evidence to determine the finding on the alleged policy violation(s). Determinations are based on a preponderance of the evidence.
 - If the decision-maker finds the Respondent responsible for violating policy, they will determine the outcomes and remedies to be rendered for the case.
 - If the decision-maker finds the Respondent not responsible for violating policy, no outcomes or remedies will be assigned.

OSARP will concurrently contact the Respondent and Complainant via email on the **tenth business day** after the date of the Title IX Sexual Harassment Case Review with the availability and instructions to access the decision and, if applicable, outcomes and remedies rendered at the Title IX Sexual Harassment Case Review. This will include the decision-maker's rationale for each finding on policy(ies), overall remedies and outcomes, if applicable, and a recording of the Title IX Sexual Harassment Case Review.

Once the decision-maker has rendered a decision at the conclusion of the Title IX Sexual Harassment Case Review, the Title IX Sexual Harassment Adjudication Process will continue through the final decision, regardless of enrollment status of either party.

If neither party submits an appeal of the decision-maker's decision within the timeline set by the procedures listed in the Student Handbook, the decision in the case is final on the next calendar day following the appeal deadline. OSARP will communicate that final decision simultaneously to both parties, including any information for completing required outcomes. Failure to complete, schedule, attend, or be on time for programs/meetings, failing to complete related assignments, or failing to follow program expectations may result in a \$50 fine per program/meeting not completed by the deadline and a student account hold, which prevents class registration and is typically only removed once outstanding outcome(s) are verified as completed by OSARP. Repeated failure may result in an alleged policy violation of [*Failure to Comply with an Outcome*](#).

OSARP may initiate the Individual Accountability Process if a student knowingly provides falsified or misleading information at a Title IX Sexual Harassment Case Review for alleged violation of the [*Interference or Retaliation in a University Process*](#) policy. An employee may be charged with misconduct under relevant university policies.

OSARP may initiate the Individual Accountability Process against a Complainant or Respondent if it receives information that a party discusses the case with a decision-maker prior to the Title IX Sexual Harassment Case Review for alleged violation of the [*Interference or Retaliation in a University Process*](#) policy. An employee may be charged with misconduct under the relevant university policies.

Title IX Sexual Harassment Case Reviews are closed meetings; the University will maintain confidentiality of all information related to the case, unless legally required or permitted by law to disclose the information. The Respondent and Complainant shall receive notice of all rights they are guaranteed through the Title IX Sexual Harassment Adjudication Process. In Title IX Sexual Harassment Case Reviews, the technical rules of evidence applicable in civil and criminal cases do not apply.

Appeals

Respondents and Complainants have the right to submit a written appeal of the decision rendered at a Title IX Sexual Harassment Case Review within **four** days of receiving the decision rendered at the Title IX Sexual Harassment Case Review. Respondents and/or Complainants must submit their appeal themselves; no one is permitted to submit an appeal on their behalf.

Once a decision has been made at the conclusion of the Title IX Sexual Harassment Case Review, the Title IX Sexual Harassment Adjudication Process will continue through the final decision regardless of the enrollment status of either party.

Either party may submit an appeal of the decision made at a Title IX Sexual Harassment Case Review on one or more of the following grounds. When referenced below, “affected the outcome of the matter” refers to the entirety of the decision rendered including the determination regarding responsibility or remedies and outcomes assigned, if applicable.

- Procedural irregularity that affected the outcome of the matter.
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.
- The Title IX Coordinator, Investigator(s), or Decision Maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

If either party submits an appeal, the other party will be notified in writing that the appeal was submitted. OSARP reserves the right to redact information from the submitted appeal to be used by the Appeal Board that is prohibited by the Title IX Sexual Harassment Adjudication Process or that violates the rights of either party. If redactions are made, the party who submitted the appeal may challenge these redactions to the Case Coordinator or designee within **two** days of their receipt of the submitted appeal to be used by the Appeal Board.

After all challenges to redactions have been resolved or the deadline to challenge redactions has passed, the other party will then be notified in writing that the appeal submission is ready for review and provided **four** days to submit a response to the appeal.

OSARP reserves the right to redact information from the other party’s response submitted that is prohibited by the Title IX Sexual Harassment Adjudication Processor that violates the rights of either party. If redactions are made, the party who submitted the response may challenge these redactions to the Case Coordinator or designee within **two** days of their receipt of the submitted response to be used by the Appeal Board.

For appeals involving new evidence, if a party wishes to have witnesses participate at the Title IX Sexual Harassment Appeal Review, they must submit their witnesses within **two** days of being notified that an Appeal Review regarding new evidence will occur where the parties are permitted to participate.

OSARP typically schedules Title IX Sexual Harassment Appeal Reviews to occur within fifteen business days of notifying the parties in a case that a Title IX Sexual Harassment Appeal Review will be held. However, the circumstances surrounding the case may make it necessary for the university to shorten or extend that timeline.

When applicable, OSARP reasonably schedules Title IX Sexual Harassment Appeal Reviews around the availability of Appeal Board members, OSARP Staff, and University Witnesses. If a Title IX Sexual Harassment Appeal Review is to occur when the Respondent and/or Complainant are enrolled in classes at JMU, the Title IX Sexual Harassment Appeal Review will reasonably be scheduled around their academic schedule(s). If a Title IX Sexual Harassment Appeal Review is to occur when the Respondent and/or Complainant are not enrolled in classes at JMU, it will be reasonably scheduled around their availability. The availability or academic schedules of witnesses called by either party or an Advisor for either party will reasonably be considered in scheduling a Title IX Sexual Harassment Appeal Review.

Title IX Sexual Harassment Appeal Reviews will be conducted by three voting faculty or staff decision-makers called University Case Administrators who form the Appeal Board; they are not employed by OSARP but have received training to hear Title IX Sexual Harassment-related cases. One of the faculty or staff members, in addition to being a voting member, will also serve as the chairperson. The faculty or staff members serving as Appeal Board members will not be the Title IX Coordinator, Investigator(s) in the case, or the decision-maker from the Title IX Sexual Harassment Case Review. If any of the Appeal Board members feel that their previous contact with the case or the parties involved will prevent them from rendering a fair decision, the decision-maker must request that they not be assigned to the Title IX Sexual Harassment Appeal Review. Respondents and Complainants will be informed

of the Appeal Board assigned to the Title IX Sexual Harassment Appeal Review. Upon receiving notification of the assigned Appeal Board, a Respondent or Complainant may request that a decision-maker be replaced if the student can show a bias or conflict of interest on the part of the decision-maker. In order to make such a request, a Respondent or Complainant must contact the Case Coordinator or designee immediately, setting forth their reasons in writing. The Case Coordinator or designee will review all requests. Any decision to remove a decision-maker and/or to postpone a Title IX Sexual Harassment Appeal Review for cause is at the discretion of the Case Coordinator or designee.

OSARP may initiate the Title IX Sexual Harassment Adjudication Process in accordance with the procedures listed in the Student Handbook. The Title IX Sexual Harassment Appeal Review for New Evidence will typically be conducted virtually in a manner in which participants simultaneously see and hear each other; instructions will be provided via email for accessing the Title IX Sexual Harassment Appeal Review. Parties may request the process be conducted in person for cause, which will be granted or denied at the discretion of the Case Coordinator or designee. Requests for the appeal review to be conducted in person for cause may include but not be limited to an accommodation through the Office of Disability Services. If a party is unable to secure a private location for their virtual Title IX Sexual Harassment Appeal Review or requires an in-person case review as an accommodation, the party should contact OSARP immediately upon receiving the notification email to let OSARP know of the concern and request; such concerns or requests will be granted or denied at the discretion of the Case Coordinator or designee.

Respondents and Complainants may request reasonable safety measures, including but not limited to police presence, be put in place during the Title IX Sexual Harassment Appeal Review, if the parties are physically present in the same geographic location; such request will be implemented at the university's discretion.

The Appeal Board will review the Case File, a recording of the Title IX Sexual Harassment Case Review, the submitted appeal with any appropriate redactions, any responses provided to the submitted appeal with any appropriate redactions and, when applicable, the information provided by those in attendance at the Title IX Sexual Harassment Appeal Review.

The decisions rendered at a Title IX Sexual Harassment Appeal Review are based on a preponderance of the evidence and determined by a majority vote of the Appeal Board members. During the Title IX Sexual Harassment Appeal Review the chairperson has the authority to prohibit information, and/or instruct Appeal Board members to disregard information, from being shared that violates the rights of a party, is not allowed by the Title IX Sexual Harassment Adjudication Process or bears no relevancy to the grounds for appeal submission. Any participant may be removed by the chairperson if they violate the Rules of Decorum or procedures outlined in the Student Handbook.

At the conclusion of the Appeal Review process, the Appeal Board will provide a decision, including a rationale, to OSARP within five business days of the Title IX Sexual Harassment Appeal Review. OSARP will concurrently notify the Respondent and the Complainant of the final decision, rationale, and any outcomes and/or remedies rendered on the fifth business day from the scheduled Title IX Sexual Harassment Appeal Review. Decisions rendered by the Appeal Board at an Appeal Review are considered final. As such, there is no mechanism for a Respondent or Complainant to appeal the decision made by the Appeal Review Appeal Board.

If, as a result of an Appeal Review, the Appeal Board determines that the decision rendered at the Title IX Sexual Harassment Case Review is final, OSARP will communicate that final decision simultaneously to both parties, including any information for completing required outcomes. Failure to complete, schedule, attend, or be on time for programs/meetings, failing to complete related assignments, or failing to follow program expectations may result in a \$50 fine per program/meeting not completed by the deadline and a student account hold, which prevents class registration and is typically only removed once outstanding outcome(s) are verified as completed by OSARP. Repeated failure may result in an alleged policy violation of *Failure to Comply with an Outcome*.

In cases where both the Complainant and Respondent submit an appeal for an Appeal Review, there will be one Title IX Sexual Harassment Appeal Review to render decisions considering the arguments raised in both appeals.

If an appeal is submitted based on procedural irregularity that affected the outcome, by either one or both parties, the Title IX Sexual Harassment Appeal Review will follow the procedures listed in "Procedures – Title IX Sexual Harassment Appeal Review: Procedural Irregularity." Neither the Complainant nor the Respondent participate or attend this type of Title IX Sexual Harassment Appeal Review.

If an appeal is submitted on grounds that the Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent, by either one or both parties, the Title IX Sexual Harassment Appeal Review will follow the procedures listed in "Procedures – Title IX Sexual Harassment

Appeal Review: Conflict of Interest or Bias.” Neither the Complainant nor the Respondent participate or attend this type of Title IX Sexual Harassment Appeal Review.

If an appeal is submitted based on new evidence that was not reasonably available at the time the original decision was made (i.e. Title IX Sexual Harassment Case Review) that could affect the outcome of the case, by either one or both parties, the Title IX Sexual Harassment Appeal Review will follow the procedures listed in “Procedures – Title IX Sexual Harassment Appeal Review: New Evidence.” Both parties may choose to attend this type of Title IX Sexual Harassment Appeal Review only if the Appeal Board determines the appeal submission is new evidence, per the procedures outlined in the Handbook. The party who submitted the appeal may choose to present the new evidence to the Appeal Board and the party who submitted a response may choose to present their response to the Appeal Board.

If an appeal is submitted based on multiple grounds, by either one or both parties, one Title IX Sexual Harassment Appeal Review will be held and follow the procedures listed in “Procedures - Title IX Sexual Harassment Appeal Review: Multiple Grounds for Appeal.”

The Respondent and the Complainant will be notified via email of the outcome of the Title IX Sexual Harassment Appeal Review simultaneously by OSARP on the **fifth business day** after the date of the Title IX Sexual Harassment Appeal Review. This notification will be to inform them that a new Title IX Formal Complaint Investigation Process has been ordered that a new Title IX Sexual Harassment Case Review has been ordered, or of the final decision in the case.

The Title IX Sexual Harassment Appeal Review will generally follow the procedures below based on the reason(s) for appeal. Adaptations to the process may be made to ensure the fair review of cases including, but not limited to, if OSARP initiated the Title IX Sexual Harassment Adjudication Process without the authorization of the Complainant or to allow for multiple Complainants and/or Respondents; if this occurs, Complainant(s) and the Respondent(s) will be notified of the adaptations prior to the Title IX Sexual Harassment Case Review.

Procedures – Title IX Sexual Harassment Appeal Review: Procedural Irregularity

Respondents and Complainants are not present for, and do not participate in, Title IX Sexual Harassment Appeal Reviews based on procedural irregularity. If both parties submitted this type of appeal, then each appeal submission and its response will be reviewed separately in the order they were received by OSARP using the following procedures. The Respondent and the Complainant will be notified of the outcome of the Title IX Sexual Harassment Appeal Review in accordance with the procedures listed in the Title IX Sexual Harassment Adjudication Process.

1. For the first, or only, submitted appeal and response, the Appeal Board will determine whether a procedural irregularity occurred by considering the arguments made in the appeal and any response submitted.
 - If the Appeal Board determines that no procedural irregularity occurred, the decision rendered at the Title IX Sexual Harassment Case Review will stand.
 - If the other party in the case also submitted an appeal based on procedural irregularity, then the Appeal Board will proceed to Step 3.
2. If the Appeal Board determines that a procedural irregularity occurred, they will then determine if the procedural irregularity can reasonably be said to have affected the outcome of the case for the first, or only, party who submitted the appeal.
 - If the Appeal Board determines that the procedural irregularity cannot reasonably be said to have affected the outcome of the case for the first party who submitted an appeal, the decision rendered at the Title IX Sexual Harassment Case Review will stand.
 - If the other party in the case also submitted an appeal based on an alleged procedural irregularity, then the Appeal Board will proceed to Step 3.
 - If the Appeal Board determines that the procedural irregularity can reasonably be said to have affected the outcome of the case for the first party who submitted an appeal, the Appeal Board will either send the case to the Title IX Coordinator’s supervisor or designee (for procedural irregularit(ies) that occurred during the investigation) or to the OSARP Case Manager or designee (for procedural irregularit(ies) that occurred only during the case review). For cases that are sent to the Title IX Coordinator’s supervisor or designee, the Title IX Formal Complaint Investigation Process will be re-conducted which will also result in a rehearing of the Title IX Sexual Harassment

Case Review. For cases that are sent to the OSARP Case Manager or designee, OSARP will conduct a new Title IX Sexual Harassment Case Review.

- If the case is sent to the Title IX Coordinator's supervisor or designee or the OSARP Case Manager or designee after review of the first appeal where a second appeal was submitted by the other party, the Appeal Board will review the second submission using the process as described in steps 3-4 of this section.
3. For the second submitted appeal and response, the Appeal Board will determine whether a procedural irregularity occurred by considering the arguments made in the appeal and any response submitted.
 - If the Appeal Board determines that no procedural irregularity occurred, the decision rendered at the Title IX Sexual Harassment Case Review will stand.
 4. If the Appeal Board determines that a procedural irregularity occurred, they will then determine if the procedural irregularity can reasonably be said to have affected the outcome of the case for the second party who submitted the appeal.
 - If the Appeal Board determines that the procedural irregularity cannot reasonably be said to have affected the outcome of the case for the second party who submitted the appeal, the decision rendered at the Title IX Sexual Harassment Case Review will stand.
 - If the Appeal Board determines that the procedural irregularity can reasonably be said to have affected the outcome of the case for the second party who submitted the appeal, the Appeal Board will either send the case to the Title IX Coordinator's supervisor or designee (for procedural irregularit(ies) that occurred during the investigation) or to the OSARP Case Manager or designee (for procedural irregularit(ies) that occurred only during the case review). For cases that are sent to the Title IX Coordinator's supervisor or designee, the Title IX Formal Complaint Investigation Process will be re-conducted which will also result in a rehearing of the Title IX Sexual Harassment Case Review. For cases that are sent to the OSARP Case Manager or designee, OSARP will conduct a new Title IX Sexual Harassment Case Review.
 5. If the appeal submission solely contained arguments for procedural irregularit(ies), then the appeal will end.
 6. If the appeal submission contained arguments for conflict of interest or bias, the appeal board will follow the procedures for reviewing those aspects of the appeal submission. If the appeal submission did not contain arguments for conflict of interest or bias, the appeal board will follow the procedures for reviewing the new evidence portion of the appeal, if applicable.

Procedures – Title IX Sexual Harassment Appeal Review: Conflict of Interest or Bias

Respondents and Complainants are not present for, and do not participate in, Title IX Sexual Harassment Appeal Reviews based on grounds that the Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that affected the outcome of the case. If both parties submitted this type of appeal, then each appeal submission and its response will be reviewed separately in the order they were received by OSARP using the following procedures. The Respondent and the Complainant will be notified of the outcome of the Title IX Sexual Harassment Appeal Review in accordance with the procedures listed in the Title IX Sexual Harassment Adjudication Process.

1. For the first, or only, submitted appeal and response, the Appeal Board will determine whether a conflict of interest or bias occurred by considering the arguments made in the appeal and any response submitted.
 - If the Appeal Board determines that no conflict of interest or bias occurred, the decision rendered at the Title IX Sexual Harassment Case Review will stand.
 - If the other party in the case also submitted an appeal based on alleged conflict of interest or bias, then the Appeal Board will proceed to Step 3.
2. If the Appeal Board determines that a conflict of interest or bias occurred, they will then determine if the conflict of interest or bias affected the outcome of the case for the first, or only, party who submitted an appeal.
 - If the Appeal Board determines that the conflict of interest or bias did not affect the outcome of the case for the first party who submitted an appeal, the decision rendered at the Title IX Sexual Harassment Case Review will stand.
 - If the other party in the case also submitted an appeal based on an alleged conflict of interest or bias, then the Appeal Board will proceed to Step 3.

- If the Appeal Board determines that the conflict of interest or bias affected the outcome of the case for the first party who submitted the appeal, the Appeal Board will either send the case to the Title IX Coordinator's supervisor or designee (for bias by the investigator(s) or Title IX Coordinator) or to the OSARP Case Manager or designee (for bias of a decision-maker). For cases that are sent to the Title IX Coordinator's supervisor or designee, the Title IX Formal Complaint Investigation Process will be reconducted. For cases that are sent to the OSARP Case Manager or designee, OSARP will conduct a new Title IX Sexual Harassment Case Review.
 - If the case is sent to the Title IX Coordinator's supervisor or designee or the OSARP Case Manager or designee after review of the first submitted appeal in a Title IX Sexual Harassment Appeal Review where a second appeal was submitted by the other party, the Appeal Board will review the second submission using the process as described in steps 3-4 of this section.
- 3. For the second submitted appeal and response, the Appeal Board will determine whether a conflict of interest or bias occurred by considering the arguments made in the appeal and any response submitted.
 - If the Appeal Board determines that no conflict of interest or bias occurred, the decision rendered at the Title IX Sexual Harassment Case Review will stand.
- 4. If the Appeal Board determines that a conflict of interest or bias occurred, they will then determine if the conflict of interest or bias affected the outcome of the case for the second party who submitted the appeal.
 - If the Appeal Board determines that the conflict of interest or bias cannot reasonably be said to have materially affected the outcome of the case for the second party who submitted the appeal, the decision rendered at the Title IX Sexual Harassment Case Review will stand.
 - If the Appeal Board determines that the conflict of interest or bias affected the outcome of the case for the second party who submitted the appeal, the Appeal Board will either send the case to the Title IX Coordinator's supervisor or designee (for bias by the investigator(s) or Title IX Coordinator) or to the OSARP Case Manager or designee (for bias of a decision-maker). For cases that are sent to the Title IX Coordinator's supervisor or designee, the Title IX Formal Complaint Investigation Process will be reconducted. For cases that are sent to the OSARP Case Manager or designee, OSARP will conduct a new Title IX Sexual Harassment Case Review.
- 5. If the appeal submission solely contained arguments for procedural irregularit(ies)and/or conflict of interest or bias, then the appeal will end.
- 6. If the appeal submission also contained arguments for new evidence, the appeal board will follow the procedures for reviewing the new evidence portion of the appeal.

Procedures – Title IX Sexual Harassment Appeal Review: New Evidence

If an appeal submission included arguments based on new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter, the Appeal Board will first evaluate if the new evidence included in the appeal submission meets the stated criteria to be considered new evidence by conducting the following procedures. The Appeal Board will also have access to the case documentation, a recording of the Title IX Sexual Harassment Case Review, the appeal submission and any responses to the submitted appeal, administrative items provided by OSARP, and the Respondent's previous disciplinary history maintained by OSARP.

Per the TIXSHAP, new evidence is defined as information that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter. When referenced here, "affected the outcome of the matter" refers to the entirety of the decision rendered including the determination regarding responsibility or remedies and outcomes assigned, if applicable.

1. The Appeal Board will determine if the evidence was not reasonably available at the time the determination regarding responsibility or dismissal was made, based on the information in the first submitted appeal.
 - If the Appeal Board determines that the evidence included in the first appeal submission does not meet the criteria for being new, they will keep the decision and outcomes and remedies, if applicable, rendered at the Title IX Sexual Harassment Case Review.
 - If there was not a second appeal submission based on new evidence, then the appeal board will conclude the Appeal Review.
 - If there was a second appeal submission based on new evidence, then the appeal board will move to step 2.

- If the Appeal Board determines that the evidence included in the appeal submission does meet the criteria for being new, they will then determine if the evidence included in the appeal submission could have affected the outcome of the case.
 - If the Appeal Board determines that the evidence included in the appeal submission could not have affected the outcome of the case, they will keep the decision and outcomes and remedies, if applicable, rendered at the Title IX Sexual Harassment Case Review.
 - If there was not a second appeal submission based on new evidence, then the appeal board will conclude the Appeal Review.
 - If the Appeal Board determines that the evidence included in the appeal submission could have affected the outcome of the case, then one of the following will occur:
 - If there was a second appeal submission based on new evidence, then the appeal board will move to step 2.
 - If there was not a second appeal submission based on new evidence, and new evidence was the only grounds in the appeal submissions, then the Appeal Review will proceed using the procedures below. OSARP will schedule an Appeal Review to provide an opportunity for relevant participants to present and/or respond to the new evidence; this next step is considered to be the second stage of an Appeal Review involving new evidence.
 - If there was not a second appeal submission based on new evidence, and it was already determined during the Appeal Review that a re-investigation or a new case review will need to occur based on prior decisions made on arguments of procedural irregularit(ies) and/or conflict of interest or bias, then the Appeal Review will end.
 - If the new evidence was determined to meet the criteria for being new and it was determined that the new evidence could have affected the outcome of the case, then the new evidence and any response(s) to it will be given to the Title IX Coordinator's supervisor or designee to be added to the new investigation or given to the OSARP Case Manager or designee to be added the Case File to be used in the new Title IX Sexual Harassment Case Review.
 - If the new evidence was not determined to meet the criteria for being new or it was not determined that the new evidence could have affected the outcome of the case, then the new evidence and any response(s) to it will not be given to the Title IX Coordinator's supervisor or designee to be added to the new investigation or given to the OSARP Case Manager or designee to be added the Case File to be used in the new Title IX Sexual Harassment Case Review.
2. The appeal board will determine if the evidence was not reasonably available at the time the determination regarding responsibility or dismissal was made, based on the information in the second submitted appeal.
- If the Appeal Board determines that the evidence included in the second appeal submission does not meet the criteria for being new, they will keep the decision and outcomes and remedies, if applicable, rendered at the Title IX Sexual Harassment Case Review and conclude the Appeal Review.
 - If the Appeal Board determines that the evidence included in the second appeal submission does meet the criteria for being new, they will then determine if the evidence included in the second appeal submission could have affected the outcome of the case.
 - If the Appeal Board determines that the evidence included in the second appeal submission could not have affected the outcome of the case, they will keep the decision and outcomes and remedies, if applicable, rendered at the Title IX Sexual Harassment Case Review and conclude the Appeal Review.
 - If the Appeal Board determines that the evidence included in the second appeal submission could have affected the outcome of the case, then one of the following will occur:
 - If new evidence was the only grounds in the appeal submissions, then the Appeal Review will proceed using the procedures below. OSARP will schedule an Appeal Review to provide an opportunity for relevant participants to present and/or respond to the new evidence; this next step is considered to be the second stage of an Appeal Review involving new evidence.

- If it was already determined during the Appeal Review that a re-investigation or a new case review will need to occur based on prior decisions made on arguments of procedural irregularit(ies) and/or conflict of interest or bias, then the Appeal Review will end.
 - If the new evidence was determined to meet the criteria for being new and it was determined that the new evidence could have affected the outcome of the case, then the new evidence and any response(s) to it will be given to the Title IX Coordinator's supervisor or designee to be added to the new investigation or given to the OSARP Case Manager or designee to be added the Case File to be used in the new Title IX Sexual Harassment Case Review.
 - If the new evidence was not determined to meet the criteria for being new or it was not determined that the new evidence could have affected the outcome of the case, then the new evidence and any response(s) to it will not be given to the Title IX Coordinator's supervisor or designee to be added to the new investigation or given to the OSARP Case Manager or designee to be added the Case File to be used in the new Title IX Sexual Harassment Case Review.

OSARP reasonably schedules the Title IX Sexual Harassment Appeal Review on grounds of new evidence around the availability of Respondents, Complainants, Appeal Board members, OSARP Staff, Advisors, and Witnesses. If the Title IX Sexual Harassment Appeal Review is to occur when the Respondent and/or Complainant are enrolled in classes at JMU, the Title IX Sexual Harassment Appeal Review will reasonably be scheduled around their academic schedule(s). If the Title IX Sexual Harassment Appeal Review is to occur when the Respondent and/or Complainant are not enrolled in classes at JMU, it will be reasonably scheduled around their availability. The availability or academic schedules of witnesses called by either party or an Advisor for either party will reasonably be considered in scheduling the Title IX Sexual Harassment Appeal Review.

In these types of Appeal Reviews, Respondents and Complainants have a right to an Advisor in accordance with the restrictions stated in the Title IX Sexual Harassment Adjudication Process.

If a Respondent, Complainant, Respondent Witness, or Complainant Witness fails to appear at a Title IX Sexual Harassment Appeal Review after being properly notified of its date and time, the Title IX Sexual Harassment Appeal Review will proceed. The decision to postpone a Title IX Sexual Harassment Appeal Review for cause is at the discretion of the Case Coordinator or designee and will be communicated to each party.

Title IX Sexual Harassment Appeal Reviews on the grounds of new evidence will be audio and/or video recorded; the Appeal Board's closed deliberation will not be recorded. No party may make their own recordings of the Title IX Sexual Harassment Appeal Review.

For virtual case reviews, OSARP will have a staff member in the Zoom meeting to manage the administrative and technical aspects of Zoom so the Appeal Board can focus solely on the case. The OSARP staff member will not participate in the hearing process or be present while the Appeal Board deliberates.

The start time of the case review includes the chairperson meeting with each participant to discuss procedural information and answer questions from the participants. The length of these meetings cannot be predetermined.

A Title IX Sexual Harassment Appeal Review will proceed in accordance with the procedures below; however, Appeal Board members may ask additional questions at any time. Any participant, including the Appeal Board members, may request a break at any point during the Title IX Sexual Harassment Appeal Review. The chairperson has the authority to prohibit information from being shared that violates the rights of a party, is not allowed by the Title IX Sexual Harassment Adjudication Process or bears no relevancy to the case. The chairperson also has the authority to instruct Appeal Board members to disregard information that violates the rights of a party, is prohibited by the Title IX Sexual Harassment Adjudication Process, or bears no relevancy to the case.

Cross-examination is the time when each party's Advisor asks the other party and any witnesses all relevant questions and follow-up questions, including challenges to credibility. Cross-examination will be conducted directly, orally, and in real time by the party's Advisor of choice or one appointed for them by the university, if applicable. At no time may a party personally conduct cross-examination. Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or Witness answers a cross-examination question, the chairperson will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence about the party's sexual predisposition, current sexual behavior, or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that

someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. The Appeal Board may not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence or refusal to answer cross-examination or other questions.

Adaptations to the process may be made for cases including, but not limited to, if OSARP initiated the Title IX Sexual Harassment Adjudication Process without the authorization of the Complainant or to allow for multiple Complainants and/or Respondents; if this occurs Complainant(s) and the Respondent(s) will be notified of the adaptations prior to the Title IX Sexual Harassment Appeal Review.

If only the Respondent submitted an appeal based on new evidence, then Steps 7-10 will be eliminated in the procedures below. If only the Complainant submitted an appeal based on new evidence, then Steps 3-6 will be eliminated in the procedures below. If both parties submitted an appeal based on new evidence, then each appeal submission and its response will be reviewed separately using the entirety of the following procedures. The Respondent and the Complainant will be notified of the outcome of the Title IX Sexual Harassment Appeal Review in accordance with the procedures listed in the Title IX Sexual Harassment Adjudication Process.

1. The chairperson meets with each participant to discuss procedural information and answer questions.
2. The Appeal Board members and participants are introduced.
3. Information is presented by the Respondent solely about the new evidence in their appeal.
 - The Appeal Board may ask questions about the new evidence presented in the Respondent's appeal.
 - The Complainant's Advisor will be allotted time for questions of the Respondent.
 - The chairperson will evaluate each question for relevancy and verbally permit the Respondent to respond if deemed relevant.
4. If applicable, the Respondent will call their witnesses individually.
 - Each witness called by the Respondent will be allotted time to make a verbal statement regarding the new evidence submitted in the appeal or response.
 - At the conclusion of the statement shared by the Respondent's Witness, the Respondent's Advisor will be allotted time to question the Respondent's Witness.
 - The chairperson will evaluate each question for relevancy and verbally permit the Respondent's Witness to respond if deemed relevant.
 - At the conclusion of the Respondent Advisor's questions for their witness, the Complainant's Advisor will be allotted time to question the Respondent's Witness.
 - The chairperson will evaluate each question for relevancy and verbally permit the Respondent's Witness to respond if deemed relevant.
 - At the conclusion of the Complainant Advisor's questions for the witness called by the Respondent, the Appeal Board will ask any questions they have of the witness.
 - Witnesses called by the Respondent may provide what they know directly about and/or what they have been told about the alleged incident or behavior as it relates to the new evidence in the submitted appeal or response. Witnesses called by the Respondent may not provide their perspective on what they feel the appropriate decision, outcome(s), or remedy(ies) in the case should be.
 - The Appeal Board may request that a witness for the Respondent return at a later point in the Appeal Review for further clarification.
 - Section #4 repeats until all of the Respondent's Witnesses have participated.
5. Information is presented by the Complainant solely about their response to the new evidence in the Respondent's appeal.
 - The Appeal Board may question the Complainant about their response to the new evidence in the Respondent's appeal.
 - The Respondent's Advisor will be allotted time for questions of the Complainant.
 - The chairperson will evaluate each question for relevancy and verbally permit the Complainant to respond if deemed relevant.
6. If applicable, the Complainant will call their witnesses individually.
 - Each witness called by the Complainant will be allotted time to make a verbal statement regarding the new evidence submitted in the appeal or response.

- At the conclusion of the statement shared by the Complainant's Witness, the Complainant's Advisor will be allotted time to question the Complainant's Witness.
 - The chairperson will evaluate each question for relevancy and verbally permit the Complainant's witness to respond if deemed relevant.
 - At the conclusion of the Complainant Advisor's questions for their witness, the Respondent's Advisor will be allotted time to question the Complainant's Witness.
 - The chairperson will evaluate each question for relevancy and verbally permit the Complainant's Witness to respond if deemed relevant.
 - At the conclusion of the Respondent Advisor's questions for the witness called by the Complainant, the Appeal Board will ask any questions they have of the witness.
 - Witnesses called by the Complainant may provide what they know directly about and/or what they have been told about the new evidence as it relates to the submitted appeal or response. Witnesses called by the Complainant may not provide their perspective on what they feel the appropriate decision, outcome(s), or remedy(ies) in the case should be.
 - The Appeal Board may request that a witness for the Complainant return at a later point in the Appeal Review for further clarification.
 - Section #6 repeats until all of the Complainant's Witnesses have participated.
7. Information is presented by the Complainant solely about the new evidence in their appeal.
- The Appeal Board may ask questions about the new evidence presented in the Complainant's appeal.
 - The Respondent's Advisor will be allotted time for questions of the Complainant.
 - The chairperson will evaluate each question for relevancy and verbally permit the Complainant to respond if deemed relevant.
8. If applicable, the Complainant will call their witnesses individually.
- Each witness called by the Complainant will be allotted time to make a verbal statement regarding the new evidence submitted in the appeal or response.
 - At the conclusion of the statement shared by the Complainant's Witness, the Complainant's Advisor will be allotted time to question the Complainant's Witness.
 - The chairperson will evaluate each question for relevancy and verbally permit the Complainant's Witness to respond if deemed relevant.
 - At the conclusion of the Complainant Advisor's questions for their witness, the Respondent's Advisor will be allotted time to question the Complainant's Witness.
 - The chairperson will evaluate each question for relevancy and verbally permit the Complainant's Witness to respond if deemed relevant.
 - At the conclusion of the Respondent Advisor's questions for the witness called by the Complainant, the Appeal Board will ask any questions they have of the witness.
 - Witnesses called by the Complainant may provide what they know directly about and/or what they have been told about the new evidence as it relates to the submitted appeal or response. Witnesses called by the Complainant may not provide their perspective on what they feel the appropriate decision, outcome(s), or remedy(ies) in the case should be.
 - The Appeal Board may request that a witness for the Complainant return at a later point in the Appeal Review for further clarification.
 - Section #8 repeats until all of the Complainant's Witnesses have participated.
9. Information is presented by the Respondent solely about their response to the new evidence in the Complainant's appeal.
- The Appeal Board may question the Respondent about their response to the new evidence in the Complainant's appeal.
 - The Complainant's Advisor will be allotted time for questions of the Respondent.
 - The chairperson will evaluate each question for relevancy and verbally permit the Respondent to respond if deemed relevant.
10. If applicable, the Respondent will call their witnesses individually.
- Each witness called by the Respondent will be allotted time to make a verbal statement regarding the new evidence submitted in the appeal or response.

- At the conclusion of the statement shared by the Respondent's Witness, the Respondent's Advisor will be allotted time to question the Respondent's Witness.
 - The chairperson will evaluate each question for relevancy and verbally permit the Respondent's Witness to respond if deemed relevant.
 - At the conclusion of the Respondent Advisor's questions for their witness, the Complainant's Advisor will be allotted time to question the Respondent's Witness.
 - The chairperson will evaluate each question for relevancy and verbally permit the Respondent's Witness to respond if deemed relevant.
 - At the conclusion of the Complainant Advisor's questions for the witness called by the Respondent, the Appeal Board will ask any questions they have of the witness.
 - Witnesses called by the Respondent may provide what they know directly about and/or what they have been told about the new evidence as it relates to the submitted appeal or response. Witnesses called by the Respondent may not provide their perspective on what they feel the appropriate decision, outcome(s), or remedy(ies) in the case should be.
 - The Appeal Board may request that a witness for the Respondent return at a later point in the Appeal Review for further clarification.
 - Section #10 repeats until all of the Respondent's Witnesses have participated.
11. Any Complainant Witnesses asked by the Appeal Board to return later will be brought in individually, if applicable.
- The Complainant's Advisor may ask questions, followed by the Respondent's Advisor, and then the Appeal Board. This is their opportunity to ask any remaining questions they have of the Complainant Witness.
 - The Complainant Witnesses will then be dismissed from the Title IX Sexual Harassment Appeal Review.
 - Section #11 repeats until all of the Complainant's Witnesses have participated.
12. Any Respondent Witnesses asked by the Appeal Board to return later will be brought in individually, if applicable.
- The Respondent's Advisor may ask questions, followed by the Complainant's Advisor, and then the Appeal Board. This is their opportunity to ask any remaining questions they have of the Respondent Witness.
 - The Respondent Witnesses will then be dismissed from the Title IX Sexual Harassment Appeal Review.
 - Section #12 repeats until all of the Respondent's Witnesses have participated.
13. The Appeal Board may ask final questions of the Respondent and/or Complainant.
14. The Respondent, Complainant, and Advisors will leave; the Appeal Board will enter closed deliberation.
15. The Appeal Board will vote to determine if the new evidence and any response(s) are significant enough to alter the decisions made at the Title IX Sexual Harassment 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), is not significant enough to alter the decision made at the Title IX Sexual Harassment Case Review, the decision rendered at the Title IX Sexual Harassment Case Review will stand.
 - If the Appeal Board determines that the totality of the evidence, including the new evidence and response(s), is significant enough to alter the decision made at the Title IX Sexual Harassment Case Review, they will render the decision of whether or not the Respondent is responsible for violating policy and proceed to step 16.A or 16.B.
- 16.
- A. If the Appeal Board finds the Respondent not responsible for violating all policies, they will proceed to Step 18.
 - B. If the Appeal Board finds the Respondent responsible for violating policy, they will proceed to step 17.
17. The Appeal Board will render outcomes and remedies for the case. If an appeal was only submitted by the Respondent, the Appeal Board may not assign more severe outcomes and remedies than those assigned at the Title IX Sexual Harassment Case Review.
18. The Respondent and the Complainant will be notified of the outcome of the Title IX Sexual Harassment Appeal Review in accordance with the procedures listed in the Title IX Sexual Harassment Adjudication Process.

Procedures – Title IX Sexual Harassment Appeal Review: Multiple Grounds for Appeal

If both parties submit an appeal based only on procedural irregularity and/or conflict of interest or bias that affected the outcome, the Appeal Board will first review appeal submissions regarding procedural irregularity and then appeal submissions regarding conflict of interest or bias, in the order in which they were received by OSARP.

If an appeal is based on multiple grounds, submitted by one or both parties, OSARP will schedule an Appeal Review, where the Appeal Board will first evaluate the portions of the appeal on procedural irregularity, if applicable, then on conflict of interest or bias, if applicable, and then on new evidence, if applicable, proceeding as outlined in the related sections of the Handbook.

Information on Disability Accommodations in the Title IX Sexual Harassment Adjudication Process (TIXSHAP)

JMU and OSARP are committed to providing programs that are equally inclusive and accessible to all participants. Participants may request accommodations in accordance with [JMU Policy 1331](#). If you are a student who needs accommodation of a disability to support your participation in an OSARP process, submit your accommodation request to ODS via the Accommodate portal available in MyMadison (see also <https://www.jmu.edu/ods/getting-started/index.shtml>). You may send an email to the [Office of Disability Services](#) (ODS) at disability-svcs@jmu.edu asking for an expedited review in light of the timelines associated with the OSARP process. ODS and OSARP may consult to identify potentially reasonable accommodations to support effective participation in the OSARP process. ODS will communicate with OSARP about the identified accommodations and copy you on the written notice of accommodations. All requests must be communicated to OSARP at least three business days prior to a process, so please contact the Office of Disability Services immediately. For others who may need accommodations, contact the appropriate unit as indicated in JMU policy 1331.

Restorative Practices

Participants' Roles and Restrictions

Community Representative(s)

Person(s) who are part of the university and/or local community. Community Representatives may participate in a Restorative Process to share their perspectives and experiences, discuss community impact, and participate in the creation of the Restorative Agreement (if one is created).

Facilitator(s)

Person(s), often a university staff member(s), who has been trained in Restorative Justice practices. The facilitator(s) conducts Restorative Processes. Facilitators, with the approval of the parties and at OSARP's discretion, may include trained individuals who do not work at the university.

Harm Reporter(s)

The person(s) who experienced harm. A Harm Reporter(s) may initiate a Restorative Process by contacting OSARP or an incident(s) may be referred to OSARP by faculty/staff, community members, or other students.

Harm Responder(s)

The person(s) who responds to the harm experienced by the Harm Reporter(s) or the community. In Restorative Practices, the Harm Responder(s) typically acknowledges the harm, addresses needs, and fulfills agreed upon obligations.

Organizational Representative

One elected or appointed leader (e.g., president or team captain) of a recognized student organization or student group that will receive direct communication from OSARP regarding Restorative Practices and respond on behalf of the recognized student organization or student group. At the discretion of OSARP, the organization can request that another member of the organization represent the organization during Restorative Practices. Should the eligibility of the Organizational Representative change during Restorative Practices (e.g., the representative withdraws from JMU or is no longer a member of the recognized student organization or student group), or if the organization dissolves or surrenders recognition prior to or during Restorative Practices, OSARP may designate an Organizational Representative.

Participant(s)

When used throughout, "participants" refers to all persons, except the facilitator(s), who are actively involved in a Restorative Process.

Party(ies)

When used throughout, "party/ies" refer to the Harm Reporter(s) and the Harm Responder(s).

Restorative Process

A process in which the Harm Reporter(s), Harm Responder(s), and any other participants affected by a conflict or harm, participate together in the resolution of the conflict or harm. Restorative Processes are conducted by one or more facilitators. In OSARP, Restorative Process options include voluntary Restorative Conferences, Restorative Circles, and Shuttle Processes. See the "[Voluntary Restorative Practices](#)" section for more information about Restorative Processes.

Support Person

A person who accompanies a participant in voluntary Restorative Practices to provide guidance and support. Support Persons should accompany their participant at meetings through the process; therefore, the facilitator(s) will not meet separately with Support Persons unless deemed necessary.

Overview

Restorative Practices is derived from the larger theoretical framework of Restorative Justice. The philosophy behind Restorative Justice considers the importance of **harms** created during a conflict or violation, the **needs** of those impacted by the conflict, the **obligations** of the individual(s) who created the harm, and the **engagement** from community members who might be directly or indirectly affected by the harm. At JMU, OSARP uses Restorative Practices to address instances of conflict that arise in the community, but these practices may not always align with traditional Restorative Justice approaches.

Restorative Practices offer participants the opportunity to take active accountability for their actions and work within the JMU, City of Harrisonburg, Rockingham County, or other communities to collaboratively address any harm created. This approach emphasizes **community well-being** and **empowers participants** to repair the harm that has occurred.

Beneath the umbrella of Restorative Practices are a variety of Restorative Processes offered by OSARP. Restorative Practices can either be voluntary, (e.g., requested by students, faculty/staff, recognized student organizations, student groups, community members, JMU Police, Harrisonburg Police Department, external entities) or be required as a result of an OSARP process or other university or external conduct process.

The facilitator(s) may be required to report specific information provided during Restorative Practices to other accountability processes, JMU department(s), or law enforcement, including but not limited to sexual harm, harassment or discrimination based on a protected class, hazing, harm or threat of harm to self or others, or other behavior that is against the mission of the institution. If there is information shared regarding the personal consumption of drugs or alcohol by student participants, OSARP will not initiate the [Individual Accountability Process](#) and pursue alleged violations of these policies.

Participants in required or voluntary Restorative Practices are not permitted to make audio and/or video recordings during meetings. However, Restorative Practices staff and facilitators may make audio and/or video recordings during meetings for training purposes only, with the permission of the participants. Once the recordings have been used for their training purposes, they will be destroyed.

OSARP uses Restorative Practices to address incidents of sexual harm for individual students through the Adaptable Resolution process. For more information on this process, see the "[Adaptable Resolution](#)" section of the Handbook. Restorative Practices may be used for cases that involve sexual harm if the Formal Complaint was dismissed by the [Title IX Office](#). These cases are considered Restorative Practices cases, not Adaptable Resolution cases.

Participants may also be made aware of information on the academic, mental health, personal well-being, and campus resources available to students at James Madison University, please visit: <https://www.jmu.edu/osarp/resources/index.shtml>.

Procedures

Required Intake & Outcomes

A Restorative Intake & Outcomes may be a required outcome of an OSARP process or other university or external conduct process when a student's, recognized student organization's, and/or student group's actions had a harmful impact on the community.

Process Steps:

1. **Requirement:** The student, recognized student organization, or student group is required to attend a Restorative Intake and Outcomes.
2. **Notification:** The student or Organizational Representative receives an email from OSARP with the date, time, and location of their Restorative Intake. Attending the Restorative Intake is mandatory to fulfill the requirement assigned from an OSARP process or other university or external conduct process.
3. **Restorative Intake:** The student or Organizational Representative meets individually with a facilitator in OSARP. Prior to the Restorative Intake, the student or Organizational Representative may be asked to complete a pre-Intake survey. During the Restorative Intake, they are encouraged to reflect on questions such as:
 - "What happened from your perspective?"
 - "How have you been impacted?"
 - "Who else has been impacted?" "How?"
 - "What are the needs of the impacted parties?"

- “What can be done to make things as right as possible?”
4. **Outcome(s):** Towards the end of the Restorative Intake, the student or Organizational Representative may decide, in collaboration with the facilitator, to complete one or more outcomes to address the impacts and needs discussed. The student, recognized student organization, or student group is expected to complete all outcomes by the agreed upon deadlines. Once the Restorative Intake ends, the student or Organizational Representative may be asked to complete a post-Intake survey. Some potential outcome options include, but are not limited to, the following:
 - Alcohol and/or drug education program(s)
 - Apology letter
 - Community service
 - "[Conversations About Conflict](#)" educational program
 - Meeting(s) with a specific individual
 - OSARP No Contact agreement
 - University program(s)
 - Reflection paper
 - Restitution
 - Restriction from participation in specific events
 - Restriction from participation in specific organizations
 - "[Mentor Experience](#)" program
 - "[Values in Action](#)" educational program
 - "[Moving Forward](#)" educational program
 5. **Outcome(s) Completion:** The facilitator monitors the completion of the agreed upon outcomes and may report completion of Restorative Intake and Outcomes, as necessary, to a case manager for an OSARP process or other university or external conduct process. Prior to submitting their outcomes, the student or Organizational Representative may be asked to complete a post-outcomes survey. The Restorative Intake and Outcomes requirement is considered complete when all outcomes are verified as completed by OSARP.

For an individual student, failure to complete, schedule, attend, or be on time for programs/meetings, failing to complete related assignments, or failing to follow program expectations may result in a \$50 fine per program/meeting not completed by the deadline and a student account hold, which prevents class registration and is typically only removed once outstanding outcome(s) are verified as completed by OSARP. Repeated failure may result in an alleged policy violation of [Failure to Comply with an Outcome](#). See the [“Fines”](#) or [“Student Account Hold”](#) sections for more detail.

For a recognized student organization or student group, failure to complete, schedule, attend, or be on time for programs/meetings, failing to complete related assignments, or failing to follow outcome(s) expectations may result in the loss of specific access or resources, such as the BelInvolved website, until outstanding outcome(s) are verified as completed by OSARP. Repeated failure may result in an alleged policy violation(s) of [Failure to Comply with an Outcome](#).

Required Restorative Circle

A Restorative Circle may be a required outcome of an OSARP process or other university or external conduct process when a student’s, recognized student organization’s, and/or student group’s actions harmed, or had the potential to harm, the community. Required Restorative Circles typically focus on a specific topic.

Required Restorative Circles involve students, Community Representatives, and facilitators sitting in a circle and discussing individual and community impacts, harms, needs, and obligations. Participants are encouraged to share solutions for addressing the impacts and harm. A Restorative Circle usually involves a larger number of participants (more than four individuals), and participants should plan for the Restorative Circle to last about **two hours**, however, there are times when the Restorative Circle will be longer.

Prior to the Restorative Circle, the facilitator(s) will determine if a Restorative Intake is necessary with a participant(s). For example, facilitator(s) may schedule a Restorative Intake with an Organizational Representative to identify additional participant(s) from the recognized student organization or group who should participate in the Restorative Circle.

Process Steps:

1. **Requirement:** A student, agreed upon members of a recognized student organization, and/or agreed upon members of student group are required to attend a Restorative Circle.
2. **Notification:** The student or Organizational Representative receives an email from OSARP with the date, time, and location of the Restorative Circle. Attending the Restorative Circle is mandatory to fulfill the requirement assigned from an OSARP process or other university or external conduct process.
3. **Restorative Circle:** The student or Organizational Representative attends the Restorative Circle. Facilitators, other students required to attend the Restorative Circle, and Community Representatives participate too. Prior to the Restorative Circle, student participants who are required to attend may be asked to complete a pre-Circle survey. Everyone in the Restorative Circle takes turns, using a talking piece, to reflect on questions related to the purpose of the Restorative Circle. Student participants who were required to attend may be asked to complete a post-Circle survey. Once the Restorative Circle ends, the Restorative Circle requirement is considered complete. The facilitator(s) may report completion of the Restorative Circle, as necessary, to a case manager for an OSARP or other university or external conduct process.

For an individual student, failure to complete, schedule, attend, or be on time for programs/meetings, failing to complete related assignments, or failing to follow program expectations may result in a \$50 fine per program/meeting not completed by the deadline and a student account hold, which prevents class registration and is typically only removed once outstanding outcome(s) are verified as completed by OSARP. Repeated failure may result in an alleged policy violation of [Failure to Comply with an Outcome](#). See the [“Fines”](#) or [“Student Account Hold”](#) sections for more detail.

For a recognized student organization or student group, failure to complete, schedule, attend, or be on time for programs/meetings, failing to complete related assignments, or failing to follow outcome(s) expectations may result in the loss of specific access or resources, such as the Belnvoled website, until outstanding outcome(s) are verified as completed by OSARP. Repeated failure may result in an alleged policy violation(s) of *Failure to Comply with an Outcome*.

Required Resolution through the Organizational Accountability Process

A Responding Organization may be provided the opportunity to resolve alleged policy violation(s) in the Organizational Accountability Process through completion of Restorative Practices, facilitated by or in partnership with OSARP, including any agreed-upon or facilitator-assigned outcome(s).

If Restorative Practices is available as a Resolution Option, as determined by OSARP, the Organizational Representative will be provided this option during the Organizational Accountability Process. Should the Organizational Representative choose Restorative Practices as the Resolution Option for the case, the case will be referred to an OSARP-approved staff member who facilitates Restorative Practices.

Process Steps:

1. **Notification:** The Organizational Representative receives an email from OSARP with the date, time, and location of their Restorative Intake. Attending the Restorative Intake is mandatory.
2. **Restorative Intake:** The Organizational Representative meets individually with a facilitator(s). Prior to the Restorative Intake, the Organizational Representative may be asked to complete a pre-Intake survey. During the Restorative Intake, they are encouraged to reflect on questions such as:
 - “What happened from your perspective?”
 - “How have you been impacted?”
 - “Who else has been impacted?” “How?”
 - “What are the needs of the impacted parties?”
 - “What can be done to make things as right as possible?”
3. **Outcome(s):** Towards the end of the Restorative Intake, the Organizational Representative may decide, in collaboration with the facilitator(s), to complete one or more outcomes to address the impacts and needs discussed. In some cases, facilitator(s) may assign outcome(s) for the Responding Organization to complete. Outcomes may include, but are not limited to, an apology letter, reflection paper, a class or workshop, or a Restorative Process. The Responding Organization is expected to complete all outcomes by the agreed upon deadlines. Once the Restorative Intake ends, the Organizational Representative may be asked to complete a post-Intake survey.
4. **Outcome(s) Completion:** The facilitator monitors the completion of the agreed upon, or facilitator-assigned, outcomes, and may report completion of Restorative Intake and Outcomes, as necessary, to a case manager for an OSARP process or other

university or external conduct process. Prior to completing outcomes, the Organizational Representative may be asked to complete a post-outcomes survey.

Should facilitator(s) report unsuccessful completion of Restorative Practices for a Responding Organization, including any agreed-upon or facilitator-assigned outcome(s), OSARP will determine the Resolution Option(s) available to the Responding Organization and meet with the Organizational Representative to discuss other available Resolution Option(s) and next steps based on the selected Resolution Option.

See the "[Organizational Accountability Process](#)" for more information, including information regarding termination of Restorative Practices for a Responding Organization.

For a recognized student organization or student group, failure to complete, schedule, attend, or be on time for programs/meetings, failing to complete related assignments, or failing to follow outcome(s) expectations may result in the loss of specific access or resources, such as the BelInvolved website, until outstanding outcome(s) are verified as completed by OSARP. Repeated failure may result in an alleged policy violation(s) of [Failure to Comply with an Outcome](#).

Voluntary Restorative Practices

Voluntary Restorative Practices can be requested by students, faculty/staff, recognized student organizations, student groups, community members, JMU Police, Harrisonburg Police Department, and external entities. In voluntary Restorative Practices, there are multiple steps, beginning with the referral and ending with the completion of Restorative Outcome(s). Attending meetings is voluntary and the process does not require a participant to continue. While attending meetings is voluntary, a participant(s)' absence from meetings may limit OSARP staff from being able to complete a process.

1. **Referral:** Individuals noted above may refer a case to OSARP.
2. **Restorative Intake:** After a referral, the facilitator(s) contacts relevant participants and requests to meet individually with each participant. The Harm Reporter(s) and Harm Responder(s) will participate in one or more Restorative Intake(s) prior to participation in a Restorative Process. Community Representative(s) may also be asked to participate in Restorative Intake(s) prior to a Restorative Process. Prior to the Restorative Intake(s), the Harm Reporter(s) and Harm Responder(s) may be asked to complete a pre-Intake survey. During the Restorative Intake(s), the facilitator(s) explains Restorative Process options and asks questions to understand each participants' perspective regarding the conflict or situation. Questions may include but not be limited to, the following:
 - "What happened from your perspective?"
 - "How have you been impacted?"
 - "Who else has been impacted?" "How?"
 - "What are the needs of the impacted parties?"
 - "What can be done to make things as right as possible?"

Together, the facilitator(s) and participants decide whether to move forward with a Restorative Process. The decision to move forward with a Restorative Process is voluntary for all parties. The facilitator(s) and parties also decide if additional Restorative Intake(s) are needed and determine which Restorative Process is most appropriate to address the needs of the participants. To move forward with a Restorative Process, participants must acknowledge that harm occurred and agree to the terms of the process. Prior to participating in a Restorative Process, the Harm Reporter(s) and Harm Responder(s) may be asked to complete a post-Intake survey.

The facilitator(s) reserves the right to alter and/or end a Restorative Process to uphold the intent of Restorative Practices.

In certain cases, a student may be referred to Restorative Practices to discuss harm and needs created for the community. In these circumstances, OSARP cannot compel, mandate, or require these referred participants to participate in a Restorative Intake(s) but may require their attendance. In these circumstances, if the student does not attend the Restorative Intake(s), then the student may be referred to the Individual Accountability Process if an alleged policy violation(s) exist.

Please refer to the [Restorative Practices Rules of Decorum](#) for information on participating in restorative practices.

3. Restorative Process Options: If the facilitator(s) and participants decide to move forward with a Restorative Process, it will be guided by one or more facilitators. Restorative Processes include but are not limited to: Restorative Circles, Restorative Conferences, and Shuttle Processes.
 - Restorative Circle
A Restorative Circle brings together all participants involved to share their perspectives regarding the conflict or harm that occurred. Participants sit in a circle and take turns, using a talking piece, to discuss individual and community impacts, harms, needs, and obligations. Participants are encouraged to share solutions for addressing the impacts and harm. Participants should plan for the Restorative Circle to last about **two hours**. However, there are times when the Restorative Circle will be longer, or more than one Restorative Circle will be needed. Restorative Circles usually involve a larger participant size (more than four individuals). Often, Community Representatives are present to share their perspectives and provide input.
 - Restorative Conference
A Restorative Conference is a meeting, or a series of meetings, with two primarily involved parties that have caused and/or experienced harm, along with one or more facilitators. Some Restorative Conferences include a small number of Community Representatives when there has been community impact. During the Restorative Conference, the facilitator(s) guides the parties by asking questions such as: "What happened from your perspective?", "How have you been impacted?", "What are your needs?" and "What can be done to make things as right as possible?" Harm Reporters share how they were impacted, and Harm Responders have the opportunity to accept accountability and work towards making things as right as possible. Restorative Conferences can take place in person or virtually, depending on the needs of the participants.
 - Shuttle Process
A Shuttle Process consists of separate, alternating, facilitated meetings between the facilitator(s) and each party (and potentially other participants). Participants discuss perspectives with the facilitator(s) to identify impacts, harms, needs, and obligations. In a Shuttle Process, participants interact with one another indirectly through the facilitator(s) and do not meet in-person or virtually for a facilitated conversation unless desired or agreed upon by the parties. A Shuttle Process can include letter and/or video exchanges. If this option is chosen, the facilitator(s) meet with each party separately and pass the letters and/or videos in between the parties.
4. Restorative Agreement/Determine Restorative Outcomes: After perspectives, impacts, harms, and needs are shared during the Restorative Process, the participants collaboratively decide whose obligation it is to address the identified impacts, harms, and needs. This results in the creation of mutually agreed upon and actionable outcomes and obligations, which are developed into the Restorative Agreement:
 - The process of creating outcomes is collaborative. All participants are encouraged to share and contribute to the outcomes in the Restorative Agreement.
 - To repair the stated harms and needs, as agreed upon by all participants, the Restorative Agreement will include outcomes for the Harm Responder(s) to complete and may also include outcomes for the Harm Reporter(s) and/or Community Representatives.
 - Outcomes created and agreed upon will be developed into a Restorative Agreement. All participants and the facilitator(s) will be given the opportunity to sign the Restorative Agreement. For the Restorative Agreement to be finalized, all participants and the facilitator(s) must agree to sign it. If a participant or facilitator(s) refuses to sign the Restorative Agreement, the facilitator(s) will work collaboratively with all participants to determine appropriate next steps. After the Restorative Agreement is signed, the agreed upon outcomes become obligations that the participant(s) are expected to complete.
 - After signing the Restorative Agreement, a Harm Reporter(s) may not pursue an alleged policy violation(s) through the Individual Accountability Process for the harm(s) addressed in the Restorative Process.
 - If a student participant(s) does not fulfill the outcome(s) and obligation(s) agreed upon in the Restorative Agreement, the facilitator(s) will communicate with the participants about potential next steps, which may include an alleged policy violation of [*Failure to Comply with an Outcome*](#) through the "[*Individual Accountability Process*](#)".
 - If no Restorative Agreement is reached, the Harm Reporter(s) may pursue an alleged policy violation(s) through the Individual Accountability Process, as applicable.
 - After a Restorative Agreement is created and signed, the Harm Reporter(s) and Harm Responder(s) may be asked to complete a post-process survey.

Obligation & Outcome Options

Obligations and outcomes are voluntary and are intended to facilitate restoration to the greatest extent possible. Potential obligation and outcome options may include but are not limited to:

- Alcohol and/or drug education program(s)
 - Apology letter
 - Community service
 - "[Conversations About Conflict](#)" educational program
 - Meeting(s) with a specific individual
 - "[Mentor Experience](#)" educational program
 - "[Moving Forward](#)" educational program
 - OSARP No Contact agreement
 - Reflection paper
 - Restitution
 - Restriction from participation in specific events
 - Restriction from participation in specific organizations
 - University program(s)
 - "[Values in Action](#)" educational program
5. Completion of Outcome(s): After the Restorative Agreement is signed, the facilitator(s) follows up with the participants to confirm the completion of outcome(s). Prior to completing outcome(s), the Harm Reporter(s) and Harm Responder(s) may be asked to complete a post-outcomes survey. The facilitator(s) may report process completion, as necessary, to a case manager for an OSARP or other university or external conduct process, if the referring entity was not a participant.

Features of Voluntary Restorative Practices

These features do not apply to required Restorative Practices:

- Restorative Practices is not available if the university deems there is a risk to safety, the requirements of the process cannot be met, and/or the needs of the participants, as identified, are outside the scope of Restorative Practices.
- While Restorative Processes are generally not available when a court protective order is in place, a Restorative Process may be permissible in situations when parties have university no contact orders or court protective orders, when appropriate circumstances apply.
- Either the Harm Reporter or Harm Responder must be a JMU student. It is not required that all participants are JMU students.
- Participation generally will not result in a student disciplinary record and at no point will it result in an academic transcript notation. Participation may only result in a student disciplinary record if a Restorative Agreement is reached and not fulfilled, and OSARP pursues the Individual Accountability Process for an alleged policy violation(s) of Failure to Comply with an Outcome, and the student is found responsible.
- Records kept in a case file will include any forms signed by participants in the process; signing forms does not indicate an admission of responsibility for a policy violation(s). Additionally, records created will be destroyed after eight academic years from when the voluntary Restorative Practices case is finalized in OSARP.
- Parties may bring one Support Person with them to any meeting provided the Support Person is able to attend.
 - Generally, Support Persons do not speak on behalf of a party. Generally, parties will share their perspective themselves.
 - Support Persons should not negatively influence voluntary Restorative Practices cases. A negative influence may include, but is not limited to, engaging combatively in the process.
 - The facilitator(s) may prevent the participation of a Support Person if they determine that the Support Person may negatively influence the process based on actions demonstrated in meetings and/or other interactions with a facilitator(s). The facilitator(s) may also remove a Support Person who violates the expectations set forth in the Rules of Decorum.
 - Participants are expected to show a good faith effort throughout the process.
 - Participants should attend scheduled meetings, including but not limited to, Restorative Intake(s) and Restorative Processes.

- Information regarding an alleged policy violation(s) shared during the process will generally not be pursued by OSARP unless determined necessary by the Director of OSARP or designee.

Rules of Decorum

This information outlines the expectations for all participants in a Restorative Process. This includes the Harm Reporter(s), Harm Responder(s), Support Person(s), Community Representative(s), and other participants, as appropriate. Additional expectations are provided for Support Persons given their role in supporting a party.

The Restorative Process may be stressful and emotional at times for the students and participants involved. As such, all participants must agree to the terms of the process and adhere to the following expectations, outlined within the JMU Student Handbook at www.jmu.edu/handbook. If a participant refuses to agree to the following expectations, they may not be permitted to participate in the process.

Terms of Restorative Processes

- Participation in a Restorative Process is voluntary. Participants have the right to withdraw their participation in a Restorative Process at any time prior to a Restorative Agreement being signed by all parties.
- The Harm Reporter(s) has the right to withdraw their participation in a Restorative Process and pursue an alleged policy violation(s) through the Individual Accountability Process at any time prior to a Restorative Agreement being signed, if potential policy violation(s) existed prior to the start of the Restorative Process.
- The facilitator(s) may be required to report specific information provided during the Restorative Process to other accountability processes, JMU department(s), or law enforcement, including but not limited to sexual harm, harassment or discrimination based on a protected class, hazing, harm or threat of harm to self or others, or other behavior that is against the mission of the institution. If there is information shared regarding the personal consumption of drugs or alcohol by student participants, OSARP will not initiate the Individual Accountability Process and pursue an alleged policy violation(s).
- Community Representatives may participate in a Restorative Process to represent the university and/or local community. In a Restorative Process, Community Representatives will voice their opinions and experiences, discuss community impact, and participate in the creation of the Restorative Agreement.
- All parties taking part in a process may request to have other individuals participate in the process. The request will be reviewed by the facilitator(s) and will be denied or approved based on the needs of the process and potential for harm to be created.
- Resolutions that are created and agreed upon will be developed into a Restorative Agreement. All parties and the facilitator(s) will be given the opportunity to sign the Restorative Agreement. For the Restorative Agreement to be finalized, all parties and the facilitator(s) must agree to sign it. If a party or facilitator(s) refuses to sign the Restorative Agreement, the facilitator(s) will work collaboratively with all parties to determine appropriate next steps.
- Upon signing the Restorative Agreement regarding the outcomes and obligations required by a student participant(s), a Harm Reporter(s) may not pursue an alleged policy violation(s) through the Individual Accountability Process for the harm(s) addressed in the Restorative Process.
- If a student participant(s) does not fulfill the outcome(s) and obligation(s) agreed upon in the Restorative Agreement, the facilitator(s) will communicate with the parties about potential next steps, which may include an alleged policy violation(s) of Failure to Comply with an Outcome through the Individual Accountability Process.

Restorative Process Expectations

Participants in a Restorative Process must:

- Listen respectfully to the individual speaking without interruption.
- Avoid speaking over other participants.
- If a talking piece is used, respect the purpose and intent of the talking piece.
- Use respectful language that is not demeaning, derogatory, or disrespectful.
- Respect facilitators in establishing and maintaining the boundaries of the process.
- Avoid raising their voices.
- Remain seated in their predetermined locations.

- Refrain from making distracting or offensive gestures (e.g., rolling eyes, throwing arms in the air, etc.) or audible reactions (e.g., scoffing, speaking under their breath, etc.).
- For questions about the Rules of Decorum, a participant should request a break to speak with the facilitator(s).

Expectations for Support Persons (if applicable)

Participants may bring one Support Person of their choosing to any meeting, including any Restorative Process. The facilitator(s) may prevent the participation of a Support Person if they determine the Support Person may negatively influence the Restorative Process based on demonstrated actions in previous meetings or interactions with OSARP. The university does not provide a Support Person for those participating in a Restorative Process. It is the participant's responsibility to determine a Support Person and coordinate their participation.

Additionally, a Support Person may:

- Not engage combatively in the process.
- Not communicate for or speak on behalf of the participant. The Harm Reporter(s) and Harm Responder(s) must present information themselves.
- Consult with the party on how to present their statements or information by whispering, providing notes, or taking notes as long as it does not disrupt the flow of the Restorative Process.
- Provide support by taking breaks with or requesting breaks on behalf of the party they are accompanying.

Expectations for Community Representatives (if applicable)

Community Representatives will only participate in the Restorative Process if the Harm Reporter(s) and Harm Responder(s) request and/or agree to their participation.

Additionally, a Community Representative may:

- Not engage combatively in the process
- Share their personal experiences, perspectives, and reflections
- Contribute to the creation of the Restorative Agreement

Violation of Expectations

Determination regarding a participant's violation of any of these expectations lies with the facilitator(s). If a participant violates an expectation of the Rules of Decorum, the facilitator(s) will issue a verbal warning, identifying the expectation violated and how it was violated.

Should a participant continue to violate these expectations, the facilitator(s) will immediately call for a break. During the break, the facilitator(s) will address the behavior directly. If the participant refuses to comply with the facilitator(s) warning or causes additional problems, the facilitator(s) may decide to take one or more of the following actions:

- Remove the participant from the Restorative Process.
- End the Restorative Process and potentially reconvene at a later date, at the discretion of the Director of OSARP or designee, if the removed participant is the Harm Reporter(s) or Harm Responder(s).

Adaptable Resolution

The definition of roles and procedural steps are specific to the Adaptable Resolution process, which may not match the definitions of similar terms used throughout other sections of the Student Handbook.

Roles & Definitions

Complainant

An individual who is alleged to be the victim of conduct that could constitute sexual misconduct, sexual harassment, or sexual harm. For the purposes of Adaptable Resolution, the Complainant is one who submits a Formal Complaint through the Title IX Office and voluntarily initiates the Adaptable Resolution process. Once Adaptable Resolution is initiated, this person is then referred to as the "Harm Reporter".

Community Representative

Person(s) who are part of the university and/or local community. Community representatives may participate in an Adaptable Resolution Facilitated Process to share their perspectives and experiences, discuss community impact, and participate in the creation of the Written Agreement of Resolution. Community representatives will only participate in the Adaptable Resolution process if the Harm Reporter(s) and Harm Responder(s) request and agree to their participation.

Facilitator(s)

Person(s), often a university faculty/staff member, who has been trained in Restorative Justice practices, particularly as they relate to sexual harm. The facilitator(s) conducts the Adaptable Resolution process. With the approval of the parties and at OSARP's discretion, the facilitator(s) may include trained individuals who do not work at the university.

Harm Reporter

The person(s) who reports sexual harm they experienced and initiates the Adaptable Resolution process by filing a Formal Complaint with the Title IX Office.

Harm Responder

The person(s) who responds to the sexual harm referred by the Harm Reporter. In the Adaptable Resolution process, the Harm Responder typically acknowledges the sexual harm, addresses needs, and fulfills agreed upon obligations.

Participant(s)

When used throughout, "participants" refers to all persons actively involved in the Adaptable Resolution process.

Party(ies)

When used throughout, "party/ies" refer to both the Harm Reporter and the Harm Responder.

Respondent

An individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct, sexual harassment, or sexual harm. For the purposes of Adaptable Resolution, the Respondent is the individual who receives notice of a Formal Complaint through the Title IX Office and voluntarily agrees to participate in the Adaptable Resolution process. Once Adaptable Resolution is initiated, this person is then referred to as the "Harm Responder".

Support Person

A person who accompanies a participant in the Adaptable Resolution process to provide guidance and support. Support Persons should accompany their participant at meetings through the process; therefore, the facilitator(s) will not meet separately with Support Persons unless deemed necessary.

Formal Complaint Investigation Process and Adjudication

The Formal Complaint Investigation Process conducted by the Title IX Office and either the Sexual Misconduct Accountability Process or Title IX Sexual Harassment Adjudication Process, as applicable, through OSARP.

Overview

In certain cases, OSARP offers Adaptable Resolution as an option to address harm of a sexual nature between parties. Adaptable Resolution is derived from Restorative Justice principles but may not entirely align with Restorative Justice procedures. Adaptable Resolution is designed to meet the needs of the individual who experienced sexual harm by working to prevent its recurrence and to remedy its effects while maintaining the safety of the overall campus community. Adaptable Resolution is a voluntary, structured, and intentional process that provides an opportunity for the parties involved to acknowledge the sexual harm that was created, recognize needs that may be associated with the sexual harm, and fulfill outcomes to address those needs.

To initiate an Adaptable Resolution process, a Complainant must file a Formal Complaint of the alleged behavior by the Respondent with the Title IX Office prompting written notice to both parties of the allegations. Prior to filing a Formal Complaint, a Complainant may request to meet with a staff member from the Title IX Office and an OSARP Adaptable Resolution facilitator for a Title IX Interest Meeting. During the meeting, the Complainant will learn about the Formal Complaint Investigation process and the Adaptable Resolution process. Once notified of formal and informal options available to address the alleged behavior, the Complainant may voluntarily elect to initiate the Adaptable Resolution process. Additionally, in order to utilize Adaptable Resolution to address sexual harm, participants must acknowledge that harm occurred and agree to the terms of the process. Adaptable Resolution is not available if the university deems there is a risk to safety, the requirements of the process cannot be met, and/or the needs of the participants, as identified, are outside the scope of Adaptable Resolution. All participants may withdraw their participation at any time up until a Written Agreement of Resolution is signed. Additionally, the university reserves the right to alter, suspend, or terminate the process at any time if it is deemed necessary to uphold the intent of the Adaptable Resolution process. The facilitator(s) will make reasonable efforts to communicate with all parties in the Adaptable Resolution process and may refer a case back to the Title IX Office after multiple failed attempts to communicate with a party. If an Adaptable Resolution process is terminated by the university, the Harm Reporter may pursue the Formal Complaint process and the investigation and adjudication for the allegations, as applicable.

Adaptable Resolution is separate and distinct from a formal investigation through the Title IX Office and the Title IX Sexual Harassment Adjudication Process or Sexual Misconduct Accountability Process, as applicable. Therefore, Adaptable Resolution does not constitute a full investigation and adjudication of alleged sexual misconduct or sexual harassment. Adaptable Resolution is considered an Informal Resolution under the [Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance](#) final rule released by the U.S. Department of Education, 34 CFR Part 106, and as an Alternative Resolution under [JMU Policy 1340](#) and [JMU Policy 1346](#). Additionally, the university does not require participation in an Adaptable Resolution process as a condition of enrollment or continuing enrollment, employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of sexual misconduct or sexual harassment.

An Adaptable Resolution process generally will not result in a disciplinary record with the university, and at no point will the process result in a transcript notation. Adaptable Resolution may only result in a disciplinary record if a written agreement is reached and outcomes are not fulfilled, as outlined in the [“Written Agreement of Resolution”](#) section of the Handbook. Additionally, information shared during the Adaptable Resolution process will be kept confidential by OSARP staff, including the facilitator(s), except to the extent permitted or required by law. The facilitator(s) will not share narratives with the other party(ies) without verbal permission. The facilitator(s) will send a copy of the Written Agreement of Resolution (if an agreement is reached) to the Title IX Office at the end of the Adaptable Resolution process. The facilitator(s) may be required to report specific information provided during Adaptable Resolution meetings to other accountability processes, JMU department(s), or law enforcement, including but not limited to: sexual harm, harassment or discrimination based on a protected class, hazing, harm or threat of harm to self or others, or other behavior that is against the mission of the institution.

If there is information shared regarding the personal consumption of drugs or alcohol by student participants in the Adaptable Resolution process, OSARP will not initiate the Individual Accountability Process and pursue an alleged violation(s) of these policies. The facilitator(s) will not participate as a witness or share information gained during the Adaptable Resolution process for use in the Formal Complaint Investigation process and adjudication, should it occur. Records kept throughout the Adaptable Resolution process may be disclosed in response to a subpoena or court order. Records kept in an Adaptable Resolution case file will include any forms signed by participants in the process; signing forms in the Adaptable Resolution process does not indicate an admission of

responsibility for a policy violation. Additionally, records created through Adaptable Resolution will be destroyed after eight academic years from when the Adaptable Resolution process is finalized in OSARP.

Exploratory Meeting(s), Intake Meeting(s), Preparation Meetings, and/or Facilitated Process(es) within the Adaptable Resolution process will not be audio and/or video recorded. Participants are not permitted to make their own recordings.

The Title IX Office and OSARP will keep a record of persons who participate in an Adaptable Resolution process. If the Title IX Office receives a new allegation regarding a Harm Responder who has previously completed Adaptable Resolution, the Harm Responder's eligibility for subsequent Adaptable Resolution processes will be determined by the university on a case-by-case basis.

OSARP uses Restorative Practices to address incidents of harm not of a sexual nature through the Restorative Practices process. For more information on this process, see the "[Restorative Practices](#)" section of the Handbook.

Features

The following are features of the Adaptable Resolution process.

- Prior to the Adaptable Resolution process, the university will provide parties with written notice of the allegations, requirements of Adaptable Resolution, and any records that may result from participating in Adaptable Resolution.
 - Requirements of Adaptable Resolution include a party's ability to withdraw from the Adaptable Resolution process to resume the Formal Complaint Investigation process and adjudication, if applicable, for the alleged behavior up until a Written Agreement of Resolution is signed.
 - Adaptable Resolution records include information kept in an Adaptable Resolution case file, as described in the Handbook. Records may be disclosed in response to a subpoena or court order.
- In order to proceed with Adaptable Resolution, all parties must provide voluntary, written consent.
- Adaptable Resolution processes require multiple meetings, and the entire process typically lasts anywhere between several weeks to several months depending on the needs of the participants involved.
- Parties in the Adaptable Resolution process may bring one Support Person with them to any meeting provided the Support Person is able to attend.
 - Generally, Support Persons do not speak on behalf of a party during the Adaptable Resolution process. Generally, parties will share their perspective of the incident themselves.
 - Support Persons should not negatively influence the Adaptable Resolution process. A negative influence may include, but is not limited to, engaging combatively in the process.
 - The facilitator(s) may prevent the participation of a Support Person if they determine that the Support Person may negatively influence the Adaptable Resolution process based on demonstrated actions in previous Intake or Preparation Meetings. The facilitator(s) may also remove a Support Person during the Facilitated Process who violates the expectations set forth in the Rules of Decorum.
 - Parties may request reasonable safety accommodations be put in place such as teleconferencing or police presence. Any requests for reasonable safety accommodations should be shared with the facilitator(s).
 - Participants are expected to show a good faith effort throughout the Adaptable Resolution process.
 - Parties should attend scheduled meetings.
 - These meetings include, but are not limited to, Exploratory Meeting(s), Intake Meeting(s), Preparation Meeting(s), and Facilitated Processes.
 - Adaptable Resolution is not offered in circumstances in which a student alleges sexual misconduct or sexual harassment by an employee of the university.
 - Participants may also be made aware of information on the academic, mental health, personal well-being, and campus resources available to students at James Madison University, please visit: <https://www.jmu.edu/osarp/resources/index.shtml>.

Procedures

Adaptable Resolution will generally follow the procedures below. The facilitator(s), in consultation with the Director of OSARP or designee, reserve the right to alter the Adaptable Resolution procedure to uphold the intent of the Adaptable Resolution process.

Exploratory Meeting(s)

- Prior to filing a Formal Complaint, a Complainant may request to meet with a staff member from the Title IX Office and an OSARP Adaptable Resolution facilitator for a Title IX Interest Meeting. During the Title IX Interest Meeting, the Complainant will learn about the Formal Complaint Investigation process and the Adaptable Resolution process. A Title IX Interest Meeting may take the place of an Exploratory Meeting, or, after a Title IX Interest Meeting, an Exploratory Meeting(s) may be scheduled to discuss the Adaptable Resolution process further.
- To initiate the Adaptable Resolution process, the Complainant must file a Formal Complaint through the Title IX Office regarding harm they experienced and voluntarily decide to pursue the Adaptable Resolution process. Once the facilitator(s) receives the referral from the Title IX Office, the facilitator(s) will meet with the Complainant and Respondent(s) separately to explain the Adaptable Resolution process. This meeting is called the Exploratory Meeting. A staff member from the Title IX Office may also be present at the Exploratory Meeting(s) to answer questions related to processes and resources. Attending an Exploratory Meeting(s) does not require the Complainant or the Respondent to participate in the Adaptable Resolution process.
- During an Exploratory Meeting(s), the facilitator(s) will:
 - Explain the roles, features, available processes, and potential outcomes of an Adaptable Resolution process
 - Gauge participant interest in the process
 - Discuss communication preferences
 - Answer questions
- If the Respondent is not interested in participating in the process, the facilitator(s) will consult the Complainant to share options available to them. This could result in the Complainant deciding to pursue the Formal Complaint Investigation and Adjudication process, as applicable, and/or other options.
- If both parties decide to continue with Adaptable Resolution, the facilitator(s) will determine if the case is appropriate to continue with the Adaptable Resolution process. If the case is determined to be appropriate, the process will continue to Intake Meetings. The terms of the parties then change from “Complainant” to “Harm Reporter” and from “Respondent” to “Harm Responder,” respectively.

Intake Meeting(s)

- The Intake Meeting(s) is a time for the facilitator(s) to meet with the Harm Reporter and Harm Responder separately to hear their perspectives, discuss their goals for the process, and share relevant information regarding the process.
- The facilitator(s) may request to meet with other individuals identified by the parties as potential participants in the process. The facilitator(s) reserves the ability to deny a recommended individual's participation in the process if it is determined they could negatively influence the process, which may include, but is not limited to, engaging combatively in the process.
 - The facilitator(s) may also recommend individuals whose participation may be helpful to the Adaptable Resolution process. If the facilitator(s) suggests adding a participant, the parties must agree on the individual's participation for them to be included in the process.
- It is common for multiple Intake Meetings to be needed before moving to the Preparation Meeting(s).
- During the Intake Meeting(s), the facilitator(s) will ask questions such as:
 - What happened from your perspective?
 - How have you been impacted?
 - Who else has been impacted?
 - What needs to be done to make things as right as possible?
- The facilitator(s) will also discuss facilitated process options and work with each party to select an appropriate option which is agreeable to all parties.

Preparation Meeting(s)

The Preparation Meeting(s) is the last meeting(s) that occurs before moving to the Facilitated Process. The Preparation Meeting(s) is a time for the facilitator(s) to prepare each party for the Facilitated Process and assess their readiness to participate. The parties will have separate Preparation Meeting(s).

During the Preparation Meeting(s), the facilitator(s) will:

- Review questions that will be asked during the Facilitated Process

- Ask each party to consider what they would like to share with the other party/parties during the Facilitated Process
- Review potential voluntary obligation and outcome options
- Ask each party to consider which voluntary obligations and outcomes they would like to include in the Written Agreement of Resolution
- Discuss logistics, including but not limited to, safety accommodations, seating arrangements, and arrival/departure times
- Answer questions about the Facilitated Process

Facilitated Processes

Please refer to the [Adaptable Resolution Rules of Decorum](#) for more information on participation in Adaptable Resolution.

The Adaptable Resolution process includes several facilitated options to discuss the impact of the behavior, address the sexual harm caused, identify needs, and develop obligations. Participants are encouraged to be open and honest about their perspectives during facilitated processes. The wishes of the Harm Reporter, the context of the incident, and the needs of those involved will be taken into consideration when determining an appropriate facilitated process. For one of the following processes to be pursued, all participants and the facilitator(s), must agree to the selected process. There may be circumstances in which it is appropriate to combine different facilitated process options. While not an exhaustive list, the most common facilitated process options are below.

Types of Processes

Shuttle Process

A Shuttle Process consists of separate, alternating, facilitated meetings between the facilitator(s) and each party (and potentially other participants) to discuss perspectives to identify harm experienced, meet needs, and develop obligations. In a Shuttle Process, participants interact with one another indirectly through the facilitator(s) and do not meet face-to-face for a facilitated conversation unless desired and agreed upon by the parties. A Shuttle Process can include letter and/or video exchanges which involves each party crafting an impact letter or video with the assistance of the facilitator(s). If this option is chosen, the facilitator(s) passes the letters and/or videos in between the parties. The other party may respond to the letter or video provided.

Conference

A Conference is a semi-structured, facilitated, meeting, or a series of meetings, with two primarily involved parties. Conference participants usually include the facilitator(s), Harm Reporter(s), Harm Responder(s), and Support Persons, if applicable. During a Conference, the facilitator(s) guides the parties by asking questions such as: "What happened from your perspective?", "How have you been impacted?", "What are your needs?" and "What can be done to make things as right as possible?" The Harm Responder(s) can accept accountability, and both parties are encouraged to share solutions for addressing the impacts, harm, and needs. Conferences can take place in person or virtually, depending on the needs of the parties.

Circle Process

A Circle Process is a semi-structured, facilitated, face-to-face, meeting, or a series of meetings, with a larger participant size (more than four individuals). Circle participants usually include the facilitator(s), Harm Reporter(s), Harm Responder(s), Support Persons, and Community Representatives. Participants sit in a Circle and take turns using a talking piece to share their perspectives regarding the harm that took place. Individual and community impacts, needs, and obligations are also discussed. The Harm Responder(s) has the opportunity to acknowledge the harm caused and all participants (excluding the Support Persons) are encouraged to share solutions to address the impacts, harms, and needs.

Written Agreement of Resolution

After perspectives, impacts, harms, and needs are shared during the Shuttle Process, Conference, or Circle Process, mutually agreed upon and actionable outcomes and obligations are developed into a Written Agreement of Resolution to meet the needs associated with the sexual harm.

- The process of creating outcomes is collaborative. All participants are encouraged to share and contribute to the outcomes in a Written Agreement.
- To repair the stated harms and needs, as agreed upon by all parties, the Written Agreement will include outcomes for the Harm Responder(s) to complete and may also include action items for the Harm Reporter(s).

- Resolutions created and agreed upon will be developed into a Written Agreement. For a Written Agreement to take effect, it must be signed by the parties and the facilitator(s). After the Written Agreement is signed, the agreed upon outcomes become obligations that the party(ies) are expected to complete.
- Once a Written Agreement is signed, the agreement takes effect and the Harm Reporter may not pursue the Formal Complaint Investigation and Adjudication process, as applicable, for this specific incident.
- At their discretion, and depending upon the circumstances of a case, OSARP may pursue an alleged policy violation(s) for [Failure to Comply with an Outcome](#) if the obligation(s) and outcome(s) listed in a written agreement are not met by the Harm Responder.
 - If OSARP pursues an alleged policy violation(s) for *Failure to Comply with an Outcome* for not fulfilling the obligations specified in the Written Agreement, the Written Agreement and other related information will be shared in the [Individual Accountability Process](#) as evidence that the obligations were not met.
 - If found responsible for violating the *Failure to Comply with an Outcome* policy through the Individual Accountability Process, the Harm Responder is considered to have a disciplinary record, and their case file(s) is retained in accordance with the procedures outlined in the "[Records - Students](#)" of the Student Handbook.
 - If no agreement of outcomes is reached, the Harm Reporter may pursue the Formal Complaint Investigation and Adjudication process, as applicable.
 - The Title IX Office will be informed of the agreed upon outcome(s) of the Adaptable Resolution process.

Obligation & Outcome Options

Obligations and outcomes are voluntary agreements and intended to facilitate restoration to the greatest extent possible. Potential obligation and outcome options may include, but are not limited to:

- Alcohol and/or drug education program(s)
- Apology letter
- Community service
- Meeting(s) with a specific individual
- "[Moving Forward](#)" educational program
- No contact agreement
- Other university program(s)
- Reflection paper
- Restitution
- Restriction from participation in specific events
- Restriction from participation in specific organizations
- "[The Mentor Experience](#)" educational program
- "[Values in Action](#)" educational program

Rules of Decorum

This information outlines the expectations for all participants in the OSARP Adaptable Resolution Process. This includes the Harm Reporter, Harm Responder, Support Person(s), Community Representative(s), and other participants, as appropriate. Additional expectations are provided for Support Persons given their role in supporting a party.

The Adaptable Resolution process may be stressful and emotional at times for the students and participants involved. As such, all participants must agree to the terms of the process and adhere to the following expectations, outlined within the JMU Student Handbook at www.jmu.edu/handbook. If a participant refuses to agree to the following expectations, they may not be permitted to participate in the process.

Terms of Adaptable Resolution

- Participation in Adaptable Resolution is voluntary. All participants may withdraw their participation at any time until a Written Agreement of Resolution is signed.
- The facilitator(s) may be required to report specific information provided during the Adaptable Resolution process, aside from the behavior included in the Formal Complaint, to other accountability processes, JMU department(s), or law

enforcement, including but not limited to: sexual harm, harassment or discrimination based on a protected class, hazing, harm or threat of harm to self or others, or other behavior that is against the mission of the institution. If there is information shared regarding the personal consumption of drugs or alcohol by student participants, OSARP will not initiate the Individual Accountability Process and pursue alleged violations of these policies.

- The case will be referred back to the Title IX Office if a party withdraws from the process, the process is terminated, or no Written Agreement of Resolution is reached.
- Parties may request that reasonable safety accommodations be put in place such as virtual meetings or police presence. Any requests for reasonable safety accommodations should be shared with the facilitator(s). The facilitator(s), in consultation with the Director of OSARP or designee, will determine whether the requested accommodations are reasonable and will be put into place.
- Resolutions that are created and agreed upon will be developed into a Written Agreement of Resolution. Written agreements must be signed by the parties and the facilitator(s). Once a Written Agreement of Resolution is signed, the Harm Reporter may not pursue the formal complaint process and adjudication, as applicable, for this specific incident. The facilitator(s) will send a copy of the Written Agreement of Resolution to the Title IX Office at the end of the Adaptable Resolution process.
- By signing a Written Agreement of Resolution, parties agree that the terms of the resolution appropriately address the conduct.
- At their discretion, and depending upon the circumstances of a case, OSARP may pursue an alleged policy violation(s) for Failure to Comply with an Outcome in the Individual Accountability Process if the obligation(s) and outcome(s) listed in a Written Agreement of Resolution are not met by the Harm Responder.

Facilitated Process Expectations

Participants in the Adaptable Resolution process must:

- Listen respectfully to the individual speaking without interruption.
- Avoid speaking over other participants.
- Use respectful language that is not demeaning, derogatory, or disrespectful.
- Avoid raising their voices.
- Remain seated in their predetermined locations.
- Refrain from making distracting or offensive gestures (e.g., rolling eyes, throwing arms in the air, etc.) or audible reactions (e.g., scoffing, speaking under their breath, etc.).
- For questions about the Rules of Decorum, a participant should request a break.

Expectations for Support Persons (if applicable)

Participants may bring one Support Person of their choosing to any meeting, including any facilitated process(es). The facilitator(s) may prevent the participation of a Support Person if they determine the Support Person may negatively influence the Adaptable Resolution process based on demonstrated actions in previous meetings or interactions with OSARP. The University does not provide a Support Person for those participating in Adaptable Resolution. It is the participant's responsibility to determine a Support Person and coordinate their participation.

Additionally, a Support Person may:

- Not engage combatively in the process.
- Not communicate for or speak on behalf of the participant. Harm Reporters and Harm Responders must present information themselves.
- Consult with the party on how to present their statements or information by whispering, providing notes, or taking notes as long as it does not disrupt the flow of the Adaptable Resolution facilitated process.
- Provide support by taking breaks with or requesting breaks on behalf of the party they are accompanying.

Expectations for Community Representatives (if applicable)

Community representatives will only participate in the Adaptable Resolution process if the Harm Reporter(s) and Harm Responder(s) request and agree to their participation.

Additionally, a Community Representative may:

- Not engage combatively in the process
- Share their personal experiences, perspectives, and reflections
- Contribute to the creation of the Written Agreement of Resolution

Violation of Expectations

Determination regarding a participant's violation of one of these expectations lies with the facilitator(s). If a participant violates an expectation of the Rules of Decorum, the facilitator(s) will issue a verbal warning, identifying the expectation violated and how it was violated.

Should a participant continue to violate these expectations, the facilitator(s) will immediately call for a break. During the break, the facilitator(s) will address the behavior directly. If the participant refuses to comply with the facilitator(s) warning or causes additional problems, the facilitator(s) may decide to take one or more of the following actions:

- Remove the participant from the Adaptable Resolution Facilitated Process.
- End the Adaptable Resolution Facilitated Process and potentially reconvene at a later date, at the discretion of the Director of OSARP or designee, if the removed participant is the Harm Reporter or the Harm Responder.

Individual & Organizational Case Outcomes

Case outcomes may be assigned for individual students, as defined in this Handbook, at the conclusion of OSARP's [Individual Accountability Process](#), [Individual Interim Suspension Process](#), [Sexual Misconduct Accountability Process](#), or [Title IX Sexual Harassment Adjudication Process](#). Those outcomes are listed in the "[Types of Individual Case Outcomes](#)" section of the Student Handbook.

Case outcomes may be assigned for recognized student organizations or student groups, as defined in this Handbook, at the conclusion of OSARP's [Organizational Accountability Process](#). Those outcomes are listed in the "[Types of Organizational Case Outcomes](#)" section of the Student Handbook.

Other JMU departments, offices, administrators, or conduct processes may assign or refer a student to complete an outcome coordinated by OSARP. More information will be provided to the individual student, recognized student organization, or student group at the time of referral.

Guidelines for Assigning Individual & Organizational Case Outcomes

Range of Case Outcomes

Taking into consideration the totality of the circumstances surrounding the case and all evidence provided during the OSARP process, OSARP staff or University Case Administrators may assign any outcome listed in the "[Individual Case Outcomes](#)" or "[Recognized Student Organization and Student Group Case Outcomes](#)" sections of the Student Handbook. Suspension or expulsion from JMU, notice of trespass from JMU (only for individual students) and/or removal from all university housing may only be assigned if the case was deemed eligible for that potential outcome when the Responding Party/Respondent/Responding Organization received email notification of the alleged violation(s).

Guidelines for Assigning Case Outcomes

To maintain fairness and consistency in the assignment of outcomes for policy violation(s), policy violation(s) have been classified as 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 outcomes than a minor violation. Policy violation(s), for which a student, recognized student organization, or student group are found responsible, will be classified by OSARP as either major, flexible, or minor.

To balance consistency and fairness in assigning outcomes, guidelines have been developed as a starting point for OSARP staff and University Case Administrators to consider when determining outcomes for a student, recognized student organization, or student group found responsible for a first-time policy violation. However, the totality of the evidence, the severity of the incident, previous case history, and the perspectives of the participants involved may result in the severity of the outcome being higher or lower than the guidelines listed below. OSARP staff and University Case Administrators have the ability to increase or decrease the severity of the outcome when making a decision in a case; however, Suspension or expulsion from JMU, notice of trespass from JMU (only for individual students) and/or removal from all university housing may only be assigned if the case was deemed eligible for that potential outcome when the email notification of alleged policy violation(s) was sent to the Responding Party/Respondent/Responding Organization.

- Outcomes resulting from a first-time minor policy violation(s) or from a first-time flexible policy violation(s) when classified as a minor policy violation(s) typically include educational or restorative outcomes.
- Outcomes resulting from a first-time major policy violation(s), or from a first-time flexible policy violation(s) when classified as a major policy violation(s), can include probation (for recognized student organizations or student groups), educational, restorative, wellness, or developmental outcomes, fines, special assignments, restriction of privileges, or removal from university housing. Suspension or expulsion from JMU, notice of trespass from JMU (only for individual students) and/or removal from all university housing may be an outcome of a first-time major policy violation(s) if the case was deemed eligible for that potential outcome when the email notification of alleged policy violation(s) was sent to the Responding Party/Respondent/Responding Organization.
- Outcomes resulting from cases not representing a first-time minor, major, or flexible policy violation(s) can include probation (for recognized student organizations or student groups), educational, restorative, wellness, or developmental outcomes, fines, special assignments, restriction of privileges, and removal from university housing. Suspension or

expulsion from JMU, notice of trespass from JMU (only for individual students) and/or removal from all university housing may be an outcome of cases not representing a first-time minor, major, or flexible policy violation(s) if the case was deemed eligible for that potential outcome when the email notification of alleged policy violation(s) was sent to the Responding Party/Respondent/Responding Organization.

- When applicable, disciplinary outcomes assigned by the JMU Honor Council, Policy 1324 process, other JMU conduct process, or OSARP process will occur concurrently.

For an individual student, failure to complete, schedule, attend, or be on time for programs/meetings, failing to complete related assignments, or failing to follow program expectations may result in a \$50 fine per program/meeting not completed by the deadline and a student account hold, which prevents class registration and is typically only removed once outstanding outcome(s) are verified as completed by OSARP. Repeated failure may result in an alleged policy violation of [*Failure to Comply with an Outcome*](#).

For a recognized student organization or student group, failure to complete, schedule, attend, or be on time for programs/meetings, failing to complete related assignments, or failing to follow outcome(s) expectations may result in the loss of specific access or resources, such as the Belnoved website, until outstanding outcome(s) are verified as completed by OSARP. Repeated failure may result in an alleged policy violation(s) of *Failure to Comply with an Outcome*.

Minor Policy Violations

- *Alcohol* - Underage Possession or Consumption
- *Alcohol* - Open Container
- *Drugs* - Misdemeanor Possession of Drugs
- *Littering*
- *Smoking, Vaping, Tobacco, and/or Nicotine*

Major Policy Violations

- *Alcohol* - Providing Alcohol to Underage Individuals
- *Alcohol* - Driving Under the Influence
- Multiple prohibited substances in the same incident
- *Drugs* - Driving Under the Influence
- *Drugs* - Selling, Providing to Another, or Distribution of Drugs or Drug Paraphernalia
- *Drugs* - Felony Possession of Marijuana or other Drugs
- *Harassment*
- *Hazing*
- *Interference or Retaliation in a University Process*
- *Sexual Misconduct*
- *Physical Force or Attempted Physical Force*
- *Prohibited Conduct*
- *Title IX Sexual Harassment*
- *Weapons*

An alleged violation(s) of university policy may also be considered major in any of the following circumstances:

- Repeated violations of any policy(ies)
- Conduct that is prohibited by local, state, or federal law that affects the university's pursuit of its educational mission
- Multiple violations of policies in one incident
- Multiple prohibited substances in the same incident
- Severity of the impact on the individual and/or community

Flexible Policy Violations

- *Alcohol*
- *Camping or Shelter Construction*
- *Campus Election Rules*

- *Damage, Attempted Damage, or Vandalism of Property*
- *Disruptive Conduct*
- *Drugs*
- *Endangerment*
- *Facilitating Academic Misconduct*
- *Failure to Comply with an Outcome*
- *Falsification of Information*
- *Fire Safety*
- *Gambling*
- *Noncompliance*
- *Misuse of Technology*
- *Obscene Conduct*
- *Prohibited Masking*
- *Responsibility for Guests*
- *Soliciting, Petitioning, Selling, Surveying, & Publicizing*
- *Theft, Attempted Theft, or Possession of Stolen Items*
- *Trespassing*
- *Unauthorized Use, Possession, or Transfer of Item(s)*

Individual Case Outcomes

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

Educational Programs

Education provided by JMU on a specific topic relevant to the student and/or case. Failure to complete, schedule, attend, or be on time for programs/meetings, failing to complete related assignments, or failing to follow program expectations may result in a \$50 fine per program/meeting not completed by the deadline and a student account hold, which prevents class registration and is typically only removed once outstanding outcome(s) are verified as completed by OSARP. Repeated failure may result in an alleged policy violation of [Failure to Comply with an Outcome](#). See the [“Fines”](#) or [“Student Account Hold”](#) sections for more detail.

Educational programs may include, but are not limited to:

By the Numbers

This two-hour program examines the reason for the establishment of community standards. An overview of Virginia laws and university policies is provided. 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 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.

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 one-hour mentor meetings and submission of a final reflection paper.

Moving Forward

This is a 15-hour process involving regular meetings with a faculty/staff facilitator for in-depth discussions about personal values, healthy relationships, consent, and other related topics along with reflection activities guided by a workbook. The student will also be required to submit a two-page 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.

Well Dukes Coaching

Well Dukes offers one-on-one coaching to help students identify and reach their personal well-being goals. Trained coaches take a positive approach, focusing on student strengths and working in partnership to support change. Conversations are confidential, free-of-charge, and can address diverse topics such as alcohol, cannabis and other drug use, social and relationship well-being, nicotine cessation, sleep habits and stress management. Well Dukes Coaching is not an addiction treatment program. Consultation and referral to appropriate community resources is available.

Students are considered to have failed to complete the Well Dukes Coaching outcome if they do not attend two scheduled appointments, regardless of the completion deadline provided by OSARP.

Restorative Practices

Restorative Practices are provided by OSARP on a specific topic relevant to the student and/or case. Failure to complete, schedule, attend, or be on time for programs/meetings, failing to complete related assignments, or failing to follow program expectations may result in a \$50 fine per program/meeting not completed by the deadline and a student account hold, which prevents class registration and is typically only removed once outstanding outcome(s) are verified as completed by OSARP. Repeated failure may result in an alleged policy violation of [Failure to Comply with an Outcome](#). See the [“Fines”](#) or [“Student Account Hold”](#) sections for more detail.

Restorative Practices may include, but are not limited to:

Conversations about Conflict

Conversations about Conflict is a one session, two-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, community members, and 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 Intake and Outcomes

Students may be required to attend a Restorative Intake and Outcomes when their actions have a harmful impact on the community. During a Restorative Intake meeting, students meet individually with a facilitator and are encouraged to reflect on questions such as “What happened from your perspective?”, “How have you been impacted?”, “Who else has been impacted and how?”, “What are the needs of the impacted parties?”, and, “What can be done to make things as right as possible?” Students may decide, in collaboration with a facilitator, to complete one or more outcomes to address the impacts and needs discussed. Outcomes may include but are not limited to an apology letter, a reflection paper, a class or workshop, or a Restorative Process. Students are expected to complete all outcomes by the agreed upon deadline(s). The Restorative Intake and Outcomes requirement is considered complete at the time no outcomes remain to be completed.

Restorative Circle

Students may be required to participate in a Restorative Circle focused on a specific topic when their actions harmed, or had the potential to harm, the community. Restorative Circles involve students, Community Representatives, and facilitators sitting in a circle and using a talking piece to discuss individual and community impacts, harms, needs, and obligations. Participants are encouraged to share solutions for addressing the impacts and harm created. These solutions

may result in the creation of a Restorative Agreement, which students are expected to complete by the agreed upon deadline(s). A Restorative Circle usually involves a larger number of participants (more than four individuals) and participants should plan for the Circle to last about two hours. However, there are times when the Circle will be longer. Additionally, the facilitator(s) will determine if an Intake Meeting is necessary prior to participation in a Restorative Circle.

Other Case Outcomes

Comments

OSARP may provide comments as a part of the case outcome to provide information to the student. For example, a comment may read, "Student completed court requirements of ASAP and 50 service hours related to this case". Another example may be, "OSARP Case Administrator facilitated an educational conversation with the student".

Reminders

OSARP may provide reminders as a part of the case outcome to emphasize a task to the student. For example, a reminder may read, "Reminder to complete the Values in Action program from a previous case."

Reminders are also statements provided by OSARP to students about what may occur if they are found responsible for a particular policy violation(s) in the future. Reminders include, but are not limited to:

- A student who has already received two strikes for minor [Alcohol](#) or [Drugs](#) policy violations may have a reminder provided by OSARP that states the following: "Outcomes may include suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing if you are found responsible, in a future case, for another violation of the *Alcohol or Drug* policy"
- A student who is found responsible for repeated violations of [Failure to Comply with an Outcome](#) policy may have a reminder provided by OSARP that states the following: "Outcomes may include suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing if you are found responsible, in a future case, for another violation of *Failure to Comply with an Outcome* policy" or "For future alleged violation(s) of *Failure to Comply with an Outcome* policy, a hold will be placed on your JMU student account until OSARP verifies the outstanding sanction(s) have been completed."

Remedies

If a student is found responsible for a violation of *Title IX Sexual Harassment*, OSARP may provide remedies as part of a case outcome. Remedies are measures designed to restore or preserve equal access to the university's education program or activity for the Complainant and may include the same individualized services described as supportive measures.

Student Account Hold

If a student fails to complete, schedule, attend, or be on time for required programs/meetings, fails to complete related assignments, fails to follow program expectations, or is found responsible for violations of *Failure to Comply with an Outcome* policy, a hold may be placed on their JMU student account that will typically remain in place until OSARP verifies completion of all outstanding outcome(s) for the student. Account holds will prevent the student from registering for classes or making changes to their class schedule. Additional information regarding student account holds can be found in the "[Records – Students](#)" section of the Handbook.

Restitution

Required reimbursement by the student to the university to cover the cost of damage or loss of property.

Fines

A single fine shall be no greater than \$100. To evaluate the amount of a fine, OSARP will consider a variety of factors, including but not limited to the student's previous history and outcomes in OSARP; whether the student failed to complete previously assigned outcomes. Typically, a student that fails to complete any required outcomes will be assessed a \$50 fine for every program/meeting not completed by the deadline. All payments are to be made to the [University Business Office](#) upon receipt of invoice.

Removal from University Housing

The student loses the ability to live in or visit specific university housing (e.g., a single or multiple residence halls) or all university housing for a specified length of time or permanently. If the student is not permanently removed from all university housing, the student may reapply for university housing once the removal period has concluded, provided there is space available. If the student enters university housing during their removal period, they will be subject to arrest for trespassing and additional alleged policy violation(s) in OSARP.

NOTE: JMU departments who oversee and maintain university housing contracts, such as the Office of Residence Life, may make their own determinations regarding a student's ability to live in or visit university housing that is more severe than the outcome(s) assigned from a university conduct process.

Restrictions of Privileges

In certain cases, restriction(s) of privileges may be imposed as an outcome. These may include but are not limited to:

- Removal or restriction of a student's parking privileges on university owned or operated property.
- Removal or restriction of a student's privilege of attending athletic events on university owned or operated property.
- Removal or restriction from university-sponsored activities.

OSARP No Contact Order

Requiring a Responding Party to have no direct or indirect contact with a specific individual(s) based on the circumstances of the case, including but not limited to verbal or nonverbal contact in person, through electronic means, or through a third party. Students who are found responsible for violating an OSARP No Contact Order may be suspended, expelled, or issued a notice of trespass from JMU and/or removed from all university housing.

OSARP Notice of Trespass

Removal from all university owned or operated property for a defined period of time. Students who are found responsible for violating an OSARP Notice of Trespass may be suspended or expelled from JMU and may face 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 period, a suspended student may not be enrolled in JMU classes, enter or live in JMU residence halls, or enter university owned or operated property without permission from the Director of OSARP or designee. If a student withdraws from JMU prior to the conclusion of an OSARP process but after OSARP staff or University Case Administrator has informed the student of their decision to suspend the student, the terms of the suspension remain in place until the OSARP process is concluded. If the student does enter university owned or operated property 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 JMU and may not attend JMU-sponsored events while suspended, even if the involvement occurs off campus. If a student is suspended due to behaviors defined as a [Crime of Violence](#) or violation(s) of the [Physical Force or Attempted Physical Force](#), [Sexual Misconduct](#), or [Title IX Sexual Harassment](#) policies, the Reporting Party/Complainant in the case will be informed when the Responding Party/Respondent re-enrolls at JMU if the Reporting Party/Complainant is enrolled at that time.

For any student who receives an immediate suspension from JMU, regardless of academic year, the immediate suspension from JMU will be deemed effective for the current semester or, if it is rendered for a graduating senior, for the most recent semester the student attended, which may mean a loss of academic credits for that semester. Further, after a final decision in the case has been rendered, the effective date of an immediate suspension from JMU will be the date of the initial Individual Accountability Case Review. The removal from university owned or operated property associated with a decision of immediate suspension does not go into effect until the decision in the case is final, unless the student is under an Individual Interim Suspension Status or Emergency Removal that provides for this removal until the final decision in the case.

Students seeking to return to JMU following a suspension must submit re-entry forms to the Office of the Registrar. The deadlines for submission of these forms are typically several months before the start of the semester in which the student is planning to return. For information relevant to re-entry, suspended students are encouraged to refer to the Academic Student Services website at jmu.edu/acstudserv/reentry.shtml.

Returning to University Owned or Operated Property after a Suspension:

Suspended students can return to JMU owned or operated property provided their suspension period has been completed. In order to return, students will need to follow and complete the re-entry process found here: <https://www.jmu.edu/registrar/students/Reentry.shtml>

Expulsion

The student is permanently separated from the university. A student who is expelled may never be enrolled in JMU classes, enter or live in JMU residence halls, or enter university owned or operated property without permission from the Director of OSARP or designee. If a student withdraws from JMU prior to the conclusion of an OSARP process but after an OSARP staff member or University Case Administrator has informed the student of their decision to expel the student, the terms of the expulsion remain in place until the OSARP process is concluded. If the student does enter university owned or operated property, they will be subject to arrest for trespassing.

For any student who receives an immediate expulsion from JMU, regardless of academic year, the immediate expulsion from JMU will be deemed effective for the current semester or, if it is rendered for a graduating senior, for the most recent semester the student attended, which may mean a loss of academic credits for that semester. Further, after a final decision in the case has been rendered, the effective date of an immediate expulsion from JMU will be the date of the initial Individual Accountability Case Review. The removal from university owned or operated property associated with a decision of immediate expulsion does not go into effect until the decision in the case is final, unless the student is under an Individual Interim Suspension Status or Emergency Removal that provides for this removal until the final decision in the case.

Recognized Student Organization and Student Group Case Outcomes

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

At times, the word "organization" or "organizational" may be used to describe both a recognized student organization or student group, as they are defined in this Handbook.

OSARP may communicate any assigned outcome(s) to appropriate persons/entities, as defined in the Organizational Accountability Process.

Failure to complete, schedule, attend, or be on time for programs/meetings, failing to complete related assignments, or failing to follow outcome(s) expectations may result in the loss of specific access or resources, such as the BelInvolved website, until outstanding outcome(s) are verified as completed by OSARP. Repeated failure may result in an alleged policy violation(s) of [Failure to Comply with an Outcome](#).

Organizational Probation

While on organizational probation, which is assigned for a specified length of time, the organization may be assigned more severe outcomes, including suspension or expulsion from JMU and/or removal from all university housing, if found responsible in a future case for another violation of university policy.

- Other outcome(s) may be assigned during the Organizational Accountability Process in conjunction with organizational probation.

Organizational Suspension

While on organizational suspension, which is assigned for a specified length of time:

- A recognized student organization has their recognition revoked by the university through the Office of Student Life.
- A student group is unable to register for, or receive, recognition from the university through the Office of Student Life.
- The organization will be restricted from certain activities or privileges, including but not limited to receiving funds from JMU, using resources provided by JMU, co-sponsoring or participating in any and all university-sponsored social, intramural, athletic, or other similar activities on university owned or operated property or off campus, or recruiting or initiating any new members through an official university process.

- The organization may not maintain or live in university housing for the duration of the organizational suspension, which may include immediate removal from university housing. Refer to the organizational housing contract with the Office of Residence Life for more information regarding the impact on university housing related to a loss of recognition.
- An outcome of organizational suspension does not go into effect until the decision in the case is final.
- The organization is considered not in good disciplinary standing with the university during the period of an organizational suspension.

An organization that is assigned the outcome of organizational suspension may have specific expectations outlined in the case's final decision for return to JMU, which may include the completion of other outcome(s) assigned during the Organizational Accountability Process.

An organization that has completed an organizational suspension and has also met conditions for return, as outlined in the case's final decision, may seek recognition from JMU by completing the applicable registration process through the Office of Student Life.

If an organization violates the expectations of the organizational suspension, the university may pursue an alleged violation of *Failure to Comply with an Outcome* policy for individual students, recognized student organizations, or student groups, the outcomes of which may include suspension, expulsion, or notice of trespass (only for individual students) from JMU and/or removal from all university housing.

OSARP will communicate an outcome of organizational suspension as defined in the Organizational Accountability Process. OSARP may communicate to the following, including but not limited to:

- The Office of Student Life, UREC, and/or CMSS.
- Inter/national organizational governing body or headquarters.
- The Adviser for the organization.
- The JMU Police Department and local law enforcement.
- Competitive leagues or organizations for sports clubs.
- The Office of Residence Life and House Manager (for a recognized student organization or student group who have on-campus housing on "Greek Row").

If an organization is suspended and attempts to seek recognition under the guise of a different organization name during the suspension period, JMU reserves the right to deny the request for recognition or withdraw the recognition. This conclusion may be based on multiple factors, including but not limited to overlapping membership, similarity of purpose, or the timing of the dissolution or prior loss of recognition and the request for new recognition.

Organizational Expulsion

When organizational expulsion occurs:

- A recognized student organization has their recognition permanently revoked by the university through the Office of Student Life.
- A student group is never able to register for, or receive, recognition from the university through the Office of Student Life.
- The organization is restricted from all activities or privileges, including but not limited to receiving funds from JMU, using resources provided by JMU, co-sponsoring or participating in any and all university-sponsored social, intramural, athletic, or other similar activities on or off campus, or recruiting or initiating any new members through an official university process.
- The organization may not maintain or live in university housing, which may include immediate removal from university housing.
 - Members or other individuals who live in organizational university housing must refer to the organizational housing contract with the Office of Residence Life for more information regarding the impact on university housing related to a loss of recognition.
 - The organization will not be approved for new university housing requests.
- An outcome of organizational expulsion does not go into effect until the decision in the case is final.
- The organization is considered not in good disciplinary standing with the university when organizational expulsion is imposed.

If an organization violates the expectations of the organizational expulsion, the university may pursue an alleged violation of *Failure to Comply with an Outcome* policy for individual students, the outcomes of which may include suspension or expulsion from JMU.

OSARP will communicate an outcome of organizational expulsion, as defined in the Organizational Accountability Process. OSARP may communicate to the following, including but not limited to:

- The Office of Student Life, UREC, and/or CMSS.
- Inter/national organizational governing body or headquarters.
- The Adviser for the organization.
- The JMU Police Department and local law enforcement.
- Competitive leagues or organizations for sports clubs.
- The Office of Residence Life and House Manager (for a recognized student organization or student group who have on-campus housing on “Greek Row”).

If an organization is expelled and attempts to seek recognition under the guise of a different organization name, JMU reserves the right to deny the request for recognition or withdraw the recognition. This conclusion may be based on multiple factors, including but not limited to overlapping membership, similarity of purpose, or the timing of the dissolution or prior loss of recognition and the request for new recognition.

After a period of 12 years from the academic year in which organizational expulsion was an assigned outcome, the organization can contact OSARP to request the organization be allowed to return to JMU and seek recognition through the Office of Student Life. This decision is at the discretion of the Director of OSARP or designee in consultation with the Office of Student Life. Additional information may be requested from the organization to make a decision, including but not limited to a support letter from an inter/national governing body or headquarters, information about an Adviser, governing documents for the organization, anticipated membership and executive board rosters, new member education plans, or risk management plans.

Restriction of Organizational Privileges

Prohibits a recognized student organization or student group from participating in specific activities or accessing specific university services or privileges, including but not limited to:

- Receiving awards or recognitions from the university.
- Maintaining an office or other assigned space on university owned or operated property.
- Receiving or retaining university funds.
- Participation in intramural sports as an organization.
- Participation in sport club practices or competitions as an organization.
- Being a co-sponsor and/or participant in any university-sponsored social event or other activity that occurs on university owned or operated property, including but not limited to: events open only to organization members, events open to all students, events with alcohol, or fundraisers or events sponsored or coordinated by a department or other organization (e.g., Student Org Night, Greek Sing, Homecoming Step Show).
- Sponsoring or co-sponsoring speaker(s) or guest(s) on university owned or operated property.
- Using or reserving university owned or operated facilities.
- Using or reserving JMU Motor Pool services.
- Advertising on university owned or operated property for organizational activities or events.
- Soliciting, selling any items, and/or fundraising on university owned or operated property.
- Recruiting or initiating new members through an official university process.
- Restriction on the number of new members or the timeline(s) for recruiting and/or initiating new members.

Organizational & Leadership Development

Leadership and other development opportunities for organizations, organizational leadership, or members, provided and/or facilitated by the university or an inter/national governing body or headquarters, including but not limited to:

Operational Audit

Organizational leadership will meet with designated university staff to review, assess, and adapt policies, procedures and operations.

New Member Education or Recruitment Plan

Organizational leadership will meet with university staff to develop plans for new member recruitment, education, and/or initiation.

University Staff or Adviser Meetings

Regularly scheduled meetings with the organization's Adviser or assigned university staff to discuss operations and foster organizational commitment.

Attendance Requirements

The Adviser of the organization, a representative from an inter/national headquarters or governing body, a member(s) of the organization's executive team, or a designated university faculty/staff member may be required to attend some or all events or meetings to provide direct guidance, support, and supervision.

Risk Management Plan

Organizational leadership will meet with designated university staff to develop plans to ensure the health and safety of members and guests during operations. This may include but not be limited to responsible use of alcohol at events, best practices for hosting social events, or procedures for practice, travel, or room reservations.

Pathfinders Workshops

Pathfinders, trained by the Office of Student Life, offer peer to peer consulting to best support student organizations in their own development and goals. Workshops offered include but are not limited to Strengths and DiSC exploration and coaching, team building facilitations, and leadership presentations.

Leadership Partner Programs

Recognized student organizations or student groups may be assigned leadership programs developed or presented by their affiliated inter/national governing body or headquarters.

Restorative Practices

Restorative Practices are provided by OSARP on a specific topic relevant to the organization and/or case.

Restorative Practices designed to address organizational behavior may include but not be limited to:

- Required Restorative Intake Meeting and Outcomes
Recognized student organizations or student groups may be required to participate in a Restorative Intake and Outcomes when their actions have a harmful impact on the community. During a Restorative Intake meeting, students meet individually with a facilitator and are encouraged to reflect on questions such as "What happened from your perspective?", "How have you been impacted?", "Who else has been impacted and how?", "What are the needs of the impacted parties?", and, "What can be done to make things as right as possible?" Students may decide, in collaboration with a facilitator, to complete one or more outcomes to address the impacts and needs discussed. Outcomes may include but are not limited to an apology letter, a reflection paper, a class or workshop, or a Restorative Process (see the Restorative Practices section of the Handbook for more information about Restorative Processes). Students are expected to complete all outcomes by the agreed upon deadline(s). The Restorative Intake and Outcomes requirement is considered complete at the time no outcomes remain to be completed.
- Required Restorative Circle
Recognized student organizations or student groups may be required to participate in a Restorative Circle that is focused on a specific topic when their actions harmed, or had the potential to harm, the community. Restorative Circles involve students, Community Representatives, and facilitators sitting in a circle and using a talking piece to discuss individual, organizational, and community impacts, harms, needs, and obligations. Participants are encouraged to share solutions for addressing the impacts and harm created. These solutions may result in the creation of a Restorative Agreement, which

student organizations and student groups are expected to complete by the agreed upon deadline(s). A Restorative Circle usually involves a larger number of participants (more than four individuals) and participants should plan for the Circle to last about two hours. However, there are times when the Circle will be longer. Additionally, the facilitator(s) will determine if Intake Meetings with individual members of the student organization or student group are necessary prior to participating in a Restorative Circle.

Educational & Wellness Programs

In collaboration with partners in OSARP and other offices on campus (e.g., Well Dukes) organizations may be required to complete programs or education that focus on education and wellness for its members. Educational & Wellness Programs may address the following topics, including but not limited to:

- Policy-specific education
- Partying smart
- Alcohol and/or drug use
- Bystander intervention
- Hazing prevention and reporting
- Risk reduction

Restitution

Required reimbursement by the organization to the university to cover the cost of damage or loss of property.

Other Case Outcomes

Comments

OSARP may provide comments as a part of the case outcome to provide information to the organization. For example, a comment may read, "The organization has already completed a Restorative Circle related to this case."

Reminders

OSARP may provide reminders as a part of the case outcome to emphasize information for the organization. For example, a reminder may read, "Reminder to complete assigned outcome(s) from a previous case" or "Reminder to complete assigned outcome(s) from the national headquarters related to this case"

Alcohol & Drug Information

The Big Four Alcohol and Drug Strategies

Three Strikes

The following strategy only applies to individual students, as defined in this Handbook.

James Madison University is committed to helping students learn and grow from their choices involving alcohol and drugs. Since learning can occur at any point before, during, or after an OSARP process, the Three Strikes strategy was implemented so students better understand how often they have been found responsible for an alcohol or drug policy violation at the university as they consider future decisions regarding substance use.

Students will receive one 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 academic career at JMU. However, students may be suspended prior to a third strike for a policy violation(s) that poses 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, DUIs, and keg registration violations.

Parent/Guardian Notification

The following strategy only applies to individual students, as defined in this Handbook.

James Madison University understands that the campus community plays an important role in the life of a student, but many times, the individuals who have the greatest impact on a student are those away from the university. The Parent/Guardian Notification strategy was implemented so the university can partner with parents and guardians in the learning process to help students be successful during their time at JMU.

If a student is under the age of 21 at the conclusion of the Individual Accountability Process and is found responsible for an alcohol or drug policy violation(s), parents/guardians will be notified which typically occurs through the U.S. Postal Service.

Off-Campus Response

The following strategy only applies to individual students, as defined in this Handbook. For more information on the university response for alcohol and/or drug incidents for recognized student organizations and student groups, as defined in the Student Handbook, refer to the "[Jurisdiction](#)" section of this Handbook.

James Madison University is committed to preparing students to be enlightened citizens. Among the characteristics of an enlightened citizen are understanding your role in a community and how your actions and choices impact others. JMU is a part of the City of Harrisonburg and Rockingham County communities that many individuals and families call home. The Off-Campus Response strategy was implemented because the university is responsible for their students, on- and off-campus, since student choices reflect the values of the university in which they represent.

Alcohol or drug incidents that occur off-campus within the City of Harrisonburg or Rockingham County may be addressed by OSARP in accordance with university policies and procedures. For more information regarding jurisdiction, please refer to the "Jurisdiction" section of this Handbook.

Enlightened Citizen Amnesty Process (ECAP)

The following strategy only applies to individual students, as defined in this Handbook. For more information on the disciplinary immunity regarding hazing and/or the personal consumption of alcohol or drugs when made in conjunction with a good faith report of alleged misconduct for a recognized student organization or student group, as defined in this Handbook, see "[Receipt of Report\(s\) and Determining an Alleged Policy Violation\(s\)](#)" in the [Organizational Accountability Process](#).

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 regarding the welfare of others. The Enlightened Citizen Amnesty Process (ECAP) was created to encourage students to

make responsible and ethical decisions for themselves and others. The university wants students to get help for themselves or others when alcohol or drugs are involved, and medical assistance is needed.

If a student voluntarily seeks assistance for themselves or others, on- or off-campus, as a result of alcohol or drug use, the student will typically be granted amnesty from disciplinary action by the university. A student can be the individual for which assistance was sought or a bystander who was actively involved in the assistance being sought or provided. For student bystanders to be granted amnesty, they must stay with the student for whom assistance was sought, if safe to do so, until appropriate responding authorities arrive, and they must cooperate with responding authorities.

Once OSARP receives a report, the student will be notified of an alleged policy violation(s) and information about the Individual Accountability Process. The determination of whether amnesty will apply occurs on a case-by-case basis, as determined by OSARP. A student may appeal OSARP'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 of OSARP 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.

If a student has amnesty granted:

- The case will result in a finding of "Dropped – Amnesty";
- The case will not result in a university disciplinary record;
- The student will not receive a strike;
- A notification will not be sent to the student's parent/guardian; and,
- The student may be required to complete educationally-focused outcome(s) and/or other case outcomes, as determined by OSARP, except for suspension, expulsion, or notice of trespass from JMU and/or removal from all university housing. If a student does not complete the required educationally-focused outcome(s) and/or other case outcomes, OSARP may pursue additional alleged violation(s) of university policy such as [Failure to Comply with an Outcome](#) and/or [Noncompliance](#).

Exceptions and other information:

- Amnesty may not be granted to students who have previously received amnesty if doing so would undermine the intent of the alcohol and/or drug policies, which includes the safety of students and the community.
- Amnesty may be granted for certain alleged policy violation(s) and not others, based on the circumstances of the case. For example, OSARP may grant amnesty to a Responding Party for an alleged policy violation of Alcohol while also finding them responsible for a Dangerous Practices policy violation.
- Amnesty will not be granted in circumstances where medical attention is requested by JMU faculty/staff, police, or emergency personnel while performing their job duties. ECAP does not provide protection against civil suits or criminal charges resulting from the incident.
- The Handbook details processes pertaining to disciplinary immunity regarding hazing and/or personal consumption of alcohol or drugs when made in conjunction with a good faith report. For more information, please visit the relevant section:
 - [Individual Accountability Process](#)
 - ["Determining an Alleged Policy Violation"](#)
 - [Individual Interim Suspension Process](#)
 - ["Determining an Alleged Policy Violation"](#)
 - [Organizational Accountability Process](#)
 - ["Receipt of Report\(s\) and Determining an Alleged Policy Violation\(s\)"](#)
 - [Sexual Misconduct Accountability Process](#)
 - ["Receipt of Title IX Investigative Report, Alleged Policy Violation\(s\) Notification, and Preparation for the Sexual Misconduct Case Review"](#)
 - [Title IX Sexual Harassment Adjudication Process](#)
 - ["Receipt of Title IX Investigative Report, Alleged Policy Violation\(s\) Notification, and Preparation for the Title IX Sexual Harassment Case Review"](#)

Health Risks and Resources

In compliance with the *Drug-Free Schools and Communities Act Amendments of 1989 (H.R.3614)*, higher education institutions are required to publish and distribute a list of descriptions of the health risks associated with alcohol and/or illicit drug use. The substances listed below are considered to be the most commonly abused according to the National Institute on Drug Abuse at the National Institutes of Health.

Substance	Risk of Dependency?	Possible Effects	When Used in Combination with Alcohol	Withdrawal Symptoms
Alcohol	yes	euphoria; drowsiness; respiratory depression; constricted pupils; nausea	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	irritability; sweating; tremors; nausea; anxiety; difficulty sleeping; <i>in severe circumstances:</i> seizures and/or hallucinations
Cannabis (<i>marijuana</i>)	yes	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	Increased heart rate; blood pressure; further slowing of mental processing and reaction time	irritability; trouble sleeping; decreased appetite; anxiety
Cocaine	yes	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	increased risk of cardiac toxicity (<i>damage to the heart by harmful chemicals</i>) than from use of cocaine or alcohol on its own	severe cravings; depression; tiredness; increased appetite; insomnia; vivid unpleasant dreams; slowed thinking and movement; restlessness
DXM (<i>dextromethorphan</i>) - (<i>Robitussin®</i> , <i>NyQuil®</i>)	yes	cough relief; euphoria; slurred speech; increased heart rate and blood pressure; dizziness; nausea; vomiting	unknown	unknown
Gamma-hydroxybutyrate (<i>GHB</i>)	yes	euphoria; drowsiness; nausea; vomiting; confusion; memory loss; loss of consciousness; slowed heart rate and breathing; lower body temperature; seizures; coma; death	nausea; problems with breathing, greatly increased depressant effects	insomnia; anxiety; tremors; sweating; increased heart rate and blood pressure; psychotic thoughts

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<i>Hallucinogens:</i>				
Ayahuasca, DMT, Khat, Salvia	unknown	numbness; disorientation and confusion; dizziness, nausea, and vomiting; changes in sensory perception; hallucinations; feelings of detachment from self and environment; increase in blood pressure, heart rate, respiration, and body temperature	unknown	unknown
Ketamine	yes		increased risk of adverse effects	unknown
LSD, Mescaline (<i>Peyote</i>), Phencyclidine (<i>PCP</i>)	no		unknown	unknown
Heroin	yes	euphoria; dry mouth; itching; nausea; vomiting; inability to feel pain (analgesia); slowed breathing and heart rate	dangerous slowing of heart rate and breathing; coma; death	severe cravings; restlessness; muscle and bone pain; insomnia; diarrhea; vomiting; cold flashes with goose bumps
Inhalants	yes	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	unknown	nausea; tremors; irritability; problems sleeping; mood changes
Kratom	yes	nausea; dizziness; itching; sweating; dry mouth; constipation; increased urination; loss of appetite; <i>hallucinations with long term-high dose usage</i>	unknown	muscle aches; insomnia; irritability; hostility; aggression; emotional changes; runny nose; jerky movements
MDMA (<i>Ecstasy/Molly</i>)	unknown	lowered inhibition; enhanced sensory perception; increased heart rate and blood pressure; muscle tension; nausea; faintness; chills or sweating; sharp rise in body temperature could	MDMA decreases some of alcohol's effects; alcohol can increase plasma concentrations of MDMA, which may increase the risk for neurotoxic effects (<i>damage to the brain and nervous system</i>)	fatigue; loss of appetite; depression; trouble concentrating

		lead to kidney failure or death		
Methamphetamine	yes	increased wakefulness and physical activity; decreased appetite; increased breathing, heart rate, blood pressure, and temperature; irregular heartbeat; insomnia; confusion; anxiety; erratic behavior; hallucinations	Masks the depressant effect of alcohol, increasing the risk of alcohol overdose; may increase blood pressure	depression; anxiety; tiredness
<i>Prescription Central Nervous System Depressants:</i>				
Barbiturates: <i>Pentobarbital (Nembutal®), Phenobarbital</i>	yes	drowsiness; slurred speech; poor concentration; confusion; dizziness; problems with movement and memory; lowered blood pressure; slowed breathing	Further slows heart rate and breathing, which can lead to death	seizures; shakiness; anxiety; agitation; insomnia; overactive reflexes; increased heart rate, blood pressure, and temperature with sweating; hallucinations; severe cravings
Benzodiazepines: <i>Xanax®, Librium®, Valium®</i>	yes			
Sleep Medications: <i>Lunesta®, Sonata®, Ambien®</i>	yes			
Prescription Opioids: <i>codeine, fentanyl, Vicodin® (hydrocodone), Dilaudid®, Demerol®, methadone, morphine, OxyContin® and Percocet® (Oxycodone), Opana®</i>	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
<i>Prescription Stimulants:</i>				
<i>Adderall® (Amphetamine)</i>	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
<i>Ritalin®, Concerta® (Methylphenidate)</i>	yes			

Psilocybin (<i>Magic mushrooms</i>)	unknown	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
<i>Rohypnol</i> ® (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 (<i>ex. K2, Spice</i>)	yes	increased heart rate; vomiting; agitation; confusion; hallucinations, anxiety, paranoia; increased blood pressure.	unknown	Headaches, anxiety, depression, irritability.
Synthetic Cathinones (<i>bath salts</i>)	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; depression; panic attacks; reduced motor control; cloudy thinking.	unknown	Depression; anxiety; tremors; problems sleeping; paranoia
Tobacco and Nicotine (<i>cigarettes, eCigarettes/Juul, chewing tobacco</i>)	yes	increased blood pressure, breathing, and heart rate; increased risk of cancer and heart disease; emphysema (<i>Whether use of eCigarettes/Juuls leads</i>	unknown	irritability; attention and sleep problems; depression; increased appetite

		to an increased risk of cancer is currently unknown.)		
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Resources and Treatment

JMU offers the following resources:

- [Well Dukes Coaching](#): Well Dukes offers one-on-one coaching to help students identify and reach their personal well-being goals. Trained coaches take a positive approach, focusing on student strengths and working in partnership to support change. Conversations are confidential, free-of-charge, and can address diverse topics such as social and relationship well-being, alcohol and other drug use, nicotine cessation, sleep habits and stress management. You can sign up for an appointment directly on the [Well Dukes website](#).
- [Educational Programs](#): OSARP offers many outcomes, including two educational programs focused on alcohol and/or drug use: *By the Numbers* and *Calling the Shots*. To learn more about these programs, visit: [JMU Student Handbook: Individual and Organizational Case Outcomes](#), or call (540) 568-6218.

Students who have not been assigned to the above outcomes are able to self-enroll. Please see the appropriate link for more information.

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

- [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.
- Alcoholics Anonymous in Harrisonburg
- Al-Anon Virginia
- Shenandoah Valley Area of Narcotics Anonymous

Criminal Responses to Alcohol and Drugs

JMU takes alcohol and drug abuse very seriously and will impose outcomes, according to the guidelines provided in this Handbook, in response to incidents. In accordance with the *Federal Drug-Free Schools and Communities Act of 1989*, the pertinent laws, including sanctions for their violation, are summarized below for Alcohol and Drugs.

Criminal Sanctions - Alcohol

Virginia's Alcohol 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:

1. 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.
2. 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 \$2500 or both.
3. It is unlawful for any person to purchase alcoholic beverages for another when, at the time of the purchase, they know 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 the same as item 2 above.
4. 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.
5. 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.

6. It is illegal to drive while under the influence of alcohol. Individuals are considered impaired if their blood alcohol content (BAC) exceeds .08. Persons 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.
7. 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](#)

Conditions for Approval of Events Where Alcohol is Served

- In order to apply for an ABC license, the majority of persons in attendance must be of legal age for the beverage being served at an event.
- The focus of the event is not limited to alcohol consumption.
- Nonalcoholic beverages must be available at a comparable price at all times that alcoholic beverages are being sold.
- Sponsors will provide solid food to moderate the effects of alcohol consumption and will continue to have food available as long as alcohol is being served.
- No social event shall include any form of "drinking contest" in its activities or promotion.
- Publicly distributed materials, including advertisements for any university event, shall not make reference to the availability of alcoholic beverages.
- Individuals sponsoring the event are responsible for taking measures to ensure that alcoholic beverages are not accessible or served to persons under the legal age. This requires verifying age on entry to the event and checking those who may drink alcohol where it is served. Persons serving alcohol or checking age may not consume alcohol prior to or while serving.
- During an event, people may not enter or exit with alcohol.
- Sponsors are expected to abide by any additional rules for the facility where the event occurs.

Criminal Sanctions - Controlled Substances and Illicit 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:

1. 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](#)
2. 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](#)
3. 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](#)
4. 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](#)
5. 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](#)

6. Possession of a controlled substance classified in Schedule 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.
7. Any person who possesses marijuana or marijuana products in excess of one ounce but not exceeding more than one pound is subject to a civil penalty of no more than \$25.
8. Any person who possesses more than one pound of marijuana or an equivalent amount of marijuana product as determined by regulation promulgated by the Board is guilty of a felony punishable by a term of imprisonment of not less than one year nor more than 10 years and a fine of not more than \$250,000, or both.
9. No person younger than 21 years of age shall consume or possess, or attempt to consume or possess, any marijuana or marijuana products. Such person may be prosecuted either in the county or city in which the marijuana or marijuana products were possessed or consumed or in the county or city in which the person exhibits evidence of physical indicia of consumption of marijuana or marijuana products.
 - Any person 18 years of age or older who violates the above is subject to a civil penalty of no more than \$25 and shall be ordered to enter a substance abuse treatment or education program or both, if available, that in the opinion of the court best suits the needs of the accused.
10. 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.

See also [Code of Virginia 18.2-251; First Offender Status for Substance Charges](#)

Other JMU Procedural Resources

Links to Resources

This section includes information regarding other policies at James Madison University. The information has been divided into the sections listed below.

- [Alternative Methods of Instruction, Room and Board, Refunds, and Room and Tuition Deposits](#)
 - See below
- [Bicycle Policies](#)
 - See below
- [Computing Policies](#)
 - Refer to the [JMU Computing website](#) for more information regarding these policies.
 - [1201 Information Technology Resource Management](#)
 - [1204 Information Security](#)
 - [1205 University Data Stewardship](#)
 - [1207 Appropriate Use of Information Technology Resources](#)
 - [1209 Electronic Messaging](#)
- [Educational Records Policies](#)
 - See below
- [JMU Event Management Policies](#)
 - See below
- [Leaving & Returning to the University](#)
 - See below
- [Non-discrimination Policies](#)
 - The JMU community is committed to providing a workplace and learning environment free from illegal discrimination and harassment. It defines and explains the procedures for violations using the following policies and procedures:
 - [JMU Policy 1324 – Discrimination and Harassment](#)
 - [JMU Policy 1302 – Equal Opportunity](#)
 - [JMU Student Handbook Policy - Harassment](#)
- [Public Expression on Campus](#)
 - [JMU Policy 1121 – Public Expression on Campus](#)
- [Search & Entry Policies](#)
 - See below
- [Skateboard and Similar Modes of Transportation](#)
 - See below

Alternative Methods of Instruction, Room and Board, Refunds, and Room and Tuition Deposits

Alternative Methods of Instruction Delivery

The University reserves the right to provide some or all instruction and related academic activities through alternative methods of delivery, including remote delivery. It also reserves the right to change the method of delivery before or during an academic term in the event of a health or safety emergency or other circumstance when it determines that such change is necessary or in the best interests of the campus community. Tuition and mandatory fees will not be reduced or refunded if the University changes the delivery method for any or all of an academic session.

Room and Board

Part-time students cannot purchase a housing contract without prior approval of the Office of Residence Life. Students residing in university housing are required to have a Meal Plan with their housing contract.

Commuter students may purchase one of several meal plans through Card Services in the Student Success Center and can have the charge posted to their student account. Commuter contracts purchased after the first week of classes are due immediately. A commuter contract must be purchased each semester.

If a student arrives late by 10 or fewer days, the boarding fee will not decrease. The only exception, however, is lateness because of hospital confinement. If a student is late by seven days or longer due to hospital confinement, the university will review adjusting the board fee. Contact Card Services in the Student Success Center on the second floor at (540) 568-6446 for additional information.

Refunds

Any overpayment of a student account can be either refunded or posted to a future semester as a payment. An overpayment created by a credit card payment must be refunded back to the credit card. All overpayments are refunded to the student except for Parent PLUS loans, which are refunded as specified by the parent in the PLUS application. All student refunds are processed through the university's vendor, BankMobile Disbursements, a technology solution, powered by BMTX, Inc. Each student has the option of receiving his/her refund through direct deposit to a current bank account or using a BankMobile Vibe checking account. The selection is made when the student logs into the BankMobile Disbursements website through the link "My Refunds" in M3. Questions concerning refund procedures can be directed to the University Business Office at (540) 568-6505, by email at ubo@jmu.edu or by going to the UBO's office in the Student Success Center during regular business hours.

Parents who are eligible to receive a refund on their federal Parent PLUS loan will receive a paper check at the home address of record.

Students who officially withdraw from the university by the deadline for fall semester or by the deadline for spring semester will be refunded all tuition and fees except the tuition and room deposit.

Withdrawing after the end of this period will not reduce tuition charges. Board fees will be prorated from the dining hall opening date. After the deadline dates, refunds will be for only a pro rata share of the board fee. Room refunds will be made in accordance with the Residence Life refund schedule as stated in the current Residential Contract.

Students who withdraw from the university due to physical or mental health reasons certified by an appropriate health care provider or for unavoidable emergency or extenuating circumstances approved by the Dean of Students will be refunded a pro rata share of tuition, fees and board. Refunds for withdrawal from the university are calculated from last date of attendance as approved by the Dean of Students. Room refunds will be made in accordance with the Residence Life refund schedule as stated in the current Residential Contract.

For further information on withdrawal from the university, see the section Withdrawal from the University.

Room and Tuition Deposits

New Students

For new students, a deposit of \$400 is required to confirm their acceptance of the offer of admission. When a student pays the deposit, the money is applied to the student's account. The deadline for this deposit is May 1. Refunds after the stated deadlines will be made only for personal illness certified by a physician or other extenuating circumstances approved by the Dean of Admissions.

Returning Students

For returning students who want to live in university residential facilities, a signed room and board contract must be submitted online to the Office of Residence Life at <https://www.jmu.edu/orl>. A contract fee will be assessed when the contract is submitted.

Bicycle Policies

For more information on bicycle use at JMU, please [visit the Alternative Transportation website](#).

1. Where to Ride

- Bicyclists should ride as close as practicable to the right edge of the roadway. Bicyclists have the right to occupy the entire lane when they are overtaking and passing another vehicle, preparing for a left turn, avoiding unsafe conditions, or the lane width is too narrow to share with a motor vehicle.
- Bicycles may be ridden on sidewalks unless prohibited by local ordinance or traffic control devices. While on the sidewalks, bicyclists must always yield the right of way to pedestrians and give an audible signal before passing a pedestrian. Bicyclists must yield the right of way to pedestrians or vehicles when pulling onto a sidewalk or highway from a driveway. When approaching pedestrians or other cyclists from the rear, cyclists should remember they most likely will not be heard.
- Bicyclists must not ride between two lanes of traffic moving in the same direction unless one lane is a separate or mandatory turn lane. On roadways, bicyclists shall not ride more than two abreast. Bicyclists riding two abreast shall not impede the normal and reasonable movement of traffic, shall move into a single file formation as quickly as practicable when being overtaken from the rear by a faster moving vehicle. On a laned roadway, bicyclists shall ride in a single file.

2. Passing

- Bicyclists should overtake and pass another vehicle only when it is safe to do so. Bicyclists may pass another vehicle on the right or left, and they may stay in the same lane, change lanes or ride off the road if necessary for safe passing. Note that passing motor vehicles on the right side may be extremely dangerous if the motorist does not see the bicyclist and attempts a right turn. According to Virginia Law, motorists must approach and pass a bicyclist at a distance of three feet and a reasonable speed.

3. Accidents

- Bicyclists, motorists, skateboarders, or pedestrians must stop when involved in an accident and make a report. Report accidents involving death, injury or property damage to university police. All persons involved in the accident must give their names and addresses to the police and to any person involved in the accident or the property owner. If unattended property is damaged, the bicyclist must make a reasonable effort to find the owner and give his/her name to the owner. If the owner cannot be located, leave a note in a conspicuous place at the accident site and report the accident to the police within 24 hours.

4. Public Safety Responsibility & Safety Considerations

- According to Virginia Law, bicyclists traveling on roadways have all the general rights and duties of drivers of motorized vehicles. When traveling on sidewalks, bicyclists should travel near pedestrian speeds, at like a pedestrian, and yield to pedestrians. It is the responsibility of public safety officials to maintain a safe campus environment through enforcement of those provisions. Where breaches in safe operation of bicycles arise, public safety personnel may refer a student to the Office of Student Accountability and Restorative Practices and a student may be charged with a violation of the Dangerous Practices policy.
- Motor vehicle operators should remember that a bicycle is a vehicle with the same rights as an automobile. Before opening doors, check for passing bicyclists. Do not overtake a bicyclist and then make a right turn in front of the bike. Give riders at least three feet of leeway at all times. Both motor vehicle operators and bicyclists should signal intentions, especially when turning to the right.
 - Use of a helmet is strongly recommended.
 - Bicyclists must obey all traffic signs, signals, lights and markings as if operating a motor vehicle.
 - Bicyclists must signal intentions to stop or turn.
 - Bicyclists should be predictable and ride in a straight line.
 - According to Virginia law, every bicycle ridden between sunset and sunrise must have a white light on its front with the light being visible at least 500 feet to the front. The bicycle must also have a red reflector on the rear, visible 300 feet to the rear. On streets with speed limits of 35mph or greater, a red light visible 500 feet to the rear shall be used in place of or in addition to the red reflector.
 - Bicyclists should use bright colors, lights, and reflective material to be noticed while riding.
 - A person riding on a bicycle must not attach himself/herself or his/her bicycle to any other vehicle on the roadway.
 - No bicycle shall be used to carry more persons at one time than the number of persons for which it was designed or equipped.
 - Do not carry articles which prevent the operator of the bicycle from keeping at least one hand on the handlebars.

- According to Virginia law, earphones are prohibited while riding a bicycle.
5. Prohibited Areas for Bicycle Riding
 - Bicyclists are prohibited from riding on the walking trails of the arboretum.
 - Bicyclists are prohibited from riding on athletic playing fields or within Bridgeforth Stadium.
 - Bicyclists are prohibited from riding in residential, academic or administrative facilities on campus with the exception of indoor bike tracks.
 6. Registration
 - Per Alternative Transportation at JMU, students should utilize Project 529 to register their bicycles. More information on bicycle registration can be found on the [Alternative Transportation website](#) or the following link.
 - <https://www.jmu.edu/transportation/project529-bike-registration.shtml>
 7. Storage
 - Bicycles may not be kept anywhere inside academic or administrative buildings without written permission from the building coordinator. If all the residents of a living unit concur, bicycles may be stored in student rooms and suites. Storage may occur only within the confines of the prescribed areas. Bikes should never be left in halls, corridors or stairwells or on landings or handicapped ramps.
 - Bicycles improperly placed or stored in campus residences, other campus facilities, hallways, corridors, stairwells, landings, or handicapped ramps will be confiscated by the university and forfeited by the owner. Wall mountings to store bicycles are not permitted; damages caused by the storage or transportation of a bicycle are the responsibility of the bicycle's owner.
 - When possible, lock bicycles to bike racks; do not secure them to trees, railings, lampposts, fences or handicapped ramps. Bicycles are not to be stored in campus bike racks or otherwise left on campus or within university facilities by persons not currently enrolled for classes including the summer sessions. Such bikes are considered abandoned property and are subject to confiscation and subsequent sale as state property.

Educational Records Policies

James Madison University maintains the following education records as defined by the Family Educational Rights and Privacy Act (FERPA).

Educational Records			
Record Type	Office Location	Custodian	Address
Academic (transcripts)	Registrar	Registrar	Student Success Center
Disciplinary	Student Accountability and Restorative Practices	Director	Student Success Center
Financial Aid & Scholarships	Financial Aid	Director	Student Success Center
Student Financial Accounts	Student Accounts	Manager	Student Success Center
Placement Records	Career & Academic Planning	Director	Student Success Center
The Graduate School	Graduate Programs	Associate Vice President	Holland Yates Hall (formerly Madison Hall)
Police Records	Public Safety	Chief	Anthony Seeger

For more information regarding Educational Records, refer to [JMU Policy 2112 "Student Privacy"](#). Information found in this policy includes, but is not limited to, procedures for inspection and review of educational records as well as the procedures for challenging the contents of an educational record.

link: <https://www.jmu.edu/JMUpolicy/policies/2112.shtml>

Event Management Policies

JMU Event Management maintains several policies. To receive more information, please reference the list below.

Facility Reservations Policy

- Facilities may only be reserved by a recognized student organization for the proposed use. Recognized student organizations seeking the use of university space for activities such as meetings, dances, programs and other events must request such space through the proper university scheduling authority.
- Any organization requesting space must designate two members from its organization to complete one “Student Event Planner” training session each year prior to reserving space. The same organizational members are the only authorized individuals from that organization with the ability to make and oversee arrangements for university space. This individual is also responsible for knowing and adhering to all policies pertaining to reservations made for their organization as well as passing information on to club members.
- All reservations must be made at least 72 hours in advance, with the exception of Wilson Auditorium, Grafton-Stovall, Festival, Memorial Hall and The Commons, which requires a two-week notice.
- Requests involving food service must be addressed directly to the JMU Catering Office.

Guest Speakers Policy

- JMU makes its facilities available for lectures, institutes, workshops, conferences, guest speakers and other programs.
- All events involving off-campus speakers must be scheduled through the proper university scheduling authority at least two weeks prior to the event.

The Warner Commons Policy

The Warner Commons, a circular gathering area and the adjacent hillside, is located between The Union and D Hall. This area is designated as a student activity space and is used for a variety of cultural, educational, recreational and organizational programs of interest to the general campus. Due to the high amount of pedestrian traffic through the area and its proximity to academic and service facilities, special consideration and approval are required for use of the space.

1. All programs must be coordinated through the The Union Scheduling office and are subject to the review of the director of Student Life or their appointee.
2. All activity policies including [“Facility Reservations,”](#) [“Guest Speakers”](#) and the [“Public Expression on Campus”](#) apply to The Warner Commons.
3. Sound amplification is permitted only between 12 p.m. and 1 p.m. or 5 and 6 p.m. Monday – Thursday, 12 p.m. – 1 p.m. and 5 p.m. – 11 p.m. on Fridays, 10 a.m.– 10 p.m. Saturday and Sunday, as confirmed through the reservation process.

Sound Amplification Equipment Policy

1. Various outdoor student activity programs require the use of sound amplification equipment. However, the university reserves the right to specify where and when such amplification equipment may be used.
2. Permission and specification for use of sound amplification equipment on campus must be obtained from the director of Student Life or designee.

Bulletin Board Use & Posting Public Notices

The provisions of this policy govern the placing and removal of public notices on bulletin boards on the JMU campus. The primary purpose of the posting policy is to ensure the wise use of available space, balancing the need for effective and orderly promotion, maintenance of facilities, and avoidance of littering. No information will be posted that is inconsistent with the educational mission of the university.

All flyers must be stamped at the Festival Event Services office (Room 2001) or The Union Event Services Desk (Warren Hall, 2nd floor beside the Post Office) and comply with the information standards prior to their posting on any JMU general purpose bulletin boards.

[JMU Policy 3104: Bulletin Board Use & Posting Public Notices](#)

Leaving & Returning to the University

Leaving the University for Disciplinary Reasons

To-Do List

- Complete an address change form at JMU Mail Services in Madison Union.
- Add a forwarding address or change your local address on your MyMadison account.
- If you are living on campus, you must check out with hall staff.

Are professors notified that a student was suspended or expelled?

Professors periodically receive a list of students who have withdrawn from the university. Names of suspended or expelled students will appear on that list as a student who has withdrawn but will not note that the withdrawal was a result of a suspension or expulsion.

How are academic transcript/records affected by suspensions or expulsions?

Suspended and expelled students are considered to have a “disciplinary record” in the Office of Student Accountability and Restorative Practices; the Case File and record of the decision in the case will be retained as outlined in the JMU Student Handbook. For further information, visit www.jmu.edu/handbook and navigate to the section titled [Records - Students](#).

Disciplinary notations are not made on a suspended or expelled student’s transcript; it will appear as though the student withdrew from the university. Grades will appear on the transcript based upon the effective date of the suspension or expulsion and will be recorded in one of the following ways:

- If the effective date of the suspension or expulsion occurs prior to the deadline to add/drop classes for that term, the student will have all classes dropped from their schedule and the student will not be charged for tuition. There will be no notation that the student withdrew from JMU as “W” grades were not applied to the transcript. It will appear as if the student did not attend that term.
- If the effective date of the suspension or expulsion occurs after the add/drop period but before the deadline to withdraw from the university with full tuition refund, then the transcript will note “W” grades for enrolled classes and the student will receive a tuition refund.
- If the effective date of the suspension or expulsion occurs after the deadline to withdraw from the university with full tuition refund but before the end of the course adjustment period (i.e. “the withdrawal deadline”), then the student will receive all “W” grades for enrolled classes. Full tuition charges will apply.
- If the effective date of the suspension or expulsion occurs after the course adjustment period then the student will receive “W” grades in all classes they are passing and “F” grades for all classes they are failing at the effective date of the suspension or expulsion. Full tuition charges will apply.
- For enrollment dates and deadlines contact the **Office of the Registrar** at 540-568-6281 or visit www.jmu.edu/registrar.

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 Administrative Case Review even if the final decision in the case goes through appeal.

Will tuition be refunded?

Tuition will only be refunded for suspensions or expulsions when the effective date of the suspension or expulsion is prior to the deadline to withdraw from the university with a cancellation of tuition charges and refund; tuition will **not** be refunded as a result of suspensions or expulsions enacted at any other point in the semester. For relevant dates and deadlines contact the **Office of the Registrar** at 540-568-6281 or visit www.jmu.edu/registrar. For questions regarding student accounts or billing, contact the **University Business Office** at 540-568-6505 or visit www.jmu.edu/ubo.

Are on-campus living costs refunded?

Not typically; refunds for on campus living costs are at the discretion of the Director of Residence Life. For further questions, contact the **Office of Residence Life** at 540-568-4663 or visit <https://www.jmu.edu/orl>.

Are meal plans refunded?

Suspended and expelled students will receive a prorated refund of their meal plan. For further questions, contact **JMU Dining Services** at 540-568-6446 or visit jmu.edu/dining.

What happens to a suspended or expelled student's financial aid?

In most circumstances, if a student does not complete the enrollment period that the aid was awarded for, the funds must be returned and/or the funds will be canceled. For further questions, contact the **Office of Financial Aid and Scholarships** at 540-568-7820 or visit jmu.edu/financialaid.

Can suspended students take classes at another college or university?

Suspension only prevents a student from earning credit at JMU during the suspension period. However, students seeking credit at another institution that they intend to transfer to JMU upon their return need approval for transfer credit from the Registrar's Office **before** registering for courses. For further questions, contact the **Office of the Registrar** at 540-568-6281 or visit jmu.edu/registrar.

Leaving the University for Sexual Misconduct/Title IX Sexual Harassment

To-Do List

- Complete an address change form at JMU Mail Services in Madison Union.
- Add a forwarding address or change your local address on your MyMadison account.
- If you are living on campus, you must check out with hall staff.

Are professors be notified that a student was suspended or expelled?

Professors periodically receive a list of students who have withdrawn from the university. Names of suspended or expelled students will appear on that list as a student who has withdrawn but will not note that the withdrawal was a result of a suspension or expulsion.

How are academic transcripts, grades, and records affected by suspensions or expulsions?

In cases where a Responding Party/Respondent 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/Respondent's transcript for the duration of the suspension or expulsion. If a Responding Party/Respondent withdraws while under investigation for an allegation of sexual violence, a notation will be placed on the Responding Party/Respondent'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. After a period of three years, students may contact OSARP to request removal of a notation for good cause shown.

- Suspended and expelled students are considered to have a "disciplinary record" in the Office of Student Accountability and Restorative Practices; the Case File and record of the decision in the case will be retained as outlined in the JMU Student Handbook. For further information, visit www.jmu.edu/handbook and navigate to the section titled [Records and Transcript Notations](#). Also see information on the previous page regarding transcripts.
- Grades will appear on the transcript based upon the effective date of the suspension or expulsion and will be recorded in one of the following ways: If the effective date of the suspension or expulsion occurs prior to the deadline to add/drop classes for that term, the student will have all classes dropped from their schedule and the student will not be charged for tuition. There will be no notation that the student withdrew from JMU as "W" grades were not applied to the transcript. It will appear as if the student did not attend that term.
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Returning to the University after Disciplinary Leave

Steps to Return

- Students seeking to return to JMU following a suspension must submit Undergraduate re-entry forms to the Office of the Registrar. The deadlines for submission of these forms are typically several months before the start of the semester in which the student is planning to return. For information relevant to re-entry, suspended students are encouraged to refer to the Academic Student Services website at jmu.edu/acstudserv/reentry.shtml.
- Students suspended for disciplinary reasons must complete a Re-Entry Interview with a staff member from OSARP. Prior to a student’s return to JMU, they must contact OSARP at 540-568-6218 to schedule this interview. A “hold” will be placed on your records until you have completed this interview.

The Office of the Registrar strongly recommends that you do NOT wait until the deadline to submit your Intent to Enroll Form; submit your re-entry form at least two weeks before the submission deadline. The Office of the Registrar begins processing re-entry forms at

least six weeks prior to the stated semester/term deadlines. During peak processing times (early April, early July, and early November) it will take at least 3-4 weeks for processing.

Leaving and Returning to the University for Academic Reasons

Leaving for Academic Reasons

For information on academic standing and continued enrollment, visit the Office of the Registrar's website at https://www.jmu.edu/registrar/students/academic_standing.shtml.

Returning to the University after Academic Leave

For information on returning to the university, visit the Office of the Registrar's website at <https://www.jmu.edu/registrar/students/Reentry.shtml>.

Non-Returning and Leave of Absence Students

Information for Non-Returning and Leave of Absence

For information on withdrawal, non-returning, and reentry procedures, visit the Office of the Registrar's Handbook section titled [Withdrawal, Non-Returning and Reentry Procedures](#).

Search & Entry Policies

Refer to the [Office of Public Safety](#) for more information regarding these policies.

Search Policy

Because a university is viewed as an educational community with special behavioral requirements, the courts have upheld the university's right to enter and search student rooms and suites with just cause. However, the entry and search must not be done in an arbitrary and capricious manner that unnecessarily deprives a student of fundamental constitutional protection. The university housing staff will also make periodic inspections of students' rooms and suites for safety and health reasons. Violations observed during routine inspections and/or building evacuations may be referred to the Office of Student Accountability and Restorative Practices. The intent of this policy is to provide protection for the rights of each JMU student while at the same time providing staff members and university officials the means to maintain and protect the educational environment necessary for the university to fulfill its primary purpose.

Emergency Entry

1. A staff member may, without verbal or written authorization from a higher authority, enter a student's room or suite either forcibly or with a building master key in cases of fire, explosion, bomb threats, attempted or suspected suicide, or other situations which call for the immediate entry in the interest of safety and security both for the residents of the room or suite and the physical plant.
2. Any unauthorized or illegal items observed in a student's room or suite during an emergency entry will not be used as a basis for criminal prosecution. However, in the event of suspected vandalism, arson, assault or other violations of major university policy that may have occurred in a room, university police will be called in to conduct an investigation. The results of such an investigation may result in alleged policy violation(s) in OSARP or criminal prosecution.

Authorized Entry

In the case of a known violation of a university policy, a staff member may request permission to make an authorized entry into a student's room or suite. The request will be made to the appropriate student affairs staff member, who will determine the merits of the request and either approve or disapprove the entry. In cases where the entry is approved, the appropriate student affairs staff member will indicate to the staff member what information to include on the approval form. An authorized entry form will be filled out by the staff that will state exactly which areas may be inspected. The staff member will then notify those residing in the room that authorization has been obtained to enter the room by use of whatever means necessary. When a room or suite is entered by means of an authorized entry, the purpose will be to make a visual inspection of the room. The staff member also may look in the bathroom, in the closet and under the bed. Cabinets, drawers, luggage and other small storage areas will not be searched during an authorized entry. Observed violations may be referred to the Office of Student Accountability and Restorative Practices.

Authorized Entry and Search

When a staff member has reasonable cause to believe that a student has violated a university policy and relevant or prohibited materials remain in his or her room or suite, a request may be made for an authorized entry and search. The request will be directed to the appropriate student affairs staff member, who will then inform the Vice President for Student Affairs or designee. After considering the request, the Vice President for Student Affairs or designee may give a written or verbal authorization to conduct an authorized entry and search of a student's room or suite for specified items. An authorized entry and search form will then be filled out by the appropriate student affairs staff member. A copy of the completed form will be given to the residents of the room or suite if they are present.

Search Warrant Entry

In those cases where an individual has personal knowledge or other information of a violation of a criminal nature, such as theft or acts of violence, the individual should contact the university police. The police will determine whether or not sufficient evidence exists to request a search warrant.

Skateboard and Similar Modes of Transportation

1. Public Safety Responsibility & Safety Considerations

- Skateboarders traveling on roadways have the duties of drivers of vehicles. When traveling on sidewalks, skateboarders have the general rights and duties of pedestrians. It is the responsibility of public safety officials to maintain a safe campus environment through enforcement of those provisions. Where breaches in safe operation of skateboards arise, public safety personnel may refer a student to OSARP and a student may be notified of an alleged violation of the *Dangerous Practices* policy.
 - Use of a helmet and other safety equipment is strongly recommended.
 - Skateboarders should ride as predictably as possible and at a speed where they are able to avoid hazards and stop when necessary.
 - Avoid areas where there is heavy pedestrian traffic and/or speed is hard to control.
 - Persons riding a skateboard or similar mode of transportation shall not attach themselves to any other vehicle on the roadway.
 - No skateboard shall be used to carry more persons at one time than the number of persons for which it was designed or equipped.

2. Where to Ride

- Persons riding a skateboard or similar mode of transportation shall use bike lanes or keep as near as safely possible to the far right side or edge of the right traffic lane so that they will be proceeding in the same direction as other traffic. When riding in these areas, skateboarders shall have all the rights and duties of a vehicle under the same circumstances.
- Persons riding a skateboard or similar mode of transportation on a sidewalk, shared-use path, or across a roadway on a crosswalk shall have all the rights and duties of a pedestrian under the same circumstances.
- Skateboarders are prohibited from riding skateboards or similar mode of transportation in residential, academic or administrative facilities.

3. Passing

- Persons riding a skateboard or similar mode of transportation shall yield the right-of-way to any pedestrian.
- Persons riding a skateboard or similar mode of transportation shall give an audible signal before overtaking and passing any pedestrian.

4. Accidents

- Bicyclists, motorists, skateboarders, or pedestrians must stop when involved in an accident and make a report. Report accidents involving death, injury or property damage to university police. All persons involved in the accident must give their names and addresses to the police and to any person involved in the accident or the property owner. If unattended property is damaged, the bicyclist must make a reasonable effort to find the owner and give his/her name to the owner. If the owner cannot be located, leave a note in a conspicuous place at the accident site and report the accident to the police within 24 hours.

Student Affairs Committee

November 7, 2024



**THE COMMONWEALTH OF VIRGINIA
THE VISITORS OF JAMES MADISON UNIVERSITY**

Student Affairs Committee
Thursday, November 7, 2024
Ballroom B
1:00 p.m.

Agenda

1. Opening Remarks and Approval of Student Affairs Minutes for September 12, 2024*
Terrie Edwards, Chair
2. Student Affairs Update
Tim Miller, Vice President for Student Affairs
3. Student Government Association Report
Brielle Lacroix, President
4. Student Representative to the Board of Visitors Update
Sydney Stafford, Representative
5. Health and Well-Being
Kristina Blyer, Associate Vice President for Health & Well-Being

*Action Required

Opening Remarks and Approval of Minutes

Terrie Edwards, Chair



**THE COMMONWEALTH OF VIRGINIA
THE VISITORS OF JAMES MADISON UNIVERSITY**

Minutes of the Student Affairs Committee

The Student Affairs Committee met on Thursday, September 12, 2024, in Ballroom B of the Festival Conference and Student Center at James Madison University. Terrie Edwards, Chair, called the meeting to order at 1:00 p.m.

Present:

Edwards, Terrie, Chair
Eiland, Joanie
Rexrode, Dave
Thacker, Nikki

Absent:

James, Kay Coles

Others:

Allen, Dirron, Associate Vice President for Student Life and Involvement
Blyer, Kristina, Associate Vice President for Health and Well-Being
Brenneman, Anne, Director, University Health Center
Campbell, Kathleen, Director, Residence Life
Davidson, Kim, Director, Community Engagement and Volunteer Center
Grossman Leopard, Jen, Director, Student Life
Lushbaugh, Wendy, Director, Office of Student Accountability and Restorative Practices
Miller, Tim, Vice President for Student Affairs
Mitchell, Bruce, Associate Vice President for Accessibility and Belonging
Onestak, David, Director, Counseling Center
Saylor, Chad, Deputy Spokesperson, University Communications
Stafford, Sydney, Student Representative to the Board of Visitors
Walther, Annie, University Counsel
Westly, Libby, Director, University Career Center

Approval of Minutes

On the motion of Dave Rexrode and seconded by Nikki Thacker, the minutes of April 18, 2024, were approved.

Opening Remarks

Vice Rector, Terrie Edwards, welcomed members and guests. She asked committee members to introduce themselves and share their “Why JMU?” Sydney Stafford joined the table and will give an update at the full

board meeting on Sept. 13. Terrie gave a review of the Student Affairs Committee responsibilities and shared that the committee agenda would reflect those responsibilities throughout the presentation.

Student Affairs Update

Tim Miller reviewed the committee's planned meetings for the semester and how they will align with committee responsibilities. The proposed topics are listed, and the committee is to anticipate a joint presentation with Academic Affairs and Student Affairs this year.

- September: Orientation and community impact
- November: Health and Well-being
- February: Student Life and Involvement
- April: Highlight partnerships and Dean of Students

Terrie requested that Dr. Miller begin their meeting by reviewing the last six years of work in Student Affairs under his leadership. Dr. Miller shared that this was a good reflection opportunity for him to look at the many great things that have happened at JMU through the work of the division. He shared that Student Affairs established a new mission, vision, and values for Student Affairs. The creation process engaged the whole division and allowed students to author the work.

He then shared: The realignment of areas in Student Affairs to allow AVPs to focus on their expertise areas, allowing the leadership team to lead boards at JMU, in the community, regionally, and nationwide. This team is connected to the campus, students, families, and Alumni. Dr. Kristina Blyer helped lead JMU through the COVID-19 pandemic and how that highlighted the value of Student Affairs.

Over the past six years, students have been the focus of Student Affairs work and decision-making, allowing the development and expansion of programs on campus such as The Pantry, JMU VALOR, Weeks of Welcome, the Yard, and many more. He shared about development and well-being experiences and initiatives for staff. He shared the great work of Dr. Jonathan Stewart and his leadership with the Student Affairs budget. Jonathan's efficient budget management has allowed Student Affairs to reinvest \$1 million back to the division. He shared about the development of partnerships across campus which has allowed for information sharing, collaboration on programming, and new pipelines to different parts of the university.

Dr. Miller closed with a personal accomplishment. During the COVID-19 pandemic, he developed a group for all Senior Student Affairs Officers across Virginia. This group meets every Friday to share what is happening around their campus and share resources. He created another group for Senior Student Affairs Officers in the Sun Belt Conference.

Terrie thanked Dr. Miller for his work and overview of the last six years. She said it was affirming and clear that what Student Affairs has accomplished contributes to the JMU culture and intentional efforts each day to grow our students.

Dr. Miller continued with division priorities for 2024-29, which began with the plan to grow the different pre-weeks of welcome programs. These programs allow students to move in earlier than their initial first-year move-in date, help them learn the campus better, and get a head start on finding their communities.

There is a priority to increase campus housing availability for upper-class students. Dr. Miller mentioned that it is a dream of his for all students to be required to live on campus for two years, but that for now, an increase in upper class student housing is the goal.

Establishing JMU as a leader in the Health Promoting Campus Network is another priority for the division, and JMU will be the first university in Virginia to sign the Okanagan Charter with an official adoption ceremony on October 8, 2024.

Completing the campus master plan to include new residence halls and developing and revitalizing additional student and belonging spaces is a priority for Student Affairs. Dr. Miller shared that there is a continual need to build spaces for students where there can be a break from the norm of the day and with a particular focus on a space for neurodiverse students.

Dr. Miller shared his belief that Student Affairs is one of the most fundable things on a college campus yet remains one of the most overlooked. Through Student Affairs, there is a priority to build a growth mindset among staff and to set the standard for collaboration across not only the university but the community. Dr. Miller shared that there is a responsibility that as our students enter the community, they should be active and respectful members of their communities.

The Student Affairs strategic plan includes four themes.

- Student learning and development
- Belonging
- Health
- Being the best place to work

Dr. Miller shared a few examples of the strategic plan in action through Career Experiential Learning and Transition (CELT). This included projects through the University Career Center, the office of Orientation and Transition, and the Community Engagement and Volunteer Center. Terrie shared that when the board visited students last year it was interesting that some students said they almost left JMU because they did not feel like they belonged, but that once they were connected to organizations and other students they were connected for life. Terrie shared that she is grateful for the efforts put forth by the Division of Student Affairs to help create places for students to make connections.

Dr. Miller then shared the Student Life Experience. The student life experience includes pre-weeks of welcome programming and successes with Residence Life move-in. Residence life has changed their method for move-in and now has student workers and volunteers working in shifts to center their well-being. This year the weeks of welcome attendance and participation numbers were just over 40,000 students. Nikki asked if these events were only attended by first-year students and the question was answered that some events were open to any students. Along with this, there were various events dedicated to getting involved and thousands of students participated in these events, such as Student Organization Night.

Dr. Miller then moved onto updates on the campus codes of conduct. Every year there is a review of the student handbook and the code of conduct. He thanked Wendy Lushbaugh and her team as well as Annie Walther for their efforts in the updates and organization of Title IX. The code of conduct has new focuses on disruptions of school functions; violations of federal, state, and local law ordinances; unlawful masking; erection of encampments and tents; and facility usage by affiliated and nonaffiliated persons and groups. The communication efforts for the updated code of conduct included a speech at new student convocation, an insert in the Campus Packs, Residence Life Hall meetings and door signs, email communication from OSARP and full-campus messages from Dr. Miller and Chief Matos, as well as the use of student communication platforms like Dukes Weekly and Potty Mouth.

Dr. Miller also shared some trends in student conduct over the previous three years. There was an even split between the use of adaptable resolution and adjudication processes for cases involving Title IX Sexual Harassment and Sexual Misconduct. Also, there has been an increase in OSARP's response to off-campus noise/nuisance behaviors by students. OSARP continues to see student alcohol violations at higher rates than any other policy; other violations often seen are failure to comply, drugs, and disruptive conduct. It has also been seen that students are not engaging in the accountability process – annually 25-29% choose not to come to a case review, but with a procedural approach change in 2023-24 the number of students failing to comply with disciplinary outcomes has decreased. With all of this, Dr. Miller shared that parent involvement has remained the same.

Student Government Association Report

Brielle Lacroix, the Student Body President, began her report by introducing herself and sharing her personal goals, growing as a leader and follower, learning more about JMU and the environment that it exists in, providing students with a positive example of an elected official that works for them, and holding herself accountable and open to change. Brielle also introduced her team and shared that their goal is to reinvent and modernize SGA processes.

Brielle shared the agenda for her term as president which included her platform and additional responsibilities she will perform. Her platform is focused on sustainability, community engagement, and student awareness of support services. Brielle also highlighted what she spent her time doing over the summer in her position. She worked with CELT, health and well-being, attended summer meetings with campus and community partners and was a First Year Orientation Guide. In August she spent her time welcoming Dukes to campus and her work in September thus far has been focused on creating community and supporting students.

Career, Experiential Learning, and Transitions (CELT)

Myles Surret began the discussion and updates for CELT which is comprised of the University Career Center, Office of Orientation and Transition, and the Community Engagement and Volunteer Center. The vision for CELT is for students to find their purpose in learning, community, and careers. In 2023-2024 CELT completed their strategic planning process in concert with the plan for Student Affairs.

Casey Ouren from Orientation and Transition shared updates and information about the orientation program, beginning with explaining the three phases of orientation. These phases are *The One Book*, orientation, and Weeks of Welcome.

1. The One Book is an online process for new Dukes to complete at home on their own time. It consists of two parts, the first being an online publication that mirrors a portal for students to work through a variety of steps to manage their transition to JMU. The second is an interactive set of modules that students use to complete the required processes to enter JMU and be prepared for the semester.
2. Orientation is a one-day orientation program in June or July. Most orientation days are offered here on JMU's campus, but there is a virtual option for those unable to attend in person. Students are invited to bring two guests to campus, and each student and guest are given schedules to guide them throughout the day.
3. Weeks of Welcome offers opportunities prior to the start of classes and continues for two weeks into the semester. Weeks of Welcome events and activities can help students begin the search for organizations people, and communities where they can find their fit.

Casey then showed a chart of data that illustrated students' sense of belonging. The graph shows percentages of students that strongly agreed or agreed with statements like "I feel a sense of belonging to JMU," "I see myself as a part of the JMU community," etc. The gold bar of the graph was prior to orientation and the purple bar was after orientation. The gold bar peaked in the high 80s for many questions, but the purple bar was peaking in the mid-90s, showing a positive increase across all questions.

Kim Davidson shared information about the CEVC which has been a cornerstone of JMU for nearly 40 years and works to connect students and faculty to communities in Harrisonburg and beyond. CEVC is focused on building collaborative relationships and focusing on mutually beneficial partnerships. Kim said that the aim is twofold: 1) to enhance student learning and 2) to advance community priorities. Last year the CEVC engaged over 3500 students in their office and 60 of those engagements were community partnerships and relationships in the community. Kim shared that the programs offered through CEVC offer opportunities for students to engage in a variety of ways whether the students or faculty choose to explore the opportunities through a one-time event or through an ongoing volunteer opportunity or through immersive sustained engagement opportunities. Kim also shared about Madison Community Scholars. Madison Community Scholars had 82 community positions this year, and students work approximately eight hours a week at no cost to the community partner. The students are improving their leadership, professional, and interpersonal skills, and participating in a supportive cohort experience. Students are eligible for Madison Community Scholars in two ways. The first is through federal work study and the second is through three scholarships.

CELT then hosted a student panel with Brevin Bugausan, Jedi Ragas, and Izzy Rhodes. These students all have experience with CELT, some as Madison Community Scholars or ongoing volunteer positions as well as positions with Orientation and Transition. Myles Surrett joined again to ask the panelists their questions.

Question 1: In the CELT strategic plan, we are working to enhance the student employment experience for your personal and professional career. With that in mind can you tell us how you grew in your goals?

All three students answered. Izzy shared that she had grown as a person in her role, as someone who used to lack confidence with public speaking and her work as an Orientation Peer Advisor, (OPA) which helped her find her confidence and a newfound motivation that she can apply to schoolwork.

Brevin shared that he is a biology major with a focus in environmental issues and conservation, so their volunteer opportunities have been able to let them combine their passions with an opportunity to meet new people and people outside of their major.

Jedi shared that she has been a Madison Community Scholar since her first semester of her first year and that she has worked with Empowerment3 all three of her years in the position. She has learned about accessibility and resources that are available in the Harrisonburg area.

Question 2: What does it mean on a day-to-day basis to be an OPA?

As an OPA, Izzy answered this question. She shared that she was assigned 18 to 22 students every day and could answer any questions about campus and what is offered at JMU to students and their families. She was able to give insight from an authentic student perspective and that she was a part of a family Q&A panel and was able to support many people as their student transitioned to college.

Question 3: Can you tell me about your current community partner assignment and what your role is day to day?

Jedi shared that her role has changed every year in Empowerment3. She started with a project in creating a community resource guide for wellness opportunities in the Shenandoah Valley. By creating

that guide, Jedi was promoted to the Student Executive Director for Communications in Empowerment3.

Question 4: What have you learned about Harrisonburg?

Brevin shared that they did not know much about Harrisonburg or JMU before becoming a student here and that learning about the environmental focus that the city has was important to him. He did not assume that JMU or Harrisonburg would be as focused as they are and that during his time here, he has been able to experience the community's passion for the environment.

Question 5: In the roles you are in, can you provide an example of a time you knew you were making a difference?

Izzy shared that she interacted with many students, some that were nervous and some that were excited. As an OPA, she had one student that was having a hard time finding her place within their group. She realized the student and herself had a lot in common and the student opened up and told Izzy that she was having a lot of problems back at home and was stressed that she was not there to be with her friends. Izzy told her orientation is what you make of it and that she was here for her even after orientation.

Jedi shared that one of the most moving parts of working with Empowerment3 is the one-on-one mentor aspect of it. Last year she was paired with a student who had some behavioral challenges that did not love the aquatics program in the beginning, so it was a struggle getting him engaged in the curriculum. She was able to learn some of his signs as he was nonverbal. By the end of the program, she was connected with his family and the participant, and he was fully engaged in the program.

Brevin shared that last year when he was giving tours at the Arboretum, he realized that they would not be able to facilitate enough tours without student staff. Brevin shared that it was important to him when he realized that he had a real impact on the functioning of the Arboretum.

There being no further business, on the motion of Terrie Edwards and seconded by Joanie Eiland, the Student Affairs Committee meeting adjourned at 2:29 p.m.

Respectfully submitted,

Terrie Edwards, Chair

David C. Kirkpatrick, Secretary to the Board



Student Life Committee Responsibilities

1. Gain an understanding of the student experience and the work of student affairs
2. Review matters and policies relating to student rights, responsibilities, conduct and discipline
3. Provide advice and counsel to Student Affairs on all aspects of their efforts to create and support the student experience
4. Hear reports from the president of the Student Government Association and the student representative to the Board of Visitors
5. Review topical areas of interest related to the student experience

Vice President for Student Affairs Update

Tim Miller



State of the Students





Community of Practice - Learning from Colleagues

- Scooter safety
- Alcohol culture
- Campus events
- Policy updates
- Community partnerships
- Contracts
 - TimelyCare
 - Student online training contracts
 - Lyft for SANE exams
- Future of the field





Communication Report

- Dukes Weekly submissions are up this year by 24% over prior year
 - Areas of highest interest include events and ways to get involved
 - Adapting strategy to focus on most timely information each week and capture students' attention
- Monthly emails to students and families
 - Strong open and click rates continue
 - Interest in health and well-being and safety topics



Student Affairs Strategic Plan in Action: Institutional Level Health and Well-being

SA Leader	Dept Strategy and Action	Measure	Baseline	Goal for 2024-2025	Student Affairs Theme	Primary Owner	Board Liaison
Kristina Blyer	<p>Adopt a systems/setting approach to focusing on the whole – the whole person, the whole experience, the whole community, the whole planet</p> <p>Create programs, services, systems and setting to support six dimensions of well-being:</p> <ul style="list-style-type: none"> ▪ Environment ▪ Health ▪ Relationship ▪ Security ▪ Purpose ▪ Learning 	Diener Flourishing Scale -collected through Health Minds Study (HMS)	<p>2023-39.4% (HMS, 2023)</p> <p>2013-64.5% (HMS, 2013)</p>	40%	<ul style="list-style-type: none"> ▪ Student Learning and Environment ▪ Belonging ▪ Health and Well-being 	President's Council on Health and Well-being	



Student Affairs Strategic Plan in Action: Health and Well-being

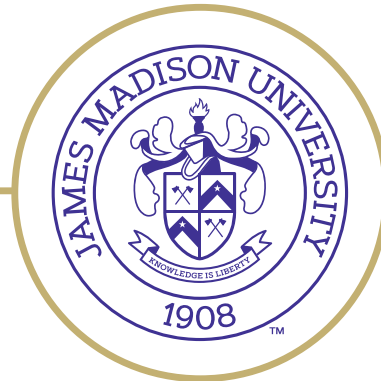
SA Leader	Dept Strategy and Action	Measure	Baseline	Goal for 2024-2025	Student Affairs Theme	Primary Owner	Board Liaison
David Onestak	Maintain High Quality Clinical Services	Counseling Center Assessment of Psychological Symptoms (CCAPS) change scores	Change scores above the national counseling center mean for 7 of the 8 CCAPS clinical subscales	Change scores above the national counseling center mean for each of the CCAPS clinical subscales	Health and Well-being	Counseling Center	
	Enhance Employee Well-Being and Retention	Clinical Load Index (CLI)	107	105 - 110	Health and Well-being	Counseling Center	

Questions?



Student Government Association Report

Brielle Lacroix



Student Government Association Updates

- Funding
- Committee updates
 - Membership
 - Legislative Affairs
 - DEIJA+
- Legislation and events
- Newsletter

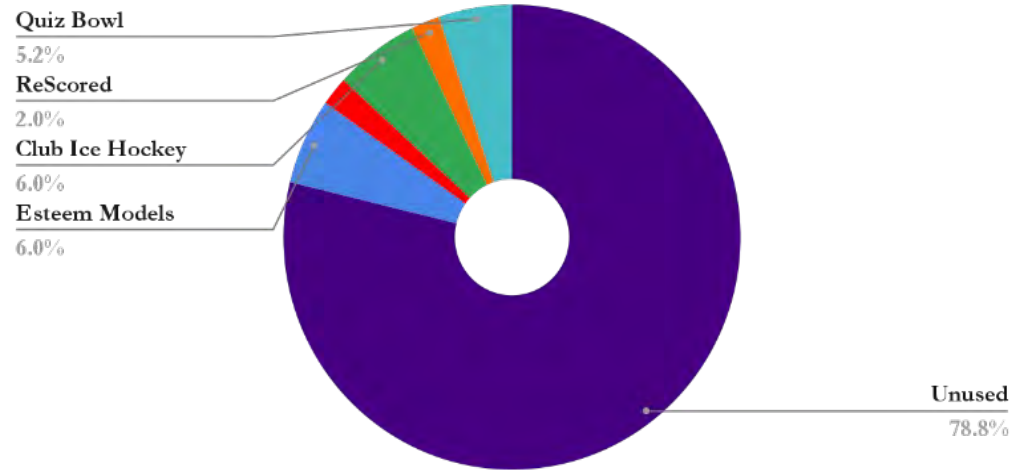




Funding Update

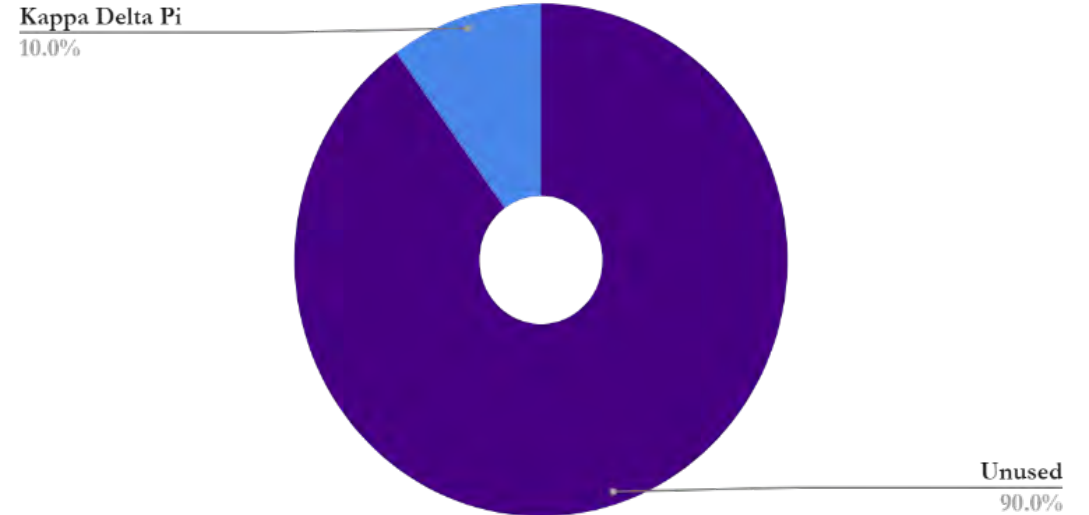
Contingency Funds Update

Out of \$50,000



Program Grant Funds Update

Out of \$50,000



We are so thankful to our Treasurer, Carson Tighe, Finance Committee Chair Jahnavi Muthyala, and our Finance Committee for their hard work this year!

Committee Updates

- Membership Committee
 - Hosted semesterly retreat
 - Mentor/mentee events and selection
 - Apple picking & game night
 - Attended on campus events
 - Coffee Committee
- Legislative Affairs
 - Voter registration tabling and advertisement
 - Dukes Debate
- DEIJA+
 - Roots and Reflections
 - Indigenous Peoples Celebration Speaking & Proclamation Reading
 - Undivide Us Film Screening



Legislation and Events



- Legislation
 - Resolution in support of the Okanagan Charter Adoption
 - Resolution supporting the switch from plastic bottles to cans in on-campus vending machines
 - Resolution with Parking Services – In Progress
- Events
 - Class of 2026 Ring Premiere
 - Purple Out
 - Madison Majesties

SGA Newsletter


Our Communications Committee produces a monthly newsletter to keep everyone updated on what's happening in SGA!



Full Newsletter Here!



Subscribe to receive a copy monthly here!



MONTHLY NEWSLETTER
JMU STUDENT GOVERNMENT ASSOCIATION

SEPTEMBER RECAP


This Issue

- September Legislation
- Upcoming Events
- Committee Updates
- Members of the Month

JMU SGA MONTHLY RECAP: SEPTEMBER

Student Government Association is back and better than ever as we kick off the new semester. Our organization is excited to work with the student body as we continue to represent, inform, and serve. To better inform our fellow Dukes, our Communications Committee has launched a newsletter to recap the month prior, highlight our members, and preview the month ahead.

Let's work together to maintain our status as an everything school and make a lasting impact campus-wide. Go Dukes!



Student Body President Updates

- Sustainability
- Community engagement
- Student awareness of support services
- Events and opportunities



I traveled to West Virginia for Fall Break and visit the New River Gorge!

Sustainability

- Okanagan Charter Adoption
 - October 8th, 2024
 - People, Place & Planet
 - Giveaways, Spirit Rock, Speeches
- SustainJMU
 - New members and first meeting
 - Working groups
 - Marketing
 - Sustaining Sustain
 - Change on Campus



Community Engagement

- Homecoming Parade
 - Participants from Harrisonburg, Alumni, and JMU fan communities
 - Spectators from the Harrisonburg Community
 - Plans to expand community member engagement in the future
- Harrisonburg Downtown Renaissance student focused maps
 - Four maps covering over 70 downtown locations
 - Study spots
 - Gift guide
 - Place to bring your family
 - Fun



Student Awareness of Support Services

- Instagram series
 - First-Year Seminar Presentations --> Instagram posts
 - Buses, libraries, study spots, academic supports, etc.
 - Reposting/participating in efforts from other departments
- Student Affairs Committee & SCHEV SAC updates
 - Recap series of my report and the business from every meeting
- Instagram stats
 - Over 35 posts
 - Reach of about 400 people per post
 - Over 23,000 account views in the last month



Events and Opportunities



- Halftime on the Quad
- SCHEV Student Advisory Conference
- Dukes Ace Civility Webinar
- Common Good Conversations
 - Raj Vinnakota
 - Marcus Jones
- Madison Majesties
- Collaborations with other Student Body Presidents

Questions?



Student Representative to the Board of Visitors

Sydney Stafford



Sydney Stafford

- Major: Justice Studies and Spanish
- Graduation Year: 2026
- Hometown: Bristow, VA
- Goals for the Year:
 - Presidential Search Committee
 - Improve student engagement
 - Educate and inform students



What Have We Been Up To?

- Fall 2024 Career Fair
- General Education Conference
- Class of 2026 Ring Premiere
- Halftime on the Quad
- Homecoming





What Am I Working on?

- 2024 Virginia Student Representative Conference
- Presidential Search Committee: meeting with students
- SCHEV Student Advisory Committee

How Has Increased Enrollment Shaped the Student Experience?



Feature: Madison Center for Civic Engagement

- Voter registration drives
- Speakers: Marcus Jones, Raj Vinnakota
- Dukes Discourse
- Dukes Debate

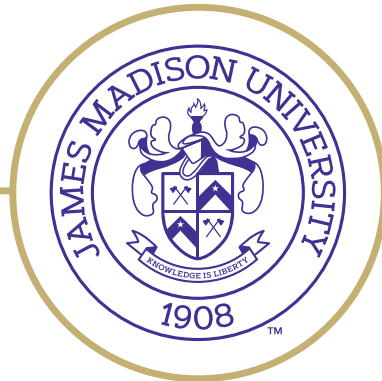


Questions?



Health and Well-Being

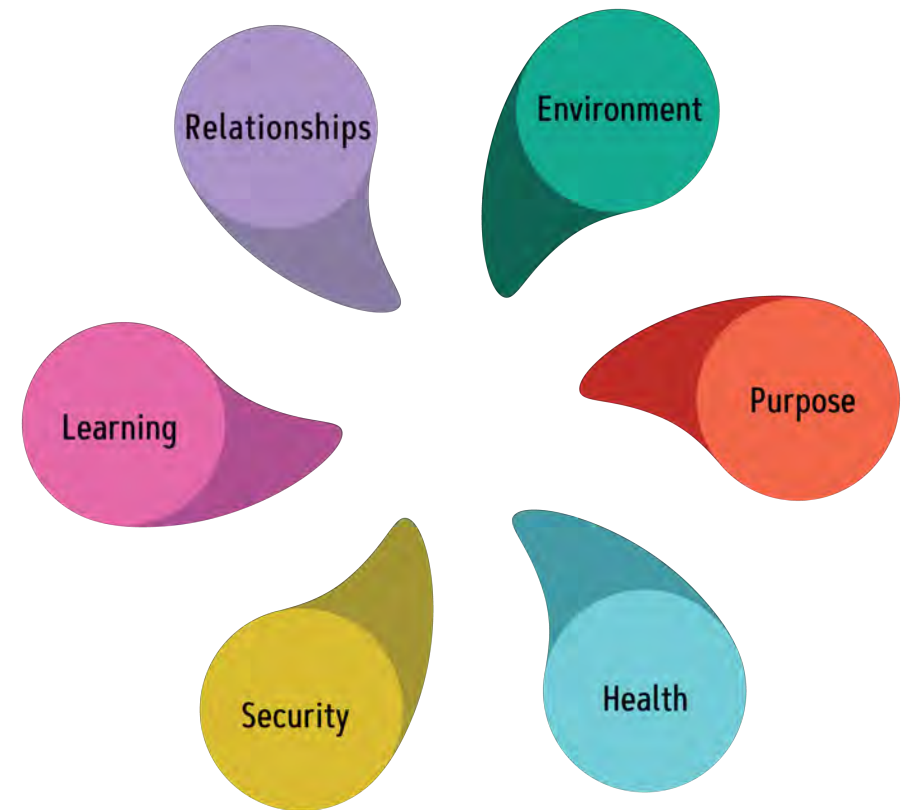
Kristina Blyer, Associate Vice President for Health and Well-Being



Defining Well-being at JMU

Well-being is an optimal and dynamic state that allows us to flourish now and in the future.*

Includes six dimensions of well-being



**JMU's Definition of Well-being adapted with permission from the NIRSA, ACHA, NASPA Inter-Association Definition for Well-being.*

Multi-level Approach to Well-being

- Care for individual students (SA Health and Well-being area)
 - Counseling Center
 - University Health Center
 - University Recreation
 - Well Dukes (Health Promotion)
- Systems and Settings (University Wide)
 - President's Council for Health and Well-being
 - Okanagan Charter
 - Adopted Oct. 8, 2024, to formally make JMU a Health Promoting Campus



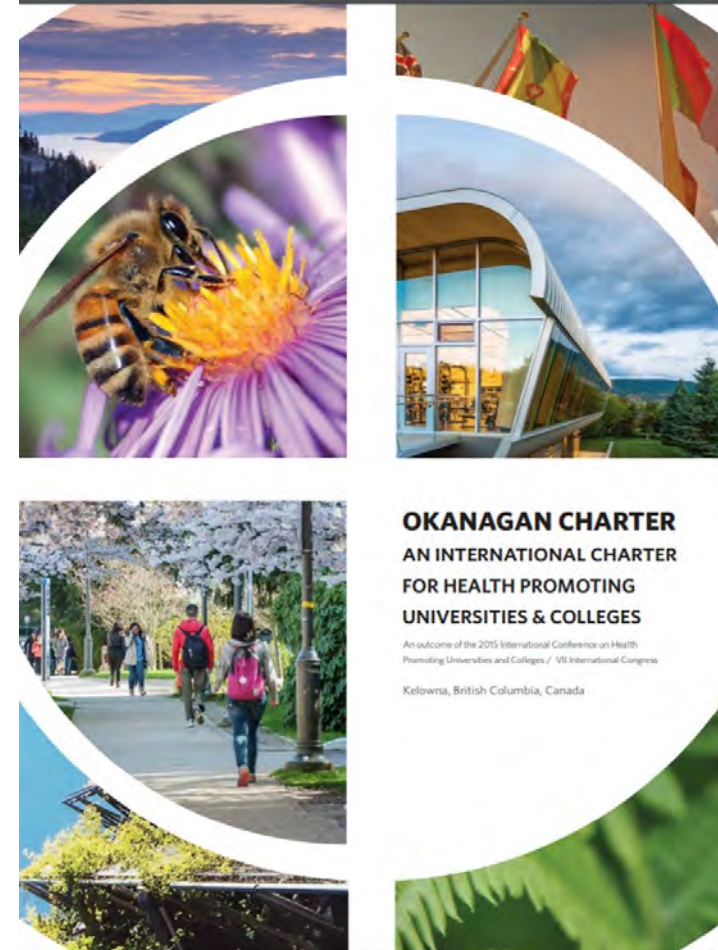
Settings-based Approach

“If the frogs in a pond started behaving strangely, our first reaction would not be to punish them or even to treat them. Instinctively, we'd wonder what was going on in the pond.”

DAN REIST, UVIC, CANADIAN INSTITUTE FOR SUBSTANCE USE RESEARCH

Systems/Settings-Okanagan Charter

- Created in June 2015, the international Charter provides institutions with a common language, principles, and framework to become health and well-being promoting campuses.
- Focus on people, place, and planet.



JMU's Commitment to Being a Health Promoting Campus

- Embed health into all aspects of campus culture, across the administration, operations and academic mandates.
- Lead health promotion action and collaboration locally and globally.



Counseling Center

David Onestak, Director



In the News . . .



Forbes

Colleges And Universities Are The Front Lines Of Mental Health Support

Alison Griffin Contributor © May 30, 2024, 06:00am EDT

U.S. News & World Report NEWS

Home / News / Health News / Suicide Rates Have Doubled in...

Suicide Rates Have Doubled in 20 Years Among U.S. College Athletes

By HealthDay April 5, 2024

The New York Times Magazine

The Unthinkable Mental Health Crisis That Shook a New England College

Over six terrible months, professors and administrators at Worcester Polytechnic Institute took on the unofficial role of counselors during a spate of campus suicides.

CNN Health Watch Listen Live TV

Mental health struggles are driving more college students to consider dropping out, survey finds

By Deidre McPhillips, CNN Updated 6:13 AM EDT, Thu March 23, 2023

Campus Safety

65% of College Students Are Lonely, New Report Finds

Published: May 23, 2024 Author: Amy Rock

College students who report feeling lonely are over four times more likely to experience severe psychological distress.

Newsweek

Warning Over 'Increasing' Suicides Among US College Athletes

Published Apr 04, 2024 at 6:30 PM EDT

wbur LOCAL COVERAGE

WPI offers support, resources to students and parents following 7 student deaths

January 29, 2024 By Susan J. Johnson

PBS NEWS HOUR

Universities pushed to address mental health concerns on campus after student suicides

Nov 15, 2023 6:30 PM EDT

Inside Higher Ed

January 24, 2024

'Never Enough' and the Roots of Our College Student Mental Health Crisis

WHYY

Students cite mental health struggles as they opt out of college, especially students from LGBTQ+ and marginalized communities

A new survey shows one-third of students cite mental health concerns for dropping out of college, or never going. By Johnny Perez-Gonzalez - February 22, 2024

GALLUP

WELLBEING MAY 8, 2024

Mental Health, Stress Top Reasons Students Consider Leaving

BY STEPHANIE MARKEN



A Problem Decades in the Making

- Annually, for each of the last 20 years, over 90% of counseling center directors have reported that the number of students with severe psychological problems is a growing concern on their campuses.
- In addition to increasing severity, an equally important issue is an increased inability of students to cope with the normal vicissitudes of life.
- 36% of college students are currently receiving mental health treatment. (Center for Collegiate Mental Health, 2023)



High Levels of Acuity, Complexity, and Risk

- Initial Assessment Data
 - Psychological problems in their family = 59%
 - Alcohol or drug problems in their family = 40%
 - Prior counseling = 59%
 - Engaged in self-injury = 31%
 - Prior suicidal thoughts = 50%
 - Prescribed psychotropic medication = 37%
 - Hospitalized for a mental health reason = 8%
- Crisis Data
 - 195 crisis intakes
 - 43 post-intake crisis appointments
 - 24 referrals for psychiatric hospitalization

2023 – 2024 Academic Year

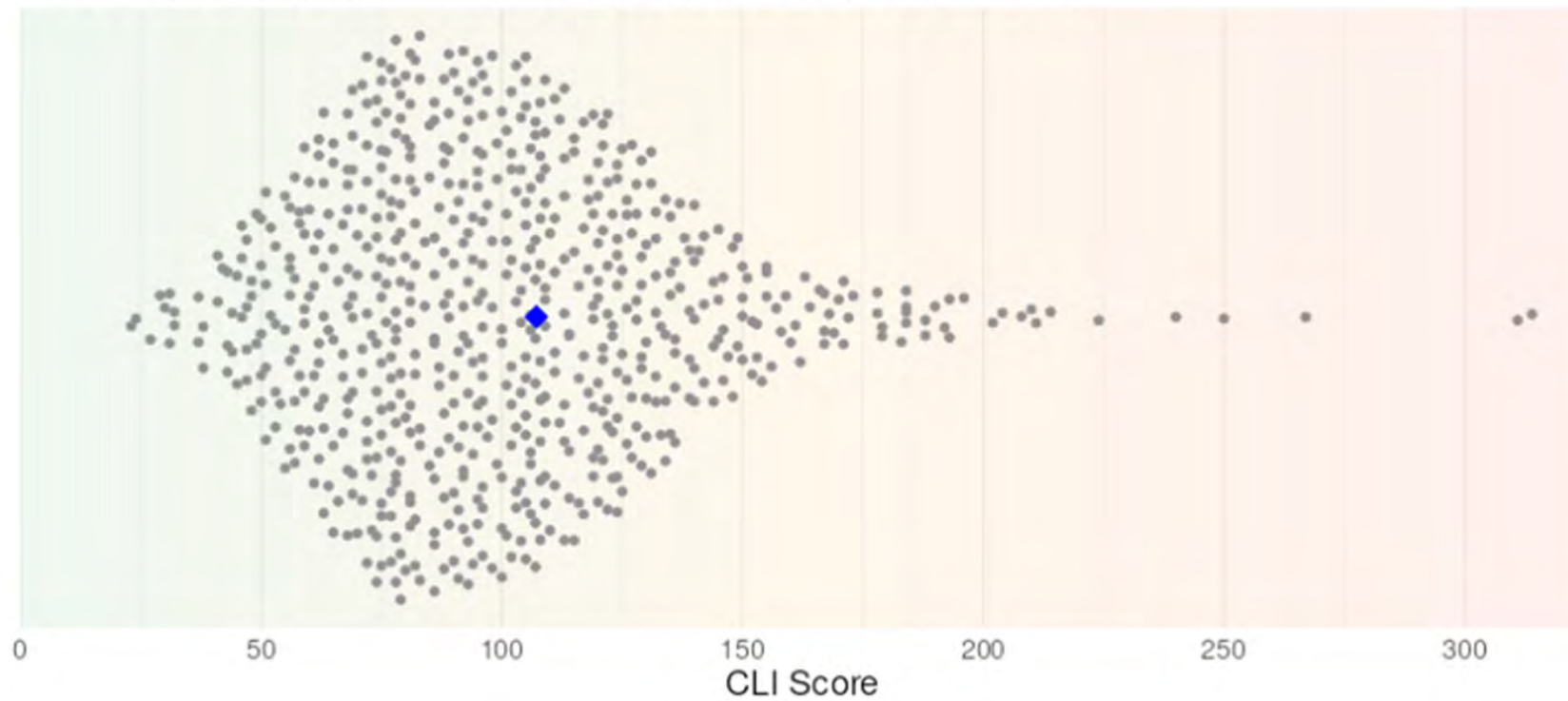
Comprehensive Counseling Center Model



- Victim Advocacy Services added in 2021
- Daily walk-in hours, 10 AM – 3 PM
- After-Hours Crisis Clinician
- 651 consultations, 173 crisis consultations
- 664 outreach programs serving 6,769 students/faculty/staff
- Work-based learning opportunities for undergraduate and graduate students

Clinical Load Index (CLI)

2022-2023 Clinical Load Index (CLI) Distribution (N=654)





Common Presenting Issues That We Address

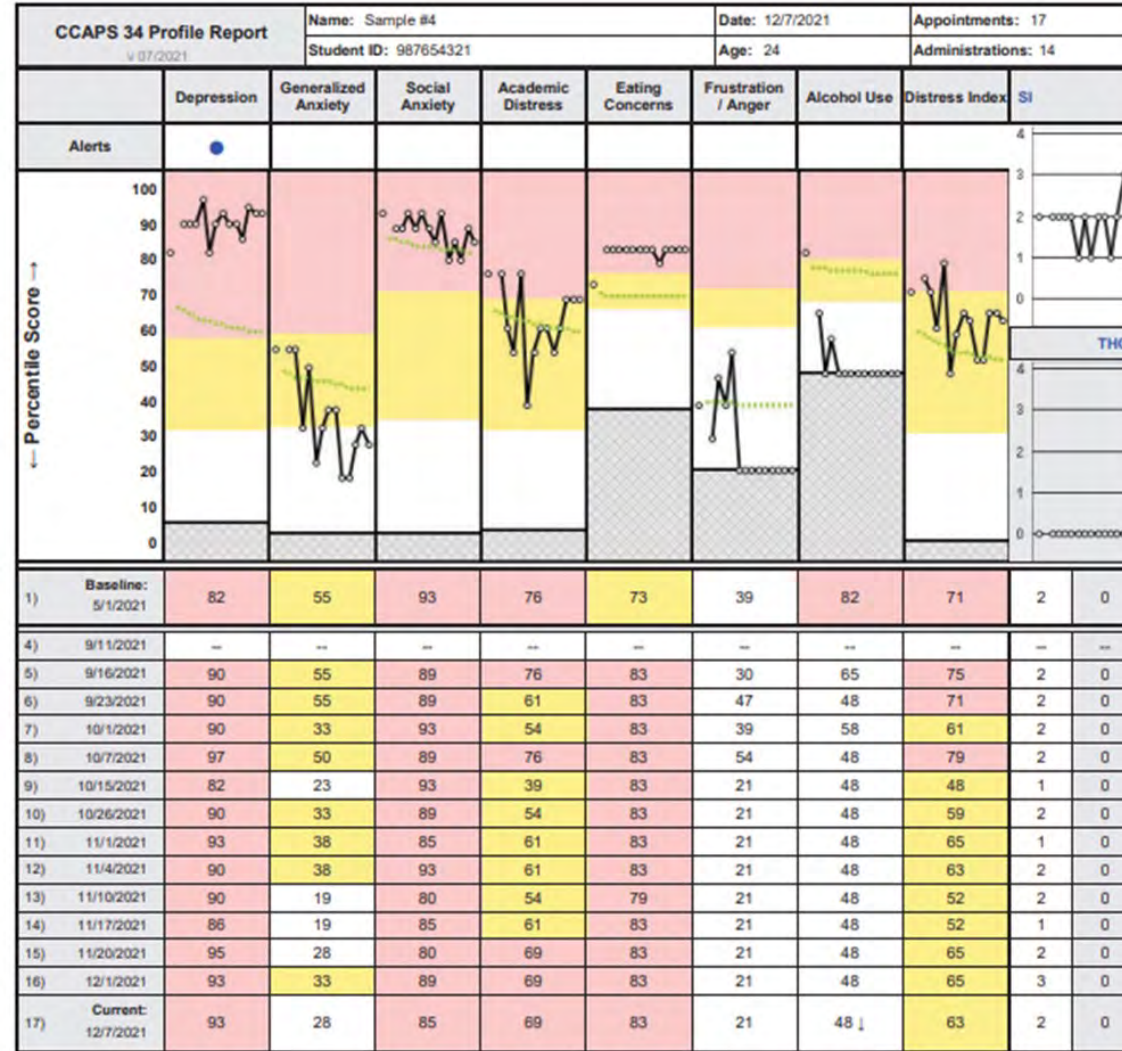
- Generalized and social anxiety
- Mild to moderate depression
- Relationship issues (romantic relationship difficulties, roommate problems, family issues, loneliness, anger, guilt)
- Academic concerns (performance anxiety, perfectionism, underachievement, low motivation)
- Developmental issues (adjustment to college, life transitions, spiritual concerns, identity development)
- Low self-esteem and self-confidence
- Grief and loss
- Body image and mild to moderate eating and exercise concerns
- Uncomplicated trauma (i.e. trauma confined to a single traumatic incident in adulthood)



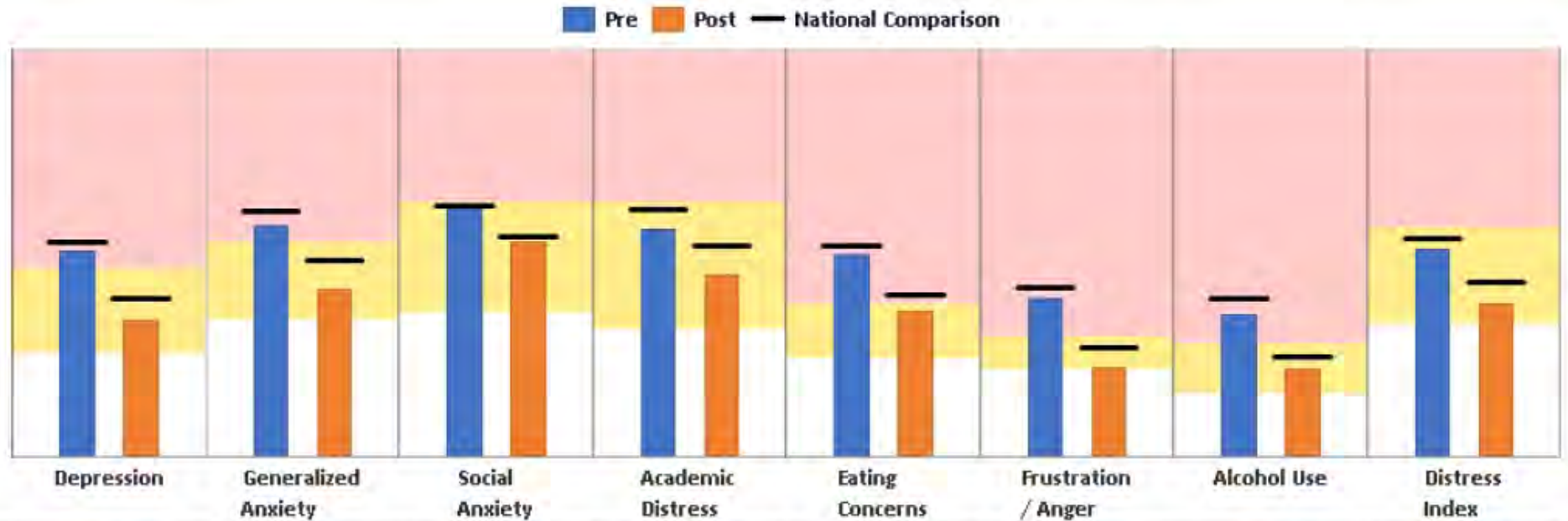
2023 – 2024 Client Evaluations

- 100% found the front desk staff to be welcoming and helpful
- 99% indicated that their counselor seemed skilled and competent
- 98% reported that they felt that their information would be kept completely confidential
- 74% reported that counseling helped improve their academic focus and performance (18% answered "Not Applicable")
- 70% indicated that because of counseling, they were more likely to stay in school (27% answered "Not Applicable")

Counseling Center Assessment of Psychological Symptoms (CCAPS)



Pre- to Post-Treatment Change, JMU vs. National Sample



Local Pre, Post	2.02, 1.34	2.28, 1.64	2.44, 2.10	2.23, 1.78	1.99, 1.42	1.55, 0.86	1.39, 0.84	2.04, 1.49
Local Change	-0.68	-0.64	-0.33	-0.45	-0.57	-0.69	-0.55	-0.55
National Pre, Post	2.11, 1.55	2.42, 1.94	2.48, 2.16	2.43, 2.07	2.08, 1.59	1.65, 1.05	1.54, 0.96	2.15, 1.71
National Change	-0.56	-0.49	-0.32	-0.36	-0.49	-0.60	-0.58	-0.45

For example, at pre-treatment, local clients reported an average score on the Depression subscale of 2.02. At post-treatment, they reported an average score on the Depression subscale of 1.34, reflecting a decrease of 0.68 over the course of treatment.

Innovative Services Employing the Natural World



**Animal Assisted
Therapy**



**Wilderness
Therapy**



**Walk & Talk
Therapy**



**Equine Assisted
Therapy**

Your Virtual Health and Well-being Resources

Available on the TimelyCare app or timelycare.com/jmu



TalkNow

24/7, on-demand emotional support to talk about anything



Health Coaching

Use this to help develop healthy lifestyle behaviors.



Scheduled Counseling

Choose your preferred day, time, and mental health provider.



Psychiatry

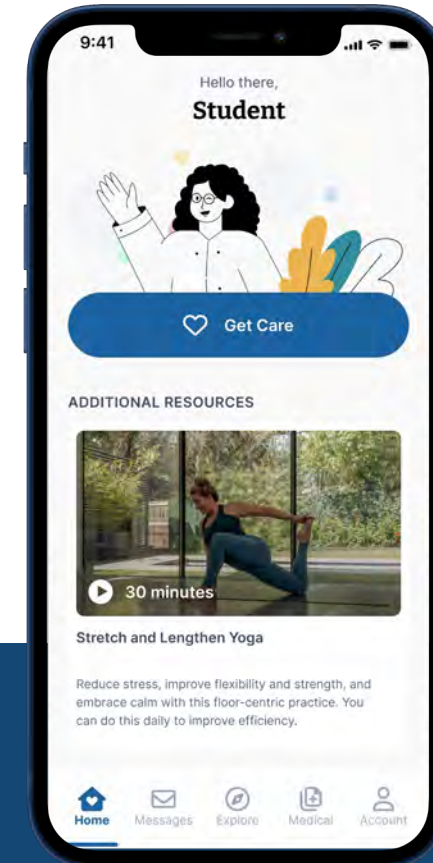
Appointments available through referral.



Self-Care Content

Visit the explore page for guided self-care content.

timely care



Scan the QR Code to access care.

It's for Students.

FOR FREE.

@timelycare

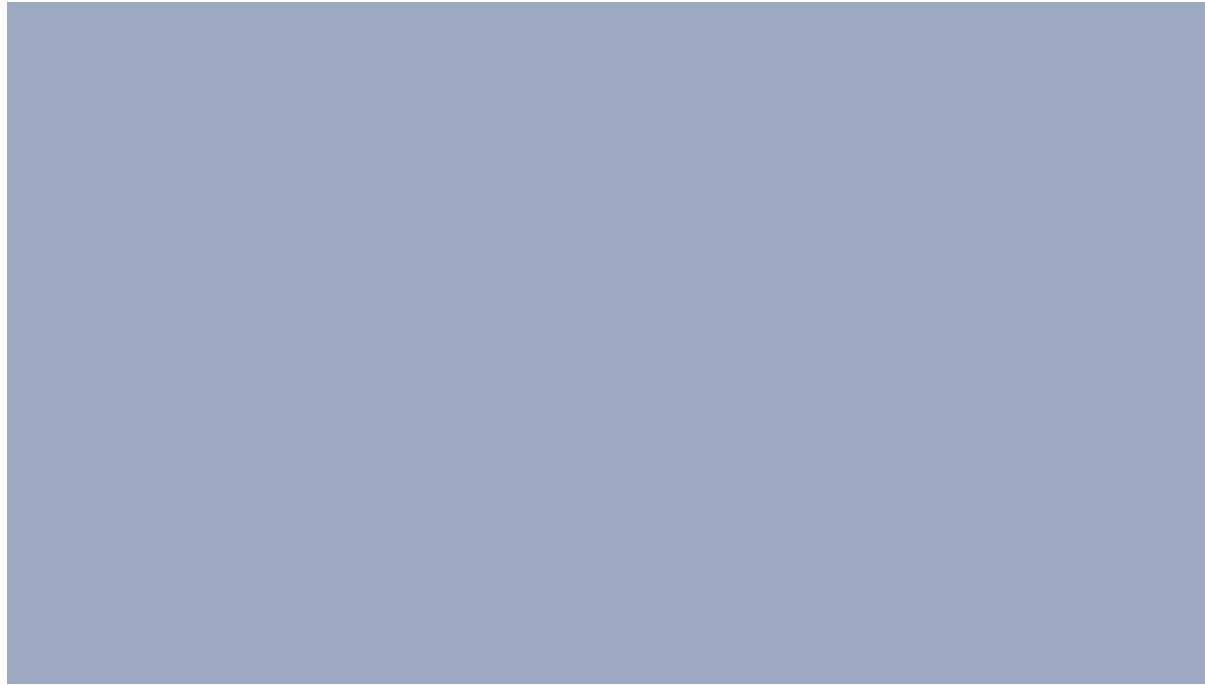
@timelycare

@timely_care



24/7 Support - Ready When Students Are

Available on the TimelyCare app or timelycare.com/jmu



Free for
JMU Students.

GET STARTED

Scan to download

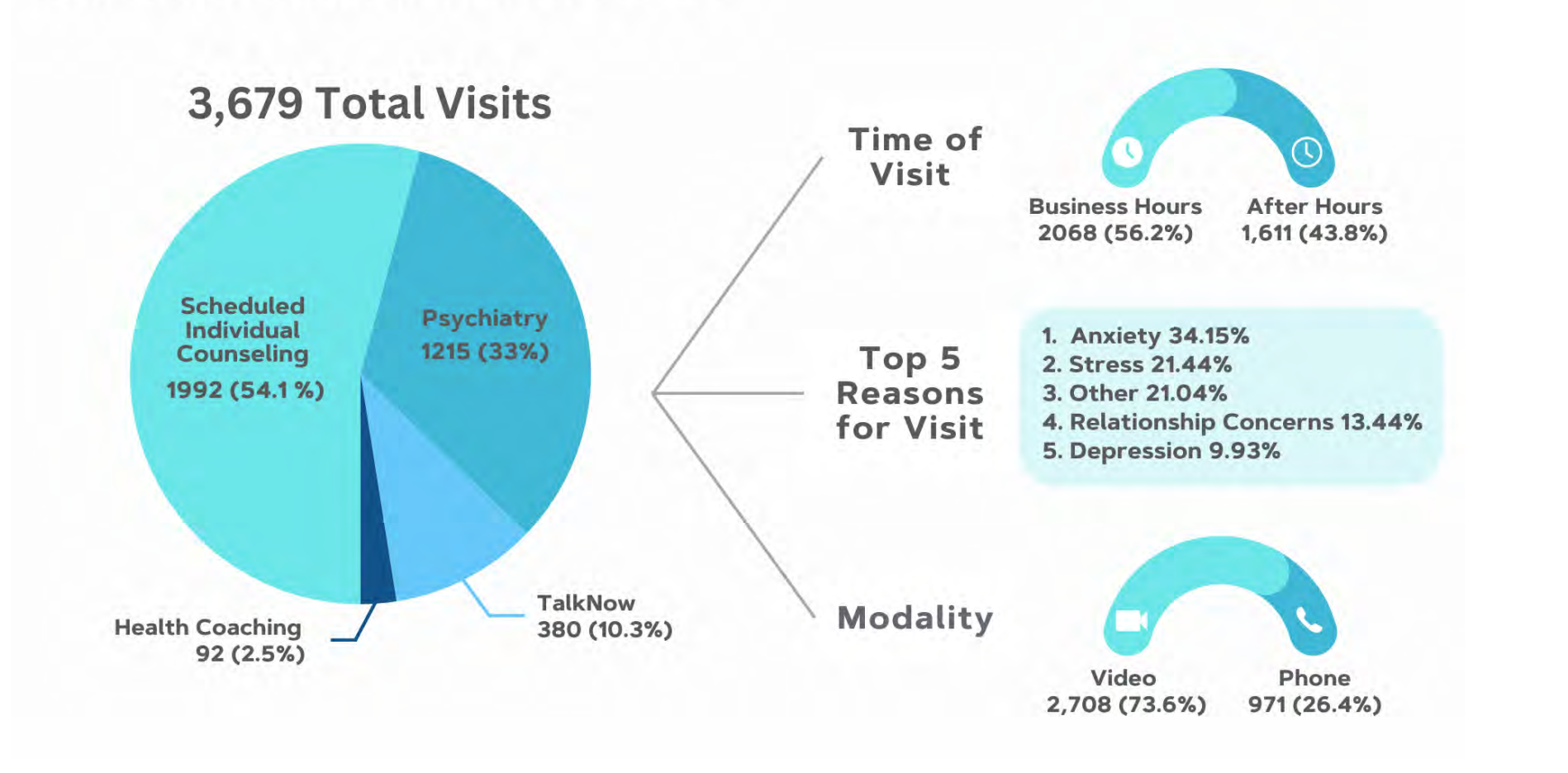


Download on the
App Store

GET IT ON
Google Play

Or visit: timelycare.com/jmu

Utilization Academic Year 23-24



“Wicked” Challenges Remain

- Continued increases in the acuity and complexity of student problems and associated risk
- Post-hospitalization planning and care
- Retention of staff
- Recruitment of staff



Questions?



Student Panel

Jaden Case
Lara Parker
Rayah Secrist



Questions?



ITINERARY
November 7-8, 2024

PLEASE NOTE THE COMMITTEE START TIMES.

Thursday, November 7, 2024:

12:00 pm – 1:00 pm	Lunch - Board Dining Room
12:00 pm – 1:00 pm	Governance Committee – Meeting Room 2
1:00 pm – 2:30 pm	Academic Excellence Committee - Highlands Room
1:00 pm – 2:30 pm	Finance & Physical Development Committee – Meeting Room 3
1:00 pm – 2:30 pm	Student Affairs Committee – Ballroom B
2:45 pm – 4:15 pm	Advancement and Engagement Committee – Allegheny Room
2:45 pm – 4:15 pm	Athletics Committee – Ballroom B
2:45 pm – 4:15 pm	Audit, Risk and Compliance Committee - Meeting Room 1
4:30 pm – 5:15 pm	Academic Excellence & Student Affairs Meeting – Ballroom B

Friday, September 8, 2024:

8:30 am – 11:30 am	Full Board Meeting – Board Room
--------------------	---------------------------------

Board of Visitors
November 7-8, 2024

**THE VISITORS OF JAMES MADISON UNIVERSITY
THE COMMONWEALTH OF VIRGINIA
BOARD MEETING AGENDA
FRIDAY, NOVEMBER 8, 2024
8:30 a.m.**

**1
CALL TO ORDER**

**2
*CONSENT AGENDA:
Approval of Minutes: September 13, 2024**

**3
*COMMITTEE REPORTS
Academic Excellence – Jack White
Academic Excellence & Student Affairs – Terrie Edwards
Advancement and Engagement– Michael Stoltzfus
Athletics– Dickie Bell
Audit, Risk and Compliance– Jeff Bolander
Finance & Physical Development– Suzanne Obenshain
Governance - Jack White
Student Affairs – Terrie Edwards**

**4
FACULTY SENATE UPDATE
Kathy Ott Walter, Speaker, Faculty Senate**

**5
STUDENT REPRESENTATIVE TO THE BOARD UPDATE
Sydney Stafford, Student Representative**

**6
PRESIDENT'S REPORT
Charles W. King**

**7
FUTURE ENROLLMENT STRATEGY
Melinda J. Wood, Vice President, Enrollment Management**

**8
WHY TEST-OPTIONAL ADMISSION
Bob Kolvoord, Interim Provost and Vice President, Academic Affairs
Melinda J. Wood, Vice President, Enrollment Management**

**9
CLOSED SESSION***

**10
ADJOURNMENT**

*Action Required

Motions from Committee



Athletics Committee





JMU Athletics

Student-Athlete Compensation Policy

The Commonwealth of Virginia has granted Universities within the Commonwealth the ability to compensate student-athletes for the use of their Name, Image, and Likeness. The policy below will stipulate the circumstances in which James Madison University Intercollegiate Athletics (here forward referenced as JMU Athletics) may provide compensation to student-athletes.

1. Authority
 - a. James Madison University Athletics maintains and/or reserves the right to compensate its student-athletes for the use of their Name, Image, and Likeness (NIL) pursuant to the relevant laws in the Commonwealth of Virginia.
2. Terms of Compensation
 - a. Compensation is not guaranteed and will be agreed upon in writing between the Department of Athletics and student-athlete in advance of any promotional activities.
 - b. Any compensation provided to a student-athlete will be for activities that the student-athlete participates in that go above and beyond NCAA-defined required athletically-related activities.
 - c. Compensation amounts will consider the value that the activity brings to the university but will be at the discretion of the Director of Athletics, or any designee.
3. Requirements for Compensation
 - a. JMU Athletics must receive a signed promotional activity release form, which allows the institution to utilize the student-athletes' NIL for promotional purposes.
 - b. The student must be in good standing with the team, athletics department, and University to receive compensation.
4. Student Responsibilities
 - a. By receiving compensation from the athletics department student-athletes are not considered employees of the institution.
 - b. All liabilities, including potential taxes, shall be the sole responsibility of the student-athlete.

Governance Committee



**MANUAL OF THE
BOARD OF VISITORS
OF
JAMES MADISON UNIVERSITY**



James Madison University
Harrisonburg, Virginia

November 10, 2023

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THE BOARD MANUAL

A. Purpose of Manual: The *Manual of the Board of Visitors* of James Madison University is designed to serve as a guide to the rules, powers and duties of members of the university's board of visitors. It contains the Board Bylaws, the Code of Ethics, and information concerning James Madison University. Changes to the Bylaws and Code of Ethics require Board action. Other portions of the Manual will be updated by the administration of the university as needed.

B. Copies provided: A copy of this manual shall be provided by the board secretary to each member of the board upon his/her appointment to the board, and to each member of the board upon amendment of the bylaws or any other significant changes made to the manual.

C. Website: The university maintains a website for the Board of Visitors at www.jmu.edu/visitors. The board's bylaws, meetings, members and minutes are posted on the website, along with information on the Virginia Freedom of Information Act (Code of Virginia Title 2.2, Chapter 37, § 2.2-3700), in compliance with state law. Code of Virginia Title 23.1, Chapter 13, § 23.1-1303.

D. Expenses: Members of the Board of Visitors are entitled to receive their actual expenses, when properly itemized, incurred in the discharge of their duties in attending the meetings of the board. Code of Virginia, Title 23.1, Chapter 13, § 23.1-1307.

E. Liability: Members of the board are covered by the Commonwealth of Virginia's self-insurance plan established by the Division of Risk Management of the Department of the Treasury. Code of Virginia, Title 2.2, Chapter 18, § 2.2-1837.

F. Conflicts of Interest: Members of the board are subject to the provisions of the State and Local Government Conflict of Interests Act (Code of Virginia, Title 2.2, Chapter 31, § 2.2-3100). Each member must file annual reports as required by law. Code of Virginia, Title 2.2, Chapter 31, § 2.2-3114.

G. Education: The State Council of Higher Education for Virginia has developed an educational program for board members, and all new board members must participate in these programs at least once during their first two years on the board. Code of Virginia, Title 23.1, Chapter 13, § 23.1-1304.

H. University Employment. Members of the board are ineligible for employment with the University for a period of two years following the expiration of their terms of service on the board. Code of Virginia § 23.1-1300.

BYLAWS OF THE BOARD OF VISITORS

Article I. Establishment of the Institution

James Madison University is a public comprehensive university, which is part of the statewide system of public higher education of the Commonwealth of Virginia.

Article II. Establishment of the Board of Visitors

The governing body of the university is the Board of Visitors, which by statute is responsible for overseeing the effective governance of the university. Code of Virginia, Title 23.1, Chapter 16, § 23.1-1600.

Article III. Statutory Authority

The university is a public corporation established by the General Assembly of the Commonwealth of Virginia in 1977, amending an act approved by the General Assembly in 1964, changing the name of the institution from Madison College to James Madison University. Code of Virginia, Title 23.1, Chapter 16, § 23.1-1600.

Article IV. Composition

The board is composed of 15 voting members appointed by the governor. Code of Virginia, Title 23.1, Chapter 16, § 23.1-1601.

Article V. Non-Voting Representatives

In addition to the members appointed by the governor, two non-voting representatives are invited to attend all open meetings of the board ~~and of the Academic Excellence Committee of the board~~, to provide information and advice as deemed appropriate by the rector or chair of the committee, without authority to vote or to make or second motions. The non-voting representatives are not authorized to attend closed sessions of the board or committees.

A. A non-voting student representative to the board is chosen annually in a manner determined by the board. Code of Virginia, Title 23.1, Chapter 13, § 23.1-1300. The board has directed the election of the student representative to the board be conducted by the Student Government Association.

B. The Speaker of the JMU Faculty Senate serves in a non-voting capacity as the faculty representative to the board. Code of Virginia, Title 23.1, Chapter 13, § 23.1-1300.

Article VI. Appointment of Voting Members

The governor may appoint board members from names submitted by the University, but the governor is not limited to names submitted by the University. Code of Virginia, Title 23.1, Chapter 16, § 23.1-1601. The Virginia Commission on Higher Education reviews potential board appointees and makes recommendations to the Governor. Code of Virginia, Title 2.2, Chapter 25, § 2.2-2518. Of the persons appointed, no more than two may be non-residents of Virginia. Code of Virginia, Title 16, § 23.1-1601. All appointments are subject to confirmation by the General Assembly. Code of Virginia, Title 23.1, Chapter 13, § 23.1-1300.

Article VII. Terms of Appointment

Members of the board are appointed for terms of four years each. The term for a board member is from July 1 to June 30. Members shall continue to hold office until their successors have been

appointed and have qualified. Vacancies occurring other than by expiration of term are filled for the unexpired term. Code of Virginia, Title 23.1, Chapter 13, § 23.1-1300.

Members of the board are not eligible to serve for more than two successive four-year terms. A person appointed to serve an unexpired term created by a vacancy is eligible to serve two additional four-year terms. Code of Virginia, Title 23.1, Chapter 13, § 23.1-1300.

No member appointed by the Governor to the governing board of a public institution of higher education who has served two consecutive four-year terms on such board is eligible to serve on the same board until at least four years have passed since the end of his or her second consecutive four-year term. Code § 23.1-1300 (2017)

The non-voting student representative serves a term of one year. The student representative may be elected to a second one-year term but is not eligible to serve for more than two successive one-year terms. The term of office shall be from the date of the May graduation to the following May graduation.

The non-voting faculty representative serves during his or her term of office as Speaker of the Faculty Senate, according to the bylaws of the Faculty Senate.
<https://www.jmu.edu/facultysenate/bylaws.shtml>

Article VIII. Removal

The Governor may remove any board member from the board. If any board member fails to perform the duties of his or her office for one year without good cause shown, the board may, at the next meeting after the end of such year, record the fact of such failure in the minutes of their proceedings, and may certify the same to the Governor. If any board member demonstrates unfitness for service on the board, whether by malfeasance, misfeasance, incompetence, gross neglect of duty or conviction of a felony, the board may recommend dismissal to the Governor. Dismissal of a board member for cause will be pursued in accordance with state law. Code of Virginia, Title 23.1, Chapter 13, § 1300.

The student representative or the faculty representative may be removed from service on the board upon a motion by two-thirds of the voting board members.

Article IX. Rights and Powers

The board has general and specific rights and powers set out in the Code of Virginia.

A. General: The general rights and powers of the board are set out in state law. Code of Virginia, Title 23.1, Chapter 13, § 23.1-1301.

1. The board has all the rights and powers conferred by statutory authority, insofar as the same are not inconsistent with the laws of the Commonwealth.
2. The board appoints the president, who is its chief executive officer, and fixes his or her salary.
 - a. The president of the university is appointed by the board at a regular or any called meeting.
 - b. The president serves under terms and conditions satisfactory to the board.

c. In case of a planned or unplanned departure of the president, the board of visitors will designate an acting president to serve until a new president is appointed by the board and assumes office.

d. The board meets with the president at least once annually in a closed meeting and delivers an evaluation of the president's performance. Code of Virginia, Title 23.1, Chapter 13, § 23.1-1303.

e. Any change to the president's employment contract during any such meeting or any other meeting of the board shall be made only by a vote of the majority of the board members. Code of Virginia, Title 23.1, Chapter 13, § 23.1-1303.

3. The board controls and expends the funds of the university and any appropriation provided by the General Assembly.

a. Revenue and Expenditure Budgets. The board is responsible for the following actions concerning the university budget:

(1). The board approves the biennial budget for the university. The biennial budget for the university is presented by the administration to the board or its executive committee prior to submission to any other state agency. Based on the biennial budget approved by the General Assembly, the president presents to the board a budget for each fiscal year of the biennium.

(2) The board approves the rates charged the students of the university for tuition, fees and other necessary charges. Prior to approving an increase in undergraduate tuition or mandatory fees, the board shall provide students and the public a projected range of the planned increase, an explanation of the need for the increase, and minimum of 30 days' notice of the date and location of any vote on such increase. Further, prior to any such vote, the board shall schedule a time for public comment on the proposed increase in accordance with applicable law. The board shall provide an explanation of any deviation from the projected range provided. Code of Virginia § 23.1-307.

b. Capital Outlay and Real Property. The real and personal property formerly standing in the name of Madison College is vested in the name of James Madison University. Code of Virginia Title 23.1, Chapter 13, § 23.1-1310. The board is responsible for the following actions concerning capital outlay and real property of the university:

(1) The board approves capital outlay on behalf of the university. The board has delegated authority to the president to take the necessary steps to implement capital outlay items approved in the final appropriations act.

(2) The board approves the issuance of revenue bonds to finance capital projects, as approved by the Governor. Code of Virginia, Title 23.1, Chapter 11, § 23.1-1117 and Chapter 12, § 23.1-1227

(3) The board has overall responsibility for the care and preservation of all property belonging to the university.

(4) The board approves the purchase of real estate.

(5) The board approves the sale, exchange or other disposal of all real estate. Code of Virginia, Title 23.1, Chapter 13, § 23.1-1301.

(6) The board approves the granting of easements for road, sewers, streets, utility lines or other purposes. Code of Virginia, Title 23.1, Chapter 13, § 23.1-1300. ; This authority is delegated to the Vice President for Administration and Finance.

4. The board has the authority to make all needful rules and regulations concerning the university, including the following:

- a. The board may adopt policies and regulations for the administration of the university. Code of Virginia, Title 23.1, Chapter 13, § 23.1-1303.
- b. The board approves the crisis and emergency management plan for the university. Code of Virginia, Title 23.1, Chapter 8, § 23.1-804.
- c. The board may submit plans and recommendations for additions or changes to change the division level of its intercollegiate athletics program to the Intercollegiate Athletics Review Commission of the General Assembly. Code of Virginia § 23.1-1309.
- d. The *Faculty Handbook* of the university is subject to approval by the board.
- e. The board has delegated its authority to the president to establish the policies and procedures governing the university in areas where the board has not adopted specific regulations or policies.

5. The board has the authority to approve the appointment of all professors, teachers and agents, and their salaries. Code of Virginia Title 23.1, Chapter 16, § 23.1-1602.

- a. Instruction and administrative faculty of the university receive their appointments by appropriate university officials, and the board must give approval for such appointments.
- b. The board approves the annual compensation plan for the university.
- c. The board approves promotions of faculty members and administrators, approves the grant of tenure to faculty members, and approves the establishment or discontinuance of any faculty rank.

d. The board approves the grant of a leave of absence to a faculty member or administrator and is notified about the resignation, termination or dismissal of faculty members and administrators.

6. The board provides general direction for the affairs of the university through the president and the administration.

B. Degrees

1. The board has the authority to approve the conferral of degrees. Code of Virginia Title 23.1, Chapter 16, § 23.1-1602.

2. The board may from time to time confer honorary degrees in appropriate circumstances, upon recommendation from the president.

C. Academic Programs

1. The board has the authority to approve new degree programs and discontinuation of degree programs, subject to such further approval as may be required from the State Council of Higher Education for Virginia. Code of Virginia, Title 23.1, Chapter 2, § 23.1-203.

2. The board has the authority to approve the curriculum of the university, as authorized under state law.
The board has delegated its authority to the president.

3. The board has the authority to approve articulation, dual admissions, and guaranteed admissions agreements with associate-degree-granting public institutions of higher education. Code of Virginia, Title 23.1, Chapter 9, § 23.1-907.

D. Investments of Funds

1. The board approves the transfer or surrender of registered bonds, and approves the policy for investment of funds derived from the sale of revenue bonds.

a. The board may request the state treasurer, or the treasurer's duly appointed assistant, to execute in the proper name the certificates or other writing necessary to affect the transfer or surrender of registered bonds of the United States or other bonds or securities held by the university.

b. The board has authorized the president to establish the policy for investment of any funds which become available for investment from construction project funds derived from the sale of revenue bonds.

E. Mission and Strategic Planning

1. The board approves the mission of the university, subject to such further approval as may be required from the State Council of Higher Education for Virginia. Code of Virginia Title 23.1, Chapter 2, § 23.1-203

2. The board approves a strategic plan designed to meet the future needs of the university, and approves modifications to the strategic plan as appropriate. The board approves biennially and amends or affirms annually a six-year plan for the institution. Code of Virginia, Title 23.1, Chapter 13, § 23.1-306.

3. The board approves the master plan of the university and modifications to the plan as appropriate.

F. Building Names. The board is responsible for the naming of all buildings, streets and other major facilities on campus, on recommendations from the president.

G. Transparency. The board is responsible for transparency, to the extent required by law, in all board actions. Code of Virginia, Title 23.1, Chapter 13, § 23.1-1303. The board operates within the provisions of the Virginia Freedom of Information Act in announcing meetings, providing materials, posting minutes, and other requirements of the statute. Code of Virginia, Title 2.2, Chapter 37, § 2.2-3707.

Article X. OFFICERS

The officers of the Board of Visitors consist of the rector, vice rector and secretary of the board. All are nominated and elected at the annual meeting. The transition of officers shall be effective July 1.

The rector and vice rector are elected for a term of two years or until a successor is elected and qualified should either not be able to complete the two year term. The rector and vice rector may serve in their role more than once during their tenure on the Board of Visitors, but they may serve only a maximum of one two-year term in succession. Vacancies in any office, including those occurring when an officer is not reappointed to the board, may be filled at any meeting. A board member who is elected to fill a vacancy in the role of Rector or Vice Rector shall serve for the remainder of that term, and may also be eligible thereafter for election to a two-year term. The rector and vice rector are members of the board; the secretary may be an administrative employee of the university.

A. Rector, Powers and Duties

1. The rector presides over meetings of the board or, if absent or unable to preside, the vice rector presides. If the vice rector is absent or unable to preside, the rector designates another voting board member to preside.

2. With the secretary, the rector executes all papers to which it is necessary to affix the seal of the university.

3. The rector appoints all committees.

4. The rector serves as member *ex officio* on all committees of the board and as chair of the Executive Committee.

5. The rector acts as the board's spokesperson or representative.

6. When the office of the president becomes vacant, or a vacancy is pending, the rector appoints a special committee to recommend to the board a person to fill the vacancy. The rector may chair this committee, or may appoint another board member to chair the committee.

7. The rector performs such additional duties which may be imposed upon the office by statute or by direction of the board.

B. Vice Rector, Powers and Duties

In the absence or inability of the rector to discharge the duties of office, all the duties pertaining to the office of the rector of the board devolve upon and are executed by the vice rector.

C. Secretary, Powers and Duties

1. The secretary keeps a faithful record of all proceedings and posts minutes of each open meeting on the board's website. Code of Virginia, Title 2.2, Chapter 37, § 2.2-3707 and 2.2-3707.1.

2. The secretary conducts correspondence for the board.

3. The secretary provides the board members and the public notice of time and place for meetings. Code of Virginia Title 2.2, Chapter 37, § 2.2-3711.

4. The secretary sees that all documents entrusted in his or her care are filed and safely kept at the university.

5. The secretary makes documents in his or her care available for inspection by the board or any committee of the board.

6. The secretary surrenders documents under his or her control only to an agent or officer authorized to receive them and upon proper receipt therefor.

7. The secretary coordinates clerical and administrative support for all committees.

8. The secretary provides a copy of the *Manual of the Board of Visitors* and all other appropriate materials to the members of the board when they are appointed and when any significant changes are made to the manual.

9. The president shall recommend a university employee to the Nominating Committee to serve as Secretary to the Board of Visitors.

Article XI. MEETINGS

All board members are expected to attend all meetings in person consistent with provisions in the Board Manual. Meetings of the board of visitors are of three types: the annual meeting, regular meetings and special meetings.

A. The Annual Meeting

The annual meeting of the board is held at the final regularly scheduled meeting of the university's fiscal year. The election of officers occurs at the annual meeting.

B. Regular Meetings

Three regular meetings of the board are usually held in September, November, and February, and in April the board holds its annual meeting. Dates and months may vary from year to year.

The board will participate in a retreat annually to be scheduled at a time and location suitable to meet the goals of the retreat.

C. Special Meetings

Special meetings of the board are held whenever called by the rector.

D. Notice of Meetings

At least sixty days' notice is required for the annual meeting and the three regular meetings of the board. The secretary of the board gives notice of each special meeting to each board member at least three days before the meeting. The secretary of the board also gives the public notice of each annual meeting, regular meeting and special meeting, as required by law. Code of Virginia Title 2.2, Chapter 37, § 2.2-3707.

E. Motions and Resolutions

A motion or resolution to be brought before the board must be sent to the secretary of the board no later than 7 days prior to any meeting of the board. The secretary will communicate the proposed motion and/or resolution to each board member no less than seven days prior to any meeting of the board; however, the introduction of a motion and/or resolution for board action may be offered at any time at the request of the president or the rector or on those occasions when 10 members of the board vote in the affirmative to suspend this rule.

F. Location of Meetings

The board meetings will normally take place on the campus of James Madison University. However, the board may hold its meetings in such place or places within or outside of the Commonwealth of Virginia as the board may determine. A member of the board may participate through electronic communication means for personal reasons as long as the Rector is notified on or before the day of the meeting, specifying the nature of the personal matter, and the remote location from which the member participates. Code of Virginia Title 2.2, Chapter 37, §2.2-3708.2.

G. Quorum

No business will be conducted by the board at any meeting without a quorum. A majority of the voting membership of the board constitutes a quorum for the transaction of business at all authorized meetings. Code of Virginia Title 23.1, Chapter 11, § 23.1-1101. The lack of a quorum will not prevent a meeting, but the board may not vote on any matters at any such meeting.

H. Meetings held through Electronic Communication Means

The board may hold all-virtual public meetings following all the provisions set forth in 2.2-3708.3 of the Code of Virginia. These provisions include:

- 1) The required meeting notice must indicate if the meeting is in-person or all-virtual.
- 2) Public access to the all-virtual meeting public is provided via electronic communication means and included in the public notice.
 - a. Contact information must be included to notify the university if the electronic communication means is interrupted or fails.
- 3) No more than two members of the board are together in any one remote location unless that remote location is open to the public.

- 4) The full board may convene an all-virtual public meeting (i) not more than two times per calendar year or ~~25-50~~ percent of the meetings held per calendar year; or (ii) not consecutively with another all-virtual public meeting.
- 5) All committees of the board may also hold all-virtual meetings in accordance with this policy and applicable law.
- 6) Requests for an all-virtual meeting shall be made to the Rector, in consultation with the administration.
 - a. Such requests may be for such circumstances as emergency situations, when members are separated more than 60 miles from each other/location, difficulty in having quorum if held in-person, travel difficulties, or other types of situations allowed by law and deemed appropriate by the Rector.

The board shall ensure that the meeting minutes contain all of the information required by law.

Section 2.2-3708.3 of the Code of Virginia allows for an individual member to participate remotely under the following provisions:

- 1) The member must request permission to participate remotely and notify the Rector or committee chair that:
 - a. The member has a temporary or permanent disability or other medical condition that prevents their physical attendance; or
 - b. **A medical condition of a member of the member's family requires them to provide care or the member must provide care for a person with a disability; or**
 - c. The member's principal residence is more than 60 miles from the meeting location; or
 - d. The member is unable to attend due to a personal matter and must specify the nature of the matter.
 - i. The member may not use a personal matter reason to miss more than two meetings or 25 percent of the meetings held per calendar year.
- 2) These provisions regarding remote participation of individual board members apply to meetings of the full board and to each of its committees separately.

The board shall ensure that the meeting minutes contain all of the information required by law.

I. Meetings Open to the Public

As required under the Virginia Freedom of Information Act, all meetings of the Board of Visitors and all meetings of board committees are open to the public. Code of Virginia, Title 2.2, Chapter 37, § 2.2-3707. The board or any committee may move into a closed meeting as stipulated in the act to discuss topics exempt from the open meetings requirements. Code of Virginia Title 2.2, Chapter 37, § 2.2-3711. The board may invite specific individuals to attend a closed meeting. Discussions and actions on any topic not specifically exempted from the public meeting requirement by the statute shall be held in an open meeting. Any action of the board taken in a closed meeting shall be approved in an open meeting before it can have any force or effect. Code of Virginia Title 2.2, Chapter 37, § 2.2-3711. Members of the board will be provided with a copy of the Act by the board secretary.

J. Minutes

The secretary of the board shall record minutes of each open meeting and post the minutes on the board's website. Code of Virginia Title 2.2, Chapter 37, § 2.2-3707.

K. Attorney General Representation

A representative of the Virginia Attorney General's Office shall receive notice of and is invited to all meetings of the board and all board committees, including the executive committee. Code of Virginia Title 23.1, Chapter 13, § 23.1-1303.

L. Faculty Senate Speaker

A. The Faculty Senate Speaker or representative will attend the Full Board meetings and provide a report to the board.

M. Student Representative to the Board

A. The student representative to the board will attend the Full Board meetings and provide a report to the board.

N. Roberts' Rules of Order

The board follows Roberts' Rules of Order for conducting its business.

Article XII. COMMITTEES

The committees of the board of visitors are of three types: the executive committee, standing committees and special committees. The secretary of the board will serve as the secretary of the executive committee and coordinate secretarial support for all other committees. The rector of the board is an *ex officio* member of all committees with the exception of the Executive Committee where the Rector serves as the chair. A majority of the voting membership of a board committee constitutes a quorum for the transaction of business at a committee meeting. If the rector is present at a committee meeting, he or she will be counted as a member of the committee for the purpose of constituting a quorum. The lack of a quorum will not prevent a meeting, but the committee may not vote on any matters at any such meeting.

A. Executive Committee

1. The executive committee consists of the rector, vice rector, and three committee chairs selected by the Rector. The rector chairs the executive committee. A past Rector may serve as an ex-officio member of the Executive Committee. In the event a committee chair is unable to attend a meeting, they may appoint a designee.
(approved 4/22/2022)
2. The executive committee evaluates the performance of the president each year and makes a report to the full board concerning his or her evaluation.
3. The executive committee may exercise the powers and transact the business of the full board when it is in recess, except in the following situations:
 - a. To elect officers of the board;
 - b. To remove or change members of the instructional faculty; or

- d. To take final action on any question substantially affecting the policy of the university.

4. The charter for the Executive Committee, located in the Appendix, outlines the other specific responsibilities of the Executive Committee.

5. All actions taken by the executive committee between meetings of the board will be reported in committee minutes presented to the board at the next annual, regular or special meeting.

B. Standing Committees

1. The standing committees of the board consist of the following committees: Academic Excellence; Advancement and Engagement; Athletics; Audit; Finance and Physical Development; Governance; and Student Affairs.

a. Academic Excellence Committee: provides oversight of the academic endeavors of the university, including, but not limited to academic programs; faculty hiring; satisfaction and achievements; student academic success; and national status.

b. Advancement and Engagement Committee: oversees, advises and advocates for the effective delivery and prudent management of a comprehensive university advancement program comprised of philanthropy, information systems, brand management and constituent relations; and generates resources and stakeholder support of the University's strategic goals relative to federal, corporate, and public relations.

c. Athletics Committee: provides oversight of the university's intercollegiate athletics program, ensuring the institution meets its expectations for academic and competitive success, quality student-athlete experiences and compliance with NCAA requirements.

d. Audit, Risk and Compliance Committee: responsible for the review of internal and external audit related functions for all divisions of the university and assists the Board in fulfilling its fiduciary responsibilities related to overseeing the soundness of the University's system of internal controls, the integrity of the University's financial accounting and reporting practices, and the independence and performance of the internal and external audit functions and compliance.

e. Finance and Physical Development Committee: responsible for the fiscal policies and oversight of the financial operations of the University including the review of the annual budget, tuition and fees, real estate acquisitions and recommending policies regarding all matters related to land use, physical facilities, and technology and General Assembly updates and legislative affairs.

f. Governance Committee: provides oversight of responsibilities related to board governance and policies and manages the board compliance with state requirements such as a self-evaluation, professional development opportunities and others; reviews and recommends improvements to board processes and performs regular strategic risk management and opportunity assessments to highlight key issues for the administration, Executive Committee and committee chairs to review.

g. Student Affairs Committee: oversees all elements of student life including discipline, co-and -extracurricular activities, the residential campus experience, and physical and behavioral health to ensure a high quality student experience.

2. In accordance with its responsibilities as outlined in its specific charter (Appendix B) each committee shall serve the purpose of advising the full board on specific areas of the administration of the institution, according to its assignment by the board. Each board member shall serve on two standing committees.

3. Each standing committee is composed of no fewer than three members appointed by the rector. At the time of appointment, the rector will designate the chair of each committee.

4. A vacancy on any committee will be filled by the rector for the unexpired term.

5. Each standing committee will meet at the call of the chair or the rector. Generally, the committees meet in conjunction with the annual and regular meetings, but committees may meet at different times, with proper notice.

6. The secretary of the board provides an agenda for each committee meeting, notifies the members and the public of the time and place of the meeting at least three days prior to the meeting, and coordinates secretarial support for the meeting.

7. Standing committees present their reports and recommendations to the board at an annual, regular or special meeting.

C. Special Committees

1. Special committees may be constituted at any time either by action of the board or by direction of the rector.

2. Special committees will consist of no fewer than three members appointed by the rector and shall have a term not to exceed one year, unless renewed for a specific period of time by action of either the board or the rector.

3. The rector designates the chair of each special committee.

4. Special committees meet at the call of the chair or the rector. Members and the public are notified of the time and place of the meeting at least three days prior to the meeting.

5. Each special committee presents its report and recommendations to the board.

6. The Rector shall appoint the Nominating Committee at the first meeting of the spring academic semester for the purpose of presenting a slate of officers for election. (see the Nominating Committee and Nominating Process policy)

Article XIII. ANNUAL REPORTS

A. Each year by the first day of the regular session of the General Assembly, the administration, on behalf of the board, submits to the General Assembly and the Governor

an executive summary of the board's interim activity and work, as provided in the procedures of the Division of Legislative Automated Systems. The secretary prepares the report, presents it to the executive committee for review and approval, and submits it to the appropriate state offices. Code of Virginia Title 23.1, Chapter 13, § 23.1-1303.

Article XIV. SELF-EVALUATION OF THE BOARD

- A. In accordance with the requirements of the Southern Association of College and Schools Commission on Colleges, the board shall regularly conduct a self-evaluation. SACSCOC Resource Manual for The Principles of Accreditation; CR 4.1, 4.2g Board Self-Evaluation.

Article XV. RELATED ENTITIES

The board is authorized to enter into affiliation agreements with appropriate entities related to the university's mission. Related entities include, but are not limited to, the James Madison University Foundation, Inc.; the James Madison University Real Estate Foundation, Inc.; the James Madison University Alumni Association; James Madison University Research and Development Center, Inc.; and James Madison Innovations.

Article XVI. AMENDMENTS AND SUSPENSION

- A. Amendment: The bylaws of the board, except where mandated by law, may be amended at any meeting of the board with the approval of no fewer than 10 board members, provided that notice of the amendment is included in the notice of the meeting.
- B. Suspension of Provisions: Any of the provisions of the bylaws of the board not mandated by law may be temporarily suspended at a meeting of the board with the approval of no fewer than 10 board members.

CODE OF ETHICS

Integrity is one of the core values of James Madison University. We pursue and embrace ethical reasoning because it is essential to meaningful citizenship, and our mission is to prepare students to be educated and enlightened citizens who lead productive and meaningful lives. As the leaders of the JMU community, the Board of Visitors is committed to ensuring lawful and ethical behavior in all of the university's activities. At JMU, we expect that all members of the university community—our board members, employees, students, and volunteers—comply with all applicable laws, regulations, policies and ethical practices. More generally, we are committed to being honest, fair and trustworthy ourselves and to taking care that other members of the university community are held to the same standards.

We, as members of the James Madison University community, will:

1. Obey the laws, regulations and policies applicable to our university activities.
2. Protect and preserve university resources and ensure their proper use.
3. Avoid both conflicts of interest and the appearance of such conflicts.
4. Safeguard confidential information.
5. Make procurement and other resources decisions impartially and objectively.
6. Maintain effective internal controls to safeguard the regularity and integrity of our activities.
7. Treat other people with dignity and respect, and guard against discrimination and harassment.
8. Report any illegal or unethical action, so that the university or other appropriate authorities can investigate and take corrective action.

9. Conduct all board actions under the principles of transparency, to the extent required by law.

This Code of Ethics was adopted by the Board of Visitors of James Madison University on January 17, 2014.

COMPETENCIES AND QUALIFICATIONS FOR BOARD MEMBERS

Recommended Qualifications and Competencies for Members of the James Madison University (JMU) Board of Visitors

- Commitment to the University's mission
- Ability to commit the time and energy required to fulfill all Board duties and responsibilities
- Success and proven leadership in the arenas of business, professional, academic, non-profit, government, and/or other civic engagement endeavors
- Knowledge and experience to help guide deliberations and decision making
- Adherence to the highest standards of professional and personal Integrity
- Respect for the concept of shared governance and the distinction between the Board's duties and the role of the President and Administration
- Respect for diversity and the role it plays in higher education
- Commitment to upholding the principles of academic freedom for the University and faculty
- Ability to challenge, support, and motivate the Administration
- Familiarity with issues facing higher education in the Commonwealth of Virginia and nationally

Recommended Board composition

- A majority of the Board members are James Madison University alumni
- Diversity of membership that reflects the aspirations of the University
- At least two members reside outside the Commonwealth of Virginia

ADMINISTRATION OF THE UNIVERSITY

Except as may be explicitly set forth in this Manual or prohibited by applicable law, the administration of the university has been delegated by the board of visitors to the president of the university, including the following general powers and duties:

1. The president submits to the board at its annual meeting a report of the fiscal and other affairs of the university. Special reports are submitted at other meetings as needed.
2. The president calls to the attention of the board all matters that, in the president's opinion, affect the interests of the total university and require consideration by the board.
3. The president may attend and participate in all meetings of the board and its committees, including closed meetings, except when there is under consideration any matter affecting the president personally; in this case, the president's attendance will be only by special invitation.
4. The president develops and maintains a plan of institutional organization. The president is in charge of administration at the university and will be the usual means of communication between the board and faculty, officers and administrative staff of the university. The president establishes the positions of and employs vice presidents and other administrative officers and delegates to them the day to day operation of the divisions of the university.
5. The president presides at all public meetings and general commencements of the university and confers all degrees, unless otherwise directed by the board.

6. The president convenes the general faculty when needed. The president, or his/her designee, presides at such meetings.
7. The president shall exercise the following powers and duties subject to the approval of the board:
 - a. The president makes faculty appointments, promotions and merit increases. The president recommends to the board the appointment, promotion, tenure and dismissal of all administrative staff and instructional faculty.
 - b. The president establishes new positions including faculty, staff and administrative officers.
 - c. The president establishes policies concerning the general operation of the institution, including the employment of faculty and staff, benefits, the acceptance and assistance of students, and the conduct of students in accordance with state and federal policy and law.
 - d. The president establishes policies concerning the general operation of the institution, in accordance with state and federal policy and law.

Changes to the By-Laws:

11/19/21

4/22/22

9/16/2022

APPENDICES

Appendix A. Acts of General Assembly of Virginia

1. Excerpts from Original Act of 1908

For the establishment of State normal and industrial schools for women, at Harrisonburg and Fredericksburg, the sum of seventy-five thousand dollars, of which the sum of twenty-five thousand dollars shall be for the school at Fredericksburg and shall be available on and after February twenty-eighth, nineteen hundred and nine, but not before.

The said schools shall be under the supervision, management and government of the boards of trustees, which shall consist of ten members each, to be appointed by the governor, by and with the advice and consent of the senate, to hold office for the term of four years ...

Second. The said trustees shall be bodies corporate under the name and style of State Normal and Industrial School for Women at Harrisonburg and State Normal and Industrial School for Women at Fredericksburg respectively ... Said trustees shall from time to time make all needful rules and regulations for the government and management for said schools, fix the number and compensation of teachers and employees of said schools, and of said boards, and prescribe the preliminary examinations and conditions upon which students shall be received therein....

Third. The said trustees shall annually make and file with the said board of education a full report of their proceedings under this act, together with the report of the progress and condition of said

schools. The trustees shall establish one of said schools within or near the corporate limits of Harrisonburg, in the county of Rockingham, Virginia, on a suitable site to be selected by said trustees, and one of said schools within or near the corporate limits of the city of Fredericksburg....

Fourth. Each county and city in the State shall be entitled to one pupil in each of said schools, who shall be nominated by the division superintendent of schools ...

Fifth. For purpose of the said schools there shall be paid out of the public treasury, from time to time, such sums as shall be appropriated to pay incidental expenses, the salaries of officers and teachers and to maintain the efficiency of the said schools ...

Sixth. The establishment of said schools near or within the corporate limits of the town of Harrisonburg, in the county of Rockingham, is conditioned upon an appropriation of not less than fifteen thousand dollars cash to be paid by the town of Harrisonburg and the county of Rockingham, upon the establishment of said school; and the guaranteeing of a suitable site connected with the water, light and sewer systems of said town, of not less than thirty acres of land for said institution at a cost not to exceed ten thousand dollars...

Seventh. The superintendent of public instruction shall render to the second auditor an annual account of the expenditures for said institutions.

2. Selected Current Acts of the General Assembly

§ 23.1-1600. Corporate name; name of the University.

A. The board of visitors of James Madison University (the board) is a corporation under the name and style of "The Visitors of James Madison University" and has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1 except those powers that are confined to corporations created pursuant to Title 13.1. The board shall at all times be under the control of the General Assembly.

B. The institution shall be known as James Madison University (the University).

C. All laws relating to Madison College or the board of visitors of Madison College shall be construed as relating to the University or the board, respectively.

1964, c. 97, § 23-164.1; 1977, cc. 296, 319; 2016, c. 588.

§ 23.1-1601. Membership.

A. The board shall consist of 15 members appointed by the Governor, of whom at least 13 shall be residents of the Commonwealth.

B. The alumni association of the University may submit to the Governor a list of at least three nominees for each vacancy on the board, whether the vacancy occurs by expiration of a term or otherwise. The Governor may appoint a member from the list of nominees. The Governor is not limited in his appointments to the individuals so nominated.

1964, c. 97, §§ 23-164.3, 23-164.4; 1977, cc. 296, 319; 1979, c. 623; 1989, c. 107; 2016, c. 588.

§ 23.1-1602. Powers and duties.

A. The board shall appoint all teachers and agents and fix their salaries and generally direct the affairs of the University.

B. The board may confer degrees.

1964, c. 97, §§ 23-164.6, 23-164.8; 1977, cc. 296, 319; 2016, c. 588.

§ 23.1-1603. Program of instruction to educate and train teachers.

The University shall maintain a program of instruction to educate and train teachers for the public elementary and secondary schools of the Commonwealth without excluding other programs of instruction.

1964, c. 97, § 23-164.9; 1977, cc. 296, 319; 2016, c. 588.

§ 23.1-1300. Members of governing boards; removal; terms; nonvoting, advisory representatives; residency.

A. Members appointed by the Governor to the governing boards of public institutions of higher education shall serve for terms of four years. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. No member appointed by the Governor to such a governing board shall serve for more than two consecutive four-year terms; however, a member appointed by the Governor to serve an unexpired term is eligible to serve two consecutive four-year terms immediately succeeding such unexpired term. Except as otherwise provided in § 23.1-2601, all appointments are subject to confirmation by the General Assembly. Members appointed by the Governor to the governing board of a public institution of higher education shall continue to hold office until their successors have been appointed and qualified. Ex officio members shall serve a term coincident with their term of office.

B. No member appointed by the Governor to the governing board of a public institution of higher education who has served two consecutive four-year terms on such board is eligible to serve on the same board until at least four years have passed since the end of his second consecutive four-year term.

C. Notwithstanding the provisions of subsection E or any other provision of law, the Governor may remove from office for malfeasance, misfeasance, incompetence, or gross neglect of duty any member of the board of any public institution of higher education and fill the vacancy resulting from the removal.

D. The Governor shall set forth in a written public statement his reasons for removing any member pursuant to subsection C at the time the removal occurs. The Governor is the sole judge of the sufficiency of the cause for removal as set forth in subsection C.

E. If any member of the governing board of a public institution of higher education fails to attend (i) the meetings of the board for one year without sufficient cause, as determined by a majority vote of the board, or (ii) the educational programs required by § 23.1-1304 in his first two years of membership without sufficient cause, as determined by a majority vote of the board, the remaining members of the board shall record such failure in the minutes at its next meeting and notify the Governor, and the office of such member shall be vacated. No member of the board of visitors of a baccalaureate public institution of higher education or the State Board for Community Colleges who fails to attend the educational programs required by § 23.1-1304 during his first four-year term is eligible for reappointment to such board.

F. The governing board of each public institution of higher education shall adopt in its bylaws policies (i) for removing members pursuant to subsection E and (ii) referencing the Governor's power to remove members described in subsection C.

G. The governing board of each public institution of higher education and each local community college board may appoint one or more nonvoting, advisory faculty representatives to its respective board. In the case of local community college boards and boards of visitors, such representatives shall be chosen from individuals elected by the faculty or the institution's faculty senate or its equivalent. In the case of the State Board, such representatives shall be chosen from individuals elected by the Chancellor's Faculty Advisory Committee. Such representatives shall be appointed to serve (i) at least one term of at least 12 months, which shall be coterminous with the institution's fiscal year or (ii) for such terms as may be mutually agreed to by the State Board and the Chancellor's Faculty Advisory Committee, or by the local community college board or the board of visitors, and the institution's faculty senate or its equivalent.

- H. The board of visitors of any baccalaureate public institution of higher education shall appoint one or more students as nonvoting, advisory representatives. Such representatives shall be appointed under such circumstances and serve for such terms as the board of visitors of the institution shall prescribe.
- I. Nothing in subsections G and H shall prohibit the governing board of any public institution of higher education or any local community college board from excluding such nonvoting, advisory faculty or student representatives from discussions of faculty grievances, faculty or staff disciplinary matters or salaries, or any other matter.
- J. The president or any one of the vice presidents of the board of visitors of Virginia Military Institute, the chairman or the vice-chairman of the State Board, and the rector or vice-rector of the governing board of each other public institution of higher education shall be a resident of the Commonwealth.
- K. No baccalaureate public institution of higher education shall employ an individual appointed by the Governor to the board of visitors of such institution within two years of the expiration of his term. Such prohibition shall not apply to the employment of an individual to serve as an institution president or, in the case of Virginia Military Institute, the Superintendent.

§ 23.1-1301. Governing boards; powers.

- A. The board of visitors of each baccalaureate public institution of higher education or its designee may:
1. Make regulations and policies concerning the institution;
 2. Manage the funds of the institution and approve an annual budget;
 3. Appoint the chief executive officer of the institution;
 4. Appoint professors and fix their salaries; and
 5. Fix the rates charged to students for tuition, mandatory fees, and other necessary charges.
- B. The governing board of each public institution of higher education or its designee may:
1. In addition to the powers set forth in Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.), lease or sell and convey its interest in any real property that it has acquired by purchase, will, or deed of gift, subject to the prior approval of the Governor and any terms and conditions of the will or deed of gift, if applicable. The proceeds shall be held, used, and administered in the same manner as all other gifts and bequests;
 2. Grant easements for roads, streets, sewers, waterlines, electric and other utility lines, or other purposes on any property owned by the institution;
 3. Adopt regulations or institution policies for parking and traffic on property owned, leased, maintained, or controlled by the institution;
 4. Adopt regulations or institution policies for the employment and dismissal of professors, teachers, instructors, and other employees;
 5. Adopt regulations or institution policies for the acceptance and assistance of students in addition to the regulations or institution policies required pursuant to § 23.1-1303;
 6. Adopt regulations or institution policies for the conduct of students in attendance and for the rescission or restriction of financial aid, suspension, and dismissal of students who fail or refuse to abide by such regulations or policies;
 7. Establish programs, in cooperation with the Council and the Office of the Attorney General, to promote (i) student compliance with state laws on the use of alcoholic beverages and (ii) the awareness and prevention of sexual crimes committed upon students;
 8. Establish guidelines for the initiation or induction of students into any social fraternity or sorority in accordance with the prohibition against hazing as defined in § 18.2-56;
 9. Assign any interest it possesses in intellectual property or in materials in which the institution claims an interest, provided such assignment is in accordance with the terms of the institution's intellectual property policies adopted pursuant to § 23.1-1303. The Governor's prior written approval is required for transfers of such property (i) developed wholly or predominantly through the use of state general funds, exclusive of capital assets and (ii)(a) developed by an employee of the institution acting within the scope of his assigned duties or (b) for which such transfer is made to an entity other

than (1) the Innovation and Entrepreneurship Investment Authority, (2) an entity whose purpose is to manage intellectual properties on behalf of nonprofit organizations, colleges, and universities, or (3) an entity whose purpose is to benefit the respective institutions. The Governor may attach conditions to these transfers as he deems necessary. In the event the Governor does not approve such transfer, the materials shall remain the property of the respective institutions and may be used and developed in any manner permitted by law;

10. Conduct closed meetings pursuant to §§ 2.2-3711 and 2.2-3712 and conduct business as a "state public body" for purposes of subsection D of § 2.2-3708.2; and

11. Adopt a resolution to require the governing body of a locality that is contiguous to the institution to enforce state statutes and local ordinances with respect to offenses occurring on the property of the institution. Upon receipt of such resolution, the governing body of such locality shall enforce statutes and local ordinances with respect to offenses occurring on the property of the institution.

Appendix B: Committee Charters

Academic Excellence Committee Charter

Purpose

The Academic Excellence Committee oversees the academic endeavors of the university, including, but not limited to academic programs; faculty hiring, student and faculty satisfaction and academic achievements; student academic success; and national status.

Composition and Independence

The Committee is comprised of three or more members of the Board of Visitors. The Provost ~~and Faculty Senate Speaker~~, or their designees, are expected attendees. In addition to complying with the Commonwealth of Virginia's Conflict of Interest laws and any University policies, each member must be free from any financial, family or other material personal relationship that, in the opinion of the Board or the Committee members, would impair their independence from management and the University.

Responsibilities

- Review revisions to the Faculty Handbook for approval by the board
- Review all new academic programs, major, degrees, as well as discontinuation of degree programs for approval by the board
- Review nominations of honorary degrees for approval by the board
- ~~Hear report from the Faculty Senate Speaker at each committee meeting~~
- Hear annual report from the Graduate Student Association
- Receive SACSCOC Accreditation and Quality Enhancement Plan updates
- Review international academic partnerships
- Review research strategies and policies requiring board action
- Review proposals for the organization of the academic structure of the university

Meetings

The Committee will meet at least three times annually. Additional meetings may occur more frequently as circumstances warrant.

Responsibility of the Chair

The chair shall coordinate with the designated administrative liaison for their committee in establishing the agenda and organizing strategic conversations during the committee meeting.

Advancement and Engagement Committee Charter

Purpose

The Advancement and Engagement Committee oversees, advises and advocates for the effective delivery and prudent management of a comprehensive university advancement program comprised of philanthropy, information systems, brand management and constituent relations; and generates resources and stakeholder support of the University's strategic goals relative to federal, corporate and public relations.

Composition and Independence

The Committee is comprised of three or more members of the Board of Visitors. The Vice President for Advancement, or their designee, is expected to attend. In addition to complying with the Commonwealth of Virginia's Conflict of Interest laws and any University policies, each member must be free from any financial, family or other material personal relationship that, in the opinion of the Board or the Committee members, would impair their independence from management and the University.

Responsibilities

- Review quarterly fundraising report
- Hear reports on Annual Giving, Alumni Relations, Parent Relations, Institutional Branding, Planned Giving
- Review plans and progress of campaigns
- Review naming proposals for approval by the board
- Review public relations and marketing communication strategies
- Assist with generating resources and stakeholder support for the university

Meetings

The Committee will meet at least three times annually. Additional meetings may occur more frequently as circumstances warrant.

Responsibility of the Chair

The chair shall coordinate with the designated administrative liaison for their committee in establishing the agenda and organizing strategic conversations during the committee meeting.

Athletics Committee Charter

Purpose

The Athletics Committee oversees of the university's intercollegiate athletics program, ensuring the institution meets its expectations for academic and competitive success, quality student-athlete experiences and compliance with NCAA requirements.

Composition and Independence

The Committee is comprised of three or more members of the Board of Visitors. The Athletic Director, or their designee, is expected to attend. In addition to complying with the Commonwealth of Virginia's Conflict of Interest laws and any University policies, each member must be free from any financial, family or other material personal relationship that, in the opinion of the Board or the Committee members, would impair their independence from management and the University.

Responsibilities

- Review the Strategic Plan Accountability Measures
- Review the yearly Academic Report
- Monitor the annual fund-raising strategies
- Keep current with NCAA legislation as appropriate
- Review the Student-Athlete Disciplinary Report
- Review the annual Title IX Report
- Support the Athletic Department's mission
- Review facility renovations and construction plans as appropriate
- Annual review of the Virginia State Auditors APA Report

Meetings

The Committee will meet at least two times annually. Additional meetings may occur more frequently as circumstances warrant.

Responsibility of the Chair

The chair shall coordinate with the designated administrative liaison for their committee in establishing the agenda and organizing strategic conversations during the committee meeting.

Audit Committee Charter (Summary – see Audit Committee Charter revision August 2020)

Purpose: The audit committee assists the BOV in fulfilling its fiduciary responsibilities related to overseeing the:

- soundness of the university’s system of internal controls,
- integrity of the university’s financial accounting and reporting practices,
- performance of the internal and external audit functions, and
- compliance with applicable laws and regulations

University management is responsible for the preparation, presentation, and integrity of the university’s financial statements. University management is also responsible for maintaining appropriate financial accounting and reporting policies, procedures and internal accounting controls. These are designed to ensure compliance with generally accepted accounting principles, applicable laws and regulations, accreditation standards and contractual obligations.

Audit and Management Services (AMS) examines and evaluates the adequacy and effectiveness of the university’s system of internal controls.

The university’s external auditor, the Auditor of Public Accounts (APA), is responsible for planning and conducting the financial statement examination in accordance with generally accepted auditing standards and issuing an opinion on the financial statements.

The JMU Compliance Committee is responsible for tracking and monitoring the university’s compliance with applicable laws and regulations, accreditation standards and contractual obligations. The chief audit executive (CAE – Director of AMS) serves as the chair of the JMU Compliance Committee and reports on compliance-related matters to the president and the audit committee.

Composition and Independence

The audit committee shall consist of at least three members of the BOV with one member acting as chairperson of the committee.

Each member must be free from any financial, family or other material personal relationship that, in the opinion of the BOV or audit committee members, would impair their independence from management and the university.

Responsibilities:

General

- Adopt a formal written charter that specifies the audit committee’s scope of responsibility. The charter should be reviewed every five years and updated as necessary.
- Maintain minutes of meetings.

- Authorize investigations into any matter within the audit committee's scope of responsibilities when necessary.
- Ensure that significant findings and recommendations made by the internal and external auditors are acted upon appropriately and promptly.
- Report audit committee actions to the BOV. In addition, the audit committee shall provide its recommendations for actions to be taken by the BOV and management in order to strengthen the institution's controls, financial reporting process, and compliance procedures.
- Meet, consistent with Commonwealth law, in closed meetings with the internal or external auditors, to discuss matters that the audit committee or any of these groups believes should be discussed privately.

Internal Controls

- Assure that management is setting the appropriate tone in communicating the importance of internal controls and in establishing policies and procedures to mitigate risk.
- Determine whether internal control recommendations made by internal and external auditors have been implemented by management.
- Understand the nature of any significant deficiencies and material weaknesses reported with the financial statements and reportable findings under *Government Auditing Standards*.

Financial Statements

- Meet with the external auditors to review the scope of the external audit for the year being audited. The chair or full committee should be informed of any significant changes in the audit plan or any special work scheduled.
- Review the annual financial statements with management and the external auditors.
- Review management's letter and monitor the university's compliance with its recommendations.
- Meet privately with the external auditors, if necessary.

JMU Compliance Committee

- Review the CAE's annual report on the activities and accomplishments of the JMU Compliance Committee. Specifically, any significant compliance risks and/or non-compliance, as well as action plans for addressing compliance risks and non-compliance should be reported to the audit committee.
- Ensure that the university's system for monitoring compliance with laws and regulations, accreditation and contractual obligations is effective.

Executive Committee Charter

Purpose

The Executive Committee organizes the working processes of the board and exercise the powers and transact the business of the full board when it is in recess, except in the following situations:

- a. To elect officers of the board;
- b. To remove or change members of the instructional faculty; or
- c. To take final action on any question radically affecting the policy of the university.

Composition and Independence

The executive committee consists of the rector, vice rector, and three committee chairs selected by the Rector. The rector chairs the executive committee. A past Rector may serve as an ex-officio member of the Executive Committee. In the event a committee chair is unable to attend a meeting, they may appoint a designee. In addition to complying with the Commonwealth of Virginia's Conflict of Interest laws and any University policies, each member must be free from any financial, family or other material personal relationship that, in the opinion of the Board or the Committee members, would impair their independence from management and the University.

Responsibilities

- As appropriate, exercise the powers and transact the business of the board between scheduled meetings/when it is in recess (with exceptions) between scheduled meetings
- Conduct the annual evaluation of the president and the review of their contract and compensation
- Establish and manage the selection process for the president
 - When the office of the president becomes vacant, or a vacancy is pending, the rector appoints a special committee to recommend to the board a person to fill the vacancy. The rector may chair this committee, or may appoint another board member to chair the committee
- The rector, in consultation with the president, assigns committee chairs and committee members
- Regularly review compensation strategy and structure for senior leaders and policies to ensure competitiveness and equity
- Review succession planning for the president's position

Meetings

The Committee will meet as needed and appropriate.

Finance and Physical Development Committee Charter

Purpose

The Finance and Physical Development Committee is responsible for the fiscal policies and oversees the financial operations of the University including the review of the annual budget, tuition and fees, real estate acquisitions and recommending policies regarding all matters related to land use, physical facilities and technology.

Composition and Independence

The Committee is comprised of three or more members of the Board of Visitors. The Vice President of Finance and Administrative Affairs, or their designee, is expected to attend. In addition to complying with the Commonwealth of Virginia's Conflict of Interest laws and any University policies, each member must be free from any financial, family or other material personal relationship that, in the opinion of the Board or the Committee members, would impair their independence from management and the University.

Responsibilities

- Review the proposed annual budget for approval by the board
- Review the proposed tuition and fees for approval by the board
- Review proposed real estate transactions for approval by the board
- Review composite real estate holdings and strategy
- Review the Master Plan for approval by the board
- Review the annual Receivables Write-Off
- Review the university debt
- Review the annual financial audit
- Review the capital outlay and capital projects updates
- Review easements for approval by the board
- Review banking, bond and legal resolutions for approval by the board
- Review the Six-Year Plan for approval by the board
- Review the quarterly financial review
- Review workforce planning and development
- Review General Assembly updates and legislative affairs
- Review of plans and policies pertaining to emergency preparedness and campus security

Meetings

The Committee will meet at least three times annually. Additional meetings may occur more frequently as circumstances warrant.

Responsibility of the Chair

The chair shall coordinate with the designated administrative liaison for their committee in establishing the agenda and organizing strategic conversations during the committee meeting.

Governance Committee Charter

Purpose

The Governance Committee oversees board compliance with state law requirements such as a self-evaluation, professional development opportunities and others; reviews and recommends improvements to board processes and performs regular strategic risk management and opportunity assessments to highlight key issues for the administration, Executive Committee and committee chairs to review.

Composition and Independence

The Committee is comprised of three or more members of the Board of Visitors. In addition to complying with the Commonwealth of Virginia's Conflict of Interest laws and any University policies, each member must be free from any financial, family or other material personal relationship that, in the opinion of the Board or the Committee members, would impair their independence from management and the University.

Responsibilities

- Develop relevant processes related to the responsibilities of the board, including but not limited to:
 - The evaluation of the performance of president
 - The self-evaluation process of the Board of Visitors
 - The nominating process for board officers
- Assist in the planning of the annual board retreat.
- Recommend best practices for board governance
- Review and update as appropriate the board by-laws, manual and committee charters to ensure the effective functioning and efficiency of the board and the board meetings
- Develop an orientation and professional development opportunities for board members that includes training on the Virginia Freedom of Information Act
- Review compliance with a code of ethics for board members
- Develop a set of qualifications and competencies for membership on the board for approval by the board and recommendations to the Governor
- Recommends to the Rector the membership for the Nominating Committee
- Reviews strategic risks and opportunities for responsibility and assessment
- Responsible for developing and documenting Board processes and addresses matters that lead to efficient and orderly conduct of business of the board

Meetings

The Committee will meet at least three times annually. Additional meetings may occur more frequently as circumstances warrant.

- Topics for Governance Committee meetings could include, but not limited to, review notes from any retreat and develop strategies for success and updates (September); Review by-laws, charters, best practices and professional development opportunities (November); strategic review of trends and long-

term goals (February); and review of board self-evaluation and propose retreat topics (April).

Student Affairs Committee Charter

Purpose

The Student Life Committee oversees all elements of student affairs including health and wellbeing; diversity, equity and inclusion, career, experiential learning and transitions; student life and involvement; and dean of students to ensure a high quality student experience.

Composition and Independence

The Committee is comprised of three or more members of the Board of Visitors. The Vice President for Student Affairs, or their designee, is expected to attend. In addition to complying with the Commonwealth of Virginia's Conflict of Interest laws and any University policies, each member must be free from any financial, family or other material personal relationship that, in the opinion of the Board or the Committee members, would impair their independence from management and the University.

Responsibilities

- Gain an understanding of the student experience and the work of student affairs
- Review matters and policies relating to student rights, responsibilities, conduct and discipline
- Provide advice and counsel to Student Affairs on all aspects of their efforts to create and support the student experience
- Hear reports from the president of the Student Government Association ~~and the student representative to the Board of Visitors~~
- Review topical areas of interest related to the student experience

Meetings

The Committee will meet at least three times annually. Additional meetings may occur more frequently as circumstances warrant.

Responsibility of the Chair

The chair shall coordinate with the designated administrative liaison for their committee in establishing the agenda and organizing strategic conversations during the committee meeting.

C . A Brief History of James Madison University

James Madison University was founded by a 1908 act of the Virginia General Assembly and first opened its doors to students on Sept. 28, 1909. At that time, the institution was named the State Normal and Industrial School for Women at Harrisonburg. There were 15 faculty members and a student body of 150 young women at the opening session in 1909. The academic program provided four years of high school and two years of post-high school courses. Courses were designed for future teachers and homemakers.

As the years passed, the emphasis at the institution changed. In 1914, the school's name dropped the word "Industrial" and became the State Normal School for Women at Harrisonburg. In 1919, the first bachelor of science degree was awarded and the high school program was eliminated the following year.

The name of the institution was changed to the State Teachers College at Harrisonburg in 1924 and, three years later, the college received national accreditation.

Another name change took place in 1938, when the institution became Madison College in honor of President James Madison. Enrollment exceeded 1,000 for the first time that year. In 1942, the two-year teaching diplomas were awarded for the last time. All two-year programs were eliminated by the late 1950s. The graduate program was begun at Madison in 1954, with the introduction of master's degree programs.

Men were first enrolled as day students in the regular session at Madison College in 1946. Men had enrolled in summer school at the institution since the first summer session in 1910. In 1966, Madison became fully coeducational when the General Assembly approved male students living on campus.

The school grew significantly in the 1960s and 1970s and expanded its offerings to become a comprehensive institution. The great changes at the university were symbolized on July 1, 1977, when the name of the institution was changed from Madison College to James Madison University. The university offered its first doctoral program in the 1995-96 session.

The university celebrated its 100th birthday in 2008. As of fall, 2019 the university's current enrollment is approximately 22,000. The university has been cited repeatedly in national surveys as one of America's finest undergraduate universities.

Presidents:

Mr. Julian Ashby Burruss 1908-1919 (add)
Dr. Samuel Page Duke 1919-1949
Dr. G. Tyler Miller 1949-1970
Dr. Ronald E. Carrier 1970-1998
Dr. Linwood H. Rose 1998-2012
Mr. Jonathan R. Alger 2012-2024 (add)
Mr. Charles W. King 2024- (add)

Proposed Changes to Board Manual

September 11, 2024

p. 4 Remove “and of the Academic Excellence Committee of the board” (under Article V)

p. 11

H. Meetings held through Electronic Communication Means

p. 12

4) Change “25” percent to “50” percent.

1) b. Revise

A medical condition of a member of the member’s family requires them to provide care or the member must provide care for a person with a disability; or

p. 13 Added

L. Faculty Senate Speaker

A. The Faculty Senate Speaker or representative will attend the Full Board meetings and provide a report to the board.

M. Student Representative to the Board

A. The student representative to the board will attend the Full Board meetings and provide a report to the board.

p. 23 Remove “and Faculty Senate Speaker (under Composition and Independence)

p.23 Remove “Hear Report from Faculty Senate Speaker at each committee meeting.

p. 31 Remove “and the student representative” under the responsibilities of the Student Affairs Committee Charter

p. 32 Added “Mr.” for Julian Burruss

p. 32 Added year “2024” for Mr. Alger

p. 32 Added Charles W. King 2024 –

Faculty Senate Update

Kathy Ott Walter
Speaker, Faculty Senate



Board of Visitors Written Report November 8, 2024

Shared Governance Through Policy Recommendations

Over the past two years, Faculty Senate has focused on the implementation of shared governance practices here at the university. Currently, Senate is working to revise two specific policies. The first is Academic Affairs Policy Number 2, which defines the hiring of academic unit heads, term limits, paths for reappointment, and evaluation. Revisions are focused on clarifying those procedures and implementing meaningful evaluation. The second is the university's grievance policy. Revisions are focused on developing new structures to address grievances and eliminating potential conflicts of interest.

Implementation of Shared Governance Recommendations Related to Faculty Handbook

In addition, Senate is an active participant in implementing some of the recommendations of the Shared Governance Task Force in relation to the current faculty handbook revision process. For example, Senate maintains communication with faculty to keep them aware of the revision timeline and the process to make suggestions to the Handbook Revision Committee. Senate also receives updates from the committee on a regular basis in order to support this work going forward.

Teaching

Feedback from Senators indicates a general consensus that students' academic engagement is improving, compared to the previous three years. There is a concern, however, that students do not exhibit the expected skills and background knowledge when compared to students prior to the pandemic. As a corollary, students may not receive a consistent message regarding academic expectations prior to their arrival on campus, making it harder to adjust to the demands of college courses. Consistent messaging about academic expectations—to both prospective and current students—would better position their success as well as faculty's efforts to support that success.

Research

Faculty have noted mixed messaging about roles and expectations with JMU's reclassification as a research-intensive (or R2) institution—for example, large class sizes, accompanied by increased expectations of research without corresponding increases in research support.

Student Representative to the Board Update

Sydney Stafford
Student Representative to the Board





JMU Communication from the Student Perspective

- Formal Communication
 - Official channels: newsletters, dukes weekly, potty mouth
- Feedback Mechanisms
 - Surveys (dinning, parking, etc.), SGA hosted town halls
- Transparency and Response Time
 - The impact of clear and prompt communication
- Engagement in Action
 - Effective communication with departments and organizations that serve students

Effective Communication with Departments that Serve All Students

- Office of Student Life
 - "Student Life at JMU is a huge part of the reason I finally felt like I belonged here and was able to get so involved. So many of my friendships and faculty and staff connections formed from seeing familiar faces at the different events put on. I feel like I have a voice if there are events or ideas I want to see happen. There is so much joy and comfort in these spaces, both with having a place to go when things may be overwhelming and the love people have for being there and making it all happen. I love Student Life!!"
- Center for Multicultural Student Services
 - "CMSS really helped me feel part of a family. The office has a unique culture of its own. We (the faculty, staff, and students) celebrated each other successes and supported each other through challenges."





My Next Few Weeks...

- VA Student Representative Conference
 - November 9th
 - 9 Students
 - Exciting Speakers
- Meeting with Students
- Finishing the Semester Strong!



Student Representative Report

Sydney Stafford

Board of Visitors Meeting – November 8th, 2024

“The only way to learn is to live.” -Matt Haig, The Midnight Library

❖ Communication from the Student Perspective

- Formal Communication
 - Official Channels: newsletters, dukes weekly, potty mouth
- Feedback Mechanisms
 - Surveys (dining, parking, libraries, OSARP, etc.), Townhalls (hosted by SGA), Course Evaluation Systems
- Transparency and Response Time
 - What is the impact of clear and prompt communication with students?
- Student Engagement in Action
 - Effective communication with departments and organizations that serve students

❖ Effective Communication with Departments that Serve All Students

- Center for Multicultural Student Services (CMSS)
 - Student Testimonial: “CMSS really helped me feel part of a family. The office has a unique culture of its own. We (the faculty, staff, and students) celebrated each other successes and supported each other through challenges.”
- Office of Student Life
 - Student Testimonial: “Student Life at JMU is a huge part of the reason I finally felt like I belonged here and was able to get so involved. So many of my friendships and faculty and staff connections formed from seeing familiar faces at the different events put on. I feel like I have a voice if there are events or ideas I want to see happen. There is so much joy and comfort in these spaces, both with having a place to go when things may be overwhelming, and the love people have for being there and making it all happen. I love Student Life!!”

❖ My Next Few Weeks

- VA Student Representative Conference on November 9th, 2024
 - 9 students with 6 guest Speakers
 - How can we properly support the institution, the student body, and the Commonwealth while striving to be just, effective, and purposeful leaders on behalf of our peers?
- Meeting with Students: Feedback on the next JMU President, the General Education Curriculum, overall student experience

Contact Information

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President's Report



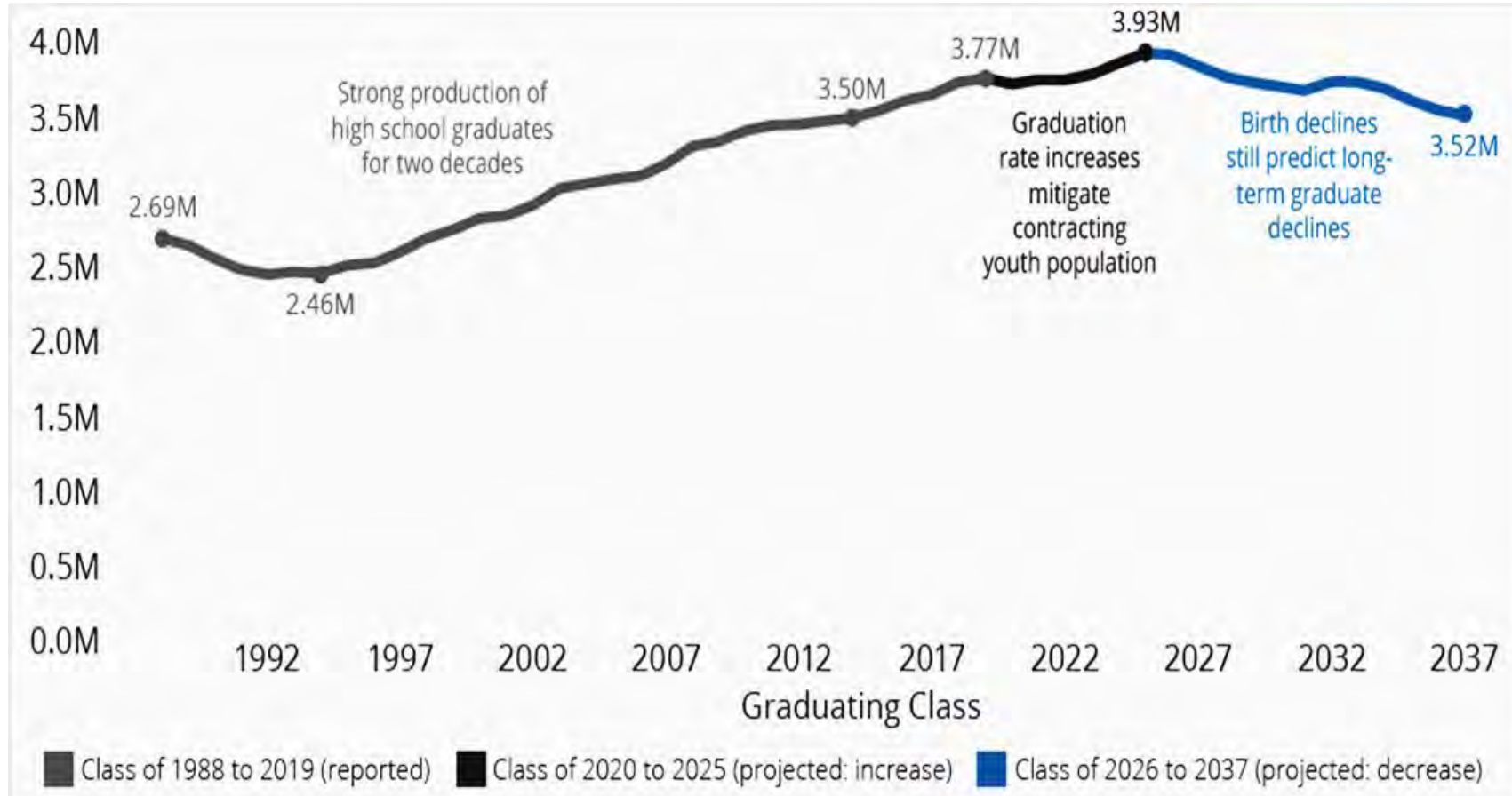
Future Enrollment Strategy

Melinda J. Wood
Vice President, Enrollment Management



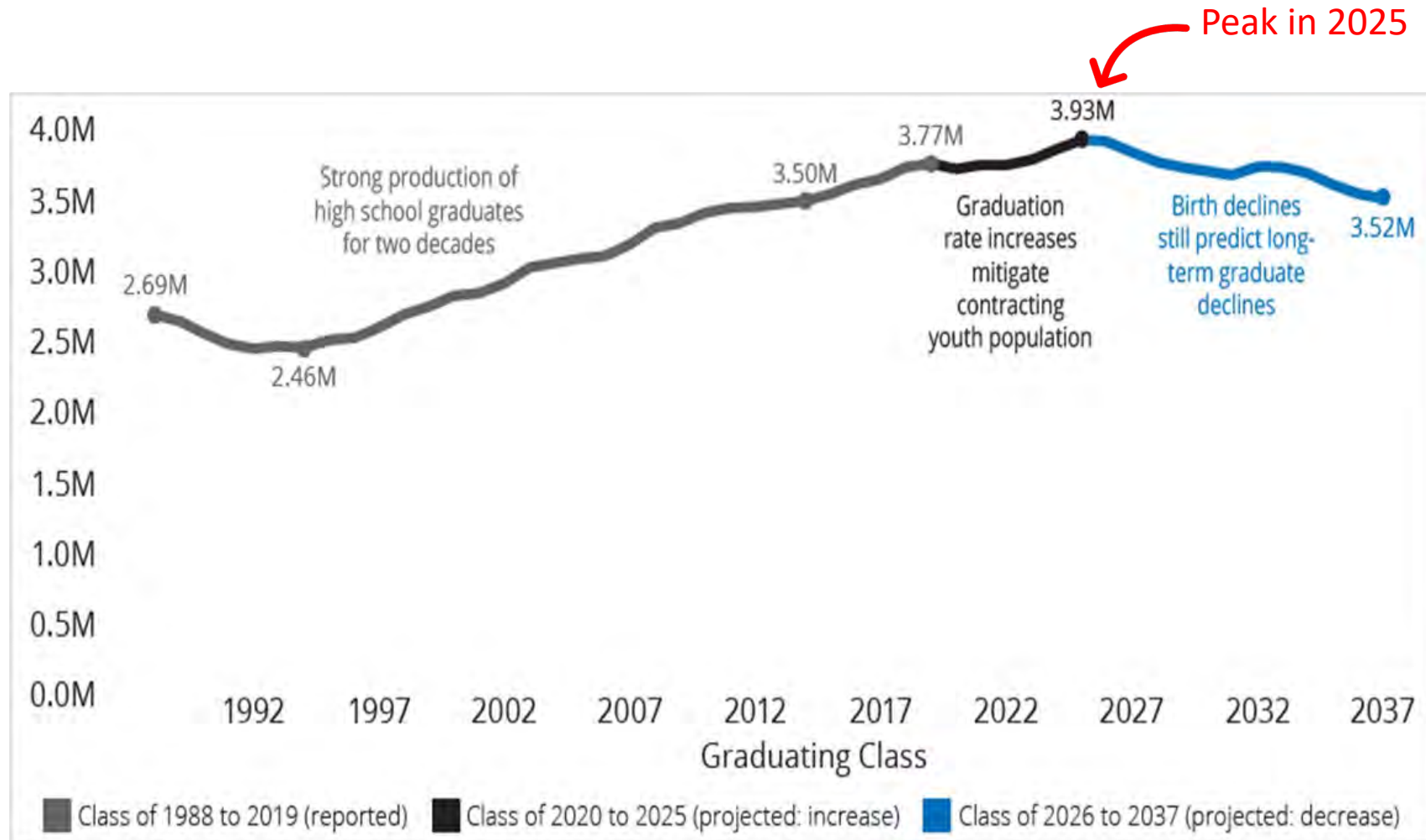


National Demographic Projections



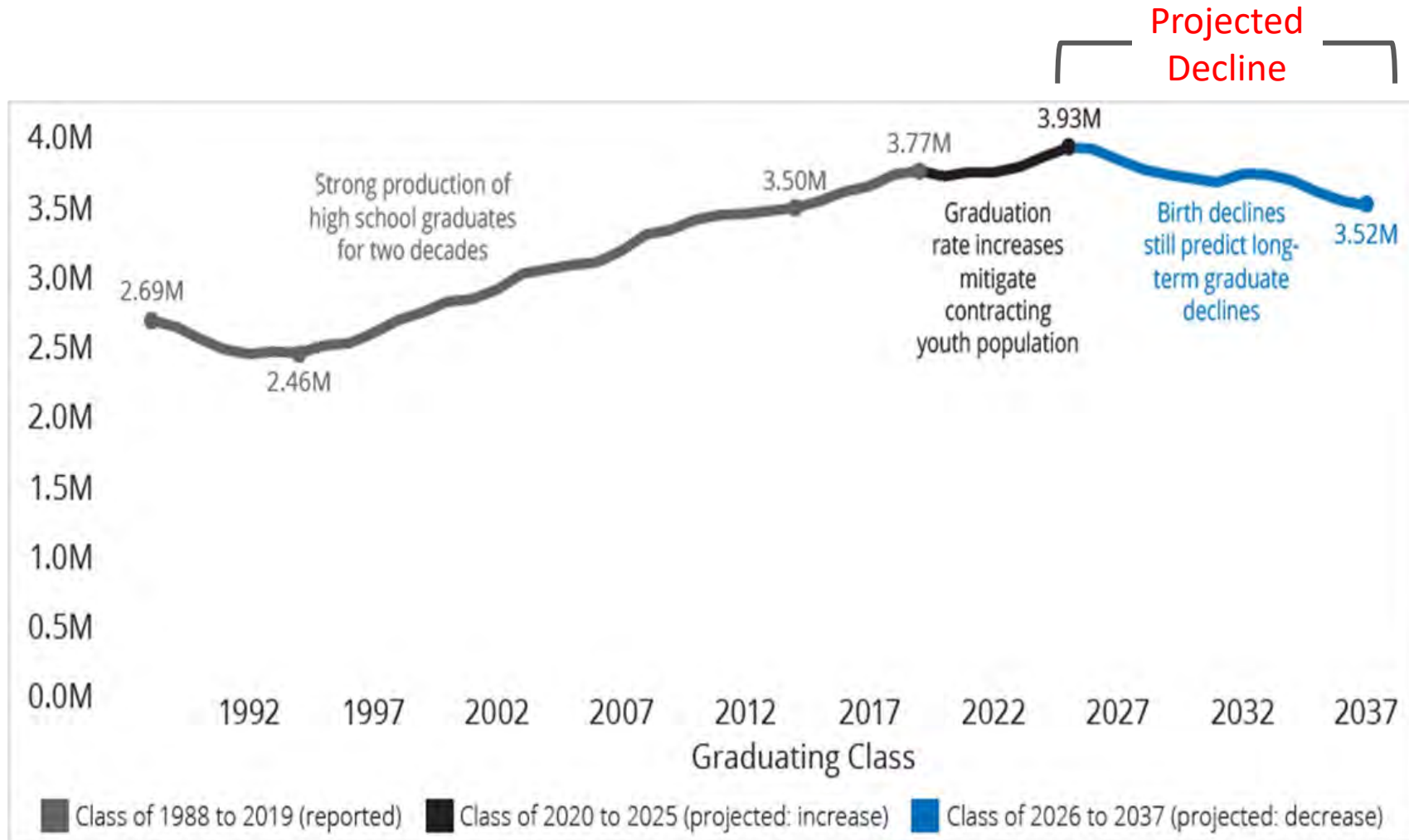


National Demographic Projections



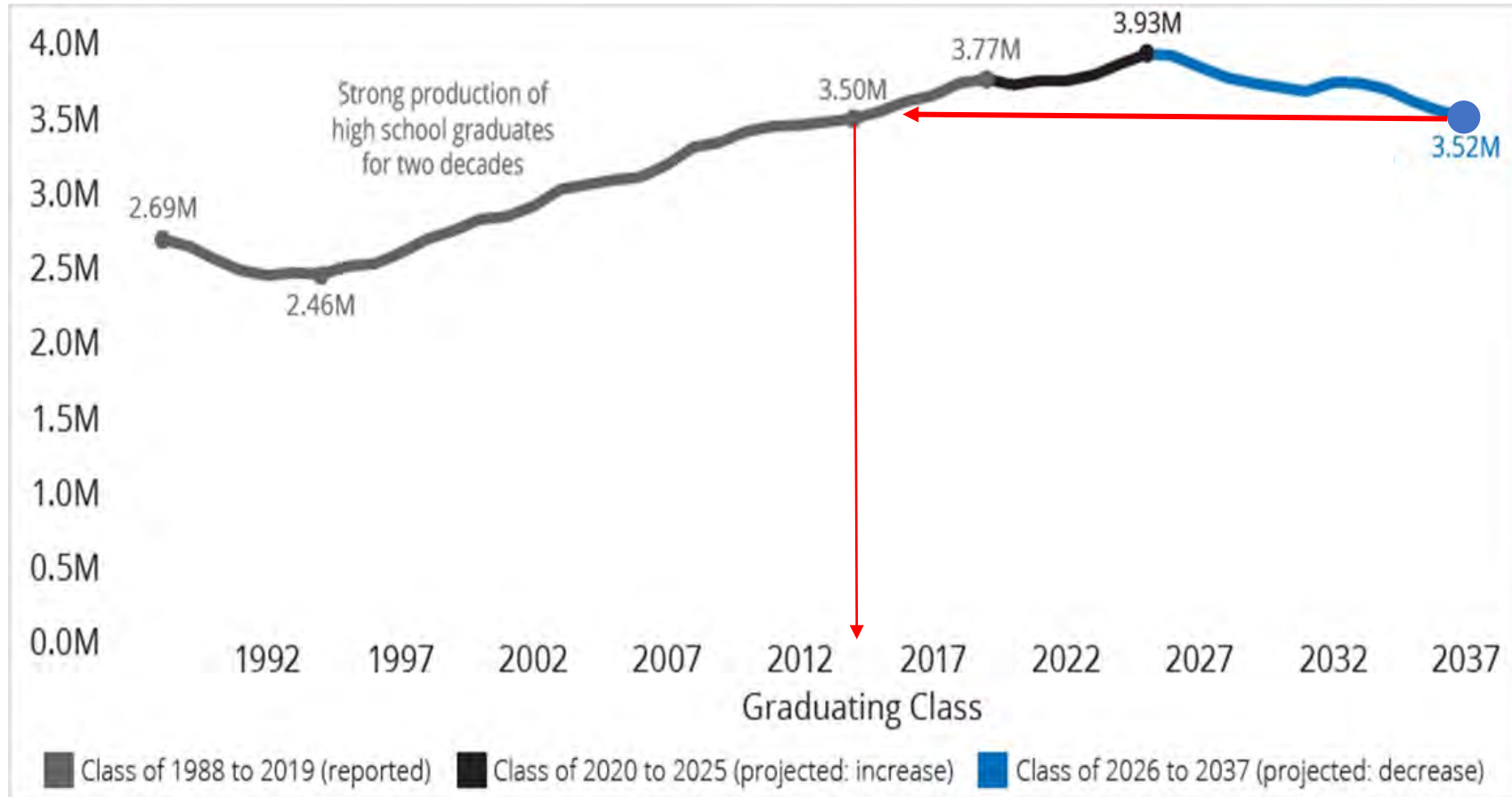


National Demographic Projections





National Demographic Projections



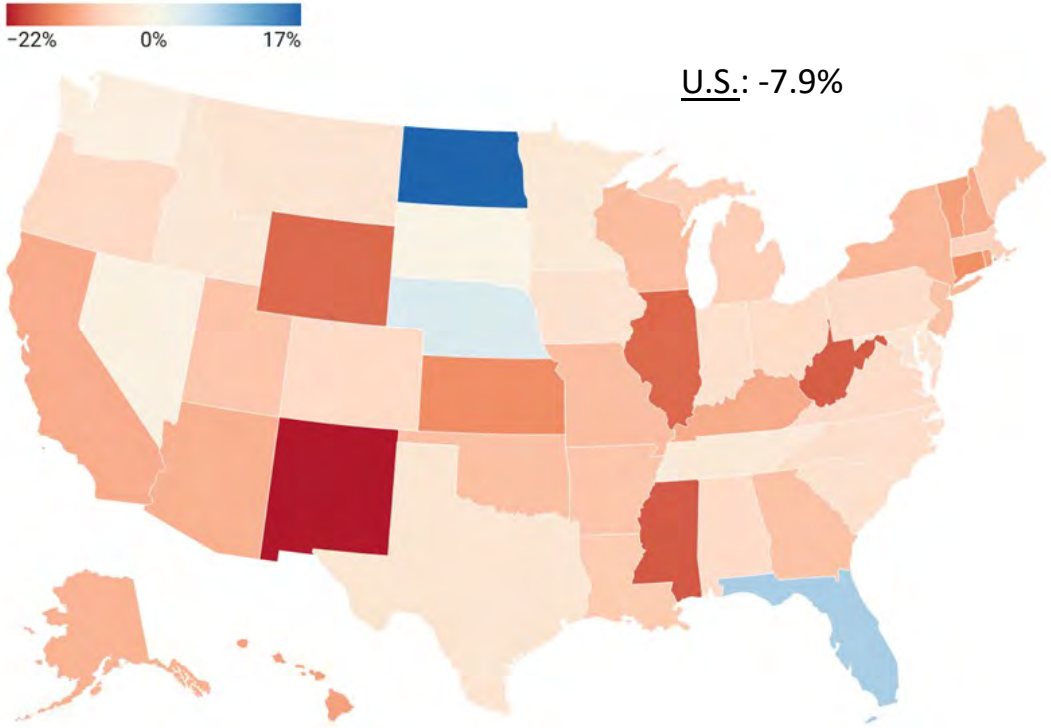
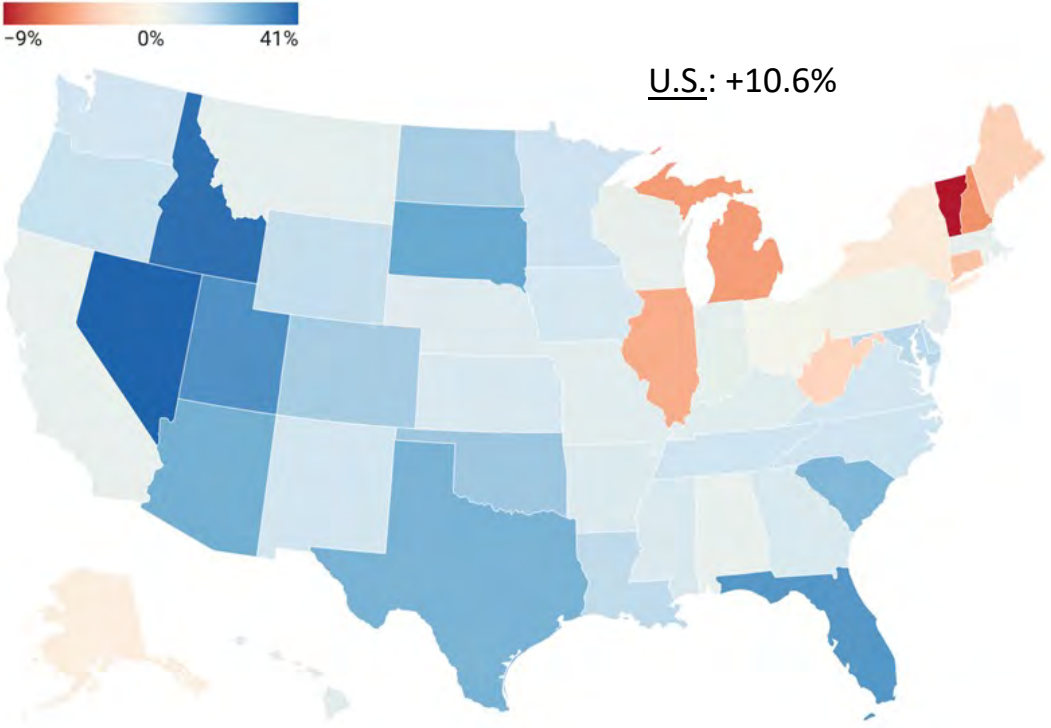


National Demographic Projections

Growth/Decline in high school graduates by state

2015-2025

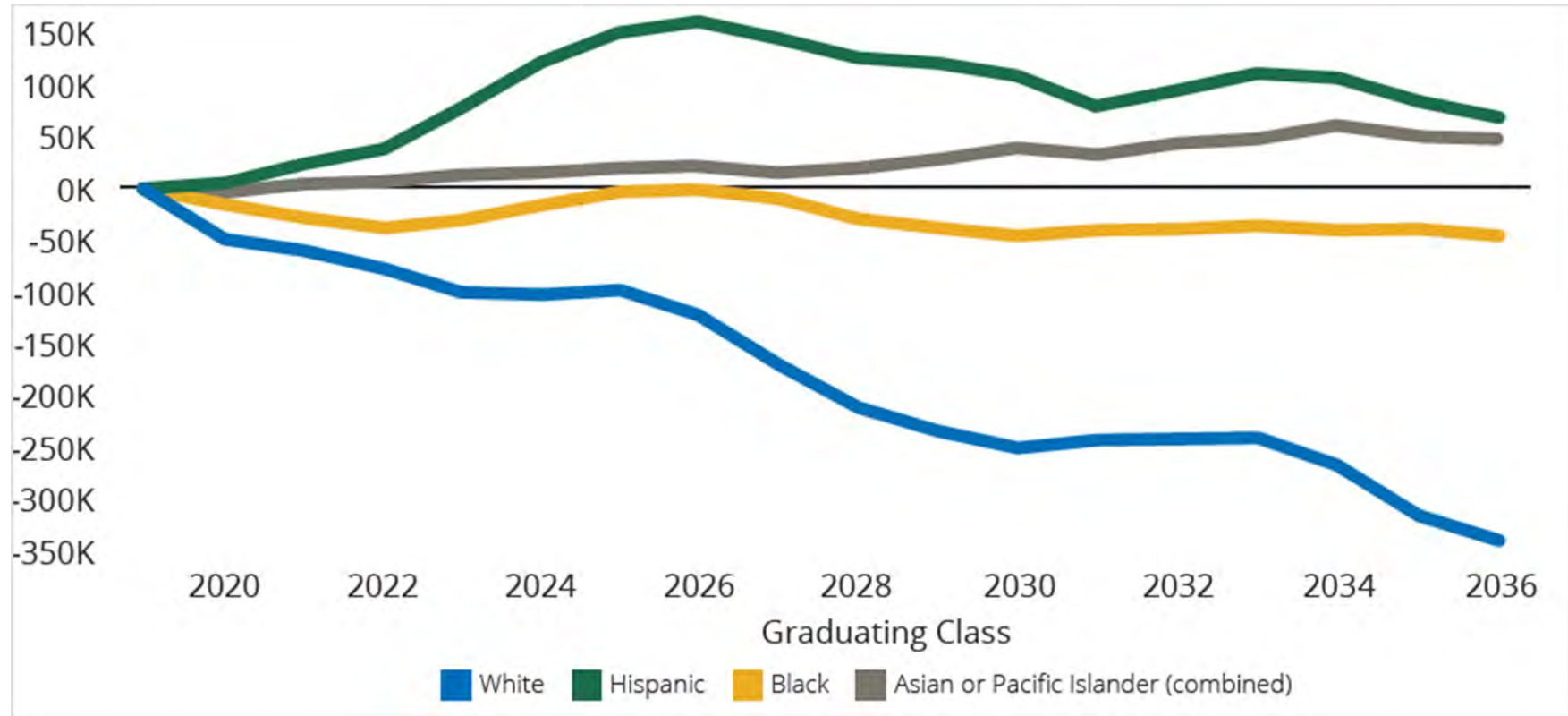
2025-2035





National Demographic Projections

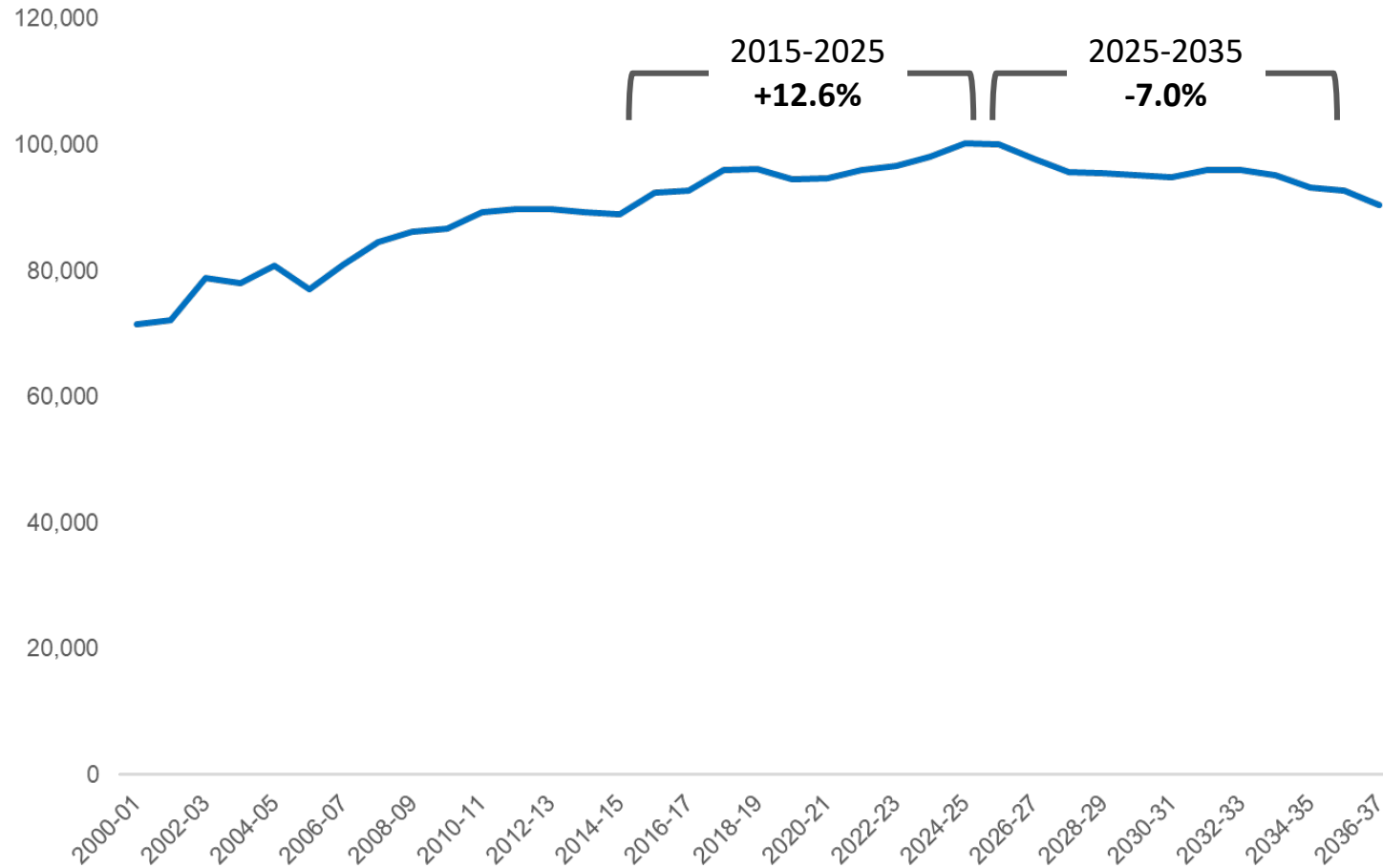
Change in high school graduates by race/ethnicity





Virginia Demographic Projections

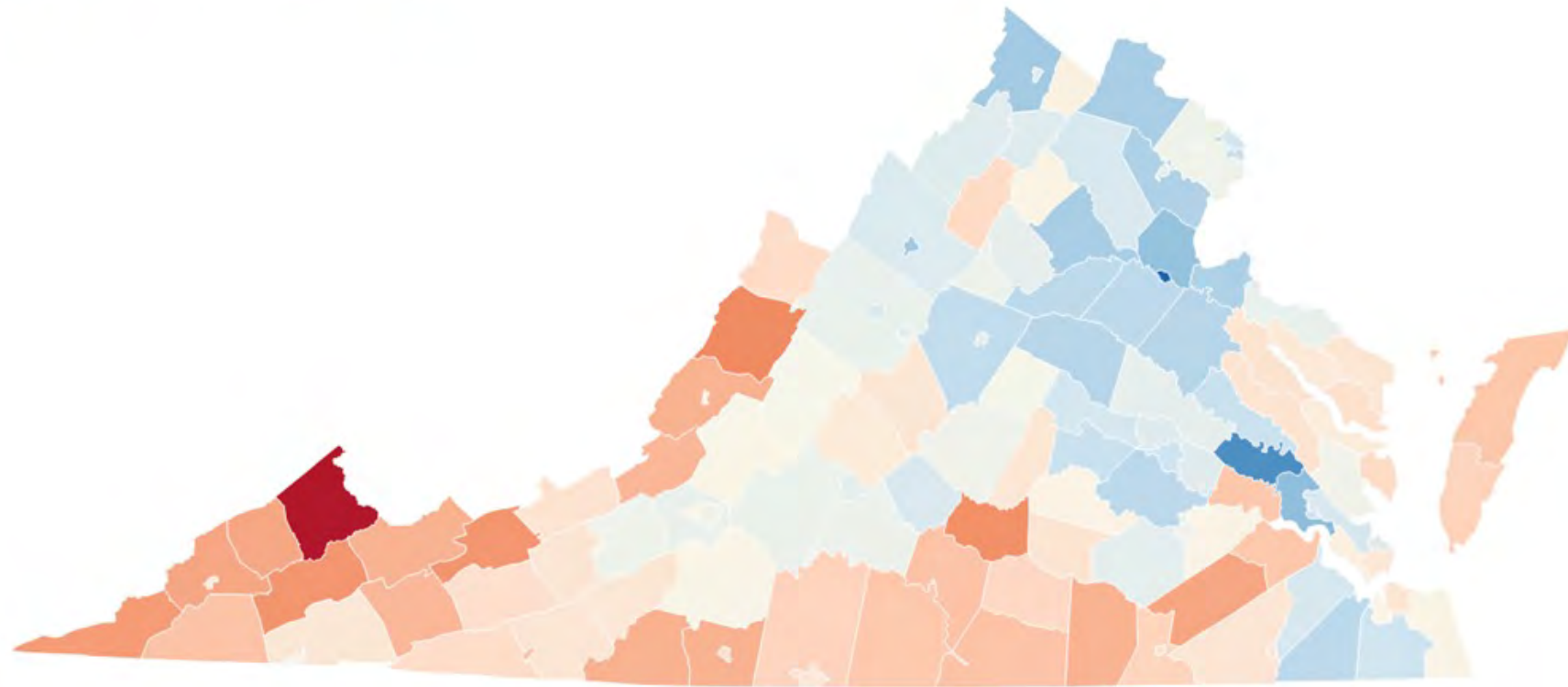
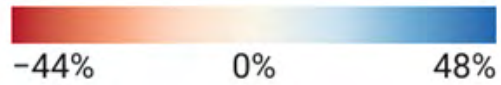
Number of high school graduates, actual and projected





Virginia Demographic Projections

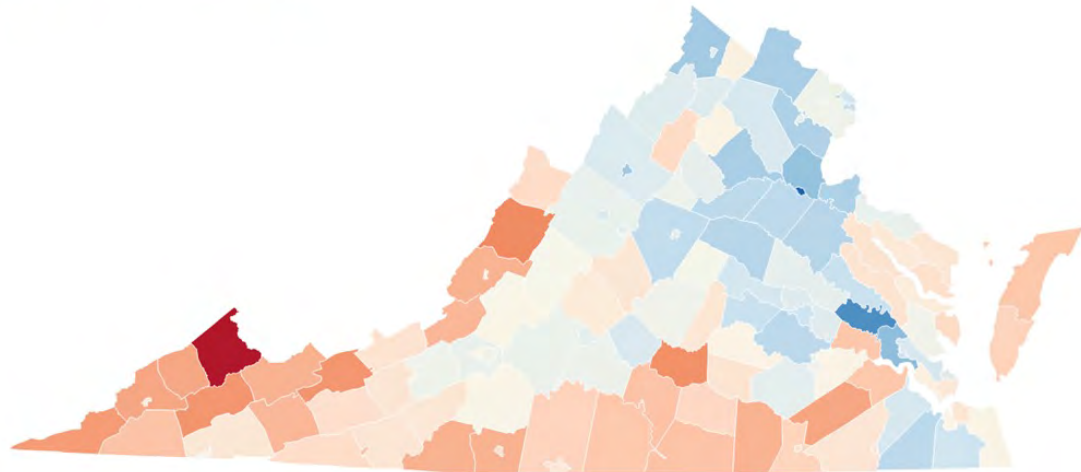
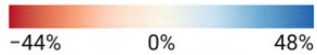
Growth/decline in 15-19-year-olds by county/city, 2020-2040



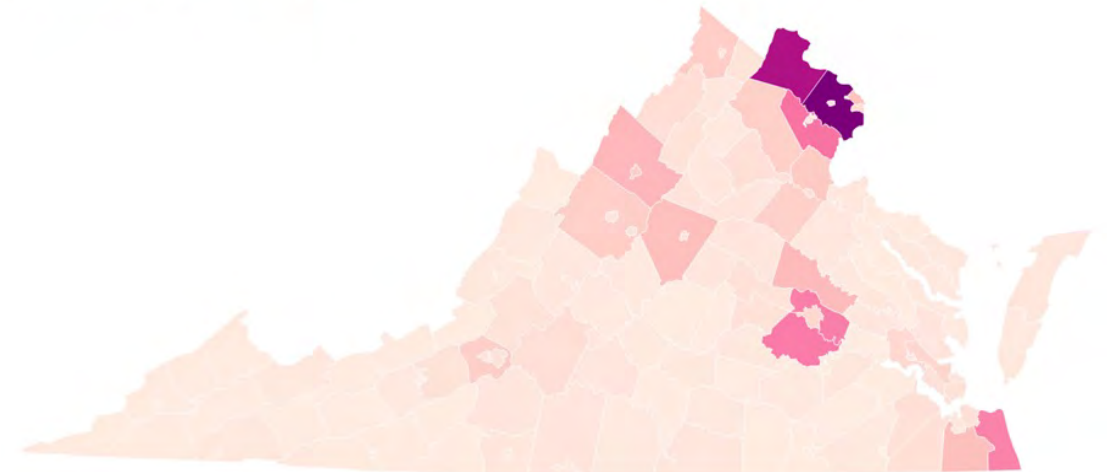
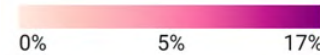


Virginia Demographic Projections

Projected Change in 15-19 YO, 2020-2040



JMU First-Year Students, 2021-2023



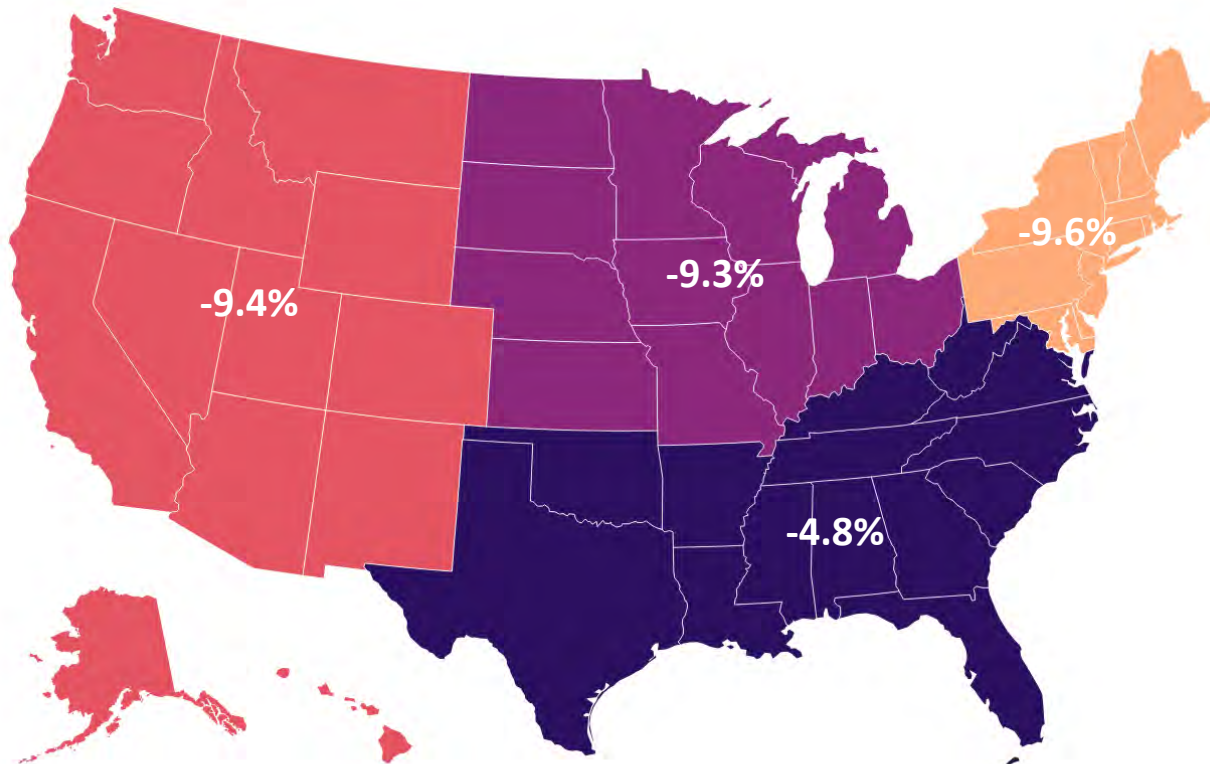


Virginia Demographic Projections

County/City	Share of JMU First-Year Class (2021-23)	Projected Change in 15-19 YO Pop. (2020-2040)	Growth Categorization
Fairfax County	17.0%	+3.8%	Stable
Loudoun County	13.6%	+21.8%	Growing
Prince William County	6.4%	+21.4%	Growing
Chesterfield County	5.7%	+18.8%	Growing
Henrico County	5.4%	+10.3%	Growing
Virginia Beach (city)	5.0%	-1.3%	Stable
Rockingham County	2.7%	+10.5%	Growing
Hanover County	2.5%	+7.8%	Growing
Chesapeake (city)	2.2%	+16.2%	Growing
Albemarle County	2.2%	+18.1%	Growing

Out-of-State Markets

Change in high school graduates, 2025-2035

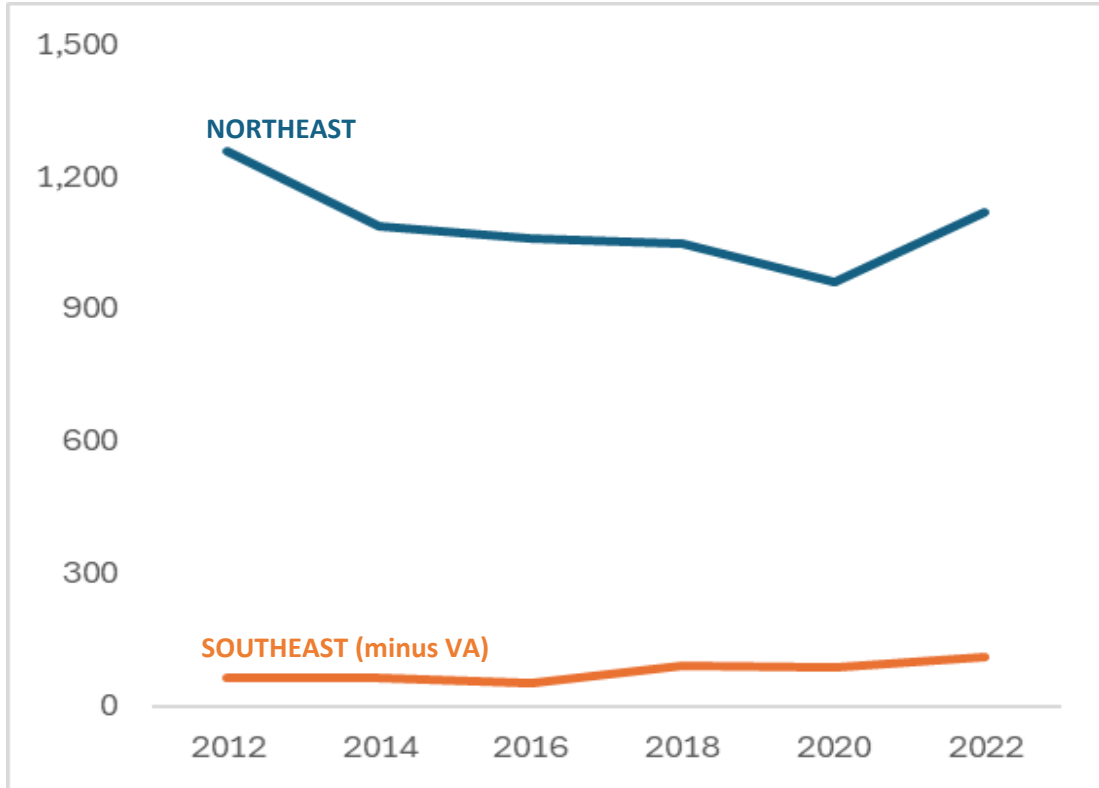


- The Northeast will continue to decline
- But while the South will fare better, it is not a clear "safe haven"
- The West was a growth opportunity in the 2010s but less so in the future
- JMU has benefitted from the migration of students from the Northeast to the South

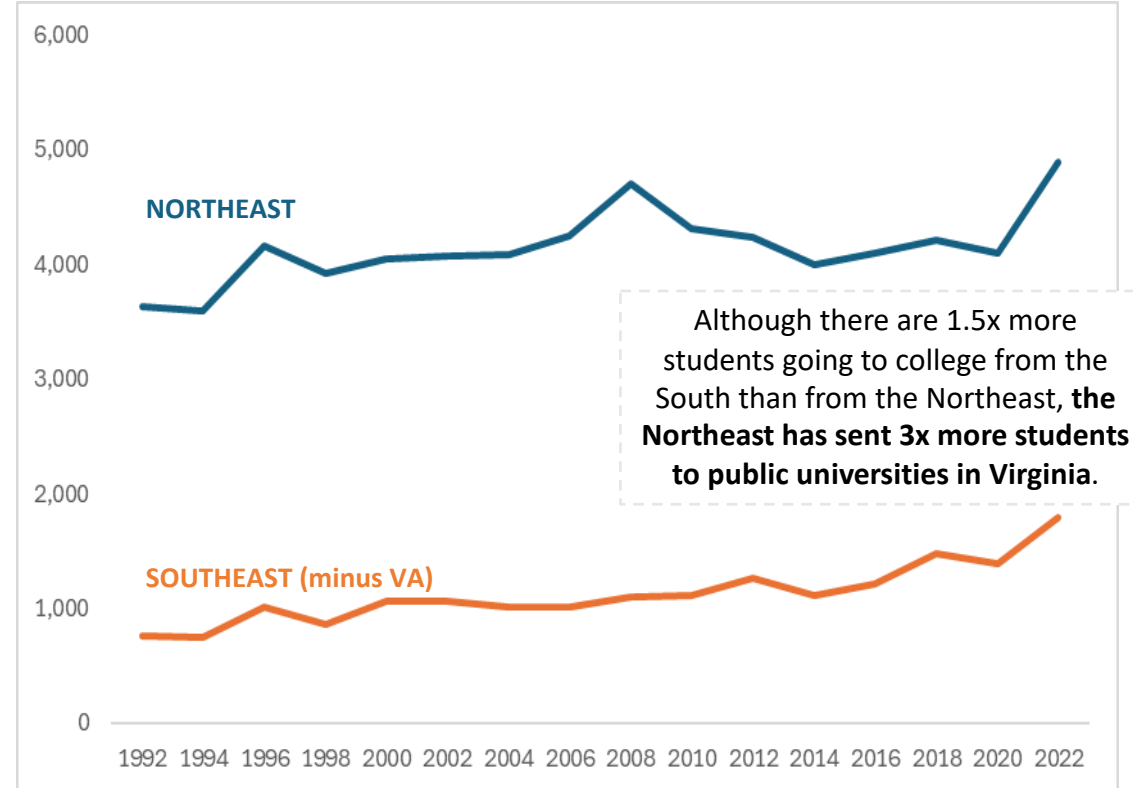


JMU's Historical Draw from the Northeast

Out-of-state enrollment by region of origin



ALL PUBLIC UNIVERSITIES IN VIRGINIA





Trends & Implications

- High school graduate population is contracting
- Returning us to the enrollment environment of the 2010s
- While VA will decline overall, top enrollment markets will hold or grow
 - Virginia will fare better than many Northeastern states
 - Implication: increased competition from Northern institutions
- Continue out-of-state efforts, but it is not a guarantee
 - Historical migration from North to South
 - Difficult to recruit students from the Southeast to northern public universities
 - Southern states face similar population declines



Future Enrollment Strategy

- Develop High School Underclassman Prospective Student Funnel
 - Build communication for prospective Sophomores and Juniors
 - Increase engagement
- Capitalize on Brand Awareness
 - Digital marketing campaigns
 - Increase print and email touchpoints
- Campus Visit Programming (*on-campus and virtual*)
 - Engage the family in recruitment
 - Middle School visit program





Prospective Student Metrics

Prospective Students	2021-2022	2023-2024	Change
Prospective High School Sophomores & Juniors	28,000	71,517	155%
Prospective High School Seniors	100,000	145,254	45%
Digital Impressions	3 Million	18 Million	500%
Digital Advertising: Call to Action	24,000	110,000	358%
Campus Visit	13,942	17,051	22%



Future Enrollment Strategy

- Grow and maintain the first-year applicant pool
- Identify and increase presence in new and emerging markets
- Expand Transfer recruitment
 - Guaranteed Admission Program
 - Co-Admission Program with Blue Ridge Community College
- Grow scholarships for recruitment
 - *In State: \$6,000*
 - *Out-of-State: \$9,500*



First-Year Applicant Metrics

First-Year	Fall 2021	Fall 2024	Change
Applicants	21,489	39,811	85.2%
Out-Of-State	8,574	18,484	115.6%
Rural Regions in Virginia <i>(Central, Shenandoah Valley & Southwest)</i>	2,357	3,594	52.5%
Students of Color/Non-White	6,280	15,474	178.3%
First Generation	2,689	8,488	215.6%
Pell-Eligible	2,266	4,030	77.9%
Acceptance Rate	86.3%	69%	-17%

Questions



Why Test-Optional Admission

Melinda Wood, Vice President, Enrollment Management
Bob Kolvoord, Interim Provost and Vice President Academic Affairs





History of Admission Standards

1998: Virginia's Department of Education adopts Advanced Studies Diploma

2000: JMU Admissions focus core courses, rigor of curriculum & grade trend

2010: Changed the weight of test scores in the admission decision

2018: Test-Optional Policy adopted

2021: Joined the Common Application

Advanced Studies Diploma

vs.

JMU Admission



4 Credits English

4 Credits Math (*Algebra I, Geometry, Algebra II, or other mathematics courses above the level of Algebra II*)

4 Credits Lab Science

4 Credits History/Social Sciences

3 Credits World Language

Take one AP, IB, or Dual Enrollment course

In 2024, 53% of High School Graduates from Virginia Completed the Advanced Studies Diploma Requirements

<https://www.doe.virginia.gov/parents-students/for-students/graduation/diploma-options/advanced-studies-diploma-graduation-requirements>

4 Credits English

4 Credits Math (*1 credit must be a course above Algebra II. i.e., Statistics, Trigonometry, Pre-Calculus, Calculus*)

4 Credits Lab Science

4 Credits History/Social Sciences

3 Credits World Language

Additional Requirements:

- Curriculum Rating Scale: Evidence of Rigor in core classes (*AP, IB, or Dual Enrollment in addition to Honors, if applicable*)
- Academic Rating Scale: Grade trend of A's and B's in core courses

www.jmu.edu/admissions/apply/first-year/index.shtml#review

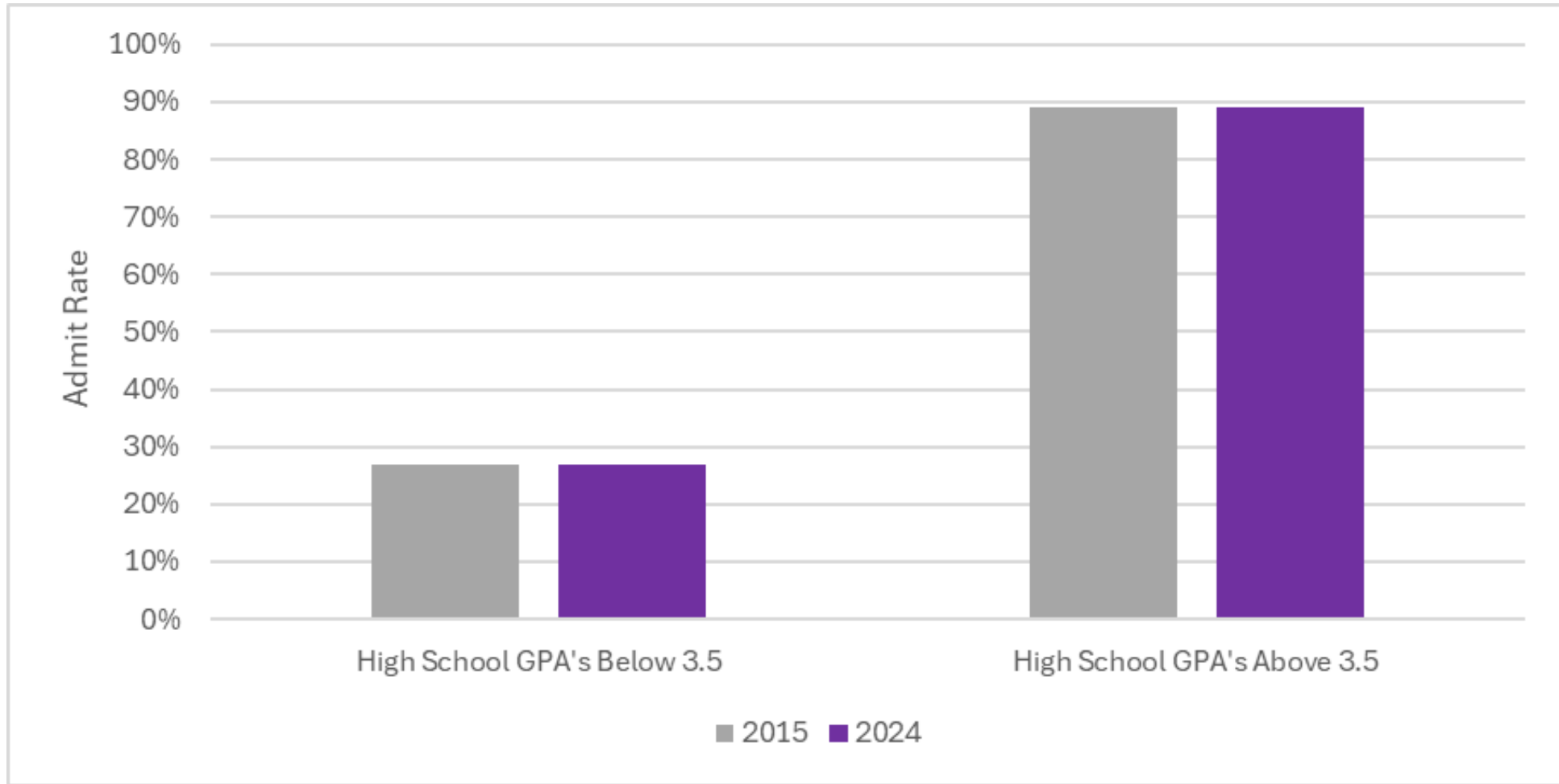


System of Checks & Balances

- Annual review of Advanced Diploma Studies requirements & High School Curriculum changes
- Extensive application reader training
- Utilize three years Admission Decisions by High School



History of Admission Decisions

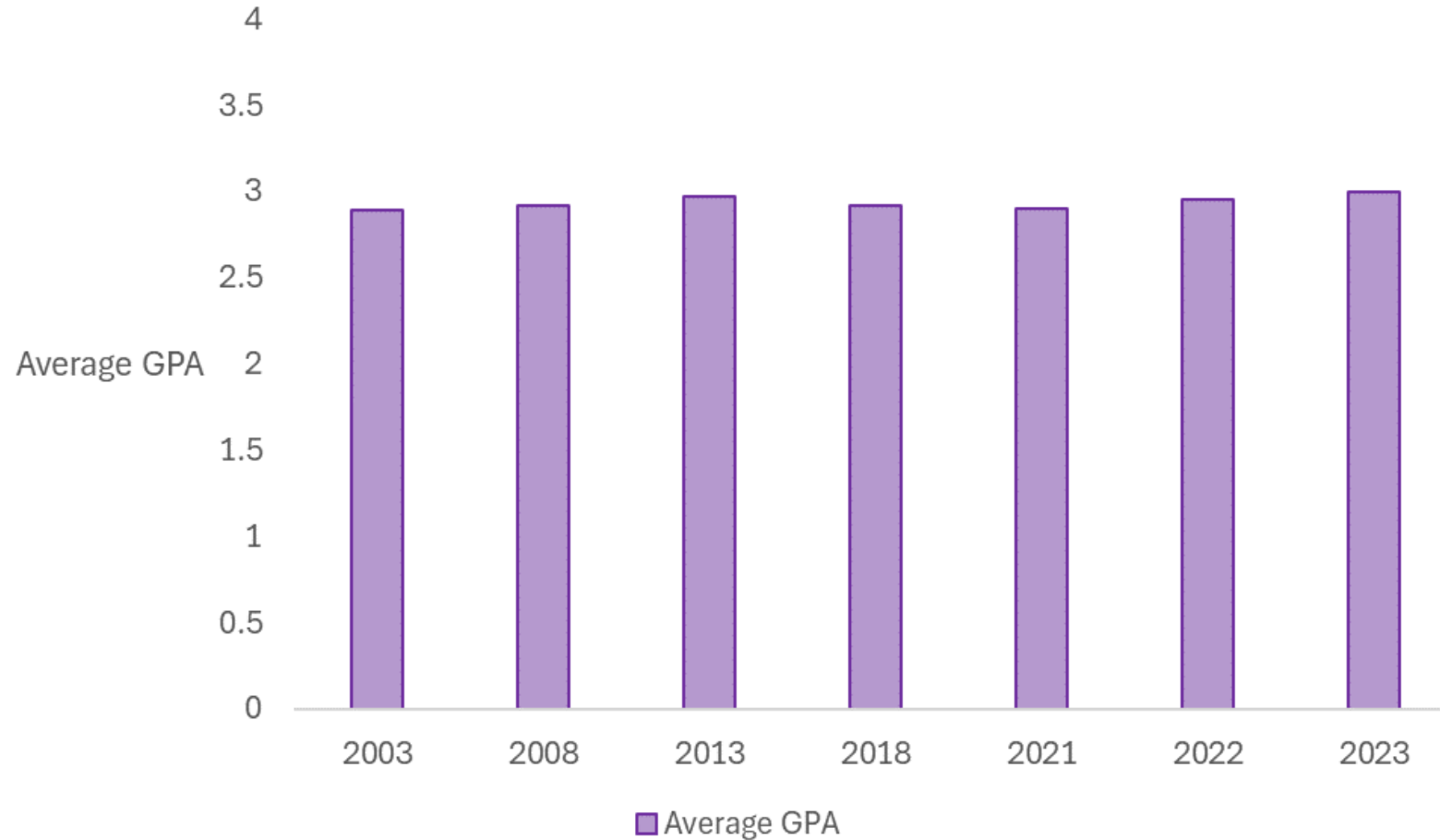


Measures of Student Success



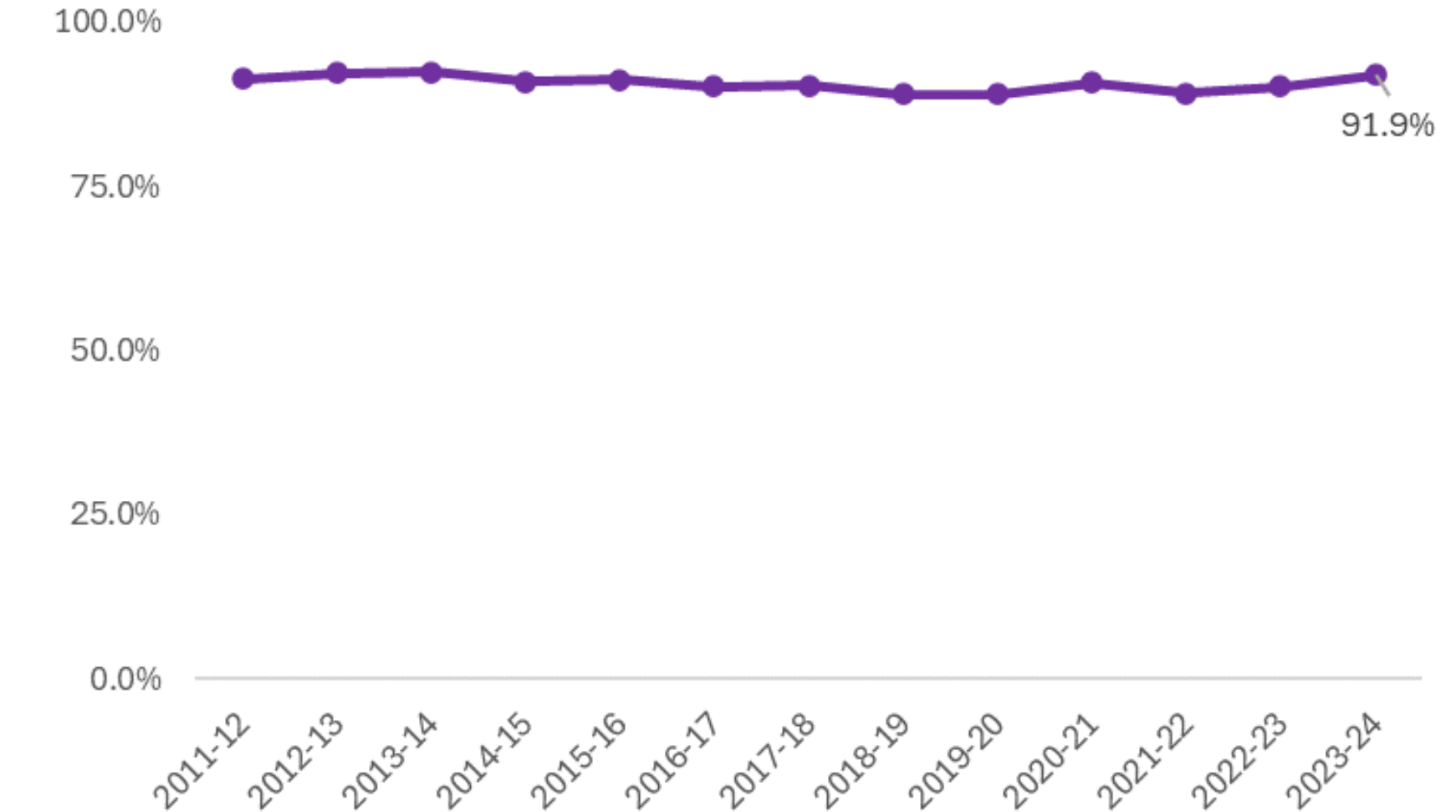


Average JMU First Semester GPA



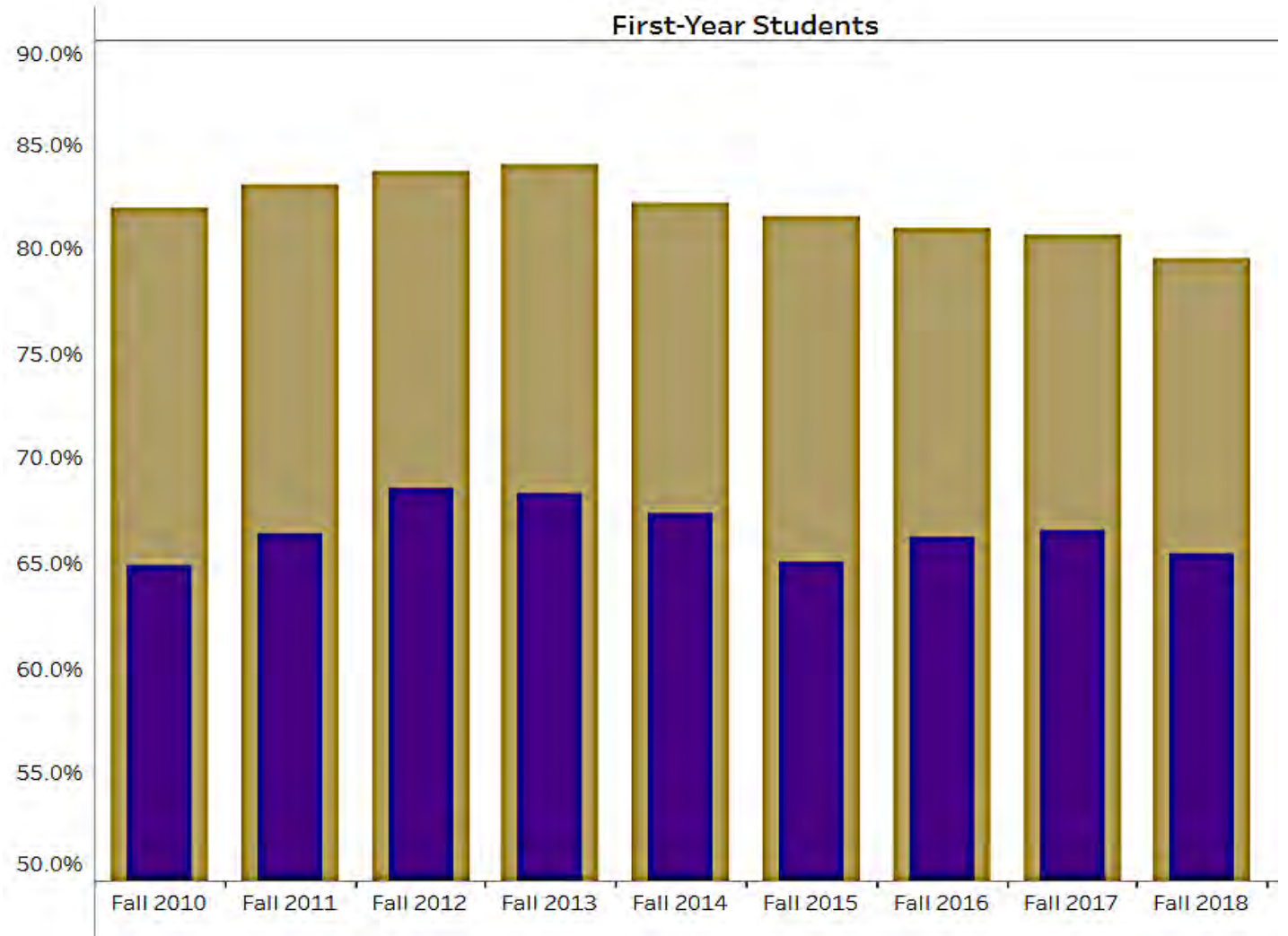


Retention rates have remained above 89% for the past thirty years





**Graduation Rates
have fluctuated
between 80-84%
over the past 15+
years**





Why JMU Should Remain Test-Optional

- No evidence of change to Academic Success
 - Average GPA Fall Semester
 - Retention Rates
 - Graduation Rates
- Proven methodology to identify students for admission
- Increase applications for First-Generation, Rural, and Pell Students
- Remain competitive for applicants (*Enrollment Cliff Strategy*)

Questions



Closed Session

