



Pomona College

## Student Handbook

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# A Message from the Vice President and Dean of Students

Dear Pomona students,

As Pomona College's Vice President of Student Affairs and Dean of Students, I want to welcome each of you to campus, and express my great excitement for our year ahead! I trust you share my excitement and are looking forward to a great year. I am confident of our ability to achieve many successes as we work collaboratively.

The purpose of the Pomona College Student Handbook is to provide you with Pomona College's policies and resources in a centralized place. When you accepted the College's offer of admission, you agreed to abide by the College's policies. These policies and the expectations we have to support and respect each other are foundational to the success of our small, residential, liberal arts community. In fact, most of the policies you read about here have been developed by committees of students, faculty, and staff.

Many of the resources mentioned here started out as ideas or initiatives generated by students and implemented through partnerships with faculty and staff. These partnerships reflect the fact that we are all committed to a community where student concerns are taken seriously. At Pomona, we strongly believe that each of our community members have much to contribute to the continuous evolution of our college. Your ideas, talents and questions will help to make Pomona the best institution possible and provide an environment that is conducive to growth and development.

Simply put, we are all in this together and all share the same desire for a community committed to respect and education. This Handbook outlines what you need to know about the policies and procedures that govern student life. Please take time to familiarize yourself with this Handbook and feel free to ask any questions if any aspect of it is unclear. At Pomona, you are not left alone to figure things out but instead you are surrounded by student leaders, faculty and staff who are eager to assist you. I would also encourage you to review the [Student Affairs website](#) to gain an understanding of the Division of Student Affairs and the ways your education may be enriched by opportunities hosted by Student Affairs.

Lastly, as I am sure you already know, Pomona has so much to offer that it is important for you to pace yourself. Take your time, explore, try new things and have an amazing time. I am so glad you are part of this community and I look forward to getting to know you.

Respectfully,

Dean Avis E. Hinkson

## Academic Policies and Procedures

### Academic Procedures Committee (APC) Petitions

The members of this committee include three faculty members, the Dean of Students, the Registrar, and two students, one of whom is the ASPC vice-president for academic affairs. The main function of the Academic Procedures Committee is to consider petitions for exceptions to the Academic Regulations adopted by the faculty.

The Committee approaches its deliberations with an assumption that the faculty's academic rules and regulations should normally be followed. When considering exceptions, the Committee attempts to be both "consistent" (i.e., to apply uniform standards) and "flexible" (i.e., to give personal attention and respond to individual circumstances).

Petitions should include all relevant information and be clearly articulated with appropriate documentation. The Committee cannot fill in missing information; it is the student's responsibility to present the case fully. The class deans and the vice-president of academic affairs will be glad to talk to students who are considering filing petitions.

Arguments which amount to a fundamental disagreement with existing policy should be avoided. The Committee is charged by the faculty only with making exceptions to regulations when such exceptions are justified by the individual circumstances.

The APC form is available in the My Pomona student portal under "My Academic Records". Once the form has been completed online, an automated request for comments is sent to the student's advisor and the course instructor, if the matter concerns a specific course. Once the comments are submitted by the relevant faculty (advisor and instructor) the Registrar's Office assembles the petition and supporting documents for presentation to the APC.

Examples of the kinds of requests which are handled by the Academic Procedures Committee are:

1. Course overloads
2. Registration changes after deadlines
3. Incomplete grades
4. Final exam time changes (unless the student has three exams in two days, in which case a petition is not needed, and one exam may be re-scheduled without APC approval; or a common final meets at the same time as the final for another course, in which case the instructor offering the common final should provide an alternate time, again, without APC approval)
5. Second major declarations (normally submitted after all General Education requirements have been completed, or final GE requirements are in progress)
6. Residency requirement exceptions
7. Requests to enroll for an additional semester
8. Grade disputes, when the instructor is a Pomona instructor

If all parts of the petition are received by noon on Tuesday, the APC will review the student's petition on the following Wednesday. Occasionally, petitions must be tabled or take more than one week to resolve. All communications regarding APC petitions are sent by the Registrar to the student via their Pomona email address. Until notification of the Committee's decision is received, the student should continue going to class and completing assignments, and take no action affecting their status in the course.

Any student who has questions about a petition is invited to discuss these questions with their class dean. The class deans are prepared to advise a student before their petition is submitted. A student whose petition has been denied may consult with the Chair of the Committee for an explanation of the Committee's action.

Decisions of the Committee are final. Appeals are only approved by the faculty chair of the Committee, and only when there is new evidence or information that was not available when the original petition was filed.

## **Academic Standards Committee (ASC) and Policies**

The Academic Standards Committee reviews the academic standing of students. Its responsibility includes warning those with low grade point averages or problematic rates of progress toward a degree, or placing them on probation, suspending them, or requiring their withdrawal from the College. The Committee meets at least once every semester.

Three faculty members, the Registrar, the Dean of Students, the Dean of Students for Academic and Personal Success, and Assistant Deans of Students, representatives from the Office of Black Student Affairs, the Chicanx/Latinx Student Affairs Center, and the Asian American Resource Center meet every semester to review the academic progress of students in the college.

To continue in good standing at the College, a student must:

- a. Receive at least a C-minus in the Critical Inquiry Seminar (ID 001); those who do not are automatically placed on probation. (This applies only to first-year students.)
- b. Achieve at least an overall "C" average each semester in courses taken under the auspices of Pomona College.
- c. Maintain normal progress toward a degree with an average of at least four courses passed for each semester of registration.
- d. Make suitable progress toward completion of all academic requirements, including completion of a major.

In some cases, the Committee may place a first-year or sophomore student who earns a C+ (2.33) on probation especially if the student completed fewer than four courses for that semester. Such an action facilitates the intervention and support that helps a student to strengthen their academic performance.

The Committee normally expects any academic deficiencies to be reduced or eliminated within one semester. In the case of students who did not receive at least a C- grade in the Critical Inquiry Seminar, the student will need to take a writing tutorial in the second semester and a writing intensive seminar before the end of the sophomore year but may come off probation after the spring semester if spring semester grades warrant it.

The Committee urges students with any academic problems to seek assistance promptly. The Deans and Assistant Deans of Students are the general advisors for the College and are prepared to discuss academic questions, concerns, or problems with students at any time. Students may also see their faculty advisors or staff at Monsour Counseling Center or they may receive help from tutors or fellow students. The Committee does consider evidence that a student has been making serious efforts to seek help and improve their status in the College.

The following actions are among those that may be taken with respect to students whose academic records are judged inadequate. These actions do not represent a sequence which will be followed in every case. The committee chooses the course of action which seems most appropriate. Students are reviewed based on the standards of pace and/ or performance in accordance with the parameters outlined above.

The College, through the Academic Standards Committee, may at any time require the withdrawal of a student if the quality and amount of their work seems to warrant such action.

1. **Warning:** This is the action most taken when the academic deficiency is minor. If there is not substantial improvement the next semester, the Committee will usually take more serious action. Students are typically given a warning for performance when they receive a D, F, or W in a course or when their semester GPA is between 2.3-2.5. Students are typically given a warning for pace when they are 0.75 credits off-pace.

2. **Academic Probation:** This action indicates that the Committee is concerned about a student's work at Pomona. It is usually accompanied by a firm set of expectations for the following semester requiring immediate and substantial improvement of the student's record. Students are typically placed on academic probation for performance when they have a semester GPA of 2.0-2.3 or if they do not earn at least 3 full credits in a semester. Students are typically placed on academic probation for pace when they are 1.0 credits or more off pace. Failure to meet these expectations is likely to result in a suspension or required withdrawal, especially if the student earns less than a C (2.0) average for two consecutive semesters. A student on academic probation is required to meet with their class dean about their progress during the following semester.

3. **Suspension:** This action is taken when, in the judgment of the Committee, the interests of the student will be best served by a period away from the College, or when the Committee also believes that successful completion of the College program is likely at a later time. After the period of suspension and if the student has met the criteria outlined in the suspension notification letter, the Committee will review the case and may authorize the student to return to the College if there is sufficient evidence of ability and motivation to succeed.

Reinstated students return to the College on academic probation. A student who is suspended and plans to take coursework elsewhere with is advised to secure transfer credit approval in advance from the appropriate Pomona College department and the Registrar. Credit for such courses may be applied toward a degree at Pomona, but grade points earned may not be used to reduce grade point deficiencies incurred at Pomona.

4. **Required Withdrawal:** This action is taken when, in the judgment of the Committee, it appears that the student will be unable to meet minimum graduation requirements. While it does not mean that it is impossible for the student ever to return to the College, the Committee will not look favorably on a request for re-admission unless there is strong and compelling evidence of a change in the student's readiness to perform college work. A student will not be considered for re-admission by the Academic Standards Committee before at least a year has elapsed.

## Appeals

Decisions of the Committee are normally final. However, if there is pertinent and compelling information which was not available at the time of the decision, actions of Suspension or Required Withdrawal may be appealed. The letter of suspension or required withdrawal notification indicates the process for an appeal and provides the corresponding deadline for the appeal submission.

Appeals should provide new and significant evidence, and will be considered by a subcommittee of the Academic Standards Committee.

## Disputed Grades Policy

The normal presumption in the administration of grades at Pomona College is that the instructor alone is qualified to evaluate the academic work of a student in their courses and to assign grades to that work. Once recorded in the Registrar's records, a grade may be changed only in one of two ways:

1. Upon the certification by the instructor that an error has occurred, and with the approval of the Associate Dean of the College.
2. By the procedures described below, when a student has substantial grounds for believing that a particular grade was assigned in a manner that was arbitrary or unjust, or that crucial evidence was not considered. This is apart from questions of the quality of the work, which is subject to the judgment of the instructor.

The student should first discuss the matter with the instructor. If the outcome of that discussion is satisfactory, and the instructor proposes a changed grade based on the criteria laid out in (2) above, then the instructor should submit a petition to the APC based on that discussion and request the change in grade. If the outcome of that discussion is not satisfactory, the student can submit a petition to the APC to hear a grade dispute based on the criteria laid out in (2) above. Based on this petition, the APC makes an initial determination to hear the case. If the APC decides to hear a grade dispute, the case is brought to the full committee of the APC, which will serve as the hearing panel for the case, unless the student petitioner had requested that student APC members not review the petition, and in that case, there will be no students on the hearing panel. The decision of the APC hearing panel on the disputed grade shall be final.

A grade dispute petition must be submitted by the end of the seventh week of the semester following the one for which the disputed grade has been given, and final disposition of the case must be made by the end of that semester. If extenuating circumstances make it impossible for these deadlines to be met, the APC may arrange to postpone the process. Examples of such circumstances would be the temporary absence of either the faculty member or the student from Claremont, or illness which makes it impossible for one of the participants to be present.

### Grades Disputes in Cross-Registration

Situations:

1. Students charged with academic dishonesty in a course taken outside their home college shall be tried according to the procedures for handling such cases in their home institution. Faculty members at the Colleges are obligated to accept the decision of the student's college and may not impose a penalty should the appropriate hearing panel fail to find guilt. Any student grievance concerning a grade given by an instructor because of such a hearing decision will also be handled according to the rules of the student's home college.
2. All other grievances concerning grades are handled by the procedures of the college sponsoring the course.

## Procedures for APC Grade Dispute Hearings

1. Once the APC has decided to hear a grade dispute petition, the Chair of the APC will solicit from the student and instructor any additional evidence for the APC to consider beyond the petition and petition materials.

2. Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by the hearing panel at the discretion of the Chair. All such material must be approved by the chair 72 hours prior to the start of the hearing. The student and instructor have the right to review such evidence at least 48 hours prior to the start of the hearing. The Chair shall exclude evidence that does not meet College standards. Evidence shall be limited to:

- o Facts pertinent to the grade dispute
- o Physical and/or electronic evidence associated with the grade dispute (exams, papers, lab reports, etc.)
- o Witness statements that are directly relevant to the grade dispute
- o Circumstances or attitudes that are directly relevant to the grade dispute

3. A hearing panel on the grade dispute shall be convened as soon as possible after a grade dispute petition has been accepted, normally within 60 days.

4. The APC Chair shall notify the Dean of the College of the grade dispute hearing.

5. Both the student and instructor have the right to be present for the hearing.

6. Both the student and instructor have the right to have an advisor present in the hearing.

7. The full APC Committee will constitute the hearing panel for grade disputes, unless the student had requested that only faculty members of the APC review the grade dispute petition. In that case, students would not sit on the hearing panel for the grade dispute.

8. The faculty chair of the APC will serve as chair of the hearing panel, and will vote only in the event of a tie.

9. The APC Chair shall convene the hearing, notify the committee members, student, and instructor of the time and place of the meeting, and conduct the hearing. If the Chair is unable to serve, the Dean of Students shall designate a tenured faculty member of the APC to serve as the hearing panel chair.

10. The Chair may appoint, to assist the panel, a neutral faculty expert from the discipline in question who is not a faculty member at Pomona College.

11. All information upon which the determination of the grade dispute is to be based shall be introduced into evidence in the presence of the student and instructor at the hearing.

12. The Chair presides at hearings and shall conduct the hearing to ensure the fair presentation of all pertinent evidence and witnesses. As the hearing begins, the Chair shall:

- o Describe the procedures under which the hearing will be conducted
- o Read the criteria in the Grade Dispute policy which have to be met in order for the panel to determine the grade dispute
- o Indicate the order in which evidence and testimony will be presented
- o Indicate that all decisions must be based solely on information presented at the hearing
- o Indicate that the decision of the APC hearing panel is final

13. The members of the hearing panel shall not discuss the case outside of the hearing. Likewise, statements of the instructor, student respondent(s), and witnesses, whether written or oral, are confidential and may not be used or quoted for any purpose outside of the hearing.

14. Any advisor to the student or instructor is prohibited from addressing the hearing panel and may speak only to the student or instructor.
15. As the hearing begins, the Chair will call on the student bringing the grade dispute to make a statement and present evidence regarding the substantial grounds for believing that a particular grade was assigned in a manner that was arbitrary or unjust, or that crucial evidence was not taken into account (apart from questions of the quality of the work, which is subject to the judgment of the instructor).
16. The instructor shall then have the opportunity to make an opening statement and address questions to the student bringing the dispute.
17. Panel members, the panel Chair, the instructor, and the student are entitled to question the instructor, the student, and any witnesses.
18. Witnesses shall appear one at a time in an order determined by the Chair.
19. The student and instructor shall each have the opportunity to make a final statement in the hearing.
20. The hearing panel may recess at any time, upon the decision of the Chair, for the purpose of gathering additional information or to provide a break in the hearing or the deliberation.
21. The student or instructor may ask the Chair for a recess at any time during the hearing in order for their advisors to ask a question of the Chair or consult with their advisors.
22. After the hearing has been concluded, the APC shall go into closed deliberations to determine the grade dispute.
23. If the grade dispute is determined to have merit, the Hearing Panel can determine a new grade for the student. The Chair shall inform the student and instructor of the results of the hearing. The Chair shall prepare a written opinion for the Vice President and Dean of the College and the Vice President and Dean of Students which summarizes the findings of the panel and the new grade assigned, if any, and explains the reasons for the decision. The Registrar will issue an official notification of the grade change.

# 29-Academic-Honesty-Policies-and-Procedures [Handbook]

## Standards for Academic Integrity

The College expects students to understand and adhere to basic standards of honesty and academic integrity. These standards include but are not limited to the following:

- In projects and assignments (including homework) prepared independently, students never intentionally represent the ideas or the language of others as their own, examples include but are not limited to plagiarism, failing to use citations, unapproved use of artificial intelligence and resubmitted personal work for another course.
- Students do not destroy or alter either the work of other students or the educational resources and materials of the College.
- Students neither give nor receive assistance with examinations.
- Students do not represent work completed for one course as original work for another or deliberately disregard course rules and regulations.
- In laboratory or research projects involving the collection of data, students accurately report data observed and do not alter or fabricate data for any reason

## Reporting Violations of the Academic Honesty Policy

When a faculty member believes that a student has violated the Pomona College academic standards, they must submit a complaint directly to the Vice-President of Student Affairs/Dean of Students.

### *Bringing forward an academic dishonesty charge*

If a faculty member believes a student has violated the academic honesty policy, they will contact the Vice President of Student Affairs. Faculty reporting ensures that all students receive the same process and protections as outlined in the handbook.

1) The faculty member will contact the Vice-President to confirm that it is the student's first violation.

- All charges must be brought within ten (10) academic days of the discovery of the alleged violation by the faculty member. For example, when papers or tests are graded.
- *The Vice-President of Student Affairs will confirm whether this is the student's first reported incident. If it is the first, the incident will proceed through the first violation/acceptance of responsibility process. If it is not the first incident, it will automatically proceed to a hearing panel.*
- *The Vice-President of Student Affairs is also available to answer questions about process and precedent.*

2) The Vice-President will then email the student and inform them of the charge(s), inform them of their rights, and schedule a meeting with the student and the faculty member:

- *The student will be notified that they can have any 5C faculty, staff, or administrator serve as an advisor during the process, such as the class dean or liberal arts advisor (Students and attorneys may not serve as advisors.)*
- *Advisors can attend all meetings during the process and meet with respondents prior to the meeting and hearing.*
- *The student and faculty are notified that the meeting is preliminary and both parties have the right to move to a hearing if they so choose.*

3) During the meeting the Vice-President of Student Affairs' role will be to provide information on process and procedure. The faculty member will be asked to share any evidence of alleged academic dishonesty. The student does not have to plead responsible or not responsible during this meeting. This is not a hearing. The academic honesty process will be outlined *for both student and faculty. Possible sanctions will be shared as well.*

- *Any sanctions must be course-specific—such as a failing grade on an assignment.*
- *Note: If the violation and resulting penalty could lead to failing the course, the incident should be referred to a hearing panel. This is to ensure all impacts of a failing grade are taken into account by the hearing panel – including probation for pace, preventing a student from graduating, etc.*

4) *The student is then given five academic days to decide on a next step*

- *If the student accepts responsibility, the previously discussed sanctions are put in place, a note is placed in the student's record and the case is closed. Following the meeting the student and faculty will be sent a letter outlining the sanction within three (3) academic days.*
- *Sanctions may not be appealed*

5) *If the student does not accept responsibility or does not agree with the sanction an academic hearing panel will be scheduled by the Vice-President of Student Affairs as outlined below*

- *The student may ask at any time for a hearing*
- *If a student accepts responsibility but disagrees with a sanction, they can ask for a hearing solely to determine the appropriate sanction. The hearing will stipulate the facts of the violation, but the deliberation will be solely focused on the sanction for said violation*
- *Academic Discipline Boards will only use evidence, statements from the respondent and complainant, and precedent. There will be no witnesses for a sanction-only hearing.*

## **Additional violations/egregious violation/student denies responsibility**

If the alleged violation meets any of these qualifications, the case will be sent to an Academic Discipline Board for resolution:

- The student denies responsibility for the violation
- The faculty member believes that the possible violation is especially egregious, such as affecting more than the individual respondent, or likely to lead to failing course grade.
- The student has had any previous violation of the academic honesty policy (in any course on any 5C campus)

The Academic Discipline Board (ADB) is composed of two faculty members (none from the same department as the faculty bringing charges) from either the Academic Procedures Committee (APC) and the Faculty Grievance Committee (FGC). The chair of the ADB is a non-voting position and is filled by the Faculty Chair of the APC, or their designee if the faculty member is unavailable or non-tenured.

In addition, the ADB shall have two students total. These students will be selected from the Student Affairs Committee (SAC), Judicial Council, and/or ASPC's Vice-President for Academic Affairs. The Judicial Council members are chosen by Judicial Council Chairs.

The Vice-President of Student Affairs, or their designee, will advise the Board throughout the hearing but has no vote.

### ***Procedures for Academic Dishonesty Hearings***

## Pre-Hearing Procedures

- If this is a first offense, the student (respondent) or faculty (complainant) will notify the Vice-President of Student Affairs that an ADB is requested (see above for process to request an ADB) by the student or faculty
- If this is a repeat violation of academic honesty a hearing is required.
- The Vice-President of Student Affairs confirms with all parties that the case has been referred to an Academic Discipline Board.
- Within 48 hours of the notice of a hearing, the faculty member will provide the Dean with a written account of the violation including evidence of the alleged violation and any witnesses that may be relevant. (The faculty member will not include any proposed sanctions at this time.)
- The Vice-President will also notify the student's academic advisor and the Dean of the College.
- The Vice-President of Student Affairs prepares a comprehensive written charge sheet specifying the portions of the Academic Honesty Policy that the student is alleged to have violated and outlining the evidence of dishonesty. In the letter the Vice-President of Student Affairs will also:
  - Offer to meet again with the student to go over the charge letter.
  - Remind the student that they may have an advisor, any faculty or administrator from the 7C community, throughout the process.
  - If the student does not have an advisor, one can be suggested from an advisor pool consisting of faculty and staff who have been trained for the role. A person may not serve both as an advisor and witness in the same case.
- Provide the student with a link to the Student Handbook and specifically the Academic Honesty Policy and the student's rights under that policy are outlined in the Student Handbook.
- Within three (3) academic days of the charge letter the student must submit a written statement of their version of events, any evidence and/or a list of witnesses and the reason for their attendance.
- The Vice-President contacts the presumed Chair for the Academic Discipline Board, the appropriate faculty committees, SAC, Judicial Council and the ASPC Vice-President for Academic Affairs to assemble the panel.
- Hearings must be convened within fifteen (15) academic days of notifying the student of the hearing. If there is a delay, the student must be informed as soon as possible.

## Convening Hearings of the Academic Discipline Board

- Once the panelists are confirmed, the Chair of the ADB shall convene the hearing, notify the committee members, respondent, complainant, and witnesses of the time and place of the meeting, and conduct the hearing. (If the Chair is unable to serve, the Vice-President of Student Affairs shall, in concert with the original chair, designate a tenured faculty member of the Board to serve as the hearing panel chair.)
- Violations that occur with less than 15 academic days in the semester may be heard in the following semester.
- Students abroad will have their hearings over a video call.
- Seniors must have their hearing prior to commencement no matter when the violation occurs.
- Seventy-two (72) hours before the hearing, the student respondent will be sent a list of the convened board members.
- The respondent may challenge up to one faculty and one student member of the hearing panel, excluding the Chair. These challenges shall be emailed to the Vice-President of Student Affairs by the respondent at least 48 hours before the scheduled hearing. The respondent does not need to provide a reason for the challenge. The Chair will replace challenged members, but this could delay the hearing.

- The Chair will invite those individuals whom the faculty member and/or the respondent requests as well as other faculty, staff, and students of Pomona College who have relevant information to offer the Board.
- Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by the hearing panel at the Chair's discretion. All such material must be approved by the chair 72 hours before the hearing starts. The student respondent and faculty member have the right to review such evidence at least 48 hours before the hearing starts. The Chair, with assistance from the Vice President of Student Affairs if needed, shall exclude evidence that does not meet College standards. Evidence shall be limited to:
  - Facts pertinent to the charge.
  - Arguments addressing the applicability of the regulation on which the charge is based on the case's facts.
  - Circumstances or attitudes that might affect the severity of any sanction imposed.
  - Physical and/or electronic evidence associated with the violations (exams, papers, lab reports, etc.)
  - All information upon which the determination of responsibility for violating the Academic Honesty Policy is to be based shall be introduced into evidence in the presence of the respondent at the hearing.
- Sanction-only hearing
  - *If the respondent chooses, they may accept responsibility for the academic honesty violation and have the panel only deliberate on appropriate sanction(s).*
  - *The complainant can submit an impact statement and recommendation of sanction.*
  - *Evidence would be available to the panel but no witnesses are called*
  - *The respondent would provide a written statement, be given the opportunity to make an opening and closing statement in the hearing and also answer questions from the hearing panel.*

## **Clear and Convincing Evidence Standard**

The Academic Discipline Board uses “clear and convincing” standard to determine responsibility for violations of the Academic Honesty Policy. “Clear and Convincing” means that the evidence being presented by the faculty member must be “highly” and substantially more probable to be true rather than untrue.

## Standard Hearing Rules

- All Academic Discipline Board hearings are conducted in private in-person or online and will be kept confidential by all hearing panelists and attendees.
- In addition, faculty who have brought forward charges must make every effort to preserve the student respondent's anonymity prior to and following the hearing, including, but not limited to not sharing information about the student with colleagues in the department, and not sharing hypotheticals about the case in classes
- Persons who are appropriately present at all hearings are: The student respondent, the faculty member bringing the complaint, the Chair, the hearing panel members, and the Vice-President of Student Affairs or their designee. The student respondent and the faculty member bringing the complaint may have an adviser at the hearing, who is *a member of the 5C faculty, staff, or administration (Students and attorneys may not serve as advisors.)*
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- Neither the respondent nor the complainant is required to attend the hearing. However, that might affect the panel's decision as they would be unable to question parties to determine facts or impact of a violation.
- The advisor to the student respondent is prohibited from addressing the hearing panel and may speak only to the student respondent. However, the student respondent or their advisor may ask the Chair for a recess at any time during the hearing for the advisor to ask a question of the Chair or consult with the respondent.
- Other attendees of the hearing could include witnesses or signed witness statements. The Chair has the discretion to ask any member of a hearing to leave, with the approval of the full hearing panel in a confidential vote.
- All ADB hearings are recorded by Pomona College. Deliberations of responsibility and any discussions of sanctions, if necessary, are not recorded.
- The recording of the hearing will be kept in the Office of the Vice-President of Student Affairs. If the case is appealed, the student, the faculty member bringing the complaint, the student's advisor, the Chair, the President, the chair of the appeal hearing and the appeal board members, and the Vice-President of Student Affairs may listen to the tape. Only the named individuals can hear a tape recording of a Pomona Board of Academic Discipline hearing.
- The recording is the property of Pomona College. Those authorized to hear the recording may do so with the written approval of the Vice-President of Student Affairs. Recordings may not be copied or downloaded. The recording will be kept for one calendar year following the end of an appeal.
- A respondent's previous Academic Conduct Record shall not be made available to the panel until after the decision concerning whether the respondent violated the Policy has been reached. The panel will also have access to recommended sanctions from the faculty member complainant at this time.

## Academic Discipline Hearings Procedures

- The Chair presides over hearings and shall conduct the hearing to ensure the fair presentation of all pertinent evidence and witnesses. At the opening of the hearing, the Chair shall:
- Describe the procedures under which the hearing will be conducted.
- Read the charges and remind the respondent of their rights.
- Ask the respondent whether they plead “responsible” or “not responsible” to the charges presented.
- Indicate the order in which evidence and testimony will be presented.
- Discuss the standard of judgment to be applied to the case, ensuring that all panel members understand the College’s standard of clear and convincing evidence and presumption of innocence in contested hearings. (see above for definition of “Clear and Convincing”)
- Indicate that all decisions must be based solely on information presented at the hearing.
- Remind the student respondent and their advisor and the faculty complainant that they may, at any time, request a brief break. The panel may also ask for a break at any time.
- If either the complainant or the respondent do not attend the hearing without giving notice, the hearing will proceed without the party present. The panel will make decisions based on the information available to them at that time.
- The Chair will first call on the faculty member, if present, bringing the complaint to make a statement and present evidence of the violation of the Academic Honesty Policy.
- The faculty member may not comment on the student’s character or policy violations that are unrelated to the current case, including any earlier violations of the Academic Honesty Policy
- The student respondent, if present, shall then make an opening statement and address questions to the faculty bringing the complaint.
- Panel members, the panel Chair, and the Vice-President of Student Affairs or their designee, have the right to question the faculty member bringing the complaint, student respondent and all witnesses.
- Questions of the complainant and respondent may be asked directly of each other, or either party can submit questions directly to the chair who will read the question for the parties.
- Witnesses shall appear one at a time in an order determined by the Chair.
- Witnesses must be vetted for relevance prior to the hearing by the Vice-President for Students Affairs and chair of the Academic Discipline Board (at least 48 hours before) and may only address facts in the case. Witnesses may not discuss a student respondent’s character or previous violations of policy (social or academic).
- The faculty member shall have the opportunity to make a final statement during the hearing.
- The student respondent shall have the opportunity to make the final statement during the hearing.

## *Deliberations*

- After the hearing has been concluded, the panel and chair shall go into closed deliberations to determine whether the respondent has violated the Academic Honesty Policy. This phase of the proceedings shall not be recorded. All witnesses, the faculty member bringing the charge, the student respondent and advisor shall not be present for deliberations and are dismissed.
- Sanctions may not be discussed until after the decision of responsible or not responsible
- No prior actions of the respondent or complainant may be discussed during the deliberations
- The hearing panel shall first consider the question of whether the student respondent has violated the Policy. A majority of voting members are required for the panel to reach a finding – if there is a tie, the chair will then be required to vote.
- If a respondent is not responsible for a violation of the policy, all records associated with the charges and hearing shall be destroyed, except exams, papers, or other assignments the student asks to be returned.
- If the respondent is found not responsible for a violation, they have the following options:
  - Withdraw from the class without penalty or notation on the transcript
  - Complete the course under another faculty member's supervision by finishing all course assignments and examinations in a comparable time frame.
  - Re-take or re-submit the assignment to another professor in the department (or, if an option, another faculty member in a relevant 5C department)
  - Selection among alternatives shall be arranged by the Vice-President of Student Affairs or the Chair of the Hearing panel and a written record of the resolution shall be filed with the Office of Student Affairs and the office of the Dean of the College.
  - Remain in the course
- If a respondent is found responsible for a violation of the policy, this panel shall then review relevant precedents and consider sanctions.
- The respondent's previous academic conduct record shall be considered in assessing a sanction. That record will be provided to the hearing panel by the Vice-President of Student Affairs, or their designee.
- The sanction recommendations of the complainant/faculty member
- A majority of voting members is required for the panel to assign a sanction – if there is a tie, then the chair will be required to vote.
- Regardless of the outcome, the Chair shall inform the student respondent, the faculty member who brought the complaint, and the Vice-President of Student Affairs of the results of the hearing in writing within five (5) academic days

- The written opinion for the Vice-President of Student Affairs will summarize the findings of the panel and the sanction(s) assigned, if any, and explain the reasons for the decision. The Vice-President of Student Affairs shall issue an official letter of notification to the respondent.
- When the hearing is concluded the Vice-President of Student Affairs shall inform the Dean of the College of the outcome.
- The Office of Student Affairs shall maintain a permanent, public precedent file which consists of case abstracts specifying charges, facts, case disposition and sanctions, if any. The precedent file shall be furnished to Boards of Academic Discipline prior to the point in the hearing at which sanctions are discussed.

## Sanctions

- When assigning sanctions, the hearing panel shall consider the severity of the offense, precedent, the attitude of the respondent, the respondent's previous academic conduct record, and the conditions under which the offense was committed.
- Sanctions that may be imposed include, but are not limited to:
  1. Academic Sanctions:
    - Lower grade on an assignment
    - Loss of credit on an assignment
    - "F" on an assignment
    - "F" in the course
    - Assignment of make-up or additional work
  2. Other Sanctions:
    - Suspension from the College
    - Loss of College honors (ex. *summa cum laude*)
    - Expulsion from the College

## Appeals

A student respondent may appeal a decision of the Academic Discipline to the Dean of the College. Such a request must be filed by email with the Dean of Students office within five (5) academic days of the date of the letter providing official notification of the sanction.

There are three grounds for filing an appeal:

- **Improper Procedure.** The respondent may appeal if the procedures outlined in the handbook are violated. The Dean of the College shall consider:
  - Whether policies and processes were violated in such a clear manner as to deny the respondent consideration of their position during the hearing.
  - Whether the hearing panel, through negligence or lack of impartiality, overlooked or flagrantly ignored information which would have led to a different finding concerning the alleged violation.
- **New Evidence.** Normally, sufficient time is allowed to gather all available evidence. However, in extraordinary cases the respondent may appeal if new evidence becomes available. The Dean of the College must find both that:
  - The evidence was genuinely unavailable and could not have been made available through the appellant's diligent efforts at the time of the original hearing and
  - The evidence would have led to a different conclusion had it been available.
- **Inappropriate Sanctions.** The Dean of the College shall consider whether the sanctions imposed were disproportionate to the gravity of the violation(s) for which the respondent was found responsible.

After reviewing the case, the Dean of the College may uphold the Board's decision or remand the decision to the Board and may include comments or issues to be considered further by the Board. In egregious situations, the Dean of the College, in consultation with the Ombudsperson, may reconstitute the hearing panel including replacing panel members. After further deliberation about the Dean's concerns, the Board shall reaffirm or alter their decision. At this point, the decision of the Board is final.

## Sanctions

1. When assigning sanctions, the hearing panel shall consider the severity of the offense, precedent, the attitude of the respondent, the respondent's previous academic conduct record, and the conditions under which the offense was committed.
2. Sanctions that may be imposed include:
  1. Academic Sanctions:
    - Lower grade on an assignment
    - Loss of credit on an assignment
    - "F" on an assignment
    - "F" in the course
    - Assignment of make-up or additional work
  2. Other Sanctions:
    - Suspension from the College
    - Loss of College honors

- Expulsion from the College

## Appeals

A student respondent may appeal a decision of a Board of Academic Discipline to the Dean of the College. Such a request must be filed with the Dean of Student's office within five days of the date of the letter providing official notification of the sanction.

After reviewing the case, the Dean of the College may uphold the Board's decision, or remand the decision to the Board and may include comments or issues to be consider further by the Board. After further deliberation about the Dean's concerns, the Board shall reaffirm or alter their decision. At this point, the decision of the Board is final.

# 32-Student-Records-Policy [Handbook]

## Student Records Policy

### Disclosure of Information from Education Records

- Under the federal Family Educational Rights and Privacy Act (FERPA), as amended, students at Pomona College have the following rights regarding education records maintained by the College.
1. Students have the right to inspect and review their education records, subject to certain limitations. Education records include records, in any medium, which directly relate to a student who is or has attended the College and maintained by the College. These routine records include, but are not limited to, grades, transcripts, class lists, student course schedules, student financial information, and student discipline files.
  2. Offices maintaining portions of each student's education record are the Dean of Students/Office of Student Affairs, Admissions, the Office of Financial Aid, the Registrar, Study Abroad, the offices of each relevant academic department, the Finance Office, the Dean of the College's office, Human Resources, and (for some records of non-current students) the Office of Advancement. In addition, the following Claremont University Consortium offices [Black Student Affairs, Campus Safety, Chicano/Latino Student Affairs, Health Education Office, Library, Monsour Counseling Center, Student Health Services, and Student Disability Resource Center] may also maintain portions of a student's education record. Students who have questions about information in any of these files should see the managers/directors of the offices involved. Some records may be administered by additional privacy laws and regulations that supersede FERPA, and, therefore, may not be available under this policy. Requests for the inspection and review of education records must be submitted direct to the custodian of the record, following policy and procedure of the office in whose custody the record is maintained.
  3. Students have the right to seek to amend their education records to correct inaccurate information. In compliance with College policy, individual offices have established procedures for challenging the content of education records. Students may also submit a written request for correction of a particular education record to the Dean of Students. If a requested amendment or correction to the record is not made, the

student may insert into the records a written statement respecting the contested contents. Disputes over the assignment of grades are not covered by these provisions. Students with concerns about the assignment of individual grades are referred to the Policy on Disputed Grades.

4. The College will not release personally identifiable information in an education record without the student's prior written consent. (Some examples of personally identifiable information are grades, exam scores, grade point average, test scores (e.g. SAT, GRE), disciplinary status, birth date, gender, religious affiliation, citizenship, ethnicity, marital status, social security number, and student identification number.) This information may be released to parents only with the student's written authorization (or if the parent can establish that the student is a dependent for tax purposes). Such authorization remains in effect until cancelled in writing by the student.
5. Students have the right to file a complaint with the Federal Policy Compliance Office, a division of the US Department of Education, for any alleged violation of their rights under FERPA. Complaints should be submitted in writing to: Family Policy Compliance Office, US Department of Education, 400 Maryland Avenue SW, Washington DC 20202-5920.

In compliance with FERPA, Pomona College has designated the following items of information as directory information that may be released without the prior consent of the student:

- name and student user name;
- local and permanent address;
- local, cellular, and permanent phone number;
- e-mail address;
- major field of study;
- dates of attendance;
- enrollment status;
- class level;
- expected date of graduation;
- degrees and awards received;
- most recent previous institution attended;
- participation in officially recognized activities and sports;
- and the height and weight of members of athletic teams.

Students may request that the College restrict the release of directory information by submitting a written request to the Registrar's Office. Such restrictions remain in effect until cancelled in writing by the student. Directory information required for course or classroom participation may not be withheld from faculty and students connected with the particular course. In addition, enrollment as a student and attendance at or participation in classes and other College activities constitutes an agreement by the student to the College's use and distribution of the student's image or voice in photographs, videotapes, audiotapes, and electronic reproductions of such classes and other College activities. As permitted by FERPA, College officials have access to student directory and non-directory information when a legitimate educational interest exists for specific education records. A legitimate educational interest exists when the College has determined that a College official needs to know specific information to accomplish academic, instructional, advisory, administrative, research, supervisory, disciplinary or other educational responsibilities assigned by the College. College officials may include employees, faculty, staff, trustees, counsel, designated representatives of Pomona College, The Claremont Colleges and Claremont

University Consortium, and contracted agents and agencies of the College. Pomona College may outsource some operations requiring the disclosure of information from education records. Providers of such services include the National Student Clearinghouse. College officials, including contracted service providers, who receive education records must comply with all FERPA regulations regarding re-disclosure and the privacy of such education records. In addition, under FERPA, and in compliance with other federal and local regulations, privacy rights in the postsecondary environment are reassigned from parents to students. Nevertheless, FERPA permits institutions to disclose information from education records to parents and to other third-party entities in specific situations and under certain conditions. Among these situations are the following:

- To officials of another school where the student seeks, intends, or has enrolled;
- In connection with the student's request for or receipt of financial aid;
- To certain federal, state or local government authorities in connection with the audit or evaluation of educational programs (these government authorities may further disclose information to outside entities that are designated by them to conduct any audit, evaluation or enforcement or compliance activity on their behalf);
- To U.S. military recruiters;
- To certain entities conducting studies or audits on behalf of the College, by federal, state, or local education authorities, or by professional and other educational organizations;
- In compliance with court orders and subpoenæ;
- Where health and safety are at risk or in the event of student status changes;
- When violations to federal, state, or local regulations have occurred and violations to institutional policy have been determined regarding crimes of violence or non-forcible sex acts and, for students under the age of 21, the use or possession of alcohol or other controlled substances; and
- Per additional contingencies set forth in FERPA.

## General Complaint Procedures

Pomona College takes very seriously complaints and concerns regarding the institution. If you have a complaint regarding Pomona College, you may present your complaint to:

1. The Dean of Students, Avis Hinkson (avis.hinkson@pomona.edu or DeanofStudents@pomona.edu) or 909-621-8017/x18017,
2. The Registrar, Erin Collins (erin.collins@pomona.edu or registrar@pomona.edu or 909-621-8147/x18147,
3. The Campus Ombudsperson, Gecole Harley (gecole.harley@pomona.edu)

These contacts will provide you with an explanation of the campus process for addressing your particular complaint(s) and answer any questions you may have to assure you a fair process. If you believe that your complaint warrants further attention after exhausting all the steps outlined in the writing given to you by the Dean of Students or Campus Ombuds, you may contact:

The Western Association of Schools and Colleges (WASC) if your complaint is about the institution's compliance with academic program quality and accrediting standards. WASC is the academic accrediting body for Pomona College.

If you believe that your complaint continues to warrant further consideration after exhausting the review of either WASC or the investigative team representing Pomona College, you may submit a complaint to the Attorney General of the State of California by filing a complaint form with the Public Inquiry Unit of the California State Department of Justice at:

- Public Inquiry Unit: 916-322-3360; 800-952-5225; fax: 916-323-5341, or
- Online form to submit a complaint to the Attorney General of California

The Attorney General's Office will review the process through which the campus attempted to resolve your complaint. If the process complies with the written outline, the Attorney General's Office will, for the purposes of state oversight, consider the matter closed. If the Attorney General determines that the process through which the campus attempted to resolve your complaint did not comply with its published process, the Attorney General may request reconsideration by Pomona College. The Attorney General's Office also has oversight of Pomona College as authorized through the "Supervision of Trustees and Fundraisers for Charitable Purposes Act" [Cal. Gov't Code § 12598], which provides public means to submit complaints regarding non-profit colleges and universities that abuse their status under the Internal Revenue Code of 1986 (23 U.S.C. §501(c)(3). The California Attorney General is given broad powers to undertake law enforcement investigations and legal actions to protect the public interest under Cal. Gov't Code § 12598.

Nothing in this disclosure limits any right that you may have to seek civil or criminal legal action to resolve your complaints. Pomona College has provided this disclosure to you in compliance with the requirements of the Higher Education Act of 1965, as amended, as regulated in CFR 34, Sections 600.9 (b) (3) and 668.43(b). If anything in this disclosure is out of date, please notify the Dean of Students.

Pursuant to Section 600.9 of Title 34 of the Code of Federal Regulations and in accord with California Education Code Agreement 94878.9, an individual may contact the Bureau for Private Postsecondary Education for review of a complaint. The bureau may be contacted at:

Address: 2535 Capitol Oaks Drive, Suite 400, Sacramento CA 95833

Telephone: 916-431-6924

FAX: 916-26-1897

Website: Bureau for Private Postsecondary Education

## **33-Alcohol-and-Drug-Policies [Handbook]**

### **Alcohol Policy**

The alcohol policy was written by the Student Affairs Committee on which students, faculty, and administrators serve together. The Student Affairs Committee has final authority over the regulations that govern student life at Pomona College. Pomona College complies with and enforces all federal, state, and local laws governing alcohol consumption and distribution.

In addition to enforcing state and federal laws, Pomona has also developed policies that attempt to reduce individual and community harm and allow students to be educated about alcohol use when mistakes are made.

Although the College cannot provide treatment for alcohol or drug abuse, there are numerous on- and off-campus resources including the Pomona College Alcohol and Drug Counselor, Jasa Cocke ([jasa.cocke@pomona.edu](mailto:jasa.cocke@pomona.edu)) and Monsour Counseling and Psychological Services.

- Pomona College's policies on alcohol coincide with federal and state laws. Students under 21 may not legally purchase, possess or consume alcohol. Students are not exempt from local, state, and federal law while on the Pomona College campus.
- The federal government, through the Drug Free Schools and Communities Act, requires that colleges enforce state and local laws concerning drugs and alcohol in order to remain eligible for federal funds including federal student financial aid.
- California has a strict host liability law. If a student sells or serves alcohol, they can be held responsible in a court of law for the conduct of any individual who is served if that person subsequently injures themselves, becomes ill, dies, or injures a third party. This is especially true when the person served is a minor or is already intoxicated.
- The City of Claremont prohibits public intoxication, open containers of alcohol in vehicles, possession and use of cannabis, and consuming alcohol in public parks.
- All Pomona students are accountable for the alcohol and drug policies regardless of whether they live on or off-campus. Students studying abroad may follow the laws of the nation of residence, where applicable.

## Alcohol policies

1. The legal drinking age in the United States and California is 21 years old. Students under 21 may not consume, possess, buy, or distribute alcoholic beverages.
2. Students 21 years of age and older are permitted to possess and drink alcoholic beverages at Pomona but may not distribute, sell, supply, or serve alcohol to people under 21 years of age.
3. From the arrival of Fall athletes (traditionally the second week of August), through the first two weeks of classes, no alcohol may be possessed by any Pomona students regardless of age.
4. Hard alcohol is not allowed to be consumed, or stored, in south campus residence halls: Blaisdell Hall, Gibson Hall, Lyon Hall, Mudd Hall, and Wig Hall, Smiley, Oldenborg or Harwood.
5. Operating a motorized vehicle (including golf carts and scooters) on Pomona College, or other Claremont College property while under the influence of alcohol is prohibited.
6. Alcohol is not an excuse for other policy violations and can, in fact, be a compounding factor in decisions made by student code administrators, Judicial Council or the Student Affairs Committee.
7. Drinking games are prohibited at Pomona College. Any game that requires drinking alcohol as a component, rule, outcome, or objective is a drinking game. This includes games that look like drinking games, for example "water pong."
8. Public drunkenness is not permitted.
9. Students may not drink alcoholic beverages in public areas on campus, except at officially registered parties and social events.
10. Open containers of alcohol, or cups containing alcoholic drinks, may not be carried around campus or in public spaces in the residence halls. Private gatherings in residence hall rooms or the common living room areas of student suites that violate the College's Alcohol and Drug Policies, infringe on public space, or become a public nuisance, are not allowed and will be dispersed. Students who host or attend such parties will be sanctioned appropriately. Hosts are responsible for the behavior of those who attend.

11. Kegs and other common containers of alcohol are prohibited in residence halls. Kegs are permitted at registered events in non-residential spaces. Common containers of alcohol include, but are not limited to kegs, kegerators, pony kegs, punch bowls, water coolers, "handles" of liquor, and other such containers meant to serve a large number of individuals.
12. Brewing beer, distilling alcohol, or fermenting wine is not permitted on campus.

## Amnesty Policy

The Amnesty Policy is a provision that emphasizes health and safety issues take precedence over conduct. Students are encouraged to put their health and safety or the health and safety of others above all other concerns. The College encourages reporting of health and safety emergencies and seeks to remove any barriers to reporting by providing limited amnesty for individuals who report such emergencies. This offer of amnesty refers to isolated incidents only and does not excuse or protect those who flagrantly and/or repeatedly violate the College's drug and alcohol standards and expectations. It applies only to suspected or actual medical emergencies due to alcohol or drug use and does not extend to related infractions such as assault or property damage.

Generally, sanctions related to alcohol or drug policy violations will not be imposed on individuals cooperating in any official college conduct process.

- If a student signs an "Against Medical Advice" (AMA) waiver they are eligible for amnesty and will proceed through the standard Code of Conduct process. They will likely receive a warning and have to meet with a Student Code Administrator.
- If a student refuses to be transported AND refuses to sign an AMA waiver the Claremont Police Department will be contacted in order to ensure that the student does not disrupt the community. This may lead to transport and arrest.
- Federal law requires that the College contact the family of students under the age of 18 who are hospitalized for alcohol or drug use.
- The College can decide to contact students' families or proceed with conduct violations if a student has been hospitalized two or more times. The impact on the community will be taken into account.

This policy only covers how the College will respond to students who could be involved in the student conduct process and does not cover criminal charges that could result from law enforcement based on the incident.

## Alcohol and Social Events Regulation

The College allows student organizations and individual students to register parties and social events that serve alcohol ("registered events") in specified campus locations. The College reserves the right to revoke or alter the specific spaces in which registered events can be held and the frequency with which registration may occur.

The following regulations apply to ALL registered events

- Students, individually or through clubs, must register alcohol events through [Engage](#).
- Liquor may not be served or consumed at registered events.
- Beers, seltzers, ciders, etc. up to 9% are allowed. Wine, champagne, and sparkling wines up to 14% are permissible. All alcohol must be served in clear cups or glasses.
- Alcohol may not be purchased with funds collected as mandatory fees by the College, including all fees turned over to the ASPC by the College for the purpose of supporting student activities.

- Alcoholic beverages may not be sold at any campus event or served at any event that requires an admission fee.
- Alcoholic beverages may not be served at registered student events that are open to the non-7C community.
- Events at which alcohol is served may not be registered during reading days or during the final examination period.
- Consumption or possession of alcohol during athletic events and in athletic venues is prohibited.
- Individuals are prohibited from bringing their own alcoholic beverages to any registered event or from taking alcoholic beverages out of events or social functions.
- The number of people attending a registered event who may legally drink will determine the amount of alcoholic beverages available. This formula is based on one drink per hour, with a maximum of three drinks per person.

The following regulations apply to all registered events with alcohol:

- Events at which alcohol is served must be registered with and approved by the Office of the Smith Campus Center and Student Programs in Suite 244 of the Smith Campus Center, through [Engage](#).
- Only students of The Claremont Colleges who present valid College identification cards and their registered guests are permitted to attend registered events. Guest passes may be obtained at the Smith Campus Center Building Manager's window on Friday and Saturday nights.
- Students of the Claremont Colleges must show their college-issued ID card, as proof of age, at the point of alcohol service. Visitors of students, who possess a valid Guest Pass, must show their Driver's License with their Guest Pass, at the point of alcohol service.
- No event with alcohol may begin or continue without a College server in charge of alcohol distribution. Servers are hired by the Office of the Campus Center and Student Programs after an event is registered.
- Advertising alcohol
- Advertising may specify the type of alcohol being served (for example, wine, champagne, sake) but it may not specify brands.
- Advertising may not specify the quantity of alcohol present.
- Advertising may not encourage drinking or make reference to drunkenness.
- Campus Safety Officers (or their designated security representatives) must be present for the duration of events at which alcohol is served. Campus Safety Officers are hired by the Office of the Campus Center and Student Programs after an event is registered.
- All registered events must have a host or hosts who are sober and present for the duration of the event. If alcohol is served, at least one host must be 21 years of age or older. Hosts contact the Office of the Campus Center and Student Programs to arrange appropriate numbers of servers and Campus Safety officers and to ensure that the party does not begin or continue without their presence. Hosts are also responsible for ending the event at the agreed upon time and for ensuring clean-up of the event site.
- Water and other hydrating non-alcoholic beverages must be provided. In addition, in quantities enough for all guests. In addition, food that is high in protein must be accessible at social events throughout the duration of the event.
- Unregistered social gatherings will be dispersed and may be sanctioned. Students who host such gatherings are responsible for the behavior of those who attend.

# Pomona College Drug Policy

It is a violation of the Pomona College Drug Policy for students to:

- Possess, manufacture, sell, provide, distribute or use, or participate in the use of illegal drugs. Prohibited drugs include all illegal drugs such as cannabis, cocaine, heroin, LSD and other hallucinogens, designer drugs and prescription drugs (not including personally prescribed drugs) or other illegal drugs.
- Have drug paraphernalia in their residence hall rooms, on their person, or in any area under their immediate control.
- Violate state, federal or local laws concerning drug use, distribution, sale or manufacture.
- Pomona complies with Federal law regarding the use and possession of cannabis; therefore, cannabis use on campus is prohibited even if the student has documentation of medically prescribed cannabis.

## Possible Sanctions

- **Sanctions for Alcohol and Drug Policy Violations**

The Pomona College Code of Conduct is an educational process that allows for students in violation of the Student Code to think about their actions, the impact of those actions on the community, and prevention of future code violations. The process outlined below is a framework outlining various violations of the alcohol and drug policies and recommended sanctions. (Policies not covered below will be handled on a case-by-case basis and could be handled by Student Code Administrators, Deans, or the Judicial Council depending on the incident.)

**Please note: If you are found or plead responsible for a policy violation that will be kept as a record of your conduct throughout your time at Pomona. This is common in college and university conduct systems throughout the United States. If you have questions about the impact of an incident on your record you can speak with the Judicial Council Advisors, your Class Dean, or the Career Development Office.**

- Possession of beer/wine (under 21); possession of hard alcohol on South Campus (any age); providing beer/wine to students under 21; misusing prescription drugs (not including distribution or intent to distribute):
  - First offense – Warning letter and meeting with Student Code Administrator
  - Second offense – Second warning letter and meeting with Student Code Administrator and AOD counselor
  - Third offense – Meeting with Dean, meeting with AOD counselor, and AOD education
  - Fourth offense (or more) – Judicial Council

All student conduct administrators and Deans may include additional educational sanctions (ex. Apology letter, community service) and will be discussed with the respondent during the meeting.

- Possession of liquor (under 21); providing liquor to students under 21; hosting an unregistered party OR possessing keg/party ball/common container/multiple cases or bottles; using or possessing marijuana (not including distribution or intent to distribute):
  - First offense – Warning letter and meeting with Student Code Administrator
  - Second offense – Warning and meeting with Dean and the AOD counselor

- Third offense – Probation for one semester, meeting with Dean, meeting with AOD counselor, AOD education
- Fourth offense (or more) – Judicial Council

All student conduct administrators and Deans may include additional educational sanctions (ex. Apology letter, community service) and will be discussed with the respondent during the meeting.

- Using false identification (any kind); attending an unregistered party; failure to comply/refusal to cooperate with a reasonable request of a Pomona College official (including but not limited to RAs, RLCs, Campus Safety, Student Code Administrators)
- First offense – Warning letter and meeting with Student Code Administrator
- Second offense – Second warning letter and meeting with Student Code Administrator
- Third offense – Probation for one semester, meeting with Dean, educational sanction
- Fourth offense (or more) – Judicial Council

All student conduct administrators and Deans may include additional educational sanctions (ex. Apology letter, community service) and will be discussed with the respondent during the meeting.

- Using or possessing cocaine, heroin, methamphetamine, LSD or other hallucinogens, designer drugs or other illegal drugs
- First offense - Judicial Council, likely sanctions: probation, scheduled meetings with the Pomona College AOD counselor; parental notification
- Second offense - Judicial Council, likely sanctions: suspension from the College, off-campus treatment, additional educational sanctions
- Manufacturing, selling, distributing, or intent to distribute any illegal or prescription drug
- First offense - Judicial Council, likely sanctions: interim suspension from the College until a hearing is held, suspension from the College, off-campus treatment, additional educational sanctions
- Second offense - Judicial Council, likely sanctions: interim suspension until the hearing has occurred, expulsion from the College

## **Dean of Students Policies and Procedures**

### **Dean of Students Office**

#### **Disability Accommodations Policy**

Pomona College is committed to ensuring an equitable environment and providing appropriate accommodations for qualified students with disabilities. Pomona College complies with Section 504 of the Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act of 1990, as amended; and all other applicable state and federal law prohibiting discrimination against individuals with disabilities.

The Pomona community includes students with disabilities who may require accommodations. Students and parents/guardians are encouraged to speak to the office of Accessibility Resources and Services (ARS) regarding potential accommodations and the required paperwork.

Pomona College will provide appropriate accommodations and make reasonable modifications in policies and practices as necessary to avoid discrimination on the basis of disability, unless it is demonstrated that providing such accommodations results in a fundamental alteration in the nature of the service, program, course, activity, or would create undue financial or administrative burdens.

Pomona College has the right to maintain, admission, academic, and conduct standards. During the admission process, each applicant is evaluated based on academic achievement and their potential to satisfy Pomona's rigorous academic standards. Applicants are not admitted to a modified program of study and must be otherwise qualified. A student with a disability is qualified if, with or without accommodations, they meet the same eligibility requirements, academic requisites, and technical requirements for admission; and meets the standards of behavior and performance demanded of any other student.

### **Establishing Services**

Students in need of disability accommodations are responsible for requesting accommodations and providing appropriate documentation to the Accessibility Resources and Services office (ARS). Accommodations are (1) determined for students on an individual basis, (2) supported by the documented effects of the disability, and (3) cannot fundamentally alter the nature or objectives of a course, and/or eliminate the technical skills required.

Pomona College Accessibility Resources and Services has been designated as the campus authority to determine disability status and approve accommodations as appropriate. To receive formal accommodations and services, the student must complete the ARS registration process, which consists of submitting an application for services, participating in an interactive process with ARS staff to gather information about the student's disability, functional limitations, and need for accommodation.

### **Documentation Guidelines**

Unless the disability and need for accommodation is apparent and self-evident, corroborating documentation is needed to establish permanent eligibility for services. As part of an interactive process, the law allows that postsecondary institutions request a reasonable level of documentation. Students should provide a recent professional evaluation which identifies the disability, describes the challenges to participation in college life the student faces due to the diagnosed condition, and, if possible, recommends specific accommodations. All documentation must contain the name, title, and professional credentials of the evaluator. All reports should be on letterhead, typed, dated, signed, and should include information about what tests and/or records were used to make the determinations. In the case of learning disabilities, a comprehensive assessment and the resulting diagnostic report must be provided. The ARS General Guidance for Disability Documentation explains the criteria used by Pomona College to establish a reasonable level of documentation in order to determine if a student qualifies as a person with a disability AND to identify the appropriate accommodations.

### **Standards for Assessing Accommodation Requests**

Information received by ARS during the interactive process must demonstrate how a student's ability to function is substantially limited due to their diagnosed condition. A diagnosis itself does not establish that an individual has a disability. Furthermore, the information received must establish that the requested accommodation is necessary to ensure equal access to campus services, programs, courses, and/or activities.

Accommodations maintain the academic integrity of the courses and the academic program while attempting to meet the student's needs. Pomona College does not routinely waive academic requirements for students with disabilities. Rather, our policy is to assist the student in their efforts to meet Pomona's requirements by making reasonable accommodations. As additional support, the Office of Student affairs will discuss resources available to students, such as Monsour Counseling and Psychological Services and Pomona's academic resources.

The use of an accommodation is not reasonable if (1) it results in a fundamental alteration of the essential requirements of service, program, course, or activity; (2) causes an undue financial or administrative burden; and/or (3) poses a threat to the health or safety of others. Pomona College is not required to provide personal aids or services of a personal nature (i.e. attendants, assistants, caregivers, individually prescribed devices, readers for personal use, readers for individual study time, devices/services of a personal nature, tutoring, typing, etc.). In addition, Pomona College is not required to provide retroactive accommodations. Accommodations offered may not duplicate services or instruction available to all Pomona College students.

### ***Using the Approved Accommodations***

While accommodations may be approved on a permanent basis, students are required to request to use them every semester in their specific courses. Every term, students must log-on to the ARS Online Portal and select which of their accommodations they would like to use for each of their courses. This is important to preventing disclosure of information that a student wishes to keep private. Even when a student is eligible for certain accommodations, those accommodations do not go into effect until they are requested for specific courses. Additionally, students should request accommodations far in advance of when they believe they will need them. In many cases, one week is sufficient. This advance time is often crucial in order to provide the necessary accommodation.

It is the student's responsibility to inform faculty members of the approved academic accommodations, including faculty members at the other Claremont Consortium colleges if the student is taking coursework there through cross-registration. Students from the other Claremont Consortium colleges should consult with the Disability Coordinator at their home institution, who will provide their students' accommodations documents.

### ***Requesting Additional Accommodations***

Current ARS students seeking additional accommodations are able to submit an additional accommodation request through the ARS online portal. Additional accommodation request follow the same standards as detailed above. ARS will provide written notification of the decision to approve or deny the request.

### ***Denial of an Accommodation***

New applicants: During the intake, the ARS director or designee will establish eligibility for accommodations and/or services based on an interactive process. Eligible accommodations will be confirmed via an 'Eligibility Letter' at the conclusion of the intake. If any accommodation requests are denied, the ARS director or designee will document the denied accommodation and the basis for denial in the department's database.

Current/Active ARS students: ARS will review additional accommodation requests submitted by current ARS students through the ARS online portal. The ARS director or designee will provide a written notification of the decision, including the reason for denial. If the request is denied, the student will be provided information about how to request reconsideration for their request.

### **Accommodation Reconsideration**

If a request for an accommodation is denied, students may request an accommodation reconsideration by completing the accommodation reconsideration form. Students should provide additional/new information that supports their request and any additional documentation that addresses the reasons given by ARS for the denial. The accommodation reconsideration form should be emailed to the AVP of Student Affairs or designee, who will evaluate the matter and make appropriate recommendations within five (5) business days. The student may also pursue the College's formal grievance procedures by contacting the Title IX office.

### **Disability Discrimination**

**Students who believe they have experienced discrimination because of their disability may pursue the College's formal grievance procedures. Students are also able to file a grievance with the Office of Civil Rights.**

## **Leaves of Absence and Semester Withdrawals**

### **Purpose**

Pomona College is committed to the academic and personal success of all students and recognizes that a student may need to interrupt their formal academic work. Any student desiring to interrupt their formal academic program at Pomona for a period of time may take a leave of absence if the student follows the procedures outlined in this policy statement.

A student on a general or health leave of absence has the same rights of access to the campus as would any visitor. While on campus, the student may attend social events with the understanding that their host, as well as student on leave, will be held responsible for the conduct of the student on leave/visitor. The student on leave must register with the Office of Housing & Residence Life and receive a guest pass, which entitles the on-leave student to admission to Pomona events. Students on leave will not have swipe card access to College residential, academic, or administrative buildings. Students on leave from the College may not work at the College or audit classes.

### **International Students**

For international students considering a leave of absence or semester withdrawal, please speak with the International Student Services office in advance to see how it may affect your immigration status and employment eligibility when you return. Contact ISS to discuss your plans at [iss@pomona.edu](mailto:iss@pomona.edu) or (909) 607-3719. Visit the ISS website for more information.

## General Leaves of Absence

1. Email [leaveofabsence@pomona.edu](mailto:leaveofabsence@pomona.edu) to initiate the process.
2. Meet with your class dean to discuss your request for a LOA or Semester Withdrawal.
3. Meet with your faculty advisor to discuss your request for a LOA or Semester Withdrawal.
4. Complete the Leave of Absence/ Semester Withdrawal online form.
5. Consult with the Student Accounts Office and the Financial Aid Office (as appropriate) regarding any financial obligations, the deferral of loans, grants, or scholarships. A student planning a leave of absence is strongly encouraged to speak directly with their financial aid counselor. It is essential that there be consultation in advance of the leave regarding the deferral of grants or loans and application for aid upon return.
6. Designate a proxy to represent you in the room draw housing process.
7. After you have met with your class dean and submitted the online form, your class dean will notify the Registrar, Financial Aid Office, Student Accounts Office, the student's faculty advisor, instructors (if relevant) and the Office of Housing & Residence Life of your decision to go on a leave of absence/ semester withdrawal.

A student who participates in the residence hall room draw in the spring semester but then subsequently applies for a general leave of absence from the College before the fall semester forfeits their entire fee deposit (\$500). Any student, on or off campus, who files a general leave of absence form after July 15 for the fall semester or December 15 for the spring semester forfeits the entire deposit. A student who has forfeited the fees deposit must again pay that deposit before they return to the College. The forfeiture of the fees deposit does not apply to students who take a health leave of absence, or a student placed on an involuntary leave of absence.

General leaves of absence may be requested while classes are in session. Refunds of fees and disposition of courses in progress are arranged in compliance with college policy. If a general leave of absence is requested after the drop date for classes, a student may request a semester withdrawal on their own until the Friday of the 12th week of classes. This will result in Ws on the transcript. After the 12th week of classes, students must petition the Academic Procedures Committee to be withdrawn from their courses for the semester.

## Health Leaves of Absence

Pomona College students may choose to pursue a voluntary leave of absence for health reasons.

A health Leave of Absence is recommended when a student's health condition is judged to significantly impair a student's ability to function safely or adequately as a student. The amount of time the student takes for a health Leave of Absence varies according to the situation. It is expected that the time away for the health Leave of Absence is used for treatment and recovery.

Students should complete the following steps to obtain a Health Leave of Absence:

1. Email [leaveofabsence@pomona.edu](mailto:leaveofabsence@pomona.edu) to initiate the process.
2. Meet with your class dean to discuss your request for an LOA or Semester Withdrawal.
3. Meet with your faculty advisor to discuss your request for an LOA or Semester Withdrawal.
4. Complete the Leave of Absence online form.
5. Consult with the Student Accounts Office and the Financial Aid Office (as appropriate) regarding any financial obligations, the deferral of loans, grants, or scholarships. A student planning a leave of absence, or a semester withdrawal is strongly encouraged to speak directly with their financial aid counselor. It is essential that there be consultation in advance of the leave regarding the deferral of grants or loans and application for aid upon return.
6. After you have met with your class dean, your class dean will notify the Registrar, Financial Aid Office, Student Accounts Office, the student's faculty advisor, instructors (if applicable) and the Office of Housing & Residence Life of your decision to go on a leave of absence/semester withdrawal.

Following the drop date for classes, only students who take Health Leaves are granted automatic "Withdrawals" from their classes.

## Post Hospitalization Procedures

When a student is hospitalized, the goal of Pomona College is to work with the student to assess if they can return to campus and function as a student, and to support them as appropriate in their post-hospitalization care. This may mean facilitating a Health Leave of Absence for the student or supporting the student to resume classes on campus. During the hospitalization, the class dean and/ or MCAPS clinicians and/ or SHS medical staff are in communication with the student and/ or the hospital staff.

The post-hospitalization process below is designed for students who wish to resume classes. All students who have been hospitalized for at least 24 hours are evaluated by MCAPS and/ or SHS clinical staff to determine that they can safely return to campus and are sufficiently independent and autonomous to function academically and as a member of the residential community. The Dean of Students Office coordinates the support and evaluation of the student readiness to transition back to campus through the following process:

1. Prior to returning to the residence halls, the student must make a re-entry appointment with MCAPS and/ or SHS clinical staff and bring all relevant documentation and the medical discharge records to the appointment. During this appointment, the clinician will review the student's readiness to return to classes and on-campus residency (including recommendations for return, accommodations, and post-discharge treatment plans).
2. Make an appointment with the class dean to discuss resuming coursework, communication with faculty, next steps to get back on track, and any interim support accommodations that may be needed. The Director of Accessibility Resources & Services may be included in this meeting as appropriate.
3. Provide a release of information to permit the class dean to consult with the external provider, the Student Health Services, or Monsour Counseling and Psychological Services as appropriate.

A student may be able to resume classes but not function within the residential community; appropriate arrangements will be made with clinical staff, Housing and Residence Life, the student, and any other necessary entities.

In supporting students to resume classes after a hospitalization, The College recognizes that a student may need interim academic and/ or housing accommodations. This determination is made by the Director of Accessibility Resources and Services based on the documentation provided by the student and the recommendations from clinical providers/ hospital treatment team. Possible accommodations after a hospitalization may include:

- Allowing the student to complete alternative assignments.
- Allowing the student extensions on assignments and exams.
- Allowing the student to drop courses.
- Allowing the student to change roommates or rooms.
- Retroactive withdrawals from courses.
- Move to a different housing space on campus.

### **Extensions of Leaves**

A leave of absence from the College may be requested for a semester, one academic year, three semesters or two academic years. Normally the College does not grant leaves of absence for longer than two academic years. In extenuating circumstances, however, a student may address a letter of appeal to extend a leave beyond the two-academic year period to the Dean of Students who will present it to the Academic Procedures Committee.

Students who do not appeal successfully to have their leave extended will be administratively withdrawn from the College after a two academic year leave of absence. Withdrawal papers will be completed in the Dean of Students office. If the student later wishes to return to the College, an application for readmission must be presented to the Office of Admission.

### **Process for Returns to the College from a General Leave of Absence**

For General Leaves, a student may return to the College after the period of the leave provided the student has given written notice of intent to return by April 1 for the fall semester and November 1 for the spring semester. If the notification of the intent to return is received after April 1 for the fall semester, or after November 1 for the spring semester, on-campus housing is not guaranteed. All return documentation must be received by the class dean by April 15 for a fall semester return and November 15 for a spring semester return.

### **Process for Returns to the College from a Health Leave of Absence**

Students on a health Leave of Absence may request at any time to return to the College for the following semester, though we recommend the following dates to ensure that the student's return can be processed in a timely manner. The College encourages students on a health Leave of Absence to stay in contact with their class dean if they have any questions. As part of this process, the College requires that students who are on a health leave of absence to complete the following steps prior to their return:

1. By April 1 for the fall semester and November 1 for the spring semester, email your class dean to let them know of your intent to return. Include in your email the semester you plan to return and the names of the treatment providers that will provide supporting clinical documentation (this form is available by contacting your class dean and will be provided to you with the Return from Leave of Absence/ Semester Withdrawal form as appropriate).
2. By April 15 for the fall semester return and November 15 for the spring semester return, submit your application to return and the supporting clinical documentation to your class dean.
3. Your class dean will email confirmation of their receipt of your documentation. Documentation is reviewed as it is received. Your class dean will notify you within 5 business days of the recommendation for your return from a health Leave of Absence.
4. Provide a release of information to allow your class dean to consult with other offices such as Accessibility Resources and Services, Student Health Services or Monsour Counseling and Psychological Services, as appropriate.

Once the documentation is reviewed, the student will have a discussion (in person, by phone or other means) with their class dean to determine if the student is ready to return from a health Leave of Absence. As appropriate, the Director of Accessibility Resources and Services will be included to determine any accommodation(s) the student may need in returning to classes.

The class dean will notify the student of the final decision. After the student is notified, the Registrar, Financial Aid, Student Accounts Office, Office of Residential Life/Campus Life, and faculty advisor are also notified.

## **Appeal**

A student may appeal a decision denying re-enrollment to the Dean of Students by submitting a written request for review of the decision. The Vice President and Dean of Students will review the student's appeal and all necessary additional information and will then render a decision, which shall be final.

## **Involuntary Leave Policy**

The involuntary leave policy is utilized only in extraordinary circumstances, when a student is unable or unwilling to request a voluntary leave of absence, and such a leave may be necessary because the student's behavior poses a direct threat to the safety of others or when the student's behavior is disruptive to the College's learning and residential environment. Before an involuntary leave is considered, efforts will be made to encourage the student to take a voluntary leave, thus preserving, to the extent possible, confidentiality and privacy. This policy and procedures do not take the place of disciplinary actions that are in response to violations of other campus policies

or the Student Code of Conduct, or actions taken by the Academic Standards Committee. In addition, they do not preclude the College or Dean of Campus Life from suspending students from the residence halls because of violations of residential regulations or other policies.

**Alleged criminal behavior:** The student has been arrested on allegations of serious criminal behavior or has been formally charged by law enforcement authorities with such behavior. This involuntary leave falls under the procedures governing interim suspensions by the College (see the Student Code of Conduct).

**Risk to the community:** The student has allegedly violated a disciplinary rule of the College and the Dean concludes that the student poses a significant risk to the safety or educational environment of the community. This involuntary leave falls under the procedures governing interim suspensions by the College (see the Student Code of Conduct).

## **Procedures for an Involuntary Leave**

Individualized assessments whether to impose an involuntary leave will be made by a committee set up by the Dean of Students, which will include the AVP of Student Affairs, the Director of Monsour Counseling and Psychological Services, and Legal Counsel; other individuals may be added to the committee as relevant to the student's case.

In making its assessment, the committee will:

1. Consider whether there are reasonable accommodations that would allow the student to function academically and remain safely in school, such as a move from campus residence halls to off-campus housing or alternative campus housing, and/or restriction from participating in certain campus activities,
2. If safety is an issue, consider the nature and severity of the risk, the probability that injury will occur, and whether accommodations can sufficiently mitigate the risk.
3. Notify the student that the committee is considering imposing an involuntary leave and the basis for the committee's belief that the student may need to be placed on involuntary leave.
4. Conduct an assessment interview of the student with the Director of Monsour Counseling and Psychological Services (or designee) or Student Health Services clinical staff.
5. Provide the student, if possible, and/or their representative the opportunity to appear personally before the committee and provide relevant information or submit such information to the committee.

The student's parents/guardians will also receive official notification of the involuntary leave.

### **Return to the College from an Involuntary Leave**

1. Requirements and deadlines relevant to the process for re-enrollment after an Involuntary Leave will be specified in the Letter of Notification.
2. All students returning from an Involuntary Leave will be required to have an assessment interview prior to being approved by the AVP of Student Affairs for re-enrollment. This assessment may be conducted by a member of the Monsour Counseling and Psychological Service staff and/or a member of the Student Health Services clinical staff, if a psychological or physical illness contributed to the student's inability to remain safely on campus. These assessments will not be conducted without signed written consent for release of information by the student.

3. As part of the assessment process, students may additionally be asked to authorize their outside health care provider while they were on leave to provide relevant information concerning the student to the AVP of Student Affairs.
4. When a student's potential for violence is under review as part of the assessment of a student's readiness to re-enroll, Campus Safety may undertake a review of the student's behavior while on leave, including, but not limited to, record of convictions, restraining orders, and interviews with individuals in a position to observe the student's behavior. Only findings relevant to the involuntary leave and the student's request for re-enrollment will be considered.
5. Upon gathering this information the committee will be convened by the AVP of Student Affairs to examine the materials presented and submit a recommendation to the Dean of Students regarding whether the student has demonstrated that it is appropriate for the student to re-enroll and return to the College community. This committee may be composed of administrators, faculty, and staff from any or all of the following: TCCS Campus Safety, Monsour Counseling and Psychological Services, and other professionals deemed necessary by the AVP of Student Affairs.
6. The decision of the Dean of Students regarding the student's eligibility to re-enroll will be communicated to the student in writing. As needed, the AVP of Student Affairs will notify the appropriate offices and administrators regarding the decision, and any relevant conditions thereof.

## **Appeal**

A student may appeal a decision denying re-enrollment to a committee set up by the Dean of Students, which will include the AVP of Student Affairs, the Director of Counseling and Psychological Services, and Legal Counsel; other individuals may be added to the committee as relevant to the student's case. The student should submit a written request to the Dean of Students for review of the decision. The committee will review the student's appeal and all necessary additional information and will then render a decision, which shall be final.

## **Confidentiality**

Pomona College will maintain the confidentiality of all information regarding the student's involuntary leave of absence in accordance with federal, state, and local law, and to the greatest extent consistent with the goal of processing such leaves. All records concerning involuntary leaves of absence are confidential. The official copy of such records shall be retained by the Dean of Students office.

Pomona College reserves the right to notify a parent or guardian at any stage of the process if deemed appropriate under the circumstances and as permitted by applicable federal, state, and local law.

## **Academic Suspension**

The Academic Standards Committee may suspend a student based on unsatisfactory performance or pace (or both). The student will be notified by email, phone, and text message. Students who are suspended may appeal the ASC's decision within the timeframe outlined in the suspension notification letter. The student's emergency contact will also receive an official letter of notification upon conclusion of the academic standing process.

Students on an academic suspension are placed on a leave of absence. Students who have been academically suspended are required to leave campus within 48 hours of the conclusion of the academic standing process. Students who have been academically suspended may not attend any events on the Pomona campus nor may they be in the Pomona College residence halls.

The suspension notification letter outlines the criteria for readmission. The student will be required to earn a designated number of credit hours that are transferrable to Pomona College. A registration hold will be placed on the student's record and will only be removed after meeting the suspension criteria and a meeting with the appropriate class dean.

A student who has been suspended or required to withdraw has the option to appeal the decision of the Academic Standards Committee if they believe that there are extenuating circumstances that the Committee should consider. The decision of the Academic Standards Committee regarding the appeal is final. For further information on reinstatement after an academic suspension, see the Academic Standards Committee and Policy.

Students who have been expelled or suspended by the Judicial Council or a Board for Academic Discipline are required to leave campus within 48 hours of the conclusion of the judicial or academic discipline process. If extraordinary circumstances exist that should be considered in establishing an earlier or later deadline for departure, the agreement of the Judicial Council Chair or Chair of the Board for Academic Discipline and the Dean of Students is required to establish a later deadline. Students who have been expelled or suspended may not attend any events on the Pomona campus nor may they be in the Pomona College residence halls.

## **Missing Student Notification Policy**

All enrolled students are encouraged to identify a person to be contacted if it is determined that the student has been missing for more than 24 hours, and to register that person's emergency contact information with the Office of Student Affairs and the Department of Campus Safety. If a student is determined to have been missing for 24 hours, the College and/or Department of Campus Safety will, within 24 hours, notify the appropriate law enforcement agency, and, if the missing student is under 18 years of age, and not an emancipated individual, the College and/or Campus Safety will also notify the student's emergency contact. If a member of the College community believes that a student who resides in on-campus housing is missing, it should be reported to the administrator on call and/or the Department of Campus Safety.

## **Housing and Residence Life (HRL) Policies and Procedures**

## Glossary

1. A visitor is anyone who is visiting a Pomona student and who is not themselves a Pomona student. A visitor is allowed to stay on campus for up to five consecutive nights and not more than a total of seven nights per semester. A student may host no more than two visitors at a time.
2. A guest is considered a Pomona student who is visiting another Pomona student in their residence hall or community. Students are allowed to have no more than two guests at a time.
3. Quiet hours are from 10:00 pm to 8:00 am Sunday through Thursday and Friday and Saturday from 1:00 am to 10:00 am. All other hours are “courtesy hours,” during which the halls must be quiet enough for students to study or sleep.
4. Pomona College defines “full-time” as taking a minimum of three academic credits during a semester.

## Residence Hall Staff

### *Professional Staff in the Residence Halls*

There are several professional staff members who live on Pomona’s campus, including the Director of Residence Life, Assistant Director of Residence Life and three Residence Life Coordinators (RLCs). All five of these individuals serve as Administrators-on-call and live on campus, offering 24/7 support to students. Outside of Residence Life, several other Student Affairs staff members live on campus as part of the Administrators on-call team.

The Director of Residence Life provides direct supervision and support for the Assistant Director of Residence Life and RLCs, and oversight of the transitional, educational, co-curricular and developmental needs of the student in the residential community.

Responsibilities of the Director of Campus Life Operations include managing room selection, facilitating housing assignments, collaborating with facilities and Oldenborg staff, managing the office assistants, and working to meet housing accommodations in partnership with Accessibility Resources and Services.

The RLCs provide support to student staff by utilizing the residential educational model. RLCs are tasked with delivering clear direction and oversight of all educational activities of student employees and the RHS. Moreover, RLCs serve as Student Conduct Administrators, ensuring upholding of community standards and swift response to crises. RLCs manage student conduct, participate in committees, and support campus collaborations.

### *Student Leadership in the Residence Halls*

The Residence Hall Student Staff consists of the Resident Advisors (RAs), Head Sponsors, Sponsors and Office Assistants. Together they assist Housing and Residence Life in providing a safe, nurturing and intellectually stimulating residential experience.

RAs are responsible for building a sense of community, planning community programs, assisting with security and safety, promoting sustainable living practices, addressing emergencies, working with Sponsors, providing support and referrals to students living in the residence halls, and reporting damages and maintenance problems.

Students are required to cooperate with all RHS staff as they perform their duties. It is a serious offense to harass or intimidate an RA or to fail to comply with the directions issued by RAs in the performance of their assigned responsibilities.

The Sponsor Program is a residential program through which all new students and transfer students are housed with other new students and led by a returning student called a sponsor. The Sponsors provide support to first-year students throughout their first academic semester, with the objective of easing the transition to college by creating a safe and welcoming living environment for all new and transfer students, serving as referral resources, and increasing new student interactions with other students.

There are four Head Sponsors who help to select and supervise the Sponsors, assist with placing the incoming class in their sponsor groups, and help guide the program during the school year.

All incoming Pomona College new students are automatically put into the Sponsor Program. Sponsors are prepared for this responsibility during a training program before and throughout the school year.

The residence hall rooms are Pomona College property. The College reserves the right of access to student rooms. A reasonable effort, where appropriate, will be made to notify the occupant of a residence hall room in advance when a representative of the College seeks access to a student's room. However, for health, safety, inspections or security reasons or to determine compliance with Pomona College policies, access to student rooms by college staff (including RAs) may occur without notice. The College reserves the right to remove and discard items that violate residence hall policies when they are found in student rooms. Members of the housekeeping staff may enter a student's room as part of their cleaning responsibilities. Student requests for repairs constitute an invitation for room entry for that purpose. No representative of the College will normally enter a room without knocking.

## **On-Campus and Off-Campus Housing Policies**

Full-time Pomona students are eligible for housing. Students who have less than three credits during a semester may not be housed or may be asked to leave housing. All first-year and sophomore students are required to live in the residence halls. No student may live off-campus **without the express written permission of the Office of Housing and Residence Life** (see policy below). Third and fourth-year students who wish to live off-campus must fill out an off-campus housing application and receive written approval from the Office of Housing and Residence Life. No student should sign a lease before receiving written approval.

Students who are either married, have children, or are age 24 or older upon admission to the college are automatically granted permission to live off-campus but must still fill out an off-campus housing application. Off-campus students are subject to the Pomona College Student Handbook.

Students who need housing beyond the 8th semester will be housed if there is space available.

## **Safety & Security**

### ***On-Campus Community Standards***

As members of the Pomona College residence hall community, students may reasonably expect the following:

1. The right to reasonable quiet.

2. The right to reasonable privacy.
3. The right to a comfortable and well-maintained living environment that is reasonably safe and secure.
4. The rights to individual choice, provided that other students' rights are not infringed upon.
5. The right to fair and equitable enforcement of residence halls rules and policies.

No person shall create safety or health hazards in any residence hall. Examples of prohibited actions or items include, but are not limited to:

<b>Prohibited Items</b>	<b>Prohibited Actions</b>
Furniture supported by cinder blocks	Propping open outside doors and unlocking lounge windows
Weights and weight benches	Using unauthorized doors, windows or balconies to enter or exit buildings
Mopeds, motorcycles, or other gas-powered vehicles inside the residence hall or within 25 feet of the exterior of the building	Accumulating excessive garbage or filth in rooms and common spaces
Items (i.e. table or flat board surface) beyond 3 feet	Accumulating excessive furniture indoor and outdoor residential spaces
Hammocks inside or outside the residence life	Blocking fire equipment or exits from a living space
Weapons (see the policy below)	Throwing or pushing objects off balconies or out of windows or using such as a means of access/ egress
Appliances using open-flame heating elements	Using balcony for storage, barbecuing, placement of college furniture or garbage
Hot plates, space heaters, deep fryers, toaster ovens, pressure cookers, skillets, BBQ's	Playing sports or using sport equipment inside of the Residence Hall
Candles and open flame/combustion devices (except for cigarette lighters and matches)	Using roller-skates, roller blades, skateboards, scooters or bicycles in any campus building
Gas, alcohol or other flame-producing appliances	Using windows, ledges or rooftops for social gatherings
Natural holiday trees are prohibited in the Residence Halls	Smoking or using any vapor emitting device inside or within 20 feet of any residence hall at any time
Bringing a car to campus (if a student is a first-year student)	Tampering with fire-fighting equipment (i.e. fire extinguishers, fire alarms, heat smoke detectors, etc)

Note: Students may bring their own microwave oven and mini-refrigerator (3.1 cubic feet or smaller). Appliances should be turned off when not in use. Students living in Dialynas and Sontag Halls are not permitted to have individual room refrigerators because refrigerators are provided in the suite.

The College will not be responsible for damage to computers or other personal property resulting from outages or blackouts.

Students residing in non-air-conditioned residence halls may secure an evaporative cooler. The following buildings **may not have** evaporative coolers: Oldenborg, Dialynas, Sontag, Mudd-Blaisdell, Gibson. The unit must be a self-contained water source, requiring no more than 120 volts at 300 watts.

## ***Vandalism***

Students may not engage in any activity that will injure, deface, or damage any part of the Residence Hall facilities. This includes posting signs or advertising notices in non-approved areas. Students may not install, heavy electrical equipment (i.e. washers, dryers, air-conditioners), or personal locks.

## ***Noise Policy***

Students should not create persistent or excessive noise audible to surrounding students regardless of time of day or established quiet hours. If someone is disturbed by noise, they have the right to request a decrease in the level of the noise. If the resident, guest, or visitor does not decrease the noise level, they can expect to go through a conduct process. All residence halls will maintain additional quiet hours from midnight on the last day of classes until 8:00 a.m. on the Saturday of final exam week.

## ***Modifications to Residence Hall Rooms and Areas***

Students may not install equipment and make significant alterations to a residence hall room, common area or exterior area without prior permission. This includes, but is not limited to large outdoor decorations, tarps, canopies, lofts, etc.

Students are not permitted to paint individual rooms or common areas. Students will be charged for wall re-painting. Students are charged for excessive wall or surface damage. Ceilings, smoke detectors, pipes and fire safety equipment are not permitted to have decorations affixed.

## ***Fire Safety***

No person shall refuse to observe any safety regulations or procedures. All persons must evacuate the residence hall during a fire alarm. Fire Safety, Campus Safety/ HRL staff may enter rooms during fire alarms to ensure compliance with evacuation procedures. Examples of prohibited behavior or items include, but are not limited to:

1. Any electrical wiring that is frayed, broken, or taped. (HRL staff reserve the right in these cases to remove items immediately from the residence halls.)
2. Surge protectors that are plugged into other surge protectors (they must only be plugged into the wall).
3. Charcoal fires, gas stoves or barbecue grills are prohibited indoors or on balconies.
4. Covering or tampering with smoke detectors or sprinklers

## ***Weapons, Knives, and Dangerous items***

Weapons are prohibited in the residence halls. This includes, but is not limited to, paintball guns, fireworks, firearms, tasers, stun guns, projectiles, fake guns, hunting equipment, martial arts weapons, prop-style weapons and weapon replicas, bows and arrows or crossbows, swords, any objects with an express purpose to injure or hurt individual.

Any knife that has a blade that exceeds three inches and has a sharp edge is prohibited. Students may carry pepper spray that is three ounces or less, as is permitted by California State Law. Improper usage of pepper spray, however, is prohibited.

Note: There are special circumstances when certain weapons may be authorized on campus and at campus-sponsored events. Some examples include for use of classroom instruction and events: fencing, archery, theatrical performances, and movie shoots. But they must be stored outside of residential spaces. Please work with the Office of Housing and Residence Life ([housing@pomona.edu](mailto:housing@pomona.edu)) or the appropriate Pomona College office to find storage.

## ***Personal Property***

The College does not assume responsibility for loss or damage to personal property belonging to students. All items are brought and kept on campus at the student's own risk. Parents and students should inspect insurance policies and determine whether the limits are sufficient to cover the student's belongings while away from home.

## ***Bicycles***

Bicycles may be kept in a student's own room or in a bicycle rack (or other authorized bike storage) during the academic year if they live in a single

Bicycles may not be locked to trees, handrails, poles, fences, benches, or kept in hallways, stairwells, or trash closets. Bicycles will be removed from these locations and impounded without notice. If unclaimed after two weeks, impounded bicycles will be offered to the Green Bikes program. Bicycles left outside on campus over the summer will be removed from bike racks and may be donated to the Green Bikes program.

## ***Confiscation Policy***

Pomona College officials and TCCS Campus Safety have the authority to confiscate prohibited items (please refer to the prohibited items section above). College officials may determine that certain items are connected to violations of the Pomona College student handbook, laws, or regulations, or may pose risks to student health and safety. Students may be held accountable through the conduct process, and confiscated items may be returned at the college's discretion. Some confiscated items may be returned to students at the end of the semester to be brought home.

## ***Damages in residence halls***

### ***Common areas***

It is the obligation of every student living in or visiting the residence halls not to damage or allow their guests or visitors to damage any College property. It is the policy of the College to charge individuals responsible for damages which occur or for items which are lost from the residence halls. Furthermore, it is the policy of the College to

attempt to establish financial responsibility for damages which occur in public areas of a residence hall for which individual responsibility cannot be ascertained. Costs for acts of unclaimed vandalism may be charged back to those residing within the smallest identifiable space where the vandalism has occurred.

All students are expected to keep the common areas (hallways, lounges, common rooms, kitchens, bathrooms, etc.) of the residence halls in a reasonable state of cleanliness. When an excessive mess is found. A 24-hour period will be given to affect the clean-up. At the end of this time period, if the conditions are not up to standard, a fine will be assessed to each person responsible for the clean-up task. If no people are identified, the clean-up costs may be charged to those residing in the smallest identifiable space where the mess occurred.

Upon check-out, students are required to remove all personal property from common areas in the residence halls. The custodial staff will discard all personal property left beyond 24 hours in common areas.

### ***Individual Student Rooms***

All damages and losses which occur within an individual student's room beyond the range of reasonable wear and tear are charged to the resident(s) of the room. The room condition form completed at the beginning of each resident's occupancy protects the student from being held liable for previously existing conditions. Students are responsible for ensuring that their space remains sanitary at all times. It is assumed that when students have checked into a room, they are then responsible for all damages and/or losses which may occur during their occupancy. Appeals may be made through Housing and Residence Life.

At the end of the academic year, charges are assessed for room damage and loss through year-end inspection and check-out procedures. These charges are placed on the student's bill. For students not returning the following year, the charges are deducted from their fees or deposit, and if the charges exceed the amount of the fees or deposit, the difference is billed to the student.

### ***Individual and Common Room Furnishings***

**Residence hall room furniture may not be removed from a student's room.** Common area furniture must remain in common areas and may not be removed or relocated. If furniture is discovered by HRL or Facilities staff outside of a residence hall room, the resident will have 72 hours to move it back. If they fail to do so the furniture will be moved, and the resident will be charged for the cost of the furniture (see below for estimated costs) as well as labor.

The College provides every resident with a single bed, a study desk, a dresser, a chair, a recycling bin, and a wastebasket. Fire and safety codes require that all corridors and exits are unobstructed, therefore, furniture and other items are not allowed to be placed in hallways or common areas. Students provide their own study lamps (CFL or LED bulbs/lights are preferred), linens, and in some cases, bookshelves. Lofts are prohibited. All rooms have window shades or blinds. Blinds should not be removed by students.

Common area furniture is not to be removed from common areas (including lounges, courtyards, kitchens, academic buildings, etc.). If furniture from a common area is found in an individual's room or moved in such a way that it obstructs emergency evacuation procedures, a minimum fine of \$150 will be levied along with an additional fine of \$25 a day until the furniture is returned to the common area.

### ***Housing Financial Charges***

Listed are common financial charges. Please note that these charges are subject to change and are determined by facilities and campus services staff. If damage to a room that was not noted on the Room Condition Form at the time of move-in is identified, the following minimum charges will apply.

Please note that this is not an exhaustive list. Additional charges may be assessed in consultation with Facilities, based on the time, labor, and resources required for repair or restoration. Provided are estimates:

<b>Room Damage Minimum Charges</b>	
Excessive Trash	\$50 minimum (Charge is determined by time/labor needed)
Excessive adhesive tape marks on walls (command hooks, LED lighting adhesive)	\$200
Excessive nail holes on walls/ceilings:	\$100 per wall/ceiling
Exterior doors (graffiti, posters, etc.):	\$100 per side
Door decorations	\$40 minimum
Closet Doors	\$50 to reattach, \$150 if missing and replace
Walls Irregularities (Paint, epoxy, soiled spots, painted walls, drawings, etc.)	\$200 minimum (Charges are based on damages)
Repaint entire room	\$400
Repaint entire wall	\$100
Floor/Carpet (stains, burns, excessively soiled)	\$200
Broken windows/screens:	\$100 minimum (repair charges based on damages)
Missing Window Screen	\$100 minimum for replacement
Abandoned personal furniture	\$25 minimum charge to remove
Broken window blinds	\$100
Smoke Alarm Tampering	\$500
Non-approved furniture removal – moving charges	
Bed Frame	\$100
Head/Footboard	\$50
Mattress	\$200
Dresser (short)	\$100 (short) \$200 (tall)
Desk	\$100
Desk Chair	\$75

Wastebasket or Recycle bin	\$25
Wardrobe	\$200
Bookshelves	\$75
<b><i>Housing Closing Charges</i></b>	
Late Departure	\$25/hour after closing
Missing or Late Key Return	\$150

## ***Health and Safety Inspections***

College housing spaces must be kept clean and free from dirt, grease, garbage and trash. Proper care, cleaning, and use of community area and facilities, including stairs, stairwells, laundry rooms, and grounds are a student’s responsibility.

To ensure a clean and healthy living environment for current and future students, health and safety inspections may be conducted twice a semester as during Winter Break. All students will be given one week’s notice to coordinate cleaning efforts within their bedroom space and in the common living area. The HRL staff has the authority to enter room/suites regardless of whether or not students are present.

If a resident’s room does not meet suitable standards, students will be given 24 hours to address the issue. If, while conducting the inspection, any prohibited items are found, they may be confiscated and the student can expect to go through an appropriate disciplinary process. The following areas will be inspected during the safety inspection:

- Fire safety issues
- Policy violations
- General facilities issues

## **Religious Policy for Housing**

- Candles for religious services must be approved in advance by the HRL professional staff.
- Prayer and Meditation: For students seeking spaces to practice their faith privately, please note there are many options to do so outside of your Residence Hall room. As a result, we do not assign private (single) residential rooms to students due to requests regarding religious practices. Many Residence Halls have meeting rooms and lounges that may be used for religious activities. There is also a Prayer and Meditation Room, including late hours access, at the McAllister Center for Religious Activities.
- Single Rooms: Pomona College Housing and Residence Life does not assign single rooms as a function of religious practices. Single rooms can be assigned to students with ADA accommodations, per HUD guidelines and with consultation from the Accessibility Resources and Services office. Incoming and Returning students occasionally receive a single room in the Housing Selection or Assignment processes,

but not directly due to religious practice. Housing ADA Accommodations and placements are limited according to the current residential facilities available (please see more below). We do not have any suite-style living available for incoming students.

- Requesting a room assignment due to religious practice: We do not request documentation for religious requests; students may fill out a housing consideration form to request room placements based on religious practices.
- Semi-Private (Suite-Style) Bathrooms: Upper-class residential halls contain a mix of suite-style (2-8 person use) and communal hallway bathrooms. Incoming student halls consist only of communal-style bathrooms. Bathroom formats range in multi and single use and are designated as gender neutral or gender specific.

## Housing Operations

### *Move-In and Move Out*

When moving into a residence hall, students must check-in with the RHS Staff. A student will be considered to have taken possession of and responsibility for a campus room when they either receive a room key, reside in the room, or places belongings in the assigned room. An enrolled student is considered to occupy a room if they fail to notify the Office of Housing and Residence Life by the tenth day of the semester that they do not intend to occupy the room which has been drawn or assigned.

Occupancy of any room is limited to the student(s) assigned to that room. A student may not transfer, sublet, loan or assign the room to another person under any circumstances. This includes rooms within a suite. A student not assigned to a room may not take up residence within it. Students who change room assignments without notice and/or permission of the Office of Housing and Residence Life will be required to return to their original room.

There is a three-week room freeze at the beginning of the fall semester starting with the first day of classes. There is a two-week room freeze at the beginning of the spring semester starting with the first day of classes.

The Office of Housing and Residence Life must approve all changes in room assignments. Rooms and roommate assignments are contracted for the academic year. A room change can be considered in cases of roommate conflicts after those wishing to make a change have made a sincere effort to resolve their differences. Students may not attempt to force a roommate to move out of the room or prevent a new roommate from moving in. Students may not intimidate others within the hall or prevent their reasonable use of facilities.

Student room fees cover the academic year, which does not include the winter vacation period. When the campus is closed during Winter Break, the residence halls are closed and students are not permitted to stay in their rooms. Students who wish to stay over Winter Break need to apply through the HRL Office.

When moving out of a residence hall, students are required to return all keys to HRL. Failure to do this will result in a lock change and the student will be responsible for the costs of said charge.

Pomona students who are found occupying an unauthorized space may go through the judicial process and receive the appropriate sanctioning. This includes unauthorized occupancy any time before or after agreement dates, termination of occupancy dates, after eligibility for housing has ceased, or during the housing closure period.

### *AC Unit Accommodations*

Pomona College is committed to accommodating qualified students with disabilities who may require the installation and use of an AC unit provided by Pomona College in their on-campus residence hall assignment. The AC accommodation is met through either pre-installed AC window units or through a central AC system. Students may not bring their own AC unit. Students who believe they have a condition to merit accommodation work with Accessibility Resources and Services ([disabilityservices@pomona.edu](mailto:disabilityservices@pomona.edu)), located in the Dean of Students Office.

All other air-conditioning units are prohibited and will be removed by the College, and students will be financially charged for their removal. For more information on how to apply for housing accommodation please visit the [Registration with ARS webpage](#).

### ***Pets in the Residence Halls***

Students should meet with the Accessibility Resource Services in the Dean of Students Office if they believe they may be eligible for an accommodation for a service animal or an emotional support animal (ESA). This process must be completed and formally approved prior to bringing an ESA on campus.

If a pet is found in a residence hall that is not permitted the owner will go through the Pomona College conduct process as outlined in the Student Code of Conduct. Any person(s) found neglecting, abusing, teasing, tormenting, or inflicting any type of cruelty to an animal on campus will also be subject to the conduct process.

### ***Reserving Common Areas***

The following residential spaces may be reserved for organized events (social, academic, or co-curricular): Mudd Lounge, Heritage Lounge and Walker Lounge, residence hall courtyards, and the Sontag and Dialynas Lounges via Engage. All residential spaces available for reservation are substance-free. Students may not have amplified sound including a DJ or loud music. Events may be approved, pending, and or denied based on the RLC's discretion.

Walker Beach and Athearn Field may be reserved without Housing and Residence Life approval but all events must end by the time quiet hours begin.

### ***Lock Outs***

Lockouts are handled by the Office of Housing and Residence Life and Resident Advisors for free during specific hours. All lockouts handled by Campus Safety will be charged to a student's account.

Lockout no-charge schedule:

Monday – Thursday: 8:00 a.m. – 5:00 p.m.; 7:00 p.m. - 11:00 p.m.

Friday: 8:00 a.m. – 5:00 p.m.; 7:00 p.m. - 1:00 a.m.

Saturday: 7:00 p.m. - 1:00 a.m.

Sunday: 7:00 p.m. - 11:00 p.m.

### ***Room Selection***

Room selection is conducted by Housing and Residence Life each spring for the following year.

Detailed instructions on the room selection procedures and policies are sent to all students at the appropriate times during the year. Students may refer to the Housing and Residence Life website for further information.

The spaces available for selection will be determined annually by the Office of Housing & Residence Life team.

### ***Room Condition Reports***

Room Condition Forms, which describe the condition of the room prior to occupancy, are provided for students when they move into rooms. They are used at the end of each semester to evaluate any damage which might have occurred during that time. Students will receive notice from the Office of Housing and Residence Life when these forms become available on their Symplicity Residence Portal.

At move-in, if the level of maintenance of a particular room is not adequate, or if any college-issued item needs to be fixed, students may fill out a [work order](#) online.

### ***Room Repair/Work Order***

In case of repairs or general maintenance, students [may fill out a work order online](#). Students may also contact The Maintenance Department.

Tel: (909) 621-8300

Hours: 8:00 am to 5:00 pm, Monday-Friday

Emergencies, after hours, and weekends: Contact Campus Safety at (909) 607-2000.

### ***Soliciting on Campus***

The College does not allow soliciting, promoting, or selling any product or service by anyone from outside of the College. No door-to-door or table soliciting is permitted in the residence halls by anyone – student or non-student—when it involves a non-Pomona business or group. Students are permitted to showcase flyers and door decorations on their doors and whiteboards to the right or left of their door.

### ***Student IDs/Keys***

Your official Pomona College ID is the property of Pomona College and is non-transferable. It must always be carried while on the Claremont College premises and must be presented to college officials, including Campus Safety, upon request. Students may not loan or give their ID to another individual, whether it be a student, visitor or guest.

Each on-campus student is given a student ID card that allows students to eat in the Dining Halls across all 5Cs, enter Pomona College residence halls, and allow you entrance into 5C social events. (Students 21 and older may use their ID in order to drink alcohol at 5C events.) Students living off-campus do not have access to residential halls.

In the event of theft, damage or loss, new ID cards may be obtained at the Office of Housing and Residence Life in the Smith Campus Center. Lost cards should be reported promptly so that they may be de-activated. Any lost IDs will cost a minimum of \$15 billable via student accounts. In cases where a student ID is damaged, and the damage is verified by an HRL staff member, a replacement ID will be provided free of charge.

Alteration or unauthorized use of this card will subject the holder to applicable disciplinary policies.

## ***Visitors and Guests***

Students are responsible for the behavior of any guests or visitors, including students from the other Claremont Colleges, who are present in a building at their invitation, and penalties may be assessed on the hosts for violations committed by guests or visitors. Furthermore, groups sponsoring events can expect to go through the conduct process for violations committed by those attending their events.

The following regulations apply to visitors on campus and in the residence halls.

1. Any student hosting an overnight visitor on campus must register their visitor with Housing and Residence Life via their Housing Portal. The registration form will then be reviewed by their Residence Life Coordinator (RLC) for approval. Should an overnight guest like to attend a Pomona College event the Pomona College student would need to contact the Smith Campus Center for an event pass for their visitor.
2. Visitors on campus must conform to the rules of the residence halls and the provisions of the Pomona College Student Code. If a visitor violates College policies or disturbs other students of the hall, visitor privileges may be revoked.
3. Visitors are not allowed to sleep in lounges or other common areas.
4. If the premises are occupied by more than one person, the approval of all occupants of the premises shall be required prior to the resident's permitting an overnight guest to stay in the premises, and the overnight guest/visitor may only occupy the resident's room during the visit.
5. An overnight guest/visitor may not stay on the premises for more than five (5) consecutive nights and no more than a total of seven (7) nights per semester. If any student or their guest/visitor occupies a room or residence without authorization, students can expect to go through the conduct process.

## **Pomona College Speech Code**

Approved by the Pomona College Board of Trustees in December 2023.

### **DEFINING FREE SPEECH**

Speech Code: Pomona College believes that free speech is critical to Pomona's mission as an educational institution, and therefore, the norm is that speech and other forms of expression are protected.

### **Protected Speech**

The First Amendment protects the exercise of free speech in ways that sometimes makes us uncomfortable, and our courts have consistently applied the First Amendment to protect speech that is insulting, outrageous and offensive. The First Amendment protects most speech that is commonly considered "hate speech." Under California's Leonard Law[1], the College cannot discipline a student for speech that would otherwise be protected under the First Amendment, even when members of the College community find it offensive or repugnant. This includes wearing political messages or slogans on a hat, shirt, or other clothing.

## Hate Speech

Contrary to a widely held misconception, "hate speech" is generally protected by the First Amendment. This has been established law for over a hundred years. Only if the speech fits within one of the categories of unprotected speech can it serve as a basis for disciplinary action against the speaker.

The term "hate speech" often refers to speech that insults or demeans a person or group of people on the basis of attributes such as race, religion, ethnic origin, shared ancestry, sexual orientation, disability or gender. While the College condemns speech of this kind, there is no "hate speech" exception to the First Amendment; under California law, the College is only permitted to discipline a student on the basis of speech if the content or manner of the expression falls into one of the categories described below as "unprotected speech".

## Unprotected Speech

Certain limited categories of speech and other forms of expression are unprotected by the First Amendment and would constitute a violation of the Student Code subject to a disciplinary response:

- **Speech that constitutes harassment** as specifically defined in the College's Non Discrimination Policy (Workplace and Student Related Matters) [Handbook], i.e., speech based on one or more Legally Protected Characteristics, and so persistent, repetitive, pervasive or severe that it has the purpose or effect of substantially interfering with or materially limiting a reasonable person's ability to participate in or benefit from the College's educational programs or activities.
- **Speech that constitutes fighting words.** To constitute fighting words, the speech must meet all of the following three criteria. First, the speech must be addressed at a specific individual or particular group of individuals. Second, the speech must be abusive rather than a communication of ideas. Third, when considered objectively, the speech must be likely to provoke a violent reaction.
- **Speech that incites imminent lawless action.** To constitute incitement of imminent lawless action, the speech must meet all of the following three criteria. First, the speech must advocate for, or attempt to cause, lawless action in the near future. Lawless action includes, but is not limited to, violence or the destruction of property. Second, when considered objectively, the speech, in context, must be likely to produce such lawless action. Third, the speaker must intend to cause such lawless action.
- **Speech that constitutes a true threat.** To constitute a true threat, the speech must communicate a serious intent to harm a specific person or a particular group of persons. While the speaker does not necessarily have to intend to carry out the threat, the speech must (1) cause the individual to subjectively fear for their physical safety and (2) cause a reasonable person in their situation to feel the same level of fear in order to qualify as a true threat.
- **Speech that materially limits the College's educational function.** Examples of speech that constitute a material limitation of the College's educational function include but are not limited to speech outside of a classroom or dedicated educational setting that is so loud as to disrupt a classroom or similar learning environment, protests that block access to a classroom or educational setting or hinder or prevent a scheduled class from convening.
- **Speech/material that constitutes obscenity.** To constitute obscenity, appeals to the prurient interest, that depicts sexual conduct in a patently offensive way, and that, taken as a whole, lacks serious literary, artistic, political, or scientific value.

- **Speech that infringes on the First Amendment rights of others through coercive disruption**, defined as the physical interference with others' peaceful exercise of free speech. Examples of this "heckler's veto" are physically blocking access to a speaking event, physical intimidation of a speaker, and noise-making that prevents a speaker from being heard. If this type of conduct occurs during any College-sanctioned activity or function, the College reserves the right to restore conditions under which free speech can flourish. Any student who engages in coercive disruption may be removed and subject to disciplinary action.

If the speech meets any of the requirements of the subpoints as stated above, students who are identified may be invited to have a conversation with any of the involved parties to further understand the details of the event. If, during these conversations, the College determines that the speech does violate all of the requirements of one or more of the exceptions stated above, the College may choose to pursue disciplinary action.

In addition, the College may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities and/or programs of the College.

[1] In pertinent part, the Leonard Law states that "No private postsecondary educational institution shall make or enforce a rule subjecting a student to disciplinary sanctions solely on the basis of conduct that is speech or other communication that, when engaged in outside the campus or facility of a private postsecondary institution, is protected from governmental restriction by the First Amendment to the United States Constitution or Section 2 of Article I of the California Constitution."

# Pomona College Student Code [Handbook]

## Pomona College Student Code

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## Preamble

The Pomona College Student Code is established to provide clear definitions of rules and fair procedures to govern the conduct of students within the Pomona community. The goal of the Student Code is to delineate a common set of standards promoting education and community accountability. These are Pomona College's procedures and are distinguished from public law enforcement, which is the province of local, state, and federal authorities. All College policies that do not have their own enforcement mechanism are enforced through the Student Code. Pomona College expects that all members will inform themselves of the community standards.

The educational goals of the College can only be achieved with genuine community interaction and respect for the rights of others. As such, the Student Code is a document which continues to be created and modified to adequately reflect changes in community standards. Modifications to the Code are made through the Student Affairs Committee, which consists of five ASPC Senate members, two Student Affairs staff and three faculty members. Modifications shall be approved by a majority of those present and voting, including the vote of at least one student and at least one faculty or staff member. Any member of the Pomona community may submit proposals for amending the Student Code to the Student Affairs Committee. The Judicial Council, as an advisory body that suggests Code amendments, can serve as a resource for those seeking to formulate such proposals. Ultimately, however, only the Student Affairs Committee may amend the Student Code.

Cases brought pursuant to the Student Code may raise difficult interpretive questions about the scope of the Student Handbook's provisions as applied to a specific scenario. When the meaning of a provision of the Student Handbook, read alone and applied to a case, is clear, judicial bodies are bound by the text's publicly-understood meaning. If there is reasonable ground for disagreement about the meaning of the Student Handbook's text as applied to a case, judicial bodies may look for guidance in the context of the provision, the structure of the Student Handbook, statements of purpose found throughout the Student Handbook and other official College documents, previous judicial bodies' decisions in adjudicating analogous cases, and community standards held by contemporary students of the College (as represented by members of the judicial body).

## **Extraordinary Authority of the President**

Notwithstanding any other provision in the Student Code or any other College policy to the contrary, the President of Pomona College shall have the authority to act in extraordinary circumstances to ensure the safety of individuals, the protection of property, and the continuity of the educational process.

In executing this authority, the President is specifically permitted to remove a student from campus, to prohibit a student from being on campus, and to expel, suspend, place a student on leave, or take any other action with respect to the status of a student of the College that the President deems appropriate or necessary in their absolute discretion ("the Action").

If the President is not able to act in a situation that requires the exercise of extraordinary authority, the authority shall pass first to the Vice President and Dean of the College; and if the Dean of the College is also unable to act then such extraordinary authority shall pass to the Vice President and Dean of Students.

If a student is the subject of an Action, the officer taking the Action shall state at or about the time of the decision the terms, if any, upon which resumption of normal student status will be permitted.

A student whose status is affected by an Action may ask that the decision be reviewed by the President, the Vice President and Dean of the College, and the Vice President and Dean of Students, all of whom shall then meet and give their advice as to whether the decision should be affirmed, modified, or reversed. In conducting this review, the group shall follow any procedures and consider any evidence that they, in their sole discretion, deem appropriate.

After completion of the review, the President (whether the Action was the President's original decision or that of another officer exercising the authority) may affirm, modify, or reverse the original decision, as the President shall determine in their absolute discretion. The Action shall remain in effect while the matter is under review.

# Student Code Article I: Definition of Terms [Handbook]

## Article I: Definition of Terms

1. **Advising Chair:** is a Chair of the Judicial Council responsible for coordinating the respondent's advisor in a given hearing. The Advising Chair is responsible for connecting the respondent with a non-Chair advisor. They may advise within hearings in lieu of a non-Chair advisor. This role shall be assigned by the Head Chair of the Judicial Council in conjunction with the Associate Dean of Students and Dean of Campus Life.
2. **Advisor:** means any member of the college community who assists a student in responding to alleged policy violations or in participating in any Judicial Council hearing. An advisor may be any student, faculty, or staff member at the Colleges or The Claremont Colleges Services (TCCS) who is not a witness in the case, a panelist in the case, a Judicial Council chair, or, except when given written permission by the Vice President and Dean of Students, an attorney. Students have the right to an advisor and shall be offered an advisor by default when a matter is referred to the Judicial Council.
3. **Appellate board:** means any person or persons authorized to consider an appeal from a judicial body's determination that a student has violated the Student Code. Appellate boards at Pomona include the hearing panels of the Appeals Board and, in some cases, the President of the College.
4. **Collection of individuals:** refers to any number of persons as defined by their collective actions, presence, or involvement in a violation of the Student Code.
5. **College:** means Pomona College.
6. **College official:** includes any person employed by Pomona College, performing assigned administrative or professional responsibilities. Includes Resident Advisors, Campus Safety officers, and administrators at other Claremont Colleges or at TCCS.
7. **College premises:** includes all land, buildings, facilities, and other property in the possession of, owned, used, or controlled by Pomona College, the other Claremont Colleges, and TCCS (including adjacent streets and sidewalks).
8. **Complainant:** refers to the individual(s) initiating a complaint of a violation of the Student Code. In some cases, the College may be the complainant.
9. **Evidence:** refers to information provided during a hearing by the College, complainant, or respondent that is relevant to the case and may have an impact on the decision or sanction. Evidence may be physical, verbal, or electronic (i.e., texts, web pages).
10. **Faculty member:** means any person hired by the College to conduct classroom activities, or emeriti faculty.
11. **Guest:** is any Pomona student hosted by another Pomona student in their personal room and/or residence hall. For non-Pomona students, see "Visitor."
12. **Hearing:** refers to any proceedings of the Judicial Council.
13. **Host:** is a Pomona College student who invites, receives, accepts responsibility for, or entertains a guest or visitor in campus buildings and spaces (e.g., The Farm), residence halls, or at campus events. See "Visitors" section in the Life on Campus and Residence Halls chapter in the Handbook.
14. **Judicial body:** means any person or persons authorized to determine whether a student has violated the Student Code and to impose sanctions. Judicial bodies at Pomona include the hearing panels of the Judicial Council (including Penalty Boards and Appeals Boards), the Student Affairs Committee, the Vice President and Dean of Students, and the Associate Deans of Students and of Campus Life.
15. **Jurist or retired jurist:** means any individual who has served as a judge in a court of law.
16. **Legal counsel or attorney:** means any individual who is properly licensed to practice law.

17. May: is used in the permissive sense.
18. Member of the college community: includes any person who is a student, faculty, staff member, college official or any other person employed by Pomona College. It also includes faculty, students, and staff at the other Claremont Colleges or TCCS. A person's status in a particular situation shall be determined by the Vice President and Dean of Students.
19. Organization: means any number of persons who have complied with the formal requirements for College registration as a campus organization.
20. Panel: refers to the students deciding an outcome on behalf of the Judicial Council in a hearing; this includes the panelists and non-voting Presiding Chair. This does not include the representative of the College, respondent, complainant, or their advisors.
21. Policy: is defined as the written regulations of the College as found in, but not limited to, the Student Code, the Student Handbook, and the College catalogue.
22. Possession: means to have an item on your person or in an area for which you are responsible such as a residence hall room or an automobile. A student takes possession of a residence hall room by picking up a key, moving into a room, or by failing to notify the Office of Campus Life by the 10th day of the semester that they do not intend to occupy a room drawn by or assigned to the student. Students are responsible for all items in their possession including but not limited to contraband items.
23. Preliminary sanction: any sanction imposed by a member of Student Affairs (including members of the Office of Housing and Residence Life) prior to or without a Judicial Council or Student Affairs Committee process.
24. Presiding Chair: is a Chair of the Judicial Council responsible for leading proceedings in a hearing. This role shall be assigned by the Head Chair of the Judicial Council in conjunction with the Associate Dean of Students and Dean of Campus Life.
25. Quorum: the minimum number of members necessary to conduct a hearing.
26. Respondent: refers to the person(s) or group cited in the complaint who allegedly violated the Student Code.
27. Shall: is used in the imperative sense.
28. Statement of Alleged Policy Violation (SAPV): means a written statement of the provisions of the Student Code alleged to be violated and the factual circumstances surrounding the alleged violation.
29. Student: includes all persons taking courses at the College both full time and part time. Persons not officially enrolled for a particular term but participating in study abroad or domestic exchange are considered students.
30. Student Code Administrator: means a staff member or a college official whose role is to collect the facts of the case in a conscientious, impartial, and fair manner.
31. Victim: refers to the individual(s) harmed by the alleged policy violation.
32. Visitor: is anyone, other than a parent, who is visiting a Pomona student who is not themselves a Pomona student. See "Visitors" section in the Life on Campus and Residence Halls chapter in the Handbook.
33. Vice President and Dean of Students: is designated by the Pomona College President and the Student Affairs Committee of the faculty to be responsible for the administration of the Student Code.

# Student Code Article II: Judicial Authority and Organization [Handbook]

## Article II: Judicial Authority and Organization

Pomona College's disciplinary authority originates in the Board of Trustees and the President of the College. It has been delegated, through the faculty to the Student Affairs Committee (SAC) to the student-run Judicial Council. The Judicial Council's policies are outlined in the Student Code and all changes to the Student Code require approval from the Student Affairs Committee. The Student Affairs Committee and the President of the College have delegated responsibility for administration of the Student Code to the Vice President and Dean of Students, but SAC reserves the right to hear cases as described below.

College jurisdiction and discipline extend to conduct which occurs on the Claremont Colleges premises or at an activity sponsored by any of the colleges (e.g., study abroad, Orientation Adventure, ASPC-funded trips), and conduct which occurs off campus but constitutes grave misconduct or flagrant disregard for the college community. When an activity occurs off-campus, it is the responsibility of the Vice President and Dean of Students, in consultation with the Associate Deans who serve as advisors to the Judicial Council, to determine whether College jurisdiction will be asserted. When a student is charged with a violation of federal, state, or local law, and college disciplinary action is also taken, campus proceedings may be carried out prior to, simultaneously with, or following civil or criminal proceedings. The College's proceedings are not bound by determinations made by civil or criminal proceedings.

The full Judicial Council shall consist of one student Chair, two student Associate Chairs, one student Appeals Board Chair, and up to forty-seven additional student members who serve as panelists. The Judicial Council shall be a standing body which meets at a time and place established by the Chair. Participation in Full Hearings, Penalty Board Hearings, and Appeals Board Hearings shall rotate among the forty-seven members of the Judicial Council. The Chair and Associate Chairs shall rotate serving as the chair of hearing panels. Any Judicial or Associate Chair not serving as chair of a hearing may sit as a regular panel member.

### Advisors

Students have the right to an advisor who will help guide them throughout the judicial process. It is the role of the advisor 1) to help the student understand the student judicial process, 2) to help the student navigate and understand appropriate use of the case history file, and 3) to advise and support the student during the hearing process. Advising the student during the hearing involves helping the student to remain calm and confident, reminding the student if a key point has not been stated or received enough emphasis, and being attentive to whether the respondent has adequately responded to all questions and concerns raised by or implied in the alleged policy violations or the hearing.

The advisor speaks to and advises the student but does not address the Student Code Administrator, Representative of the College, hearing panel, or witnesses. During the hearing phase, the respondent or their advisor may request a recess to confer with the Judicial Council chair or with each other outside the hearing.

At the earliest point of contact between the Student Code Administrator and the respondent, the Code Administrator shall inform the student of their right to an advisor during the investigative process and that having an advisor is strongly recommended. The Student Code Administrator shall further inform the student that a Judicial Council member is available to act as the student's advisor immediately upon request. This request may be made at any point throughout the process.

Should the matter be referred to the Judicial Council, the student shall be, by default, offered by a member of the Judicial Council a list of 3-4 qualified advisors. Students may select an advisor from this group or seek the assistance of any other faculty, staff, or student member of the College Community (excluding witnesses in the case, panelists in the case, Judicial Council chairs, and, except when given written permission by the Vice President and Dean of Students, attorneys). Students will also be able to opt-out of having an advisor if they so wish but will be informed that having an advisor is strongly recommended. If they choose to opt-out, they retain the right to request an advisor at any point. The chair of any hearing panel shall ensure that there are Judicial Council members present at the hearing who are not serving as panelists in the hearing and who are willing and able to act as advisors to the respondent, complainant, or victim should they request such an advisor. The respondent, complainant, and victim shall have at most one advisor, except as allowed by Article VI, Section E, Subsection 1.

## **Types of Cases:**

### **A. Full, Penalty, and Appeals Hearings**

Cases are addressed through Full Hearings, Penalty Hearings, and Appeals Hearings, depending on the nature of the case. A Full Hearing shall be convened when the facts of the case or the role and responsibility of the respondent are in dispute. A Penalty Hearing shall be convened when the respondent agrees to the facts of the case and signs a SAPV indicating responsibility for violating the Student Code. An Appeals Hearing shall be convened when the respondent alleges that new evidence has been found, inappropriate sanctions have been applied, or improper judicial procedure occurred in the Full Hearing or Penalty Hearing. Panelists chosen to serve on the Appeals Panel shall be Judicial Council members who did not participate in the Full Hearing or Penalty Hearing of the case.

All three kinds of cases are heard by four members of the Judicial Council, plus a non-voting chair, which constitutes a quorum. A dean from Student Affairs shall attend each hearing as an advisor on process and to represent the views of the College. The Presiding Chair will record the proceedings on a recording device belonging to the College.

### **B. Hearings by the Student Affairs Committee**

The Student Affairs Committee shall consider any case which the Judicial Council has refused or over which it is unable to accept jurisdiction or which, after accepting jurisdiction, it declares impossible to adjudicate. Decisions necessary to determine jurisdiction shall be made by the Vice President and Dean of Students.

The Student Affairs Committee consists of ten voting members—three faculty members, the Vice President and Dean of Students, the Dean of Campus Life, and five students. Five members, including at least three students and at least two faculty members, shall constitute a quorum for hearing a discipline case. When meeting as a judicial body, the Dean of Students shall sit as a voting member of the hearing panel only if the dean has had no involvement with the case prior to the hearing. If the dean has had prior involvement with the case, a dean from Student Affairs shall sit with SAC as a voting member. The Judicial Council chair shall be present to advise the SAC chair on process while a second dean from Student Affairs shall present the view of the College regarding the alleged violation.

The Student Affairs Committee may, at any time, request and receive a report on any judicial action, including a full report on any case or a summary of violations and penalties assigned. Such a report shall be prepared by the Dean of Students.

## **Student Affairs**

### A. Overview

For purposes of this code, Student Affairs consists of the Vice President and Dean of Students, the Associate Deans of Students, Dean of Campus Life, and members of the on-call staff. They investigate reports of Student Code violations, prepare statements of alleged policy violations (SAPVs), and refer cases to the Judicial Council. Student Affairs may only determine responsibility and impose sanctions for alcohol and drug related violations. The sanctions of suspension or expulsion from the College may only be assessed by the Judicial Council, the Student Affairs Committee, or the President.

Student Affairs may, at any time, require that a case be given a hearing by a Full Judicial Council Hearing, Penalty Hearing, or by the Student Affairs Committee. If the Judicial Council chair believes that a case warrants further consideration, it shall be brought before a Full Panel or Penalty Panel or the Student Affairs Committee for hearing.

Student Affairs shall maintain judicial records including:

- A public, permanent case history file, which consists of case abstracts specifying alleged policy violations, facts, case dispositions and rationales for dispositions. Identification of participants in cases shall be omitted. This case history file shall be furnished to judicial bodies when they are hearing cases in accordance with procedures outlined in Article VI to provide context for past sanctioning decisions regarding similar policy violations. This information is in no way meant to determine future sanctioning decisions, but is rather meant to maintain an institutional memory within which to contextualize ongoing and evolving Judicial Council practices. Current information from the case history file shall be published each semester as a report to the community on alleged policy violations, case dispositions, penalties, and rationales.
- A confidential case file that is part of the record of each student found by the judicial bodies to have violated the Student Code. The confidential file is maintained permanently for students whose sanctions include residence hall suspension or change, residence hall expulsion, college suspension, or college expulsion. In all other cases, the confidential file will be maintained for five years from the date of the violation.

### B. Preliminary Sanctions

When a case is referred to the Judicial Council, Student Affairs may impose preliminary sanctions on the respondent(s), prior to the conclusion of a full investigation and Penalty Hearing, Full Hearing, or hearing of the Student Affairs Committee. Student Affairs shall inform the respondent of the Preliminary Sanction Review Board when imposing a preliminary sanction.

#### i. Interim Suspension

In certain circumstances the President may impose a College suspension prior to the hearing before a judicial body.

Interim suspension may be imposed only:

1. to ensure the safety and well-being of members of the college community or preservation of college property;
2. to ensure the student's own physical or emotional safety and well being, or;
3. if the student poses a credible threat of disruption or interference with the normal operation of the College.

ii. Preliminary Sanction Review Board (PSRB)

If Student Affairs imposes a preliminary sanction, the respondent may submit a petition to have the preliminary sanction reviewed by a Preliminary Sanction Review Board (PSRB). The petition to review the preliminary sanction must be submitted within 36 hours after the respondent has been notified of the preliminary sanction. They may ask the Dean of Students or their representative to contact the Judicial Council Advisors to notify them of their interest in appealing the preliminary sanction. The PSRB must arrive at a decision within 36 hours after the petition has been received by the Judicial Council Chair. The PSRB is comprised of two faculty members from the Student Affairs Committee and two Judicial Council Chairs that will not chair the respondent's Penalty Board or Full Hearing. A Judicial Council Advisor who was not involved in the sanctioning will serve as a non-voting advisor to the PSRB on matters of procedure and the case history file. If there are not enough faculty available for participation on the PSRB, the board must request a faculty member be recommended by the Dean of College, but the timeline remains in place.

The PSRB has jurisdiction over the respondent's petition to lift the preliminary sanction until a final decision and sanction, if necessary, has been assigned by a Penalty Board, Judicial Board, or Student Affairs Committee hearing. A vote of three out of four members of the PSRB is necessary to lift or alter an interim sanction. Factors that the PSRB shall consider include, but are not limited to:

1. Context and factual uncertainty of the alleged Student Code violation
2. Proportionality of the interim sanction relative to the alleged violation
3. Well-being of the respondent and well-being of the entire college community
4. Case history files

If a respondent, the Dean of Students, or their representative, notifies the Judicial Council of their interest in appealing the preliminary sanction within the 36 hour window, the respondent

may petition the Judicial Council (all four student chairs and three Student Affairs advisors) for a 24-hour extension.

The PSRB's decision shall be presented during the judicial body hearing. Panelists shall be advised that the decision of the PRSB does not constitute a finding of responsibility. Likewise, the judicial body hearing the case may reinstate a preliminary sanction even if the sanction was lifted by the PSRB. The PSRB's decision shall not be used to influence the outcome of panel deliberations. The PSRB simply reviews the relevance and propriety of the sanction in relation to the potential violations in light of the information available immediately after the incident.

iii. The President of the College

By action of the Board of Trustees, the President of the College is empowered to order interim summary suspension of any student from the College if it is deemed necessary for the well-being of the College community and until such time as the case can be referred to a hearing or the circumstances necessitating such action are remedied. In cases when the respondent has been suspended or expelled from the College by action of the Judicial Council or the Student Affairs Committee, the respondent may request that the President review the case following review by an Appeals Panel. In addition, the President may, under extraordinary circumstances, review and if necessary, remand or alter the decision of the judicial bodies.

## **Mediation**

Pomona College does not have pathways for mediating formal disciplinary issues but includes restorative practices in judicial procedure. Students wishing to pursue informal mediation for community, club, or organization disputes may contact the Associate Dean of Campus Life and Director of Campus Life Engagement. For housing disputes, the Housing and Residence Life Office provides roommate mediations.

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# **Student Code Article III: Code Violations [Handbook]**

## **Article III: Code Violations**

Any student found to have violated the Student Code is subject to the disciplinary sanctions outlined in Article VII. Clubs and organizations may be held accountable for policy violations if students are representing the club or organization at the time of the policy violation.

## ***Violations of the Student Code include:***

1. Forgery, alteration, or misuse of any document, form, or record created or maintained by the College, the Claremont Colleges, or TCCS.
2. Persistent or egregious conduct which endangers the physical or mental health, well-being, or safety of any member of the campus community or visitor to the campus. Such conduct includes but is not limited to battery, stalking, threatening, or harassing.
3. Attempted or actual theft or wrongful appropriation of or damage to property of the colleges or property of a member of the college community. Possession of stolen property on the colleges' premises or at a college sponsored activity is prohibited.
4. Hazing. For more information, consult the College's Hazing Policy.
5. Failure to comply with reasonable requests made by college officials, including providing false information or failing to produce identification upon request. See "College officials" in Article I.
6. Unauthorized access to or use of college property, equipment (including keys), or facilities; or the property, equipment, or facilities of the College contract services or those of other Claremont Colleges or TCCS.
7. Violation of any published College policies including, but not limited to the College's alcohol and drug policies, residence hall regulations, Informational Technology Services (ITS) Policies, and sexual assault and misconduct policies that do not prescribe their own procedures for addressing violations.
8. Violation of federal, state or local law that represents grave misconduct or flagrant disregard for the college community.
9. Possession of firearms (including BB guns and air rifles), ammunition, explosives, bladed weapons (including those used for ceremonial or decorative purposes), or other weapons or dangerous chemicals.
10. Conduct which interferes with or prevents the normal operations of Pomona College, the Claremont Colleges, or TCCS, or which improperly infringes on the rights of other members of the college community.
11. Interfering with the judicial process, including but not limited to:
  - Failure to obey the summons of a judicial body or college official. (See note below)
  - Lying before a judicial body.
  - Disruption, non-cooperation, or interference with the orderly conduct of a judicial proceeding.
  - Attempting to influence the impartiality of a member of a judicial body prior to and/or during a judicial proceeding.
  - Influencing or attempting to influence another person to interfere with the judicial system.
  - Reporting, divulging, or using the statement of a victim, complainant, respondent, or witness outside of a Pomona College judicial hearing. All statements, written or oral, of respondents, victims, complainants, or witnesses made in or prepared for Pomona College judicial hearings are strictly confidential.
  - Unauthorized issue of an opinion or statement on behalf of any judicial body; inappropriate use of their judicial position; disregard or disrespect for the judicial system.

*Note: Respondents may choose to opt out of meetings with a Student Code Administrator (SCA), Penalty Hearings, or Full Hearings should they choose. If a Respondent chooses not to attend an SCA meeting or a hearing, the case will move forward with evidence provided by the Complainant and relevant witnesses without added penalty.*

12. Actions of guests and/or visitors who violate the Student Code. Students are held accountable for the conduct of guests and/or visitors.

13. Irresponsible or negligent conduct that results in theft, damage, physical harm or threat to a member of the Pomona College community's property or safety.

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## **Student Code Article IV: Administrative Process for Alleged Policy Violations [Handbook]**

### **Article IV: Administrative Process for Alleged Policy Violations**

1. A member of the college community may bring a complaint against any student for misconduct. This may take the form of an RA or Campus Safety report.
2. After the College discovers a student has allegedly violated the Code of Conduct, the College has three (3) months to present the respondent(s) with a SAPV. Two (2) years after a violation occurs, a student can no longer be found responsible as the statute of limitations has passed. This ensures a fair and timely judicial process for all parties involved. Failure to comply with the three-month deadline will result in dismissal of all charges. In extenuating circumstances, however, the college may request a reasonable extension to the Judicial Board. Exceptions to the three-month and two-year statute of limitations may be granted under specific circumstances, including
  1. The alleged violation poses a significant threat to the safety and well-being of the college community
  2. The violation is especially egregious
  3. New evidence that changes the potential outcome emerges in the time following the violation
  4. Other extenuating circumstances that are deemed reasonable by the presiding chair

If the College decides to bring forth a case beyond the three month statute of limitation, they must provide both the respondent and the presiding chair with a written explanation of the extenuating circumstances.

3. A Student Code Administrator will be assigned to the complaint based on availability. Within one school day of being assigned, the Student Code Administrator shall send the respondent an email containing the respondent's rights, a time to meet, and an incident report if one has been issued.
4. For most alleged first, second, or third violations of the Alcohol and Drug Policies, the respondent shall meet with a Student Code Administrator to have an educational conversation. During this conversation, the respondent shall accept or reject responsibility for the alleged violations. After discussing the alleged violations with the respondent, the Student Code Administrator shall determine the respondent's

responsibility and impose sanctions, if appropriate. Typical sanctions assigned in these cases are discussed in Article VII. No Judicial Council hearing will be convened, but decisions on responsibility and sanctions may be appealed as outlined in Article VIII.

5. The Student Code Administrator shall attempt to elicit all facts related to the complaint to determine if its alleged violations have merit. To do so, they shall request a meeting with the respondent and may meet with other members of the college community. The Student Code Administrator shall cite this section of the Code as the reason behind any meetings. Any person who meets with a Student Code Administrator for an investigatory meeting must be clearly informed as to the purpose of the meeting prior to the meeting itself.
6. The Student Code Administrator shall present a written report of any meetings to Student Affairs within 15 school days of being formally assigned to the occurrence of the alleged violation. After that time, the judicial bodies shall not consider a violation of the Student Code, unless there are extenuating circumstances specified by the Dean of Students or their delegate. Cases may be delayed at the request of the respondent if they are dealing with a concurrent external legal case that is relevant to the conduct issue. If the respondent is on a leave of absence, the case shall be put on hold until they return to campus.
7. In conference with other advisors and chairs of the Judicial Council, the head advisor shall determine which, if any, alleged policy violations are viable.
8. If the conduct appears to violate the Student Code, Student Affairs shall formulate and present a Statement of Alleged Policy Violation (SAPV) to the respondent within 5 days of receiving the report from the SCA. The SAPV shall detail any relevant policy that has been allegedly violated and the specific behavior or sequence of behaviors alleged to have violated that policy.
9. When presented with the SAPV, the respondent has the following options: a) Accept responsibility for all alleged policy violations listed, agreeing to having violated the Student Code and with the description of the incident(s) in question; or b) Reject responsibility for some or all of the alleged policy violations listed, disagreeing with having violated the Student Code or with the description of the incident(s) in question. If the respondent chooses the former, a Penalty Board shall be held. If the respondent chooses the latter, a Full Hearing shall be held. If the respondent fails to sign the SAPV within 3 school days, the College shall assume that the respondent does not agree with the alleged policy violations and a Full Hearing shall be held.
10. A Judicial Council chair or advisor who shall not have a role in the hearing will offer an optional meeting with the respondent to discuss the conduct process. No information from this meeting may be used as evidence.
11. The Student Code Administrator may meet separately with the complainant(s) and the alleged victim(s) to notify each of them of their rights and to provide each with a copy of the Student Code.
12. When the SAPV is received from Student Affairs, the chair of the presiding judicial body shall schedule the hearing at a time that does not conflict with the respondent's academic schedule (including co-curricular events) within 10 days of the student's return of the SAPV. If there are multiple respondents to the same

incident, the Judicial Council chair shall review the statements of alleged policy violation and any other pertinent information and determine whether the respondents may appear before the same hearing panel with the respondents' consent.

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## Student Code Article V: Hearings [Handbook]

### Article V: Hearings

#### Overview

1. Hearings shall be convened within 10 school days of a Statement of Alleged Policy Violation (SAPV) being signed by a respondent unless there are exigent circumstances specified by the Dean of Students or their delegate.
2. The chairs of the Judicial Council shall convene the hearing following administrative procedures outlined in Article V. The Presiding Chair shall conduct the hearing, except in cases outlined in Article VI, Section A, Subsection 4. If the Head Chair and Associate Chairs are all unable to serve, the Student Affairs Committee shall hear the case.
3. In exceptional cases where criminal charges are pending or threatened or other extraordinary circumstances exist, the respondent may make a written request to the Vice President and Dean of Students to have an attorney present, at the respondent's expense. The Vice President and Dean of Students may accept or deny this petition after discussion with the Judicial Council chairs or the chair of the Student Affairs Committee. An attorney, if allowed, acts only as an advisor. An attorney may not act as a spokesperson and may speak only to the respondent. If the respondent has an attorney present, the Vice President and Dean of Students may allow the complainant and/or the College to be represented in the same limited manner.
4. The chair of the hearing panel in cases where attorneys are present may be a jurist or a retired jurist selected by the President of the College or their delegate. In such cases, the chair of the presiding judicial body shall sit as a hearing panel member unless disqualifying circumstances prevent their participation.
5. The role of the Presiding Chair (whether a student or, in unique cases, a jurist or retired jurist) is to ensure hearing procedure is followed, that hearings are conducted efficiently, and panelists engage in relevant discussion. If the respondent is found responsible (in the case of a full hearing) or has already accepted responsibility (in the case of a penalty hearing), the chair may provide relevant knowledge from past cases and impartially guide the panel in considering sanctions that restore the respondent and the community.
6. The Presiding Chair in cases where attorneys are present may be a jurist or a retired jurist selected by the President of the College or their designee. In such cases, the chair of the presiding judicial body shall sit as a hearing panel member unless disqualifying circumstances prevent their participation.
7. Panels for hearings shall include four members of the Judicial Council and a non-voting chair, which constitutes a quorum.
8. The vote of a majority of the members of the panel is required to find a respondent responsible for a violation of the Student Code and/or to impose a sanction.
9. A simple majority of the panel may overrule any discretionary decision of the chair.

10. A respondent may ask to remove one member of the hearing panel if they believe the panelist has a personal conflict of interest that would result in an inability to provide impartial consideration of the case. The chair may allow the respondent to question the panel members prior to the decision. The challenged individual will be replaced by the alternate panelist present at the hearing. Respondents shall not have the right to ask that the Presiding Chair be excused.
11. A dean from Student Affairs shall sit on the panel as a non-voting, ex-officio member during the presentation of witnesses and other materials. The dean is present to advise on the process and may ask questions of respondent(s) and witnesses to ensure that all pertinent information is considered. The dean may only remain during closed sessions for questioning and deliberation on responsibility and sanctions if requested to do so by the chair or a majority of the hearing panel.
12. The respondents, complainants, and victims have the right to have an advisor present at the hearing. The advisor must be a member of the College community, but must not be a witness in the case, a panelist in the case, except when given written permission by the Vice President and Dean of Students, or an attorney. The chair shall ask the respondent, complainant, and victim if any would like to have a Judicial Council member to be their advisor for the hearing while it is being convened, should they not yet have an advisor or would like a replacement. Replacement of an individual's advisor shall only occur by the individual's request.
13. The hearing panel may consult the case history file for guidance during the sanctioning process. All historical cases are for guidance alone, and panelists have no obligation to be consistent with or adhere to previous sanctioning decisions.
14. In assigning sanctions, the hearing panel shall consider the kind of violation, the attitude of the respondent, the respondent's previous conduct record, and the circumstances under which the violation was committed.
15. When a sanction requires a period of time for completion, the panel shall specify a deadline for completion. The respondent must report to a member of Student Affairs when they have completed the sanction. The case is not complete/closed until the sanction has been completed.
16. If the respondent does not complete their sanction by the stated deadline, Student Affairs shall report this fact to the Judicial Council chairs or the Student Affairs Committee chair who may assign a new and more severe sanction.
17. The chair shall inform the respondent and the Dean of Students Office of the results of the hearing. The chair shall file a written opinion which explains the reasons for the decision with the Dean of Students Office. The Dean of Students Office shall issue an official letter of notification to the respondent. When a hearing involves an incident of a violent nature, the Dean of Students Office, upon written request, shall notify the alleged victim of the results.
18. In accordance with College policy, decisions made or actions taken under the Student Code shall not be posted on a student's academic record (transcript) but will appear on a student's disciplinary record.
19. When the respondent in a hearing is an organization, the organization may be represented by no more than four organization members.
20. If the respondent has been appropriately notified and fails to appear at the time and place set for the hearing, the chair may elect to conduct a hearing in the respondent's absence or to arrange a new hearing. If they fail to appear a second time, they may be charged pursuant to Article III, Section 12, Interference with the judicial process and the scheduled hearing shall be conducted without the presence of the respondent.
21. A single recording shall be made of all hearings during the time that witnesses and other pertinent information are being presented. Deliberations about whether the Student Code has been violated or about sanctions shall not be recorded. The recording will be kept by the Dean of Students Office. If the case

is appealed, the respondent, the complainant, the victim, their advisors, the Student Code Administrator, the Judicial Council Chairs, the chair of the Student Affairs Committee, deans from Student Affairs, and members of the Appeals Panel may listen to the recording. Only the named individuals have the privilege of hearing a recording of a Pomona College judicial hearing. Students may not copy the recording or receive copies of it.

## B. Full Hearings

### Procedure

1. At the opening of the hearing, the chair shall describe the hearing procedure, read the SAPV and remind the respondent of their rights. They shall describe the standard of evidence to be applied to the case to ensure that panel members understand the Judicial Council's standard of clear and convincing evidence and the presumption of innocence. Clear and convincing signifies that the violation must be highly and substantially more likely to be true than not. The chair must also stress that all decisions must be based on information presented at the hearing.
2. At the beginning of the hearing, the Student Code Administrator shall be recognized to present the facts related to the alleged violation of the Student Code. This presentation shall impartially state the facts of the case as they have been determined by the Student Code Administrator. Panelists may ask the Student Code Administrator questions about the facts of the case upon the conclusion of their presentation.
3. On the conclusion of the presentation by the Student Code Administrator, the respondent may give an opening statement and request that additional information be presented, or additional witnesses called. The panel, complainant, respondent, impacted party, Student Code Administrator, dean from Student Affairs, and presiding chair may all formulate questions. Questions must pertain to the facts of the case and may be directed at all parties present, excluding the panelists and the presiding chair.
4. The complainant, respondent, impacted party, Student Code Administrator, dean from Student Affairs, and chair may present witnesses. Witnesses must attend the hearing in-person or virtually. The chair, panel members, respondent, complainant, impacted party, Student Code Administrator, and dean from Student Affairs shall have the right to question all witnesses.
5. The impacted party and/or a dean from Student Affairs may provide statements about the impact of the respondent's actions on the victim or the college community.
6. The complainant and the impacted party shall be given the opportunity to respond to the presentations of both the Student Code Administrator and the respondent.
7. The respondent shall be given the opportunity to make the closing statement or presentation.
8. The chair may call for a recess of the hearing panel at any time to provide for gathering additional information or to provide a break. The respondent, complainant, victim, and each of their advisors, the Student Code Administrator, the dean from Student Affairs, and the Student Affairs staff member may be present when the hearing is reconvened.
9. The decision as to whether the Student Code has been violated shall be based solely upon information introduced into evidence at the hearing. The respondent is entitled to a presumption of innocence and evidence supporting a violation must be clear and convincing.
10. After the hearing has been concluded, the panel shall go into closed session to determine whether the respondent has violated the Student Code and, if the respondent is found to have violated the Code, what sanctions should be imposed. This phase of the hearing shall not be recorded.
11. Present for this closed session are the presiding chair and all panel members.

12. The hearing panel shall first consider whether the respondent has violated the Student Code. The panel may find that the respondent has committed a violation if the information presented in the hearing provides clear and convincing evidence of such violation.
13. A respondent's previous conduct record shall not be made available to the panel until after the decision concerning whether the respondent violated the Student Code has been reached. It shall play no role in determining whether a violation has occurred.
14. If a respondent is found to have violated the Student Code, the panel shall then consider sanctions. However, if the panel finds unanimously that the Student Code Administrator, another Student Affairs representative, or the chair of the hearing violated the procedure for administering alleged policy violations or hearings outlined in Articles V and VI respectively, and that these procedural violations had a material impact on the outcome of the hearing, then the panel shall include a statement of this violation of administrative procedure in its decision. In this situation the panel may, based on the extent to which the respondent was denied consideration of their position during the hearing due to the procedural violation, choose to limit sanctions or find the respondent not responsible. If the respondent is found not to be responsible, the alleged policy violations against the respondent may not be resubmitted in this situation. Three out of four members of the Full Hearing or Panel Penalty Board must agree on a sanction for it to be assigned.
15. The hearing panel may consult the case history file for guidance during the sanctioning process. All historical cases are for guidance alone, and panelists have no obligation to be consistent with or adhere to previous sanctioning decisions.
16. In assigning sanctions, the hearing panel shall consider the kind of violation, the attitude of the respondent, the respondent's previous conduct record, and the circumstances under which the violation was committed.
17. The chair shall inform the respondent and the Dean of Students Office of the results of the hearing. The Dean of Students Office shall issue an official letter of notification to the respondent. The decision of the hearing panel becomes effective immediately upon notification unless it requires suspension or expulsion.

#### E. Cross-Campus Complaints

In cases where an alleged policy violation has occurred on another campus or the complainant is from another campus, the College will take measures to ensure that the complainant understands the Pomona College Student Code and to ensure the impartiality of the Judicial Council, as provided in this section. After a hearing is concluded, a copy of the record to be included in the case history file shall be sent to the Dean of Students of the complainant's home campus.

1. The Judicial Council chair shall appoint a member of the Judicial Council to act as an advisor to the complainant. The advisor shall explain to the complainant the Student Code and the judicial process as it applies to the case. The advisor may be present at the hearing as an additional advisor.
2. At the discretion of the hearing chair, the Dean of Students from the complainant's home campus may appoint an impartial observer for the hearing. The observer shall write a signed evaluation of the hearing process to be

submitted to the chair for internal review, and to the Dean of Students at the complainant's home campus. The evaluation shall address issues of impartiality and process.

3. The cross-campus observer's presence at the hearing is subject to the following conditions:

- The observer shall sign the Judicial Council confidentiality agreement.
- The observer shall not speak or in any way influence the hearing.
- At the conclusion of the hearing, the chair shall give the observer a form on which to make the evaluation.
- The observer must complete and submit the evaluation before leaving the location of the hearing.
- The observer shall agree to keep all names, statements, and comments confidential and surrender all notes about the hearing to the chair after completing Hearings shall be convened within 10 school days of a Statement of Alleged Policy Violation (SAPV) being signed by provided to a respondent unless there are extenuating circumstances specified by the Dean of Students or their delegate.
- **C. Penalty Hearings**

#### 1. Procedure

1. At the opening of the hearing, the chair shall describe the hearing procedure, read the SAPV and remind the respondent of their rights. They shall remind the panel that the facts of the case are not in dispute and that the hearing has been convened to decide on sanctions. The chair must also stress that all decisions must be based on information presented at the hearing.
2. The respondent and their advisor may attend the hearing to provide a statement about the Student Code violation or they may submit a written statement to the board. The written statement shall be presented to the chair at least 24 hours in advance of the hearing.
3. The impacted party and/or a dean from Student Affairs may provide statements about the impact of the respondent's actions on the victim or the college community.
4. Three out of four members of the Penalty Board must agree on a sanction for it to be assigned.
5. The hearing panel may consult the case history file for guidance during the sanctioning process. All historical cases are for guidance alone, and panelists have no obligation to be consistent with or adhere to previous sanctioning decisions.
6. In assigning sanctions, the hearing panel shall consider the kind of violation, the attitude of the respondent, the respondent's previous conduct record, and the circumstances under which the violation was committed.
7. The chair shall inform the respondent and the Dean of Students Office of the results of the hearing. The Dean of Students Office shall issue an official letter of notification to the respondent. The decision of the hearing panel becomes effective immediately upon notification unless it requires suspension or expulsion.

### **D. Convening Student Affairs Committee Judicial Hearings**

1. Hearings conducted by SAC shall follow the same procedures as followed by the Judicial Council for full, penalty, and appeal cases depending on the nature of the case. However, anything in this section that contradicts or otherwise modifies Judicial Council procedure specified shall be considered superior.

2. The Student Affairs Committee considers cases over which the Judicial Council has refused or is unable to accept jurisdiction or finds impossible to adjudicate.
3. The chair of the Student Affairs Committee shall convene the hearing, notify the committee members of the time and place of the meeting, and conduct the hearing. If the chair is unable to serve, they shall designate a Student Affairs Committee member to serve as the hearing panel chair.
4. The Student Affairs Committee chair is a non-voting member of the panel except in cases where the vote of the chair is required to break a tie.
5. The respondent(s) may challenge up to two members of SAC, excluding the chair, when SAC conducts a Full Hearing and one member when SAC conducts a Penalty Board Hearing. These challenges shall be made by the respondent at least 48 hours prior to the scheduled hearing. The chair may excuse any member of SAC if they feel that the member is unable to hear the case in an impartial manner.
6. When the Vice President and Dean of Students is unable to serve because of prior involvement in the case or for any other reason, another dean from Student Affairs shall sit on the panel as a voting member. A staff member from Student Affairs remains for the entire proceeding. The Judicial Council Chair shall sit as a non-voting ex-officio member when SAC convenes as a judicial body.
7. The Student Affairs Committee, by a majority of those present and voting, may find that a student has violated the Student Code and may impose a sanction.
8. If a quorum of SAC (three student members of SAC and two faculty members of SAC) is not available for a hearing, the chair of SAC shall draw student hearing panel members from the Judicial Council and faculty hearing panel members from the Executive Committee of the Faculty.

## **E. Cross-Campus Complaints**

In cases where an alleged policy violation has occurred on another campus or the complainant is from another campus, the College will take measures to ensure that the complainant understands the Pomona College Student Code and to ensure the impartiality of the Judicial Council, as provided in this section. After a hearing is concluded, a copy of the record to be included in the case history file shall be sent to the Dean of Students of the complainant's home campus.

1. The Judicial Council chair shall appoint a member of the Judicial Council to act as an advisor to the complainant. The advisor shall explain to the complainant the Student Code and the judicial process as it applies to the case. The advisor may be present at the hearing as an additional advisor.
2. At the discretion of the hearing chair, the Dean of Students from the complainant's home campus may appoint an impartial observer for the hearing. The observer shall write a signed evaluation of the hearing process to be submitted to the chair for internal review, and to the Dean of Students at the complainant's home campus. The evaluation shall address issues of impartiality and process.
3. The cross-campus observer's presence at the hearing is subject to the following conditions:
  - The observer shall sign the Judicial Council confidentiality agreement.
  - The observer shall not speak or in any way influence the hearing.
  - At the conclusion of the hearing, the chair shall give the observer a form on which to make the evaluation.
  - The observer must complete and submit the evaluation before leaving the location of the hearing.
  - The observer shall surrender all notes about the hearing to the chair after completing the evaluation.

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# Student Code Article VI: Sanctions [Handbook]

## Article VI: Sanctions

Sanctions may be imposed on any student, club, or organization found to have violated the Student Code. Sanctioning shall reasonably and proportionately respond to the severity, damages, and circumstances of a policy violation. Sanctions aim to counter community impact of a code violation, educate respondents, and minimize the possibility that a student commits a similar policy violation in the future. If a student on probation takes a leave of absence, their probationary status will be postponed for the duration of their leave and automatically reinstated upon their return. Any deadlines or obligations assigned within/alongside the probationary period will be adjusted accordingly to reflect the time away but will not be waived.

### A. Individual Sanctions

In accordance with the Code's philosophy of education and community accountability, the following educational and restorative sanctions may be imposed:

1. Service to the College or the community. Particular forms of community work on and off campus and a number of hours to be worked can be established.
2. Educational assignments: Research papers that educate the respondent about the consequences of their misconduct, apology letters, and other discretionary assignments may be imposed. The use of generative Artificial Intelligence is strictly prohibited when completing sanctions. Should a student be found using external tools to complete a sanction, they will face additional Judicial Council sanctioning.
3. Attendance at drug, alcohol, anger management workshops, or other similar alternatives suitable to the nature of the infraction. This may take the form of a behavioral contract that stipulates the nature and expected time commitment to such an assignment.
4. Restitution or compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement. The College will work with students for whom restitution or compensation poses a financial concern.

Educational and restorative sanctions may not always mitigate harm to the College community. Other sanctions that may be imposed include:

1. A notice in writing to the student that the student is responsible for violating College regulations.
2. Conduct Probation. Probation is assigned for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulations during the probationary period. Conduct probation status may limit campus leadership opportunities. Students currently on conduct probation are not eligible to apply to Study Abroad programs as dictated by Office of Study Abroad policy.
3. Fines previously established and published.
4. Limitations on Participation: A student may be barred from participating in college activities, including room draw, for a designated period of time. The limits on participation are not all-encompassing, as some offices may choose to limit participation by students based on other conduct and their own policies.
5. Residence Hall Reassignment.

6. College Suspension: Separation of the student from the College for a designated period of time after which the student is eligible to return. Conditions for re-admission may be specified by the hearing panel or the Dean of Students.
7. Suspension Not Imposed: A Suspension Not Imposed allows a student to remain enrolled, live on campus, and continue participating in the Pomona College community. Although a student is not currently suspended, this status serves as a formal warning. A Suspension Not Imposed will be noted as a suspension on students' official school records. Should a student be found responsible for another violation of the Student Code, they will be suspended from the College and removed from the community.
8. Withholding participation in graduation: Seniors may be denied the privilege of participation in Class Day and Commencement exercises.
9. College expulsion: Permanent separation of the student from the College.

## **B. Collections of Individuals**

Any sanction from Article VII, Section A may be imposed on students charged as collections of individuals. Different sanctions may be assigned to different individuals in the collection.

## **C. Clubs and Organizations**

The Judicial Council may not assign different sanctions to different individuals within the club or organization. The group itself may, however, allow individual members to take a greater share of the sanction (e.g., pay more in fines or contribute more community service hours).

The following sanctions, as previously defined, may be imposed on clubs or organizations:

- Letter of warning.
- Conduct probation and/or limitation on privileges.
- Fines.
- Restitution.
- Suspension or revocation of privileges. This shall be limited to the loss of any or all privileges afforded to the group by the College.
- Community Service.
- Suspension or revocation of charter or registration of the organization. Suspension shall result in a loss of all privileges associated with recognition as a Pomona College organization for a designated period of time. Revocation shall result in permanent loss of privileges associated with recognition as a Pomona College organization. The Judicial Council may establish conditions and time tables that govern when any organization whose charter has been revoked or registration withdrawn can apply for a new charter. They may also revoke an organization's charter or registration in perpetuity.

Club or organization sanctions do not preclude an individual from being held responsible for code violations associated with or related to the organization's policy violations.

If an organization's charter or registration is suspended or revoked, individuals may be sanctioned, after a hearing before the Judicial Council, for acting on behalf of the group or organization while the sanction is in effect. Examples of prohibited conduct associated with such organizations include: participation in recruiting or initiating new

members to the group or organization, organizing events for the organization, using college facilities for activities of the organization, and representing one's self as a member of the organization while on Pomona property or at Pomona sponsored events.

While an organization sanction of expulsion, charter revocation, or removal of registration is in effect, the College may in its discretion deny permission to use College facilities to individuals who are members of that organization or were at the time of the events on which the sanctions were based.

## **D. Interim Suspension**

In certain circumstances the President may impose a College suspension prior to the hearing before a judicial body. Further, the Dean of Campus Life may, in certain circumstances, impose a residence hall suspension prior to the hearing before a judicial body.

*Interim suspension may be imposed only:*

1. to ensure the safety and well-being of members of the college community or preservation of college property;
2. to ensure the student's own physical or emotional safety and well being, or;
3. if the student poses a credible threat of disruption or interference with the normal operation of the College.

During an interim suspension from the College imposed by the President, the student shall be denied access to the campus (including classes) and all other college activities or privileges for which the student might otherwise be eligible as the President may determine to be appropriate.

During interim suspension from the residence halls imposed by the Dean of Campus Life, the student shall be denied access to the residence halls and other college activities for which the student might otherwise be eligible as the Dean of Campus Life may deem appropriate.

Interim suspension from campus or the residence halls will be followed with speedy access to a hearing for the suspended student(s).

## **E. Sanctions for Alcohol and Drug Policy Violations**

The Pomona College Code of Conduct is an educational process that allows for students in violation of the Student Code to think about their actions, the impact of those actions on the community, and prevention of future code violations. The process outlined below is a framework outlining various violations of the alcohol and drug policies and recommended sanctions. (Policies not covered below will be handled on a case-by-case basis and could be handled by Student Code Administrators, Deans, or the Judicial Council depending on the incident.)

Please note: If you are found or plead responsible for a policy violation that will be kept as a record of your conduct throughout your time at Pomona. This is common in college and university conduct systems throughout the United States. There was confusion about this previously since while points could expire, the cases remained on a student's record. If you have questions about the impact of an incident on your record you can speak with the Judicial Council Advisors, your Class Dean, or the Career Development Office.

- Possession of beer/wine (under 21); possession of hard alcohol on South Campus (any age); providing beer/wine to students under 21; misusing prescription drugs (not including distribution or intent to distribute):

First offense – Warning letter and meeting with Student Code Administrator

Second offense – Second warning letter and meeting with Student Code Administrator and AOD counselor

Third offense – Meeting with Dean, meeting with AOD counselor, and AOD education

Fourth offense (or more) – Judicial Council

All student conduct administrators and Deans may include additional educational sanctions (ex. Apology letter, community service) and will be discussed with the respondent during the meeting.

- Possession of liquor (under 21); providing liquor to students under 21; hosting an unregistered party OR possessing keg/party ball/common container/multiple cases or bottles; using or possessing marijuana (not including distribution or intent to distribute):

First offense – Warning letter and meeting with Student Code Administrator

Second offense – Warning and meeting with Dean and the AOD counselor

Third offense – Probation for one semester, meeting with Dean, meeting with AOD counselor, AOD education

Fourth offense (or more) – Judicial Council

All student conduct administrators and Deans may include additional educational sanctions (ex. Apology letter, community service) and will be discussed with the respondent during the meeting.

- Using false identification (any kind); attending an unregistered party; failure to comply/refusal to cooperate with a reasonable request of a Pomona College official (incl but not limited to RAs, RLCs, Campus Safety, Student Code Administrators)

First offense – Warning letter and meeting with Student Code Administrator

Second offense – Second warning letter and meeting with Student Code Administrator

Third offense – Probation for one semester, meeting with Dean, educational sanction

Fourth offense (or more) – Judicial Council

All student conduct administrators and Deans may include additional educational sanctions (ex. Apology letter, community service) and will be discussed with the respondent during the meeting.

- Using or possessing cocaine, heroin, methamphetamine, LSD or other hallucinogens, designer drugs or other illegal drugs

First offense - Judicial Council, likely sanctions: probation, scheduled meetings with the Pomona College AOD counselor; parental notification

Second offense - Judicial Council, likely sanctions: suspension from the College, off-campus treatment, additional educational sanctions

- Manufacturing, selling, distributing, or intent to distribute any illegal or prescription drug

First offense - Judicial Council, likely sanctions: interim suspension from the College until a hearing is held, suspension from the College, off-campus treatment, additional educational sanctions

Second offense - Judicial Council, likely sanctions: interim suspension until the hearing has occurred, expulsion from the College

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## Student Code Article VII: Appeals [Handbook]

### Article VII: Appeals

#### A. Filing Procedure

1. A decision reached or sanction imposed by a judicial body panel may be appealed by the respondent.
2. Written notice of appeal and reasons for the appeal shall be provided within ten school days of the hearing panel's decision to the Judicial Council Chairs, the the Judicial Council Advisors. The written reasons for the appeal shall be based on the grounds codified in Article VIII, Section B.
3. A written notice of appeal shall be evaluated by the Associate Dean of Students and Dean of Campus Life and an Appeals Chair designated by the Judicial Council Head Chair. The Judicial Council Head Chair may choose a Chair who was recused from the original hearing to serve as an Appeals Chair. If either the Appeals Chair or the Associate Dean of Students and Dean of Campus Life asserts that the appeal is based on the codified grounds for appeal, then the Appeals Chair shall convene an Appeals Hearing. If both the Appeals Chair and the Associate Dean of Students and Dean of Campus Life assert that the appeal is not based on the codified grounds for appeal listed in Article VIII, Section B, Subsection 1, then the appeal shall be dismissed and no Appeals Hearing shall be convened, except as specified in #4.
4. Should a student sanctioned with suspension or expulsion timely file an appeal, the Appeals Chair must immediately convene an Appeals Board.
5. Once an Appeals Hearing is granted, the Presiding Chair of the original hearing shall write a response within ten school days to be presented to the Judicial Council Chair, the the Judicial Council Advisors, and the respondent.

6. The Appeals Chair shall establish a time and place for a hearing and notify the hearing panel, the the Judicial Council Advisors, and the respondent.

## **B. Grounds**

The decisions made by a judicial body hearing panel are generally final. Appeal of the decision may only be made on any one of three grounds:

1. **Improper Judicial Procedure.** The respondent may appeal if the procedures outlined in the Student Code are violated. The Appeals Board shall consider:
  - Whether provisions of the Student Code were violated in such a clear manner as to deny the respondent consideration of their position during the hearing.
  - Whether the hearing panel, through negligence or lack of impartiality, overlooked or flagrantly ignored information which would have led to a different finding concerning the alleged violation of the Student Code.
2. **New Evidence.** Normally, sufficient time is allowed to gather all available evidence. However, in extraordinary cases the respondent may appeal if new evidence becomes available. The Appeals Board must find both that:
  - The evidence was genuinely unavailable and could not have been made available through the appellant's diligent efforts at the time of the original hearing and
  - The evidence would have led to a different conclusion had it been available.
3. **Inappropriate Sanctions.** The Appeals Board shall consider whether the sanctions imposed were disproportionate to the gravity of the violation(s) for which the respondent was found responsible.

In extraordinary circumstances and in consultation with the Vice President of Student Affairs and Dean of Students, the Judicial Council Head Chair may request an Appeals Panel review a case on the grounds of fairness or precedent.

## **C. Convening Appeals Board Hearings and Hearing Procedures**

1. A Chair who was recused from the original hearing shall serve as the Presiding Chair of the Appeals Hearing. They shall select four Panelists from the Pomona College Judicial Council to comprise the Appeals Panel. The Presiding Chair of the original hearing shall attend the Appeals Hearing to provide information about decisions reached in the original Full or Penalty Hearing.
2. The Presiding Chair of the Appeals Hearing shall remind the Panelists that they must not share any information presented during the hearing. Any Panelist who discusses the case prior to the hearing shall be immediately disqualified.
3. Arguments presented before the Appeals Board shall be restricted to an elaboration of points in the written reasons for appeal and response.
4. The respondent and the respondent's advisor may attend the Appeals Hearing. The respondent and the Presiding Chair of the original hearing each have the right to speak in elaboration of points in the written reasons for appeal and response. A representative of the College may also attend and participate.

5. When the respondent in a hearing is an organization, the organization may be represented by no more than four organization members.
6. When discussion of the written reasons for appeal and response is concluded, the parties to the case and advisors shall withdraw and the Appeals Board shall begin deliberation. The representative of the college shall remain to advise on process only if requested to do so by the Appeals Chair or a majority of the hearing panel.
7. An Appeals Board panel must reach unanimous agreement in order to grant an appeal. If an appeal is granted on the grounds of improper judicial procedure, new evidence, fairness, or precedent, the Appeals Board shall order the creation of a new hearing panel. It may provide specific directions or guidance for the new hearing panel. If an appeal is granted on the ground of inappropriate sanctions, the Appeals Board shall modify the sanctions imposed.
8. The Presiding Chair of the Appeals Hearing shall inform the appellant and Office of Student Affairs of the results of the hearing. The Appeals Chair shall file a written opinion which explains the reasons for the decision with the Vice President and Dean of Students. The Office of Student Affairs shall issue an official letter of notification to the appellant.

After reconsiderations as directed by the Appeals Board, a decision of the Judicial Council shall be final unless the President of the College makes a finding that extraordinary circumstances exist or unless the penalty imposed is suspension or expulsion. In cases where the penalty is suspension or expulsion from the College, the sanctions imposed shall not be in effect until the appeal process is complete. If the safety of individuals, the protection of property or the continuity of the education process is or could be affected by the presence on campus of the suspended or expelled student, the President may require the respondent to leave campus pending the hearing of the appeal.

## **D. In Cases of Suspension or Expulsion**

In cases when the respondent has been suspended or expelled from the College by action of the Judicial Council or the Student Affairs Committee, the respondent may request that the President of the College review the case following review by the Appeals Board.

The respondent, the Presiding Chairs of the original and appeals hearings, and the Vice President of Student Affairs and Dean of Students shall present written comments about the case to the President. The President may request more information, until they believe all issues have been fully presented.

After reviewing the material available, the President may take one of the following actions: uphold the decisions of the Judicial Council, request further hearing or deliberation by the original hearing panel, or request that a new panel hear the case. In either of these last two instances, the President may direct the hearing panel to consider new evidence or consider evidence in a new light. The President may also overturn the decision of the Judicial Council and impose a new penalty.

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# Student Code Article VIII: Selection of Members and Term of Office [Handbook]

## Article VIII: Selection of Members and Term of Office

1. One Head Chair of the Judicial Council and three Associate Chairs shall be appointed by the Student Affairs Committee following an open application process for a term of one academic year. The Chairs shall be selected to serve their terms during their sophomore, junior, or senior years.
2. The Panelists of the Judicial Council shall be selected and appointed to a term of one academic year by the Chairs of the Judicial Council in conjunction with the Advisors to the Judicial Council. This group shall take into account the need to appoint a Judicial Council that is broadly representative of the student body.
3. A vacancy in the Judicial Council Associate Chairs' positions shall be filled by the following procedure: a majority of the Judicial Council shall elect a Panelist in their senior, junior, or sophomore year to serve as Associate Chair, subject to approval by the Student Affairs Committee, for the remainder of the academic year.
4. A vacancy in the Judicial Council Head Chair's position shall be filled by the promotion of an Associate Chair as determined by the Student Affairs Committee. A student appointed as Head Chair to the Judicial Council in this manner shall serve for the remainder of the academic year.
5. A Head Chair, Associate Chair, or Panelist of the Judicial Council may be removed from their position and dismissed from all further judicial responsibilities for committing any of the following: violation of the Judicial Council confidentiality agreement; unauthorized disclosure or discussion of any confidential information relating to disciplinary proceedings; interference with the judicial process as defined in Article III, Section 12.
6. A Chair may be removed from office for committing any action listed in #5 by a two-thirds vote of the members of the Student Affairs Committee and with the approval of the Pomona College Office of Human Resources. A Chair removed from office shall be notified in writing of the reason for the removal by the Chair of the Student Affairs Committee, or their designee, within 48 hours of the removal. 7. A Panelist may be removed from their position for committing any action listed in #5 by a majority of the Judicial Council Head Chair and the three Associate Chairs. Any member removed from their position shall be notified in writing of the reason for the removal by the Judicial Council Head Chair, or their designee, within 48 hours of the removal.

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## 26-Hate-Crimes-and-Bias-Incident-Protocol [Handbook]

### Hate Crimes and Bias-Related Incident Protocol

#### What is a Bias-Related Incident?

Bias-related incidents are expressions of hostility against another individual (or group) because of the other person's (or group's) race, color, religion, ancestry, national origin, disability, gender identity or expression, and sexual orientation, or because the perpetrator perceives that the other person (or group) has one or more of these

characteristics. Depending on the circumstances, a bias-related incident may not be a crime and may be protected speech. However, the conduct underlying some bias-related incidents may violate the College's policies, including provisions of the Student Code and the Harassment and Discrimination Policy.

## **What Should a Student Do If They have been the Target of a Hate Crime or a Bias-Related Incident?**

All hate crimes and bias-related incidents should be immediately reported to the College. Any member of the community can report a bias-related incident by contacting Campus Safety or the Administrator On-Call. Incidents can also be reported directly to the Bias Report Team via the online Bias Response form.

## **How Do Free Speech Requirements Impact Bias-Related Incidents / Hate Crimes?**

State and federal laws protect many forms of "hateful" and intolerant speech and expressive conduct, including that which occurs during such common College activities as debates, speeches, arguments, conversations, classroom discussions, lectures, distribution of flyers and displaying of posters. In certain contexts, courts have found speech and expressive conduct to be protected that many in our community would find repugnant, including such things as display of the confederate flag, Nazi symbols, cross burning, and flag burning. Such speech and expressive conduct, however, may be inconsistent with the College's community values and it may present an opportunity for open dialogue, debate and better understanding other scope of protected speech and the role of tolerance in a community.

## **Guidelines for Responding to Hate Crimes and Bias-Related Incidents**

These guidelines do not alter any College policies - such as the Student Code and Harassment and Discrimination Policy - and are designed to address incidents that violate such policies as well as those which do not. It envisions instances of protected (but hateful or intolerant) speech that may generate harm requiring intervention without discipline. Bias-related incidents need to be addressed because they harm individuals, undermine civility and understanding in the Pomona community, or impede the educational process. Public discussion and education can promote awareness of prejudice and examination of the values that underlie the Pomona community.

## **How Will Pomona College Respond in Such Cases?**

### **Assisting targeted individuals**

The College believes it is important to respond to a hate crime or bias-related incident with concern for the student who has been targeted and the community as a whole.

If a particular student has been targeted, the first College staff on-scene will assist the student in documenting the event and will explain the options for addressing what has occurred. If the incident is a crime, the student is welcome to contact local law enforcement. If the incident isn't a crime but does involve a possible violation of a College policy, the procedures for investigation and resolution under that policy will be undertaken.

A wide range of assistance is available to students who are targeted. The College will assist with referrals to the counseling center, a chaplain, or the head of the relevant mentor group or support center. The Housing & Residence Life Office will try to ensure that the affected student feels safe in their residential environment. The student's class dean can help in communication with faculty if there is an academic impact. Staff will also offer help documenting

the event (e.g., taking photos of dry erase boards or items placed on the student's door)\*; help in talking with/filing a complaint with Campus Safety and/or the police; give advice about initiating disciplinary action against the offender; assistance in arranging counseling or other forms of support. Although hateful messages on such things as flyers, posters, e-mail, answering machines, dry erase boards, and graffiti can often be disturbing to the intended target(s) and the community, it is helpful to preserve them as evidence and not to disturb or remove anything that could help identify the source and/or targets or other affected persons.

### **Communicating with the Pomona College Community**

When hate crimes and bias-related incidents occur on campus, they can strain the fabric of the community. The Bias Report Team will work with the vice-president of Student Affairs and other senior administrators to consider what sort of communication about the incident is appropriate, taking into account issues of safety and confidentiality.

## **What is the Bias Report Team?**

The College has established a Bias Report Team to help address issues relating to hate crimes and bias-related incidents. The Bias Report Team will review all bias-related incident reports, gather additional information as needed, and submit a report summary to the College's Executive Team. The BRT will meet several times throughout the academic year and participates in trainings about bias, bias-related incidents, and responding to said incidents. The team can also create and implement proactive education of the community about bias-related incidents, so that students have access to information about the issues and how incidents can be reported.

The BRT is composed of five standing members:

- Dean of Campus Life
- Associate Dean of Students for Student Development & Leadership
- Associate Dean for Diversity, Equity, and Inclusion
- Student ASPC commissioner for equity and inclusion
- The director of Human Resources

When responding to incidents of bias, the Bias Report Team may partner with various groups directly affected by specific incidents. This can include, but is not limited to clubs and organizations, academic/staff departments, mentor groups, and Campus Safety..

# **WORKPLACE NONDISCRIMINATION POLICY**

Approved by the Pomona College Board of Trustees on December 8, 2023

## **Statement of Nondiscrimination**

Pomona College complies with all applicable state and federal civil rights laws prohibiting discrimination and harassment in the workplace. This policy uses the term "Legally Protected Characteristics" to encompass all of the categories that are protected by state and federal employment laws, including: sex (including pregnancy, childbirth and related medical conditions, breastfeeding, and conditions related to breastfeeding), gender identity and expression, pregnancy, reproductive health decision-making, religion (including religious dress and grooming practices), creed, color, race (including traits historically associated with race, including but not limited to hair texture and protective hairstyles), national or ethnic origin, actual or perceived shared ancestry or ethnic characteristics, citizenship or residency in a country with a dominant religion or distinct religious identity, , sexual

orientation, medical condition, physical or mental disability, age (age 40 and over), marital status, registered domestic partner status, military and/or veteran status, genetic characteristics and information or any other basis prohibited by state or federal law. All forms of harassment and discrimination destroy that foundation of respect and violate the sense of community vital to the College's educational enterprise.

In addition, in accordance with California law, the College does not discriminate against employees on the basis of a lawful change of name, Social Security Number or federal employment authorization document (Labor Code section 1024.6); receipt of Medi-Cal coverage (Govt. Code section 13084); or having a California driver's license with a "federal limits apply" notation (Govt. Code section 12926(v). Similarly, the College does not discriminate against employees with "driving privilege cards," "driver authorization cards," or other government-issued alternative driver's licenses. Furthermore, consistent with California law, the College does not discriminate against employees on the basis of immigration status, primary language and citizenship (Civil Code section 51(b). Verification of immigration status, and employment decisions based upon such verification where required by federal law, shall not constitute a violation of this Policy.

This Policy strictly prohibits all employees, including supervisors and managers, from engaging in unlawful discrimination and harassment against any individual at the College or at College programs and activities occurring away from campus. This policy protects all individuals regularly or temporarily employed, , or with an official business capacity at Pomona College (such as Trustees, guest lecturers, volunteers, vendors and contractors) and third parties with whom individuals may come into contact within the workplace. The College also prohibits retaliation against any individual who makes a complaint or who participates in an investigation under this policy. This Policy covers hiring, promotion, compensation, benefits, and all other terms and conditions of employment at Pomona College.

The College also recognizes that discrimination and harassment may occur in an intersectional manner. Intersectional discrimination and harassment occur when discrimination or harassment is based on a combination of interconnected protected statuses. A non-exhaustive list of examples of intersectional discrimination and harassment is below.

- Antisemitism can be a form of intersectional discrimination or harassment based on religion, **shared ancestry**, and/or **national origin**. Antisemitism may manifest as engaging in any of the following conduct against an individual because the individual is or is perceived to be Jewish or because the individual is or is perceived to be from Israel: repeatedly using anti-Semitic slurs; defacing an individual's property with a hateful symbol or word (e.g., a swastika); denying an individual access to or refusing to allow an individual to participate in any program sponsored or hosted by the College; using force or intimidation to obstruct the path of an individual; or refusing to grant an individual a benefit to which they are entitled (e.g., a letter of recommendation). Evidence of an individual's perceived protected status may include, for example, association with Israel or with a Jewish organization, wearing religious attire (e.g., a kippah), or displaying a religious symbol associated with Judaism (e.g., a star of David).
- Islamophobia can be a form of intersectional discrimination or harassment based on religion, **shared ancestry**, and/or **national origin**. Islamophobia may manifest as repeated incidents of slurs based on an individual's actual or perceived protected status; blaming an individual for actions of other individuals of their actual or perceived shared identity as Middle Eastern or Muslim (e.g., calling an individual a "terrorist"); or denying an individual access to or refusing to allow an individual to participate in any program sponsored or hosted by the College because of their actual or perceived protected.

- Discrimination or harassment based on **age** and **disability** can be another form of intersectional discrimination or harassment, which may manifest as acting on assumptions about an individual's inability to participate in an educational activity based on their **age** and **disability** or using patronizing language toward an older individual with a disability, even when not engaging in similar behavior towards an older individual without a **disability** or younger individual with a **disability**.
- Discrimination or harassment based on **race** and **gender** can be another form of intersectional discrimination or harassment, which may manifest as applying different expectations for behavior to women of color or acting on stereotypes about characteristics of particular groups of women of color, even when not engaging in similar behavior towards men of color or white women.

## **Equal Employment Opportunity Commitment**

The College is committed to equal employment opportunity. The College does not discriminate on any basis protected by state and federal law, meaning that the College does not base employment decisions on any Legally Protected Characteristics possessed by the employee or any person with whom the employee is associated.

The College's Equal Employment Opportunity policy governs all aspects of employment, including admissions, access, and service in Pomona College programs and activities, as well as hiring, training, promotion, compensation, benefits, discipline and discharge and all other terms and conditions of employment at the College.

The College offers reasonable accommodations to qualified individuals with physical or mental disabilities to the extent the accommodation will allow them to perform the essential functions of the job and will not create an undue hardship. The College also offers reasonable accommodations for an employee's religious beliefs and observance. Further information relating to reasonable accommodations is available from the Human Resources Department. If an employee believes they need a reasonable accommodation because of a disability or religious practice, they should speak with the Human Resources Department or their supervisor.

## **Workplace Harassment: Special Considerations**

The College strives to provide a work environment where all individuals can work together comfortably and productively. Each individual has the right to work in a professional atmosphere that promotes equal opportunity and prohibits discriminatory practices, including sexual and other forms of prohibited harassment. Such prohibited harassment is unacceptable and will not be tolerated. This Policy applies to all individuals in the workplace, not only employees but also contractors, vendors, unpaid interns and volunteers.

The College prohibits workplace harassment based on an individual's Legally Protected Characteristics. The workplace is not limited to the College's facilities, but may also include client and vendor facilities, as well as anywhere a work-related function is taking place.

Prohibited harassment includes, but is not limited to, epithets, slurs, derogatory comments or jokes, intimidation, negative stereotyping, threats, assault or any physical interference with the employee's normal work or movement which is aimed at an individual or group because of their Legally Protected Characteristic(s).

Harassment may also include written or graphic material placed on walls, bulletin boards or elsewhere on the College's premises or circulated in the workplace that denigrates, shows hostility or aversion towards an individual or group because of any Legally Protected Characteristic. Whether or not the person means to give offense or believed his or her comments or conduct were welcome is not significant. Rather, the College's Policy is violated

when other workers, whether recipients or mere observers are, in fact, offended by comments or conduct based on a Legally Protected Characteristic, so as to disrupt their emotional tranquility in the workplace, interfere with their personal sense of well-being, or affect their ability to perform their job as usual.

Generally, to count as workplace harassment under this Policy, such conduct must:

- be based upon one or more Legally Protected Characteristics;
- be offensive to the individual complaining of harassment and offensive to a reasonable person; and
- be so persistent, repetitive, pervasive, or severe that it has the purpose or effect of substantially interfering with an individual's workplace performance or creating an intimidating, abusive or hostile employment environment at the College.

## **Sexual Harassment**

Both sex and gender are Legally Protected Characteristics, and sexual harassment is a type of harassment prohibited by this policy. Sexual harassment is defined as unwelcome sexual or gender-based conduct of any nature that creates an offensive or hostile work environment or unwelcome sexual conduct that is made a condition of working at the College. Sexual harassment, like other forms of prohibited harassment, will not be tolerated.

Examples of prohibited sexual harassment include unwelcome sexual conduct such as: Verbal harassment (e.g., sexual requests, comments, jokes, slurs); Physical harassment (e.g., touching, kissing); and Visual harassment (e.g., posters, cartoons, or drawings of a sexual nature).

Sexual harassment is not limited to conduct motivated by sexual attraction or desire. It may occur between members of the opposite sex or members of the same sex, regardless of their sexual orientation. It also may be in the form of non-sexual, offensive conduct that is directed at an individual because of his or her gender. This would include, for example, conduct based on the individual's (i) gender identity or gender expression; (ii) pregnancy, childbirth, or related medical conditions; and/or (iii) breastfeeding and related medical conditions.

Harassment may also occur when submission to conduct described above is made either explicitly or implicitly a term or condition of an individual's employment, education, living environment at the College, or participation in a College program and/or activity. More specific information about how the College addresses various specific forms of harassment based on sex (e.g., sexual assault, dating violence, domestic violence, stalking, and related forms of conduct) may be found in the TCC Title IX Policy, the College's Faculty and Staff Title IX Policy, or the College's Sexual Misconduct, Harassment and Discrimination Policy.

## **Complaint Procedures**

If any member of the College community has questions or concerns about any type of discrimination or harassment, they should bring them to the attention of their supervisor, Student Affairs or Human Resources. All concerned individuals, including students and employees, can raise complaints and make reports without fear of reprisal.

Students, faculty and staff who believe they are being harassed or discriminated against, have observed harassment of, or discrimination against, another person at the College in violation of this Policy, or believe such conduct has occurred, should immediately report the incident following the complaint reporting procedures described in the TCC Title IX Policy, the College's Faculty and Staff Title IX Policy, the College's Sexual Misconduct, Harassment and Discrimination Policy or the College's Discrimination and Harassment Investigation and Response Procedures. If students have any questions related to the TCC Title IX Policy, the Faculty and Staff Title IX Policy, the Sexual

Misconduct, Harassment and Discrimination Policy, please contact Associate Dean of Students and Title IX Coordinator Destiny Marrufo (destiny.marrufo@pomona.edu), (909) 621-8017. If students have any questions related to the Discrimination and Harassment Investigation and Response Procedures, please contact Destiny Marrufo; (909) 621-8017. If faculty have any questions related to these policies, please contact Associate Dean April Mayes (april.mayes@pomona.edu); (909) 621-8722). If staff have any questions related to these policies, please contact interim Assistant Vice President, Human Resources, Carol Salvidar (carol.salvidar@pomona.edu; (909) 607-1686).

If an immediate supervisor is involved in the conduct or, for some other reason, an employee feels uncomfortable making the report to that supervisor, the employee should report directly to the Human Resources Department. The College encourages prompt reporting of complaints so that it can take appropriate action. Late reporting by itself, however, will not preclude the College from taking remedial action. In addition, any individual may lodge a complaint of unlawful workplace discrimination, harassment or retaliation with the California Civil Rights Department, [www.calcivilrights.ca.gov](http://www.calcivilrights.ca.gov), and/or the U.S. Equal Employment Opportunity Commission, [www.eeoc.gov](http://www.eeoc.gov).

Any manager or supervisor who sees or hears about conduct that may constitute harassment, discrimination or retaliation under this Policy must immediately contact the Human Resources Department.

Anyone found to be engaging in any type of unlawful workplace discrimination or harassment will be subject to disciplinary action, up to and including termination of employment or business relationship with the College.

## **Prohibition Against Retaliation**

College prohibits Retaliation against any person who is exercising their rights under this Policy. Retaliation is defined as the taking of an adverse action by any student, faculty or staff member against another individual as a result of that individual's exercise of a right under this Policy, including participation in the reporting, refusal to participate in, or assistance with the investigation, reporting, remedial or grievance processes as provided in this Policy or relevant College policies. Retaliation includes adverse actions intended to improperly deter involvement of another in these procedures set forth in this Policy, and may involve actions intended either to intimidate or to penalize individuals for their participation. Retaliation is strictly prohibited by law and/or this Policy; any person who is found to have engaged in retaliation shall be subject to disciplinary action, up to and including termination/dissmissal. The College will not retaliate, nor will it tolerate retaliation, against individuals who complain in good faith about discrimination or harassment on the campus or in the workplace. Claims of retaliation under this Policy will be addressed and resolved just like complaints of discrimination or harassment under the appropriate College policy/ies.

# **NONDISCRIMINATION POLICY REGARDING STUDENT-RELATED MATTERS**

Approved by the Pomona College Board of Trustees on December 8, 2023

## Statement of Nondiscrimination

Pomona College complies with all applicable state and federal civil rights laws prohibiting unlawful discrimination and harassment against students. This policy uses the term "Legally Protected Characteristics" to encompass all of the categories that are protected by state and federal employment laws, including: sex (including pregnancy, childbirth and related medical conditions, breastfeeding, and conditions related to breastfeeding), gender identity and expression, pregnancy, reproductive health decision-making, religion (including religious dress and grooming practices), creed, color, race (including traits historically associated with race, including but not limited to hair texture and protective hairstyles), national or ethnic origin, actual or perceived shared ancestry or ethnic characteristics, citizenship or residency in a country with a dominant religion or distinct religious identity, sexual orientation, medical condition, physical or mental disability, age (age 40 and over), marital status, registered domestic partner status, military and/or veteran status, genetic characteristics and information or any other basis prohibited by state or federal law. All forms of harassment and discrimination destroy that foundation of respect and violate the sense of community vital to the College's educational mission.

In addition, consistent with California law, the College does not discriminate against students on the basis of a lawful change of name, Social Security Number or federal employment authorization document (Labor Code section 1024.6); receipt of Medi-Cal coverage (Govt. Code section 13084); or having a California driver's license with a "federal limits apply" notation (Govt. Code section 12926(v)). Similarly, the College also does not discriminate against students with "driving privilege cards," "driver authorization cards," or other government-issued alternative driver's licenses. Furthermore, in accordance with California law, the College does not discriminate against students on the basis of immigration status, primary language and citizenship (Civil Code section 51(b)). Verification of immigration status, and employment decisions based upon such verification where required by federal law, shall not constitute a violation of this Policy.

This Policy strictly prohibits unlawful discrimination and harassment against any individual at the College or at College activities occurring away from campus, including international and domestic programs, including but not limited to all individuals studying, participating in or seeking to participate in the College's education programs or activities. The College also prohibits retaliation against any individual who makes a complaint or who participates in an investigation under this Policy. This Policy covers admissions, access to, participation in and service in Pomona College programs and activities.

## Harassment-Free Campus

The College also strives to provide a campus environment where all individuals can visit and study together comfortably and productively. Each individual has the right to visit and learn in an environment that promotes equal opportunity and prohibits discriminatory practices, including sexual and other forms of prohibited harassment. Such prohibited harassment is unacceptable and will not be tolerated. This Policy applies to all individuals on campus regarding their conduct outside of the workplace context.

The College prohibits harassment, as further defined below, based on an individual's Legally Protected Characteristics, including but not limited to antisemitic harassment or Islamophobia. This prohibition is not limited to the College's campus and facilities, and shall apply anywhere a College-related education program or activity is taking place.

Prohibited harassment includes, but is not limited to, epithets, slurs, derogatory comments or jokes, intimidation, negative stereotyping, threats, assault or any physical interference with a student's normal academics or extracurricular movement which is aimed at an individual or group because of their Legally Protected Characteristic(s).

The College also recognizes that discrimination and harassment may occur in an intersectional manner. Intersectional discrimination and harassment occur when discrimination or harassment is based on a combination of interconnected protected statuses. A non-exhaustive list of examples of intersectional discrimination and harassment is below.

- Antisemitism can be a form of intersectional discrimination or harassment based on religion, **shared ancestry**, and/or **national origin**. Antisemitism may manifest as engaging in any of the following conduct against an individual because the individual is or is perceived to be Jewish or because the individual is or is perceived to be from Israel: repeatedly using anti-Semitic slurs; defacing an individual's property with a hateful symbol or word (e.g., a swastika); denying an individual access to or refusing to allow an individual to participate in any program sponsored or hosted by the College; using force or intimidation to obstruct the path of an individual; or refusing to grant an individual a benefit to which they are entitled (e.g., a letter of recommendation). Evidence of an individual's perceived protected status may include, for example, association with Israel or with a Jewish organization, wearing religious attire (e.g., a kippah), or displaying a religious symbol associated with Judaism (e.g., a star of David).
- Islamophobia can be a form of intersectional discrimination or harassment based on religion, **shared ancestry**, and/or **national origin**. Islamophobia may manifest as repeated incidents of slurs based on an individual's actual or perceived protected status; blaming an individual for actions of other individuals of their actual or perceived shared identity as Middle Eastern or Muslim (e.g., calling an individual a "terrorist"); or denying an individual access to or refusing to allow an individual to participate in any program sponsored or hosted by the College because of their actual or perceived protected.
- Discrimination or harassment based on **age** and **disability** can be another form of intersectional discrimination or harassment, which may manifest as acting on assumptions about an individual's inability to participate in an educational activity based on their **age** and **disability** or using patronizing language toward an older individual with a disability, even when not engaging in similar behavior towards an older individual without a **disability** or younger individual with a **disability**.
- Discrimination or harassment based on **race** and **gender** can be another form of intersectional discrimination or harassment, which may manifest as applying different expectations for behavior to women of color or acting on stereotypes about characteristics of particular groups of women of color, even when not engaging in similar behavior towards men of color or white women.

To constitute non-workplace campus harassment under this Policy, such conduct must:

- be based upon one or more Legally Protected Characteristics;
- be so persistent, repetitive, pervasive, or severe that it has the purpose or effect of substantially interfering with and/or materially limiting a reasonable person's ability to participate in or benefit from the College's educational programs or activities.

Harassment that is deemed sufficiently severe as to limit or deny a reasonable person's ability to participate in or benefit from the College's educational programs or activities may be communicated or presented in many different forms, including written or graphic material placed on walls, bulletin boards or elsewhere on the College's premises.

## Protected and Unprotected Speech and Harassment

Just as the College is committed to providing a campus and work environment where all individuals can enjoy a safe educational and work environment free of harassment, it is equally committed to maintaining academic freedom and free speech consistent with all applicable state and federal laws. Generally, the legitimate expression of differing opinions and concerns, including hateful, politically controversial, abhorrent, unpopular or dissident viewpoints, is

an essential element of the academic process and do not constitute prohibited harassment. In addition, as discussed in the College's Speech Code and Hate Crimes and Bias-Incident Protocol, student speech that is politically controversial, offensive, hateful, unpopular, or abhorrent is generally considered a protected exercise of a student's free expression rights under California's Leonard Law and will not be deemed a violation of this policy. Similarly, while hateful speech may feel threatening, speech that makes generalized threats to a group of people but is not focused on a specific person(s) is also generally protected. By contrast, speech that communicates or incites a serious intent to harm that is directed toward a particular individual or a group of specific individuals might not be protected.

However, just because speech is protected does not mean that it is consistent with the College's values as a supportive and inclusive campus community. Students are therefore encouraged to engage in more dialogue on campus, as well as exercise their right to walk away and not be held as a captive audience. In addition, the College has a Bias-Related Incident Protocol that is focused on assisting and supporting targeted individuals. Finally, there are support resources on campus for students who have been negatively impacted by hate speech. These include the Monsour Counseling and Psychological Services, TCCS Chaplains, Office of Black Student Affairs, Chicago/Latino Student Affairs, the Queer Resource Center, and the Asian American Resource Center.

For additional information, see Pomona College Student Code, Article IV: Speech Code and the College's Hate Crime and Bias-Related Incident Protocol and related Bias Report Form.

## Sexual Harassment

Both sex and gender are Legally Protected Characteristics, and sexual harassment is a type of harassment prohibited by this policy. Sexual harassment is defined as unwelcome sexual or gender-based conduct of any nature that creates an offensive or hostile work environment or unwelcome sexual conduct that is made a condition of working at the College. Sexual harassment, like other forms of prohibited harassment, will not be tolerated.

Examples of prohibited sexual harassment include unwelcome sexual conduct such as: Verbal harassment (e.g., sexual requests, comments, jokes, slurs); Physical harassment (e.g., touching, kissing); and Visual harassment (e.g., posters, cartoons, or drawings of a sexual nature).

Sexual harassment is not limited to conduct motivated by sexual attraction or desire. It may occur between members of the opposite sex or members of the same sex, regardless of their sexual orientation. It also may be in the form of non-sexual, offensive conduct that is directed at an individual because of his or her gender. This would include, for example, conduct based on the individual's (i) gender identity or gender expression; (ii) pregnancy, childbirth, or related medical conditions; and/or (iii) breastfeeding and related medical conditions.

Harassment may also occur when submission to conduct described above is made either explicitly or implicitly a term or condition of an individual's employment, education, living environment at the College, or participation in a College program and/or activity. More specific information about how the College addresses various specific forms

of harassment based on sex (e.g., sexual assault, dating violence, domestic violence, stalking, and related forms of conduct) may be found in the TCC Title IX Policy, the College's Faculty and Staff Title IX Policy, or the College's Sexual Misconduct, Harassment and Discrimination Policy.

## Complaint Procedures

If any member of the College community has questions or concerns about any type of discrimination or harassment, they should bring them to the attention of their supervisor, Student Affairs or Human Resources. All concerned individuals, including students and employees, can raise complaints and make reports without fear of reprisal.

Students who believe they are being harassed or discriminated against, have observed harassment of, or discrimination against, another person at the College in violation of this Policy, or believe such conduct has occurred, should immediately report the incident following the complaint reporting procedures described in the TCC Title IX Policy, the College's Faculty and Staff Title IX Policy, the College's Sexual Misconduct, Harassment and Discrimination Policy or the College's Discrimination and Harassment Investigation and Response Procedures. If students have any questions related to the TCC Title IX Policy, the Faculty and Staff Title IX Policy, the Sexual Misconduct, Harassment and Discrimination Policy, please contact Associate Dean of Students and Interim Title IX Coordinator Josh Eisenberg ([josh.eisenberg@pomona.edu](mailto:josh.eisenberg@pomona.edu)); (909) 621- 8017. If students have any questions related to the Discrimination and Harassment Investigation and Response Procedures, please contact Associate Title IX Coordinator Abby Lawlor ([abigail.lawlor@pomona.edu](mailto:abigail.lawlor@pomona.edu)); (909) 621-8017.

## Prohibition Against Retaliation

The College prohibits Retaliation against any person who is exercising their rights under this Policy. Retaliation is defined as the taking of an adverse action by any student, faculty or staff member against another individual as a result of that individual's exercise of a right under this Policy, including participation in the reporting, refusal to participate in, or assistance with the investigation, reporting, remedial or grievance processes as provided in this Policy or relevant College policies. Retaliation includes adverse actions intended to improperly deter involvement of another in these procedures set forth in this Policy, and may involve actions intended either to intimidate or to penalize individuals for their participation. Retaliation is strictly prohibited by law and/or this Policy; any person who is found to have engaged in retaliation shall be subject to disciplinary action, up to and including termination/dismissal. The College will not retaliate, nor will it tolerate retaliation, against individuals who complain in good faith about discrimination or harassment on the campus or in the workplace. Claims of retaliation under this Policy will be addressed and resolved just like complaints of discrimination or harassment under the appropriate College policy/ies.

# Sexual Misconduct, Harassment, and Discrimination Policy and Procedures

There is an important development regarding Title IX regulations. The new regulations, issued by the U.S. Department of Education, were released on April 19, 2024, and are effective August 1, 2024. As part of our response, we are committed to ensuring compliance with these updated standards. We will implement a new interim policy by August 1, 2024. Please find more information about this policy and our next steps on the [Title IX and CARES website](#).

# **The Claremont Colleges Interim Policy on Title IX Sexual Harassment, Other Sex-Based Misconduct, and Retaliation** **(Effective March 28, 2025)**

## **38-Introduction [Handbook]**

### **I. INTRODUCTION**

Pomona College (hereafter referred to as the "College") is committed to providing a safe and non-discriminatory educational, working, and residential environment for the students, faculty, staff and other members of the Pomona College and The Claremont Colleges ("TCC") community. In particular, the College aspires to provide members of its community with an environment that is free from sexual harassment, sexual assault, relationship violence, and stalking (collectively, "sexual misconduct"). This conduct is disruptive of the living, learning and working environment of the Pomona College community and deprives students, employees and other community members of equal access to the College's programs and activities.

The College embraces its responsibility to increase awareness of sexual misconduct, prevent its occurrence, diligently investigate complaints of sexual misconduct and retaliation, support survivors, deal fairly with those accused of sexual misconduct and firmly with offenders, and comply with Title IX of the Higher Education Amendments of 1972 ("Title IX"); Title VII of the Civil Rights Act of 1964 ("Title VII"); Violence Against Women Reauthorization Act of 2013 ("VAWA"); the Campus SaVE Act and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") as well as applicable California statutes, including, but not limited to relevant sections of the Education Code, including but not limited to sections 66262.5 and 66281.8.

In August 2020, new Title IX regulations adopted by the U.S. Department of Education ("2020 Title IX Rule") came into effect for alleged conduct that occurred on or after August 14, 2020. The 2020 Title IX Rules require the College to follow certain processes. To comply with its obligations under the 2020 Title IX Rules while also working to create a common, centralized Title IX grievance process for the TCC community, the College has joined with other TCC institutions to create a centralized Title IX Grievance Process that will cover student complainants and respondents from across TCC to improve consistency in and common understanding of the investigation and adjudication of Title IX cases. Accordingly, cases covered by the 2020 Title IX Rule are handled through the TCC Title IX Policy. More information about the TCC Title IX Policy and related grievance process is available [here](#). The College will follow the TCC Title IX Policy only when required, in response to conduct specifically covered by the 2020 Title IX Rule.

Complaints of discrimination or harassment not governed by the TCC Title IX Policy are subject to investigation and resolution under one or more of the College's other policies and procedures: the Pomona College Sexual Misconduct, Sexual Harassment, Gender Discrimination Policy and Procedures; the Pomona College Staff and Faculty Title IX Sexual Harassment Policy and Procedures; the Pomona College Discrimination and Harassment Policies and Grievance Procedures, Pomona College Student Code, or applicable College policies. These other policies apply to conduct that is not included under the TCC Title IX Policy.

The College's Sexual Misconduct, Harassment, and Discrimination Policy (the "Policy" and these "Procedures") confirms the College community's commitment to gender equity consistent with and required by federal and state law and the College's own values.

This Policy has the following goals:

- It identifies the conduct prohibited by the College. If a person engages in such conduct, the College will take steps to determine the person's responsibility and, if determined to be responsible, to impose appropriate sanctions against the person. In addition, the Policy provides the College with the means to protect the College community from a person who the College reasonably believes, based upon evidence, presents a danger to members of the College community.
- It sets forth in reasonable detail the procedures that the College will follow in the event any member of the College community is or believes himself or herself to be the victim of non-Title IX sexual misconduct or harassment. The procedures are grouped into four categories: (i) reporting, (ii) intake and initial review, (iii) investigation, and (iv) hearings and sanctions. The procedures are designed to be fair and impartial and to resolve complaints promptly and equitably for the parties involved and the College community. This description of the procedures is designed to provide members of the College community with information about what to expect if a report alleging a violation of this Policy is made to the College.
- It makes clear that the investigation and adjudication of alleged misconduct under this Policy is not an adversarial process between the Complainant, the Respondent, and the witnesses, but rather a process for the College to comply with its obligations under existing law. The Complainant does not have the burden to prove, nor does the Respondent have the burden to disprove, the underlying allegation or allegations of misconduct.
- It provides information about some of the medical, psychological and other resources available to persons who are the victims of sexual misconduct, discrimination or harassment. The College is committed to expanding resources, and a detailed list of the most current resources is maintained on the Pomona College website here.
- It promotes prevention of sexual misconduct in the first instance as the best policy for the Pomona College Community. To that end, the College provides education and training for its students, faculty and staff on a regular basis, recognizing that there are things individuals can do to proactively reduce the risk of experiencing sexual violence. While the College recommends that all members of the Community review and follow that training to help prevent sexual misconduct, the College also recognizes that it is never a victim's fault if someone else takes sexual advantage of that person.

Certain terms used in this Policy must be defined with as much precision as possible. For example, the formal definitions of such terms as "Sexual Misconduct," "Consent" and "Incapacitation" are critical to understanding the Policy. When those terms are used in the text of the Policy online, they are hyperlinked so that if the cursor is placed over the term, the definition appears in a popup box.

[Return to Sexual Misconduct, Harassment, and Discrimination Policy and Procedures](#)

## 39-Scope-of-Policy [Handbook]

### II. SCOPE OF POLICY

This Policy applies to non-Title IX sexual misconduct or harassment alleged against all Pomona College students. Students employed by the College will be considered students for purposes of this Policy. This Policy also applies to third parties (such as campus visitors or vendors) who may have contact with members of the College community either on the College's campus or at other College events and programs. If the alleged perpetrator (hereafter

referred to as "Respondent") is an employee or student from one of the other members of The Claremont Colleges ("TCC"), the College will investigate the matter and take steps to stop the conduct and remedy its affects to the extent reasonably possible.

However, the relevant procedures related to any disciplinary action against the Respondent will be those of the Respondent's home institution. Throughout the complaint, investigatory, hearing, appeal, and/or disciplinary process, the College will maintain its authority to take action to ensure campus safety. In addition, as to Respondents who at any time were previously enrolled at the College, the College's jurisdiction and disciplinary procedures extend to sexual misconduct, harassment and discrimination which occurs on Claremont Colleges' premises, at an activity sponsored by any of the Claremont Colleges, and conduct which occurs off campus, even if it occurs outside of an academic term or when the student is not currently enrolled at the College. Moreover, the College retains the authority to administer this Policy with respect to any such conduct by a student Respondent (while a student) even if the student subsequently graduates, withdraws, takes leave, or is otherwise absent from the College, and even if the College does not learn of such conduct until after the student graduates, withdraws, takes leave, or is otherwise absent from the College.

The procedures set forth in this Policy are administrative in nature and are separate and distinct from the criminal and civil legal systems. Pursuing resolution through these procedures does not preclude survivors from pursuing legal action now or in the future. If the conduct in question is alleged to be a violation of both College policy and public law, the College will proceed with its normal process, regardless of action or inaction by outside authorities. Decisions made or sanctions imposed through these or other College procedures are not subject to change because criminal or civil charges arising from the same conduct are dismissed, reduced, or rejected in favor of or against the Respondent.

In the event of a conflict with any other Claremont Colleges intercampus policy, the procedures set forth in this Policy will prevail. Changes to the policies and procedures contained in this Policy may be made with the approval of the Board of Trustees and/or the President.

Return to [Sexual Misconduct Harassment and Discrimination Policy and Procedures](#)

## 40-Statement-of-Prohibited-Conduct-Under-This-Policy-and-Relevant-Terms [Handbook]

### III. STATEMENT OF PROHIBITED CONDUCT UNDER THIS POLICY AND RELEVANT TERMS

#### A. Summary

- This Policy prohibits **Sexual Misconduct** that is either **Non-Consensual Sexual Contact** or **Non-Consensual Sexual Intercourse**.
- This Policy prohibits **Dating Violence, Domestic Violence, Stalking** and **Hazing** when any of those types of conduct is gender-based.
- This Policy prohibits **Sexual Misconduct** in the form of **Sexual Exploitation**.
- This Policy prohibits **Discrimination** on the basis of gender.
- This Policy prohibits **Retaliation** against any person who is exercising his or her rights under this Policy.
- This Policy prohibits **False Reporting** of reports of violations of this Policy.

The obligations of this Policy require a clear understanding of the concept of consent. In order for individuals to engage in sexual activity of any type, there must be clear, knowing and voluntary **Consent** prior to and during sexual activity.

**Consent** is positive permission to engage in the sexual activity. California law defines consent as "affirmative, conscious, and voluntary."

Persons are unable to give **Consent** if they **Lack Capacity** to give Consent including Incapacitation **Due To Alcohol Or Drugs Or Other Reasons** or if **Consent** was obtained through **Force and Coercion**. A person who engages in any conduct prohibited by this Policy is not excused from responsibility owing to the person's use of alcohol or drugs such that the person's judgment was impaired.

## **B. Definitions of Prohibited Conduct**

### **1. Sexual Misconduct**

The College defines sexual misconduct as any of the following:

#### **A. Non-Consensual Sexual Contact** (or attempts to commit same)

Non-Consensual Sexual Contact is:

- any intentional sexual touching,
- however slight,
- with any object,
- by a person upon a person,
- that is without consent, with or without force.\*

Sexual contact includes: Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice. This is also referred to as "sexual battery." This can including using a person's own intimate part to intentionally touch another person's body without consent.

\*The use of force is not "worse" than the subjective experience of violation of someone who has sex without consent. However, the use of force will be a factor in increasing sanctions.

#### **B. Non-Consensual Sexual Intercourse** (or attempts to commit same)

Non-Consensual Sexual Intercourse is:

- any sexual intercourse however slight,
- with any object,
- by a person upon a person,
- that is without consent, and with or without force.

Intercourse includes: vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact. This is also referred to as "rape."

Nonconsensual sexual contact and nonconsensual sexual intercourse are often collectively referred to as "sexual assault." As defined in the Clery Act (20 USC 1092(f)(6)(A)(v)), Sexual Assault is: an offense that meets the definition of rape, fondling, incest, or statutory rape, as used in the FBI's Uniform Crime Reporting (UCR) Program. The relevant FBI UCR definitions are as follows:

*Rape.* The 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 Complainant.

*Fondling.* The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of age or permanent mental incapacity.

*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. In California, the statutory age of consent is 18.

Generally, a sexual assault has been committed when an individual engages in sexual activity without the explicit consent of the other individual involved, including when the individual lacks capacity to consent. In this Policy, sexual activity is any touching of a sexual or other intimate part of a person either for the purpose of asserting power or gratifying sexual desire of either party. This includes coerced touching of the Respondent by the Complainant as well as the touching of the Complainant by the Respondent, whether directly or through clothing. Accordingly, for purposes of the College's policies, sexual assault falls within the College's definition for sexual misconduct.

## **2. Other Forms of Sexual Harassment**

The following alleged conduct will be addressed through the Procedures outlined in this Policy when the conduct is gender-based:

### **A. Dating Violence**

As defined by the VAWA (34 USC 12291(a)(10)), dating violence is violence committed by a person:

1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. where the existence of such a relationship shall be determined based on a consideration of (1) the length of the relationship, (2) the type of the relationship, and (3) the frequency of interaction between the persons involved in the relationship.

### **B. Domestic Violence**

As defined by the VAWA (34 USC 12291(a)(8)), domestic violence is the use of physical, sexual or emotional abuse or threats to control another person who is a current or former spouse or other intimate partner. It includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by 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 jurisdiction.

### C. Stalking

As defined by the VAWA (34 USC 12291(a)(30)), Stalking is: engaging in a course of conduct directed at a specific person that would cause a reasonable person to (i) fear for their safety or the safety of others; or, (ii) suffer substantial emotional distress.

### D. Hazing

Hazing is defined in the College Hazing Policy as set forth in the College's Disciplinary Policies and Procedures and as also found in the [Pomona College Student Code](#).

### E. Sexual Exploitation:

Sexual exploitation is a form of sexual misconduct which occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

1. Invasion of sexual privacy, including the viewing of another person's sexual activity or intimate parts, in a place where that other person would have a reasonable expectation of privacy, without that person's consent, for the purpose of arousing or gratifying sexual desire;
2. Prostituting another person;
3. Trafficking of another person, defined as the "inducement of a
4. person to perform a commercial sex act, or labor or services, through force, fraud, or coercion"
5. Non-consensual recording of images, including video or photo, or audio-taping of another person's sexual activity or intimate parts;
6. The distribution of images, including video or photograph, or audio of another person's sexual activity or intimate parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure.
7. Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
8. Engaging in voyeurism;
9. Knowingly transmitting a sexually transmitted infection, a sexually transmitted disease, or HIV to another person;
10. Knowingly making a materially false representation about sexually transmitted infection, birth control, or prophylactic status with the specific intent and effect of inducing another to participate in a specific sexual act or encounter;
11. Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
12. Sexually-based stalking;
13. Knowingly contributing to the incapacitation of another person where such incapacitation is a contributing factor to that person being subjected to another form of sexual misconduct.

### F. Sexual Harassment

Sexual harassment may be either "quid pro quo" harassment, that is unwelcome sexual advances, requests for sexual favors where submission is made an explicit or implicit term or condition of an individual's employment, academic status or education progress or where submission to or rejection is used as the basis for making

employment or educational decisions affecting an individual; or "environmental " harassment, where the individual is subjected to a hostile or intimidating environment, in which verbal, visual or physical conduct of a sexual nature, because of its severity and/or persistence, is likely to interfere with an individual's work or education, or to affect adversely an individual's living conditions, or the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment. Occasional compliments that are generally accepted as not offensive or other generally accepted social behavior, on the other hand, do not constitute sexual harassment.

Examples of sexual harassment may include such conduct as:

1. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendations;
2. Direct propositions of a sexual nature;
3. Subtle pressure for sexual activity, an element of which may be repeated requests for private meetings without an academic and employment purpose;
4. A pattern of conduct that would discomfort or humiliate, or both, a reasonable person at whom the conduct was directed that includes one or more of the following: (1) unnecessary touching, patting, hugging, or brushing against a person's body; (2) remarks of a sexual nature about a person's clothing or body, whether or not intended to be complimentary; (3) remarks about sexual activity or speculations about previous sexual experience; or (4) other comments of a sexual nature, including sexually explicit statements, questions, jokes or anecdotes;
5. Certain visual displays of sexually-oriented images outside the educational context;
6. Letters, notes or electronic mail containing comments, words or images as described in (e) above.

Sexual harassment includes harassment of women by men, of men by women, and same gender gender-based harassment.

### C. Definition of "Consent"

**California law defines consent as "affirmative, conscious, and voluntary."** Consent is affirmative, clear, knowing, voluntary, conscious, and revocable permission. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in sexual activity, and the physical conditions of sexual activity (i.e., use of a condom).<sup>1</sup> In order to give effective consent, one must be of legal age and have the capacity to give consent:

1. The legal age of consent in the state of California is 18 years.
2. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
3. Consent can be withdrawn at any time. Thus, even if a person agreed to sexual interaction or continued sexual interaction, that person has the right to change their mind, irrespective of how much sexual interaction may have already taken place.
4. Previous relationships or prior consent cannot imply consent to future sexual acts; this includes "blanket" consent (i.e., permission in advance for any/all actions at a later time/place).
5. It is the obligation of the person initiating the sexual activity to obtain consent.

**Force and Coercion:** An individual cannot consent who has been coerced, including being compelled by force, threat of force, or deception; who is unaware that the act is being committed; or, who is coerced by a supervisory or disciplinary authority.

*Force:* violence, compulsion, or constraint physically exerted by any means upon or against a person. Force includes the use of threats, intimidation (implied threats) and/or coercion to produce consent

*Coercion:* the application of pressure by the Respondent that unreasonably interferes with the Complainant's ability to exercise free will. Factors to be considered include, but are not limited to, the intensity and duration of the conduct. Coercion is unreasonable pressure for sexual activity ("Have sex with me or I'll hit you. Okay, don't hit me; I'll do what you want."). Coercive behavior differs from seductive behavior based on the type of pressure used to get consent. When someone makes it clear that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

1. A person who does not want to engage in sexual activity is not required to resist or to verbally object. There is no requirement that a party resists a sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force, however, is not demonstrated by the absence of resistance.
2. Withdrawal of consent can be manifested through conduct and need not be a verbal withdrawal of consent (i.e., crying, pulling away, not actively participating, uncomfortable or upset facial expressions).
3. Affirmative consent cannot be given by a person who is asleep, unconscious, or incapacitated. A person with a medical or mental disability may also lack the capacity to give consent. The definition of incapacitation follows.

**Incapacitation:** A person is unable to consent when incapacitated due to the influence of drugs, alcohol, or medication so that the person could not understand the fact, nature, or extent of the sexual activity. Incapacitation is a state where an individual cannot make an informed and rational decision to engage in sexual activity because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the who, what, when, where, why or how of the sexual interaction) or is physically unable to consent (e.g., asleep or unconscious).

**A) Incapacitation due to alcohol or other drugs:** Incapacitation may result from the use of alcohol or drugs. However, consumption of alcohol or other drugs alone is insufficient to establish incapacitation. Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person's decision-making ability, awareness of consequences, and ability to make informed judgments. A person's own intoxication or incapacitation from drugs or alcohol does not diminish that person's responsibility to obtain Affirmative Consent before engaging in sexual activity.

Because alcohol or other drug use can place an individual's capacity to consent in question, sober sex is less likely to raise such questions. Being under the influence of alcohol or other drugs does not in and of itself indicate incapacitation. When alcohol or other drugs, including date rape drugs (such as Rohypnol, Ketamine, GHB, etc.), are involved, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (the who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Administering a date rape drug to another individual is a violation of this Policy. More information on these drugs can be found at <http://www.911rape.org/>.

In general, sexual contact while under the influence of alcohol or other drugs poses a risk to all parties. Alcohol and drugs impair a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

Being intoxicated or impaired by drugs or alcohol is never an excuse for Sexual Harassment, sexual violence, stalking, or intimate partner violence, and does not diminish one's responsibility to obtain consent.

The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol or drugs impacts an individual's:

- Decision-making ability;
- Awareness of consequences;
- Ability to make informed judgments; or,
- Capacity to appreciate the nature and the quality of the act.

**B) Incapacitation due to other reasons:** This Policy also covers a person whose incapacity results from mental or physical disabilities, sleep, unconsciousness, or involuntary physical restraint. Accordingly, it shall not be a valid excuse that a person affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the person was unable to consent to the sexual activity under any of the following circumstances:

- The person was asleep or unconscious;
- The person was incapacitated due to the influence of drugs, alcohol or medication, so that the person could not understand the fact, nature or extent of the sexual activity;
- The person was unable to communicate due to a mental or physical condition.

It shall not be a valid excuse that the Respondent believed that the person consented to the sexual activity under either of the following circumstances:

- The Respondent's belief in Affirmative Consent arose from the intoxication or recklessness of the Respondent;
- The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the person affirmatively consented.

#### **D. Additional Relevant Terms**

**Amnesty:** Generally, sanctions related to alcohol or drug policy violations will not be imposed on individuals cooperating in an investigation or hearing under this and related policies. See the College's Amnesty Policy in Section VII.D for more information.

**Advisor:** An Advisor is an individual who provides guidance to the Complainant or Respondent throughout the College's grievance process, as set forth in this Policy. Each party is entitled to one Advisor through every stage of the grievance process (including the Alternative Resolution process, when applicable). A party can select an Advisor of their choice at any time in the process. An Advisor can be any person, including an attorney, who is not otherwise a party or a witness. An Advisor may never write/speak on behalf of a party or otherwise disrupt any meetings or

hearings in any manner. Because this is an administrative process, any legal counsel present as the party's Advisor during any related proceedings, including, but not limited to, investigatory interviews, hearing, or any other related discussion or meeting, shall be permitted only in a non-participatory advisory role.

In addition, at least ten (10) business days prior to any hearing, the Complainant and Respondent may each notify the Title IX Coordinator that an advisor will be present during the hearing (with a support person, no more than two individuals in total); the request should be in writing and should identify the persons the Complainant or Respondent wishes to be present during the hearing. The College reserves the right to exclude an Advisor who does not abide by these procedures.

**Case Manager:** The Case Manager, usually a staff or faculty member, can help the party to whom they are assigned to navigate through this Policy and related procedures, and support the party in accessing resources, accommodations, and other kinds of support. At the discretion of the party, their assigned Case Manager may accompany them to any meeting/hearing related to these procedures. The Case Manager is expected to be a silent and non-participating observer in any meetings/hearings. The Title IX Coordinator will assign the Case Manager from a pool of trained individuals after the initial intake usually within seven (7) business days.

**Complainant:** A Complainant is an individual alleged to be the victim of conduct that could constitute Sexual Harassment, as defined by this Policy.

As necessary, the College reserves the right to initiate a complaint, to serve as Complainant, and to initiate proceedings without a formal complaint by the subject of the misconduct.

**Confidential Resource:** A Confidential Resource is a campus- or community-based resource that has the duty of confidentiality. The duty of confidentiality is an obligation on the part of the resource provider to keep a person's information private and confidential unless consent to release or share the information is provided by the disclosing person. Each Institution's Title IX Coordinator maintains a list of Confidential Resources.

There are two types of Confidential Resources at the College:

- Confidential Resources with the legal privilege of confidentiality.

Communications with these resources have legal protections from disclosure in court. These resources also possess professional obligations (the duty of confidentiality) to hold such communications in confidence and they cannot divulge information about an individual seeking their services to a third party without that individual's consent. There are established limits to confidentiality and these must be communicated to the individual seeking services.

Examples include, but are not limited to: Chaplains, Monsour and Project Sister Counselor at EmPOWER. Due to their proper training and supervision Project Sister Campus Advocates at Pomona College are Confidential Resources with legal privilege.

- Institution-designated Confidential Resources.

Communications with these resources do not have legal privilege and as such are not provided legal protections from disclosure in court. These individuals and/or offices do possess professional obligations (the duty of confidentiality) to hold communications in confidence and they cannot divulge information about an individual seeking their services to a third party without that individual's consent.

In addition to established limits to confidentiality that must be communicated to the individual seeking services, Institution-designated Confidential Resources also have limited reporting responsibilities federally mandated by the Clery Act. Under the Clery Act, their reporting obligation arises when they become aware of information or allegations of criminal behavior and must report the information regarding an incident to the Institution's Clery Coordinator. They do not have to report identifying information about the individuals involved in an incident. Institution-designated Confidential Resources are not obligated to inform the Title IX Coordinator of a report/disclosure unless requested by the individual seeking their services.

Examples include, but are not limited to: the Assistant Director of the CARES Office, the EmPOWER Center Director, and the Director at the Queer Resource Center (QRC).

**Respondent:** A Respondent is an individual who has been reported to have engaged in conduct that could constitute Sexual Harassment, as defined by this Policy. An individual does not have to be enrolled or employed by the College to qualify as a Respondent under this Policy. The College may dismiss a Complaint if the Respondent is no longer enrolled or employed by the College; however, the decision to dismiss will be made on an individual basis.

**Support Person:** A Support Person is an individual who provides emotional support to a Complainant or Respondent throughout the College's Grievance and Alternative Resolution process, as set forth in this Policy. Parties are entitled to one Support Person through every stage of the Grievance and Alternative Resolution process.

The Support Person may never write/speak on behalf of a party or otherwise disrupt any meetings or hearings in any manner. Because this is an administrative process, any legal counsel present as the party's support person during any related proceedings, including, but not limited to, investigatory interviews, hearing, or any other related discussion or meeting, shall be permitted only in a non-participatory advisory role.

In addition, at least ten (10) business days prior to any hearing, the Complainant and Respondent may each notify the Title IX Coordinator that both a support person and advisor will be present during the hearing (no more than two individuals in total); the request should be in writing and should identify the persons the Complainant or Respondent wishes to be present during the hearing.

The College reserves the right to exclude a Support Person who does not abide by these procedures.

**Supportive Measures:** Also referred to as interim measures throughout this Policy, they are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge, to the Complainant and/or the Respondent. The range of Supportive Measures available is listed in Section IV.D.5 of this Policy.

Return to [Sexual Misconduct Harassment and Discrimination Policy and Procedures](#)

# 41-Sexual-Misconduct-Harassment-and-Discrimination-Complaint-Procedures [Handbook]

## IV. SEXUAL MISCONDUCT, HARASSMENT, AND DISCRIMINATION COMPLAINT PROCEDURES

These procedures govern the reporting, initial review, investigation, and resolution of complaints of alleged violations of this Policy when they involve Pomona College student Respondents.

Individuals who believe they have been subjected to sexual misconduct, harassment and/or discrimination are encouraged to report such conduct. Any College faculty member, coach, student affairs professional staff and student resident assistant, as well as other College designated Responsible Employee, who receives information of an alleged sexual misconduct, discrimination and/or harassment is obligated to file a report with one of the College representatives set forth below.

### A. Reporting an Alleged Violation of this Policy

#### 1. Reporting to the College

Individuals who believe that they have been the subject of or have witnessed alleged sexual misconduct, discrimination and/or harassment are encouraged to contact any of the appropriate College representative listed below:

#### **Title IX Coordinator**

Destiny Marrufo, Associate Dean  
909-607-1723; Email: [destiny.marrufo@pomona.edu](mailto:destiny.marrufo@pomona.edu)  
Office: Alexander Hall 102

#### **Deputy Title IX Coordinators:**

Brandon Johnson, Sr. Associate Athletic Director  
909-621-8420; Email: [brandon.johnson@pomona.edu](mailto:brandon.johnson@pomona.edu)  
Office: Center for Athletics, Recreation and Wellness (CARW)

April Mayes, Associate Dean of the College  
909-607-2919; Email: [april.mayes@pomona.edu](mailto:april.mayes@pomona.edu)  
Office: Alexander Hall 236

Joel Petty, Director of Campus Life Engagement  
909-607-1718; Email: [joel.petty@pomona.edu](mailto:joel.petty@pomona.edu)  
Office: Smith Campus Center 244

Carol Saldivar, Interim Assistant Vice President, Human Resources  
909-607-8365; Email: [carol.saldivar@pomona.edu](mailto:carol.saldivar@pomona.edu)  
Office: Pendleton Building

Under no circumstances is an individual required to report sexual misconduct to a supervisor or academic instructor who is the alleged perpetrator.

### **Administrator On-Call (AOC)**

Students can always reach an Administrator-on-call 24 hours a day by calling Campus Safety (909-607-2000) and asking to be connected to the Administrator-on call.

### **Law Enforcement**

The College encourages any member of the College community who experiences any form of sexual violence to immediately contact the Claremont Police Department ("CPD") by contacting Campus Safety (909-607-2000) if they are on campus or by dialing 911 if they are off campus.

In addition, individuals may also directly report sexual violence at any time after an incident by contacting CPD: 570 West Bonita Avenue, Claremont, CA, 909-399-5411

Prompt reporting is encouraged, because facts often become more difficult to establish as times passes. However, the College will investigate and take appropriate action in response to all reports regardless of when the alleged conduct occurred. The ability of the College to respond to the conduct is limited if the Respondent is no longer a member of the

College community. If a College student leaves the College with a pending complaint against them, they will not be permitted to return to the College until the case is resolved through these procedures.

## **2. Assessment of Complaints and Related Outreach**

**The College's Title IX coordinator or other designated employee will assess each report of sexual harassment and provide outreach, as appropriate, to each identifiable student who is alleged to be the victim of the reported conduct. Such outreach communications will include all of the following information:**

- The College has received a report that the student may have been a victim of sexual harassment.
- A statement that retaliation for filing a complaint or participating in a complaint process, or both, under this section is prohibited.
- Counseling resources within the College or in the community.
- Where a crime may have occurred, notice that the student has the right, but not the obligation, to report the matter to law enforcement.
- A link to an overview of the College's investigation procedures.
- The availability of potential interim measures, such as no-contact directives, housing changes, and academic schedule changes, where applicable.
- The importance of preserving evidence.
- A request for the student to meet with the Title IX Coordinator or other designated employee to discuss options for responding to the report.
- An overview of how the College responds to reports of sexual harassment and link to descriptions of potential disciplinary consequences.

## **3. Privacy and Confidentiality of Reports to the College**

One of the most significant concerns expressed by Complainants and witnesses when they come forward is a desire for privacy. Respondents who deny responsibility for the wrongdoing also have expressed a strong desire for privacy until the matter has been resolved. The College deeply respects these concerns, as cases involving sexual discrimination, harassment, and assault are particularly sensitive and demand special attention to issues of privacy.

The College will make all reasonable efforts to maintain the privacy of the parties involved in an investigation and/or hearing for a complaint as well as the confidentiality of the details of an investigation, any hearing, and except where permitted by law, the sanctions imposed. This includes redacting private, confidential (including but not limited to medical) information unrelated to the facts and circumstances of the case pursuant to FERPA and other federal and state, privacy protections, as well as the College's Policy. The College will inform in writing all individuals involved in the investigation and/or hearing process of the critical importance and expectation that, while the processes are ongoing, they maintain the privacy of the process and any information shared with them as a result of their participation. Further, all documents provided in preparation for or related to the hearing proceedings may not be disclosed to any other party under FERPA as such documents constitute education records which may not be disclosed outside of the proceedings, except as may be required or authorized by law. All hearing proceedings will be confidential and will not be discussed outside the process, except as may be required or authorized by law; this includes any witnesses and advisors/support persons.

Complainants and Respondents are not prohibited from sharing details of complaints with family/partner, counsel, or a support person/advisor below, who may support or assist the parties in presenting their case. Those persons are also expected to maintain the same level of privacy as Complainants and Respondents and the College will provide a writing regarding privacy to Complainants and Respondents so that they can deliver it to such persons. Nothing communicated in this Policy is intended to limit or prohibit constitutionally-protected speech.

Following resolution of an investigation and any related hearing, the College does not impose any restrictions on the parties regarding re-disclosure of the following: the name of the student (Respondent or Complainant), the findings of the hearing, any sanctions imposed by the College, and the rationale for the findings and sanctions.

If at any point the Complainant requests confidentiality with respect to the Respondent and/or decides not to pursue action by the College, the College will make all reasonable attempts to comply with this request, and will generally grant the request. In these situations, the College's ability to investigate and respond to the conduct may be limited. The College is required to weigh the Complainant's request for confidentiality with the College's commitment to provide a reasonably safe and non-discriminatory environment, including for the Complainant. In determining whether to disclose the Complainant's identity or proceed to an investigation over the objection of the Complainant, the College may consider whether any of the following apply:

- There are multiple or prior reports of sexual misconduct against the Respondent.
- The Respondent reportedly used a weapon, physical restraints, or engaged in battery. The Respondent is a faculty or staff member with oversight of students.
- There is a power imbalance between the Complainant and Respondent.
- The Complainant believes that they will be less safe if their name is disclosed or an investigation is conducted. The College is able to conduct a thorough investigation and obtain relevant evidence in the absence of the Complainant's cooperation.

If the College cannot maintain a Complainant's confidentiality, the Complainant will be notified by the Title IX Coordinator prior to making this disclosure or initiating an investigation. The College will also take immediate steps to provide for the safety of the Complainant where appropriate. In the event the Complainant requests that the College inform the Respondent that the Complainant asked the College not to investigate or seek discipline, the College will honor this request.

If the College determines that it can honor the Complainant's request for confidentiality, it will still take reasonable steps to respond to the complaint, consistent with the request, to limit the effects of the alleged sexual harassment and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the Complainant.

These steps may include increased monitoring, supervision, or security at locations or activities where the alleged misconduct occurred; providing additional training and education materials for students and employees; or conducting climate surveys regarding sexual violence. The College will also take immediate steps to provide for the safety of the Complainant while keeping the Complainant's identity confidential as appropriate. These steps may include support measures such as changing living arrangements or academic accommodations such as course, assignments, or test schedule changes. The Complainant shall be notified that the steps the College will take to respond to the complaint will be limited by the request for confidentiality.

#### **4. Responsible Employees and Confidential Resources at the College and in the Community**

Responsible Employees are those College employees who are not Confidential Resources (defined below) and have authority to take action to redress sexual harassment or provide interim measures to students, or have a duty to report sexual harassment to an appropriate school official who has that authority. If a Responsible Employee learns, in the course of their employment, that a student may have experienced conduct prohibited by this Policy, they must promptly notify the Title IX Officer or designee. In addition, if any of the following people learn, in the course of employment, that any other person affiliated with the College may have experienced Prohibited Conduct, they must promptly notify the Title IX Officer or designee:

- Title IX Coordinator or deputy Title IX Coordinators;
- Residential advisors;
- Housing directors, coordinators, or deans;
- Student life directors, coordinators, or deans;
- Athletic directors, coordinators, or deans;
- Coaches of any student athletic or academic team or activity;
- Faculty and associate faculty, teachers, instructors, or lecturers;
- Laboratory directors, coordinators, or principal investigators;
- Internship or externship directors or coordinators; or
- Study abroad program directors or coordinators.

An individual who wishes for the details of the incident to remain completely confidential may speak with certain designated College employees who, by law, shall maintain confidentiality and may not disclose the details of an incident, subject to certain exceptions in the law (e.g., child abuse). If an individual makes a report to these confidential resources but not to the persons or entities identified in section IV.A.1 above, then the College will not be in a position to take action because it will not have notice of the incident. These Confidential Resources are identified below:

***Lavender Healing Collective Counseling, EmPOWER Center.***

The EmPOWER Center has limited counseling hours; call the number below or check the EmPOWER Center's website.

1030 Dartmouth Ave  
909-607-0690

***Monsour Counseling and Psychological Services staff***

Tranquada Student Services Center, 1st floor 757 College Way  
909-621-8202, 909-607-2000 (after-hours emergency)

***Student Health Services staff***

Tranquada Student Services Center, 1st floor 757 College Way  
909-621-8222, 909-607-2000 (after-hours emergency)

***McAlister Center chaplains, or other members of the clergy***

McAlister Center for Religious Activities, 919 North Columbia Avenue  
909-621-8685

***Alternative Resources***

Individuals who have experienced sexual misconduct, including sexual assault may also seek confidential support from a local or national groups, including:

**CARES Campus Advocates**

Campus Email: [cares@pomona.edu](mailto:cares@pomona.edu)  
Call or text 24/7\* hotline: 909-905-0035

Advocates are a trained student group who are available through on-call system to assist students who have experienced sexual assault or misconduct on a 24/7\* basis. The Advocates can be contacted at any stage of the processes discussed herein. They have completed and participate in ongoing advocate training with the CARES office.

Consistent with Education Code section 66281.8(a)(2)(C)(i), the College has determined that the Assistant Director of the CARES Office is not a responsible employee.

\*Campus Advocates are available on the hotline 24/7 while classes are in session. Campus Advocates are not available during any academic breaks, such as Fall Break, Winter Break, and Summer Break.

**Project Sister Sexual Assault 24/7 Crisis Hotline (Claremont, CA)**

909-626-HELP (909-626-4357)

**House of Ruth (24/7 Crisis Hotline for Domestic violence support)**

877-988-5559

## National Sexual Assault 24/7 Crisis Hotline (RAINN)

800-656-HOPE

## **B. Retaliation Policy**

Retaliation is defined as the taking of an adverse action by any student, faculty or staff member against another individual as a result of that individual's exercise of a right under this Policy, including participation in the reporting, refusal to participate in, or assistance with the investigation, reporting, remedial or hearing processes as provided in this Policy.

Retaliation includes adverse actions intended to improperly deter involvement of another in these procedures set forth in this Policy, and may involve actions intended either to intimidate or to penalize individuals for their participation.

Retaliation is strictly prohibited by law and this Policy; any person who is found to have engaged in retaliation shall be subject to disciplinary action. Persons who believe that they have been retaliated against for making a complaint/report or for cooperating in an investigation or hearing should immediately contact the Title IX Coordinator. A complaint filed in good faith under this Policy shall not constitute retaliation.

## **C. False Reporting Policy**

It is a violation of College policy to file a knowingly false complaint under this Policy of alleged discrimination, harassment and/or sexual misconduct. A complaint by an individual against another based on the filing of a knowingly false complaint may be pursued using the steps followed for sexual misconduct harassment, and discrimination, harassment, and sexual misconduct related complaints as outlined in this Policy and may be filed only after there is completion of the underlying complaint. A complaint filed in good faith under this provision shall not constitute a false report. A finding of no responsibility is not, by itself, evidence that the underlying complaint was not filed in good faith.

## **D. The Title IX Coordinator's Initial Review of a Report**

### **1. Title IX Coordinator and Title IX Coordinator's Team**

The purpose of the Title IX Coordinator is to promote and protect gender equity at Pomona College as required by Title IX and related federal and state laws. The Title IX Coordinator does not favor Complainants over Respondents or Respondents over Complainants. The Title IX Coordinator does not promote the College's interests other than its interest in gender equity as evidenced in this Policy and provided by law. The Title IX Coordinator's primary jobs are to administer the procedures in this Policy in order (i) to make appropriate support and resources available to Complainants, other persons who have experienced sexual harassment, discrimination or misconduct, and Respondents; (ii) to provide equitable and prompt resolution of complaints; (iii) uphold the College's sexual harassment, discrimination and misconduct processes and procedures; and (iv) to support ongoing prevention, education and outreach efforts related to sexual misconduct, harassment and discrimination.

Although a report may come in through many sources, the College is committed to ensuring that all reports of sexual misconduct, harassment, and discrimination are referred to the Title IX Coordinator, which ensures consistent application of this Policy.

The Title IX Coordinator may enlist the Title IX Coordinator's Team to assist in the review, investigation, and/or resolution of the report. Members of this team include the Title IX Coordinator, deputy Title IX coordinators, and the associate deans of students. At any point during the process, from initial intake through the appeal, the Title IX Coordinator and the Title IX Coordinator's Team may consult with an expert on trauma-informed response and sexual assault response or with the College's legal counsel.

Depending on the relationship of the Complainant and the Respondent to the College (student, staff, faculty, or other) and the nature of the report, additional Title IX Coordinator's Team members may include representatives from other Pomona or TCCS offices as necessary, such as Campus Safety, Dean of the College, or College's Office of Human Resources. The members of this Team oversee the resolution of the reported harassment or misconduct through the College's resolution procedures.

## **2. The Title IX Coordinator's Intake and Initial Review**

Upon receipt of a report, the Title IX Coordinator or its designee will provide resources and support information and will conduct an Initial Review. The first step of the Initial Review will typically include an initial meeting between the Complainant and the Title IX Coordinator or a member of the Title IX Coordinator's Team. The purpose of the meeting is to gain a basic understanding of the nature and circumstances of the report; it is not intended to be a full investigation interview. At this meeting, the Complainant will be provided with information about resources, procedural options, and interim remedies.

During and following this meeting, the Title IX Coordinator or, when appropriate, the designated Title IX Coordinator's Team member, will make a reasonable assessment of the safety of the individual and of the campus community and will determine whether the College has sufficient information to determine the appropriate interim measures, if any.

The Title IX Coordinator or, when appropriate, the designated Title IX Coordinator's Team member, will also consider the interest of the Complainant and the Complainant's expressed preference for the manner of resolution (e.g., in a harassment case, for example, there might be an initial preference for mediation efforts that does not impact the ultimate decision to be made regarding whether a violation of policy occurred). Where appropriate, and as warranted by an assessment of the facts and circumstances, the College will seek action consistent with the Complainant's request. Mediation is not an option for resolution in cases involving allegations of sexual violence.

The Title IX Coordinator Team will make use of a checklist of tasks that shall be completed by the Title IX Coordinator and/or the Title IX Coordinator Team in connection with the intake and initial review. A sample of the checklist, which may be modified from time to time, is set forth as Appendix A below.

The Title IX Coordinator also will promptly inform the Respondent of any action(s) (including any interim protective measures) that will directly impact the Respondent, and provide appropriate opportunities for the Respondent to respond to such action(s) as set forth in this Policy.

## **3. Interim Measures and Support Resources**

The College may take whatever measures it deems necessary in response to an allegation in order to protect an individual's rights and personal safety, the safety of the College community, or if determined to be necessary to ensure the integrity of the investigation or adjudication process.

Determinations regarding interim measures are made by the Title IX Coordinator or, when appropriate, the designated Title IX Coordinator's Team member, on a case-by-case basis. Such measures include, but are not limited to, referral for an interim suspension (immediate, temporary suspension pending the outcome of investigation and/or hearing process), a "no contact" letter (an order that an individual refrain from direct or indirect contact with another person or persons), restrictions on access to campus or areas of campus, and/or appropriate changes in academic schedule. Interim measures may include reporting the matter to the local police.

Either a Complainant or Respondent may request a "no-contact" letter/directive or other protection. However, the College will not issue an interim mutual no-contact directive automatically, but instead shall consider the specific circumstances of each case to determine whether a mutual no-contact directive is necessary or justifiable to protect the noncomplaining party's safety or well-being, or to respond to interference with an investigation. A no-contact directive issued after a decision of responsibility has been made shall be unilateral and only apply against the party found responsible.

Upon the issuance of a mutual no-contact directive, the College will provide the parties with a written justification for the directive and an explanation of the terms of the directive. Upon the issuance of any no-contact directive, the College will provide the parties with an explanation of the terms of the directive, including the circumstances, if any, under which violation could be subject to disciplinary action.

Not all of the measures listed in this section will be necessary in every case. If an individual identifies an interim measure that is not already provided by the College, the College will consider whether the request can be granted. In those instances where interim measures affect both a Complainant and Respondent, the College will minimize the burden on the Complainant wherever appropriate.

Failure by any individual to adhere to the parameters of any interim measure is a violation of College policy and may lead to disciplinary action. Individuals are encouraged to report such failures by another party to the Title IX Coordinator. Depending on timing and other circumstances, allegations that an individual has violated any interim measure may be investigated and/or adjudicated (where appropriate) separately from or as part of an ongoing matter.

Other interim measures and available support services may include:

- Campus Safety escort to ensure safe movement on campus;
- referral to medical or emergency services;
- counseling services;
- assistance with identifying off-campus resources;
- assistance with transportation, parking, and/or travel needs;
- assistance in obtaining a court-issued restraining order;
- varied forms of academic assistance, including academic support services, tutoring, alternative course completion options, rescheduling of exams and assignments, changing class schedules, transferring course sections or withdrawing from a course without penalty;
- change of work schedules, job assignments, and worksite location;
- voluntary leave of absence;

- and/or any other remedy that can be tailored to the involved individuals to achieve the goals of this Policy.

Interim measures assume no determination of responsibility. Both parties will receive a document setting forth the interim measures that have been deemed appropriate. The Title IX Coordinator reserves the right to increase, reduce or otherwise adjust interim measures as appropriate based on feedback from Complainants and Respondents.

#### **4. Interim Suspension**

Consistent with its Student Code, the President of the College is empowered to order interim suspension of any student if it is deemed necessary for the well-being of the College community and until such time as the case can be referred to a hearing or the circumstances necessitating such action are remedied. During an interim suspension from the College imposed by the President, the student shall be denied access to the campus (including classes) and all other college activities or privileges for which the student might otherwise be eligible as the President may determine to be appropriate. Interim suspension from campus or the residence halls will be followed with speedy access to a hearing for the suspended student(s). See Article VI.D of the Student Code for more information.

#### **5. How Complainant Requests for Confidentiality Impact the Title IX Process**

The Title IX Coordinator and Title IX Coordinator's Team will take all reasonable steps to respond to a complaint consistent with a Complainant's requests for confidentiality. However, the team's ability to do so may be limited based on the nature of a Complainant's request. For example, if a Complainant requests that the Complainant's name or other identifiable information not be shared with the Respondent or that no formal action be taken, the College may be limited in its ability to fully respond to the complaint. The College will balance the Complainant's requests with its responsibility to provide a safe and non-discriminatory environment for all College community members and to afford a Respondent fundamental fairness.

In the event that a Complainant does not wish to proceed with formal action, the Title IX Coordinator, in consultation with the Title IX Coordinator's Team, as appropriate, will decide, based on the available information, whether additional steps are required. In making this decision, the Title IX Coordinator's Team will consider following factors: whether the Complainant has requested confidentiality; whether the Complainant wants to participate in additional steps; the severity and impact of the sexual misconduct; the respective ages of the parties, including whether the Complainant is a minor under the age of 18; whether the College can undertake any action without the participation of the Complainant; whether the Respondent has a pattern of committing sexual misconduct; the existence of independent evidence; the extent of prior remedial methods taken with the Respondent; and any legal obligation to proceed based on the nature of the conduct.

#### **6. Conclusion of the Initial Review**

At the completion of the Initial Review, the Title IX Coordinator, in collaboration as appropriate with the Title IX Coordinator's Team, will determine whether to refer the report for further investigation. An investigation will not necessarily result in a hearing. The facts developed by the investigator may not warrant a hearing or the Complainant may decide not to go forward with a hearing after the investigation is complete. However, even if a hearing is not pursued, the College has the discretion to take interim measures that ensure campus safety.

The Title IX Coordinator or a member of the Title IX Coordinator's Team will discuss the determination with the Complainant and provide information to assist in understanding available resources and procedural options, which will be communicated to the Complainant in writing.

Once the Title IX Coordinator has referred a report for further investigation, the parties will receive formal notice of the investigation which will include the following:

- The identities of the parties (if known);
- A summary of the alleged conduct, including the date(s), time(s), and location(s) of incident(s) (if known);
- The Policy sections alleged to be violated by the conduct;
- The grievance process, including any available alternative resolution processes;
- A statement that Respondent is presumed not responsible until a determination of responsibility is made following the investigation and hearing;
- A statement that the Institution will not make a determination of responsibility until the conclusion of the grievance process;
- A notice regarding whether interviews will be recorded, and that only the Investigator is permitted to record interviews;
- A description of the parties' opportunities to present, inspect, and review evidence;
- A statement that the parties may have an Advisor of their choice, who is permitted to be an attorney, who may accompany the parties at all stages of the process in a strictly non-participatory manner;
- A summary of the hearing process and a statement that the Hearing Decision will make factual and policy findings regarding the allegations;
- A statement that findings will be based on a Preponderance of the Evidence Standard;
- A notice admonishing the parties against retaliation; and,
- A notice informing the parties they are prohibited from making false statements or knowingly submitting false information.

Any new allegations that arise during the course of the investigation that could subject either party to new or additional sanctions shall be subject to the same notice requirements outlined above.

The Title IX Coordinator will also inform the Complainant and the Respondent that retaliation is prohibited by law under the VAWA, Title VII, and California state law, as well as College policy. The College will take strong responsive action to protect the safety of any individual.

The Title IX Coordinator will document each report or request for assistance in resolving a case involving charges of sexual misconduct, gender discrimination or other violations of this Policy, whether by the Complainant or a third party, and will review and retain copies of all reports generated as a result of investigations. These records will be kept confidential to the extent permitted by law.

## **E. Alternative Resolution**

In some circumstances, where both parties are amenable, the College may permit alternative resolution instead of the hearing process provided in this Policy. Some of the factors that the College may consider when determining eligibility for alternative resolution include the previous history within the College, severity, scope and nature of the alleged policy violations, including whether the conduct alleged is part of a pattern and involves multiple members of the College community. If successful, engagement in any approved form of alternative resolution will not result in a notation on either Party's disciplinary record.

If the Title IX Coordinator or Deputy Coordinator determines that such an alternative resolution process is appropriate under the facts and circumstances of the case, one or more of the following, or similar, methods may be utilized:

- A meeting of the Title IX Coordinator or Deputy Title IX Coordinator, the Complainant, and the Respondent; and/or
- Resolution Agreements by the College between the Complainant and Respondent; and/or
- Mediation

Referral of the case to a mediator who has both legal and/or personnel relations experience. The mediator will discuss the issues with both principals and seek appropriate actions by the principals involved to reach an acceptable resolution. The purpose of mediation is for the parties who are in conflict to identify the implications of a student's actions and, with the assistance of a trained Facilitator, identify points of agreement and appropriate remedies to address them. Either party can request mediation to seek resolution. Mediation will be used only with the consent of both parties, who will be asked not to contact one another during the process. The Title IX Coordinator will also review any request for mediation, and may decline to mediate based on the facts and circumstances of the particular case. Either party has the right to terminate the mediation process and choose or resume another option for resolution at any time. Consistent with California law, the College does not permit mediation, even on a voluntary basis, to resolve allegations of sexual violence (i.e., rape or sexual battery).

The mediation process will typically commence within thirty (30) business days after the initial report is received and both parties have consented to mediation, and will continue until concluded or terminated by either party or the Title IX Coordinator. During mediation, any potential investigation will halt, and calculations for time frames will be paused. If the mediation results in a resolution, the disciplinary process will be concluded and the matter will be closed. If a resolution cannot be reached, the matter will be referred to the Title IX Coordinator to re-evaluate other options for resolution, including initiation of the Investigation and/or Hearing process.

During mediation, a Facilitator will guide a discussion between the parties. In circumstances where the parties do not wish to meet face to face, either party can request "caucus" mediation, and the Facilitator will conduct separate meetings.

Whether or not the parties agree to meet face to face, each party will be permitted to bring to any meetings an Advisor and a Support Person of their choice, who may be, but is not required to be, an attorney.

At the conclusion of the mediation, the Facilitator will memorialize in writing the agreement that was reached between the parties. The Title IX Coordinator will monitor adherence to the proposed solution and close the matter when compliance is satisfactory.

The Title IX Coordinator will keep records of all reports and conduct addressed through mediation.

- **Restorative Justice**

A Restorative Justice ("RJ") Conference is a dialogue, facilitated by an employee or contractor with appropriate training, intended to restore relationships and repair harm after a conflict has occurred. Both the responsible party and the individual(s) affected by the conflict come together to identify what harm was caused and, collaboratively, determine how conflict and trust might be, respectively, resolved and repaired.

A party may request to engage in RJ at any stage of the disciplinary process; however, RJ may not be an appropriate mechanism for all conflicts. To qualify for RJ, the student accused of wrongdoing must accept responsibility and express remorse for the harm that was caused. Additionally, all involved parties must agree to and abide by measurable and timely actions within the scope of this Policy and directives. The Title IX Coordinator will review any request for RJ, and may decline to initiate RJ based on the facts and circumstances of the particular case.

In circumstances where the parties do not wish to meet face to face, either party can request Shuttle Diplomacy. This is a crafting of an agreement using the restorative justice framework that does not require parties to participate in an in-person conference with each other. The RJ Facilitator will work with parties individually to create an agreement that both parties can agree to.

The RJ conference proceeds only if all parties agree to participate willingly. The RJ process typically commences within thirty (30) business days after the initial report and receipt of written agreements from all involved parties. The conference will continue until the conference is successfully concluded or until the Title IX Coordinator determines that the conference will not be successful. If successful, an agreeable resolution is reached by all involved parties, at which time the process is concluded, and the matter is resolved. If a resolution cannot be reached, the matter will be referred to the Title IX Coordinator to re-evaluate other options for resolution.

The Title IX Coordinator will monitor the parties' adherence to their proposed solution and reserves the right to close the matter when compliance is satisfactory. The Title IX Coordinator will keep records of all reports and conduct addressed through RJ.

These informal procedures are intended to resolve actual or perceived instances of harassment and discrimination through agreement and mutual understanding between the parties involved without the need for more formal action by the College. That said, the College retains the right to review/revise any draft terms reached through any of these alternative resolutions processes between the parties if necessary to address or prevent a hostile educational environment or to ensure students' access to education.

At the conclusion of any alternative resolution procedure which results in the parties and the Title IX Coordinator or deputy Title IX Coordinator agreeing the charge has been successfully resolved, each party will be asked to sign an acknowledgment that the informal procedure was performed with their agreement and resulted in a resolution of the charge that was satisfactory to her or him.

The details of any conditions agreed to by either party (e.g. counseling, the avoidance of a particular behavior) may be included in this agreement. Signing the acknowledgment form is the final step in the informal resolution process, and is entirely voluntary. There will be no adverse consequences for anyone who declines to participate in the informal resolution procedure or who participates in an informal resolution procedure and then subsequently declines to sign the acknowledgment of resolution. The signed agreement/acknowledgment will be kept in the confidential files of the Office of Student Affairs and available to its Title IX and Deputy Title IX Coordinators.

If either party declines to sign the agreement/acknowledgment, the alternative resolution procedure will be deemed unsuccessful and result in a formal investigation process.

## **F. Time Frames for Resolution**

The College seeks to resolve all reports of violations of this Policy, especially those involving sexual misconduct, within 90 to 120 business days of the issuance of the notice of investigation by the Title IX Coordinator or its designee. A thorough investigation and/or procedurally proper hearing and appeal may necessitate one or more extensions for good cause.

Extension requests will be evaluated and denied or granted by the College's Title IX Coordinator. The College seeks to complete any appeals processes within forty (40) business days. While all time frames expressed in this Policy are not rigid requirements, they are meant to be followed except upon showing of good cause. Circumstances may arise that require the extension of time frames. Failure to resolve a report within these time periods does not, in and of itself, constitute a procedural error. Any such argument of procedural error must also include an explanation as to how the delay materially impacted the outcome of the Formal Grievance Process.

Circumstances that may require the extension of time frames include the complexity of the allegations, the number of witnesses involved, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances. The College will seek, if possible, to continue investigations or scheduling of hearings during breaks, or if the student is on leave or off-campus due to study abroad or other reasons. Due to the time frame expectations for these kinds of cases, the College acknowledges that academic deadlines, and curricular and/or co-curricular commitments may have to be delayed or not met; they do not constitute bases or rationales for delay. As the College recognizes that the investigation and adjudicative processes take precedence over academic deadlines and/or commitments, the College will provide academic accommodations, including reduction of course loads and other accommodations (to the extent possible). The College will not unreasonably deny a student party's request for an extension of a deadline in this Policy related to a complaint during periods of examinations or school closures.

In the event that the investigation and/or resolution processes described in this Policy are anticipated to exceed this time frame, the Title IX Coordinator will notify all parties of the reason for the delay in writing and the expected adjustment in time frames.

Student Respondents will not be eligible to be considered for graduation until the completion of the entire proceedings, including any appeals process. In such circumstances, fair and reasonable efforts will be made to expedite the process, including seeking the cooperation of all parties.

## **G. Reporting Options Outside of the College: State and Federal Enforcement Agencies and the Claremont Police Department**

The College's internal procedures are administrative in nature and are separate and distinct from the criminal and civil legal systems. Pursuing resolution through these procedures does not preclude someone from pursuing legal action now or in the future.

### **1. Reporting Potential Criminal Violations to Claremont Police Department ("CPD")**

In cases involving potential criminal misconduct, individuals are encouraged to file a report with the CPD by calling 911 or contacting CPD directly: 570 West Bonita Avenue, 909-399-5411

The College's procedures and the legal system work independently from one another and the College will proceed with its process, regardless of action or inaction by outside authorities. Decisions made or sanctions imposed through these procedures are not subject to change because criminal or civil charges arising from the same conduct are dismissed, reduced, or rejected in favor of or against the Respondent.

## 2. Compliance with California Education Code Section 67383

In certain circumstances as defined under the California Education Code, the College shall be required to forward information concerning reports of violent crimes, including reports of sexual assaults, to the CPD. The report shall be forwarded to the CPD without identification of the Complainant and Respondent, unless explicit consent is provided by the Complainant allowing for the sharing of personally identifying information.

## 3. Prohibited Sexual Harassment and Discrimination in Employment-Reporting to State and Federal Enforcement Agencies

In addition to the College's internal remedies, employees and students should also be aware that the Federal Equal Employment Opportunity Commission ("EEOC") and the California Department of Fair Employment and Housing ("DFEH") investigate and prosecute complaints of prohibited harassment and discrimination in employment. These agencies may be contacted at the addresses listed below:

## **E. Alternative Resolution**

In some circumstances, where both parties are amenable, the College may permit alternative resolution instead of the hearing process provided in this Policy. Some of the factors that the College may consider when determining eligibility for alternative resolution include the previous history within the College, severity, scope and nature of the alleged policy violations, including whether the conduct alleged is part of a pattern and involves multiple members of the College community. If successful, engagement in any approved form of alternative resolution will not result in a notation on either Party's disciplinary record.

If the Title IX Coordinator or Deputy Coordinator determines that such an alternative resolution process is appropriate under the facts and circumstances of the case, one or more of the following, or similar, methods may be utilized:

- A meeting of the Title IX Coordinator or Deputy Title IX Coordinator, the Complainant, and the Respondent; and/or
- Resolution Agreements by the College between the Complainant and Respondent; and/or
- Mediation

Referral of the case to a mediator who has both legal and/or personnel relations experience. The mediator will discuss the issues with both principals and seek appropriate actions by the principals involved to reach an acceptable resolution. The purpose of mediation is for the parties who are in conflict to identify the implications of a student's actions and, with the assistance of a trained Facilitator, identify points of agreement and appropriate remedies to address them. Either party can request mediation to seek resolution. Mediation will be used only with the consent of both parties, who will be asked not to contact one another during the process. The Title IX Coordinator will also review any request for mediation, and may decline to mediate based on the facts and circumstances of the particular case. Either party has the right to terminate the mediation process and choose or resume another option for resolution at any time. Consistent with California law, the College does not permit mediation, even on a voluntary basis, to resolve allegations of sexual violence (i.e., rape or sexual battery).

The mediation process will typically commence within thirty (30) business days after the initial report is received and both parties have consented to mediation, and will continue until concluded or terminated by either party or the Title IX Coordinator. During mediation, any potential investigation will halt, and calculations for time frames will be paused. If the mediation results in a resolution, the disciplinary process will be concluded and the matter will be closed. If a resolution cannot be reached, the matter will be referred to the Title IX Coordinator to re-evaluate other options for resolution, including initiation of the Investigation and/or Hearing process.

During mediation, a Facilitator will guide a discussion between the parties. In circumstances where the parties do not wish to meet face to face, either party can request "caucus" mediation, and the Facilitator will conduct separate meetings.

Whether or not the parties agree to meet face to face, each party will be permitted to bring to any meetings an Advisor and a Support Person of their choice, who may be, but is not required to be, an attorney.

At the conclusion of the mediation, the Facilitator will memorialize in writing the agreement that was reached between the parties. The Title IX Coordinator will monitor adherence to the proposed solution and close the matter when compliance is satisfactory.

The Title IX Coordinator will keep records of all reports and conduct addressed through mediation.

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A Restorative Justice ("RJ") Conference is a dialogue, facilitated by an employee or contractor with appropriate training, intended to restore relationships and repair harm after a conflict has occurred. Both the responsible party and the individual(s) affected by the conflict come together to identify what harm was caused and, collaboratively, determine how conflict and trust might be, respectively, resolved and repaired.

A party may request to engage in RJ at any stage of the disciplinary process; however, RJ may not be an appropriate mechanism for all conflicts. To qualify for RJ, the student accused of wrongdoing must accept responsibility and express remorse for the harm that was caused. Additionally, all involved parties must agree to and abide by measurable and timely actions within the scope of this Policy and directives. The Title IX Coordinator will review any request for RJ, and may decline to initiate RJ based on the facts and circumstances of the particular case.

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The Title IX Coordinator will monitor the parties' adherence to their proposed solution and reserves the right to close the matter when compliance is satisfactory. The Title IX Coordinator will keep records of all reports and conduct addressed through RJ.

These informal procedures are intended to resolve actual or perceived instances of harassment and discrimination through agreement and mutual understanding between the parties involved without the need for more formal action by the College. That said, the College retains the right to review/revise any draft terms reached through any of these alternative resolutions processes between the parties if necessary to address or prevent a hostile educational environment or to ensure students' access to education.

At the conclusion of any alternative resolution procedure which results in the parties and the Title IX Coordinator or deputy Title IX Coordinator agreeing the charge has been successfully resolved, each party will be asked to sign an acknowledgment that the informal procedure was performed with their agreement and resulted in a resolution of the charge that was satisfactory to her or him.

The details of any conditions agreed to by either party (e.g. counseling, the avoidance of a particular behavior) may be included in this agreement. Signing the acknowledgment form is the final step in the informal resolution process, and is entirely voluntary. There will be no adverse consequences for anyone who declines to participate in the informal resolution procedure or who participates in an informal resolution procedure and then subsequently declines to sign the acknowledgment of resolution. The signed agreement/acknowledgment will be kept in the confidential files of the Office of Student Affairs and available to its Title IX and Deputy Title IX Coordinators.

If either party declines to sign the agreement/acknowledgment, the alternative resolution procedure will be deemed unsuccessful and result in a formal investigation process.

## **F. Time Frames for Resolution**

The College seeks to resolve all reports of violations of this Policy, especially those involving sexual misconduct, within 90 to 120 business days of the issuance of the notice of investigation by the Title IX Coordinator or its designee. A thorough investigation and/or procedurally proper hearing and appeal may necessitate one or more extensions for good cause.

Extension requests will be evaluated and denied or granted by the College's Title IX Coordinator. The College seeks to complete any appeals processes within forty (40) business days. While all time frames expressed in this Policy are not rigid requirements, they are meant to be followed except upon showing of good cause. Circumstances may arise that require the extension of time frames. Failure to resolve a report within these time periods does not, in and of itself, constitute a procedural error. Any such argument of procedural error must also include an explanation as to how the delay materially impacted the outcome of the Formal Grievance Process.

Circumstances that may require the extension of time frames include the complexity of the allegations, the number of witnesses involved, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances. The College will seek, if possible, to continue investigations or scheduling of hearings during breaks, or if the student is on leave or off-campus due to study abroad or other reasons. Due to the time frame expectations for these kinds of cases, the College acknowledges that academic deadlines, and curricular and/or co-curricular commitments may have to be delayed or not met; they do not constitute bases or rationales for delay. As the College recognizes that the investigation and adjudicative processes take precedence over academic deadlines and/or commitments, the College will provide academic accommodations, including reduction of course loads and other accommodations (to the extent possible). The College will not unreasonably deny a student party's request for an extension of a deadline in this Policy related to a complaint during periods of examinations or school closures.

In the event that the investigation and/or resolution processes described in this Policy are anticipated to exceed this time frame, the Title IX Coordinator will notify all parties of the reason for the delay in writing and the expected adjustment in time frames.

Student Respondents will not be eligible to be considered for graduation until the completion of the entire proceedings, including any appeals process. In such circumstances, fair and reasonable efforts will be made to expedite the process, including seeking the cooperation of all parties.

## **G. Reporting Options Outside of the College: State and Federal Enforcement Agencies and the Claremont Police Department**

The College's internal procedures are administrative in nature and are separate and distinct from the criminal and civil legal systems. Pursuing resolution through these procedures does not preclude someone from pursuing legal action now or in the future.

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570 West Bonita Avenue, 909-399-5411

The College's procedures and the legal system work independently from one another and the College will proceed with its process, regardless of action or inaction by outside authorities. Decisions made or sanctions imposed through these procedures are not subject to change because criminal or civil charges arising from the same conduct are dismissed, reduced, or rejected in favor of or against the Respondent.

### **2. Compliance with California Education Code Section 67383**

In certain circumstances as defined under the California Education Code, the College shall be required to forward information concerning reports of violent crimes, including reports of sexual assaults, to the CPD. The report shall be forwarded to the CPD without identification of the Complainant and Respondent, unless explicit consent is provided by the Complainant allowing for the sharing of personally identifying information.

### **3. Prohibited Sexual Harassment and Discrimination in Employment-Reporting to State and Federal Enforcement Agencies**

In addition to the College's internal remedies, employees and students should also be aware that the Federal Equal Employment Opportunity Commission ("EEOC") and the California Department of Fair Employment and Housing ("DFEH") investigate and prosecute complaints of prohibited harassment and discrimination in employment. These agencies may be contacted at the addresses listed below:

#### **EEOC Los Angeles District Office**

255 East Temple Street, 4th Floor Los Angeles, CA 90012  
(213) 894-1000

#### **DFEH Los Angeles Office**

320 West 4th Street, Suite 1000, 10th Fl.

Students also have the right to file a formal complaint with the United States Department of Education:

Office for Civil Rights (OCR)

400 Maryland Avenue, SW Washington, DC 20202-1100

Customer Service Hotline: (800) 421-3481

Facsimile: (202) 245-8392

Email: [OCR@ed.gov](mailto:OCR@ed.gov) or [OCR@ed.gov](mailto:OCR@ed.gov)

Web: <http://www.ed.gov/ocr>

## H. Truthfulness

All participants in an investigation and/or hearing are expected to cooperate fully and provide only truthful statements and responses in all meetings and/or hearings related to these procedures. Individuals may be hesitant to report conduct which they have experienced or witnessed or participate in an investigation and/or hearing because they fear that they themselves may be charged with a policy violation, such as underage drinking at the time of the incident. To encourage truthfulness and reporting, the College pursues a policy of offering Complainants and witnesses limited amnesty from being charged for policy violations related to an alleged incident which is reported in good faith. See the Amnesty Policy for more information about the College's consideration of related alcohol and drug policy violations. While violations other than those covered by the Amnesty Policy cannot be completely overlooked, the College will provide educational rather than punitive responses, in such cases.

## I. Investigation Procedures

When a determination has been made by the Title IX Coordinator to proceed with an investigation, the following steps are initiated by the Title IX Coordinator or Title IX Coordinator's Team designee.

1. Complaints Involving Allegations of Sexual Misconduct, including Sexual Assault Against Student Respondents

### A. Appointment of Investigators

The Title IX Coordinator will select one external investigator, and may select one internal investigator employed by Pomona College, both chosen from a pool of investigators trained in the College's policies and procedures, trauma-informed response, Title IX investigations, and the dynamics of sexual harassment and sexual violence; however, where one of the involved parties is from a different Claremont College, a single external investigator may be selected. The Title IX Coordinator will meet with the parties to review the complaint, related policies, and these procedures.

The Title IX Coordinator will promptly notify the parties of the identity of the Investigator(s). If a party objects to the proposed Investigator's involvement based upon an actual or perceived conflict of interest, the party must provide written notice to the Title IX Coordinator within three (3) business days from the notification explaining the conflict of interest. A conflict of interest occurs where an individual's personal interests or relationships conflict with their ability to be a neutral fact finder in a particular case. For example, if a member has also served as an advisor for a party to a complaint or has a close personal relationship with one of the parties, there may be a conflict

of interest. The Title IX Coordinator will promptly rule on the objection and provide notice to the parties. If a conflict of interest is found, the Title IX Coordinator will expedite selection of another Investigator(s), and shall promptly notify the parties of the selection.

#### B. Appointment of External Adjudicator

In those matters moving forward to investigation and involving a Respondent from the College, the Title IX Coordinator will also select an External Adjudicator who will preside over any hearing of the matter to determine responsibility under this Policy, including (in consultation with the Title IX Coordinator) the determination of sanctions pursuant to Policy's guidelines. The External Adjudicator will also review and evaluate any pre-hearing concerns raised by the parties with respect to improper investigative procedures. The External Adjudicator will be a neutral party from outside of the College, typically a retired civil jurist, experienced attorney or seasoned student conduct administrator experienced in these matters, who is trained and experienced in dispute resolution, Title IX and trauma-informed response to complaints of sexual harassment and sexual violence, the dynamics of sexual misconduct, and the College's policies and procedures, including applicable confidentiality requirements.

The Title IX Coordinator will promptly notify the parties of the identity of the External Adjudicator. If a party objects to the proposed External Adjudicator's involvement based upon a conflict of interest, the party must provide written notice to the Title IX Coordinator within three (3) business days from the notification explaining the conflict of interest. The Title IX Coordinator will promptly rule on the objection and provide notice to the parties. If a conflict of interest is found, the Title IX Coordinator will expedite selection of another External Adjudicator, and shall promptly notify the parties of the selection.

#### C. Expert Consultation(s)

The Investigator and External Adjudicator may consult medical, psychological, forensic, technological or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation and/or before the External Adjudicator during a hearing.

#### D. Investigation Overview

Every complaint alleging sexual misconduct, discrimination and/or harassment that the College submits to an Investigator will be investigated promptly and thoroughly. In conducting an investigation, the Investigators will be particularly sensitive to concerns regarding retaliation relating to an individual's participation in the process as a party or witness. The Investigators will conduct interviews as needed with all appropriate individuals, including the Complainant and Respondent, and will gather any pertinent evidentiary materials.

The Investigator will prepare a written summary of each interview and send the same to the witness or party for a review of accuracy. Unless the individual requests additional time, the written summary will be deemed accurate if the individual does not provide feedback on the written summary within two (2) business days of the Investigator emailing it to the individual.

After concluding their investigation, the Investigators will draft an Investigation Report summarizing witnesses interviewed, evidentiary materials gathered, and conclusions concerning any violations of College policy. The Investigation Report shall identify the evidence considered material to the Investigators' recommendation that the case should or should not move forward to a hearing and will provide explanation of the Investigators' characterization of evidence for purposes of reaching their conclusion. Depending on the complexity of an

investigation, the number of claims and witnesses, the timeframe for completion of an investigation may vary; however, the College anticipates that the Investigators will normally complete their investigation and deliver the Investigation Report to the Title IX Coordinator within 30-60 business days.

The Investigators will then provide their report to the Title IX Coordinator. The Title IX Coordinator will review the report to determine if there is sufficient information for the College to believe that it is more likely than not that a College policy violation occurred. The Title IX Coordinator may refer back to the Investigators any questions that the Title IX Coordinator has concerning the report's contents or conclusions. After the Investigators successfully answer or resolve the Title IX Coordinator's questions or concerns, if any, and the Title IX Coordinator has completed its review, the Title IX Coordinator will either: (1) prepare a Statement of Alleged Policy Violations which will summarize why the College believes it is more likely than not that the alleged conduct did occur and that the Respondent is responsible for violating College policy; or (2) will prepare a Results Notification Memorandum which will summarize why the College believes it is more likely than not that the alleged conduct did not occur and that the Respondent is not responsible for violating College policy.

#### E. Post-Investigation Meetings with Parties

The Title IX Coordinator will then meet with the Complainant and Respondent, separately, to discuss the content of the Statement of Alleged Policy Violations or the Results Notification Memorandum and to provide them with copies of the document along with copies of the Investigators' report. To protect the integrity of the College's various investigatory and/or hearing processes, these documents shall be kept confidential by the parties involved and not shared with witnesses or persons not involved in the matter. However, Complainants and Respondents are not prohibited from sharing these documents with family, counsel, or a support person/advisor. Neither the Complainant nor the Respondent are required to meet with the Title IX Coordinator, and may decline to do so.

#### F. Response by the Parties to the Statement of Alleged Policy Violation or Results Notification Memorandum and Review by External Adjudicator

After meeting with the Title IX Coordinator to review the conclusions of the investigation, and/or after receiving either the Statement of Alleged Policy Violation or Results Notification Memorandum, each party may submit a written response to the Title IX Coordinator for review by the External Adjudicator. Such written responses, if any, must be submitted within seven (7) business days after receipt of either the Statement of Alleged Policy Violation or Results Notification Memorandum. Exceptions to the seven-day period will be limited and rare.

Through this written response, either party may request the External Adjudicator to overturn the determination of the Title IX Coordinator's assessment based on improper investigative procedures and/or the discovery of new evidence that was not reasonably available at the time of the investigation interviews. Any party asserting improper investigative procedures should outline additional steps that party believes are necessary for a proper investigation, including:

- Posing any follow-up issues or questions for any witness, the Complainant or Respondent;
- Requesting a follow-up interview with the Investigators to clarify or provide any additional information that such party believes is relevant to the investigation or to seek clarification from the Investigator on aspects of the Investigation Report;

Any party asserting new evidence should clearly identify that evidence, including:

- Identifying any new witnesses who should be interviewed (including a description of what topics/issues the witness should be asked to address and why this is necessary for the investigation); and
- Explaining any additional new evidentiary materials that should be collected and reviewed to the extent that such items are reasonably available (e.g., emails, text messages, social media postings, etc.), understanding that the Investigator lacks the power to subpoena evidence.

Any response to the Statement of Alleged Policy Violations or the Results Notification Memorandum and/or Investigation Report shall not exceed 5,000 words (approximately 20 pages, double-spaced). The Title IX Coordinator will also ensure that each of the parties will receive any response submitted by the other party. Late submissions will not be accepted.

The External Adjudicator has seven (7) business days to review these submitted responses and related documents and make a determination of whether there were improper investigative procedures and/or whether there is new evidence, as defined in this section of the Policy, that should be admitted for purposes of the hearing. In the event the External Adjudicator makes a determination of either improper investigative procedures or the existence of new, necessary evidence, the External Adjudicator shall direct that the appropriate additional steps be taken in response. The decision of the External Adjudicator under this provision may not be appealed, and any further appeals by either party may not be based on the ground of improper investigative procedures.

#### G. Respondent Takes Responsibility: Overview

If the Respondent takes responsibility, then the Title IX Coordinator will forward the documents to the External Adjudicator for a determination of sanctions. The External Adjudicator will determine sanctions in consultation with the Title IX Coordinator and in conformity with this Policy. The Complainant will be informed of the Respondent's decision to take responsibility, and has the opportunity to submit an Impact Statement for consideration by the External Adjudicator. Similarly, the Respondent has the opportunity to submit a Mitigation Statement following their decision to take responsibility for the violation(s). The Impact and Mitigation Statements, each no longer than 1,500 words, must be submitted within three (3) business days.

The Title IX Coordinator will ensure that each of the parties has an opportunity to review any statement submitted by the other party, and within three (3) business days, submit any further statement, no longer than 1,500 words.

All submissions should be sent to the Title IX Coordinator. The Title IX Coordinator will provide any statement(s) to the External Adjudicator. The External Adjudicator will then have ten (10) business days to reach a determination of sanctions.

#### H. Appeal of Results Notification Memorandum

In response to a Results Notification Memorandum, the Complainant may appeal the Title IX Investigators' determination to the External Adjudicator. Any written response to the Results Notification Memorandum will be forwarded by the Title IX Coordinator to the External Adjudicator for review and analysis, along with the Investigation Report and supporting evidence. As above, the External Adjudicator has seven (7) business days to review these documents and make any of the following decisions: (i) determine that the complaint should proceed to hearing; (ii) send the case back to Title IX Coordinator for further investigation; or (iii) review and reject claims of improper investigative procedure/new evidence. The decision of the External Adjudicator may not be appealed, and any further appeals by either party may not be based on the ground of improper investigative procedures.

# 42-Hearing-Procedures-Involving-Student-Respondents [Handbook]

## V. HEARING PROCEDURES INVOLVING STUDENT RESPONDENTS

### A. Hearings Before External Adjudicator: Overview

The External Adjudicator shall hear all claims of sexual misconduct, harassment, and discrimination involving student Respondents pursuant to the procedures set forth in this Policy. The External Adjudicator will determine responsibility and decide sanctions, if appropriate, after a finding of responsibility. In cases brought under the Policy, the evidentiary standard of preponderance of evidence will be used for the sexual misconduct-related violations. In addition, if a student Respondent admits responsibility, the External Adjudicator will decide sanctions. In matters involving alleged violations for which a student Respondent has accepted responsibility, in addition to alleged violations that are proceeding to a hearing, the External Adjudicator will delay making all sanction recommendations until reaching a determination as to responsibility for the alleged violations proceeding to hearing.

### B. Role of Title IX Coordinator

The Title IX Coordinator will refer the written complaint, if any, the Statement of Alleged Policy Violations, the Investigation Report, and the response, if any, to the External Adjudicator. The External Adjudicator is supported by the Title IX Coordinator, who will be present during the hearing, to serve as a resource for the External Adjudicator on issues of policy and procedure, and to see that policy and procedure are appropriately followed throughout the hearing. In that role, the Title IX Coordinator may request that the College's legal counsel be present during any meeting or hearing. If the External Adjudicator determines, by a preponderance of the evidence, that the Respondent has violated the Policy, the External Adjudicator, in consultation with the Title IX Coordinator, will determine the appropriate sanction.

### C. Scope of Hearing

The External Adjudicator may only find responsibility for claims or supporting allegations that appear on the Statement of Alleged Policy Violations prepared by the Title IX Coordinator. In cases involving complaints against students where related complaints are submitted to the Title IX Coordinator and the Dean of Students Office pursuant to the Student Code, the investigation and/or hearing of both the sexual misconduct, harassment and/or discrimination complaint and the Student Code violation(s) will be decided by the External Adjudicator, as discussed herein.

### D. Hearing Protocols

#### 1. Timing

The External Adjudicator will conduct a prompt, thorough, and unbiased hearing. Hearings will be held as soon as practicable, normally within two-to-four weeks of circulation of the SAPV/RNM and Investigation Report, including between semesters subject to the availability of witnesses, etc. The parties will receive notice of any delay of convening a hearing.

## **2. Review and Consideration of Evidence**

The External Adjudicator will base its determination whether behavior constitutes sexual misconduct, harassment, and/or discrimination under this Policy on the evidence presented. With respect to other violations of the Student Code, the External Adjudicator will consult with the student dean advising the Judicial Council. The External Adjudicator will invite the Complainant and Respondent to appear before it, and will hear and question witnesses, if there are any. The Complainant and Respondent may be present at the hearing if they choose or they may choose to participate in the hearing remotely. However, neither party shall be allowed to directly question or cross-examine the other or any witness during the hearing. Five (5) business days prior to the hearing, questions, if any, shall be submitted to the External Adjudicator by both parties in writing, who will then decide whether those questions are relevant to the matter and in compliance with Title IX requirements; this does not preclude either party from submitting additional written questions during the hearing for the External Adjudicator's consideration. Questions submitted by either party will not be shared with the other party.

In addition, ten (10) business days prior to the hearing, the parties shall, for the External Adjudicator's consideration, provide the names of any material witnesses, if any, they suggest be called and a summary of information each witness would provide through his/her testimony. (Character witnesses are not permitted.) Names of witnesses provided by the Complainant/Respondent will be shared with the other party. Further, the Complainant shall be offered the opportunity to participate in the hearing without being in the presence of the Respondent, or accommodations can be made so the Complainant may participate in the hearing without facing the Respondent. The External Adjudicator will conduct a hearing and will review whatever information it deems necessary to assist it in reaching a determination as to the merits of the charge, including information obtained by the Investigators during the investigation. The parties and witnesses will address only the hearing officer, and not each other. Only the hearing officer may question witnesses and parties. The External Adjudicator will prohibit questions of either party or any witness that are repetitive, irrelevant or harassing. Parties are allowed to note, in writing only, any objections to questions posed at the hearing: they will do so by keeping a running written record of any objections during the hearing, and they may not object to questions by speaking. Only at the conclusion of the hearing will parties provide the record of their objections, if any, to the hearing officer, for inclusion in the record. Although courtroom rules of evidence and procedure will not apply, the hearing will be conducted in a respectful manner that promotes fairness and accurate factfinding.

The Title IX Coordinator will request the attendance of all the witnesses whose testimony the External Adjudicator has determined was within the hearing scope. The Title IX Coordinator will coordinate to have the investigator present at the hearing for questions regarding the investigation and the investigation Report.

The College cannot compel parties or witnesses (with the exception of the Investigator) to testify in the hearing. Any witnesses' decision not to participate will not be a reason to cancel or postpone a hearing. In cases where the credibility of a witness is not significant to the determination of a particular disputed issue and that witness does not appear at the hearing, the External Adjudicator may determine what weight to give to their statements from the investigation report. All witnesses other than the parties will attend the hearing only for their own testimony.

The parties are expected not to spend time on undisputed facts or evidence that would be duplicative.

### 3. Review and Consideration of "New" Evidence

If the External Adjudicator determines that "new" evidence that did not come to light during the investigation has been presented during the hearing, the External Adjudicator may adjourn the hearing for a period that the External Adjudicator deems appropriate to enable the Complainant and/or Respondent to respond to such evidence. Evidence is considered "new" only if the External Adjudicator finds the evidence is relevant and important and could not with a reasonable effort have been discovered earlier by the party and provided to the investigator.

### 4. Privacy of Proceedings

The hearings will be closed, except to the Complainant and the Respondent, their respective advisor/support person and their respective Case Manager. The advisor/support person may consult with the party during the hearing but may not address the External Adjudicator. Once the hearings have ended and the process of deliberation has begun, the meeting will be closed to all but the External Adjudicator, the Title IX Coordinator, and the College's legal counsel (as appropriate).

### 5. Impact and Mitigation Statements

Within two (2) business days of the close of the hearing, either party may submit a separate Impact or Mitigation statement, no longer than 1,500 words, that will only be read and considered by the External Adjudicator upon a finding of responsibility. These statements should be sent to the Title IX Coordinator, who will forward the submissions to the External Adjudicator upon a finding a responsibility. Upon a finding of responsibility, the Title IX Coordinator will also ensure that each of the parties will receive any statement submitted by the other party.

The Impact Statement is a written statement describing the impact of the Respondent's conduct on the Complainant and expressing a preference about the sanction(s) to be imposed. The Mitigation Statement is a written statement explaining any factors that the Respondent believes should mitigate or otherwise be considered in determining the sanctions(s) imposed.

### 6. Decisions by External Adjudicator

Decisions of the External Adjudicator following the hearing will be limited to the following issues: (i) whether a violation of this Policy has occurred; and (ii) upon a finding of responsibility, an appropriate sanction. As soon as a decision on the case is reached, it will be summarized in a writing containing factual findings and the basis for the conclusion, prepared by the External Adjudicator within 10 business days of the hearing.

### 7. Determination of Sanctions by External Adjudicator

The External Adjudicator, upon a finding of responsibility, shall determine sanctions for student Respondents. The sanctions may include remedial or corrective actions as warranted (including, but not limited to, extension of or expansion or any interim measures already in place). In general:

- Expulsion is the expected sanction for any student who is determined to have committed sexual assault involving sexual penetration and force and/or incapacity.
- Any determination of responsibility for committing sexual assault involving sexual penetration without force or incapacitation may result in a sanction ranging from suspension of no less than one-year or the Complainant's remaining tenure on campus (whichever is longer) to expulsion

- Any determination of responsibility for committing sexual assault involving sexual contact may result in a sanction ranging from conduct probation up to expulsion.
- Any determination of responsibility for engaging in any other prohibited form of conduct may result in a sanction ranging from conduct warning to expulsion.

The External Adjudicator will not deviate from the range of recommended outcomes unless compelling justification exists to do so. The External Adjudicator may issue a single sanction or a combination of sanctions. In considering the appropriate sanction within the recommended outcomes, the External Adjudicator will consider the following factors:

1. the impact of the conduct on the Complainant;
2. the impact of the conduct on the community, its members, or its property;
3. the Respondent's prior discipline history;
4. how the College has sanctioned similar incidents in the past;
5. the nature and violence of the conduct at issue;
6. whether the Respondent has accepted responsibility;
7. whether the Respondent is reasonably likely to engage in the conduct in the future based on pattern and practice evidence heard and considered by the investigator and/or External Adjudicator;
8. the need to deter similar conduct by others; and
9. any other mitigating or aggravating circumstances, including the College's values.

Absent compelling justifications, if the Respondent has previously been found responsible under College policy to have engaged in the same or similar conduct in the past, the sanction will be expulsion.

The following list of sanctions is illustrative rather than exhaustive, and the College reserves the right to impose other reasonable sanctions or to combine sanctions as it deems appropriate:

- **Conduct Warning**—A written notification that a violation of the Student Code occurred and that any further responsible finding of misconduct may result in more severe disciplinary action. Warnings are typically recorded for internal purposes only and are not considered part of a student's permanent student conduct record. Though disclosed with a student's signed consent, a student who receives a warning is still considered in good standing at the College.
- **Conduct Probation**—A written notification that indicates a serious and active response to a violation of the Student Code. Probation is for a designated period of time and includes the probability of more severe sanctions, if found responsible for additional violations of the Student Code, including suspension or expulsion from the College. Notification of probation is considered a change in status and will normally be sent to parents. Probation may also include restrictions from certain activities, such as registered parties, or all activities with alcohol.
- **Loss of Privileges**—Denial of the use of certain College facilities or the right to participate in certain activities or to exercise certain privileges for a designated period of time.
- **Residential Relocation or Suspension from Housing**—Relocation is the reassignment of a student from one living space to another. Residential Suspension is the removal of a student from on-campus housing. Relocation and Residential Suspension are typically accompanied by the loss of privileges regarding the visitation to specific residential areas for a specified period of time. The College may take such action for remedial, rather than disciplinary purposes. These actions may also be part of interim measures.

- **Educational Requirements/Referrals**—The College reserves the right to impose counseling or substance assessments or other required educational sanctions.
- **College Suspension**—The separation of a student from the College for a specified period of time, after which the student is eligible to return. Conditions for re-enrollment may be required and will be included in the notification of suspension. During the period of suspension, the student may not participate in College academic, co-curricular, or extra-curricular activities; may be banned from all property owned or operated by the College, as well as the other Claremont Colleges. Students who are suspended may not be on campus without specific, written permission of the Dean of Students or designee. Suspension is for a designated period of time and includes the probability of more severe sanctions, including expulsion, if found responsible for violations of the Student Code. Notification of suspension will normally be sent to parents, as it results in a change of status.
- **Expulsion**—Expulsion is the permanent separation of the student from the College. Students who have been expelled may not be on campus without specific, written permission from the dean of students or designee. Notification of expulsion will normally be sent to parents, as it results in a change of status.

#### 8. Other Remedial Decisions by External Adjudicator

The External Adjudicator should also consider other remedial actions that may be taken to address and resolve any incident of discrimination or harassment and to prevent the recurrence of any discrimination, including strategies to protect the Complainant and any witnesses from retaliation; provide counseling for the Complainant; other steps to address any impact on the Complainant, any witnesses, and the broader student body; and any other necessary steps reasonably calculated to prevent future occurrences of harassment.

#### 9. Transmission of External Adjudicator's Decision and Report

In the case of student Respondents, the External Adjudicator will communicate their decision and hearing report in writing to the Title IX Coordinator within 10 business days. The External Adjudicator and Title IX Coordinator may communicate during this period if there are any outstanding issues that require clarification or explication. Once the decision and report by the External Adjudicator is received by the Title IX Coordinator, the Title IX Coordinator will inform each of the parties simultaneously and provide in writing the decision and hearing report. The Complainant's copy of the decision, report and details of the sanction(s) imposed on the Respondent, if any, may be limited in the copy of the External Adjudicator's report given to Complainant due to Respondent's FERPA or other applicable privacy rights. A copy of the decision and report will also be provided to the Vice President for Student Affairs/Dean of Students who will also enter the decision into the Respondent's record and will be placed in permanent confidential records in the Dean of Students office and available to the Title IX Coordinator and External Adjudicators.

The sanction(s) imposed will be implemented immediately and will be in effect pending the outcome of any appeal.

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# 43-Appeal-Procedures-Involving-Student-Respondents [Handbook]

## VI. APPEAL PROCEDURES INVOLVING STUDENT RESPONDENTS

Either party may appeal the determination of responsibility or sanction(s) by the External Adjudicator in writing to the Vice President for Student Affairs/Dean of Students or its designee. The appeal must be filed within 10 business days of receiving the written notice of outcome.

Dissatisfaction with the outcome of the hearing is not grounds for appeal. The limited grounds for appeal are as follows:

### A. Improper Hearing Procedure.

The party may appeal if the procedures outlined in the Policy are violated. The Vice President/Dean of Students shall consider:

1. Whether provisions of the Policy were violated in such a clear manner as to deny the appealing party consideration of the party's position during the hearing; and
2. Consideration of the party's position would have led to a different finding concerning the alleged violation of the Policy.

### B. New Evidence.

During the standard hearing process, sufficient time is allowed to gather all available evidence. However, in extraordinary circumstances a party may appeal if new evidence becomes available. The Vice President/Dean of Students shall consider:

1. Whether the evidence was genuinely unavailable and could not have been made available through the appellant's diligent efforts at the time of the original hearing; and
2. Whether the evidence would have led to a different conclusion had it been available.

### C. Sanctions.

The sanctions imposed were grossly disproportionate to the violation committed.

Requests for appeal and responses to the same shall not exceed 5,000 words (approximately 20 pages double-spaced). Non-conforming submissions will not be considered beyond the first 20 pages. Late submissions will not be accepted. The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for the appeal. Upon receipt of an appeal, the Vice President/Dean of Students will notify and provide a copy of the appeal to the other party. That party shall then have an opportunity to respond in writing to the appeal; any response must be submitted within five (5) business days from receipt of the appeal.

The appeal consideration will be conducted in an impartial manner by the Vice President/Dean of Students. In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The appeal is not a new review of the underlying matter.

The Vice President/Dean of Students shall consider the merits of an appeal only on the basis of the three (3) grounds for appeal and supporting information provided in the written request for appeal and the record of the original hearing. The Vice President/Dean of Students can affirm the original findings, alter the findings, and/or alter the sanctions, depending on the basis of the requested appeal.

If the appeal is granted based on procedural error(s) that materially affected the outcome of the hearing, the Vice President/Dean of Students will return the case to the External Adjudicator for additional review or forward the case for a new hearing, which may be heard by an alternate External Adjudicator if the Dean of Students finds that to be appropriate.

In the case of new and relevant information, the Vice President/Dean of Students can recommend that the case be returned to the original adjudicator to assess the weight and effect of the new information and render a determination after considering the new facts.

Absent extenuating circumstances, the Vice President/Dean of Students will simultaneously and in writing communicate the result of the appeal to the Complainant and Respondent within 20 business days from the date of the submission of all appeal documents by both parties. Appeal decisions are final.

The parties will receive notice of any delay of written notice of any appeal decision. Any sanctions imposed shall remain in effect while the appeal is being considered. In cases where the appeal results in reinstatement to the College or of privileges, all reasonable attempts will be made to restore the individual to their prior status, recognizing that some opportunities lost may be irretrievable.

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## 44-Special-Provisions [Handbook]

### VII. SPECIAL PROVISIONS

#### A. Attempted Violations

In most circumstances, the College will treat attempted conduct as if that conduct had been completed.

#### B. Alcohol and Substance Use

The use of alcohol or other drugs will never function as a defense for any behavior that violates College policy.

#### C. Past Sexual History

The past sexual history of a party will generally not be admissible by the other party in an investigation or hearing unless such information is determined to be highly relevant by the Title IX Coordinator. For example, the investigator or External Adjudicator will not consider the existence of a dating relationship or prior or subsequent consensual sexual relations between the complainant and the respondent unless the evidence is relevant to how the parties communicated consent in prior or subsequent consensual sexual relations. In addition, the investigator

or External Adjudicator will not consider prior or subsequent sexual history between the complainant and anyone other than the respondent for any reason unless directly relevant to prove that physical injuries alleged to have been inflicted by the Respondent were inflicted by another individual. The mere fact that the Complainant and Respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual. Before permitting consideration of this type of evidence, an investigator or External Adjudicator officer will provide a written explanation to the parties as to why consideration of the evidence is consistent with this clause.

If the party believes the past sexual history of the other party is relevant to the investigation and/or hearing they must submit a written request to the Title IX Coordinator explaining the nature of the information and why the information is relevant to the investigation and/or hearing. The External Adjudicator, in consultation with the Title IX Coordinator, will review the request and render a decision.

## **D. Respondent's Prior Conduct History**

Generally, any previous College policy violation(s) by the Respondent are generally not admissible as information about the present allegation. However, the Title IX Coordinator may supply information about previous behavior and/or complaints to the Investigator(s) or the External Adjudicator if:

1. The Respondent was previously found to be responsible for a similar violation; or
2. The information indicates a pattern of behavior by the Respondent and substantial conformity with the present allegation.

A Respondent's prior conduct will be taken into consideration by the External Adjudicator or appropriate vice president (when applicable) when determining what sanction(s) to recommend or impose. See the section on Sanctions.

## **E. Recording of Proceedings**

The College will audio record the hearing, but will not record any related deliberations by the External Adjudicator. The College will maintain a copy of that recording and will provide the parties with access to a copy of a transcript of that recording, upon request. The recording and any related transcript are subject to the same protections as other documents related to the hearing and may not be shared or disclosed outside of the parties and their support persons. The parties and any support persons present are not permitted to record the proceedings under any circumstances.

## **F. Record Retention**

The Title IX Coordinator will review and retain copies of all reports generated as result of investigations. These records will be kept confidential to the extent permitted by law. Records of investigations and hearings are maintained by the College for seven (7) years as indicated below. If the Respondent is a student, the records will be maintained for seven (7) years past the student's graduation or if the student leaves the College before graduation, for seven (7) years past their original expected graduation date.

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# 45-Rights-of-Parties-Involved-in-a-Proceeding-Under-These-Policies [Handbook]

## VIII. RIGHTS OF PARTIES INVOLVED IN A PROCEEDING UNDER THESE POLICIES

### A. Complainants are afforded the following rights:

1. To be treated with respect, dignity, and sensitivity throughout the process.
2. To be advised and informed of the support services available from the College, including, but not limited to, the Case Manager, and those provided by the Project Sister rape crisis counselor, Monsour Counseling and Psychological Services.
  1. For student Complainants, to confidentiality and protection under the Family Education Rights and Privacy Act (FERPA). For all Complainants, the College will make all reasonable efforts to ensure the preservation of privacy, restricting access to information to those with a legitimate need to know.
3. To be informed of the College's Policy and procedures related to discrimination, harassment, and sexual misconduct.
4. To a prompt and thorough investigation of the allegation(s).
5. To challenge the appointment of the Investigator(s) or the External Adjudicator if a conflict of interest is present.
6. To participate or decline to participate in the process related to a discrimination, harassment, and/or sexual misconduct complaint with the understanding that the process may continue without their involvement and that the Investigator and/or External Adjudicator will determine an outcome with the information available to it.
7. To appeal the decisions and/or sanctions made pursuant to this Policy.
8. To be notified, in writing, of the case resolution – including the outcome of any appeal.
9. To report the incident to law enforcement or civil authorities if one wishes to do so.
10. To understand that information collected in this process may/could be subpoenaed for a criminal or civil proceeding.
11. To have a support person/advisor.
12. To have a Case Manager.

### B. Respondents are afforded the following rights:

1. To be treated with respect, dignity, and sensitivity throughout the process.
2. To seek support services through the College, including, but not limited to, the Case Manager and those through Monsour Counseling and Psychological Services.
  1. For student Respondents, to confidentiality and protection under the Family Education Rights and Privacy Act (FERPA). For all Respondents, the College will make all reasonable efforts to ensure the preservation of privacy, restricting access to information to those with a legitimate need to know.

3. To be informed of the College's Policy and procedures related to discrimination, harassment, and sexual misconduct.
4. To a prompt and thorough investigation of the allegation(s).
5. To challenge the appointment of the Investigator(s) or the External Adjudicator if a conflict of interest is present
6. To participate or decline to participate in the review procedure, with the understanding that the process will continue regardless and the Investigator and/or External Adjudicator will determine an outcome with the information available to it.
7. To appeal the decision and/or sanctions made pursuant to this Policy.
8. To be notified, in writing, of the case resolution – including the outcome of the appeal.
9. To understand that information collected in this process may be subpoenaed in criminal or civil proceedings.
10. To have a support person/advisor, who may be an attorney.
11. To consult with an attorney, at their own expense, at any stage of the process if they wish to do so
12. To have a Case Manager.

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## 46-The-Colleges-External-Reporting-Obligations [Handbook]

### IX. THE COLLEGE'S EXTERNAL REPORTING OBLIGATIONS

#### A. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ( the "Clery Act")

1. Statistical Reporting:
  - Certain College officials have a duty to report certain misconduct for federal statistical reporting purposes. All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include: student/conduct affairs, campus law enforcement, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.
2. Timely Warning:
  - Complainants should also be aware that College administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. For purposes of the Timely Warning requirement, the College will

not disclose a Complainant's name. However, the College will provide enough information for community members to make safety decisions in light of the danger. The reporters for timely warning purposes are exactly the same as detailed in the paragraph above.

## **B. FERPA**

The outcome of a campus hearing is part of the educational record of the Respondent, if they are a student, and the employee record if they are a faculty or staff member. The educational records of students are protected from release under a federal law, FERPA. The College complies with FERPA regulations regarding the privacy of student records and observes the following exceptions to FERPA as mandated by the Clery Act:

- The Complainant(s) in a non-consensual sexual contact/intercourse incident have the right to be informed of the finding, and sanction(s) of the investigation or hearing, in writing, except that any documents prepared for or as a result of any investigation and/or hearing shall remain protected from re-disclosure.
- The Complainant(s) in sexual exploitation, sexual harassment, stalking, relationship violence and any other gender-based offense have the right to be informed of the finding, in writing, and to be informed of any sanction(s) that directly relate to them, and to essential facts supporting the outcome when the outcome is "responsible" (and the underlying offense is a crime of violence as defined below and in 34 C.F.R. 99.39) and/or it is equitable to share the essential findings with all parties.
- The College may release publicly the name, nature of the violation and the sanction(s) for any student who is found in violation of a College policy that is a "crime of violence," including: arson, burglary, robbery, criminal homicide, sex offenses, assault, intimidation (which may encompass stalking and/or bullying), hazing, destruction/damage/vandalism of property and kidnapping/abduction. The College will release this information to the Complainant in any of these offenses regardless of the outcome.

New Title IX guidelines are published on the Title IX and CARES website and can be found [here](#).

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# **47-Sexual-Misconduct-Prevention-and-Risk-Reduction [Handbook]**

## **X. SEXUAL MISCONDUCT PREVENTION AND RISK REDUCTION**

### **A. Prevention:**

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner and yourself. These suggestions may help you avoid committing a nonconsensual sexual act and reduce your risk of being accused of sexual misconduct:

1. Clearly communicate your intentions to your sexual partner and give them a chance to clearly communicate their intentions to you.
2. Understand and respect personal boundaries. Do not pressure a potential partner.

3. DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity, then you DO NOT have consent and you should stop.
4. If you think you are receiving unclear or conflicting messages from your partner, this is a clear indication that you should stop, defuse any sexual tension and communicate better.
5. Don't take advantage of someone's drunkenness, drugged, or otherwise incapacitated state, even if they did it to themselves.
6. Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
7. Understand that consent to some form of sexual behavior does not automatically equal consent to any other form of sexual behavior.
8. Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language. If you are not sure, stop.

## **B. Risk Reduction**

Risk reduction tips can, unintentionally, take victim-blaming tone. With no intention to victim-blame, and with recognition that only those who commit sexual violence are responsible for such conduct, these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act.

1. If you have sexual limits, make them known as early as possible.
2. If you do not want to engage in a particular activity, tell the other person "NO" clearly and firmly.
3. Try to remove yourself from the physical presence of a sexual aggressor, if you can do so safely.
4. If someone is nearby, ask for help or if it is safe to do so, text or call someone.
5. Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
6. Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to enter a dangerous situation. Respect them when they do.

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# **48-Appendix-A-Overview-of-Initial-Review-Checklist [Handbook]**

## **APPENDIX A: Overview of Initial Review Checklist**

During the investigation/adjudication of a sexual misconduct report, the Title IX Coordinator or its designee(s) will:

- assess the nature and circumstances of the allegation;
- address immediate physical safety and emotional well-being of the Complainant and the College community;
- discuss with the Complainant the range of interim measures and remedies, including options for no-contact orders, changes in living, academic, transportation, working situations;

- provide the Complainant with information about on- and off-campus resources, including the College-appointed support options, and visa and immigration assistance, as appropriate;
- provide information about their student financial aid options, as appropriate;
- obtain the Complainant's expressed preference for the manner of resolution and assess any barriers to proceeding;
- provide the Complainant with an explanation of the anticipated time frames for the resolution process if the Complainant wished to move to an investigation;
- provide the Complainant with an explanation of the limitations on the College's response should the Complainant choose to remain anonymous;
- provide information about a sexual assault and harassment policy Case Manager and information about an adviser of their choice, including legal counsel;
- determine if concerns exist for discrimination or harassment based on other protected classes;
- explain the College's policies for confidentiality and prohibiting retaliation, as described in the Policy and provide a writing explaining confidentiality;
- explain the difference between confidential and non-confidential resources;
- assess the reported conduct for the need for a timely warning notice under federal law;
- determine if pattern of evidence or other similar conduct by Respondent exists;
- determine if any issues of academic freedom exist, which may be reviewed by the Dean of the College or designee;
- submit non-identifying information about the report to Campus Safety for entry into the College's daily crime log if the report includes a Clery-reportable crime;
- provide the Complainant with a written explanation of the Complainant's rights and options as set forth in this Policy, including, but not limited to:
  - the right to report, or decline to report, the incident to law enforcement if the conduct is potentially criminal in nature. The College is available to assist in this process;
  - the right to obtain a "no-contact" order from the College, or local authorities;
  - the right and importance of seeking medical treatment to address physical health and to preserve evidence;
  - the right to file a complaint through the applicable internal complaint resolution process;
  - the right to receive an explanation of the internal complaint resolution process and the preponderance of the evidence standard of proof used to resolve the complaint ("more likely than not");
  - the right to be provided a prompt, fair, and impartial investigation and resolution; and the right to receive an explanation of the possible sanctions against Respondents.
- provide the Respondent with a written explanation of the Respondent's rights and options as set forth in this Policy, including, but not limited to:
  - the right to participate, or decline to participate, in any investigation and hearing;
  - discuss with the Respondent the range of interim measures and remedies, including options for no- contact orders, changes in living, academic, transportation, working situations;
  - provide the Respondent with information about on- and off-campus resources, including the College- appointed support options, and visa and immigration assistance, as appropriate;

- the right to receive an explanation of the internal complaint resolution process and the preponderance of the evidence standard of proof used to resolve the complaint ("more likely than not")
- the right to be provided a prompt, fair, and impartial investigation and resolution; and the right to receive an explanation of the possible sanctions against Respondents

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## Associated Students of Pomona College (ASPC)

The Associated Students of Pomona College enables effective student participation in the shared governance of the College, to serve as the representative voice of the students, and to provide a governance structure for the students of Pomona College. The ASPC has four main functions as the official student government of Pomona College: advocacy, providing useful services, supporting student clubs and organizations, and programming. ASPC is responsible for coordinating student activities and allocating funds collected by the assessment of Associated Students fees. Through the Senate, ASPC represents students to administrators and faculty by serving on committees and making recommendations on major issues or policies. Additionally ASPC serves as a forum for students to voice concerns and facilitates student participation in the surrounding community. Weekly Senate meetings are open to all members of the student body to address issues of concern. Learn more about ASPC at <https://pomonastudents.org/>

### Senate

The Senate shall be composed of 15 members, and shall be referred to as "Senators" from here on. Nine Senators shall be elected at-large: the President, the Vice President of Finance, the Vice President of Student Affairs, the Vice President of Academic Affairs, and the Commissioners of Equity and Inclusion, Facilities and Environment, Wellness, Athletics, and Campus Events. The other six Senators shall be elected by a more limited constituency: a Senior Class President, a Junior Class President, a Sophomore Class President, a First Year Class President, a South Campus Representative, and a North Campus Representative. The President, three Vice Presidents, Junior and Senior Class Presidents, and Commissioners are elected in the spring for the following year and the others are elected in the fall. All serve a one-year term.

### ASPC Senate Positions

#### President

1. The President shall lead the ASPC in serving students and achieving its mission as outlined in Article 2 Section 1 of the ASPC Constitution;
2. The President shall serve as the chief executive officer, and provide strategic direction to ensure the health and well being of the ASPC and the student body which it represents;
3. The President shall serve as the chief representative of the student body to the Pomona College administration, Alumni Association Board, the 5C President's Council, the Claremont Consortium, and all external actors;
4. The President shall chair the Senate;
5. The President shall serve as the co-vice chair and voting member of the Student Affairs Committee of the Board of Trustees, and lead the student delegation to the Board of Trustees;

6. The President shall serve on the student delegation to the Student Affairs Committee;
7. The President shall be an ex-officio member of all ASPC committees and sub-groups;
8. The President shall provide support to the Executive Council.

## **Vice President, Finance**

1. The Vice President of Finance shall serve as the chief financial officer, and oversee administrative and operational functions of the ASPC;
2. The Vice President shall serve as a voting member of the Finance Committee of the Board of Trustees;
3. The Vice President shall meet regularly with the college Vice President and Treasurer;
4. The Vice President shall coordinate with the Assistant Director of the Smith Campus Center to hold annual meetings for club leaders at the beginning of the fall semester and during the spring semester;
5. The Vice President shall chair the Budget Committee, coordinate annual budget hearings, and review the status of the Association's investments and reserves;
6. The Vice President shall chair the Coop Committee, and ensure the financial and operational health of all of the Association's sponsored operations;
7. The Vice President shall serve on the Executive Council, and provide support for the "Finance and Operations" working group.

## **Vice President, Student Affairs**

1. The Vice President of Student Affairs shall lead the ASPC's efforts related student affairs;
2. The Vice President shall meet regularly with the Dean of Students, and support community engagement in institutional policy change;
3. The Vice President shall regularly liaise with the Title IX office to lead ASPC advocacy efforts in the intervention and prevention of sexual assault on campus;
4. The Vice President shall lead the student delegation to the Student Affairs Committee;
5. The Vice President shall partner with the Vice President of Academic Affairs to recommend to the Senate student members of working groups, task forces, ad-hoc or newly created committees at the discretion of the President;
6. The Vice President shall serve on the Executive Council, and provide support to the "Student Affairs" working group.

## **Vice President, Academic Affairs**

1. The Vice President of Academic Affairs shall lead the ASPC's efforts related to academic affairs, and represent students to the faculty of the college;
2. The Vice President shall serve as a voting member of the Educational Quality Committee of the Board of Trustees;
3. The Vice President shall chair the student Academic Affairs Committee;
4. The Vice President shall serve as a member or appoint student members to the Curriculum Committee, Critical Thinking and Writing Committee, Faculty Position Advisory Committee, and Study Abroad Committee;
5. The Vice President shall meet regularly with the Dean of the College and the Chair of the Faculty;

6. The Vice President shall partner with the Vice President of Student Affairs to recommend to the Senate student members of working groups, task forces, ad-hoc or newly created committees at the discretion of the President;
7. The Vice President shall serve on the Executive Council, and provide support to the "Academic Affairs" working group.

## **North Campus Representative**

1. The North Campus Representative shall be elected by students living on North Campus and represent their interests to the Senate in matters related to student affairs;
2. The Representative shall reside on North Campus;
3. The Representative shall decide in partnership with the South Campus Representative to chair either the Residence Hall or the Food Committee;
4. The Representative shall serve on the student delegation to the Student Affairs Committee;
5. The Representative shall work in the "Student Affairs" working group, and work closely with the Vice President of Student Affairs.

## **South Campus Representative**

1. The South Campus Representative shall be elected by students living on South Campus, and represent their interests to the Senate in matters related to student affairs;
2. The Representative shall reside on South Campus;
3. The Representative shall decide in partnership with the North Campus Representative to chair either the Residence Hall or the Food Committee;
4. The Representative shall serve on the student delegation to the Student Affairs Committee;
5. The Representative shall work in the "Student Affairs" working group, and work closely with the Vice President of Student Affairs.

## **Commissioner, Athletics**

1. The Commissioner shall have the primary responsibility of representing students in varsity athletics, club sports, and recreational sports;
2. The Commissioner shall serve as a liaison to the Pomona-Pitzer athletic department;
3. The Commissioner shall chair the Athletics Committee, and coordinate programming involving athletics;
4. The Commissioner shall serve as a member of the Student-Athlete Advisory Committee; if they are not a current athlete, the Commissioner shall attend all Student-Athlete Advisory Committee meetings;
5. The Commissioner shall coordinate with the Commissioner of Wellness to promote physical health and wellness;
6. The Commissioner shall work in the "Academic Affairs" working group, and work closely with the Vice President of Academic Affairs.

## **Commissioner, Campus Events**

1. The Commissioner of Campus Events shall have the primary responsibility of leading social programming and creating an inclusive, vibrant, and healthy social climate on campus;
2. The Commissioner shall chair the Pomona Events Committee;

3. The Commissioner shall submit quarterly reports on PEC expenditures and activities to the Senate;
4. The Commissioner shall serve as a member of the Five College Student Activities Committee;
5. The Commissioner shall work in the "Finance and Operations" working group, and work closely with the Vice President of Finance.

## **Commissioner, Equity and Inclusion**

1. The Commissioner of Equity and Inclusion shall have the primary responsibility of representing marginalized & underrepresented communities, activist & support organizations, and cohort & mentor groups of the college community;
2. The Commissioner shall chair the student Committee on Equity and Inclusion;
3. The Commissioner shall meet regularly with the Dean of Student Mentoring and Leadership, head mentors, and the college diversity officers;
4. The Commissioner shall serve on the student delegation to the Student Affairs Committee;
5. The Commissioner shall serve on or recommend to the Senate a student to serve on the Analyzing Difference Committee;
6. The Commissioner shall recommend to the Senate student members of the Admissions and Financial Aid Committee;
7. The Commissioner shall work in both the "Academic Affairs" and "Student Affairs" working groups.

## **Commissioner, Facilities and Environment**

1. The Commissioner of Facilities and Environment shall have the primary responsibility of advocating for improvements to campus infrastructure, services, and environment to ensure that they are accessible and relevant for students;
2. The Commissioner shall serve as the representative voice on the preservation and improvement of the quality of the environment;
3. The Commissioner shall serve as a voting member of the Facilities and Environment Committee of the Board of Trustees;
4. The Commissioner shall chair the Environmental Quality Committee, and meet regularly with the Assistant Director of the Sustainability Integration Office and the Assistant Vice President of Facilities;
5. The Commissioner shall serve as an ex-officio member of the President's Advisory Committee on Sustainability;
6. The Commissioner shall coordinate with the Commissioner of Wellness to advocate for physical accessibility on campus;
7. The Commissioner shall coordinate with the North and South Campus Representatives to advocate for sustainable practices in the Residence Hall and Food committees;
8. The Commissioner shall work in the "Finance and Operations" working group, and work closely with the Vice President of Finance.

## **Commissioner, Wellness**

1. The Commissioner of Wellness shall have the primary responsibility of representing students in issues related to physical, mental, and holistic well-being;

2. The Commissioner shall serve as the representative student voice on mental health and campus accessibility;
3. The Commissioner shall chair the Wellness Committee and lead the at-large student advocates for the areas of Title IX, Disability Services, and Mental Health;
4. The Commissioner shall regularly liaise with the Student Disability Resource Center, the Monsour Counseling and Psychological Services, and the Student Health Services;
5. The Commissioner shall serve as a member of the Academic Procedures Committee;
6. The Commissioner shall administer the Accessibility fund for student organizations;
7. The Commissioner shall work in both the "Academic Affairs" and "Student Affairs" working groups.

## **Senior Class President**

1. The Senior Class President, must be a member of the senior class, and shall have the primary responsibility of representing the senior class;
2. The President shall serve as an ex-officio, non-voting member of the Honorary Degrees Committee of the Board of Trustees;
3. The President shall serve as an ex-officio, non-voting member of the Wig Award Committee of the Board of Trustees, and co-lead participation in the Wig award process;
4. The President shall recommend to the Senate a voting member of the Advancement Committee of the Board of Trustees;
5. The President shall assist in the planning of Class Day and Commencement, and work closely with Advancement to coordinate participation in the senior class gift;
6. The President shall chair the Senior Class Committee, and meet regularly with the Senior Class Dean;
7. The President shall serve as a member of the Budget committee;
8. The President shall work closely with the ASPC President.

## **Junior Class President**

1. The Junior Class President, must be a member of the junior class, shall have the primary responsibility of representing the junior class;
2. The President shall serve as an ex-officio, non-voting member of the Honorary Degrees Committee of the Board of Trustees;
3. The President shall serve as an ex-officio, non-voting member of the Wig Award Committee of the Board of Trustees, and co-lead participation in the Wig award process;
4. The President shall chair the Junior Class Committee, and meet regularly with the Junior Class Dean;
5. The President shall serve as a member of the Budget committee;
6. The President shall work closely with the ASPC President.

## **Sophomore Class President**

1. The Sophomore Class President, must be a member of the sophomore class, shall have the primary responsibility of representing the sophomore class;
2. The President shall chair the Sophomore Class Committee ,and meet regularly with the Sophomore Class Dean;

3. The President shall chair the Student-Faculty Interaction committee;
4. The President shall serve as a member of the Budget committee;
5. The President shall work closely with the ASPC President.

## **First Year Class President**

1. The First Year Class President , must be a member of the first year class, shall have the primary responsibility of representing the first-year class;
2. The President shall chair the First Year Class Committee, and meet regularly with the First Year Class Dean;
3. The President shall serve as a member of the Orientation and the Book Selection Committee;
4. The President shall serve as a member of the Budget committee;
5. The President shall work closely with the ASPC President.

## **ASPC Committees**

The Senate, after receiving the recommendations of relevant Senate members, shall appoint at-large members to student, faculty, and trustee committees. The Senate shall appoint all at-large student members to faculty and trustee committees in the spring. For spring appointments, the relevant incoming Senate member shall, after consulting with the outgoing Senate member, make recommendations to the Senate. Whenever possible, the incoming Senate member will be included in committee meetings (as a non-voting member) for the duration of the semester. Student at-large positions may not be filled by Senate members.

## **Section 1. Student Committees**

### **Executive Council**

The council is empowered to act for the ASPC Senate between the dates of Commencement and the first full convening of the ASPC Senate in the fall of the following academic year. The Executive Council is composed of the President, Vice President for Finance, Vice President for Student Affairs, and Vice President of Academic Affairs; the Chief of Staff shall serve as an ex-officio non-voting member.

### **Elections Committee**

The Elections Commissioner, with the committee, shall coordinate and supervise voting for all elected representatives of the ASPC, in accordance to the rules and procedures as specified in the Constitution, Bylaws, and Election Code. This committee shall be chaired by a Senate-appointed Elections Commissioner and shall include the President and the Campus Center Director. The Committee may also include other Senate members who are not running in the current election cycle. No member of the Elections Committee shall be eligible to run for any Senate position in the current election cycle.

### **Budget Committee**

The committee shall distribute allocations from the "unallocated" account. Allocations shall be reported to the Senate on a regular basis. The Committee shall present to the Senate any allocations above \$1,000.00 or requests for which it seeks additional consultation. At the end of the semester, outstanding allocations shall return to the

"unallocated" account. Reimbursement for claims will be paid within three weeks of the completion of the event. During the end of the second semester of every year, the committee shall recommend to the Senate a general budget of the income and expenditures for the ASPC for the following year. The Senate shall ratify a general budget prior to the end of the academic year. This committee shall also oversee the investment of the ASPC Reserves. At the beginning of the academic year, the committee shall communicate with the investment firm to review current investments and investing guidelines and shall issue a resulting recommendation to the Senate. This committee shall be chaired by the Vice President of Finance and shall consist of the Senior Class President, Junior Class President, Sophomore Class President, First Year Class President, and Commissioner of Campus Events. The Senate advisor(s) shall be non-voting member(s) of the Budget Committee. When elections precede budget hearings, the President-elect and the Vice President of Finance-elect shall serve as voting members of the committee, with one-half vote each.

## **Pomona Events Committee (PEC)**

The committee shall plan social and educational programs and provide assistance and funding to students and student organizations who want to plan events. At the end of every quarter, the Commissioner of Campus Events shall report to the Senate on PEC's expenditures and activities. PEC is accountable to the Vice President of Finance and to the Senate for the reasonable and responsible allocation of its funds. This committee shall be chaired by the Commissioner of Campus Events and shall consist of no fewer than eight at-large students to be appointed by the Commissioner of Campus Events.

## **Coop Committee**

The primary responsibility of the committee is to set policy for the Coop Fountain and Coop Store. The committee shall also facilitate communication between and among the businesses and the Senate. This committee shall be chaired by the Vice President of Finance and shall consist of two Senators, one of whom is often the Commissioner of Facilities and Environment due to the Committee's relevant subject material; one student at-large, and the heads or general managers of the Fountain and Store. The Campus Center Director shall be a non-voting member of the Coop Committee. The committee shall meet monthly throughout the school year, with additional meetings arranged and convened by the chair as necessary.

## **Food Committee**

The primary responsibility of the committee shall be to address concerns from the students in regard to dining services. As needed, the committee shall work towards providing support for service staff in the residence hall. This committee shall be co-chaired by the North and South Campus Representatives and shall consist of at least eight students. As much as possible, there shall be equal numbers of students from North and South Campuses. Prior to the fall elections of the North and South Campus Representatives. The committee shall meet monthly throughout the school year to discuss concerns, as well as meet regularly with the Dean of Students and the General Manager of Dining Services to communicate those concerns.

## **Residence Halls Committee**

The committee shall address concerns from the students in regard to the residence halls. The committee shall advise on housing policy and is the representative voice of the student body on all housing policy decisions. As needed, the committee shall work towards providing support for service staff in the residence hall. This committee shall be co-chaired by the North and South Campus Representatives and shall consist of at least four students at-

large, including members of the Residence Hall Staff. Prior to the fall elections of the North and South Campus Representatives. The committee shall be advised by at least one non-voting professional staff member from the Office of Housing and Residence Life.

## **Academic Affairs Committee**

This committee shall meet regularly to pursue policy reforms, educate students about current events in academic affairs, and advise the student representatives to the faculty committees. This committee shall be chaired by the Vice President of Academic Affairs and shall consist of the student representatives to the Curriculum Committee, Faculty Advisory Position Committee, Academic Procedures Committee, Analyzing Differences Committee, and Critical Thinking and Writing Committee, and at least two students at-large.

## **Athletics Committee**

The committee shall plan sports-related events for the college, including on-campus activities and trips to off-campus athletic events. The committee shall work through the year to promote both varsity and intramural sports on campus. This committee shall be chaired by the Commissioner of Athletics and will consist of at least five students, at least one of which shall be a representative from the Student-Athlete Advisory Committee.

## **Environmental Quality Committee (EQC)**

The committee shall manage environmental projects that the committee or the Senate deem important, and shall inform the Senate how their projects, funding, and legislation might affect the environment. The Committee shall facilitate collaboration across The Claremont Colleges on environmental matters, including by inviting environmental representatives from the other Claremont Colleges to serve as members of the committee. This committee shall be chaired by the Commissioner of Facilities and Environment. It shall consist otherwise of interested students at-large with at least four Senate-appointed members.

## **Equity and Inclusion Committee (EIC)**

The committee shall be responsible for addressing the concerns of underrepresented and marginalized communities, student activism, support organizations, and mentor programs on campus, as well as larger issues of campus climate as they arise. This committee shall be chaired by the Commissioner of Equity and Inclusion and shall consist of at least seven students, no fewer than four of whom shall be current members of identity-based student support organizations.

## **Wellness Committee**

The committee shall address concerns from students in regards to campus and individual holistic health, focusing on issues like mental health, accessibility, and physical and spiritual wellness. The committee shall advise on policy and collaborate with community stakeholders to create an overall campus culture of wellness through education and engagement initiatives. The committee shall be chaired by the Commissioner of Wellness, and will consist of at least three at-large student advocates in the following areas: Title IX, Disability Services, and Mental Health. The additional student members will be appointed by the Senate on the recommendation of the Commissioner of Wellness and the Vice President of Academic Affairs, and not be limited to the aforementioned students. Furthermore, the committee shall be advised by the Accessibility Coordinator, and the Senior Associate Dean of Students for Student Personal Success, or at least one non-voting professional member at the Deans' recommendation.

## **Student-Faculty Interaction Committee (SFIC)**

The committee shall plan, promote and fund activities that encourage interaction and dialogue between students and faculty. The committee shall be chaired by the Sophomore Class President, who shall invite at least one faculty member to serve as general advisor(s). The Junior Class President shall be a member of the Student-Faculty Interaction Committee.

## **First Year Class Committee**

The committee shall plan social and educational events for the first year class. This committee shall be chaired by the First Year Class President and shall consist of at-large members of the first year class.

## **Sophomore Class Committee**

The committee shall plan social and educational events for the sophomore class. This committee shall be chaired by the Sophomore Class President and shall consist of at-large members of the sophomore class.

## **Junior Class Committee**

The committee shall plan social and educational events for the junior class. This committee shall be chaired by the Junior Class President and shall consist of at-large members of the junior class. A class banner sub-committee shall be chaired by the Junior Class President or a designee thereof. The committee shall design and construct the Class Banner, to be completed by the end of the spring semester.

## **Senior Class Committee**

The committee shall plan social events for the senior class and coordinate participation in the senior class gift. This committee shall be chaired by the Senior Class President and shall consist of at-large members of the senior class.

## **Five College Student Activities Committee**

The committee plans five-college social and educational programs. Committee members share information about upcoming events at their respective colleges in order to prevent scheduling conflicts. Social event representatives from each of the colleges sit on this committee. The Pomona representative shall be the Commissioner of Campus Events.

Faculty, trustee, and alumni-chaired committees (Sections 2,3,& 4) as well as more details can be found at: <https://pomonastudents.org/pages/bylaws>.

## **ASPC Procedures**

### **Section 1. Meetings**

1. Meetings of the ASPC governing bodies and committees shall be open to public attendance except when, upon a two-thirds vote, the Senate decides to close them to discuss personnel or litigation issues. Any action taken in a closed session shall be reported at the next public opportunity.
2. The Senate shall meet no less than twice a month, excluding holidays.
3. A majority of members shall constitute a quorum for the Senate.

4. Each officer of the Senate has one vote.
5. Meetings of the Senate shall be called by the President, by a majority vote of the Senate, or by a petition signed by at least ten percent of the ASPC.
6. Senate meetings shall follow Roberts' Rules of Order.

## Section 2. Elections

1. All balloting of the Associated Students shall be by secret ballot.
2. Terms of office for members of the Senate shall be indicated in the Bylaws. No student shall be eligible for election if that student is unwilling or unable to complete the term of office.
3. If the office of the President is vacated, the Senate shall make an appointment.
4. If the office of any other member of the Senate is vacated, the remaining members of the body shall, by a majority vote, decide whether to hold an election or to appoint someone to fill the position. If they decide to make an appointment, that appointment shall be for the unexpired term. If they decide to have an election, they may appoint a person to fill the position temporarily until such time as an election has been held.
5. The Senate shall maintain an Election Code containing election rules and procedures which are not specified in the Constitution or the Bylaws.
6. The Senate shall oversee the elections for any student representative whose election shall require the vote of the student body.

## Section 3. Recall of Officers

Any officer of the Senate may be removed from office by a one-half vote of the constituency which that officer represents. Recall proceedings may be initiated by a petition signed by at least fifteen percent of the students in the officer's constituency, or by a majority of the Senate.

## Section 4. Initiatives

Any matter over which a governing body or committee of the ASPC has jurisdiction may be brought to a vote of the ASPC either by a petition signed by at least ten percent of the ASPC or by a majority vote of the Senate. A decision on such a matter shall be determined by the majority of those voting on a ballot of at least four hundred members of the ASPC.

## Section 5. Amendments and Bylaws

1. This Constitution may be amended by a three-fifths vote of the ASPC.
2. Bylaws shall be appended to this Constitution. These Bylaws may be amended either by a vote of three-fourths of the members of the Senate, or by a majority vote of the ASPC.

# Dining Services Policies and Procedures

## Dining Services

Students who live on campus are required to be on one of the meal plans offered by the College. The Pomona General Manager of Dining Services works with students to meet dining needs and preferences. Students may share with the General Manager their ideas, questions, and suggestions regarding the dining services at 909-607-9280.

Upon entrance to the College, every student is issued an official photo-ID card, which is encoded with information about the number of meals and Board Plus credits the student has purchased. Students are required to bring their student identification to all meals. All meals allow students to have as much food as they wish to eat and to return for seconds freely, except for special entrees that are offered occasionally throughout the year. Students who prefer to eat dinner while studying or working on a paper may take food out of the dining hall. An extra bagel, ice cream cone or piece of fruit may also be taken out of the dining hall as a snack. Dishes, glasses, trays, and silverware are not to be taken from the dining area. The loss of dishes and flatware increases the cost of the dining services for students. If a student is found to have taken these items from the dining halls on a consistent basis they could be charged with theft.

Students are required to wear shoes and shirts in the dining halls, and bathing suits are not acceptable. Pets that are not service animals are not allowed in the dining halls at any time. Students are not permitted to loan their ID/meal cards to others.

Meal/ID cards are valuable and should be treated like cash or credit cards. Lost meal/ID cards should be reported promptly to Housing and Residence Life in Smith Campus Center.

## **Pack-out Food**

Students may obtain food for meals eaten away from the dining halls. Students who are doing off-campus internships, spending the weekend at Halona or who are otherwise absent from meals will find this feature of the dining services convenient. Orders for food must be submitted 72 hours in advance by calling extension x79281, along with the names and meal card numbers of those for whom the pack out is intended.

Food that is available for regular dining hall meals ("line food") or selections from the Dining Services pack-out menu will be provided free for pack-outs. Dining Services can only meet the request for items they have in stock. Only meals that the dining hall serves may be requested as pack-out (i.e., three meals are served daily Monday through Friday and two meals daily are served on the weekend). Students pick up pack-out food at Frank prior to departure from campus.

If a student requests a pack-out but does not have any meals left for that week, their Board Plus account will be charged. If they have insufficient funds in their Board Plus account, then a meal from the following week will be used.

## **Student Meals with Faculty**

A student-faculty meal plan has been established for the purpose of encouraging interaction between students and faculty. Under this plan, students may dine with a faculty member in any of the Pomona dining halls with no charge for the meal of the faculty member. Non-boarding students may also take advantage of this plan and need only pay for their own meals. This program has been established by providing each faculty member with a dining hall meal per week.

Faculty who dine as guests of a student are required to provide proper college identification to the checker at the beginning of the line. Other guests can pay cash at the door for meals.

Faculty and staff who speak foreign languages are invited to attend the Oldenburg Language Lunch Tables free of charge Monday through Friday as often as they wish.

## Private Dining Areas

Private dining areas are located in both Frank and Frary Dining Halls. These can be reserved for student use. Students can make reservations by contacting the Office of the Campus Center at extension x18610 or via [Engage](#). There is also a private dining room in Oldenborg Dining Center, which can be reserved through the Oldenborg Center, extension x73202.

## Special Events

Special dinners, such as buffets or banquets for small or large groups, may be arranged by contacting the Catering Sales Manager at 79281 at least one week in advance.

# 27-Emergency-and-Safety-Policies-and-Procedures [Handbook]

## Emergency and Safety Policies and Procedures

### Campus Safety

Campus Safety is open 24/7, 365 days a year, and we strongly recommend you include their number in your cellphone: 909-607-2000

### On-Call Administrators

One of the resources that Pomona College makes available to students is the support and guidance of a Pomona College professional staff member who is on call and can be reached 24 hours a day, 7 days a week. This on-call administrator can be reached by calling Campus Safety at 909-607-2000 by telephone. The on-call administrator is often one of the first responders to calls from Campus Safety about any student situation, concerning behavior, or crisis. The on-call staff determines the appropriate steps given the situation and keeps a detailed record on the interaction and intervention. The On-Call Team is coordinated by the AVP/ DOS in the Dean of Students Office (909-621-8017) and serves as the primary resource for managing referrals and student issues and follows up with the call.

The on-call administrator intervenes at times to de-escalate a situation between a student and other members of the campus and/or community. In these cases, on-call staff determine and coordinate Pomona College's response to ensure that all parties involved receive due consideration and fair treatment. The on-call staff may involve other Pomona College offices to determine the institutional response and will monitor an incident to make sure that adequate support continues to be made available even after the critical situation passes.

## LiveSafe App

LiveSafe is a free personal safety mobile application for students, staff, faculty, and the community to engage in two-way conversation with Campus Safety. LiveSafe allows users direct access to Campus Safety and 911 emergency services and creates greater situational awareness and safety preparedness by educating the user on daily safety related updates and statistics. Instructions for downloading can be found [on this website](#).

## Everbridge

Everbridge is an emergency notification service that enables Pomona College to notify you quickly about a major emergency on campus and provide you with information and instructions.

Messages are sent via phone, text and email, students, faculty and staff with a listed campus phone number are in the Everbridge database. To add or update a cell phone number or direct office line to the Everbridge system, log on to the campus Portal at: [my.pomona.edu](http://my.pomona.edu) and click on the Everbridge link (far left). All contact information included in Everbridge will be used ONLY for campus emergency notification and will not be made available to any other service. Emergency drills have shown that text messages arrive the fastest.

## Earthquake

1. Take cover under a desk or table, protecting as much of your body as possible, especially your head and neck during the tremors.
2. Stay away from windows and objects that may fall.
3. Do not run outside.
4. If outdoors, stay in an open area.
5. After shaking stops, evacuate to your designated evacuation area, and report to the Building Chair.
6. Bring shoes, a blanket, and necessary medication.

## Evacuation

1. Calmly and quietly walk to the nearest exit.
2. Do not use elevators.
3. Follow the instructions of RAs or other emergency personnel.

## Fire

1. Activate the closest fire alarm.
2. Call 909-607-2000 and report the location and nature of the fire.
3. Evacuate to the designated evacuation area and report to the RA or another staff member.

## Lock Down

1. The College, using Everbridge text, and email messages, will notify students in the event of a lock down emergency.
2. Students are encouraged to shelter in place in all academic, administrative, and residential buildings. In residence halls, individual rooms, when the door is locked and the windows closed, are considered safe.
3. In the event of a lock down emergency, "shelter in place" until notified by the College that the emergency is over.

## Medical

Call Campus Safety by dialing 909-607-2000 and report the nature of the illness or injury and the location. Campus Safety may direct your call to an on-call Dean or 911.

## After a Major Emergency

Staff of the Office of Facilities and Campus Services will assess buildings for re-entry. Buildings must not be re-entered until permission is given. Campus Safety, Physical Plant, or maintenance personnel will be dispatched to assist in evaluating damaged buildings, and to check and/or turn off water, gas, and electrical mains.

The College provides updates on emergencies through office Pomona College social media accounts as well as an emergency website, which is updated regularly during an Emergency. Both students and parents may access these resources to receive up to date information.

## Fire Safety

Proper use of fire equipment and fire emergency equipment is essential for the protection of all members of the community. Students alone or in concert with others may not tamper with, discharge or play with fire extinguishers, fire doors, smoke detectors, exit lights or tamper with or pull a fire alarm under false pretenses.

All students must evacuate the building during any fire alarm whether it is a fire drill, a fire, or a false alarm. Smoking is prohibited in all residence halls. Open flame devices including incense and candles are not allowed in the residence halls.

Placing furniture, bicycles, boxes, or any item in such a way that obstructs emergency evacuations procedures is a violation of the state fire codes. These codes are strictly enforced by our staff.

State and local fire codes, as well as Pomona College policy, require the following. Failure to adhere to these regulations will result in penalties.

1. Corridors and exit doors are to be kept clear of obstruction at all times.
2. Lighted candles or open flames in the residence halls are not permitted. Including incense or candles with burnt wicks.

3. Excessive amounts of combustibles, such as paper, paper products, textiles in the room or attached to walls or ceilings or as room dividers, are a fire hazard and are not permitted.
4. Hallway decorations and signs must be made of nonflammable materials.
5. Natural trees or branches are not allowed to be used in residential spaces.
6. Flammable liquids, including lighter fluid and propane, must not be stored or used in any residence hall.
7. The use of non-approved cooking appliances such as hot plates is prohibited. (See Housing and Residence Life policies for full list.)
8. Motor scooters, motorcycles and other vehicles, which have gas tanks, cannot be stored anywhere in the residence halls at any time.
9. Gasoline, kerosene and other combustibles are fire hazards and are prohibited in the residence halls.

Students determined to have violated any of these policies or regulations will be referred to the buildings Residence Life Coordinator.

## **Law Enforcement on Campus**

Local, state, and federal laws apply on campus.

Law enforcement officers have the right and responsibility to act in case of law violations committed on college campuses in the same way and under the same constraints as in other parts of Claremont. Campuses are not sanctuaries or refuges from any legal procedure of law enforcement officers.

Campus Safety will, in many cases of minor violations, deal with the situation and, if advisable, notify appropriate College authorities. In more serious cases, Campus Safety must and will notify law enforcement officers, usually the City of Claremont Police, and will cooperate with them in the investigation of the possible offense.

The College asks that if law enforcement officers find it necessary to come onto the campuses to interrogate or to arrest a student or to search a room or building, they be accompanied by a member of Campus Safety. Campus Safety should notify members of the Dean of Students staff so that a member of the Dean's staff or Housing and Residence Life staff can then also be present.

## **Informational Technology Services (ITS) Policies**

The Information Technology Service (ITS) policies help ensure that all technology use fully respects applicable laws, the rights of Pomona College and its community members.

### **Computing and Network Resources Policy**

Computing and network resources are available to all Pomona College students, faculty, and staff. These services are provided for educational purposes and to carry out the legitimate business of the College. Members of the college community are expected to observe Federal, State, and local laws that govern computer and telecommunications use and the College's regulations and policies.

The framework of responsible, considerate, and ethical behavior expected by the College extends to cover the use of computing facilities, network resources, and networks throughout the world to which the College has provided electronic access.

## Privacy Policy

The College's computer and network resources are the College's property, and students should not have any expectation of privacy when utilizing these resources. Files and computer usage may be monitored in the ordinary course of business or to determine compliance with the College's policies.

In addition, when there is reason to suspect inappropriate use of campus computing and networking resources, authorized College personnel will take appropriate steps to investigate. This may include monitoring traffic on the network on any system which is connected to the network.

## Responsible Use Policy

The following list does not cover every situation which pertains to proper or improper use of ITS resources. It does, however, contain some of the responsibilities you accept if you choose to use the College's computing resources or the network access which the College provides.

1. You must not intentionally seek information about, browse, copy, or modify nonpublic files belonging to other people, whether at Pomona College or elsewhere.
2. You are authorized to use only computer resources and information to which you have legitimately been granted access. If you encounter or observe a gap in the system or network security, you should immediately report the gap to the manager of that system.
3. If it is unclear whether you have permission to copy, compile or manipulate software or data, assume that you may not.
4. The College's policies on harassment apply equally to electronic displays and communications as they do to more traditional means of display and communication. You must not display or transmit abusive images, sounds, or messages to an identifiable individual or group of individuals.
5. Messages, sentiments, and declarations sent as electronic mail or postings must meet the same standards for distribution or display as tangible documents.
6. You must not degrade computing or network performance in any way that will prevent others from meeting their educational or College business goals.
7. The unauthorized duplication or distribution of copyrighted materials is prohibited. This includes but is not limited to software, printed or recorded music, movies, and works of art.
8. You must not create or willfully disseminate computer viruses, worms, trojans, or any malware. You should be sensitive to the ease of spreading viruses and should take steps to ensure your files are virus-free.

## Inappropriate Use Policy

The Information Technology Service (ITS) Office may temporarily suspend service to an individual or computer that is found to be significantly degrading the usability of the network or other computer systems or found to be posing a vulnerability threat to the campus network. Inappropriate use will be referred to the appropriate College authority, where further action may be taken.

## Digital Millennium Copyright Act (DMCA) Policy/Procedures

The Chief Information Officer of ITS serves as Pomona College's designated contact for all DMCA-related issues. Upon receipt of a notification from a bona fide copyright holder, or agent for the copyright holder, alleging that a user connected to Pomona's network is in violation of the provisions of the DMCA, public access to the material will

be disabled according to the following procedures. The individual's network privileges will only be restored after the infringing materials are removed from the site, and the person agrees to abide by the College's Appropriate Use of Campus Computing and Network Resources policy.

Below are the specific procedures to be followed by the ITS staff person responsible for "unplugging" the alleged offending user:

1. Upon notification of the alleged offense and identification of the IP address in question, a report is created using the Footprints ticketing system.
2. After establishing the port ID for the IP address Network Services sends the alleged offending individual the standard "takedown" message and a copy of the notice from the copyright holder. This message asks that the alleged offending material be removed within 24 hours of the date/time of the message being sent. "Takedown" messages will not be sent out on Friday, Saturday or Sunday. The Dean of Students is included on the Footprints ticket when this action is taken.
3. Under the conditions noted above, the student has one (1) business day/24 hours to comply with the notice and confirm back to ITS that the appropriate steps have been taken to remove the alleged offending material from their computer.
4. If the student does not comply, ITS will block network access from the offending computer, and the Dean of Students will be notified of the matter.
5. Network access for the offending computer will not be turned back on until ITS receives a request to do so from the Dean's office.
6. Notice of subsequent infractions will trigger an automatic takedown by ITS and a referral of the matter to the Dean of Students Office.
7. A student's network access block will only be removed by notification from the Dean of Students Office that the infraction has been addressed.

## **Policy on Voice or Audio Recordings of Classroom Discussions and Lectures**

In order to guarantee the academic values and the integrity of the learning experience at Pomona College and foster a learning environment of respect, cooperation and freedom, students may not make audio or video recordings of classroom discussions, lectures or seminars without the express authorization of the instructor. This policy adheres to the long-standing tradition that faculty own the copyright from their scholarly, pedagogical and creative activities (see the Copyright and the Claremont Colleges Policy adopted in 2007 in the Faculty handbook). An exception to this policy is when a student has a reasonable need for accommodation due to a disability.

Students with disabilities, who need to make audio or video recordings of a course, should make their request to the Associate Dean of Students/Disability Coordinator in the Dean of Students' office. The Disability Coordinator will review the request, and if approved, notify the faculty member that the student is authorized to make audio or video recordings of the class. For more information, see the College's Disability Accommodations Policy.

Otherwise, students who are enrolled in a course and who wish to record audio or video of that course should obtain express authorization from the instructor. Authorization can be granted either orally or in writing and should be asked before any recording takes place. To protect student privacy, faculty or staff who wish to record a Pomona College course should obtain consent from the students involved in class and the faculty in charge of the course.

If a student is granted approval to record a lecture or a discussion, then the following guidelines apply:

- The recording is for the student's personal use and must be deleted once the course is finished.
- The student may share the recording with other students for non-commercial purposes arising from participation in the course.
- A designated note-taker or agent of a student may make the recording for the authorized student.

Any recording or distribution of course material not outlined above requires written consent by the instructor. Any violation of this policy will be considered a violation of [Pomona College Student Code \[Handbook\]](#).

## Office of International and Domestic Programs Policies and Procedures

The International and Domestic Programs Office (IDPO) administers all semester-long and yearlong study away programs for Pomona College students. Interested students can learn more about opportunities to study away by visiting the [website](#), reading program feedback forms available at the IDPO and [online](#), scheduling an [advising appointment](#), and talking with program faculty liaisons, [peer mentors](#), and study away [returnees](#). International and Domestic Programs advisors are available to answer questions, provide insight, and assist in all stages of the application process.

In order to receive Pomona College credit for a semester or year of study away, students must participate through the International and Domestic Programs Office. Academic credit will not be granted for study abroad or domestic programs while on leave. Applications are made available after meeting with an IDPO advisor and are reviewed by the International and Domestic Programs Committee. [Deadlines](#) vary but are generally in early September for spring programs and in early February for fall programs. Some programs may have early deadlines. The IDPO maintains a [program brochure](#) that lists eligibility requirements and other program information. Students participating in an international or domestic program are required to enroll in a full-time course load as defined by the program and Pomona College. Total course load typically ranges from 3 to 4.5 Pomona credits and may allow for up to 6 Pomona credits, depending on the requirements and policies of the program provider.

Students may study away as second-semester sophomores, juniors or first-semester seniors. First year students, first-semester sophomores and second-semester seniors are not generally eligible for study off-campus. To be eligible to apply for or participate in international or domestic programs, students must be in good academic, disciplinary, and financial standing at Pomona College. Students currently on academic or disciplinary probation or suspension are ineligible to apply for or participate in international or domestic programs. Students are expected to be enrolled full-time on campus in the semester prior to participation and must complete the semester with grades in each of their courses. Students who have been on leave status or who have withdrawn from the College must successfully complete one academic semester (fall or spring) of full-time coursework on campus before participating in an international or domestic program.

All international and domestic program participants are charged Pomona College tuition and the standard room and board fees for the semester off-campus. The Associated Students fee is not charged. The comprehensive Pomona fee is billed in the usual manner and covers the student's program tuition and fees, standard room and board, program application fee, credits earned as part of full-time enrollment, and administrative costs incurred by Pomona. For international programs, the fee also covers a travel allowance toward round-trip international transportation between the closest international airport to the student's home city on record and the program

site, reimbursement for a visa or residence permit (if required for study), international emergency medical and evacuation insurance, and a local transportation allowance, if specified by the program provider as necessary for commuting to class. For Domestic Programs, students receiving financial aid may also be eligible for financial assistance with a round-trip travel allowance and/or a local transportation allowance, if needed. More information about fees and expenses is available on our [website](#).

Financial aid continues for eligible students for study away. The IDPO also maintains a list of additional [scholarships](#) for study abroad. Students should discuss how additional outside aid may impact their existing aid package with the Financial Aid Office.

All international and domestic program participants should remember that living in another location may involve extra expenses not covered by the program fees, such as books, passport, immunizations, personal expenses, entertainment, and independent travel. Students should carefully plan a budget before going off-campus, using information from peers, program providers, and online resources about costs in their program location.

## **Pomona College Policy Regarding College-Funded International Student Travel**

**October 2, 2023**

*Pomona College supports meaningful international experiences for all students.* Such experiences may take several forms, ranging from semester-long study abroad approved by Pomona College's International and Domestic Programs Committee to summer undergraduate research mentored by a Pomona College faculty member, internships or community engagement activities abroad, grant-funded experiences, short-term programs abroad, participation in intensive language study, a skills-based workshop, field school, or an apprenticeship program in the arts.

*For semester and yearlong study abroad*, students will follow policies and procedures as specified by the International and Domestic Programs Office and the International and Domestic Programs Committee.

*For all other opportunities* that include international travel funded in full or in part by Pomona College, all students are required to register with the [Worldcue Tracker](#) system, which provides for an array of services aimed at ensuring the student's security.

In order to receive a travel award, students will be required to submit a detailed project description, including a detailed budget, with their funding application. Students must submit a travel itinerary and emergency contact information as well as one or more contacts in the destination country.

All students whose travel is funded in full or in part through Pomona College will be required to sign a waiver indemnifying the College and stating that they are aware of the risk of international travel. The waiver must be co-signed by the student's guardian or parent(s). Students will receive supplemental emergency medical and evacuation insurance through [The Claremont Colleges' International Travel Insurance Plan](#).

*Note that, as a rule, Pomona is unlikely to support international experiences for students that involve travel to countries or regions for which the U.S. Department of State has issued a Level 3 (Reconsider Travel) or Level 4 (Do Not Travel) Travel Advisory and/or the Centers for Disease Control and Prevention (CDC) has issued a Travel Health Notice at Warning Level 3 (Avoid Nonessential Travel).*

# Student Health Services (SHS) and Monsour Counseling and Psychological Services (MCAPS)

## Student Health Services

The Student Health Service (SHS) is dedicated to the health and wellness of students at The Claremont Colleges. The staff consists of physicians, nurse practitioners, nurses, medical assistants, and administrators who provide high quality medical care in a caring and professional manner. SHS recognizes that this is the onset of students managing their health care and encourages them to take an active role in their own health and well-being. Medical records are confidential and information regarding a student will not be released without the student's signed consent.

## Appointments

- Appointments are highly recommended for all visits.
- To schedule an appointment, sign into [My Health Portal](#) or call 909-621-8222. The appointment line opens at 8 a.m. and appointments are scheduled starting at 8:20 a.m. Same-day appointments are often available if you call early.
- Students do not have to pay for charges at the time of service.
- A \$15 charge will be assessed for any missed appointments not canceled two hours in advance.
- Non-scheduled visits are seen in the order of arrival and are worked into the schedule between appointments as medically indicated. Be prepared to wait.
- There is a \$15 charge for non-scheduled visits.

## Urgent/Emergency Care

### After Hours

If an urgent medical problem occurs after the Student Health Service is closed, students should call Campus Safety at 909-607-2000. Students at The Claremont Colleges now also have access to [7C Health](#), which provides 24/7 medical and mental telehealth care for all students, at no cost.

Emergency health services and other special services are available to students at nearby hospitals, all within 5 miles of the campus:

- Pomona Valley Medical Center (909-865-9600)
- Montclair Hospital Medical Center (909 625-5411)
- San Antonio Community Hospital (909-985-2811)

An urgent care facility, Pomona Valley Health Center at Claremont, is located at 1601 Monte Vista Ave, Claremont (909-865-9977). It is open 8 a.m. to 8 p.m. Monday through Friday and 9.00 a.m. to 5:00 p.m. on Saturday, Sunday, and most holidays.

Transportation to the nearest hospital Emergency Unit can be arranged by the Dean of Students Office. After normal work hours, page the on-call Dean via Campus Safety at 909-607-2000.

## **At Student Health Services**

Urgent care is available for serious illness or trauma during regular hours at the clinic as determined by the triage nurse e.g., bleeding, possible fracture, allergic reactions. There is no appointment charge for an urgent visit.

## **SHS Services Available**

- Outpatient services for both acute and chronic problems
- Women's Health services (including Pap smears)
- STI/HIV testing and counseling
- Contraceptive services including Morning After Pill
- Pregnancy testing and counseling
- HIV Pre-Exposure Prophylaxis (PrEP) and Post-Exposure Prophylaxis (PEP) risk reduction counseling, prescription medication, and routine testing.
- Physical examinations for sports, travel abroad, Peace Corp, job applications, etc.
- Preventive medicine service
- Allergy injections, immunizations for travel
- Referrals to specialists and services not available at SHS
- Dispensary for limited prescription and over the counter medications
- Laboratory testing
- Limited X-ray services
- Orthopedic supplies (splints, ace bandages, dressings)
- Limited minor surgical procedures

## **Costs**

Students do not need to pay for charges at the time of service. Students have up to 15 days to pay, after which time the charges will be transferred to the student's account.

- No Charge for regular appointments
- Walk-in appointments - \$15
- Missed appointments - \$15
- Emergency visit - No Charge
- There are nominal charges for certain supplies, lab tests and x-rays

## Choosing a Provider

The Student Health Service suggests that selecting a Primary Care Provider offers the most personalized and consistent health care. A Primary Care Provider is a nurse practitioner or medical doctor who is responsible for the majority of students' health care needs. Referrals to specialists within SHS and the surrounding community assure access to the full range of health care you need. SHS can also coordinate care with a home Primary Care Provider if desired.

## Eligibility and Records

All students must have a health history and entrance physical examination on file to use the service. These forms are required of all new, transfer, and exchange students for initial admission to Pomona College and are important as they provide essential information about ongoing health care and past treatment. Students who have not received this form in the mail can download from the Student Health Services website [Entrance Personal Health History/Medical Examination Report Form](#).

## Health Education Outreach

At [Health Education Outreach](#) (HEO) the mission is to provide educational programming, services, and resources that will enable students of the Claremont Colleges to play active roles in achieving, protecting, and sustaining health and wellness.

HEO is dedicated to finding the most appropriate health and wellness information and resources including: alcohol and tobacco education; recreational and prescription drug information; nutrition information and diet analysis; sexual health information; wellness counseling; disordered eating education; referrals to local and national information and help lines; free condoms, ear plugs and lubrication; and a collection of health and wellness resources, including periodicals, books, pamphlets, CD-ROMS, and videos

HEO is located in the Tranquada Student Services Center.

## Health Insurance

Effective fall 2008, Pomona College requires all incoming students to carry health insurance. Students can either enroll in the Student Accident and Sickness Insurance Plan (SHIP) of the Claremont Colleges or waive out if they carry comparable alternative insurance (waiver forms will be required each year you are an enrolled student). The SHIP plan covers medical expenses off campus, such as hospitalization, surgery, and accidental injury. Information about the policy can be obtained through the Office of Student Affairs. Continuing students do not need to show proof of insurance, but every student should be covered by medical insurance – whether a family policy, other coverage, or this policy. For continuing students, health insurance coverage is required prior to participating in varsity or club sports, or participating in OTL trips. If a student needs insurance but cannot afford it, the Financial Aid Office may be able to help. Contact the Financial Aid office at 909-621-8205.

## **Monsour Counseling and Psychological Services Center (MCAPS)**

The Monsour Counseling Center is located in the Tranquada Student Services Center. It has a staff of doctoral psychologists as well as graduate psychology post-doctoral fellows who provide therapeutic services to help students develop emotionally and cope with the stresses of college life. Psychiatric consultants are also available. Confidential Short-term individual, couples, and group therapy is provided. Counseling records are confidential, and information will not be released without the student's signed consent except as required by law. Workshops and structured groups are offered on topics such as but not limited to eating disorders, relationship issues, enhancing self-esteem, sexual abuse, relaxation, and graduate/re-entry support. Referrals are made to mental health resources in the community when necessary.

Students with personal concerns or those simply wishing to talk with someone are welcome. For an appointment, call 909-621-8202.

### **Reasons to Visit Monsour**

- Feelings of depression
- Excessive anxiety or stress
- Problems in interpersonal relationships
- Concerns about sexuality or sexual identity
- Lack of motivation to do work
- Procrastination
- Eating disorders
- Problems with drugs or alcohol
- Concerns with cultural or racial issues
- Problems with learning disabilities
- Services
- Short-term individual therapy
- Couple's therapy
- Stress management
- Theme-focused therapy groups for dealing with issues ranging from relationship concerns to eating disorders to sexual trauma
- Short-term structured groups on topics such as stress management and relaxation
- Consultation services are available to help people who are concerned about the emotional well-being of any friend, relative, or acquaintance

### **Workshops**

Counseling Center staff conduct workshops and presentations on a variety of topics including stress management, self-esteem, problems with self-control, interpersonal relationships, gender, and diversity issues. Students, staff, and faculty may request workshops. If you are interested in participating in or organizing a workshop on your own, information and guidance can be provided by the counseling center.

Examples of workshops that have been provided in the past include:

- Making Peace with Food and Your Body
- Study/Exam Skills
- Relaxation Training
- Date Rape Issues
- Stress Management / Time Management

## **Appointments and Costs**

Appointments may be scheduled over the phone or in person. Same-day appointments are available in urgent situations. An initial Brief Assessment appointment will be scheduled within a few days. During this 20–25-minute appointment, students may be assessed as appropriate for short-term, goal-directed therapy at MCAPS; or they may be referred out for long-term, more intensive, or more specialized treatment. There are no costs or fees for Monsour counseling services.

## **Confidentiality**

All sessions and discussions with a therapist are confidential.

## **Emergency Services**

During office hours, (8:30-5:00 p.m.) students experiencing psychological distress can come to MCAPS and be seen by a counselor for an assessment and/or counseling.

When Monsour Counseling and Psychological Services (MCAPS) is closed, students experiencing a crisis can call 909-621-8202 the voicemail message will prompt you to press "1" to be connected to an on-call therapist.

# **The Claremont Colleges Policies and Procedures**

## **Banning Disruptive Persons From The Campuses Of The Claremont Colleges**

### **Background**

The Claremont Colleges are composed of seven institutions of higher education, including: The Claremont Graduate University, Claremont McKenna College, Harvey Mudd College, the Keck Graduate Institute, Pitzer College, Pomona College, and Scripps College. For the purpose of this policy, the Claremont University Consortium shall also be considered part of The Claremont Colleges, as well as any property owned or rented by The Claremont Colleges which is located away from the home campuses.

As institutions of higher education, The Claremont Colleges share a common purpose of providing an educational experience that is, among other things, safe from harm, fosters personal growth, and is intellectually enlightening. The need to protect individual institutions and The Claremont Colleges from harm to its community members and assets is therefore a very high priority. Balanced against this priority is the need to protect free speech and academic freedom.

The Claremont Colleges must comply with all legal requirements of the United States and the State of California when taking steps to protect community members and assets.

## **Policy**

In the event of a threat to the safety or well-being of an individual, group, or member institution of The Claremont Colleges, each institution reserves the right to prohibit disruptive or potentially dangerous persons from their campuses. The Claremont Colleges further agree to consult with each other about such individuals and, with permission, extend the ban to cover any or all of the member institutions and their functions.

The authority for this policy emanates from each institution's right to control its own property, and authority for coordination between The Claremont Colleges occurs through agreement among the Presidents of the Colleges.

Under normal circumstances, the Deans of Students, the Director of Campus Safety, or the Vice President for Student Affairs of The Claremont University Consortium shall be the designated officials who are responsible for the banning of disruptive or potentially dangerous persons from campus. Other designated officials may be expected to carry out these duties, as determined by the President(s) of the institution(s).

The designated official who is assigned to review any potentially disruptive or dangerous situation may exercise emergency power, including issuing an immediate ban, to respond to a threat. These actions shall be reasonable and narrowly tailored to fit the event.

The designated official may also issue a ban as the result of an investigation, with the opportunity for all parties to be heard, and the results of which lead the official to conclude that illegal activity, disruption, or the threat of harm to others or property has or may have occurred. The official may also ban an individual if there is reason to suspect that illegal activity, disruption, or the threat of harm to others or property is increasingly likely to occur in the future.

Bans to one or more of The Claremont Colleges may be temporary or permanent, and shall clearly indicate their length and scope to the person who has been banned. This policy does not preclude The Claremont Colleges from taking criminal, civil, or restraining action against individuals.

The following procedures provide guidelines to be used by the designated official to ban an individual from the campus, property, or function of the college or colleges. These procedures do not apply to faculty or staff.

### **Procedures Governing Individuals With or Without a Relationship to The Claremont Colleges**

#### **(1) Regarding Individuals with No Direct Connection to The Claremont Colleges:**

This set of procedures applies to individuals who: have never been a student of The Claremont Colleges; do not have a spouse or partner who is an employee or volunteer at The Claremont Colleges; and are not parents or guardians of a current or former student of The Claremont Colleges.

Each designated official has the authority to issue a ban on behalf of one or more of The Claremont Colleges. A ban of this type is communicated to all other Student Deans, and a copy of the ban letter shall be sent to the Director of Campus Safety.

#### **(2) Regarding Individuals with a Connection to One of The Claremont Colleges or the Claremont University Consortium:**

This set of procedures applies to: alumni; former students who are not currently enrolled; spouses or partners of an employee, part-time employee, or volunteer; those performing volunteer work; and parents or guardians of current or former students.

The designated official initiating the ban shall send a message to all other Deans of Students to determine if there is any objection to banning the individual in question. Any Dean raising an objection may choose not to have his/her campus covered by the ban. If no concerns are raised within 48 hours, the initiating official may apply the ban to cover all The Claremont Colleges' properties.

### **(3) Regarding Current Students:**

This set of procedures applies to any student who is currently enrolled at one of The Claremont Colleges, including when the Colleges are in or out of session.

It is within the authority of the banning campuses and CUC to make this decision without regard to judicial proceedings at the home campus.

#### **(a) How the Ban of a Current Student Applies to Colleges:**

Unless otherwise specified, the banned student shall be permitted to attend classes and use relevant academic resources on campus but suspended from all other activities.

#### **(b) How the Ban of a Current Student Applies to the Claremont University Consortium:**

Depending upon the circumstances of the individual student, the VP for Student Affairs shall determine, in consultation with individual CUC services and the Dean of Students at the college at which the student is enrolled, the scope and extent of the ban from CUC services and property. The student shall normally be permitted to make appointments at CUC offices and services as needed. For "drop in services" that a student might utilize (i.e., OBSA, CLSA, Chaplains, etc), the VP for Student Affairs shall decide, based on the circumstances giving rise to the ban, whether drop-in privileges shall continue or if the banned student shall be required to schedule appointments.

Generally, banned students shall be permitted to use Honnold Library and the Huntley Bookstore, although CUC reserves the right to limit and/or suspend privileges where circumstances warrant such action. Circumstances under which a student might be restricted from bookstore and/or library usage include, but are not limited to, students who appear to pose a threat to the health, safety or welfare of other patrons and/or theft from the facility.

#### **Requests for Review, Modification, or Removal of a Ban**

A person banned from one or more of The Claremont Colleges may request that the banning party discuss the nature of the ban, modify the ban, or withdraw the ban. It is the responsibility of the banned person to contact the official who first initiated the ban to request a conversation about the ban within 5 business days. It is also the responsibility of the banned person to bring any substantive changes to the attention of the banning official in order to request reconsideration. For current students who have been banned, the home campus Dean of Students should review the ban policy and appeals process with the student.

Changes to any ban will be communicated to the other designated officials for their consideration relevant to the person's status on their respective campuses.

#### **Effective Date & Application of this Policy to New Institutions**

Should additional institutions formally join The Claremont Colleges, this policy shall automatically apply to those institutions upon incorporation, including their property in Claremont and elsewhere.

Date of Approval by the Council of The Claremont Colleges: April 5, 2011.

*On January 1, 2018, the legal name of Claremont University Consortium was changed to The Claremont Colleges, Inc. When "Claremont University Consortium" appears in this document, the references are to The Claremont Colleges, Inc. or to The Claremont Colleges Services.*

## **The Claremont Colleges Demonstration Policy**

The undergraduate Claremont colleges – Pomona College, Scripps College, Claremont McKenna College, Harvey Mudd College, Pitzer College – together with Claremont Graduate University, the Keck Graduate Institute and The Claremont Colleges Services are all member institutions of The Claremont Colleges. Each of these member institutions respects the rights of free speech and peaceable assembly and supports their exercise. However, when the exercise of speech and assembly becomes disruptive or non-peaceable, and infringes upon the rights of others, threatens property or public safety, or impedes the business of the member colleges or The Claremont Colleges Services, the individual colleges and TCCS will act according to this policy.

Every institution in the Consortium has instituted procedures for presenting and peaceably resolving disagreements about policies. Officials at the individual Claremont Colleges and The Claremont Colleges Services are willing to examine, discuss, and explain institutional policies to any member of The Claremont Colleges community. However, participation in a demonstration that is materially disruptive and non-peaceful or involves the substantial disorder or invasion of the rights of others on the property of any of The Claremont Colleges or The Claremont Colleges Services or their affiliated institutions is prohibited.

Determination of when a demonstration or action is non-peaceful or disruptive may be difficult, but the Claremont Colleges individually and collectively subscribe to the general guidelines listed below.

- Non-peaceful actions or demonstrations are those that endanger or injure, or threaten to endanger or injure, any person, or that damage or threaten to damage property.
- Disruptive actions or demonstrations are those that restrict free movement on any of the campuses, or interfere with, or impede access to, regular activities or facilities of any of the Colleges or The Claremont Colleges Services.

### **General Guidelines**

If an officer or designee of an affected college or The Claremont Colleges Services informs individuals in a given area that their collective actions are judged non-peaceful or disruptive and that they should disperse, individuals remaining may be charged on their home campus with a violation of this policy.

Any individual acting in a non-peaceful or disruptive manner, whether they are acting individually or within a group, may be charged on the basis of the individual's or group's behavior with a violation of this policy. Ignorance of this policy or lack of intent to violate this policy is not an acceptable justification for violating it.

Lack of intent or lack of awareness of the existence of College and The Claremont Colleges Services policy will not excuse violations. Charges will be brought at the home college of the accused.

Any president on their home campus, or designee, or the Chief Executive Officer of The Claremont Colleges Services (TCCS), or designee, on the property of TCC is authorized to take actions against any individual violating this policy. Actions may include arrest, or other legal action, or notice of disciplinary charges and handled through the home college's disciplinary procedures. The presidents and the Chief Executive Officer of TCCS may delegate their authority to act.

## Enforcement Policy

In the event of a non-peaceful or disruptive action on the property of any of the Claremont colleges, TCCS, or any of their affiliated offices or programs, the affected College or Colleges or TCCS will act according to the following procedures:

- The President(s) of the College(s) where activities are disrupted or the Chief Executive Officer of TCCS, in the case of The Claremont Colleges Services property, will determine whether or not negotiation will take place with those involved in the demonstration or disruption. The president(s) will also determine the actions to be taken including, but not limited to, provisional or summary suspension or arrest. The president of the college may summarily suspend a student of their college violating this policy. However, the president of the college or the CEO of TCCS will only have the authority to provisionally suspend a student representing one of the other Claremont colleges – pending referral to the home campus disciplinary body.
- The Colleges and TCCS agree that cases of student disruption or non-peaceful action normally will be treated as a violation of the student's home campus conduct code and will be adjudicated by the normal disciplinary process at the student's home college. Appropriate officials at the affected institution(s) may put disruptive or non-peaceful individuals on notice that they are in violation of this policy and file charges against them. Officials at the home campus agree to acknowledge requests for disciplinary action including requests for suspension and take action that is consistent with and/or allowed by disciplinary procedures at the home campus.
- Officials at the other campuses will promptly provide assistance in identifying disruptive or non-peaceful individuals to the campus where the disruption occurs or to TCCS.
- All individuals who are engaged in disruptive or non-peaceful action will be notified that they are trespassing. Persons who continue to trespass after notification are subject to arrest (by a Peace Officer or by Private Person. California Penal Code Section 834).
- Individual Claremont Colleges and TCCS may bill students or file civil suits to recover damages and costs.
- While officials at affected colleges or TCCS may temporarily revoke any or all student privileges or take steps to end disruptive or non-peaceful protests, the college at which the student is enrolled, and only that college, may adjudicate complaints and make final decisions about alleged violations of conduct, apart from those decisions made by a court of law.

(Approved by the Council of Presidents of The Claremont Colleges, November 2001).

*On January 1, 2018, the legal name of Claremont University Consortium was changed to The Claremont Colleges, Inc. When "Claremont University Consortium" appears in this document, the references are to The Claremont Colleges, Inc. or to The Claremont Colleges Services.*

## Poster and Banner Approval Policy

The five Colleges have agreed to the following regulations and guidelines governing publicity distributed at the Claremont Colleges.

### Regulations

For the purpose of these regulations, publicity is defined as printed materials including but not limited to: fliers, posters, table tents, and banners.

1. Any and all publicity to be posted on any or all of the campuses of the Claremont Colleges must be approved by one of the following offices:
  - CMC- Dean of Students Office, Heggblade Center, x18114
  - HMC- Dean of Students Office, Platt Campus Center, x18757
  - Pitzer- Gold Student Center, x73900
  - Pomona- ASPC Business Office, Smith Campus Center, x72268
  - Scripps- Student Activities and Residence Life Office, Malott Commons, ext. 74307
2. All publicity must clearly and recognizably show the name of the sponsoring organization or individual(s).
3. All publicity must have a name and telephone number or email which students may contact for more information about the program.
4. In accordance with the Alcohol Policy: non-electronic advertising may contain no explicit or implicit, written or pictorial references to alcohol beverages or alcohol service.
5. Any questionable materials are subject to review by the Committee of Five College Student Activities Professionals.

### Guidelines

1. For the sake of maintaining a sense of community and support for all members, organizations must refrain from using racial, gender or ethnic slurs, stereotypic depiction, or similar references in all advertising material.
2. In the interest of the environment, organizations are strongly encouraged to promote events electronically and through various online and social media outlets and are encouraged to post the least number of posters for effective advertising.
3. The posting of fliers, posters, and similar material is limited to bulletin boards and approved posting spaces on campus. Nothing may be affixed to trees, glass surfaces, painted surfaces, sidewalks, or campus buildings. Fliers may not be put on cars in parking lots or on public streets. Private doors and windows are permissible with approval of the resident.

4. In accordance with the Residence Hall regulations; door-to-door solicitation or distribution of materials in the Residence Halls is prohibited.
5. College staff remove all advertising material which does not comply with these regulations.
6. Organizations are expected to be respectful to other posted materials. Do not post over other materials that remain current.
7. Organizations are requested to remove their advertising within forty-eight hours following their programs or projects.
8. *CHIRPS!* is emailed Monday - Friday during the academic year, once daily, at 10:00am. Learn more about advertising in *CHIRPS!*.
9. Organizations may bring the original posting/flyer to the ASPC office to be stamped, or flyers can be approved electronically via the following method: Send an email with the flyer/poster attachment to BOTH [duplicating@pomona.edu](mailto:duplicating@pomona.edu) and [flyerapproval@pomona.edu](mailto:flyerapproval@pomona.edu)
  - Include the specific Duplicating order in the email (i.e., how many copies being requested, what type of paper, etc.)
  - ASPC staff will review the flyer and approve it for Duplicating Service to apply the approval stamp, electronically
  - If requested, the ASPC Office can also provide funding approval for Duplicating Services from a club account

## 22-The-Claremont-Colleges-Services---Campus-Safety-Policies-and-Procedures [Handbook]

### Campus Safety

Campus Safety may be reached by dialing 909-607-2000 from any campus phone or by calling 909-621-8170. It is located at 150 East Eighth Street. Campus Safety personnel are on duty 24 hours a day year round to help provide safety and security for our students, faculty and staff.

Campus Safety is staffed by full-time and part-time employees, who are specifically trained and responsible for a full range of public safety services including: crime reports, apprehension and arrest of suspects, enforcement of all federal, state and local laws, as well as College policies and regulations, responding to suspicious activity calls, medical emergencies, fire emergencies, traffic accidents, parking and traffic enforcement, safety hazards, escort services and a host of related safety services.

Crime Prevention is a major focus of Campus Safety as well as providing the community with strategies to promote the reduction and elimination of crimes. Campus Safety recommends that each individual takes responsibility for their own safety and security. In this regard, the following suggestions are highly recommended:

- Report all crimes and suspicious activity immediately (ext. 909-607-2000). Prompt reporting may assist in apprehension and prevention of future crimes.
- Keep your dorm/residential or office door(s) locked and don't prop open any exterior doors.

- Always keep your room door locked when: sleeping, taking a nap, showering, going down the hall, expecting someone to visit, or whatever the situation,
- LOCK YOUR DOOR. Carry your key/card key around your neck or somewhere on your person.
- Report people you don't know who "accidentally" enter your room under any pretense.
- Lock up your valuables at all times, but especially when social activity is expected in your room or suite.
- Don't walk alone at night. Use Campus Safety's Escort Service by calling 909-607-2000.
- Participate in crime prevention programs.

## Emergency Notifications and Alerts

In fall 2007, Pomona and The Claremont Colleges Services put into service an emergency notification system that will let you know if there is a situation on campus that constitutes a major emergency, such as a chemical spill, earthquake, or an act of violence. The current system is called Everbridge, and gives Campus Safety the ability to not only notify you about an emergency, but also give you information and instructions.

Students' personal emergency contact information (personal cell phone) has also been automatically entered into the system. Students can also input and update their personal data on the Everbridge form available on the student portal.

Campus Safety also attempts to inform the campus community of crimes or suspected crimes which threaten the physical safety of Pomona College students. Campus Safety communicates relevant information to students, faculty, and staff through emergency notifications, alert bulletins, community messages, and timely warnings.

1. Emergency Notifications are issued upon the confirmation of a significant emergency or dangerous situation (including a Clery reportable crime) involving an immediate threat to the health or safety of Pomona students, faculty, or staff. Legal constraints about confidentiality and privacy requests made by the victims and their families are honored.
2. Alert Bulletins are issued upon the confirmation of an incident that Campus Safety or Pomona determine, in its judgment, does not present an immediate or continuing threat to the TCC community, but requires alerting the TCC community due to its possible effect on the community's movement or activities.
3. Timely Warnings will be issued in the event TCCS or Pomona receives notice of an alleged Clery Act reportable crime where Campus Safety or the Colleges determine, in its judgment, that the allegations present a serious or continuing threat to the TCC community.
4. Community Messages are general, informational messages issued by Campus Safety as a public service. These messages provide general safety guidelines or community information for the overall college community.

## Motor Vehicle and Bicycle Registration

Pomona College extends the privilege of operating motor vehicles on its campus to some registered students, employees, and visitors. First-year students are not allowed to bring cars to campus. All vehicles parked on Pomona's property must display a valid parking permit or a temporary parking permit. Temporary parking permits are available at the Department of Campus Safety. Student Parking permits are valid only on the campus for which they have been issued.

All students must register their cars and motorcycles with Campus Safety every academic year. Temporary parking permits are required for visitors and are available at Campus Safety. Every student living on or off-campus who owns, maintains, or operates a motor vehicle must register the vehicle with the Campus Safety Department. Students are allowed three days from the date their vehicle is brought to the college campus to register motor vehicles and obtain a parking permit. Students must create a vehicle registration account prior to visiting Campus Safety to obtain their parking permit ([Claremont Colleges Online Vehicle Registration](#)).

Students must provide a current Pomona ID Card, driver's license, and the vehicle's DMV registration to register their vehicles with Campus Safety. Only one vehicle per student may be registered. The cost of registering a vehicle is \$60 per semester. Those who fail to register automobiles, motorcycles, motor bikes, or motor scooters will be fined \$50 per ticket and after the third ticket the motor vehicle will be towed or fitted with an immobilization device aka, "a boot," if parked on campus.

At all times, students operating motor vehicles at the College must maintain a valid drivers' license. Temporary permits must be obtained from Campus Safety for vehicles which will be used on campus for no more than two weeks. There is no fee for temporary permits. Parking and Traffic Regulations for the Claremont Colleges are available on-line at Campus Safety's website. Students who bring motor vehicles to campus are responsible for knowing and complying with all traffic and parking regulations.

Employees parking vehicles on campus, must register their vehicles with Campus Safety and obtain a parking permit. Employees should create a vehicle registration account ([Claremont Colleges Online Vehicle Registration](#)) prior to visiting Campus Safety to obtain a parking permit. A current Pomona ID Card, Driver's License, and the DMV vehicle registration must be shown at the time of registration. A parking permit valid for five years will be issued. Once the validation sticker is expired, a renewal sticker may be obtained at Campus Safety. The renewal sticker will be valid for an additional five years.

Parking permits are valid for the registered vehicle only and cannot be transferred. Please notify Campus Safety within three days if there is a change in the registered vehicle.

Pomona College assumes no responsibility for damage or loss of vehicles parked or driven on campus. Furthermore, students who use privately owned motor vehicles in connection with official or unofficial activities or student employment are not insured by the College's primary automobile liability insurance. Automobile insurance carried by the owner is the primary source of coverage for losses or injuries sustained during such use of privately owned vehicles. It is the responsibility of the owner of a motor vehicle to obtain appropriate property and personal liability insurance in connection with the operation of the motor vehicle.

All students bringing bicycles to the campus must license their bikes with the State of California as required by State law. Student bicycle licenses may be obtained at the Office of Campus Life.

## **Motor Vehicle Registration Charges and Fines**

The cost to register an automobile, motor bike, motorcycle, or motor scooter is \$60 per semester or \$120 per year. The fine for failure to register a motor vehicle is \$50 per ticket. After the third ticket, the motor vehicle will be towed or fitted with an immobilization device, aka "a boot." Vehicle owners are responsible for towing, storage, or device removal fees. The fine for storing a motor bike is \$25 plus labor charges for removal.

All operators of a motorized vehicle must, at minimum, adhere to the following guidelines regarding the operation and parking of their vehicle(s) at the College:

1. A vehicle shall be parked within a designated parking stall as painted on the street and in parking lots.
2. No person shall drive any motorized vehicle, stop, park, or leave standing any vehicle, whether attended or unattended, upon the lawn, quad, or areas of any campus not regularly designated as a street or parking lot, except emergency vehicles on official business, and, as may be necessary to carry out maintenance work on such lawn, quad, and/or other non-designated areas for driving or parking.
3. The speed limit on campus streets is 25 miles per hour, unless otherwise posted. The speed limit in parking lots is 10 miles per hour. Regardless of posted speed limits, a vehicle operator shall not drive at speeds that are excessive or imprudent for existing road, weather, or traffic conditions.
4. Pedestrians have the right of way.
5. All state and local traffic laws are enforced at all times on the campus.
6. All traffic accidents should be reported as quickly as possible to the Department of Campus Safety.
7. All vehicle operators must maintain a valid driver's license and insurance coverage. (Adapted from "Parking and Traffic Regulations," available through the Department of Campus Safety.)

## Safe Escorts

If you are traveling on campus after dark, you should always do so in groups of two or more people. If you need to walk alone and want an escort, you can call Campus Safety at 909-607-2000 and they will provide an officer to escort you to your dorm or other building on campus.

## Miscellaneous Policies and Procedures

Policies and procedures included on this webpage:

**Pomona Flyer Policy**

**Event Reservation Policy**

**Encampment Policy**

**Cart Policy**

**Disciplinary Record Policy**

**The Farm Policies and Procedures**

**Fire Equipment Misuse Policy**

**Anti-Hazing Policy**

**Greek Letter Organization (Fraternities)**

## Pomona Flyer Policy

These policies are being implemented to encourage respectful sharing of space and to support dialogue and the sharing of information on campus.

- For campus events, advertising cannot occur until the event has been approved and the facility has been confirmed (if applicable).

- Any events that require flyers must be first registered in [Engage](#) by the club/organization sponsoring the event.
- The following must be indicated on all materials to be posted:
  - The full name of the sponsoring organization
  - The time, date and place of the event
  - Any entrance fees or costs to participate
  - Entry guidelines
- Posters, tents, and other physical flyers/advertising related to events, activities, or initiatives of unreasonable duration may not be approved.
- There will be no more than 20 posters or physical flyers for any event, announcement, advertisement or communication on Pomona College's campus, with no more than two posters adjacent to each other. This will reduce poster congestion, ensure space for all event posters, and is more sustainable. We also recommend using [Engage](#) to share information about your events.
- All event posters will be removed 48 hours after the end of the event. Any flyers that violate the policy will be removed as soon as possible. Please report violations to Smith Campus Center, [scc01887@pomona.edu](mailto:scc01887@pomona.edu). Students should not remove flyers without notifying the SCC staff.
- Non-event-related flyers may be posted as long as they include
  - the sponsoring club/organization/department name, or individual student name
  - a 5C contact email,
  - and a visible date (MM/DD/YY).
- We ask that members of the hosting organization remove flyers no later than 48 hours after the date stamp.
- Organizations that post such flyers without a date stamp will be contacted by the Smith Campus Center and be given 24 hours to add a stamp to their posters.
- Content of all printed/physical materials posted or distributed on campus must comply with the College's Student Speech Code.
- Posters may only be placed on bulletin boards or stone walls. Flyers may not be posted on glass or wood, because it can cause damage to the materials. Posters may not be posted on doors, tables, floors, walkways, or ceilings. (This includes, but is not limited to, the windows of the Coop Fountain, the doors of Frary Dining Hall, and the SCC Breezeway/Steele Forum walkways). Flyers found posted incorrectly will be removed by Smith Campus Center staff.

## Violations of Posting and Event Policies

- Non-compliance with any of the provisions of these guidelines may constitute a violation of the Student Code and may be addressed through the College's applicable disciplinary and hearing procedures.
- Registered clubs and organizations may also lose recognition or have a hold placed on their funds.
- Costs incurred for removal of printed or event materials can be charged to the person, persons, or organization responsible for the violation.
- Continued violations of these guidelines will be handled in accordance with the severity of the infraction, and may include one or more of the following responses: (i) written warnings; (ii) assessments for damages to facilities and/or assessed a violation fee for the cost of removal; (iii) denial of future posting and other privileges, including the ability to schedule on-campus facilities; (iv) judicial proceedings.

Specific flyer policies for all consortium institutions are found on their specific websites. Other flyer policies can be found in the 5C Student Club Handbook.

## Pomona Event Registration Policy

Event policies differ from institution-to-institution. If you plan to host an event at another consortium college, please contact them directly.

Any events that require flyers must be first registered in [Engage](#) by the club/organization sponsoring the event.

The following must be indicated on all materials to be posted:

- All student groups/clubs scheduling events must reserve space (including Smith Campus Center's plaza and all outside venues) in advance in order to avoid scheduling conflicts or overlapping use of space. Event space must be reserved through [Engage](#) or in direct communication with the venue's host.
- If students do not make advance reservations, their event may be moved or rescheduled.
- All materials from the event must be removed by the sponsoring organization within two (2) hours of the end of the event or a related work order must be submitted to Facilities.
- Events must have a College-registered student club/organization, or Pomona department sponsor, in case there are questions prior to or after the event. Clubs and organizations may register through [Engage](#) at various times during the semester.

## Pomona Encampment Policy

1. Encampments on Pomona College's campus violate College policy and are unlawful. They also take over space that rightfully belongs to the entire community and can pose a potential danger to those within them, whether from their construction or from other unlawful activity or by creating a target for counter-protesters.
2. Consistent with established College policy, students, staff and faculty must identify themselves, if requested to do so by College officials or security personnel, including law enforcement officers. Those who fail to do so may be subject to sanctions, which may include internal disciplinary process, and citation, detention and arrest by law enforcement agents.
3. In responding to the establishment of an encampment or other similarly disruptive activity, the College will first provide direction to involved parties to stop these prohibited activities. Should the behaviors persist, notice of consequences associated with the continued disruptive activities will be provided; and the individuals involved will have a final opportunity to leave. Should those involved still refuse to conform to the College's instructions and policies, further action will be taken, which may include internal disciplinary process and citation, and ultimately detention and arrest by law enforcement. Consistent with our emergency response protocols, Pomona College leadership retains the right to involve law enforcement personnel when internal measures fail.
4. Be aware that non-Pomona affiliates engaged in an encampment or other similarly disruptive activity are in violation of the law and therefore subject to prosecution.

## Cart (Motorized) Policy

The following are the guidelines under which carts may be used:

1. College employees are the only persons authorized to drive College carts. College employees are defined as those on a regular payroll of the College, including student employees. All drivers must possess a valid driver's license. The student must provide a copy of the driver's license and have it on file in the Office of Student Affairs prior to receiving keys to the cart.
2. At the time of hire, all student employees who will be driving carts will receive training. The training will include information about the specific vehicle they will drive, how to secure the cart, etc. and employees will be required to drive the cart as practice.
3. Golf carts and utility carts must be driven in conformance with all applicable state laws and College policies. Carts may not be over-loaded with equipment or supplies nor may a passenger ride on the back of a utility cart to hold the contents on the cart. Carts must be operated at a safe speed at all times.
4. Any employee who is under the influence of or who is impaired by alcohol or drugs may not drive a cart. Violation of this 'zero tolerance' policy shall be grounds for termination.
5. All carts must be equipped with secure locking devices preferably a "club" or a heavy-duty chain with a padlock. Carts must be secured in place any time they are left unattended. Carts may be chained to any fixed object that will not be damaged by the chain or secured with a "club."
6. The maximum number of occupants for a golf cart or utility cart is the number of seats provided by the manufacturer. No person may ride on the bed of a utility cart and no person may stand on any cart while it is moving.
7. No cart owned by Pomona College may be used to transport an intoxicated person.
8. Carts are to be driven only on College-owned roadways and city sidewalks, not on public streets except as absolutely necessary (e.g., to cross Sixth Street or College Avenue to reach an on-campus location).
9. Carts should not be driven or parked on turf or other landscaped areas.
10. Any accident involving the cart, any cart damage, or any cart malfunction must be reported to the cart operator's supervisor as soon as possible, but no later than 24 hours from the occurrence of the incident
11. Carts are not generally authorized for use as an individual convenience. Their use is restricted to moving materials and people when such transport is necessary.
12. In some instances, students with injuries or illnesses may arrange privately to rent a golf cart for transportation to classes and meals. The Office of Student Affairs, based on medical documentation provided by the student, must approve such cart rental. The cart must be driven only by the student (s) and approved by the Dean's office and in accordance with state laws and college policy. Approved students must possess a valid driver's license and appropriate insurance. The cart must be securely locked each evening at an agreed upon time and place when the student's principal use has concluded. Inappropriate use will result in removal of the cart from campus and, in some cases, disciplinary action.

## Disciplinary Record Policy

A Pomona College student acquires a disciplinary record with the College if they are sanctioned by the Judicial Council, Academic Discipline Board, Student Affairs Committee, or by one of the Deans or Associate Deans of Student Affairs or Campus Life for a violation of the Pomona College Student Code or other disciplinary policies. Sanctions imposed by faculty members or other College officials may also result in a disciplinary record. Any disciplinary action concerning fines is not considered part of the official disciplinary record for post-graduation purposes (i.e., employment or graduate school admission). Other sanctions issued by Deans may also specify that they will not be considered part of the official disciplinary record for post-graduation purposes. A student's choice to appeal disciplinary action to the Judicial Council shall not impact whether the alleged violation is included on the student's official disciplinary record for post-graduation purposes. The length of time that Pomona College maintains a disciplinary record is determined by the severity of the sanction that has been imposed. If the sanction is a warning, probation, fine, limitation on participation, restitution, or discretionary sanction (such as community service, the writing of a research paper, or attendance at AA meetings), the disciplinary record will be maintained for five years following the date of the offense.

If the sanction is a residence hall suspension or change, residence hall expulsion, college suspension or college expulsion, the disciplinary record will be maintained as a permanent College record. Information on Student Code violations is confidential. See [Pomona College Student Code](#).

## The Farm Policies and Procedures

The Farm is the property of Pomona College and subject to all regulations and use rules that govern the campus. The farm is managed by the Environmental Analysis Program and it is dedicated to the study of agricultural systems.

The Wash, where the farm is located, is a multi-use area preserved for recreation, natural beauty and athletics. Because of its multipurpose nature, the area of the Wash available for use and cultivation by The Farm is restricted to marked boundaries. Use or cultivation outside of this area is not permitted. Decisions about use and governance policies for the Farm will be made by a steering committee composed of the Dean of Students, faculty from Environmental Analysis Program, a student from the Farm Club, and Farm staff.

### Policies governing use of the farm

1. A 7C Identification Card or Farm Pass must be presented upon request.
2. Farm Pass application available by request.
3. 7C students, faculty, staff and Farm Pass holders may have two visitors while at The Farm.
2. Alcohol is not permitted on the Farm.
3. Smoking is not permitted in any area of the Farm, Dome or Outdoor Classroom.
4. Open fires are not allowed on the Farm. (Barbeques and cook outs are permitted through a registered event.)
5. The Farm is open for use from one hour before sunrise until one hour past sunset.

6. Persons under 18 years of age must be under the supervision of an adult who has a valid current Farm Pass or 7C ID

## Registration of Events at The Farm

- Events need to be registered with the ASPC office in Smith Campus Center.
  - Requests for events at The Farm can only come from an 7C identification card holder.
  - Registered events at the Farm may be approved to run until 9:00 PM.
1. Amplified sound or drumming is permitted during daylight hours only, unless part of a registered event.
  2. The Farm should be kept clean and neat, without unnecessary trash and litter, in accordance with Pomona College standards. Trash must be disposed of; compost and recycling should be placed in proper receptacles.
  3. Use of Outdoor classroom and/or Dome available by request to Farm Staff.
  4. All are asked to walk on paths and to avoid walking on the plant beds.
  5. All are asked to return tools to their proper location after use.
  6. Harvesting limited to fruits when in season. Harvesting of produce from other plantings is only permitted with the consent from individual plant bed managers.
  7. Respect the work of students who work to make The Farm a pleasant and viable experience.

Contact Farm staff if you have questions or would like to learn about the Farm's routine practices and philosophies. Please enjoy the Farm Tours available upon request.

## Fire Equipment Misuse Policy

Proper use of fire systems and fire emergency equipment is essential for the protection of all members of the community. Students alone or in concert with others may not tamper with, discharge or play with fire extinguishers, fire doors, smoke detectors, exit lights, or tamper with or pull a fire alarm under false pretenses.

In addition, prompt and cooperative response to fire alarms, in accordance with college emergency procedures, is required of every resident, visitor, and guest. All students must evacuate the building during any fire alarm.

Any student who is responsible, alone or in concert with others, for misuse of a fire extinguisher or other emergency firefighting equipment will receive a mandatory fine for a first offense. This fine can be appealed to the Judiciary Council only on the basis of dispute about the facts of the incident. In case of a violation for which the responsible person is not identified, the fine can be levied against a residence hall at the discretion of the Dean of Campus Life. A second offense will result additionally in withdrawal of campus housing and dining privileges for at least one full semester. At the discretion of the Dean of Campus Life, second offenses may be referred instead to the Judiciary Council with a recommendation for a stronger penalty.

Actions which set off building fire alarms disrupt the residents, violate state law, and endanger others. Any student who willfully commits such an offense will be fined \$500.

A student whose campus privileges have been withdrawn for this reason may, after spending at least one full semester in off-campus housing, petition the Dean of Campus Life to resume residency on campus under terms agreed upon by the Dean.

All individuals present in a building when a fire alarm sounds are required to evacuate the building immediately, in accordance with standard emergency procedures. Any student who does not cooperate with these procedures will be fined on a first violation, and the automatic fine will be doubled for each subsequent violation. Habitual refusal to cooperate will result in referral to the Judiciary Council with a recommendation of withdrawal of campus housing and dining privileges.

California law establishes criminal penalties for willful and malicious tampering with fire protection equipment or sounding false alarms[JE4].

The state and local fire codes, as well as Pomona College policy, require the following:

- It is prohibited, negligently or intentionally, to set a fire of any size or type in or around any residence hall on campus. Open flame devices, including incense and candles, (excluding cigarette lighters and matches) are not allowed in the residence halls.
- Placing furniture, bicycles, boxes, or any item in such a way that obstructs emergency evacuation procedures is a violation of the state fire codes. These codes are strictly enforced by staff.
- Corridors and exit doors are to be kept clear of obstruction at all times.
- Lighted candles or open flames in the residence halls are not permitted.
- Excessive amounts of combustibles, such as paper, paper products, textiles attached in the room or attached to walls or ceilings, or as room dividers, are a fire hazard and are not permitted.
- Corridor decorations and signs shall be made of nonflammable materials treated with an approved fire retardant. Trees or any branches used for seasonal decorations must be treated with an approved fire retardant and so tagged.
- Flammable liquids shall not be stored or used in any residence hall.
- The use of a non-approved cooking appliance is prohibited.
- Motor scooters, motorcycles, and other vehicles which have gas tanks cannot be stored anywhere in the residence halls at any time.
- Gasoline, kerosene, and other combustibles are fire hazards and are prohibited in the residence halls.

In all of these matters, students are responsible for the behavior of any guests and/or visitors, including students from the other Claremont Colleges, who are present in a building at their invitation, and penalties may be assessed on the hosts for violations committed by their guests and/or visitors.

## Anti-Hazing Policy

### Policy Statement

Pomona College is committed to fostering a safe and inclusive environment for all students, faculty, and staff. Towards that end, and in alignment with federal law (Section 485(f) of the Higher Education Act), and California state law (Sections 32050 (245.6) and 32051 of the California Education Code and Section 48900 q of the California Penal Code), the College strictly prohibits hazing. Hazing can be psychologically and/or physically harmful to individuals, can damage organizations and teams, and undermines the educational mission and values of Pomona College.

Accordingly, no student, College employee or volunteer, student organization, or athletic team, shall conduct or condone hazing activities. Violations of this policy will result in disciplinary action. If you have knowledge of hazing or potential hazing activities, you should contact the Dean of Students Office who will investigate and take actions to stop the conduct as appropriate.

## Definitions

**Hazing** means any intentional, knowing, or reckless act committed by a person either actively or passively (whether individually, in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that:

- is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
- causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization, of physical or psychological injury, including but not limited to the circumstances discussed in the “Examples” section below.

A level of coercion is often involved in hazing; an individual being hazed may not feel they can opt out of participation because of peer pressure or a desire to belong or “fit in” to the group. Because of the socially coercive nature of hazing, this definition of hazing applies regardless of the willingness of such other person or persons to participate or their actual or apparent consent.

A **student organization** is defined as “an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.” Hazing does not generally include actions or situations that are part of officially sanctioned and supervised College activities such as athletic training and conditioning.

An individual can be responsible for violating this policy for soliciting, directing, aiding, or otherwise participating actively or passively in activities which violate this policy.

## Examples

Hazing activities often involve alcohol; however, activities need not involve alcohol to violate this policy. Common examples of behaviors that can be hazing include, but are not limited to, the following:

- Any requirement or pressure put on an individual to participate in any activity which is illegal, perverse, publicly indecent, or contrary to his/her genuine morals and/or beliefs (i.e., public profanity, lewd conduct, sexual gestures, public nudity or engaging in public stunts)
- whipping, beating, striking, electronic shocking, placing of a harmful substance on someone’s body, or similar activity;
- causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;

- causing, coercing, or otherwise forcing an individual to shave, tattoo, pierce or brand any part of their body, including the hair on their head;
- causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
- causing, coercing, or otherwise inducing another person to perform sexual acts;
- any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
- threatening to physically restrain someone or actually restraining them;
- assigning unreasonable chores or acts of servitude;
- causing excessive exercise, sleep deprivation or excessive fatigue;
- interfering with an individual's personal hygiene;
- requiring the wearing of specific apparel or acting in a way that is conspicuous and may cause the individual embarrassment or ridicule;
- degrading or humiliating games and activities, including paddling;
- activities that would unreasonably interfere with students' other activities or obligations (academic, extracurricular, family, religious, etc.);
- physical threats or abuse of any kind including throwing objects or substances at an individual Encouraging or requiring a person to consume alcohol, drugs, or foreign or unusual substances, including consumption of large quantities;
- encouraging the use of alcohol or illegal drugs;
- any activity against another person that includes a violation of school policy or criminal violation of local, State, Tribal, or Federal law; and
- any activity that induces, causes, forces or requires another person to perform a duty or task that involves a violation of school policy or criminal violation of local, State, Tribal, or Federal law.

The College will use a "reasonable person" standard when evaluating such conduct and its potential effects. The determination of whether a particular activity constitutes hazing will depend on the circumstances and context in which that activity is occurring. Some key questions which are used to evaluate whether an activity constitutes hazing include:

- Was a person or group being singled out because of their status with the group or team?
- Was there a risk of physical or psychological discomfort or harm as a result of the activity?
- Was the activity demeaning, abusive, or dangerous?

- Was there a level of coercion and/or peer pressure involved?
- How easily was someone able to opt out of the activity?
- Did the current members refuse to do what the new members were asked to do?
- Did the activity or activities interfere with the participants' other activities or obligations (academic, extracurricular, family, religious, etc.)?
- Was alcohol involved?
- Was there a sexual element to the activity?
- Did any of the activities violate College policy or federal, state, or local law?

### How to Avoid Hazing

There are many positive ways to welcome new members into a group or team. The Smith Campus Center or Dean of Students staff can assist you in identifying such activities which can help build cohesiveness and foster teamwork. When you are considering an activity associated with membership in an organization or team ask yourself: Would you feel comfortable describing the activity to others (parents, grandparents, College official, law enforcement, etc.)? If you would be hesitant to describe the activity to others then the activity may constitute hazing and the group would be best served in participating in a different activity.

### Reporting Hazing Incidents

Pomona College encourages prompt reporting of any suspected hazing activities. Reports can be made through the following channels:[DI1]

- Email: [josh.eisenberg@pomona.edu](mailto:josh.eisenberg@pomona.edu) and/or [studentaffairs@pomona.edu](mailto:studentaffairs@pomona.edu)
- **Campus Security:** Contact at (909) 607-8736
- **Office of Student Affairs:** Visit in person at Alexander Hall, Room 102 or call (909) 607- 7855.

All reports will be handled to protect the privacy of individuals with discretion, to the greatest extent possible.

### Investigation Process

Upon receiving a hazing report, the College will:

- **Initiate a Preliminary Assessment:** Evaluate the substance and severity of the allegation.
- **Conduct a Formal Investigation:** If warranted, an investigation will be led by the Office of Student Affairs in collaboration with Campus Security.
- **Implement Interim Measures:** As necessary, to ensure the safety and well-being of students during the investigation.

- **Conclude with Findings and Actions:** Based on the investigation, the complaint may be referred to the Judicial Council, which will reach findings and disciplinary actions where appropriate, which may include suspension or expulsion of individuals or organizations found responsible.
- **Reporting to Law Enforcement:** In cases involving potential criminal conduct, the College will refer the matter to local law enforcement while continuing its internal investigation.

### Hazing Prevention and Awareness Programs

Pomona College is dedicated to proactive hazing prevention through:

- **Mandatory Educational Workshops:** All students, members of student organizations, and employees must complete the hazing awareness and prevention training.
- **Primary Prevention Strategies:** Emphasizing the development of positive organizational cultures, peer leadership, and bystander intervention training to prevent hazing before it occurs.

### Transparency and Accountability

In compliance with the SCHA, the College will:

- **Publish an Annual Hazing Report:** Detailing reported hazing incidents and outcomes, made publicly available on the College's website.
- **Maintain a Campus Hazing Transparency Report:** Regularly updated to include information on hazing incidents and prevention policies, ensuring community awareness and institutional accountability.

### Continuous Improvement

The College will regularly review and update this policy to ensure effectiveness and compliance with federal and state laws, incorporating feedback from the campus community and evolving best practices in hazing prevention. Students, staff, and faculty are encouraged to provide feedback on the Anti-Hazing Policy to foster continuous improvement and inclusivity.

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[DI1]We need an anonymous reporting mechanism under state law (but have until 2026 to put it in place).

## Greek-Letter Organizations (Fraternities)

The Student Affairs Committee has created the following regulations for all social Greek-letter organizations:

## Initiation

Fraternities may not invite potential new members, nor initiate new members until the second semester of the new member's first year or later. In the second semester, new member activities must take place after March 1, in order to give students time to consider their choices. Alcohol is not permitted during new member activities. Also, see "Hazing Policy."

All current members are required to sign a non-hazing form at the beginning of every year. Signed forms must be submitted to the Assistant Director of the Campus Center by September 30 each year. Prior to any New Member Education activities, all prospective members must also sign the non-hazing form. Signed forms must be submitted to Assistant Director, SCC, before NME activities can begin. Also, see "Hazing Policy."

Fraternities must file dates and general plans for new member education and initiation with the Assistant Director of the Smith Campus Center, including information about whether or not the faculty advisor will be present and during which hours. The Assistant Director of Smith Campus Center may visit any new member education program and the initiation.

## Membership

All fraternities must limit their membership to Pomona College students. Membership lists must be provided to the Office of the Campus Center and Student Programs and to the IFC each semester.

## Voting Procedures

After open discussions, elections to membership should be made with the faculty advisor present. The voting procedure may require for election votes of 80 percent of the members present, or, if fewer than 15 are voting, three votes less than unanimity.

## Advisors

Every Greek-letter organization must have a faculty advisor, who is expected to play a prominent role in the organization's activities, including participating in the planning of initiation activities. The organization's annual statement of purpose must be signed by the advisor.

Recognizing that it may be beneficial in maintaining connections with the community and in organizing community service projects, advisors to the various fraternities are encouraged to meet on occasion to discuss fraternity activities.

## Alcohol Education

Prior to recruitment, all registered members of each fraternity shall participate in an alcohol education program that will include a review of current College alcohol policy. The program shall be arranged by the Office of the Campus Center and Student Programs.

## Recruitment

Each semester before rush, fraternities must hold at least one open house on campus, where prospective members may learn about the traditions, goals, and existing membership of the fraternities in which they might be interested. These open houses must be broadly publicized.

## **Statements of Purpose**

Every Greek-letter organization, in order to be registered, must annually submit to the Office of the Campus Center and Student Programs a form that includes a statement of purpose. It must be signed by each member and the faculty advisor. This Statement of Purpose will outline the fraternity's responsibilities to the community and their intended activities for the year, and will serve as the basis for periodic fraternity reviews. This form will be kept on file by the staff person who serves as fraternity liaison.

## **Withdrawal of Registered Status**

The College holds each Greek-letter organization responsible for the actions of its individual members at the group's events. Antisocial behavior attributable to the collective action of the organization or antisocial behavior of individual members related to such group action may result in the revocation of the group's official status. The Judiciary Council has jurisdiction over fraternity violations of College policy.

## **Disbanded Organizations**

Any Greek-letter organization officially disbanded by the College may prepare a new statement of purpose and apply to the SAC for official recognition once again.

The SAC has full discretion as to whether or not to grant recognition again in cases where it has been withdrawn. If relevant, misconduct in connection with a disbanded organization may be viewed as an aggravating circumstance in the instance that a student is called before the Judiciary Council on other grounds. This policy does not modify the general rule that if student organizations—recognized, unrecognized, or officially disbanded—act in ways severely detrimental to the wellbeing of the College community, the organization and their members may be subject to disciplinary action.

## **Fraternity Funding**

ASPC funds may be available to assist Greek-letter organizations with those events that are held for the benefit of the College community. Such events must be open to all students, on campus, and non-profit.