



JMU Student Handbook

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Standards of Conduct & Policies

James Madison University is a community of 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, as referenced in [JMU Policy 1121](#) and [JMU Policy 1125](#), 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

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 recognized 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, bombs, explosive materials, fire-starter 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.
 - o 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.

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 or intolerable; and that directly cause or is likely to cause severe emotional distress of a student regardless of whether the student or students participated voluntarily in the relevant activity.

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 or psychological hazing activities, as defined in this policy, may 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
- 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
- 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

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

- 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. This includes but is not limited to threats involving bombs, explosive devices, or arson. 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

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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:
 - o **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

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

#5)

- 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.

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).

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, off-campus property. This may include, but is not limited to, off-campus businesses, 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

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*.

Office of Student Accountability and Restorative Practices

Student Success Center

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