

[About Pomona](#)[Academics](#)[Admissions](#)[Administration](#)[Life on C](#)

2012–2013 Student Handbook

**Catalog Search**

Entire Catalog

Enter Keyword

GO

☒ Whole Word/Phrase[Advanced Search](#)**Catalog Home**[A Message from the Vice President and Dean of Students](#)[Life on Campus & in the Residence Halls](#)[Committees, Organizations & Events](#)[Campus Resources and Services](#)[General Policies & Procedures](#)[Disciplinary Policies and Procedures](#)[Pomona College Student Code](#)[My Portfolio](#)

## Disciplinary Policies and Procedures

[Add to Portfolio](#)

- Academic Honesty Policy and Procedures
- Alcohol Policy
- Pomona College Drug Policy
- Harassment and Discrimination Policy and Complaint Procedures
- Sexual Assault and Misconduct Policy
- Hate Crimes and Bias-Related Incident Protocol
- Policy on Disciplinary Re
- Demonstration Policy
- "The Farm" Use Rules
- Fire Equipment Misuse f
- Greek Life – Fraternities
- Policy Concerning Treat

### Academic Honesty Policy and Procedures

#### I. Standards of Academic Integrity

Pomona College is an academic community in which all members are expected to both in their conduct and in their exercise of responsibilities towards other member. College expects students to understand and adhere to basic standards of honesty. These standards include but are not limited to the following.

In projects and assignments (including homework) prepared independently, student or the language of others as their own.

Students do not destroy or alter either the work of other students or the educational 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 course rules and regulations.

In laboratory or research projects involving the collection of data, students accurately do not alter or fabricate data for any reason.

#### II. Reporting Violations of the Academic Honesty Policy

When the College's standards of academic integrity have been breached, violation

When an instructor encounters a possible instance of academic dishonesty and when College standards have been violated, the instructor may consult with his/her colleague(s) or with the Dean of Students before reaching a conclusion.

In so far as possible, when consulting with the chair, the Dean, or another colleague, protect the anonymity of the student(s) involved and should take steps to protect the evidence.

Violation of confidentiality shall not be grounds for dismissal of the case. When standards of academic honesty have been violated, the instructor will consult with the Dean of Students. If the student is unavailable, the instructor may leave the grade as IP until the case is resolved. If a conclusion that academic dishonesty has occurred but before consulting with the Dean of Students, the instructor should ask the Dean of Students if there have been previous instances of academic dishonesty.

If the student acknowledges that she or he is responsible for an act of dishonesty, the instructor should report that there have not been other instances of academic dishonesty. The instructor should impose a penalty proportional to the severity of the dishonesty. The specific—such as a failing grade on an assignment or in the course. Once assigned, the violation must be reported to the Dean of Students.



Sanction must be reported to the Dean of Students.

If the instructor believes that the first infraction is so serious that a course specific instructor may indicate that special circumstances are present (e.g. the action jeopardizes the student's work, the action occurs as part of another violation of the Student Code). In this case, the action will be the same as those for a second violation of the Academic Honesty Policy (see below).

Upon receiving an instructor's report of a first instance of academic dishonesty, the Dean of Students shall write to the student describing the violation, evidence of the violation, and the penalty. The student must notify the Dean within 5 school days of the date of the letter to dispute the charge. If the student disputes the charge, the case will be referred to the Academic Discipline Board for a hearing. (See below.)

If the student disputes the charge of dishonesty, the case will be referred to a Board of Academic Discipline—determination of whether the student has committed an act of dishonesty and the penalty. The penalties the Board can consider in a first instance of academic dishonesty are those affecting the class in which the act of dishonesty occurred unless the instructor can show that the circumstances merit consideration of a more serious penalty.

In cases in which a hearing panel is to be convened, the Dean of Students shall notify the student of the hearing.

### III. Reporting a Second or Additional Instance of Academic Dishonesty

If, upon receiving a report of academic dishonesty, the Dean of Students finds that the student has been responsible for a previous violation of the College's Academic Honesty Policy, the case will be referred to the Academic Discipline Board for a hearing.

In all cases when a Board of Academic Discipline is convened, the Dean of Students shall prepare a statement of charges and present them to the student. The student is encouraged to attend the hearing during this initial meeting with the Dean and during the hearing.

The student may select as an advisor any member of the faculty, staff or student who is neither an attorney nor a member of the Academic Discipline Board. If the student does not have an advisor, one can be suggested from an advisory list of faculty and staff who have been trained for the role. A person may not serve both as an advisor and as a member of the Board in the same case.

### IV. Procedures for Academic Dishonesty Hearings

#### Pre-Hearing Procedures

1. If the case is not resolved between the instructor and the student, if it involves a second instance of academic dishonesty, the case will be referred to the Academic Discipline Board for a hearing.
2. The instructor or the Dean of Students shall notify the student that the case will be referred to the Board of Academic Discipline. Additionally, the instructor shall provide the student with a copy of the violation.
3. The Dean of Students shall prepare a comprehensive written charge sheet detailing the violation of the Academic Honesty Policy that the student is alleged to have committed. The Dean will meet with the student to present and discuss the charges. The hearing must be brought within one year of the occurrence of the alleged violation.
4. Prior to the initial meeting with the student, the Dean of Students shall inform the student of pre-hearing rights. The student's rights include:
  - Being provided with a comprehensive, written charge sheet.
  - Being informed that the student has the right to have an advisor present at the hearing.
  - Being informed that the Academic Honesty Policy and the student's rights are outlined in the Student Handbook.
  - Being provided with a copy of the Student Handbook if the student does not have one.
5. The full Academic Discipline Board consists of eight faculty members and eight student members shall be drawn from the membership of the Academic Procedure Faculty Grievance Committee. The non-voting chair shall be the chair of the committee. The Chair must be a tenured member of the faculty. The student members shall include the Academic Affairs Commissioner, two student members of the Student Affairs Committee and four student members of the Judiciary Council and the Dean of Students. The Associate Dean of Students shall sit on all Board hearings as an ex-officio member.
6. A hearing panel for each case shall consist of the faculty chair who votes, three additional faculty members, and three student members chosen randomly from the full Academic Discipline Board.



7. A hearing panel shall be convened as soon as possible after a charge sheet is received from the respondent, normally within 60 days.

#### V. Convening Hearings of the Academic Discipline Board

1. The Chair of the Board shall convene the hearing, notify the committee members, the complainant, and witnesses 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 to serve as the hearing panel chair.
2. The respondent may challenge one faculty and one student member of the Board. These challenges shall be made in writing by the respondent at least 48 hours prior to the scheduled hearing. The Chair will replace challenged members.
3. The Chair shall summon those individuals whom the instructor and/or the respondent request as other faculty, staff, and students of Pomona College who have relevant information to the hearing.
4. The Chair may appoint, to assist the panel, a neutral faculty expert from Pomona College who is not a faculty member at Pomona College.
5. Pertinent records, exhibits, and written statements may be accepted as evidence by the hearing panel at the discretion of the Chair. All such material must be submitted to the Chair at least 48 hours prior to the start of the hearing. The student respondent and instructor bringing the complaint must submit such evidence at least 48 hours prior to the start of the hearing. The Chair does not meet College standards. Evidence shall be limited to:
  - Facts pertinent to the charge.
  - Physical and/or electronic evidence associated with the violations (e.g., photographs, etc.).
  - Circumstances or attitudes that might affect the severity of any sanctions.
  - Arguments addressing the applicability of the regulation on which the charges are based.
6. All information upon which the determination of responsibility for violating the regulation is to be based shall be introduced into evidence in the presence of the respondent.

#### VI. Academic Discipline Hearings Procedures

1. The Chair presides at hearings and shall conduct the hearing to ensure the presentation of pertinent evidence and witnesses. As the hearing begins, the Chair shall:
  - Describe the procedures under which the hearing will be conducted.
  - Read the charges and remind the respondent of his or her rights.
  - Indicate the order in which evidence and testimony will be presented.
  - Discuss the standard of judgment to be applied to the case, ensure that all parties understand the College's standard of clear and convincing evidence, and ensure that innocence is presumed in contested hearings.
  - Indicate that all decisions must be based solely on information presented at the hearing.
2. The members of the hearing panel shall not discuss the case outside of the hearing. Statements of the instructor, student respondent(s), and witnesses, whether confidential or not, may not be used or quoted for any purpose outside of the hearing.
3. Hearings shall be conducted in private. Persons who are appropriately present include the student respondent, the instructor bringing the complaint, the Chair, the hearing panel members, the Dean of Students (or an Associate Dean), and the advisor to the student respondent.
4. The advisor to the student respondent is prohibited from addressing the hearing panel on behalf of the student respondent.
5. The Chair may authorize the attendance of persons who are not normally present at a hearing, order the hearing room cleared, or order any person to leave. A majority of the hearing panel members present may overrule a decision of the Chair.
6. A single recording shall be made of all hearings during the time that witness testimony and evidence are being presented. Deliberations about whether or not the Academic Discipline Board's standards have been violated or about sanctions shall not be recorded.
7. The recording of the hearing will be kept in the Office of Student Affairs. If the student, the instructor bringing the complaint, the student's advisor, the Chair of the appeal hearing and the appeal board members, and the Dean of Students request a recording, they must do so in writing at least 48 hours prior to the hearing. Only the named individuals have the privilege of hearing a tape recording of an Academic Discipline hearing.
8. The recording is the property of Pomona College. Those authorized to hear the hearing may listen to the recording at any time.



8. The recording is the property of Pomona College. Those authorized to hear the Office of Student Affairs or in an area arranged by the Office of Student Affairs may use the recording or receive copies of it. The recording will be kept for one calendar year.
9. As the hearing begins, the Chair will call on the instructor bringing the complaint and present evidence of the violation of the Academic Honesty Policy.
10. The student respondent shall then have the opportunity to make an opening statement and ask questions of the instructor bringing the complaint.
11. Panel members, the panel Chair, and the Dean or Associate Dean of Student Affairs shall hear the complaint and the student respondent are entitled to question the instructor bringing the charge, the student respondent and all witnesses.
12. Witnesses shall appear one at a time in an order determined by the Chair.
13. The student respondent shall have the opportunity to make the final statement.
14. The hearing panel may recess at any time, upon the decision of the Chair, to allow the student respondent to provide additional information or to provide a break in the hearing or the deliberation.
15. The student respondent or his or her advisor may ask the Chair for a recess or adjournment of the hearing in order for the advisor to ask a question of the Chair or consult with the student respondent.
16. After the hearing has been concluded, the panel and Chair shall go into closed session to determine whether the respondent has violated the Academic Honesty Policy, what sanctions should be imposed. This phase of the hearing shall not be recorded. All witnesses, the instructor bringing the charge, the student respondent, and the student respondent's advisor shall not be present for deliberations.
17. The hearing panel shall first consider the question of whether the student respondent has violated the Academic Honesty Policy. A majority of four of the six voting members, (or four of seven if there are seven members) is required for the panel to reach a finding. The panel will find that the student respondent has violated the policy if the information presented in the hearing provides clear and convincing evidence of a violation.
18. A respondent's previous Academic Conduct Record shall not be made available to the hearing panel in making the decision concerning whether or not the respondent violated the Policy.
19. If a respondent is found responsible for a violation of the policy, this panel shall consider 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 Office of Student Affairs. A majority of four of the six voting members (or four of seven if there are seven members) is required for the panel to assign a sanction.
20. If a respondent is found not responsible for a violation of the policy, all records of the hearing shall be destroyed, with the exception of exams, papers, and other materials that the student asks to be returned.
21. The Chair shall inform the student respondent, the instructor who brought the complaint, and the Dean of Students of the results of the hearing. The chair shall prepare a written report for the President and Dean of Students which summarizes the findings of the panel, the recommendations of the panel, and explains the reasons for the decision. The Office of Student Affairs shall send an official letter of notification to the respondent.
22. If the respondent is found not responsible for a violation, he or she shall have the opportunity to appeal the decision to the Dean of Students. The student may continue to attend the class in which the alleged violation occurred. The student may complete the course under the supervision of another faculty member by finishing all course assignments within a comparable time frame. Alternatively the student may withdraw without penalty. The student's withdrawal shall not be recorded on the student's transcript. Selection and arrangements for the student's withdrawal shall be arranged by the Dean of Students or the Chair of the Hearing panel. A written report shall be filed with the Office of Student Affairs and the office of the Dean of Students.
23. When the hearing is concluded the Dean of Students shall inform the Dean of the hearing outcome.
24. The Office of Student Affairs shall maintain a permanent, public precedent abstracts specifying charges, facts, case disposition and sanctions, if any, and shall be furnished to Boards of Academic Discipline prior to the point in the hearing discussed.

## VII. Sanctions

1. When assigning sanctions, the hearing panel shall consider the severity of the offense, the attitude of the respondent, the respondent's previous academic conduct record, and the circumstances under which the offense was committed.
2. Sanctions that may be imposed include:
  - A. 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

B. Other Sanctions:

- Suspension from the College
- Loss of College honors
- Expulsion from the College

### VIII. Appeals

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

After reviewing the case, the Dean of the College may uphold the Board's decision, modify the decision, or refer the case back to the Board and may include comments or issues to be considered further by the Board. If the Dean's concerns, the Board shall reaffirm or alter their decision. At this point, the Board is final.

## Alcohol Policy

The health and wellbeing of every Pomona student is the responsibility of each community member and is the primary focus of the following policy. The College recognizes that responsible behavior is compatible with healthy adult behavior and successful social events.

Our intent is to ensure the safety of our students and to ensure that the College's environment supports the intellectual, cultural and social learning and growth that is the College's mission. Pomona College employs a therapeutic approach when working with students involved in alcohol policy violations. Even the most serious violations are handled with appropriate resources on campus. Pomona College employs a Drug and Alcohol Policy. Jasa Cocke is located in Wig hall and her extension is 344-1234.

The alcohol policy was written by the Student Affairs Committee on which students, faculty and staff are represented. The Student Affairs Committee has final authority over the regulations that govern the College. Pomona College complies with and enforces all federal, state, and local laws governing alcohol and distribution.

### I. Regulations

1. Students 21 years of age and older are permitted to possess and drink alcohol but may not distribute, furnish, or serve alcohol to people under 21 years of age.
2. Students under 21 years of age may not consume, possess, distribute, or serve alcohol.
3. Pomona students who live off campus are bound by this policy.
4. Because of the dangers it poses, possession or consumption of hard alcohol is prohibited by the College. Hard alcohol is not allowed in south campus residence halls. Students who violate college policies while using or distributing hard alcohol will be subject to sanctions. **Virtually all of the alcohol poisoning cases on the Pomona campus have resulted from hard alcohol consumption.**
5. Operating a motorized vehicle, a bicycle or a skateboard on Claremont College property while under the influence of alcohol is prohibited. **Motorized vehicles include cars, golf carts, and ATVs among other vehicles.**
6. Excessive consumption of alcohol is often a contributing factor in violation of college policies. These policies include those addressing vandalism, noise, and misuse of equipment. The involvement of alcohol in such violations may be considered in the Deans and Judicial Boards in assigning sanctions.
7. Unsafe drinking behavior, especially drinking games and contests, will be discouraged by the College. The College strongly discourages "front-loading" and "doing shots" of hard alcohol. **It is the consumption of large amounts of alcohol in a short period of time that is most dangerous at a social event.**
8. Public drunkenness is not permitted.
9. Students may not drink alcoholic beverages in public areas on campus, except at parties and social events at which those over 21 years of age may be served. This includes common living room areas of student suites (applicable for students who are not living in student suites).



older). Campus social events are officially registered with the Office of the subject to the conditions outlined in the Party and Social Event Regulation

10. Open containers of alcohol or cups containing alcoholic drinks may not be public spaces in the residence halls.
11. Private gatherings in residence hall rooms or the common living room area infringe on public space or become a public nuisance will be dispersed and host such parties are responsible for the behavior of those who attend.
12. Kegs and other common containers of alcohol, with the exception of bottle residence halls and in all other areas of the campus, except when officially be registered in residential spaces. **Common containers of alcohol include kegs, punch bowls, water coolers, and other such containers obvious number of individuals.**
13. Pomona College operates under a "Good Samaritan" policy. Each Pomona responsibility for the safety and welfare of their fellow students. Failing to assist a student who appears to be dangerously drunk will result in sanctions. **In many cases, students should always seek help from College officials (Resident Advisors or Safety). Sanctions will not be imposed on students who seek or receive help.**
14. The entire Pomona College community is responsible for the well-being of the campus. Giving or offering drugs or alcohol to a prospective student will result in sanctions.
15. From the time that students arrive on campus in August until the beginning of classes, the College does not permit alcoholic beverages to be served or consumed on campus. At this time, students may not have open containers of alcohol in their room. This period is known as "Substance-Free Opening." All students, regardless of their year, are required to observe Substance Free Opening.
16. Brewing beer, distilling alcohol, or fermenting wine is not permitted on campus.

## II. Party and Social Events Regulation

The College allows student organizations and individual students to register parties to serve alcohol ("registered events") in specified campus locations. The College reserves the right to alter the specific spaces in which registered events can be held and the frequency of events.

### A. The following regulations apply to ALL registered events

1. Beer and wine are the only alcoholic beverages that may be served at registered events.
2. Beer includes all fermented beverages with an alcohol content of up to 5% and champagne and other sparkling wines with alcohol content of up to 12%.
3. Alcohol may not be purchased with funds collected as mandatory fees or from all fees turned over to the ASPC by the College for the purpose of student activities.
4. Alcoholic beverages may not be sold at any campus event without a valid license.
5. Alcoholic beverages may not be served at registered events that are held in residence halls.
6. Events at which alcohol is served may not be registered during re-examination period.
7. Consumption or possession of alcohol at athletic events is prohibited.
8. Alcohol may not be served at study breaks. A study break is an event (1-2 hours) and intended to provide a time to relax after studying.
9. Individuals are prohibited from bringing their own alcoholic beverages to events or from taking alcoholic beverages out of events or social functions.
10. The number of people attending a registered event who may legally consume alcohol is limited to the amount of alcoholic beverages available.

### B. The following regulations apply only to registered events held in PUB

1. Locations in which this category of events may currently be registered include the Center locations (Edmunds Ballroom, the Courtyard, Doms Social Hall, the Theater; Eversole Courtyard; Walker Courtyards; Clark V Courtyard; Harwood Courtyard; Bixby Plaza; Seaver Theater Courtyard; the loft; Frank Dining Hall; and Frary Dining Hall).
2. Events at which alcohol is served must be registered with and approved by the Campus Center and Student Programs in Suite 244 of the Smith Center.
3. Only students of The Claremont Colleges who present valid College ID and who are accompanied by their guests with guest passes are permitted to attend registered events.



obtained at any Resident Advisor desk, at the Office of Campus Life Center Building Manager's window.

4. Students of the Claremont Colleges must show their college-issued ID at the point of alcohol service. Guests of students, who possess a valid Driver's License with their Guest Pass, at the point of alcohol service.
5. Registered events in public space must have one or more of the following criteria:
  - a. are 21 years of age or older
  - b. possess identification that confirms their age
  - c. are not intoxicated.

No event with alcohol may begin or continue without a College of Arts and Sciences alcohol distribution. Servers are hired by the Office of the Campus Center and Student Programs after an event is registered.

6. Campus Safety Officers must be hired for the duration of public events where alcohol is served. Campus Safety Officers are hired by the Office of the Campus Center and Student Programs after an event is registered.
7. All registered events in public space must have a host or hosts who are responsible for the event. If alcohol is served, at least one host must be 21 years of age. Hosts must contact the Office of the Campus Center and Student Programs to register the event, provide a list of servers and Campus Safety officers and to ensure that the party is supervised without their presence. Hosts are also responsible for ending the event and for ensuring clean-up of the event site.
8. High-quality non-alcoholic beverages and appealing food must be readily available and accessible at social events throughout the duration of the event.

#### C. Advertising Alcohol

In order to avoid a hidden culture of alcohol use and in order to advertise a keg parties, publicity about particular types of alcohol is permitted.

Electronic media (such as the "Chirps!") in which social events are advertised (but not the other four undergraduate campuses) may include reference to alcohol being served. For example, events which are wine tasting, wine and cheese reception, Oktoberfest, etc. may be noted as such, but alcohol may not be the focus of the event.

Electronic advertising which is sent to students, faculty and staff at Pomona College must adhere to the following guidelines:

1. Advertising may specify the type of alcohol being served (for example, wine, beer, etc.) but it may not specify brands.
2. Advertising may not specify the quantity of alcohol present.
3. Advertising may not portray drinking as a solution to personal or academic problems, as a status symbol for students or as an enhancement to social, sexual, or academic status, or as the central purpose of the event.
4. Advertising may not encourage drinking or make reference to drunk driving.
5. Posters, banners, flyers, and other print media which are designed to be displayed in public may not mention alcohol when advertising parties, or events.

#### D. The following regulations apply only to registered PRIVATE EVENTS

1. Students over 21 years of age who have participated in the College of Arts and Sciences program may register wine, a single ponykeg or a single keg of beer for use in public spaces that the college designates annually.
2. Events of this nature may occur only on Friday and Saturday night, with a minimum duration, anytime between 5:00 PM and 2:00 AM. They must be registered with and approved by the Office of Campus Center and Student Programs at least 24 hours in advance.
3. Private parties may not be advertised. Any beer or wine served at the event must be provided and paid for by the host(s).
4. The student registering the event shall be considered the event host and is responsible for:
  - Ensure that no student who is obviously intoxicated or under the influence of alcohol is allowed to drive.
  - Assume responsibility for the conduct of party guests (including providing identification passes)
  - Ensure that the event does not violate the College noise policy.



- Ensure that the event does not spill over into public space
- Ensure that the event is not excessively crowded
- Be present and sufficiently sober to carry out all hosting obligations of the event. Hosts who fail to fulfill any of these obligations will register an event and will face sanctions.

### III. Sanctions for Violation of the Alcohol Policy

**In medical emergencies, students should always seek the assistance of College Advisors, Deans, or Campus Safety). Sanctions are not imposed on students who seek attention.**

#### A. General Guidelines

1. The sanctions listed below are the typical penalties for particular violations of the policy. Any violation of the Student Code or of the alcohol policy may result in a sanction or referred to the Judiciary Council for additional consideration. Sanctions up to and including suspension or expulsion from the College.
2. Sanctions and fines will be levied against each student found responsible for a violation(s).
3. Fines may not be converted to community service.

#### B. Sanctions for Particular Violations of the Alcohol Policy

1. **Consumption, possession, distribution of hard alcohol by students:** The penalty for a first offense is \$100 and confiscation of the alcohol. For a second offense and each subsequent offense confiscation of the alcohol and a \$200 fine. Students who are disqualified from participating in leadership positions such as Sponsor, Resident Advisor, and Orientation Adventure Leaders among others. Students may be placed at the bottom of Room draw on his or her class or for the loss of the privilege of returning to campus prior to the opening day established by the College.
2. **Possessing an unregistered keg or other common container of alcohol:** Having an unregistered keg or other common container of alcohol is a violation. The penalty is a \$100 fine and \$200 for the second offense and each subsequent offense. The Repeat offenders may also be placed at the bottom of room draw for the opening day of the College.
3. **Driving under the influence:** Students found responsible for operating a vehicle while under the influence of alcohol whether on campus or elsewhere, or drive, or park an automobile on the Pomona College campus.
4. **Substance-Free Opening violations:** Violations of Substance-Free Opening violations may result in a \$100 fine. In addition, violators will be required to perform 24 hours of community service and a \$100 fine. In addition, violators will be required to live off campus during the opening day established for all returning students. Because the student would be required to live off campus during the opening day, Substance-Free Opening violations may jeopardize leadership positions such as a Sponsor, Resident Advisor, Head Sponsor, Orientation Adventure Leader or other leadership positions. Substance-Free Opening violations may also result in Judiciary Council sanctions. Student Code violations are associated with the sanctioned incident.
5. **Violating the obligations of a private party host:** Students who fail to fulfill their obligations as a host will have the privilege of hosting permanently revoked and will face sanctions.

#### C. Other Sanctionable Violations of the Alcohol Policy

1. Providing alcohol to students under 21 years of age.
2. Providing or serving alcohol to obviously intoxicated persons of any age.
3. Consumption, possession, distribution of beer or wine by students.
4. Engaging in drinking games or contests, or front-loading.
5. Public drunkenness.
6. Open containers of alcohol or cups containing alcohol in public spaces.
7. Making alcohol.
8. Using false Identification to obtain alcohol.
9. Unregistered parties.

#### D. The violations listed above or indeed any violations of the alcohol policy will result in the following potential sanctions

1. Warning.



2. Fines.
3. Confiscation of alcohol, false ID Cards and other prohibited items; distilling materials and equipment from campus.
4. Citation by Campus Safety or arrest by the Claremont Police Department by a Resident Advisor (RA).
5. Mandatory meeting with a dean.
6. Suspension from social events where alcohol is served.
7. Loss or suspension from campus housing or dining.
8. Suspension or denial of permission to hold further social events.
9. Community service.
10. Required participation in an alcohol education program.
11. Placement at the bottom of the class in room draw.
12. Placement at the bottom of the College room draw.
13. Suspension or loss of organizational status.
14. Referral to the Judiciary Council for disciplinary action where penal expulsion may be imposed.
15. Sanctions that specifically address a particular violation.
16. Discretionary sanctions.

#### IV. Federal, State and Local Law

1. Students are not exempt from local, state, and federal law while on the Pomona College campus.
2. The federal government, through the Drug Free Schools and Communities Reauthorization Act of 2001, enforces state and local laws concerning drugs and alcohol in order to remain eligible for federal student financial aid.
3. California has a strict host liability law. If a student sells or serves alcohol, he or she is responsible in a court of law for the conduct of any individual who is served. If the person served injures himself or herself, becomes ill, dies, or injures a third party. This person served is a minor or is already intoxicated.
4. The City of Claremont prohibits public intoxication, open containers of alcohol, and consuming alcohol in public parks.
5. It is illegal to sell, furnish or give alcoholic beverage to anyone under 21 or intoxicated. (California Business & Professions Code Sec. 25658.)
6. It is illegal for anyone under 21 to purchase or attempt to purchase alcoholic beverages in any public place, including streets or highways. (California Business & Professions Code Sec. 25662.)
7. It is illegal to sell alcohol without a valid license or permit. (California Business & Professions Code Sec. 23301.)
8. It is illegal to drink while driving. (California Vehicle Code Sec. 23221.)
9. It is illegal to have an open container of alcohol in a moving vehicle. (California Vehicle Code Secs. 23222, 23223.)
10. It is illegal to drive under the influence of alcohol. (Intoxication is presumed if blood alcohol level is .08% or higher, but may be found with blood alcohol levels of .05% to .08% if the driver is unable to care for his or her own safety or interfere with the use of a public place. California Vehicle Code Sec. 23152.)
11. It is illegal for anyone under 21 to drive with a blood alcohol level of .05% or higher. (California Vehicle Code Sec. 23140.)
12. It is illegal to ride a bicycle or to operate a water vessel, water ski or aquaplane while intoxicated. (California Vehicle Code Sec. 23152.)
13. It is illegal to present any form of false identification to purchase, order or receive an alcoholic beverage or to possess false evidence of age and identity. (California Business & Professions Code Sec. 25661.)
14. It is illegal to sell or provide false evidence of age or identity and to anyone under 21. (California Business & Professions Code Sec. 25661.)
15. It is illegal for anyone under age 21 to enter or stay in a place licensed to serve alcohol for no other reason to be there. (California Business & Professions Code Sec. 26665.)
16. It is illegal to be found in a public place under the influence of liquor, drugs or controlled substances if you are unable to care for your own safety or interfere with the use of a public place. (California Vehicle Code Sec. 23152(f).)



In general, a misdemeanor is punishable by fines up to \$1,000 and/or imprisonment for up to one year. A felony is punishable by imprisonment in state prison for more than one year. The penalties stated below for a particular offense may be in addition to those for other offenses or felonies.

- [illegible]

No student will be sanctioned for seeking alcohol counseling or assistance for their students. Any information the deans receive will remain confidential unless it appears the student is at stake.

Pomona College encourages its students to discuss safe alcohol use and/or the issues associated with alcohol abuse with any one of the individuals listed below. Students should approach any Dean, Resident Advisor or Faculty member with whom they feel comfortable or they or one of their fellow students has an alcohol abuse problem.

1. Jase Cocke - Pomona College Drug and Alcohol Counselor, Wig Hall 1A, e
2. On-Call Deans - a dean is available for assistance 24 hours a day when stu  
ext. 72000, and have Campus Safety page the dean.
3. Student members of the Residence Hall Staff (RHS) - (909) 607-2000, ext. 1  
23 and 24 for South Campus.
4. Community Resources - The Claremont United Church of Christ Congrega



4. Community Resources - The Claremont United Church of Christ Congregation, 1000 Harrison and Harvard Avenues provides a space for Alcoholics Anonymous; welcome to attend any and all of the AA meetings they offer. Meeting time

**Adult Children of Alcoholics -**

Mon. 7 pm, Rm. 205.

**Alcoholics Anonymous –**

Daily: 7 AM daily (365 days a year),

**Women's group,**

Monday, 10:30 AM, Sumner Room

Monday, 6:30 PM, Sumner Room.

Tuesday, 8 PM, Roberts Room.

Wednesday, 8 PM, Sumner Room.

Thursday, 10 AM Women's group, Club Room downstairs.

Friday, 6:30 PM, Women's group, Sumner Room.

Saturday, 11 AM, Sumner Room.

**Project Sister,**

24-hour Help Line • 909.626.HELP (909.626.4357) • 626.966.4155 7 days a

**House of Ruth**

24-Hour Hotline: 909-988-5559

## Pomona College Drug Policy

### Statement of Purpose

Pomona College believes that students have the right to live and work in an environment free from drug and drug abuse. Accountability and shared responsibility serve as the overarching principles that spirit the policy aims to clarify the responsibilities of community members, define appropriate the College's response to hazardous, illegal or disruptive behavior, and inform community resources available for addressing drug-related concerns and problems.

In accordance with state and federal laws, Pomona College has established these priorities:

1. To provide an atmosphere free from the manufacture, sale, distribution, use or abuse of drugs
2. To stress safety, and individual accountability for all Pomona College students
3. To establish clear penalties for violating the College's drug policy
4. To provide students with information about confidential on- and off-campus resources to drug use and abuse.

All Pomona College students are expected to comply with federal, state, and local laws, to support the College's drug policy and to respect the right to a drug free environment shared by all in the community. Violations of the Pomona College Drug Policy or of any of the state laws of California will result in disciplinary action.

Pomona College operates under a **Good Samaritan Policy**. Each Pomona student shares the responsibility for the safety and well-being of his or her fellow students. Failing to seek assistance for a student who is experiencing the effects of drugs will result in sanctions. In medical emergencies, students should always seek assistance from campus officials (Resident Advisors, Deans or Campus Safety). **Sanctions will not be imposed on students who seek medical attention.**

### Drug Policy Violations

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

1. Possess, manufacture, sell, distribute or use, or participate in the use of illegal drugs, including all illegal drugs such as marijuana, cocaine, heroin, LSD and other hallucinogens, controlled substances, prescription drugs or other illegal drugs.
2. Have drug paraphernalia in their residence hall rooms, on their person, or in any area under their control.
3. Provide illegal or prescription drugs to another individual or use prescription drugs for which they are prescribed.
4. Violate state, federal or local laws concerning drug use, distribution, sale or manufacture.

### Sanctions

Violation of the drug policy will subject students to disciplinary actions that may range from a warning and housing and up to suspension or expulsion. The College may also require a student who is found with drug paraphernalia to participate in an approved drug rehabilitation program (if the student is not a student) and to provide the College satisfactory evidence of successful completion of the program.



When it is not possible to determine who within a group of students is responsible for the manufacture, sale or distribution of drugs, responsibility for the offense will fall on the occupant of the automobile or social gathering the violation occurs unless another individual within the group is identified.

Sanctions for violation of the drug policy are divided into Category 1, Category 2, and Category 3.

### Category I Sanctions

Category I sanctions will be assigned to students found using, possessing or providing marijuana. Category 1 will also include misusing prescription drugs or providing prescription drugs to others.

**First offense:** The penalty for a category 1 offense will be a \$100 fine and a letter of reprimand placed in the student's confidential file. The student (s) found using Category 1 drugs as a first offense will be required to meet with the College's Drug and Alcohol Counselor.

**Second offense:** The penalty for a second category 1 offense will be a \$200 fine and residence hall suspension. The student (s) using drugs will be required to meet with the College's Drug and Alcohol Counselor. Parents will be notified after a second offense because separation is a consequence should a third offense occur.

**Third offense:** Any student(s) responsible for a third offense will be suspended from the residence halls. The student will be required to meet with the College's Drug and Alcohol Counselor and follow his or her recommendation as a condition of remaining enrolled at Pomona College. After an initial period of suspension, the student(s) may return to residence upon the recommendation of the College's Drug and Alcohol Counselor and the Dean of Campus Life.

### Category II Sanctions

Category II sanctions will be assigned to students found using, possessing or providing cocaine, methamphetamine, LSD or other hallucinogens, designer drugs or other illegal drugs not covered by Category I.

**First Offense:** A student found in violation will be fined \$200 and required to meet with Pomona College's Drug and Alcohol Counselor until released, and to follow the Drug and Alcohol Counselor's recommendation of remaining enrolled at Pomona College. The College will notify the student's parents or guardians. The student will be placed on probation after the first offense involving Category II drugs.

**Second Offense:** A student who commits a second violation of a Category II offense will be suspended from the college and required to receive treatment. The student may not return to Pomona until the student is recommended by the Dean of Students and the College's Drug and Alcohol Counselor to be able to resume his or her education.

### Category III Sanctions

Category III sanctions apply when a student is found responsible for the manufacture, sale or distribution of any illegal or prescription drug.

**First Offense:** A student found to be manufacturing, selling, distributing or intending to distribute a prescription drug will be sent to the Judicial Council with a recommendation for suspension for one semester.

**Second Offense:** A student found to be manufacturing, selling, distributing or intending to distribute a prescription drug who has been found responsible for a first instance of such conduct will be sent to the Judicial Council with a recommendation for expulsion from the College. President may impose an interim suspension prior to a hearing before a judicial body. See "Interim Suspension," Article IV, section D of the Pomona College Constitution.

### Responding to Drug Policy Violations

**Residence hall rooms are Pomona College property. The College respects the student's right to privacy. College officials will not enter residence hall rooms without reasonable suspicion that college regulations have been violated. When a credible report of drug use or drug sale exists, a disruptive situation occurs, the College reserves the right of access to student room for 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 search student rooms for violations of college policies.**

Failure to comply with the directions of College officials (including RA's) is a violation of the college's policies and may result in disciplinary action.

When a student is charged with a violation of Federal, State or Local Law, a College disciplinary action also violates College policies.

Local, State and Federal laws apply to the Pomona College campus and law enforcement agencies may enter the Pomona campus. College officials are not able, even when they are willing, to shield students from the law.

### General Overview of Local State and Federal Laws Concerning Drugs

It is a crime to possess, use, sell, manufacture, or distribute illegal drugs. Both federal and state laws impose sanctions including imprisonment, on persons violating criminal drug laws.

#### California State Law Prohibits:

**Marijuana Possession:** Every person who possesses marijuana except as otherwise provided by law shall be punished by imprisonment in the county jail for a period of not more than one year or the fine between one and ten years (Sec. 11357)

**Marijuana Cultivation:** Every person who plants, cultivates, harvests, dries or processes marijuana shall be punished by imprisonment in the state prison for a period of not more than three years or the fine between one and ten years (Sec. 11357)



thereof, except as otherwise provided by law, shall be punished by imprisonment in the state prison for a period of not less than one year and not more than ten years and shall not be eligible for release upon completion of sentence or on parole or any other basis until she/he has been imprisoned for a period of not less than one year in the state prison.

**Possession of Marijuana for Sale:** Every person who possesses for sale any marijuana, provided by law, shall be punished by imprisonment in the state prison for a period of not less than two years and not more than ten years and shall not be eligible for release upon completion of sentence or on parole or any other basis until she/he has been imprisoned for a period of not less than two years in state prison. (Sec. 11359)

**Transportation or Sale of Marijuana:** Every person who transports, imports into this state, administers or gives away or offers to transport, import into this state, sell, furnish, administer or attempt to import into this state or transport any marijuana shall be punished by imprisonment in the state prison for a period of not less than five years and not more than ten years and shall not be eligible for release upon completion of sentence or on parole or any other basis until she/he has been imprisoned for a period of not less than three years in the state prison.

**Possession of drug paraphernalia:** It is unlawful to possess any device or paraphernalia used for unlawfully injecting or smoking a controlled substance, which is a drug.

**Unauthorized Possession of Controlled Substances:** Except as otherwise provided... (1) any controlled substance or (2) any controlled substance which is a narcotic drug, unless prescribed by a physician, dentist, podiatrist or veterinarian licensed to practice in this state, shall be punished by imprisonment in the state prison for a period of not less than two years and not more than ten years and shall not be eligible for release upon completion of sentence or on parole or any other basis until she/he has been imprisoned for a period of not less than two years in the state prison. (Sect 11350)

**Possession for Sale of Controlled Substances:** Except as otherwise provided... every person who sells, offers for sale, or attempts to sell, any controlled substance or (2) any controlled substance which is a narcotic drug, shall be punished by imprisonment in the state prison for a period of not less than five years and not more than 15 years and shall not be eligible for release upon completion of sentence or on parole or any other basis until she/he has been imprisoned for a period of not less than 2 1/2 years in the state prison. (Sec. 11351)

**Possession with Intention to Manufacture Methamphetamine:** Any person who possesses phenyl-2-propanone (phencylacetone) at the same time with the intent to manufacture methamphetamine shall be punished by imprisonment in the state prison for between one and five years.

### The Health Risks of Drugs

The use of drugs poses significant health risks. Drugs can create psychological dependence and craving for the substance and can produce feelings of restlessness, tension or anxiety when withdrawn. Prolonged use can lead to tolerance, characterized by the need for increasing doses to achieve the same effect. As tolerance and psychological dependence develop, judgment is impaired and the user does not realize that they are losing control over the use of the substance and that they need help. Amphetamines, and marijuana alter emotion, cognition, perception, physiology and behavior. Serious health risks include depression, apathy, hallucination, paranoia, and impaired judgment. LSD has caused psychotic breaks in a number of students. All these substances have addictive qualities. When two or more substances are combined, there is often an effect that is stronger than the individual effects.

Students find that drug use is incompatible with high-level academic performance. The depression and distraction that accompany drug use have resulted in poor academic performance (failing courses) and a leave from Pomona in order to receive adequate treatment for substance abuse problems.

## Harassment and Discrimination Policy and Complaint Procedures

**Pomona College's Title IX Coordinator is Daren Mooko, Associate Dean of Student Affairs**

### Introduction

**The following policy is self-contained and shall not be considered relevant to any Judicial Affairs Committee hearings.**

The Harassment and Discrimination Policy is a comprehensive one because it applies to students, faculty, and staff. The procedures used to handle complaints vary somewhat depending on who is involved in the harassment or discrimination—student and student, student and faculty, student and staff, faculty and faculty, and staff and staff. The principal differences in the policies lie in the methods of appointing hearing panels and the consequences for violations of the policy. For example, a faculty or staff member might face suspension or termination, while a student might be expelled from the College.

The procedures described here are those that will apply when a student lodges a complaint. In addition, if the complaint is against a student but is made by a faculty member or a staff member, the same procedures will govern disposition of the complaint but the hearing panel will include both students and faculty or staff members. Complaints against faculty members by either students or staff members will be resolved according to the procedures in the Faculty Handbook, and complaints against staff members by either students or staff members will be resolved according to the procedures in the Staff Handbook. Students may obtain copies of the policies from the Office of Student Affairs.

### Statement of Policy

Pomona College seeks to maintain an environment of mutual respect among all members of the community on the basis of sex, religion, color, race, national origin, physical or mental disability, age, gender identity and expression or any other basis otherwise protected by federal law, to destroy the foundation for such respect and violate the sense of community and trust.



educational enterprise.

This policy strictly prohibits discrimination against, or the harassment of, any individual at College activities occurring away from campus, including but not limited to all individuals employed, studying, living, or with an official capacity at Pomona College (such as Trustees, volunteers, and contractors). Persons violating this policy will be subject to disciplinary action or expulsion from the College or discharge from employment.

Students, faculty, or staff who believe they are being harassed or discriminated against, or who believe discrimination against another person at the College in violation of this policy, or believe harassment occurred, should immediately report the incident following the complaint-reporting procedure.

### **Discrimination and Harassment Defined**

Discrimination is the denial of opportunity to, or adverse action against, a person because of race, ethnicity and expression, religion, creed, color, race, national or ethnic origin, ancestry, sex, mental disability, age, marital status, or any other basis described in Pomona College's Non-Discrimination Policy, which is otherwise prohibited by state or federal law. Actions or policies that provide unequal opportunity for employment or adversely affect the terms and conditions of a person's education or employment which are motivated or based, in whole or part, upon any of the foregoing categories, can constitute a violation of this policy. For example, a faculty member who subjects a student to a stricter standard of conduct than others due to the student's race would violate this policy.

Harassment can take many forms and it needs to be emphasized that harassment can be verbal or visual conduct such as words, pictures, gestures, and other forms of expression. Harassment under this policy, such conduct must: a) be based upon a person's sex, religion, ethnicity, origin, ancestry, sexual orientation, gender identity and expression, physical or mental disability, age, marital status, or any other basis otherwise prohibited by state or federal law b) be offensive to the individual complainant or otherwise offensive to a reasonable person, and c) be so persistent, repetitive, pervasive or severe that it substantially interfering with an individual's academic or professional performance by creating a hostile educational, employment or living environment at the College. Harassment may be either explicit or implicit. Harassment may be made either explicitly or implicitly a term or condition of an individual's education, living environment at the College, or participation in a College activity.

Sexual harassment, like other forms of harassment, clearly endangers an atmosphere of civility and respect at Pomona College. In addition to the types of conduct summarized above, sexual harassment includes unwelcome conduct such as sexual advances, unwanted touching, and conversation containing sexual overtones.

The College's definition of sexual harassment is based on the definition formulated by the Opportunity Commission, as follows:

Sexual harassment may be described as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment, education, living environment at the College, or participation in a College activity;
2. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting that individual; or
3. Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance by creating an intimidating, abusive or hostile educational, employment or living environment at the College.

In addition, in order to constitute sexual harassment, the conduct must be offensive to the complainant and offensive to a reasonable person of the same gender.

### **Harassment, Discrimination and Free Speech**

As an educational institution, Pomona College is committed to the principle of free expression. The College is committed to the principle of free expression of ideas in an atmosphere of civility and mutual respect. Thus, in keeping with the principles of free expression, the College can be no forbidden ideas.

Pomona College also recognizes that the educational process can often be disturbing and one's current ideas or values are being challenged. This means that the learning, working, and living environment might not always be comfortable for all members of the college community. The College does not prohibit expression simply because it is offensive, even gravely so. In determining whether an act constitutes harassment, the context must be carefully reviewed and full consideration must be given to the rights of free expression, freedom of speech, and academic freedom.

In addition, consistent with California Education Code Section 94367, the definition of harassment and its application to student speech shall be subject to the limitations of the First Amendment of the United States Constitution and Article 1, Section 2 of the California Constitution.

### **Retaliation and Intentional False Charges Are Prohibited**

Retaliation against a person who reports, complains about, or participates in the investigation of a violation of this policy is prohibited and is a violation of this policy. To protect against such behavior, the College will work with the Grievance Officer to devise some measure of protection.

For a student fearing retaliation from another student, protection might include providing a safe place to live, offering an unlisted telephone number or changing hours of work. For a student fearing retaliation from a faculty member, protection might include allowing a late course drop without penalty or an agreed-upon arrangement for a substitute teacher.



member, protection might include allowing a late course drop without penalty, or an agreed-upon advisor or department chair to review the student's grading pattern for consistency in the course. Similarly, for a student fearing retaliation from a staff member, protection might include the use of living arrangements. Making a knowingly false charge of harassment or discrimination is prohibited and is a violation of this policy.

### **Confidentiality**

All investigations will, to the extent possible, be conducted confidentially consistent with this policy. To protect all parties involved in an alleged harassment case, it is expected that all parties involved and any witnesses maintain confidentiality. The breaching of confidentiality is prohibited under this policy.

### **Harassment and Discrimination Complaint and Resolution Procedures**

The surest prevention of harassment and discrimination is the clear understanding among the college community that such behavior both will not be tolerated and will be reported as soon as feasible. Any faculty member, or staff member believing that she or he has experienced or observed harassment or discrimination, or who believes such conduct has occurred, should promptly follow the following procedures:

1. In cases of harassment, approach the harasser and ask him/her to stop. If you are the harasser or are unsuccessful in doing so, make a complaint to one of the College's designated personnel.
2. Complaints of harassment or discrimination should be made to any of the following designated by the College as the Harassment and Discrimination Grievance Office personnel:
  - The Office of the Dean of Students, Associate Dean Daren Mooko or Associate Dean (Ext. 18017); Dean Ric Townes (Ext. 72239);
  - The Office of the Dean of the College, Associate Dean Katherine Hagedorn;
  - The Office of Human Resources, Brenda Rushforth, Director (Ext. 18175), or any other person to the Grievance Officer or in a written statement that identifies the harasser and the person to the Grievance Officer or in a written statement that identifies the harasser made as soon as reasonably possible after occurrence of the events in question.

### **Response of the Grievance Officer to Complaints**

The Grievance Officer shall respond to every complaint. Upon receipt of a complaint, the Grievance Officer will meet with the complainant. (The complainant is always considered to be the person against whom the harassment or discrimination has allegedly occurred, even if a third party reports a complaint.) The Grievance Officer will determine that the conduct complained about clearly does not constitute harassment or discrimination. If the conduct does not constitute harassment or discrimination, the Grievance Officer will inform the complainant.

The Grievance Officer may also determine that although the conduct does not constitute harassment or discrimination, if left unchecked it could develop into harassment or discrimination. In this case the Grievance Officer will advise the student engaging in this conduct and/or take other steps to prevent such harassment or discrimination from occurring. An effective harassment and discrimination policy involves taking every opportunity to educate those who may not realize that certain conduct could constitute harassment or discrimination.

### **Investigation**

Every complaint will be investigated promptly and thoroughly, including any alleged instances of harassment, false charges, or breaches of confidentiality. In conducting an investigation, the Grievance Officer will take into account the possibility of retaliation by the respondent as the result of the initiation of an investigation. The Grievance Officer may, at his or her discretion, appoint an outside neutral investigator to assist in conducting the investigation.

As part of the investigation process, the Grievance Officer may ask, but not require, the respondent to provide a signed, written statement concerning the allegations. This statement should contain all relevant facts, the names of the people involved, the names of any witnesses, and the times and locations of the alleged behavior.

The Grievance Officer may also prepare a written statement of the charges. If a written statement is not provided, the Grievance Officer will furnish a copy to the respondent, who will normally have one week to respond, either orally or in writing. (The respondent is the person who is alleged to have engaged in the harassment or discriminatory behavior under this policy.)

Any documents generated during this process must be kept confidential by the parties involved in the investigation, and there will be no adverse consequence for anyone who declines to submit a statement in writing.

### **Methods of Solving Complaints**

#### **Informal Resolution**

This informal procedure is intended to resolve actual or perceived instances of harassment or discrimination through agreement and mutual understanding between the parties involved without the need for formal mediation. Informal resolution will normally be completed within four weeks although mediation may take longer.

After the Grievance Officer completes an investigation, both parties may agree to attempt to resolve the charge of harassment or discrimination. If the Grievance Officer determines that such an attempt is appropriate under the facts and circumstances of the case, one or more of the following procedures may be used:



appropriate under the facts and circumstances of the case, one or more of the following, as utilized:

- a. A meeting of the Grievance Officer, the complainant, and the respondent; and/or
- b. A meeting between the Grievance Officer and the respondent; and/or
- c. A recommendation of training courses or seminars for either principal; and/or
- d. Referral of the case to a mediator who has both legal and/or personnel relations expertise to discuss the issues with both principals and seek appropriate actions by the principal for an acceptable resolution.

At the conclusion of an informal procedure which results in the parties and the Grievance Officer's charge has been successfully resolved, each party will be asked to sign an acknowledgment that the procedure was performed with her or his agreement and resulted in a resolution of the charge that was submitted.

The details of any conditions agreed to by either party (e.g. counseling, the avoidance of a charge, etc.) will be included in this agreement. Signing the acknowledgment form is the final step in the informal resolution procedure. 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 acknowledgment will be kept in the confidential file of the Grievance Officer and available to its Grievance Officers.

If either party declines to sign the acknowledgment, the informal procedure will be deemed to have failed.

### **Formal Resolution**

In cases where, after investigations, the Grievance Officer determines that there are no grounds for the allegations or the allegations do not constitute a violation of the policy or where the respondent admits the violation, the Grievance Officer will prepare a final report and, if a violation of this policy is found, submit a recommendation to the Vice President and Dean of Students for further action without the need for a formal hearing.

In all cases where informal resolution attempts are not made or have failed, and where the respondent declines to participate in the informal resolution procedure, the Grievance Officer will send the charge to a formal hearing. The procedure for formal resolution will be completed within three months of receipt of the complainant's written statement or a written statement from the Grievance Officer, although the process may sometimes take longer.

The complainant will be asked, but not required, to submit a signed, written statement concerning the charge. If she or he has not already done so. In the event the complainant refuses to submit a statement, the Grievance Officer shall prepare a statement summarizing the charge.

This statement should contain the relevant available details, such as the names of the parties, any witnesses, the times and locations of the alleged misconduct, and a summary of the allegations and circumstances that necessitate hearing before the Harassment Grievance Committee. The Grievance Officer will furnish a copy of the charge to the respondent, who will have two weeks in which to respond if he or she chooses, a copy of which will be given to the complainant. These documents will be confidential by the parties involved and not shared with witnesses or persons not involved in the case. There will be no adverse consequences for anyone who declines to submit a complaint or response in writing.

In cases where related complaints are submitted to both the Grievance Officer and the Office of Student Conduct pursuant to the Student Code, the investigation and/or hearing of the harassment or discrimination charge will be completed first in accordance with this policy, and the results shall be binding on any further action taken under the Student Code. For example, if in the course of resolving a charge under this policy, the panel also resolves a charge under the Student Code, there will be no further action taken under the Student Code. If the panel resolves a charge under the Student Code, the Judiciary Council may be sent to a Penalty Board for imposition of a sanction or discipline. The Penalty Board shall be provided with the vote tally and may take into account the fact that the charge was made by a six-member panel instead of an eight-member panel. If the panel resolves a charge under the Student Code, the Judiciary Council will consider the finding of the panel as binding, and the remaining factual issues. The Penalty Board shall be composed entirely of members of the Judiciary Council.

The Grievance Officer will refer the written complaint and the response, if any, to a panel of the President that a formal hearing has been initiated. The submission of these documents constitutes the opening of the formal procedure. The HDGC will select six members to form a panel in the manner described in Section IX below. Selection will normally be made within one week of expiration of the two-week response period) or sooner if the response is already on file. The Grievance Officer. The complaint and respondent will be informed of the composition of the panel and the opportunity to make one peremptory challenge each. The complainant and respondent may also indicate at this time if they have a conflict of interest. The panel will make the final determination if a conflict of interest exists, and may consult with the Grievance Officer in making its determination. Members of the panel who are removed from the panel as a result of these challenges will be replaced according to the procedure described in Section X below. Normally, within one week of their selection, the members of the Committee panel will meet to review the complaint and the response.

The panel will conduct a prompt, thorough, and unbiased hearing. It 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 accompanied by a support person of their choice. The panel will conduct its own inquiry, receiving whatever information it deems necessary to assist it in reaching a determination as to the merits of the charge, including the testimony of the Grievance Officer during the initial investigation. The panel may also rely upon the investigation conducted by the Grievance Officer. Both parties may provide, for the panel's consideration, the names of a



be called.

If the panel determines that "new" evidence has been presented during the hearing, the panel may allow the complainant and/or respondent a period that the panel deems appropriate to enable the complainant and/or respondent to present the evidence. Evidence is considered "new" only if the panel believes the evidence is relevant and with a reasonable effort have been discovered earlier by the party.

The panel will base its determination whether behavior constitutes discrimination or harassment on the evidence presented.

The hearings will be closed, except to the principals, and the attendance of lawyers will not be permitted. A principal may have an advisor from within the College community, approved by the panel, who may consult with the party but may not address the hearing panel. Once the hearings have begun, meetings of the panel will be closed to all but panel members and proceedings will be confidential and will not be discussed outside the process. The parties' advisors must keep the hearing proceedings strictly confidential. The HDGC may only find pieces of charges that appear on the statement prepared by the Grievance Officer. For example, a finding of discrimination against any protected group may result in a finding of general harassment.

Decisions of the HDGC will be by majority vote and limited to the issue of whether, in the context of this policy, a violation has occurred. Decisions shall be based on the standard of "clear and convincing evidence." The Grievance Officer shall not vote except in cases of a tie or when the panel is otherwise unable to reach a decision. As soon as a decision on the case is reached, it will be summarized in writing in the form of a decision by the Vice President and Dean of Students. The form and content of the panel's written decision, including findings and a written summary of the basis for the conclusion, shall be agreed upon and signed by the panel. A confidential copy of the panel's report will be given to the complainant and the respondent. The panel's decision will be placed in the permanent confidential records in the Office of Student Affairs and available to its Grievance Officer.

The HDGC, upon a finding of responsibility, shall recommend a sanction to the Vice President and Dean of Students. The Vice President and Dean of Students will have access to the complete record of the case and the sanctions to be imposed or corrective action to be taken. The Vice President and Dean of Students will determine the gravity of the offense and prior conduct record in determining sanctions to be imposed. The Vice President and Dean of Students will communicate the decision to the Grievance Officer, promptly, within two weeks. The Vice President and Dean of Students will also enter the decision in the permanent confidential records. The panel's decision to have violated this policy.

In cases where related complaints are submitted to both the Grievance Officer and the Office of Student Affairs pursuant to the Student Code, the investigation and/or hearing of the harassment or discrimination shall be completed first in accordance with this policy, and the results shall be binding on any further action.

### **Sanctions**

Sanctions for a violation of this policy may range from a warning to expulsion. Intermediate sanctions may include suspension or required attendance at training courses and seminars, among other things. The Vice President and Dean of Students may temporarily suspend a student accused of violating this policy pending investigation and/or hearing. Other interim steps, such as separating the complainant and the respondent from class schedules, may also be employed while the investigation and/or hearing is in progress.

### **Appeal of Decision**

Once any case has been resolved, any student sanctioned for a violation of this policy by the HDGC may appeal the decision to the President of the College. The complainant also has the right of appeal. In cases where a sanction is not imposed, any appeal must be filed within one week of notification. The President will have access to the complete record of the case. The President may reverse the decision entirely or may refer the case back to the Grievance Officer or panel or, if appropriate, to request for reconsideration based upon specific objections. Written notice of any appeal decision will be given to both parties and the Grievance Officer. The Grievance Officer will inform any HDGC member of the appeal decision. Any sanctions imposed shall remain in effect while the appeal is pending.

### **Record Keeping**

Each of the Grievance Officers will register each complaint of harassment or discrimination. Records relating to such complaints will be confidential and maintained separately from other records in the offices of the Grievance Officers. Records of allegations maintained by the HDGC that do not result in sanctions normally will be discarded after four years unless there are additional allegations against the same person within this four-year period.

### **Appointment and Duties of a College Grievance Officer**

A senior administrator from the Office of the Dean of Students and a senior administrator from the Office of Student Affairs will serve as Grievance Officers for Students Affairs. In addition, a senior administrator from the Office of the President and the Director of Human Resources also serve as College Grievance Officers. The category of the respondent (i.e. student, faculty, or staff) normally will be in charge of the case. If a student is the respondent, the Vice President and Dean of Students will determine which Office of Student Affairs will handle the matter. It will be the responsibility of each Grievance Officer to:

- Administer and conduct investigations pursuant to this policy;
- Maintain and monitor confidential records relating to complaints brought under this policy;
- Initiate formal or informal resolution procedures as appropriate.



The Grievance Officers shall also have the authority to:

- a. Coordinate with the other Grievance Officers an on-going, campus-wide education so that all members of the Pomona College community understand, prevent, and combat discrimination;
- b. Oversee the dissemination of this policy;
- c. Suggest training courses and seminars as part of the informal resolution process;
- d. Initiate follow-up with respect to cases that have been resolved; and
- e. Provide annual reports to the President and to the whole Pomona College community on harassment and discrimination at the College.

#### **2012-2013 Grievance Officers:**

**Daren Mooko, Associate Dean of Students**  
**Brenda Rushforth, Director of Human Resources**  
**Ric Townes, Associate Dean of Students and Dean of Campus Life**  
**Nicole Weeks, Associate Dean of the College**

#### **The Harassment and Discrimination Grievance Committee**

The Harassment and Discrimination Grievance Committee will consist of six faculty members and six student members appointed by the President, with the possibility of reappointment. On campus, faculty, staff, and students, will consist of three males and three females, chosen with regard to the College community. In addition to these 18 full members, the HDGC will have six other members: three males and three females, selected from the Judiciary Council, whose participation will be required in cases in which the complainant and the respondent are both students. The College Grievance Officer will select members of the Harassment and Discrimination Grievance Committee from the Faculty Council, the Staff Council, and the Associated Students of Pomona College.

At the beginning of each academic year, members of the HDGC will receive education on campus as well as problems and issues that arise in discrimination and harassment cases. The HDGC will select members to conduct a hearing under the formal resolution procedures. In all cases of alleged harassment, three of the six panelists will be the same gender as the complainant. If the complainant is a student, the panel will consist of six students selected from the 12 student members of the HDGC. If the complainant is a faculty or staff member, the panel will consist of three students from the six full members of the HDGC and three members from the category of the complainant. If, for some reason, an individual cannot serve on the panel because of a peremptory challenge or because the panel determines that one of its members cannot be replaced from among other members of the HDGC, an alternate will be selected from the faculty or student bodies at large by the Faculty Executive Committee, the Staff Council, or the Associated Students of Pomona College as appropriate. After the panel has been selected, the Grievance Officer will select an alternate where a conflict of interest exists, and an alternate will be appointed as set forth above.

#### **Additional Opportunities for Reporting Harassment and Discrimination**

Because harassment and discrimination can also constitute violation of federal and state law (Title IX of the Education Amendments of 1972, and/or Section 12940 of the California Government Code), any individual who feels that she or he has been subjected to harassment or discrimination in addition to notifying the College by using the complaint reporting procedures outlined in this policy, may also wish to file with the appropriate state or federal agencies. Such complaints may be filed with the California Department of Fair Employment and Housing (DFEH) or the comparable federal agency, the Equal Employment Opportunity Commission (EEOC). Complaints may also be filed with the federal government's Office of Civil Rights.

#### **Policy On Consensual Relationships With Students (as endorsed by the Faculty and approved by the Board of Trustees, May 2012)**

The well-being of the learning and teaching community at Pomona College depends upon a relationship of trust, respect, and fairness among faculty, staff, and students. Romantic or sexual relationships, even if consensual, between faculty members of Pomona College and students of the College (whether or not faculty currently teach, advise, supervise, coach, or evaluate those students) potentially can impair the academic environment through actual or perceived bias, and can lead to increased risk of alleged violations of the College's Harassment and Discrimination Policy. Likewise, staff members at Pomona College are often called upon to advise, supervise, or evaluate students. Therefore, with respect to students' personal and academic lives, a relationship of trust and fairness is essential.

Accordingly, faculty and staff of Pomona College are prohibited from pursuing or engaging in sexual relationships with students of the Claremont Colleges unless:

- (1) the faculty or staff member has disclosed the relationship or potential relationship to the Vice President/Academic Dean of the College and Vice President/Dean of Students or to the President/Treasurer and Vice President/Dean of Students at the earliest opportunity (if the relationship is ongoing or if the faculty or staff member is considering engaging in that relationship if such disclosure is possible); AND
- (2) the faculty or staff member has demonstrated to those Vice Presidents' satisfaction



(2) the faculty or staff member has demonstrated to those Vice Presidents' relationship presents no reasonable likelihood, presently or in the future, of adverse environment for this or for any other student, or of creating an appearance of bias, conflict of interest, or undue access to or restriction from opportunities

(3) the faculty or staff member has further demonstrated to those Vice Presidents' relationship presents no reasonable likelihood, presently or in the future, of adverse environment for this or for any other student, or of creating an appearance of bias, conflict of interest, or undue access to or restriction from opportunities

Faculty or staff of Pomona College who violate this policy will be subject to disciplinary action and including termination of employment. (In the case of faculty, there will be cause for suspension if misconduct is determined to be sufficiently egregious pursuant to the Pomona College Disciplinary Procedures. Any romantic and/or sexual relationship or activity alleged to be non-consensual is subject to the Harassment and Discrimination Policy and procedures up to and including dismissal under that policy.

## Sexual Assault and Misconduct Policy

### Pomona College's Title IX Coordinator is Daren Mooko, Associate Dean of Student Affairs

Pomona College expects that every member of the community will adhere to the highest standards of sexual conduct. Sexual interaction accomplished by force, duress, threat of force, coercion, or incapacitation by drugs or alcohol use will not be tolerated by Pomona College. This policy outlines standards of conduct and to outline behavior that is not acceptable.

### Definition of Consent

Consent requires a verbal or non-verbal agreement to engage in or continue to engage in sexual activity. The belief that consent exists shall not be sufficient, the belief must be reasonable under the circumstances.

Consent cannot be obtained by means of duress, force, violence, or fear of bodily injury or includes a person using his or her authority over another person to coerce that person to participate in a sexual act, direct or implied, to coerce another person to participate in a sexual act.

Consent cannot be obtained from a person who is unconscious.

Consent cannot be obtained from a person who is incapacitated by any intoxicating or anesthetic controlled substance.

Consent can be withdrawn. Thus, even if a person agreed to sexual interaction or continue sexual interaction, a person has the right to change her or his mind, irrespective of how much sexual interaction has taken place.

### Definition of the Offenses

- I. An act of sexual intercourse, oral copulation, or penetration by a foreign object (incapacitated) accomplished with a person under the following circumstances:
  1. Where it is accomplished against the person's will by means of duress, force, or injury on the person of another.
  2. When the person at the time is unconscious.
- II. An act of sexual intercourse, oral copulation or penetration by a foreign object (incapacitated) accomplished without consent.
- III. An act of sexual intercourse, oral copulation, or penetration by a foreign object (incapacitated) accomplished with a person who is incapacitated by any intoxicating or anesthetic substances, and the student's prior consumption of drugs or alcohol was known to respondent played a role in getting him or her to an intoxicated state.
- IV. An act of sexual intercourse, oral copulation, or penetration by a foreign object (incapacitated) accomplished with a person who is incapacitated by any intoxicating or anesthetic substance when the individual's prior consumption of drugs or alcohol was known to respondent did not play a role in getting the person to an incapacitated state.
- V. An act of touching or cornering another person in a sexual manner under the following circumstances:
  1. Where it is accomplished against the person's will by means of duress, force, or injury on the person of another.
  2. When the person at the time is unconscious.
- VI. An act of touching or cornering another person in a sexual manner without consent

### Policy on Evidence

The College considers the primary evidence to be the testimonies of the student alleging the assault and the accused or anyone who witnessed the degrees of intoxication of the involved parties. In addition, the testimony of anyone who saw or talked to the student after the incident would be considered relevant. (For example, a student might tell a friend about the incident immediately after the incident, and this friend would then be qualified to testify to that conversation.)



physical state.) Any physical evidence or testimony of anyone who witnessed the incident relevant.

Some areas of inquiry are not appropriate in determining whether or not the code has been student has had sexual relations with anyone other than the accused is not relevant in re student dresses or whether the student is or has been flirtatious is not relevant. Whether c accused have previously had sexual relations with each other may in some cases be a rel is it a determining one.

### Sanctions

Sanctions for violation of the sexual assault and misconduct policy may range from expuls College through restrictions on campus privileges, required alcohol or drug counseling, cor service or other penalties as outlined in the Student Code. The severity of the sanctions w which the student is coerced or manipulated or denied the opportunity to express her or his situation, on the degree of obvious intoxication of the student and on any prior disciplinary Violations involving the use of force will generally incur the most severe sanctions. Less s misconduct may, with the survivor's consent, be resolved through mediation rather than by

### Reporting Sexual Misconduct or Sexual Assault to College Officials

Survivors of any act of sexual misconduct or assault are encouraged to seek assistance i incident to a Dean in the division of Student Affairs as soon as possible. In addition, the s Survivors of Sexual Assault are available to assist survivors throughout the reporting proc any stage. The Advocates are a student-initiated, student-centered group formed in respor supporting survivors at Pomona College. The mission of the Advocates is to educate the c the complex issues that underlie sexual assault, support individual survivors in meeting wi and to work for institutional change. The Advocates educate the community through works about various forms of sexual assault and how they are reinforced through our daily action common understanding of sexual assault, the Advocates challenge the Pomona communi to resist cultures of violence. The group works closely with the Deans and Monsour Couns support and information to survivors of sexual assault and serving as a gateway to additio

### Step 1: Treatment

First priority is given to arranging any necessary treatment for a survivor of sexual assault interaction that involves violence and/or penetration may produce physical trauma and is a College officer first notified of the sexual assault may encourage the student to seek treati against the possibility of sexually transmitted diseases and pregnancy. There are several

### Treatment Option 1: Go to the Pomona Valley Hospital Medical Center Emergency R

Pomona Valley Hospital Medical Center

1789 North Garey Avenue

Pomona, California

909-865-9500

At the emergency room, the survivor will be examined and treated for physical injuries or s diseases. Because the assault on him/her is a crime, the hospital has an obligation to info interview him/her at the hospital regarding the assault. The survivor will have a choice as t of evidence and whether to go forward with a prosecution.

If the student decides that the hospital is the appropriate treatment option, the Dean will as transportation and will contact or assist in contacting the Advocates for Survivors of Sexu Hotline of Project Sister (909-626-4357) to ask that a counselor meet the student at the ho

If criminal or civil prosecution is being considered, a hospital visit is important. She/ he sh clothes. Additionally, a female student should not douche. She or he should bring a fresh c hospital. If the student has already changed clothes, he/she should put the clothes worn a a bag and bring them to the hospital.

The emergency room at Pomona Valley Hospital Medical Center is equipped with rape kits preserving evidence. A student who goes to the hospital may have a friend accompany hir RAs, Advocates for Survivors of Sexual Assault, same sex officers from Campus Safety, Department, and Project Sister are available to accompany and remain with a student at th examination is being conducted and/or a report is filed.

### Treatment Option 2: Use other Community Resources

A student who does not wish to go to the hospital or for whom the instance of sexual misc hospital visit necessary should receive treatment/assistance from some other resource su physician, Planned Parenthood, or Monsour Counseling and Psychological Services Cente

Planned Parenthood

2900 Royalty Drive

Pomona, California

909-620-4290



Monsour Counseling and Psychological  
Services Center  
Claremont, California  
909-621-8202

An on-call psychologist from Monsour can be paged after the regular hours for the center by calling 909-607-2000 and asking that the on-call psychologist be paged to call the student.

#### **Step 2: Contact the College Representative**

A Pomona student who experiences any form of sexual assault or misconduct should contact the Office of Student Affairs (18017) even if she or he does not intend to prosecute or bring an action to court. Outside of normal business hours, one can always reach a dean by calling Campus Safety at 909-607-2000, call dean paged, or one may contact an RA.

Generally, the Dean will not initiate action of legal or college judicial nature without the consent of the student. All instances of sexual assault (but not all cases of sexual misconduct) must be reported to the Office of Student Affairs. The student's name or identity need not be reported.

#### **Step 3: Notification of Others That an Assault Has Occurred**

The Dean will notify the President and the Director of Campus Safety that sexual assault has occurred, while maintaining confidentiality if confidentiality is requested.

#### **Step 4: Referral for Support**

The Dean will provide information about sources of support at or near Pomona, either directly or indirectly representing the survivor. Of particular value will be

Rape Crisis Hotline Project Sister

909-626-4357

Monsour Counseling and Psychological Services Center

909-621-8202

The Dean will assist the student in changing academic and living arrangements if these are reasonably available.

#### **Step 5: Referral for Prosecution or Mediation**

The dean will explain to the affected student options for pursuing action, should the student wish to do so. The College's Sexual Assault and Misconduct policy is not intended to replace the criminal justice system. Informal discussion and mediation are also options. Generally, the Dean will not initiate legal action without the consent of the affected student. The Dean's role is to explain all options and to pursue action, should the student wish to take that course. The Dean will also help the student identify and other supportive resources.

Options that the student may wish to consider (listed from most serious to least serious in order of preference):

1. Report the incident to the police for prosecution. An obligatory report must be filed with the police. However, the student's name may be omitted from the report if he/she prefers.
2. File a Pomona College Judicial Complaint. This process is initiated by making a complaint to the Office of Student Affairs (see handbook for explanation of Judicial Board proceedings).
3. Request a Dean's Sanction. The student may request that the Dean interview all parties and impose a sanction commensurate with the severity of the offense. However, in accordance with the College Code, students may not be expelled or suspended as a result of this procedure and the dean may petition the Judiciary counsel chair to request a hearing.
4. Request Mediation. At the request of the survivor (and when the respondent agrees), the Dean may seek outside mediation to facilitate resolution of the incident.
5. No action. The complainant may report an incident but ask that no further action be taken. After determining that the welfare of others on campus is at risk because of the respondent's behavior, the report, the dean may encourage the complainant to pursue one of the options above.

In all cases of sexual assault, the college encourages survivors to take advantage of counseling services on and off-campus.

#### **Reporting Results of Disciplinary Hearings**

The survivor of any sexual assault, misconduct or physical abuse which is the basis of an action by the College, shall be given notice of the results of the disciplinary action.

Telephone Numbers for Assistance

#### **On Campus**

Office of Student Affairs

ext. 18017



Office of Student Affairs	ext. 18017
Campus Security	ext. 72000
Monsour Counseling and Psychological Services Center	ext. 18202
Student Health Service	ext. 18222
<b><u>Off Campus</u></b>	
Claremont Police Department	399-5411
Project Sister - Rape Crisis Hot Line	626-4357
Planned Parenthood	620-4268

## Intercollegiate Procedures

If the alleged respondent is an employee or student from one of the other Claremont Colleges, University Consortium, Pomona College will investigate the matter and take steps to stop affects to the extent reasonably possible. However, the grievance or other relevant procedural disciplinary action against the alleged respondent will be those of the alleged respondent's

## Committee for Continuing Education on Sexual Misconduct

This committee will consist of one (1) faculty member, one (1) staff member, the Commissioner of Relations from ASPC, an Advocate for Survivors of Sexual Assault, a Judiciary Council C Monsour Counseling and Psychological Services. The committee shall meet at least twice reports regarding action taken in response to complaints of sexual assault. The committee information for each committee member to take back to her or his respective organization; plan one educational campaign per year regarding sexual assault for both faculty and student

## Hate Crimes and Bias-Related Incident Protocol

### What is a Hate Crime?

A hate crime is a criminal act that is committed against the person or property of another based on actual or perceived race, color, religion, ancestry, national origin, disability, gender identity or sexual orientation.

Hate crimes also include any such crimes committed against the property of a public agency including educational facilities and advocacy groups - because the property of the agency associated with a person or group of an identifiable race, color, religion, ancestry, national origin, sexual orientation.

Some hate crimes may violate California and/or federal law, and the conduct underlying the College's policies, including provisions of the Student Code and the Harassment and Discrimination Policy.

### What is a Bias-Related Incident?

Bias-related incidents are expressions of hostility against another individual (or group) because of group's race, color, religion, ancestry, national origin, disability, gender identity or expression because the perpetrator perceives that the other person (or group) has one or more of these characteristics. On the circumstances, a bias-related incident may not be a crime, and may be protected speech. Underlying some bias-related incidents may violate the College's policies, including provisions of the Harassment and Discrimination Policy.

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

Free Speech requirements protect many forms of "hateful" and intolerant speech and expression that which occurs during such common College activities as debates, speeches, arguments, discussions, lectures, distribution of flyers and displaying of posters. In certain contexts, and expressive conduct to be protected that many in our community would find repugnant, display of the confederate flag, nazi symbols, cross burning, and flag burning. Such speech however, may be inconsistent with the College's community values and it may present an opportunity for dialogue, debate and better understanding of the scope of protected speech and the role of

### 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 Policy - and are designed to address incidents that violate such policies as well as those instances of protected (but hateful or intolerant) speech that may generate harm requiring discipline. Bias-related incidents need to be addressed because they harm individuals, undermine understanding in the Pomona community, or impede the educational process. Public discussion promote awareness of prejudice and examination of the values that underlie the Pomona community.

### What Should a Student Do If She or He has been the Target of a Hate Crime or Incident?

All hate crimes and bias-related incidents should be reported to the Office of Student Affairs. If an incident occurs after normal business hours or on the weekend, the student should contact the On-Call Dean. The Dean will contact the Dean of Students and the On-Call Dean on the student's behalf.



will contact the Dean of Students and the Off-Campus Dean on the student's behalf.

In appropriate circumstances, the incident should also be reported to Campus Safety and Students who have been the target of such an incident can also get support and assistance from the Office of Student Affairs, Monsour Counseling Center, Office of Black Student Affairs, Asian American Resource Center, Queer Resource Center, Women's Union, the Chaplaincy, and from his or her advisor.

Although hateful messages on such things as flyers, posters, e-mail, answering machines, graffiti are often obnoxious or worse, it is helpful to preserve them as evidence, and not to destroy them, as that could help identify the source and/or targets or other affected persons.

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

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

If a particular student has been targeted, the Dean will assist the student in documenting the incident and exploring options for addressing what has occurred. If the incident is a crime, the student will be assisted in contacting the police. If the incident involves the violation of a College policy, the procedures for investigating that policy will be undertaken.

A wide range of assistance is available to students who are targeted. The Dean will assist in contacting the counseling center, the chaplain or the head of the relevant ethnic/cultural center. The Office of Student Affairs will ensure that the affected student feels safe in his or her residential environment and will, if necessary, help with campus housing, and change course schedules. The Dean will also offer help documenting the incident (e.g., photos of dry erase boards or items placed on the student's door); help in talking with/filing a report with Campus Safety and/or the police; advice about initiating disciplinary action against the offender; as well as counseling or other forms of support, including the campus escort service or help in initiating contact with the affected student and the offender.

When hate crimes and bias-related incidents occur on campus, they can strain the fabric of the community. The Office of Student Affairs will consider what sort of communication about the incident is appropriate, balancing various interests such as personal safety and confidentiality.

In some cases, public discussion about the incident can serve to educate the community about the incident and reduce prejudice. Programs that address bias-related incidents can change a hateful incident into an opportunity for understanding and personal growth. The targeted student may elect to participate in such a program. In some cases, the Office of Student Affairs may, in collaboration with the Dean of Students, offer programs that include one or more of the following: residential programs, panels, films, speakers and other educational programming. Among other things, the Office of Student Affairs helps the community understand and address what has occurred. The RA staff within each residence hall are prepared to provide leadership in responding to such events.

### **What Guidelines Will Govern the College's Response? (Incident Response Team)**

The College has established an Incident Response Team (IRT) to address issues relating to hate crimes and bias-related incidents. The IRT is composed of the Dean of Students, and one or two staff members of the faculty and student representative chosen from the campus community. The IRT must be Pomona faculty, students or staff.

Student members of the IRT will be selected from the general student population. When determined necessary, they may be chosen from among the following groups: Pan African Student Association (PASA), CLSA Liaisons, the Women's Union, the QRC and/or at large students. Other campus organizations may be invited to participate in the IRT if hate crimes or bias-related incidents affect their members. The Dean of Students, a Student Affairs Staff member and two student members will function each year as a Steering Committee. The Steering Committee will respond to hate crimes and bias-related incidents, plan events, and schedule meetings of the full IRT as required. Campus Safety may work with the IRT to improve communication about incidents. The Claremont Police Department may also be invited to campus hate and bias-related incidents and may be asked to meet with the IRT from time to time.

When a hate crime or a bias-related incident is reported to the Office of Student Affairs, the Office will inform the President, the Director of Campus Safety, the Academic Vice President and the Dean of Students. The Dean may request a confidential conversation with the Dean, in which case the IRT and other members of the Office of Student Affairs will be informed of the case. A student may also ask an RA, Mentor, or Sponsor to report an incident to the Office of Student Affairs on his behalf.

### **Goals of the Incident Response Team**

The IRT will meet periodically to:

- Develop recommendations to help the Dean of Students determine when and how to respond to a hate crime or bias-related incident that has occurred at Pomona, recognizing that the Dean will need to make that determination according to the circumstances of the case. In some cases a senior officer of the College may write to all faculty, students and staff. In other cases, communication from the IRT itself may be appropriate. In still other cases, the Dean may determine that communication is necessary or appropriate.
- Discuss the types of effective programming that might be undertaken in response to hate crimes and bias-related incidents after they occur.
- Undertake education of the community about hate crimes and bias-related incidents and provide access to information about the issues and how incidents can be reported. For example, the IRT may create a website that can be visible on campus and on a secure data



to advise on a poster or a sticker that can be visible on campus and on a more deliberate hate crimes and bias-related incidents.

When an incident occurs, the full team or the Steering Committee will gather to review what recommendations to the Dean of Students about the necessity and the nature of a public statement that will be released in a public statement, and on effective educational programming.

The recommendation of the IRT will govern the College's response to the incident. However, the Dean may decline to follow the IRT's recommendations when, in the Dean's judgment, the action proposed is more harmful.

If a majority of the IRT disagrees with the Dean's decision, that decision may be appealed to the Dean of the College, whose decision in the matter will be final.

Members of the IRT are required to keep strictly confidential all information about incidents as a result of their participation in the IRT, and to publicly discuss only such information that is publicly available by the Office of Student Affairs.

## Policy on Disciplinary Records

A Pomona College student acquires a disciplinary record with the College if she or he is sanctioned by the Council, Academic Discipline Board, Student Affairs Committee, or by one of the Deans of Student Affairs or Campus Life for a violation of the Pomona College Student Code or other sanctions imposed by faculty members or other College officials may also result in a disciplinary action concerning fines is not considered part of the official disciplinary purposes (i.e. employment or graduate school admission). Other sanctions issued by the Dean that they will not be considered part of the official disciplinary record for post-graduation purposes. Whether a Pomona College disciplinary record is determined by the severity of the sanction: the sanction is a warning, probation, fine, limitation on participation, restitution, or discretionary community service, the writing of a research paper, or attendance at AA meetings), the disciplinary record is maintained for five years following the date of the offense.

If the sanction is a residence hall suspension or change, residence hall expulsion, college expulsion, the disciplinary record will be maintained as a permanent College record. Information about violations is confidential. See Student Code.

## Other Policies

### Demonstration Policy

The undergraduate Claremont Colleges—Pomona College, Scripps College, Claremont McKenna College, Pitzer College—together with Claremont Graduate University, Keck Graduate Institute, and the University Consortium (CUC) are all member institutions of the "Claremont Colleges". Each institution respects the rights of free speech and peaceable assembly and supports their exercise of speech and assembly becomes disruptive or non-peaceable, and infringes upon or threatens property or public safety, or impedes the business of the member Colleges or CUC and CUC will act according to this policy.

Every institution in the consortium has instituted procedures for presenting and peaceably protesting about policies. Officials at the individual Claremont Colleges and CUC are willing to examine and discuss 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 property of any of the Claremont Colleges or of Claremont University Consortium or the property is prohibited.

Determination of when a demonstration or action is non-peaceful or disruptive may be difficult. The Claremont Colleges individually and collectively subscribe to the general guidelines listed below.

1. Non-peaceful actions or demonstrations are those that endanger or injure, or threaten the person, or that damage or threaten to damage property.
2. Disruptive actions or demonstrations are those that restrict free movement on any campus, interfere with, or impede access to, regular activities or facilities of any of the Claremont Colleges or CUC.

#### A. General Guidelines

If an officer or designee of an affected College or CUC informs individuals in a given area that they are judged non-peaceful or disruptive and that they should disperse, individuals remaining on campus, with a violation of this policy.

Any individual acting in a non-peaceful or disruptive manner, whether he or she is acting in a peaceful or non-peaceful manner, may be charged on the basis of the individual's or group's behavior with a violation 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 or Consortium policy will not be a defense. Charges will be brought at the home college of the accused.

Any President on his or her home campus, or designee, or the Chief Executive Officer of CUC, is authorized to take actions against any individual violating this policy. A President may also take other legal action, or notice of disciplinary charges and handled through the home College. The presidents and the Chief Executive Officer of CUC may delegate their authority to act to other designated individuals.

#### B. Enforcement Policy



In the event of a non-peaceful or disruptive action on the property of any of the Claremont their affiliated offices or programs, the affected College or Colleges or Claremont University according to the following procedures:

1. The President(s) of the College(s) where activities are disrupted or the Chief Executive Officer of the property of CUC, will determine whether or not negotiation will take place in the case of demonstration or disruption. The president(s) will also determine the actions to be taken, which may be limited to, provisional or summary suspension or arrest.

The president of the college may summarily suspend a student of his/her college. However, the president of the college or the CEO of CUC will only have the authority to suspend a student representing one of the other Claremont Colleges- pending referral to the home campus.

2. The Colleges and CUC agree that cases of student disruption or non-peaceful action on campus are a violation of the student's home campus conduct code and will be adjudicated by the home campus process at the student's home college. Appropriate Officials at the affected institution will notify non-peaceful individuals on notice that they are in violation of this policy and file charges. Officials at the home campus agree to acknowledge requests for disciplinary action and take action that is consistent with and/or allowed by disciplinary procedures at the home campus.
3. Officials at the other campuses will promptly provide assistance in identifying disruptive individuals to the campus where the disruption occurs or to CUC.
4. All individuals who are engaged in disruptive or non-peaceful action will be notified. Persons who continue to trespass after notification are subject to arrest (by a Peace Officer. California Penal Code Section 834).
5. Individual Claremont Colleges and CUC may bill students or file civil suits to recover damages.
6. While officials at affected colleges or CUC may temporarily revoke any or all student privileges to end disruptive or non-peaceful protests, the college at which the student is enrolled will adjudicate complaints and make final decisions about alleged violations of conduct. Appeals will be made by a court of law.

(Approved by the Council of Presidents of The Claremont Colleges, November 2001).

### **“The Farm” Use Rules**

The Farm is the property of Pomona College and subject to all regulations and use rules. The farm is managed by the Environmental Analysis Program and it is dedicated to the study of the environment.

The Wash, where the farm is located, is a multi-use area preserved for recreation, natural resources, and agriculture. Because of its multipurpose nature, the area of the Wash available for use and cultivation is marked by boundaries. Use or cultivation outside of this area is not permitted. Decisions about policies for the Farm will be made by a steering committee composed of the Dean of Student Affairs, the Environmental Analysis Program, a student from the Farm Club, and Farm staff.

The following policies govern use of the farm:

1. Seven-College Identification or Farm Pass must be presented upon request.
  - Farm Pass application available by request.
  - 7C students, faculty, staff and Farm Pass holders may have two guests with them.
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 7-C ID.
7. Registration of Events at The Farm:
  - a. Events need to be registered with the ASPC office in Smith Campus Center.
  - b. Requests for events at The Farm can only come from 7C identification holders.
  - c. Registered events at the Farm may be approved to run until 9:00 PM.
8. Amplified sound or drumming is permitted during daylight hours only, unless part of a registered event.
9. The Farm should be kept clean and neat, without unnecessary trash and litter, in accordance with College standards.



- -Trash must be disposed of; compost and recycling should be placed in pr

10. Use of Outdoor classroom and/or Dome available by request to Farm Staff.
11. Guests are asked to walk on paths and to avoid walking on the plant beds.
12. Guests are asked to return tools to their proper location after use.
13. Harvesting limited to fruits when in season. Harvesting of produce from other plant the consent from individual plant bed managers.
14. Respect the work of students who work to make The Farm a pleasant and viable e

Contact Farm staff if you have questions or would like to learn about the Farm's routine pr

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 community. Students alone or in concert with others may not tamper with, discharge or pla doors, smoke detectors, exit lights, or tamper with or pull a fire alarm under false pretense

In addition, prompt and cooperative response to fire alarms, in accordance with college err required of every resident and guest. All students must evacuate the building during any fi

Any student who is responsible, alone or in concert with others, for misuse of a fire exting firefighting equipment will receive a mandatory fine for a first offense. This fine can be app Council only on the basis of dispute about the facts of the incident. In case of a violation f person is not identified, the fine can be levied against a residence hall at the discretion of second offense will result additionally in withdrawal of campus housing and dining privilege semester. At the discretion of the Dean of Campus Life, second offenses may be referred Council with a recommendation for a stronger penalty.

Actions which set off building fire alarms disrupt the residents, violate state law, and enda who willfully commits such an offense will be fined \$500.

A student whose campus privileges have been withdrawn for this reason may, after spend in off-campus housing, petition the Dean of Campus Life to resume residency on campus the Dean.

All individuals present in a building when a fire alarm sounds are required to evacuate the l accordance with standard emergency procedures. Any student who does not cooperate wi fined on a first violation, and the automatic fine will be doubled for each subsequent violati cooperate will result in referral to the Judiciary Council with a recommendation of withdraw dining privileges.

California law establishes criminal penalties for willful and malicious tampering with fire pr sounding false alarms.

The state and local fire codes, as well as Pomona College policy, require the following:

1. It is prohibited, negligently or intentionally, to set a fire of any size or type in or arc campus. Open flame devices, including incense and candles, (excluding cigarette not allowed in the residence halls.
2. Placing furniture, bicycles, boxes, or any item in such a way that obstructs emergi is a violation of the state fire codes. These codes are strictly enforced by staff.
3. Corridors and exit doors are to be kept clear of obstruction at all times.
4. Lighted candles or open flames in the residence halls are not permitted.
5. Excessive amounts of combustibles, such as paper, paper products, textiles attac to walls or ceilings, or as room dividers, are a fire hazard and are not permitted.
6. Corridor decorations and signs shall be made of nonflammable materials treated w retardant. Trees or any branches used for seasonal decorations must be treated w and so tagged.
7. Flammable liquids shall not be stored or used in any residence hall.
8. The use of a non-approved cooking appliance is prohibited.
9. Motor scooters, motorcycles, and other vehicles which have gas tanks cannot be residence halls at any time.
10. Gasoline, kerosene, and other combustibles are fire hazards and are prohibited in t

In all of these matters, students are responsible for the behavior of any guests, including s Claremont Colleges, who are present in a building at their invitation, and penalties may be violations committed by their guests.

## Greek Life – Fraternities



The Student Affairs Committee has created the following regulations for all social Greek organizations.

**Initiation:** Fraternities may not invite initiates, nor initiate new members until the second semester of a member's first year or later. In the second semester, initiation must take place after March 1st to give members time to consider their choices. Alcohol is not permitted during initiation. Also, see "Hazing."

Fraternities must file dates and general plans for initiation with the Assistant Director of the Office of the Campus Center and Student Programs, including information about whether or not the faculty advisor will be present and during which semester. The Director of Smith Campus Center may visit 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 by the end of each semester.

**Voting Procedures:** After open discussions, elections to membership should be made by secret ballot. The voting procedure may require for election votes of 80 percent of the members present. If less than 80 percent are voting, three votes less than unanimity.

**Advisors:** Every Greek organization must have a faculty advisor who is expected to play an active role in the organization's activities, including participating in the planning of initiation activities. The advisor's statement of purpose must be signed by the advisor.

Recognizing that it may be beneficial in maintaining connections with the community and in providing service projects, advisors to the various fraternities are encouraged to meet on occasion to discuss campus and community activities.

**Alcohol Education:** Prior to rush, all registered members of each fraternity shall participate in a mandatory alcohol education program that will include a review of current College alcohol policy. The program shall be a requirement of the Campus Center and Student Programs.

**Recruitment:** Each semester, before rush, fraternities must hold at least one open house where prospective members may learn about the traditions, goals, and existing membership of the organization. These open houses must be broadly publicized.

**Statements of Purpose:** Every Greek organization, in order to be registered, must submit to the Campus Center and Student Programs a form that includes a statement of purpose. It must be signed by the member and the faculty advisor.

This Statement of Purpose will outline the fraternity's responsibilities to the community and the campus, and will serve as the basis for periodic fraternity reviews. This form will be kept on file by the person who serves as fraternity liaison.

**Withdrawal of Registered Status:** The College holds each Greek organization responsible for the actions of its individual members at the group's events. Antisocial behavior attributable to the collective actions of individual members related to such group action may result in the withdrawal of the organization's official status. The Judiciary Council has jurisdiction over fraternity violations of College policies.

**Disbanded Organizations:** Any Greek organization officially disbanded by the College may not be re-established for a period of one year. Organizations may 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 the organization has demonstrated relevant, misconduct in connection with a disbanded organization may be viewed as an appropriate instance that a student is called before the Judiciary Council on other grounds. This policy is a general rule that if student organizations—recognized, unrecognized, or officially disbanded—are found to be detrimental to the well-being 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 organizations with the costs of events for the benefit of the College community. Such events must be open to all students, on campus.

## Policy Concerning Treatment of Animals on Campus

Pomona College restricts the ability of students to keep animals on campus. Students may keep animals in the residence halls. Only completely caged, non-poisonous pets that are legal in the state and then only if they do not adversely affect other residents and if the owner maintains appropriate care and sanitation. Students who keep a completely caged, non-poisonous pet on campus must register the animal with the Office of Campus Life.

If a cat, a dog, or another animal not approved by the Office of Campus Life, is found in a residence hall, the student will be fined. The animal must be removed from the residence hall within 72 hours. Failure to remove the animal or additional instances involving an animal may result in more substantial fines.

In compliance with California state law, animals are not allowed in areas where food is served, including the College's dining halls, The Sagehen Cafe, and in the Coop Fountain.

Furthermore, the College, as well as the state and local law, requires the humane treatment of animals. Food, water, exercise and sanitary living conditions must be provided.

If farm animals or exotic animals (horses or sheep, peacocks, or reptiles) are brought to campus by students, permission must be obtained for the animals to be on campus from the Office of



person must be identified to care for the animal(s) while they are present on campus. The responsibility for the animal(s) must indicate how and where the animal will receive food, water and sanitary place of abode while on campus.

Any person(s) found abusing, teasing, tormenting, or inflicting any type of cruelty to an animal is accountable by the College through the Dean of Students or by the Student Judiciary Court. This policy may include mandatory community service, fines, suspension of on-campus privileges or expulsion from the College. Students may also be held legally accountable for violation of this policy to animals.

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