

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 Chair of the Board of Trustees, 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.

Article I: Definition of Terms

1. **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.
2. **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.
3. **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.
4. **College:** means Pomona College.
5. **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.
6. **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).
7. **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.
8. **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).
9. **Faculty member:** means any person hired by the College to conduct classroom activities, or emeriti faculty.
10. **Guest:** is any Pomona student hosted by another Pomona student in their personal room and/or residence hall. For non-Pomona students, see "Visitor."
11. **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.

12. 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.
13. Jurist or retired jurist: means any individual who has served as a judge in a court of law.
14. Legal counsel or attorney: means any individual who is properly licensed to practice law.
15. May: is used in the permissive sense.
16. 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.
17. Organization: means any number of persons who have complied with the formal requirements for College registration as a campus organization.
18. 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.
19. 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.
20. 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.
21. Quorum: the minimum number of members necessary to conduct a hearing.
22. Respondent: refers to the person(s) or group cited in the complaint who allegedly violated the Student Code.
23. Shall: is used in the imperative sense.
24. 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.
25. 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.
26. 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.
27. Victim: refers to the individual(s) harmed by the alleged policy violation.
28. 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.
29. 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.

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) of the faculty. The Student Code derives its authority from the Student Affairs Committee and changes in the Code require the Committee's approval. 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.

Methods of addressing a case are:

Full Hearing

A Full Hearing shall be convened when the facts of the case or the role and responsibility of the respondent are in dispute. Eight members, plus the non-voting chair, shall constitute the hearing panel to sit for a particular case (any six members plus the chair shall constitute a quorum). A dean from Student Affairs shall sit with the board as an advisor on process and to represent the views of the College, and a staff member from Student Affairs shall be present to record the proceedings.

Penalty Board Hearing

A Penalty Board shall be convened when the respondent agrees to the facts of the case and to responsibility for a violation of the Student Code and signs a SAPV so indicating. Four members, plus the non-voting chair, constitute the hearing panel (and a quorum) for a Penalty Board Hearing. A dean from Student Affairs shall sit with the board as an advisor on process and to represent the views of the College, and a staff member from Student Affairs shall be present to record the proceedings.

Appeals Board Hearing

An Appeals Board shall be convened when the respondent alleges that new evidence has been found or improper judicial procedure occurred in the Full Hearing or Penalty Board Hearing. Three members and the non-voting Appeals Chair shall constitute the hearing panel (and a quorum) for an appeal. Appeals Board members shall be selected from those Judicial Council members who did not participate in the Full Hearing or Penalty Board Hearing of the case. A dean from Student Affairs shall sit with the board as an advisor on process and to represent the views of the College, and a staff member from Student Affairs shall also be present.

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

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, as outlined in Article VII, Section E. 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 Board 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 Penalty Board or Judicial Board or the Student Affairs Committee for hearing.

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 Board, Full Hearing, or Student Affairs Committee hearing. Student Affairs shall inform the respondent of the Preliminary Sanction Review Board when imposing a preliminary sanction.

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 the two Judicial Council Advisors from the Dean of Students office and one or two Judicial Council Chairs that will not chair the respondent's Penalty Board or Full Hearing. If one of the Judicial Council Advisors is not available for participation on the PSRB, a dean

with investigatory powers who is not involved with investigating the respondent can serve in the stead of a Judicial Council Advisor on the PSRB.

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. If only one chair can sit on the PSRB Panel due to conflicts of interest or extenuating circumstances, a vote of two out of three members is necessary to lift or alter a preliminary sanction.

Factors that the PSRB shall consider include, but are not limited to:

- Context and factual uncertainty of the alleged Student Code violation
- Proportionality of the sanction relative to the alleged violation
- Well-being of the respondent and well-being of the entire college community
- Case precedent files

If a student, the Dean of Students, or their representative, notifies the Judicial Council of the student's interest in appealing the preliminary sanction, the Judicial Council is notified of the interest in appealing a preliminary sanction, a respondent may petition the Judicial Council (all four student chairs and three Student Affairs advisors) for a 7-day extension, and the time the student has to submit their petition is extended by the time between the request's submission and the Judicial Council notifying the respondent of their decision.

The PSRB's decision shall be presented during the judicial body hearing. Panelists shall be advised that the decision of the PSRB 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.

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.

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 the appeals board. In addition, the President may, under extraordinary circumstances, review and if necessary, remand or alter the decision of the judicial bodies.

Mediation

A mediation group may be impaneled to serve as an arbiter of disputes within the student community in cases where the complainant wishes to pursue mediation rather than have the case heard before the Judicial Council. All parties must agree to the mediation and be bound by the decision to mediate with no right of appeal to the Judicial Council.

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 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. Violation of the Alcohol and Drug Policies, including possession of alcohol by students under 21 years of age and possession of marijuana.
10. 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.
11. 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.
12. Interfering with the judicial process, including but not limited to:
 - Failure to obey the summons of a judicial body or college official.
 - 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 wit-

nesses made in or prepared for Pomona College judicial hearings are strictly confidential.

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

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

Article IV: Speech Code

Speech Code: The Pomona College student body 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. However, in the following cases, speech and other forms of expression are unprotected and a violation of the Student Code:

- Speech that constitutes harassment, as defined by the College's Non-Discrimination Policy.
- 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 threat must be serious enough to cause an individual to fear for their physical safety in order to qualify as a true threat.

If a Dean of the College believes the speech meets any of the requirements of the subpoints as stated above, they may request to have a conversation with any of the involved parties to further understand the details of the event. It is not a violation of the Student Code to refuse to meet with a Dean if a Dean requests to meet in regard to potential speech code violations. If, during these conversations, the Dean determines that the speech does violate all of the requirements of one or more of the subpoints as stated above, the College may choose to pursue judicial 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 of the College.

Article V: Administrative Process for Alleged Policy Violations

Throughout the conduct process, the respondent maintains the following rights:

- The option of having another member of the Pomona College community present as an advisor during any meeting.
- Being assigned to an advisor who can support them throughout the judicial process.
- The option to reject responsibility for some or all alleged policy violations and select a Full Hearing.
- Access to the Pomona College Student Code. (The Code is publicly available online.)
- Being informed of these rights.

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. 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.
3. 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.
4. 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.
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 exigent 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:
 - 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
 - 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. 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.
11. When the SAPV is received from Student Affairs, the chair of the presiding judicial body shall fix the time and place of the hearing. 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 shall determine whether the respondents shall appear before the same hearing panel. The chair shall notify the respondent of the date and time of the hearing at least 72 hours in advance

of the hearing. The chair shall inform the respondent of their rights and provide them a list of suggested advisors to choose from.

Article VI: Hearings

A. Convening Full Hearings

1. A hearing panel shall be convened within 10 school days of a Statement of Alleged Policy Violation (SAPV) being provided to a respondent unless there are exigent circumstances specified by the Dean of Students or their delegate.
2. A Full Hearing shall be conducted when the circumstances of the case or responsibility for violation of the Student Code is in dispute.
3. The chairs of the Judicial Council shall convene the hearing, select members of the panel (rotating service among all the members of the Judicial Council), and, except as noted in #7 below, shall conduct the hearing. If the Chair and Associate Chairs are all unable to serve, a hearing panel shall be selected and convened by a dean from Student Affairs. The dean, in addition to the panel, shall select a member of the Judicial Council to chair the hearing.
4. The panel for a given case shall include eight students in addition to the non-voting chair. A hearing panel quorum is six. Alternate panel members may also be selected.
5. 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. A staff member from Student Affairs remains for the entire proceeding.
6. 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.
7. The presiding officer 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 designee. In such cases, the chair of the presiding judicial body shall sit as a hearing panel member unless disqualifying circumstances prevent their participation.
8. The vote of five out of eight members (or four of six or seven members) of the panel is required to find a respondent responsible for a violation of the Student Code or to impose a sanction.
9. The Student Code Administrator and respondent shall submit all evidence and a list of witnesses to the chair of a Full Hearing at least 48 hours prior to the hearing. The list of witnesses shall include an explanation of how each witness' testimony is relevant to the hearing. Evidence and witnesses must be approved by the chair, in accordance with the Code's requirements.
10. Upon approving all evidence and the witness list, the chair shall send the evidence and list at least 24 hours in advance of the hearing to the Student Code Administrator, dean from Student Affairs, advising deans to the Judicial Council, respondents, and complainants unless the chair believes that concerns for confidentiality are sufficient to justify limiting its availability. In this case, the chair shall notify all aforementioned parties at least 24 hours prior to the hearing that there is evidence and/or witnesses who will be introduced at the hearing but not in advance due to confidentiality concerns.
11. If evidence or a witness is submitted after the 48-hour deadline, the chair may still allow presentation of the evidence or witness, depending on the reason given for the delay in submission. The chair must inform the hearing panel of any witness or evidence that was submitted after the 48-hour deadline.

12. The chair of the hearing shall explain these requirements for evidentiary and witness submission when contacting respondents to schedule a hearing.

B. Convening Student Affairs Committee Judicial Hearings

Hearings conducted by SAC shall follow the same procedures as followed by the Judicial Council, and as specified in Section C of this article. However, anything in this section (Section B) that contradicts or otherwise modifies the procedure specified in Section C shall be considered superior.

1. The Student Affairs Committee considers cases over which the Judicial Council has refused or is unable to accept jurisdiction or finds impossible to adjudicate.
2. 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 (except as noted in #7 below). If the chair is unable to serve, they shall designate a Student Affairs Committee member to serve as the hearing panel chair.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.

C. Hearing Procedures for Full Hearings

1. The chair presides at hearings (unless an attorney will participate in the hearing, in which case a jurist or a retired jurist may preside). The presiding officer shall conduct the hearing to ensure the fair presentation of all evidence and witnesses. They shall:
 - Describe the hearing procedures.
 - Read the SAPV and remind the respondent of their rights.
 - 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 the presumption of innocence. Clear and convincing signifies that the violation must be highly and substantially more likely to be true than not.
 - Indicate that all decisions must be based on information presented at the hearing.
 - Remind the hearing panel 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.

2. A simple majority of the panel may overrule any discretionary decision of the chair.
3. The Chair and Associate Chairs of the Judicial Council shall have the power to summon the presence of administration, staff, faculty, and students of Pomona College. The chair of the hearing shall use this power to bring witnesses required by any party to the hearing. If a student does not appear when given a summons to appear, the Judicial Council may impose sanctions.
4. 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, a Judicial Council chair, or, except when given written permission by the Vice President and Dean of Students, or an attorney.
5. Hearings shall be conducted in private. Persons who are appropriately present at all hearings on facts are: the respondent, the complainant, the victim, the chair, the hearing panel members, the Student Code Administrator, the advisors to the respondent, complainant, and victim, a dean from Student Affairs serving as the representative of the College, and a staff member from Student Affairs.
6. The chair may authorize the attendance of additional persons, order the hearing room cleared, or order any person to leave.
7. 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 to the Appeals Board, 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, the Appeals Chair, and the Appeals Board panel members 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. The recording will be kept for one calendar year following the end of an appeal.
8. A respondent may challenge up to two members of the hearing panel if the respondent believes that member(s) cannot provide impartial consideration of the case. The chair may allow the respondent to question panel members prior to deciding whether to excuse a member. A challenged individual may be replaced on the hearing panel by another member drawn from the Judicial Council. Two alternates may be available for this purpose at hearings. Respondents shall not have the right to ask that the hearing chair be excused from the panel.
9. The chair of the hearing shall ask the respondent, complainant, and victim if any would like to have a Judicial Council member to be their advisor for the hearing, 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. Each respondent, complainant, and victim shall have no more than one advisor, except as allowed by Article VI, Section E, Subsection 1.
10. When the respondent in a hearing is an organization, the organization may be represented by no more than four organization members.
11. 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 with failure to obey the summons of the Judicial Council and the scheduled hearing shall be conducted without the presence of the respondent.
12. As the hearing begins, 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.
13. On the conclusion of the presentation by the Student Code Administrator, the respondent may speak on their behalf and request that additional information be presented or additional witnesses called.
14. The complainant, respondent, victim, Student Code Administrator, dean from Student Affairs, and chair shall all have the privilege of presenting witnesses. The chair, panel members, respondent, complainant, victim, Student Code Administrator, and dean from Student Affairs shall have the right to question all witnesses. Witnesses may not testify to a respondent's "character" but only to details of the incident(s).

15. The victim 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.
16. Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by the hearing panel as authorized by the chair in accordance with #17 and #18 below.
17. Evidence obtained by any College Official shall be obtained in accordance with College policy. Evidence obtained by a College Official in a manner that is not in accordance with College policy must be excluded by the chair, at their discretion and in consultation with the advising deans to the Judicial Council.
18. The Chair shall exclude evidence that does not meet college standards. Evidence shall be limited to:
 - Facts pertinent to the alleged policy violation.
 - Circumstances or attitudes that might affect the severity of any sanction imposed
 - Arguments addressing the applicability of the policy alleged violated to the facts of the case.

Cases from the case history file are not eligible for submission as evidence.

19. The complainant and the victim shall be given the opportunity to respond to the presentations of both the Student Code Administrator and the respondent.
20. The respondent shall be given the opportunity to make the closing statement or presentation.
21. The chair may recess 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.
22. The decision as to whether the Student Code has been violated shall be based solely upon information introduced into evidence in the presence of the respondent at the hearing. The respondent is entitled to a presumption of innocence and evidence supporting a violation must be clear and convincing.
23. 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.
24. Present for this closed session are the chair, all panel members, and the staff member from Student Affairs.
25. 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.
26. 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.
27. 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.
28. 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.

29. 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.
30. 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 the Office of Campus Life when they have completed the sanction. The case is not complete/closed until the sanction has been completed.
31. If the respondent does not complete their sanction by the stated deadline, the Office of Campus Life shall report this fact to the Judicial Council chairs or the Student Affairs Committee chair who may assign a new and more severe sanction.
32. 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.
33. 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.

D. Convening Penalty Board Hearings and Hearing Procedures

If a respondent agrees to the alleged policy violations of the case and signs a Statement of Alleged Policy Violation (SAPV) so indicating, the case shall be presented to a Penalty Board Hearing for consideration of an appropriate sanction. Since the respondent has accepted responsibility for a violation of the Student Code, a full judicial hearing is not required to determine whether a violation has occurred. The procedures in a Penalty Board include:

1. A Penalty Board shall consist of a non-voting chair and four members of the Judicial Council selected by the hearing chair on a rotating basis. These five students constitute a quorum. A dean from Student Affairs shall sit on the panel as a non-voting ex-officio member up to the point at which discussion of sanctions begins. The dean shall only remain during closed sessions for questioning and deliberation on sanctions to advise on process if asked to do so by the chair or a majority of the penalty board members. A staff member from Student Affairs remains for the entire hearing.
2. A simple majority of the panel may overrule any discretionary decision of the chair.
3. The chair shall remind the hearing panel 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.
4. Penalty Boards shall be closed. Witnesses, complainants, victims, and the Student Code Administrator are not required to determine the facts of the situation, which have been agreed to by the respondent. The chair may authorize the attendance of individuals not normally present.
5. Penalty Board proceedings shall be recorded apart from closed sessions for questioning and deliberation on sanctions.
6. When the respondent in a hearing is an organization, the organization may be represented by no more than four organization members.
7. The respondent has 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, a Judicial Council chair, or, except when given written permission by the Vice President and Dean of Students, an attorney.
8. 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.
9. A respondent may challenge one member of the Penalty Board if the respondent believes that the member cannot provide impartial consideration of the case. A respondent may not ask the chair be removed from the panel. The chair may allow the respondent to question panel members prior to deciding whether to excuse a member. The challenged individual shall be replaced on the hearing panel by another member of the Judicial Council.

10. The victim 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.
11. Three out of four members of the Penalty Board must agree on a sanction for it to be assigned.
12. 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.
13. 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.
14. 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 surrender all notes about the hearing to the chair after completing the evaluation.

Article VII: 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.

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.
3. Attendance at drug, alcohol, anger management workshops, or other similar alternatives suitable to the nature of the infraction.
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. Withholding participation in graduation: Seniors may be denied the privilege of participation in Class Day and Commencement exercises.
8. 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

F. Fines

Misuse of Residence Halls

Offense	Fine
Student's failure to return Room or Residence Hall keys	\$75 each
Student's failure to vacate room on time	\$25 per hour
Student failure to clear and clean room	Cost of cleaning
Damage to student room and furnishings	Cost of repair
Loss of furnishings	Replacement cost
Unauthorized use of room during Winter Break	\$100/day
Unauthorized painting	Cost to re-paint room
See also Housing and Residence Life policies	

Unauthorized Pets on Campus

Number of Offenses	Fine
First offense	\$100 plus \$50 per day after 72 hours
Second offense	\$200 plus \$50 per day after 72 hours

Possession of an Unauthorized or Duplicate Key

Number of Offenses	Fine
First offense	\$100

Article VIII: 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 Appeals Chair, the Judicial Council Chair, and the Vice President and Dean of Students. The written reasons for the appeal shall be based on the grounds codified in Article VIII, Section B, Subsection 1.
3. 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 Board. 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 Board 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 chair of the original hearing panel shall write a response within ten school days to be presented to the Appeals Chair, the Vice President and Dean of Students, and the respondent.
6. The Appeals Chair shall establish a time and place for a hearing and notify the hearing panel, the Vice President and Dean of Students, 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 two 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 Dean of Students, the Judicial Council Chair may request an Appeals Board review a case on the grounds of fairness or precedent.

C. Convening Appeals Board Hearings and Hearing Procedures

1. The Appeals Chair shall select panel members from the Judicial Council and shall preside at Appeals Board hearings. Three Judicial Council members are required (and constitute a quorum) for each panel. The chair of the original hearing panel shall attend Appeals Board hearings to provide information about decisions reached in the hearing.
2. The Appeals Chair shall remind the panel 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 Board hearing. The respondent and the chair of the original hearing each have the right to speak in elaboration of points in the written reasons for appeal and response. A dean from Student Affairs and staff member from Student Affairs 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. Appeals Board hearings are not recorded.
7. 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 dean from Student Affairs shall remain to advise on process only if requested to do so by the Appeals Chair or a majority of the hearing panel. A staff member from Student Affairs shall be present throughout the proceeding.
8. 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.
9. The Appeals Chair 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 chair of the hearing panel that took the action, the Appeals Chair, and the Vice President 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.

Article IX: Selection of Members and Term of Office

1. The chair of the Judicial Council, the Associate Chairs, and the Appeals Chair shall be appointed by the Student Affairs Committee following an open application process. They shall be from the junior or senior class during their term of office.
2. The members of the Judicial Council shall be selected and appointed to a term of one school year by the student delegation from the Student Affairs Committee together with the Chair of the Judicial Council, the Associate Chairs, and the Appeals Chair. 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 Chair, the Associate Chairs or the Appeals Chair shall be filled by the following procedure: The Judicial Council shall elect one of their junior or senior members to serve as chair, subject to approval by the Student Affairs Committee.
4. Vacancies among members of the Judicial Council shall be filled by appointment made by the ASPC President, ASPC Vice President of Student Affairs, and the Judicial Council chairs. Students appointed to the Judicial Council in this manner serve for the remainder of the academic year.
5. A Chair, Associate Chair, Appeals Chair, or member 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 13; 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.
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 within 48 hours of the removal.
7. A member may be removed from their position for committing any action listed in #5 by a three-fourths vote of the Judicial Council Chair, the two Associate Chairs, and the Appeals Chair. Any member removed from their position shall be notified in writing of the reason for the removal by the Judicial Council Chair within 48 hours of the removal.