

EXHIBIT A

From: Sirocky-Meck, Amy - sirockam
Sent: Tuesday, April 30, 2019 4:45 PM
To: Reid, Alyssa - reidab <reidab@jmu.edu>
Cc: Aguirre, Robert D - aguirrrd <aguirrrd@jmu.edu>
Subject: Dean's decision in case TIX-551
Importance: High

To: Alyssa Reid
From: Amy Sirocky-Meck, Title IX Coordinator
cc: Dr. Robert Aguirre, Dean, College of Arts and Letters
Date: April 30, 2019
Re: Dean's Decision in case TIX-551

Attached please find written notice of the Dean's decision in case TIX-551 and applicable appeal procedures as laid out in JMU Policy 1340-Sexual Misconduct including grounds for appealing and the deadline by which either party may submit an appeal to the Vice President for the case, Dr. Heather Coltman, Provost.

Amy M. Sirocky-Meck
Title IX Coordinator, James Madison University
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Harrisonburg, VA 22807
540-568-5214
sirockam@jmu.edu
Her(s)/She

Title IX is now located in Madison Hall 4035 which is in Suite 4020. Madison Hall is located across from the Student Success Center on the corner of Mason Street and Grace Street. Use the main entrance which is located across from Miller Hall and Duke Hall. At the Admissions information desk make a right and proceed to the elevators which are down the hall on the left. Upon exiting the elevator on the 4th floor make an immediate left. Suite 4020 is the first door on the left.

Faculty Sexual Misconduct Case Dean/Associate Vice President Written Decision

James Madison University

Case Number TIX-551

Date of Hearing: 03/28/2019

AVP/Dean: Robert Aguirre, Dean, College of Arts and Letters

Responding Party: Alyssa Reid

Reporting Party: [REDACTED]

Findings

Upon deliberation of the charges listed below, the decision of the Dean/AVP, based on the evidence submitted in the case file and during the hearing, using a preponderance of the evidence standard, are:

Charge(s):	RESPONSIBLE	NOT RESPONSIBLE
Non-Consensual Relationship	X	<input type="checkbox"/>

Rationale: JMU POLICY 1340.5.6 states, in part, that “A sexual relationship between members of the university community is prohibited if it is influenced by any form of fear or coercion.” It also states that “in a sexual relationship between individuals where a power differential would imply or raise the inference of exploitation or raise the inference than an educational or employment decision will be based on whether or not there is submission to coerced sexual conduct, the relationship is forbidden.”

After a thorough review of the evidence, which includes statements from the complainant and the respondent as well as witness statements, I find for the complainant. Both the complainant and the respondent agree there was a sexual relationship and that there was a power differential, as the complainant was a student and the respondent was in a position of authority. As the complainant writes in her statement, “It was clear to students competing that all decisions had to be made equally between [the supervising faculty member] and Alyssa [the respondent]. “They were both in charge of our forensics careers.” It is also clear that after the relationship began, the respondent sought to keep it quiet, and that after it went sour, the complainant was the object of verbal abuse and retaliation from the respondent. Witness statements support this view of the case.

The relationship was inappropriate and its conduct violates the JMU policy.

A letter of reprimand should be placed in the respondent’s file.

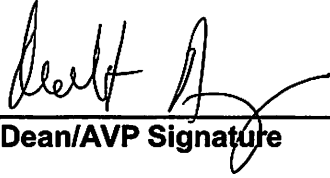
Sanction Recommendations

*If the decision is **Responsibility**, the Dean/AVP also recommend sanctions from Faculty Handbook Section III.A.25. Faculty Misconduct and Sanctions, commensurate with the severity and/or frequency of the offense(s), as follows (check all that apply):*

- A reprimand
- A period of suspension without pay
- A reduction of salary
- A reduction in rank
- Removal of specific privileges
- Dismissal

Rationale:

A letter of reprimand is suggested in light of the respondent's having already left the university for other employment.


Dean/AVP Signature

4/30/19
Date

**Sexual Misconduct Complaint against a Faculty Member
Dean/AVP Decision and Appeal Process and Procedures**

James Madison University

Case Number: TIX-551

Hearing Date: 03/28/2019

Responding Party: Alyssa Reid

Reporting Party: [REDACTED] [REDACTED]

Title IX Coordinator: Amy Sirocky-Meck **Title IX Officer for case:** Amy M. Sirocky-Meck

Academic Unit Head and Dean: Toni Whitfield, Communication Studies (AUH designate for this case) and Robert Aguirre, Dean, College of Arts and Letters

Deadline for Reporting and Responding Party to submit an appeal of the Dean/AVP's Decision to the Vice President: 05/05/2019

Vice President: Heather Coltman, Provost

Appeal Procedures

From Policy 1340-Sexual Misconduct 6.6.8. Complaint Process against a Faculty Member 6.6.8.17. – 6.6.8.21.

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

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

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

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

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