



# **Pomona College Staff Handbook**

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# RECEIPT AND ACKNOWLEDGMENT OF A HANDBOOK FOR THE STAFF OF POMONA COLLEGE

PLEASE PRINT:

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Name	Department
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I have received a copy of *A Handbook for the Staff of Pomona College*, effective July 1, 2017. I understand that this Handbook contains important information about Pomona College's general personnel policies, practices and procedures and about my privileges and obligations as its employee.

I agree to read, and comply with this *Handbook* during my employment at Pomona College. I also understand that this *Handbook* may be amended at any time and that Pomona College may rescind, or add to, any policies, practices, and procedures described in the *Handbook* at any time. Pomona College will advise employees of material changes accordingly within a reasonable time.

I further understand that any policy updates and/or revisions will be communicated by email from Human Resources and posted on the College HR web site and the HR web portal.

I understand that this *Handbook* is not an express or implied contract of employment for a specific period of time. This means that the College and I have the right to end our employment relationship at any time with or without notice or cause, unless otherwise prohibited by law. Employment at the College is "at will."

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Employee's Signature

Date

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# INTRODUCTION

## FOREWORD

The *Pomona College Staff Handbook* is addressed to all members of the administrative and support staff at Pomona College, including employees in the administrative, managerial, professional, secretarial/clerical, technical, paraprofessional, trades and service categories.

It serves as a general guide on employment policies, practices and procedures, as well as a source of information on various aspects of employment at Pomona College.

This *Handbook* is not an express or implied contract of employment between Pomona College and its employees for any particular benefit or for employment for a specific period of time. This means that both employees and the College have the right to end the employment relationship at any time with or without notice or cause, unless otherwise prohibited by law.

This *Handbook* is not intended to be an exhaustive list of all staff employment policies, and the College may have policies not reflected in this handbook. The College reserves the right to change or delete any provision described herein at any time. In such an event, the College will inform employees accordingly.

Nothing in this Handbook is intended to unlawfully restrict an employee's right to engage in any of the rights guaranteed them by Section 7 of the National Labor Relations Act, including but not limited to, the right to communicate with each other about the terms and conditions of employment at the Company and to otherwise engage in concerted protected activity for the purposes of their mutual aid and/or protection. Nothing in this Employee Handbook will be interpreted, applied or enforced to interfere with, restrain or coerce employees in the exercise of these Section 7 rights.

The format of this *Handbook* allows for updates on a regular or as-needed basis. When revisions are in order, employees will be provided replacement pages to insert in the appropriate sections.

Employees may obtain specific information not found in this handbook from their supervisor or from the Human Resources (HR) Department.

## **ABOUT POMONA COLLEGE**

Pomona College is a coeducational liberal arts college located in Claremont, California, a small college town at the foot of the San Gabriel Mountains. The campus covers 140 acres, including more than 60 buildings.

Considered “most selective” according to admissions evaluations, the College offers instruction in all major fields of the humanities, social sciences, fine arts, and natural sciences, and is strongly committed to the value of a residential educational community. Students come from a variety of geographic, social and ethnic backgrounds. The student-faculty ratio is less than 10:1.

As Founding Member of The Claremont Colleges, Pomona College is part of an incomparable arrangement in American higher education – five autonomous undergraduate colleges and two graduate institutions on adjacent campuses, affiliated to broaden the intellectual, social and cultural resources available to their students. The Colleges jointly support certain central facilities, open their courses to one another’s students, and cooperate in sponsoring special academic and extracurricular programs. The Claremont Colleges arose from Pomona College’s desire to maintain the advantages of a small college while providing opportunities and resources usually found only at universities.

Pomona College was incorporated on October 14, 1887 by a group of East Coast Congregationalists who wanted to establish an independent college “of the New England type” in Southern California. Instruction was begun in September 1888 in a small rented house in the city of Pomona. The following January, an unfinished hotel (now Sumner Hall) in nearby Claremont, together with considerable adjacent land, was given to the College, which relocated there. Although this location was originally regarded as temporary, Claremont became the permanent home of the College. The name “Pomona College” had, however, become so closely identified with the institution that it was retained.

G. Gabrielle Starr became Pomona College’s first female president on July 1, 2017. Former presidents of Pomona College include: Cyrus G. Baldwin (1890-1897), Franklin L. Ferguson (1897-1901), George A. Gates (1901-1910), James A. Blaisdell (1910-1928), Charles K. Edmunds (1928-1941), E. Wilson Lyon (1941-1969), John David Alexander (1969-1991), Peter W. Stanley (1991-2004), and David Oxtoby (2004-2017).

The College is accredited by the Western Association of Schools and Colleges (WASC).

## **THE CLAREMONT COLLEGES AND AFFILIATED INSTITUTIONS**

More than 2,600 staff members assist the seven campuses in attaining their educational and service goals. An important common purpose is to maintain and improve the collective campus as a unique place in which to learn, teach, and work. Employee competence, resourcefulness and commitment in supporting this purpose at Pomona College will be essential in building and maintaining strong institutions.

Each institution at The Claremont Colleges is an independent and separate employer, with its own faculty, staff, student body, administration, policy, and curricular emphasis. The Council of The Claremont Colleges is composed of the presidents of each of the institutions and the chief executive officer of Claremont University Consortium (CUC).

### **THE CLAREMONT COLLEGES**

***Claremont Graduate University (CGU)***, founded in 1925, offers advanced work in the humanities, fine arts, mathematics, social sciences, education, management, executive management and information science. It is a graduate-only institution, granting masters and doctoral degrees.

***Claremont McKenna College (CMC)***, founded in 1946 as Claremont Men's College, offers the Bachelor of Arts degree in 26 fields, often combined by students in dual majors. Most CMC students choose a major or part of a dual major in economics, government, or international relations. CMC is unique among liberal arts colleges in that it actively supports faculty and student research and publications through nine research institutes.

***Harvey Mudd College (HMC)***, founded in 1955, is a coeducational college of science and engineering. The curriculum is designed to create scientists and engineers with unusual breadth in their technical education and a firm academic grounding in the humanities and social sciences. Engineering students may opt for a fifth-year Master's program.

***Keck Graduate Institute (KGI)***, founded in 1997, offers professional masters degrees in applied life sciences and plans eventually to grant interdisciplinary Ph.D. degrees. Its curriculum interweaves engineering and the life sciences, and emphasizes project-based learning.



**Pitzer College**, founded in 1963, is a coeducational liberal arts college that blends classroom instruction with fieldwork to engage a student's mind, heart and spirit by integrating educational resources on-campus, abroad and in the local community. Pitzer offers a curriculum that spans 40 major fields and focuses on interdisciplinary and intercultural education with an emphasis on social responsibility and community service.

**Pomona College**, founded in 1887, is the Founding Member of the Claremont Colleges. It is an independent, coeducational college offering instruction in all major fields of the arts, humanities, social, and natural sciences. Strongly committed to the value of a residential educational community, it emphasizes both liberal arts and paraprofessional training, providing students with considerable exposure to a wide range of fields and first-rate preparation for future professions.

**Scripps College** was founded in 1926 by newspaper publisher and philanthropist Ellen Browning Scripps. The mission of Scripps College is to educate women to develop their intellects and talents through active participation in a community of scholars. Scripps emphasizes a challenging core curriculum, based on interdisciplinary humanistic studies and rigorous training in the disciplines, as the best possible foundation for any goals a woman may pursue.

**Claremont University Consortium (CUC)**, founded in 1925, is the central coordinating body of The Claremont Colleges. Under the supervision of the Council, CUC is responsible for the development and administration of central resources and programs, inter-collegiate organization and coordination, and for the establishment of new colleges and professional schools within the group. For this reason, it is funded by all of the member-institutions.

## AFFILIATED INSTITUTIONS

**The Claremont School of Theology** traces its history back to 1885 with the founding of the Maclay College of Theology in San Fernando, California, and moved to its present Claremont site in 1957. It is an ecumenical and globally-oriented graduate school of the United Methodist Church, whose mission is to teach and learn within a tradition that stresses the quest for knowledge. In confidence that faith and reason should be inseparable, its goal is educated and faithful leaders equipped to serve God in church, society, and higher education.

**Rancho Santa Ana Botanic Garden**, founded in 1927 and located in Claremont since 1951, offers a graduate program in Botany in cooperation with Claremont Graduate University. The graduate education places its main emphasis on the systematics and evolution of higher plants with an active research focus on native California plants and their conservation. Graduate

classes and research work are conducted at the 86-acre Garden facility adjacent to the main campus of The Claremont Colleges.

## **SECTION I - EMPLOYMENT**

### **EMPLOYMENT AT THE COLLEGE**

#### **AT-WILL EMPLOYMENT**

Employment with Pomona College is voluntarily entered into, and employees are free to resign at any time, with or without notice or cause. Similarly, the College may terminate the employment relationship at any time, with or without notice or cause, unless prohibited by law. This employment relationship is called “employment at will,” and it cannot be altered or modified except by an express written agreement signed by the employee and the College President. Furthermore, this “at-will” employment relationship cannot be modified by an oral or implied agreement. This “at-will” provision does not impact employees’ ability to bargain collectively and engage in concerted activities regarding the terms and conditions of their employment under the NLRA.

#### **NON-DISCRIMINATION**

##### *Statement of Non-Discrimination*

*Approved by the Board of Trustees May 13, 2017*

Pomona College complies with all applicable state and federal civil rights laws prohibiting discrimination in education and the workplace. Specifically, all forms of harassment and discrimination, whether on the basis of sex, gender identity and expression, pregnancy, religion, creed, color, race, national or ethnic origin, ancestry, sexual orientation, medical condition, physical or mental disability, age, marital status, veteran status, family care leave status, genetic characteristics and information or otherwise prohibited by state or federal law, destroy that foundation of respect and violate the sense of community vital to the College’s educational enterprise.

In addition, in accordance with California law, the College does not discriminate against employees on the basis of a lawful change of name, Social Security Number or federal employment authorization document (Labor Code section 1024.6); receipt of Medi-Cal coverage (Govt. Code section 13084); or having a California driver’s license with a “federal limits apply” notation (Govt. Code section 12926(v)), and, in the spirit of these laws, the College extends these protections to students. Similarly, the College also does not discriminate against employees and/or students with “driving privilege cards,” “driver authorization cards,” or other government-issued alternative driver’s licenses. Furthermore, in

accordance with California law, the College does not discriminate against students on the basis of immigration status, primary language and citizenship (Civil Code section 51(b)), and, in the spirit of California law, extends these protections to employees. Verification of immigration status, and employment decisions based upon such verification where required by federal law, shall not constitute a violation of this Policy.

This Policy strictly prohibits discrimination against any individual at the College or at College activities occurring away from campus, including but not limited to all individuals regularly or temporarily employed, studying, or with an official capacity at Pomona College (such as Trustees, guest lecturers, volunteers, and contractors). This Policy covers admissions, access, and service in Pomona College programs and activities, as well as hiring, promotion, compensation, benefits, and all other terms and conditions of employment at Pomona College.

The College offers reasonable accommodations to qualified individuals with physical or mental disabilities to the extent the accommodation will allow them to perform the essential functions of the job and will not create an undue hardship. Further information relating to reasonable accommodations is available from the Human Resources office. If an employee believes she/he needs reasonable accommodation because of a disability, they should speak with the Human Resources Office or their supervisor.

#### *Harassment-Free Campus and Workplace*

The College strives to provide a campus and work environment where all individuals can visit, study, and/or work together comfortably and productively. Each individual has the right to visit, study and work in a professional atmosphere that promotes equal opportunity and prohibits discriminatory practices, including sexual and other forms of prohibited harassment. Such prohibited harassment is unacceptable and will not be tolerated. This Policy applies to all workers – not only employees but also to contractors, unpaid interns and volunteers. It both protects these students, staff, faculty and visitors and governs their conduct while engaged in College business and interacting with other members of the College.

The College prohibits harassment of any its workers based on an individual's race, religion, color, sex (including breastfeeding and conditions related to breastfeeding), gender (including gender identity and gender expression), age, national origin, ancestry, marital status, registered domestic partner status, medical condition, sexual orientation, genetic characteristics and information, physical or mental disability, military or veteran status, or any other legally protected characteristic. The workplace is not limited to the College's facilities, but may also include client and vendor facilities, as well as anywhere a student- or business-related function is taking place.

Prohibited harassment includes, but is not limited to, epithets, slurs, derogatory comments or jokes, intimidation, negative stereotyping, threats, assault or any physical interference with the employee's normal work or movement. Harassment may also include written or graphic material placed on walls, bulletin boards or elsewhere on the College's premises or circulated in the workplace that denigrates, shows hostility or aversion towards an individual or group because of the characteristics identified above. Whether or not the person means to give offense or believed his or her comments or conduct were welcome is not significant. Rather, the College's Policy is violated when other workers, whether recipients or mere observers are, in fact, offended by comments or conduct based on any of the specified protected categories referenced above.

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

- be based upon one or more of the categories mentioned in the Non-Discrimination Policy;
- be offensive to the individual complaining of harassment and offensive to a reasonable person; and
- be so persistent, repetitive, pervasive, or severe that it has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, abusive or hostile educational, employment or living environment at the College.

Generally, statements and/or conduct legitimately and reasonably related to the College's mission of education do not constitute harassment.

Harassment may also occur when submission to conduct described above is made either explicitly or implicitly a term or condition of an individual's employment, education, living environment at the College, or participation in a College activity.

### *Complaint Procedures*

If any member of the College community has questions or concerns about any type of discrimination or harassment, they should bring them to the attention of their supervisor, Student Affairs or Human Resources. Students and employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination or harassment will be subject to disciplinary action, up to and including expulsion and/or termination of employment.

It is the responsibility of all faculty, staff and students at the College to ensure compliance with this Policy. Accordingly, students, faculty and staff who believe

they are being harassed or discriminated against, have observed harassment of, or discrimination against, another person at the College in violation of this Policy, or believe such conduct has occurred, should immediately report the incident following the complaint reporting procedures described in the College's Sexual Misconduct, Harassment and Discrimination Policy or the College's Discrimination and Harassment Investigation and Response Procedures. If students have any questions related to the Sexual Misconduct, Harassment and Discrimination Policy, please contact Associate Dean of Students and Title IX Coordinator Daren Mooko ([daren.mooko@pomona.edu](mailto:daren.mooko@pomona.edu)); (909) 621-8017. If students have any questions related to the Discrimination and Harassment Investigation and Response Procedures, please contact Associate Dean of Campus Life Ellie Ash-Bala ([ellie.ash-bala@pomona.edu](mailto:ellie.ash-bala@pomona.edu)); (909) 621-8611. If faculty have any questions related to these policies, please contact Associate Dean Fernando Lozano ([Fernando.Lozano@pomona.edu](mailto:Fernando.Lozano@pomona.edu)); (909) 621-8497). If staff have any questions related to these policies, please contact Assistant Vice President, Human Resources, Brenda Rushforth ([Brenda.Rushforth@pomona.edu](mailto:Brenda.Rushforth@pomona.edu)); (909) 607-1686).

If an immediate supervisor is involved in the conduct or, for some other reason, an employee feels uncomfortable making the report to that supervisor, the employee should report directly to the Human Resources Department. The College encourages prompt reporting of complaints so that it can take appropriate action. Late reporting by itself, however, will not preclude the College from taking remedial action.

Any manager or supervisor who sees or hears about conduct that may constitute harassment under this Policy must immediately contact the Human Resources Department. The College will not retaliate, nor will it tolerate retaliation, against individuals who complain in good faith about harassment on the campus or in the workplace.

## **WAGE AND SALARY INFORMATION**

*Job Classifications.* Staff positions are classified as occupations under the following categories: Management; Business and Financial; Computer, Engineering, and Science; Community, Social, Legal, Arts, Design, Entertainment, Sports, and Media; Healthcare Practitioners and Technicians; Archivists, Curators, and Librarians; Museum Technicians; Library Technicians; Student and Academic Affairs and Other Educational Services; Service; Sales and Related; and Office and Administrative Support. Under each classification, positions are arranged by respective levels that designate salary ranges. There is an established procedure for evaluating significant changes in job duties. The fact that a position performs a greater quantity of work will not of itself result in a reclassification to a higher-level salary grade. The primary factors to be

considered are the type and difficulty of duties that employees perform and the amount of independent judgment, discretion, and level of responsibility that are required in their position. The Assistant Vice President, Human Resources can explain employee job titles, classifications and salary ranges and the procedure for evaluating job changes.

*Job Descriptions.* It is important for employees to have a copy of their specific job description. The job description will form the basis for all annual performance appraisals. Supervisor should note of any changes that may indicate the need for updating employee job descriptions. If an employee does not have a job description, she/he should develop one with her/his supervisor and submit a draft to the Human Resources Department for approval. A final version, agreed upon by the employee, the supervisor and the Human Resources Department will be used as the official job description for the position.

*Job Status.* For purposes of determining the applicability of some policies, practices and benefits, employees may be classified by the nature of their positions and the number of hours that they normally are scheduled to work:

*Regular Status* is defined as an authorized benefits-eligible position that has a set or consistent schedule of hours for an indefinite period of time and is funded annually. *Full-time* status is defined as a regular schedule of 40 hours per week. *Part-time* status is defined as a regular schedule of less than 40 hours per week.

*Temporary Status* is defined as a position that may be a full or part-time assignment to fulfill a specific need for a limited period of time normally not to exceed 12 consecutive months.

*Grant Status* is defined as an employee hired in a position that is funded by a grant and who is scheduled to work at least 20 hours per week.

*On-Call* employees are hired to work intermittently, they do not have a regular, pre-determined work schedule and generally work less than 1,000 hours in an anniversary year. There is no requirement that an occasional or on-call employee be available when called to work. The College makes no promise to provide a specific number, or any, hours of work for occasional or on-call employees.

*Exempt* employees are exempt from the minimum wage and overtime pay requirements of applicable state and federal wage and hour laws.

*Non-exempt* employees are not exempt, but rather are required, under applicable state and federal law, to be paid at least the minimum wage, and to receive premium pay for overtime hours worked.

## **HUMAN RESOURCES (“HR”) DEPARTMENT**

Pomona College Human Resources (HR) Department serves the staff, faculty, and student workers as the advisor or consultant on human resources management. The HR staff serves as liaison between and among employees and supervisors. Employees are encouraged to consult HR regarding their employment status, benefits, working conditions, and other matters pertaining to their employment with the College. The Human Resources Department is located in the Pendleton Building, 150 East Eighth Street. The main telephone extension for HR is 18175.

## **ROLE AS AN EMPLOYEE AND CO-WORKER**

Members of staff and faculty have been employed by Pomona College because of the special qualifications they offer in support of the College mission. The staff, one of three major constituencies on campus in addition to faculty and students, provides the support that the College needs to carry out its teaching, research and public/community service functions. In order to be an effective member of the workplace and the College community and to appreciate fully their environment, it is important for members of staff to learn about the College as an educational institution and as an employer.

## **ORIENTATION SESSIONS**

During their first week on the job, employees will be scheduled to attend an orientation session conducted by the HR Department. This meeting will cover employment policies, practices, and procedures and will provide information about their employment status and other relevant issues.

Another session will be held about benefits, including a description of available insurance plans and a timetable for submission of benefits enrollment forms, to be conducted by a representative from the Benefits Administration Office, a CUC unit that administers certain benefits programs on behalf of the College.

## **IDENTIFICATION (ID) CARD**

Employees will be issued an identification (ID) card that can also be used for library access and privileges. In addition, employees may use the card to take

advantage of classes offered through the College's Faculty/Staff Fitness/Wellness Program, the College's athletics facilities and to enjoy discounted ticket rates at the College's Seaver Theatre, a showcase for student-faculty productions. The card may also be used in connection with the Claremont Cash program run by the CUC Card Center. Employees may also use their ID card to purchase meals through Dining Services. Employees should carry this card with them at all times during the workweek, especially if they use the ID card for the above-mentioned purposes.

Many non-exempt employees are required to use their ID card for time clock purposes. Employees are required to clock in and out according to their work schedule and they must clock in and out for lunch using this ID card.

Photo ID cards are issued to eligible employees at no cost when first employed. Lost cards may be replaced at the Office of Campus Life located in Sumner Hall. If an employee does not have - or lost - a card, they should immediately contact the HR Office.

Upon termination of employment from Pomona College, the employee's ID card will be automatically (electronically) invalidated. Terminating employees also must surrender their ID card to the HR Office during their exit interview. If an employee becomes employed at any of the other member-institutions of The Claremont Colleges, they will be issued a new ID card corresponding to the College where they are employed.

## **PERFORMANCE EVALUATION**

Feedback is an essential aspect of the workplace. Supervisors are required to conduct annual written performance appraisals for their employees. As stated in this Handbook's section on "Your Job Description," both employee and supervisor should use the specific job description for the position as a basis for the performance review.

This is a two-way process, wherein both employee and supervisor share their views regarding the position. It is also a session that allows the employee and the supervisor to develop a schedule of tasks or a timetable for improvement, create better ways of dealing with work situations, set career goals, and reaffirm current practices and procedures and plan for the next year. Supervisors will inform their employees of their work performance strengths, and offer suggestions for improvement and development of job-related skills. A performance evaluation may be requested at any time by either the employee or the supervisor.



The performance evaluation process can be a very useful tool for both the employee and the supervisor.

## **EMPLOYEE RECORDS**

Pomona College Human Resources Department maintains a personnel file on each employee (faculty, staff, and student workers). Employees are responsible for reporting any changes to name, home or campus address, telephone number, number of dependents, etc., to HR. Mail is sent by the College to the employee's most recent address on file, and it is assumed that employees are receiving correspondence or materials sent there.

The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records. Documents in the personnel file are of a confidential nature. Personnel files are the property of the College, and access to the information they contain is restricted. Generally, only supervisors and management personnel of the College who have a legitimate reason to review information in a file are allowed to do so.

Employees have the right to inspect their own personnel records both during their employment and following termination. Employees should take note that the College is required to only maintain such personnel records until three years following an employee's termination. Employees or former employees who wish to review their own file should contact the Assistant Vice President, Human Resources. With reasonable advance notice, employees may review their own personnel files in the HR offices, in the presence of an individual appointed by the College to maintain the files. An employee may request a copy of any document that he/she has signed relating to obtaining or holding employment.

Employees have the right to designate a representative to conduct the inspection of the file or receive a copy of the file. The representative must be authorized in writing by the employee to inspect or receive a copy of the current or former employee's personnel file. Pomona College reserves the right to ask for proof of identification from the person receiving the file.

## **RESOLVING PROBLEMS: OPEN-DOOR POLICY**

Consistent with its view of the academic environment generally, the College believes in open communication and dialogue as a preferred method of handling any job- or workplace-related concern or complaint employees may have. Accordingly, the College has an Open-Door Policy under which the employee's immediate supervisor, director or department chair and the persons listed below

are available to discuss work-related concerns. Employees are encouraged to take advantage of these avenues for discussion and to raise and discuss concerns or complaints as soon as possible after the events that cause them. Employees are further encouraged to pursue the discussion of their work-related concerns until the matter is fully resolved.

In many circumstances, the employee's immediate supervisor, director or department chair will be the most appropriate person to whom they should speak. However, if for any reason the employee does not wish to discuss the matter with her or him, they should visit any of the following persons instead:

- the department chair, if the employee works in an academic department *or*
- the department director, if the employee works in an administrative office *or*
- the Assistant Vice President, Human Resources *or*
- the Vice President responsible for the employee's division, office or department

The College will attempt to keep the discussions, the results of the investigation and the terms of resolution confidential. In the course of investigating and attempting to help resolve matters, however, some discussion with and dissemination of information to others may be necessary or appropriate.

Complaints arising under, or which the employee believes may arise under, the College's Discrimination and Harassment Policies and Grievance Procedures Guidelines (see Appendix D), should be brought to the attention of one of the employee's immediate supervisor and the Human Resources Office in accordance to those policies and procedures.

## **WHISTLEBLOWER POLICY**

Pomona College is committed to the highest standards of financial conduct. This policy is designed to enable all of the College's faculty and staff to report concerns about possible financial misconduct, with reassurance that they will be protected from retaliation for acting in good faith. Reports on financial misconduct would address such issues as accounting discrepancies, fraud, accounting misrepresentations, auditing matters, accounting omissions, and misappropriation of grant funds.

All reports of suspected financial misconduct by Pomona College employees shall be made confidentially and directly to the Chair of the Audit Committee of the Board of Trustees, who shall oversee the receipt, retention and resolution of such reports. S/he will work with the Administration and outside advisors to

ensure that these reports receive the appropriate attention. Any employee ultimately found to have engaged in financial misconduct is subject to disciplinary action by the College, which may include dismissal as well as prosecution by appropriate law enforcement authorities.

The protection of employees who submit reports of suspected financial misconduct is an important part of this policy, as is maintenance of the confidentiality, objectivity and independence necessary to resolve complaints appropriately. The Chair of the Audit Committee and the Administration share responsibility for maintaining these features of the policy, although, depending on the nature of the discipline and subject to legal requirements, this confidentiality cannot be guaranteed.

It is a violation of this policy to knowingly make fraudulent allegations of financial misconduct with the intent to cause harm to another individual. Those making such allegations are also subject to disciplinary action, up to and including termination.

#### PROCEDURE:

Since confidentiality is an important part of this policy, the College has contracted with an outside reporting service called MySafeCampus to facilitate the transmission of reports of financial misconduct to the Chair of the Audit Committee of the Board of Trustees. Reports may be made by accessing the website ([www.MySafeCampus.com](http://www.MySafeCampus.com)) or by calling the toll-free number (1-800-716-9007). Both methods are available 24 hours a day, seven days a week. Upon submission, the reporting party is provided with a confidential access number and is asked to generate a personal password that provides access to the status of the report. The reporting party may also send and receive anonymous messages pertaining to his/her report. Responding to any follow-up questions posted on the message board from the Chair of the Audit Committee will expedite an efficient investigation.

When a reporting party makes a report, he or she will be asked to choose among three levels of anonymity: anonymous to both the College and MySafeCampus; anonymous to the College but not to MySafeCampus; or known to both parties. The report should contain as much detailed information about the incident(s) as possible in order to facilitate an efficient and thorough investigation. This detail should include, at a minimum, the names of the parties involved, the location of the incident(s) and the nature of the possible financial misconduct. Once a report is made, it is important for the reporting party to check the status of the report periodically, because if the respondent requires additional information, a message will be posted on the MySafeCampus message board for follow-up by the reporting party. If the additional information is not provided, the investigation may be deemed inconclusive and, therefore, result in no action.

Any questions regarding this policy should be directed to the Special Assistant to the President in his/her capacity as the Secretary of the Board of Trustees for Pomona College.

## **SAFETY IN THE WORKPLACE**

Pomona College is committed to providing a safe work place and complies with all applicable federal and state safety regulations. In this regard, the College has instituted an Injury and Illness Prevention Program (IIPP).

Employees are required to observe safety requirements, and to use the safety equipment as trained and instructed. Each employee is expected to: (1) obey safety and health rules, (2) follow established safe and healthy work practices, (3) exercise caution in all work activities, (4) correct or promptly report unsafe and unhealthy acts and conditions in the workplace, and (5) participate in safety training programs. Employees may be subject to disciplinary action up to and including termination, for engaging in unsafe work practices or for violating established safety rules. If employees observe unsafe actions or conditions, they should report them immediately to their supervisor or to the Human Resources Department.

In keeping with its commitment to providing a safe workplace, the College has a zero-tolerance Policy on Workplace Confrontation and Violence which can be found in Section V of this *Handbook*.

## **REPORTING ON-THE-JOB INJURIES**

Employees must report any injury on the job to their supervisor immediately following a job-related injury. Treatment, if required, will be provided in accordance with law.

Employees and their supervisor must each complete a "Report of Occupational Accident" form within 24 hours of the occurrence of the injury. Forms are available from supervisors, the HR Department and the CUC Disability Administration Office.

## **EMERGENCY/DISASTER PLAN**

Pomona College has an Emergency/Disaster Preparedness Plan in the event of a disaster. Employees are provided with information about this important program during new-hire orientation. In addition, employees will be participating in at least two (2) periodic drills and training programs per year. A description of

the College's Disaster Preparedness Plan may be found on the College's website at [www.pomona.edu](http://www.pomona.edu)

## **EMERGENCY NOTIFICATION SYSTEM**

Tragic events and other incidents from across the country have emphasized the need for colleges to be prepared to communicate rapidly and effectively in the event of an emergency. Pomona College and the other members of the Claremont Colleges Consortium began implementing an emergency notification system called Connect 5. The system allows campus leaders to convey time-sensitive information within minutes, through a variety of methods.

Pomona College students, faculty and staff who have a campus or residence hall telephone extension and college email are automatically added to the Connect-5 service. Having additional cell phones and e-mail addresses on the Connect-5 service is an option open to all community members. The more means we have to contact individuals, the better the College's odds are of spreading timely information and keeping everyone safe and informed. Those community members without a telephone extension or College e-mail can also sign up to receive a voice message on their home phone or a cell phone, a text message or they can receive e-mails at a home e-mail address.

To add a cell phone or home phone number or an additional e-mail address, faculty and staff may submit their information at <http://my.pomona.edu>. Employees should log in and click on the link for Connect 5. A further link to a Connect 5 form will appear.

Note: If an employees is a current Pomona College student, faculty or staff and is unable to log in, they must contact the ITS help desk. If employees have any non-technical questions about the service and how the College intends to use it, they are directed to contact the project manager, Dean Ric Townes from the Office of Campus Life at [ric.townes@pomona.edu](mailto:ric.townes@pomona.edu) or by telephone at 909-607-2239. For more information on the Connect 5® system, visit <http://www.ntigroup.com>.

## **TERMINATION**

*Resignation.* If at some time employees decide to leave their position, they are requested to give their supervisor at least two weeks' written notice in advance as a courtesy, in order to permit proper processing of their final paycheck, the scheduling of an exit interview, and the return of all college property. However, as Pomona College is an at-will employer, the employee may terminate his/her employment with the College at any time with or without notice. At the exit

interview with the HR Department, employees will have an opportunity to comment on their employment at Pomona College.

*Dismissal.* Pomona College reserves the right to terminate employees at any time for any lawful reason. Action or inaction on the employee's part that may lead to their dismissal includes, but is not limited to: unsatisfactory job performance, negligence, misconduct, excessive absenteeism, tardiness, misconduct, theft, insubordination, violation of confidentiality, sleeping on the job, fighting or other altercations, threatening and/or engaging in violent actions, drug or alcohol intoxication, falsifying records including timecards or violation of rules. Since it is not possible to list all potential unacceptable conduct, the aforementioned list is merely illustrative and not exhaustive.

*Job Abandonment/Constructive Quit.* Employees who fail to report to work for more than three successive days, without notifying their supervisors, are considered to have abandoned their jobs and will be terminated, unless otherwise prohibited by applicable law. This includes employees who do not return from an approved leave. This is deemed a voluntary quit by the employee, and the employee then becomes ineligible for rehire.

*Retirement.* The CUC Benefits Administration Office is the primary source of information on retirement plan and benefits eligibility. The College provides basic and supplemental retirement plans that make it possible for eligible employees to accumulate a retirement benefit. The basic retirement plan is a defined contribution plan funded solely by Pomona College. Additional information about plan benefits and eligibility may be obtained from the HR Department or from CUC Retirement Services. If employees are eligible, they will be notified when they begin to participate in the basic retirement plan. The retirement plan allows employees to save additional funds for retirement on a tax-deferred basis. If an employee is retiring, she/he should make an appointment with the CUC Retirement Services Office at least six months prior to their retirement date. This meeting will allow employees to discuss benefits and distribution options on retirement payments.

## **PAY FOR VACATION AND PERSONAL DAYS AT TERMINATION**

At termination, employees will be paid for the vacation days they have earned but have not taken (subject to the vacation accrual cap) at their final rate of pay. The number of days will be calculated based on the vacation schedules in the section on "Vacation Time" in this handbook and the amount of vacation already taken. Unused personal days will be paid at termination at the employee's final rate of pay. Personal days are defined in the section on "Personal Days" in this handbook.

## **CONVERTING BENEFITS AT TERMINATION**

Some benefit programs as an employee may be converted or extended after employment is terminated. Employees with medical, dental or vision coverage through the Claremont Colleges have the right to choose continuation coverage if they lose their group health coverage due to reduction in hours or employment or termination of employment for reasons other than gross misconduct. Eligible dependents may also have the right to elect and pay for continuation of coverage for a temporary period in certain circumstances where coverage under the plan would otherwise end, such as divorce, or dependent children who no longer meet eligibility requirements. The CUC Benefits Administration Office will mail this information to the terminated employee's last known address. Employees may phone extension 73195 for additional information.

Certain employees may also be eligible for retiree health benefits. For additional information regarding retiree health, contact CUC Benefits Administration for offerings available at time of retirement.

## **SECTION II - EMPLOYEE BENEFITS**

Pomona College participates in a comprehensive program of employee benefits as part of The Claremont Colleges. Benefits are generally classified into two types: those required by law (short-term disability, Social Security, Workers' Compensation) and those that the College has chosen to provide for its employees and eligible registered domestic partners and the dependents of employees and registered domestic partners. These voluntary or elective benefits may be modified or terminated at any time in response to legal requirements or financial and organizational necessities. In such an event, the College will inform employees accordingly.

### **BENEFITS REQUIRED BY LAW**

Pomona College is legally required to provide benefits that follow. Should employees wish for more detailed information regarding these benefits, they should contact the Human Resources department:

- Short-term Disability Insurance (VDI)
- Social Security (FICA) and Medicare
- Workers' Compensation

### **ELECTIVE BENEFITS**

New employees must apply for elective benefits during the "Initial Eligibility Period," that is, within 30 days of the employee's initial hire date. If the date of employment is the first of the month, employee coverage will become effective on the date of employment. If the date of employment is any date other than the first of the month, employee benefits coverage will become effective the first day of the following month.

After the employee's initial eligibility period, the application for enrollment in, and/or changes to existing coverage will only be accepted during an annual Open Enrollment Period. As an exception to this rule, the application may be accepted under certain circumstances, if employees experience a "qualifying life event" such as the birth, adoption, or death of a dependent; marriage; divorce; legal separation; and loss of coverage through a spouse's employment status. Employees are responsible for requesting benefits changes due to a significant life event, and must apply within 30 days of such event.



### **Flexible Spending Accounts (FSAs)**

The College offers a Flexible Spending Account (FSA) program which allows employees to pay for out of pocket Health Care, Dependent Care and Personally Paid Health Insurance Premiums with pre-tax dollars. In addition, a child care subsidy program is also available via the Flexible Spending Account (FSA) program. Additional information is available from the HR Department or the CUC Benefits Administration

### **Group Dental Insurance**

Group dental plans are available to eligible employees. An eligible employee may sign up for individual coverage or coverage for dependents, registered domestic partner or eligible children of registered domestic partners. A portion of the dental premium is paid by the employee on a pre-tax basis.

### **Group Health Plans**

Group health insurance plans are available to eligible employees. These health programs provide comprehensive medical and hospital benefits to employees, their dependents, registered domestic partner, and eligible dependents of registered domestic partners. Pomona College shares costs with employees by providing employer contributions to the health plan premium. If employees choose to participate, their monthly premiums will be deducted from their paycheck on a pre-tax basis.

### **Group Life Insurance**

A one-time base annual earnings, minimum \$20,000 & maximum \$50,000 Term Life Insurance Policy is paid by Pomona College for eligible employees. Additional life insurance may be purchased by employees for themselves and their dependents.

### **Group Vision Plans**

Group vision plans are available to eligible employees. An eligible employee may sign up for individual coverage or coverage for dependents, registered domestic partner or eligible children of registered domestic partners. A portion of the vision premium is paid by the employee on a pre-tax basis.

### **Personal Accident Insurance (AD&D)**

Otherwise known as “accidental death and dismemberment,” the Personal Accident Insurance Program provides participating employees and their eligible dependents with benefits in the event of death or the loss of a hand, foot or eye caused by an accident anywhere, on or off the job. The premium is paid by the employee through payroll deduction.

## **TIME OFF BENEFITS**

### **Holidays**

Pomona College observes the following as paid holidays for eligible employees:

- New Year's Day
- Martin Luther King Jr. Day (third Monday in January)
- César Chávez Day (March 31 each year, as declared by the Governor of California; to be observed at Pomona College in accordance with academic calendar; announced on an annual basis and noted on the Pomona College Engagement Calendar)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Thanksgiving Day (4th Thursday in November)
- Friday following Thanksgiving
- Christmas Eve
- Christmas Day

When one of the aforementioned holidays falls on a Saturday, it is observed on the preceding Friday. When the holiday falls on a Sunday, it is observed on the following Monday.

Non-exempt employees who are required to work on any of the holidays listed above will be paid at the rate of 1 1/2 hours for each holiday hour worked. If a non-exempt employee works on such a holiday, he/she will receive holiday pay plus wages at time and one half for the hours worked on the holiday.

### **Holiday Replacement for Exempt Staff**

From time to time, usually because of the demands of the academic calendar, some employees may be required to work on a College holiday. If an exempt employee works on such a holiday, he/she will receive a floating holiday to be used within 30 days following the holiday, subject to approval in advance by the employee's supervisor.

### **Personal Time**

Personal time is granted to employees who may wish to use benefit time for personal reasons other than sick or vacation. Personal time may be used for, but not limited to religious observance, parent/teacher conferences, doctor's appointments, or any other reason that an employee deems personal in nature. To use personal time, employees must request advance approval from their supervisors.

Regular full-time employees are eligible to accrue two paid personal days (16 hours) in each fiscal year. The personal days are prorated for regular part-time employees who work at least an average of 20 hours per week. Personal time benefits are calculated on the basis of a “benefit year,” the twelve-month period that begins when the employee starts to earn personal time benefits. Personal time benefits accrue at the Full Time Equivalent (FTE) that an employee works. For example, an employee who works 75% time, accumulates personal time benefits at 75%. Personal time benefits only accumulate during periods of a paid leave. Personal time benefits do not accrue during an unpaid absence.

Personal time benefits may be used in half-hour increments for non-exempt staff and in half-day increments for exempt staff. Personal time will be calculated based on the employee’s base pay rate at the time of absence and will not include any special forms of compensation. Personal time will not be counted as hours worked for the purposes of determining overtime.

Effective July 1, 2010, employees will accrue 2 days or 16 hours of personal time per year to a maximum accrual of 3 days or 24 hours.

Upon termination of employment, employees will be paid for unused personal time that has accrued through the last day of employment.

### **School Closure**

The College will close during the winter break from December 26<sup>th</sup> through December 31<sup>st</sup>. The days between the Christmas holiday and New Year’s Day holiday will be treated as paid school closure days and not as holidays. Non-exempt employees who are required to work on any of the school closure days will be paid at his/her regular rate for each straight-time hour worked. If a non-exempt employee works on a school closure day, he/she will receive straight time pay for the school closure day and straight time pay for the hours worked. If the employee does work more than 8 hours in a day or more than 40 hours in that work week, overtime provisions as provided by state and federal law will be observed.

### **Sick Leave Benefits**

The College provides paid sick leave benefits to all regular full-time and part-time employees for periods of temporary absence due to illness, injury, and other specified purposes as outlined in this policy. All employees will accrue sick time beginning their date of hire.

Eligible employees will accumulate sick leave benefits at the rate of 12 days per year (one day for every full month of service). Sick leave benefits are calculated on the basis of a “benefit year,” the twelve-month period that begins when the employee starts to earn sick leave benefits. Sick leave benefits accumulate at the Full Time Equivalent (FTE) that an employee works. For example, an

employee who works 75% time, accumulates sick leave benefits at 75%. Sick leave benefits only accumulate during periods of a paid leave. Sick leave benefits do not accumulate during an unpaid absence.

All employees will receive 24 hours of front-loaded sick time the first workday of the fiscal year, regardless of their current balance of sick time. The front-loaded 24 hours of sick time will ensure that employees receive the minimum amount of yearly sick time as required by California law. Front-loaded sick time that is unused during the year will not roll over to the next year. Front-loaded sick time will run concurrent to any sick time that is accrued by the employee in accordance with this policy.

Sick leave benefits may be used in half-hour increments for non-exempt staff and in two-hour increments for exempt staff. Eligible employees may use sick leave benefits for an absence due to the diagnosis, care or treatment of an existing health condition or preventative care of themselves, a spouse, registered domestic partner, child, parent, or other persons living in the employee's immediate household. Sick leave may also be used for an employee who is the victim of domestic violence, sexual assault, or stalking.

The College has a zero tolerance policy with regards to retaliation against an employee who asks to utilize accumulated sick time. Specifically, the College is prohibited from denying an employee the right to use paid sick leave, discharging, threatening to discharge, demoting, suspending, or in any manner discriminating against an employee as a result of requesting the use of sick time.

Employees who are unable to report to work due to illness or injury should notify their direct supervisor before the scheduled start of their workday if possible. Your direct supervisor must also be contacted on each additional day of absence. Before returning to work from an extended sick leave absence, employees may be required to provide a physician's verification that the employee may safely return to work.

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation. As an additional condition of eligibility for sick leave benefits, an employee on an extended absence may apply for any other available compensation and benefits, such as workers' compensation or disability. Sick leave benefits will be used to supplement any payments that an employee is eligible to receive from disability insurance or workers' compensation. The combination of any such disability payments and sick leave benefits cannot exceed the employee's normal weekly earnings.

Employees may also use accumulated sick time (maximum of 12 days during a 12-month cycle) to attend to an ill spouse, registered domestic partner, child,

parent, or other persons living in your immediate household or as otherwise permitted by law. This does not extend any leave to which an employee may be entitled under FMLA/CFRA, PDL or any other leave entitlement.

Accrued unused sick leave benefits will be allowed to accumulate until the employee has accumulated a total cap of 960 hours or 120 calendar days. Thereafter, employees will not accumulate additional sick leave except to the extent accumulated sick leave is taken. If the employee's benefits reach this maximum, further accumulation of sick leave benefits, including front-loaded sick time, will be suspended until the employee has reduced the balance below the limit.

Upon termination of employment, employees will not be paid for unused sick time that has been earned.

### **Supplemental Emergency Staff Sick Leave**

This policy is designed to provide additional sick leave to eligible employees who have exhausted their sick-day accumulation as a result of extended, chronic or intermittent serious illnesses requiring a medical or disability leave. Employees will be required to exhaust all of their available sick time, vacation time, and personal time, to be eligible to use Supplemental Emergency Sick Leave.

### **Summer Early Release**

Pomona College observes a summer early release program for regular, **full time** staff generally beginning the Monday following Commencement in May for a period of approximately 12-work weeks.

Regular, full-time staff may reduce the 8-hour workday to 7½ hours, and continue to receive pay for the equivalent of 8 hours. Please be aware that should a supervisor, at anytime during the summer early release time program require a full-time staff member to work 8 hours on a regular business day, the entire 8 hours will be paid at regular pay. The summer office hours will be 8:00 a.m. - 4:30 p.m., with a one hour unpaid break for lunch that must begin before the end of five hours after the beginning of his/her shift.

Summer early release time is not vacation time, or any other type of leave time. It cannot be accrued or banked for later use and/or paid out at a later date. The 30 minutes of release time is an occasional payment that the College makes to qualifying employees during the summer recess and does not constitute pay for hours worked. Summer Early Release time is not available on a day when an employee is not regularly scheduled to work.

It is important to remember that time/attendance records for hourly non-exempt staff must always record the actual hours worked and the ½ hour as summer early release time. If the employee works beyond 7.5 hours, then the employee

may be given early release up to but not to exceed a full 8 hours in a day. If the employee works a full 8 hour day, early release is not available.

Vacation time earned during this period will accrue at the same rate as if the College was working a five-day, 40-hour work week. One day of vacation will count as eight (8) hours accrued or used during the summer early release program.

The College will observe Memorial Day and Fourth of July as paid holidays for eligible staff. Should circumstances require a non-exempt staff member to work on any of these holidays, the employee will be paid 1½ hours for each hour worked on the holiday, in addition to the holiday pay to which they are entitled.

***Vacation Benefits***

Pomona College recognizes the importance of a regular vacation for employees for rest, relaxation, and personal pursuits. Regular employees who work 20 or more regularly-scheduled hours per week earn paid vacation time on a daily basis, beginning on date of hire. If a vacation period includes a paid holiday, that holiday will not be counted as a vacation day.

Vacation benefits are calculated on the basis of a “benefit year,” the twelve-month period that begins when the employee starts to earn vacation benefits. Vacation benefits accrue at the Full Time Equivalent (FTE) that an employee works. For example, an employee who works 75% time, accumulates vacation benefits at 75%. Vacation benefits only accumulate during periods of a paid leave. Vacation benefits do not accrue during an unpaid absence.

The following chart shows the monthly vacation accrual rates for regular full-time employees. Regular part-time employees who work an average of at least 20 hours per week or more earn vacation at pro-rated rates.

<b>Vacation Accrual Rates for Regular Status Full Time Employees</b>	
1st through 12th month of continuous employment:	6.67 hours per month (10 days per year, capped at 15 days or 120 hours)
13th through 24th month of continuous employment:	8.00 hours per month (12 days per year, capped at 18 days or 144 hours)
25th through 36th month of continuous employment:	12.00 hours per month (18 days per year, capped at 27 days or 216 hours)
37 <sup>th</sup> month and after or any Employee in a position with salary grade 9 and above:	14.67 hours per month (22 days per year, capped at 33 days or 264 hours)

The “vacation accrual cap,” that is, the maximum number of vacation days that regular- status, full-time employees may accrue, is 33 days or 264 hours. Vacation accruals and the vacation accrual cap is pro-rated for eligible part-time employees. Once an employee's accrual reaches the vacation accrual cap, further vacation accrual ceases until vacation time is used and the available time has been reduced to an amount below the vacation accrual cap.

Paid vacation time may be used in half-hour increments for non-exempt staff and in half-day increments for exempt staff. To take vacation, employees must request advance approval from their supervisors. Requests will be reviewed based on a number of factors, including business needs and staffing requirements. Supervisors have the discretion as to establish how much advance notice is needed to grant vacation time. Supervisors may properly deny a vacation request if employees do not provide enough advance notice or if scheduling problems exist.

Vacation time off is paid at the employee’s base pay rate at the time of vacation and will not include any special forms of compensation.

Upon termination of employment, employees will be paid for accrued but unused vacation time through the last day of employment.

## **CHILD CARE**

Pomona College, in cooperation with the Early Childhood Center of the Claremont United Church of Christ, sponsors a child care program for dependents of faculty and staff between the ages of 6 months and five years. The program provides for guaranteed priority-access, holiday, and drop-in care for registered participants.

## **CREDIT UNION**

Regular status faculty and staff members are eligible to join First City Credit Union. The Credit Union offers insured savings accounts as well as personal loans to eligible members. There is a membership fee, and employees must open a share (savings) account to become a member. The Credit Union can arrange payroll deduction for loan payments and savings deposits. For further information call the Credit Union at 1-800-944-2200. *(Please note that the Credit Union is not affiliated with Pomona College.)*

## **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The EAP provides psychological counseling and referral for employees and their dependents through a network of psychiatrists, psychologists, and certified family counselors. This benefit is paid fully by the College. In addition, EAP sessions (such as team-building, conflict resolution, dealing with addictive behavior and others) have been incorporated in College quality-of-work-life programs.

## **LONG-TERM DISABILITY (LTD)**

Eligible employees are those who are actively employed in regular positions at 30 hours or more per week. This coverage provides a monthly benefit (after approval by the insurance company) if employees are limited from performing the material and substantial duties of their regular occupation after 180 consecutive days of disability.

## **REGISTERED DOMESTIC PARTNERS**

The College provides certain benefits to eligible registered domestic partners of faculty and staff and their dependent children, including tuition assistance and library and athletic privileges.

## **TRAVEL ACCIDENT INSURANCE**

Eligible employees are covered for accidental death or dismemberment while traveling on college-authorized business. The premium is paid by the College.

## **UNDERGRADUATE TUITION AID**

Pomona College offers a plan of undergraduate tuition aid to its regular, benefits-based employees, their spouses, registered domestic partners and eligible dependent children who do not have a Bachelor's degree. Such aid is restricted to undergraduate study in any four-year accredited baccalaureate-granting institution in the United States or any two-year accredited institution in the United States that grants an Associate's degree counting as progress toward a baccalaureate degree.

Undergraduate tuition aid for an eligible full-time employee is a maximum of 100% of the tuition only for a half-time academic load per term. Regular, benefits-based employees working less than 100% FTE are eligible for pro-rated tuition aid.



Undergraduate tuition aid for an eligible spouse, registered domestic partner and/or dependent child(ren) is a maximum of 50% of the tuition only per term, not to exceed 50% of Pomona College tuition. Regular, benefits-based employees working less than 100% FTE are eligible for pro-rated tuition aid for their eligible spouse, registered domestic partner and/or dependent child(ren). A dependent child is entitled to a maximum of 50% of the tuition, even when more than one parent is employed by the College. An eligible employee may not receive a combination of tuition aid as an employee and a dependent.

All eligible employees have a waiting period of twelve (12) months of employment before tuition aid may be granted. Aid is available for eight (8) full semesters or twelve (12) full quarters of study or an equivalent combination of terms (semesters, quarters and summer sessions). Aid is not available for repeat classes for any reason. Eligibility for dependent children ceases at the end of the term during which the age of 25 is reached.

Application for benefits under this policy must be made PRIOR to the term of attendance. Forms received retroactively may not be accepted for reimbursement of tuition.

Forms may be obtained from the Human Resources Department, and should be returned to the Human Resources Department for review and approval.

## **GRADUATE TUITION AID FOR STAFF**

Pomona College offers a plan of graduate tuition aid intended to enable eligible staff to obtain a relevant masters-level degree in order to enhance job performance at the College. This plan, which is not open to employees holding a faculty appointment, covers a portion of the tuition of staff that are enrolled in pre-approved graduate programs relevant to their employment at the College. Such aid is restricted to graduate programs in any accredited graduate institution. Additionally, graduate tuition aid is available only for master's level programs (i.e. MA, MS, MBA, MFA) and not doctoral programs (i.e. Ph.D., Ed.D., J.D.).

To be eligible, staff must have worked for the College continuously in a regular, benefits-based position for at least 12 months, submit a request to their immediate supervisor for endorsement of a graduate degree program, and receive approval from the Vice President to whom they report. Graduate tuition aid for eligible staff is a maximum of 50% of the graduate institution's tuition only for a half-time academic load per term. Regular, benefits-based staff working less than 100% FTE are eligible for pro-rated graduate tuition aid.

If he/she agrees with the request, the staff member's immediate supervisor will endorse the eligible employee's request and transmit it to the appropriate Vice

President for review and approval. If the Vice President approves, he/she will so indicate on the request, and transmit the request to the President for approval and to the Human Resources Department for processing.

This plan is administered in accordance with tax law in effect during the time the employee is enrolled.

Once accepted and enrolled by the accredited institution, the staff member will inform the Human Resources Department in writing of the total number of credits/units necessary to satisfy graduation requirements.

Application for benefits under this policy must be made and approved PRIOR to the term of attendance. Forms received retroactively may not be accepted for reimbursement of tuition.

Once written approval is obtained, please consult the Human Resources Department, or call extension 18175.

## SECTION III - LEAVES OF ABSENCE

### FAMILY AND MEDICAL LEAVE

#### Leaves in accordance with the Federal Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA)

The terms of FMLA and CFRA leave are extremely complex. If employees anticipate that they require such a leave, employees are advised to contact the Human Resources Department for specific information that pertains to their own situation. This handbook provides employees with general information only.

The FMLA and CFRA allow for a maximum of 12 weeks of unpaid leave in a 12-month period, measured backward from the date an employee takes leave, for: (1) care of a spouse, registered domestic partner (CFRA only), child, or parent with a serious health condition; (2) birth or adoption of a child, or placement of a foster child; or (3) for the employee's own serious health condition.

In order to be eligible for FMLA and/or CFRA, a regular employee must have completed at least 12 months of employment and must have provided at least 1,250 hours of service during the 12 months preceding commencement of the leave. The College requires that any leave that meets FMLA/CFRA criteria be counted toward the employee's 12-week leave entitlement.

FMLA/CFRA is unpaid. However, the employee is required to use his/her accumulated paid sick time while on FMLA/CFRA for the employee's own serious health condition. Use of sick leave is optional, not required, during periods the employee is receiving any kind of income replacement benefits, such as workers' compensation, disability or Paid Family Leave benefits. Use of sick leave is optional during periods the employee is also receiving workers' compensation benefits. Use of accrued vacation and paid personal days during FMLA/CFRA is optional.

Using paid leave will not extend the maximum amount of leave available. When paid leave is exhausted, the remaining leave is unpaid. (For permissible use of paid time during FMLA/CFRA leave for reasons other than an employee's own serious health condition, see section below.)

If the need for a leave is foreseeable, the employee must provide 30 days' written notice of the need for the leave. If the need for a leave is not foreseeable, or if it is otherwise not possible to provide 30 days' notice, notice must be provided as

soon as practicable. In no event shall the employee provide less than one or two days of notice, unless otherwise permitted by applicable law.

### Medical Certification

In order to be granted FMLA and/or CFRA leave, the employee must provide medical certification from her/his health care provider to the CUC Disability Office and Human Resources.

If the leave is needed to care for an ill family member, the medical certification must contain the following information: (1) date of commencement of the serious health condition; (2) probable duration of the condition; (3) estimated amount of time the employee will be needed to provide care; and (4) that the serious health condition warrants the participation of a family member to provide care.

If the leave is needed for the employee's own serious health condition, the medical certification must contain the following information: (1) date of commencement of the serious health condition; (2) probable duration of the condition; and (3) that the employee is unable to perform the function of his/her position because of the serious health condition or must be absent from work for medical treatment.

Failure to provide complete medical certification within 5 working days may result in delay or denial of a family/medical leave. If the leave is due to the employee's own illness, Pomona College may require the employee to obtain a second medical certification from a health care provider selected by the College. In the event the first and second opinions differ, the College may require the employee to obtain a third medical certification from a mutually-agreed upon health care provider. The third opinion will be binding on the employee and on the College. The second and third medical opinions, if required by the College, will be at the College's expense.

### Reinstatement upon Return from FMLA and CFRA Leave

An employee who is on approved FMLA and/or CFRA leave is expected to return to work upon medical release by her/his health care provider, whether or not the periods of time permitted under FMLA and/or CFRA have expired.

Prior to returning to work, the employee must provide the CUC Disability Office and Human Resources with a signed note from her/his medical provider indicating that the employee is cleared to return to work. An employee who does not so return with such note will be considered to have voluntarily resigned and

will be terminated from employment, unless otherwise prohibited by applicable law.

Subject to applicable exceptions, an employee who returns from an approved FMLA and/or CFRA leave on or before the expiration of the period of time required by law, will be restored to the same or equivalent position. If, however, due to administrative reasons, the same or equivalent position ceased to exist during the employee's leave, and, had the employee not taken the leave, the employee would not otherwise have been employed at the time reinstatement is requested, the College may not be required to reinstate the employee. In certain circumstances, the College may deny reinstatement to a "key employee" who is among the highest paid 10 percent of the salaried employees working for the College within 75 miles of the employee's worksite, if necessary to prevent substantial and grievous economic injury. Employees will be given notice of their status as a "key employee" at the time their leave commences or as soon thereafter as is practicable.

In addition, an employee is considered to have voluntarily resigned if:

- The employee does not return to work on the next regularly scheduled workday after the end of the approved leave period;
- The employee does not return to his or her original position or an equivalent one as soon as he or she is able; or
- The employee has accepted other employment during the leave period.

#### *Benefits during FMLA and/or CFRA Leave*

Pomona College will continue the employee's health benefits coverage while the employee is on family/medical leave under the same terms and conditions as was provided while the employee was working. The employee is responsible for the same premiums for her/his health benefits coverage as if he/she were at work. If the employee is on an unpaid leave of absence, or is receiving insufficient pay while on leave, she/he will need to make arrangements with the CUC Benefits Administration Office to pay for his/her portion of the premium within the first five days of each month. Failure to make timely payments may result in termination of coverage.

If the employee fails to return from the leave, or returns to work for less than 30 days, the College may recover from the employee the premiums it paid for maintaining health benefits coverage during the leave period.

### FMLA/CFRA Leave and Short-term Disability

Where applicable, FMLA/CFRA leave is considered to run concurrently with short-term disability periods (CFRA leave does not run concurrently with those short-term disability periods that qualify for Pregnancy Disability Leave, as discussed below). Available paid sick (where applicable), vacation and/or personal time may be coordinated with Short-Term Disability (VDI benefits) to approximate regular wages.

### FMLA/CFRA Leave and Workers' Compensation Disability

FMLA/CFRA leave is considered to run concurrently with Workers' Compensation disability periods. Available paid sick, vacation and/or personal time may be coordinated with Workers' Compensation benefits to approximate regular wages.

### FMLA/CFRA Leave for Reasons Other Than Employee's Own Serious Health Condition

When an FMLA/CFRA leave is taken for the birth or adoption of a child, placement of a foster child, or care of a child, spouse, registered domestic partner (CFRA only) or parent with a serious health condition, the employee has the option of using accrued vacation and paid personal days. In addition, the employee may use up to 12 days of accumulated paid sick time each fiscal year for the care of an ill spouse, registered domestic partner, child or parent. The maximum is 12 days of allowed Sick time during a 12-month cycle, and not during a fiscal year.

### Military Family Leave

Two types of military family leave are available to FMLA-eligible employees related to a family member's military service.

FMLA-eligible employees may take a "Military Exigency Leave" to deal with a "qualifying exigency" related to or affected by the active military duty or call to active military duty of the employee's spouse, child or parent. For additional information on what constitutes a "qualifying exigency" please see the Human Resources Department. The maximum period of leave is up to 12 weeks in a 12-month period, offset by any family care, military caregiver, or medical leave taken in that period.

FMLA-eligible employees may take a "Military Caregiver Leave" to care for a spouse, son, daughter, parent or next of kin who is a member or former member of the Armed Forces, National Guard, or military reserves and who is undergoing

medical treatment, recuperation or therapy, is in outpatient status, or on the temporary disability retired list, for a serious illness or injury incurred in the line of duty while on active duty. The maximum period of leave is up to 26 weeks of leave in a 12-month period. Military Caregiver Leave is generally a one-time entitlement, and has a special 12-month leave period which begins on the first day the employee takes Military Caregiver Leave. Additional Military Caregiver Leave is available, however, if the military family member sustains a later injury or illness or for the injury or illness of a different military family member.

When both spouses work for the College, they are limited to a combined total of 26 weeks for Military Caregiver Leave.

In addition, all eligible employees (including employees who are not necessarily FMLA-eligible), are entitled to "Leave for Military Spouses," which is described in the policy below.

Employees on a Military Family Leave must use accrued vacation time and/or paid personal days during the period of leave. In addition, the employee may use up to 12 days of accumulated paid sick time each calendar year for the care of an ill spouse, registered domestic partner, child or parent. The maximum is 12 days of allowed Sick time during a 12-month cycle, and not during a fiscal year. An employee may not use any supplemental time while on PFL.

Use of vacation, paid personal days, and/or sick leave is optional, not required, during periods the employee is receiving any kind of income replacement benefits, such as workers' compensation, disability or PFL benefits.

## **MILITARY LEAVE**

Pomona College grants military leave to eligible staff members in accordance with applicable state and federal laws. The College complies with the requirements of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as well as applicable state law, which protects the rights and benefits of employees called to active duty in a uniformed service.

## **LEAVE FOR MILITARY SPOUSES AND DOMESTIC PARTNERS**

Eligible employees may take up to 10 days of unpaid leave during the period the employee's spouse or registered domestic partner is home on leave from deployment during a period of military conflict.

Eligibility requirements for this type of leave are as follows:

- The employee must work an average of at least 20 or more hours per week;
- The employee's spouse or registered domestic partner must (a) be a member of the U.S. Armed Forces, National Guard or military reserves who has been deployed during a period of military conflict (as defined in California Military Code section 395.10), and (b) if a member of the U.S. Armed Forces, must have been deployed to an area designated as a combat theater or combat zone by the President of the United States.

An employee wishing to take this kind of leave must give the College advance notice of the leave, within two business days of receiving notice that the spouse or registered domestic partner will be on leave from deployment. The employee must also submit written documentation of the dates that the spouse or registered domestic partner will be on leave from military deployment.

## **ORGAN AND BONE MARROW DONOR LEAVE**

Pursuant to the Michelle Maykin Memorial Donation Protection Act, employees who have been employed by the College for at least 90 days may take paid leave for up to 30 days for the purpose of organ donation and up to five days for bone marrow donation during a one-year period. To do so, the employee must provide written verification to Human Resources that he or she is an organ or bone marrow donor and that there is a medical necessity for the organ or bone marrow donation. The leave will not be considered a break in continuous service for purposes of the employee's rights to salary adjustments, sick leave, vacation, annual leave or seniority. Leave taken for the purposes of donating bone marrow or an organ shall not run concurrently with leave under the FMLA or CFRA.

## **PAID FAMILY LEAVE (PFL)**

*Employees who suffer a wage loss in order to care for an ill family member or for the birth or adoption of a new child may qualify for PFL. The terms of PFL are complex. If employees anticipate that they require this benefit, employees are advised to contact the Human Resources Office for specific information that pertains to their own situation. This Handbook provides employees with general information only.*

PFL provides partial wage replacement for up to six weeks for an employee who takes time off to care for an ill child, spouse, registered domestic partner, or for the birth, adoption, or placement for foster care of a child. The Program is administered by the State, not by the College.



PFL does not guarantee job retention or reinstatement. However, if employees are eligible for leave under the FMLA, the CFRA or the PDL, their job may be protected. Employees must apply separately for a leave of absence under our FMLA/CFRA Leave, PDL, and/or Leave of Absence for Personal Reasons policies.

## **PREGNANCY DISABILITY LEAVE (PDL)**

In accordance with federal and California law, female employees may be eligible for unpaid pregnancy disability leave while disabled due to pregnancy, childbirth or related medical conditions. A female employee is disabled by pregnancy if, in the opinion of her health care provider, she is unable because of pregnancy, childbirth or a related medical condition to perform one or more of the essential functions of her job, or to perform those functions without undue risk to herself, the successful completion of her pregnancy, or to other persons. The duration of a PDL will be determined by a physician, but is not to exceed the maximum of four months per pregnancy allowed by law. In addition, an employee may be eligible under CFRA for a birth-bonding leave after the birth of a child, up to a maximum of 12 weeks. PDL does not count against an eligible employee's CFRA leave entitlement.

PDL may be taken intermittently or on a reduced work schedule, depending on the nature of the employee's pregnancy disability and the recommendation of her health care provider.

Employees must provide at least 30 days' advance notice before the PDL is to begin if the need for the leave is foreseeable. If the need for a PDL is not foreseeable, employees must give notice as soon as practicable. Employees who are disabled due to pregnancy may request an accommodation which may include, but not be limited to, a transfer to a less strenuous or hazardous position provided that: (1) the employee requests the accommodation or transfer; (2) the accommodation or transfer is medically necessary; and (3) the College can reasonably grant the accommodation or transfer request.

An employee who requests a PDL must provide the CUC Disability Office and Human Resources a medical certification from her attending physician. The certification must include the first date of disability and the estimated duration of the disability. This certification must also contain a statement that the disability renders the employee unable to perform one or more of the essential functions of the position. A physician's statement that the employee is able to return to work at the end of the leave is required to be provided to the CUC Disability Office and Human Resources. The College reserves the right to require the employee to be examined, at the College's expense, by a physician of its choice to verify the

disability or the release. Failure to return to work at the end of any combination of PDL/CFRA, on the next regularly scheduled workday, will be considered a voluntary resignation of employment, unless otherwise permitted by applicable law. Additionally, an employee will also be considered to have voluntarily resigned if she accepts other employment during a PDL.

During the PDL, available sick time must be used. The use of vacation and/or personal time is at the option of the employee. Use of vacation, paid personal days, and/or sick leave is optional, not required, during periods the employee is receiving any kind of income replacement benefits, such as workers' compensation or disability benefits.

Pomona College will continue the employee's health benefits coverage while the employee is on PDL under the same terms and conditions as was provided while the employee was working. The employee is responsible for the same premiums for her/his health benefits coverage as if he/she were at work. If the employee is on an unpaid leave of absence, or is receiving insufficient pay while on leave, she will need to make arrangements with the CUC Benefits Administration Office to pay for her portion of the premium within the first five days of each month. Failure to make timely payments may result in termination of health benefits coverage.

To the extent required by applicable law, the College will reinstate an employee returning from a PDL that did not exceed her approved leave period, or four months, whichever is shorter, to the same position or to a comparable position, subject to applicable exceptions.

## **SUPPLEMENTAL EMERGENCY SICK LEAVE FOR STAFF**

The supplemental emergency sick leave policy for staff is designed to provide additional sick leave to eligible members of the staff who have exhausted their sick-day accumulation as a result of extended, chronic or intermittent serious illnesses requiring a medical or disability leave.

Specifically, any benefit-based member of the staff employed for at least 12 continuous months is eligible to apply for supplemental emergency sick leave, if the following conditions are met: (1) must have used up all of his/her own available earned sick days, as a result of extended, chronic or intermittent serious illnesses requiring a medical or disability leave, and (2) must be on medical or disability leave according to a physician or health care provider.

Procedure: The policy is administered by the Human Resources Department. An eligible staff member in need of supplemental sick leave should submit a request to HR, including supporting documentation of the need. If the request is

approved, based on the policy criteria, the College will make up the difference between the employee's daily short-term disability benefit and his/her daily rate of pay for up to 12 days per request, with a total not to exceed 24 days in the course of employment at Pomona. An employee must exhaust all available benefit time (vacation, personal, and sick) before the granting of Supplemental Emergency Sick Leave.

## **LEAVE FOR VICTIMS OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT**

The Labor Code extends the right to a leave of absence, as well as protection against retaliation, to victims of domestic violence, sexual assault or stalking for the following purposes: attending court hearings, seeking medical, legal or psychological assistance, or for otherwise protecting their own or their child's health, safety, or welfare. Accrued sick leave, if applicable, and vacation may be used for such absences. The maximum length of unpaid leave an employee may take under this policy is limited to 12 weeks, offset by any FMLA or CFRA leave taken in the same 12-month period.

Employees who seek to take time off for these reasons must give the College reasonable notice. However, if an unscheduled or emergency court appearance is required for the health, safety or welfare of the victim or his/her child, the employee need not provide advance notice, but in this situation we require employees to provide evidence from the court or the prosecuting attorney that he/she has appeared in court. The College will, to the extent allowed by law, maintain the confidentiality of an employee requesting leave under this provision.

Because domestic violence, assault and stalking may find its way into the workplace, we encourage any employee who has safety concerns to alert the College. This will assist us in maintaining a safe workplace. Please see the College's Workplace Confrontation/Violence Policy for more information.

## **VICTIMS OF A SERIOUS CRIME**

The Labor Code also allows an employee who is the victim of a serious crime, an immediate family member of a victim, a registered domestic partner of a victim, or the child of a registered domestic partner of a victim to take time off from work in order to attend judicial proceedings related to that crime or any proceeding in which the victim's rights are at issue. Advance notice is required, unless this is not feasible. The College also requires documentation concerning the judicial proceedings. The time off is unpaid, but employees may elect to use their accrued vacation, personal time, or sick time for such absences. The College

will, to the extent allowed by law, maintain the confidentiality of an employee requesting leave under this provision.

## **LEAVE OF ABSENCE FOR PERSONAL REASONS (LOA)**

Leaves of absence (LOA) for personal reasons may be granted, at the sole discretion of Pomona College, for such purposes as career development, public service, special family needs, or medical reasons. In some cases, it is possible to grant a leave and to hold the position open for the employee's return. In other cases, it is not possible to hold the position open. There is no guarantee that the employee will be returned to her/his former position. It is important that the supervisor and employee discuss a request for personal leave and that it is clearly understood whether or not the position will be held open for the employee's return. Each request is considered on its own merit and must meet the following conditions:

- An employee must be on regular status and must have completed at least one year of continuous service.
- The request for leave must be approved by the employee's supervisor and the Assistant Vice President, Human Resources. Consideration will be given to the employee's reason for requesting the leave and the effect of the employee's absence on the operation of the department and/or College.
- The maximum duration of a personal leave is one year. Leaves of absence for a period longer than 30 days normally are granted only to employees who have completed at least two years of continuous service.
- A leave of absence will not be granted to an employee who has accepted employment elsewhere. If an employee on leave accepts employment elsewhere or engages in self-employment, the leave will be ended immediately and employment terminated.
- Failure to return to work at the end of a leave will be considered a voluntary resignation of employment.
- An employee will be considered to have voluntarily resigned if he/she accepts other employment when a Leave of Absence for Personal Reasons is not due to a medical condition.
- Time off is unpaid, but employees may elect to use their accrued vacation or personal time off for such personal leaves.

## **BEREAVEMENT LEAVE**

Regular full-time and part-time employees may be excused for up to three days with pay, following the death of an immediate family member. Immediate family members are defined as child, including grandchild or stepchild; current spouse or registered domestic partner and his/her child; parent, including grandparent, step-parent or in-law; brother or sister, including step-brother and step-sister or in-law; or any other person living in the employee's immediate household. Additional time off may be granted to an employee, without pay, when travel is required to attend the funeral of those mentioned above. If employees have accrued Personal Time or Vacation Time available, they may use that time to cover the additional time off granted by their supervisor.

Bereavement leave is used to attend funeral or memorial services and/or to attend to matters related to the death of one of the aforementioned family members (e.g., insurance, estate, housing, etc.). Whenever possible, arrangement for such an absence should be made in advance with the employee's supervisor. Employees may be required to furnish satisfactory evidence to support the bereavement leave.

## **FAMILY-SCHOOL LEAVE**

Under the Family-School Partnership Act, any employee who is a parent, guardian or grandparent with custody of a child in kindergarten or grades 1 to 12, or in a licensed day care facility, is legally entitled to take up to 40 hours off each school year to participate in activities of the child's school. The employee may not take more than eight hours off in any calendar month of the school year. In addition, an employee is required to (1) give the employer reasonable notice of any such planned absence and (2) use vacation or personal days for this purpose. An employee may take time off without pay if all vacation or personal days have been exhausted.

## **SCHOOL SUSPENSION LEAVE**

If an employee who is the parent or guardian of a child facing suspension from school is summoned to the school to discuss the matter, the employee should alert his or her supervisor as soon as possible before leaving work. No adverse action will be taken against an employee who takes time off for this purpose. Non-exempt employees must use personal days or vacation in order to receive compensation for this time off, and exempt employees must use personal days or vacation for any full day absence for this purpose. Employees who do not have accrued personal days or vacation time available will take the time off without pay.

## **JURY DUTY OR APPEARANCE AS WITNESS**

Pomona College provides employees with time off to serve, as required by law, on a jury or grand jury or as a witness. In addition, it is the policy of Pomona College to grant to regular employees paid leave for up to ten (10) days of actual jury or witness service per calendar year.

Any jury duty that extends beyond 10 days will be unpaid. No deductions will be made for partial workweek absence due to jury duty from the salary of exempt employees who have exhausted their paid leave or who are ineligible for paid leave. Upon receipt of a proposed juror questionnaire or witness subpoena, employees must notify their immediate supervisor that they are required to report for jury duty. During the employee's jury or witness service, the employee will continue to accrue those benefits (such as vacation and sick time), if any, to which they were entitled before their jury or witness leave began. In addition, during the jury or witness leave, the College will continue to make those benefit contributions, if any, that it was making on the employee's behalf before the leave began. Employees placed "on call" by the Court during jury or witness service must return to work while "on call."

## **VOTING LEAVE**

Employees who are eligible to vote in state and federal elections (of voting age and registered to vote) are encouraged to exercise their voting privileges. In accordance with Section 14350 of the California Election Code, employees who do not have sufficient time to vote outside their working hours, will be allowed to take up to two hours off, with pay, for this purpose. In order to receive time off for voting, the employee must notify the supervisor of the need to be off, two days prior to the day of election, and present proof of voter registration. Unless otherwise agreed, this time must be taken at the beginning or end of the shift, whichever will minimize the disruption. Proof of having voted may be required by the supervisor or the Human Resources Department.

## **SECTION IV - TIME-KEEPING, ATTENDANCE, AND PAYROLL**

### **ATTENDANCE AND ABSENCE POLICY**

Attendance is a key factor in employee job performance. Pomona College expects employees to report to work regularly as scheduled, and to be on time, in accordance with the standards defined by their supervisor. Excessive absences, unauthorized absences, tardiness, or leaving early without authorization is not acceptable. This may lead to disciplinary action, up to and including termination. "Excessive" is defined by the College as frequent and disruptive to the College, department, coworkers, or clients/customers, unless absences are otherwise excused by applicable law or Pomona College policy.

Any time an employee needs to be absent, may be arriving late, or wish to leave work early, he/she must notify their supervisor in advance. If this is not possible employees must notify their supervisor as soon as they are able. It is also the employee's responsibility to notify their supervisor each day that they will be absent, unless he/she has provided an off-work notice from their medical provider for the entire period that the employee is absent. A statement from the employee's health care provider, stating the expected duration of the absence may be required for verification of any medical-related absence regardless of length of time or duration of the absence. Please refer to the "Leaves of Absence" section for information regarding health care providers' statements for verification of medical absences, including those under FMLA/CFRA. Failure of the employee to inform their supervisor may result in disciplinary action, up to and including termination of employment.

If an employee fails to report to work without any notification to their supervisor for a period of more than three days, he/she will be considered to have abandoned their job, voluntarily resigned, and their employment will be terminated accordingly. This includes not returning at the end of an approved leave of absence.

Non-exempt employees who use time clocks are required to clock in and out when they arrive and leave according to their schedule. In addition, non-exempt employees are required to clock in and out for their meal breaks. Non-exempt employees who record their time directly into the timekeeping system are required to do so on a daily basis and not wait until the end of the pay period.

## **BREAKS/REST/MEAL PERIODS**

Non-exempt employees are provided a 10-minute break period for each 4-hour work period or major fraction thereof. Break periods are considered employer-paid time. Break periods may not be combined, added to a meal period, or taken at the end of the day. Employees who find that the work is preventing them from taking a rest break they desire to take must notify their supervisor so that arrangements can be made. Unless the employee provides this notification, the College will assume the employee is taking or voluntarily foregoing the rest breaks to which the employee is entitled.

Meal periods of at least 30 minutes are provided for each employee and must begin before the end of five hours after the beginning of her/his shift. Employees are required to take their meal periods and non-exempt employees are also required to record the beginning and end of each meal period. Meal periods are unpaid. Because of the nature of the College's operations and activities, it is not always possible to adhere to regularly scheduled lunch and break periods.

***Taking a 30 minute duty-free meal period is mandatory for non-exempt employees***, except that employees who work a shift of six hours or less may voluntarily waive the meal period. (See Appendix C) A second unpaid meal period is provided on days the employee works more than 10 hours, which must be started before work time exceeds 10 hours. The second meal period is also mandatory, except that employees who work 12 hours or less and took the first meal period may voluntarily waive the second meal period. Employees who fail to comply with this policy will be subject to disciplinary action. No penalty applies to exempt employees who miss his/her meal period.

## **OVERTIME**

When operating requirements or other needs cannot be met during regular working hours, non-exempt employees will be given the opportunity to volunteer for overtime work assignments. All overtime work must receive the supervisor's **prior** authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour requirements. Overtime pay is based on actual hours worked. Time off for sick leave, vacation leave, or any leave of absence will not be considered hours worked for purposes of calculating overtime.

Failure to work scheduled overtime or working overtime without prior authorization from the employee's supervisor may result in disciplinary action, up to and including possible termination of employment.



## **WORKWEEK SCHEDULE**

The “workweek” shall consist of a seven (7)-day payroll period beginning at 12:00:00 am on Sunday and ending at 11:59:59 pm on Saturday

## **SALARY ADJUSTMENTS**

Salaries are normally reviewed annually and generally revised every fiscal year. The wage-and-salary structure is maintained by the Human Resources Department at the College. Salary rates are normally based on market surveys of local and national employers. Salary adjustments or increases are usually made effective July 1, the beginning of the fiscal year, if increases are approved by the College Board of Trustees during the annual budgeting process.

## **PAYCHECKS AND PAYROLLSCHEDULES**

Paychecks are normally delivered to employees at their campus location. Non-exempt employees are paid on a bi-weekly basis and exempt employees on the 26<sup>th</sup> of each month. In the event that the employee’s pay date occurs during a weekend or a holiday, their paycheck will be issued on the last weekday preceding such weekend or holiday.

Monthly and bi-weekly payday schedules are available from the Payroll Office. Employees are encouraged to set up direct deposit of their paychecks for ease of distribution.

## **SALARY ADVANCES**

Requests for salary payments in advance of any normal pay period may be granted only on an emergency basis and after an employee has exhausted all other options or available recourse. “Emergency” is defined for this purpose as an unforeseen event involving medical and life or safety situations beyond an employee’s control. **Salary advances will be granted no more than twice in any fiscal year.**

To request a salary advance, an employee should submit a memorandum to her/his supervisor, indicating the nature of the emergency and the requested salary advance amount. Under no circumstances should the requested amount exceed the employee’s next regular net paycheck amount. The supervisor may

confirm the employee's next regular net paycheck amount with the Payroll Office. (For faculty members, the supervisor is the Dean of the College.)

If the supervisor agrees that a salary advance is warranted, based on the definition of "emergency" above, he/she should send the employee's memorandum to the Assistant Vice President, Human Resources recommending approval and explaining the reasons for the recommendation. Salary Advances are not given from vacation time, sick time, or personal time.

The Assistant Vice President, Human Resources, in consultation with the Assistant Vice President & Associate Treasurer, will review the recommendation and approve or disapprove the request, based on the criteria contained in the first paragraph of these guidelines.

If approved, the Assistant Vice President, Human Resources will notify the supervisor, and the employee will be asked to complete a "Request for Salary Advance" and submit it to the HR Department. If not approved, the Assistant Vice President, Human Resources will notify the supervisor and explain the reason(s) why.

If approved, the HR Department will forward the "Request for Salary Advance" to the Payroll Department.

The employee will pick up the salary-advance check in person from the Finance Office upon being notified that the check is available (usually within two to three days of the submission of the "Request for Salary Advance" to the Payroll Office).

In order to make an exception to these procedures, permission must be obtained from the President of the College.

## **SECTION V - EMPLOYEE CONDUCT AND DISCIPLINARY ACTION**

### **CODE OF ETHICS**

As a member of the staff, employees are expected to perform their work not only as stated in their job description, but in accordance with the highest ethical standards as well. Conduct in the workplace that is illegal and behavior that compromises the employee's position, department and the College will be subject to censure and/or disciplinary action up to and including termination. Accordingly, the entire College campus is considered the employee's workplace. Any conduct anywhere on campus whether on duty or off duty is subject to this Code of Ethics.

In addition, employees have an obligation to report to their supervisor or any officer of the administration any situation that may be illegal or detrimental to the interests of the College, or any form of behavior that threatens the principles for which the College stands or undermines the attainment of its mission.

### **CONFIDENTIALITY AND PROPRIETARY INFORMATION**

All employees have a continuing responsibility to protect the College's confidential and proprietary information, during and after their employment with the College. Such confidential information includes, for example, trade secrets and inventions, financial data, employee and student information, or any other proprietary information acquired through employment with the College. This information is critical to our mission and should be kept strictly confidential. It is not to be discussed outside the College, except as necessary in the normal course of business and cannot be used except for the benefit of the College.

Care should be taken to protect confidential information from disclosure. It should be marked "confidential," kept out of sight, and stored in locked cabinets or drawers when not in use. Any proprietary information not in use should be shredded.

Nothing in this Confidentiality policy prohibits employees from using employee contact information and information about wages, hours, benefits and other terms and conditions of employment to communicate about such matters for their mutual aid and benefit or to otherwise engage in concerted activity under Section 7 of the National Labor Relations Act.

In accordance with the federal Defend Trade Secrets Act, an individual shall not be held criminally or civilly liable under any State or Federal trade secret law for the disclosure of a trade secret that is made (1) in confidence to an attorney or to a government official, either directly or indirectly, for the sole purpose of reporting or investigating a suspected violation of law; or (2) in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal. An individual who files a lawsuit for retaliation for reporting a suspected violation of the law may disclose the trade secret to his or her attorney and use the trade secret information in the court proceeding so long as the individual files any document containing the trade secret under seal and does not disclose the trade secret except pursuant to court order.

## **CONFLICT OF INTEREST**

It is the policy of Pomona College that its employees refrain from any activity or association that runs counter to the interest or well-being of the College. This policy prohibits employees from using the following, among others, for the purposes of personal gain: College time, campus resources, campus services, and classified, privileged or confidential information acquired in the course of work. If employees are also employed elsewhere or have business interests that may create a conflict of interest with their employment at the College, employees should discuss the matter with their supervisor or the Assistant Vice President, Human Resources.

An employee who knowingly engages in any of the above listed or similar activities may be subject to disciplinary action, up to and including termination of employment.

## **DRESS CODE AND GROOMING STANDARDS**

It is important to Pomona College that its employees project a professional attitude and appearance. Accordingly, their dress and demeanor should reflect the College's high institutional standards. The College expects employees to use good sense in dressing for work and to present themselves professionally at all times.

The College provides required uniforms and mandated personal protection equipment.

The use of liberal doses of fragrance (perfume, hair spray, after-shave lotion and the like) is discouraged in the workplace.

If employees have questions regarding appropriate attire, they should direct them to their immediate supervisor or the Assistant Vice President, Human Resources.

## **DRUG-FREE WORKPLACE POLICY**

In compliance with federal law, Pomona College maintains a drug-free workplace policy. Employees, as well as those who perform work for the College but are not employees (e.g., independent contractors, temporary agency personnel, authorized volunteers) are prohibited from unlawfully manufacturing, distributing, selling, offering to sell, dispensing, possessing, purchasing or using illegal or unauthorized controlled substances on the premises of the College, at any time either during work hours or non-work hours, including meal and break periods. The entire College campus is considered the workplace. Illegal drugs, as referred to in this policy, include drugs that are not legally obtainable, drugs that are legally obtainable but used for illegal or unauthorized purposes. Illegal drugs also include marijuana, which remains illegal under federal law and which, like alcohol, can impair judgment and work performance.

Furthermore, the College does not condone abusive or inappropriate use of alcohol, including incidence of drunkenness or any level of intoxication during normal work hours. Employees, contract workers and authorized volunteers are expected to report to work with faculties unimpaired by alcohol or illegal or unauthorized controlled substances.

The legal use of prescribed drugs is permitted on the job only if it does not impair your ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. If you are taking prescribed drugs which may affect your attentiveness, cause drowsiness, or otherwise impair your abilities, please notify your supervisor or Human Resources of this fact so modifications to job duties can be made if appropriate.

Employees who violate this policy or refuse to consent to testing, as described below, will be subject to discipline, up to and including termination of employment, termination of project, contract or any other form of agreement, and debarment from campus, even for a first offense. Those who are not terminated from employment will be offered the voluntary option of enrolling in a rehabilitation program.

If the College has a reasonable suspicion that an employee has violated this policy, it will conduct an investigation, which may include an unannounced search of College premises or property and/or the employee's personal property. Employees are also subject to "probable/reasonable cause" drug/alcohol testing. This means that employees who, in the opinion of their supervisors, exhibit behavioral or physical effects of drug or alcohol intoxication during working hours

may be asked to undergo drug and/or alcohol testing conducted by an independent laboratory at the College's expense. Any employee asked to undergo a test will be suspended from work until further notice. Also, employees operating a vehicle or using dangerous equipment on behalf of the College that have been involved in an accident will be sent for a post-accident drug screen.

Any questions regarding this policy should be directed to the employee's supervisor or the Assistant Vice President, Human Resources. Information about support groups and rehabilitation programs is also available from the Assistant Vice President, Human Resources on a confidential basis.

An Employee Assistance Program (EAP) is available at no cost to all benefits-eligible employees. This employee benefit includes, among other features, counseling sessions on alcohol and drug dependency for adults, adolescents and children at no cost. The system is accessed by calling a toll-free number (1-800-998-8448). A clinical coordinator evaluates the problem and offers a choice of providers. All records are treated confidentially. Additional information is available from the HR Department.

## **NO-SMOKING POLICY**

Smoking is prohibited in all administrative and academic buildings. The College also prohibits the use of E-cigarettes and other electronic nicotine delivery systems, as well as vapor emitting devices, with or without nicotine content, that mimic the use of tobacco products, inside campus buildings. This policy has been created in recognition of the harmful effects of smoking, including "second-hand" smoke and in accordance with applicable state and local law.

## **AUTHORIZED DRIVER PROGRAM**

Employee driving records will be reviewed annually in compliance with Risk Insurance requirements, if employees are expected to drive a College vehicle in the course of their employment. Employees will not be allowed to operate a College vehicle until a satisfactory record is confirmed through the Department of Motor Vehicles (DMV). Once authorized, employees will be covered by the College's insurance when driving a College vehicle on official business.

Employees must meet the following criteria to be authorized to operate vehicles owned by Pomona College:

1. Hold a current/valid U.S. driver's license;
2. have no more than a total of three (3) moving violations and/or at-fault accidents in the last three (3) years;

3. no citations for reckless driving or driving under the influence of alcohol or drugs in the past three (3) years; and
4. no drivers under 21 years of age with a combined total of more than two (2) moving violations or at-fault accidents in the past three (3) years.

Under the College's Rideshare program, carpoolers are guaranteed a ride home in the event of an emergency (e.g., carpool driver's vehicle is disabled; carpool driver has to leave on an emergency, thus "stranding" carpool passengers, etc.). When a College vehicle is released for this purpose, an "authorized driver" is still required.

## **ELECTRIC CART USAGE**

The following policy shall be in force for all electric carts owned by or operated at Pomona College. It is the responsibility of the office controlling the cart to ensure compliance with this policy. Employees who violate any portion of this policy may be subject to disciplinary action including termination of employment.

College employees are the only persons authorized to drive carts. College employees are defined as those on a regular payroll of the College, including student employees. All drivers must possess a current/valid U.S. driver's license. A current/valid driver's license must be in the possession of the driver of the cart at all times while driving. The office controlling the cart will obtain a copy of the driver's license and have it on file prior to issuing keys to the cart. Keys to all carts and padlocks will be kept in a secure place, in the department controlling the cart. (Please note: authorized cart drivers are not necessarily authorized to drive other College motor vehicles.)

The office controlling the cart will give training to all employees who will be driving carts. Employees must be trained on the proper use of the cart prior to obtaining authorization to use the cart. The training will include information about the specific vehicle they will drive, how to secure the cart, etc. and employees will be required to drive the cart as practice. As part of this training, each employee will be given a copy of this policy.

All electric carts must be driven in conformance with all applicable state laws and College policies. Electric carts that are licensed with the Department of Motor vehicles shall be operated on the roadway and adhere to all rules of the road, similar to passenger and commercial vehicles. Always use caution when operating any College owned vehicle on campus and city streets.

Use of cell phones while driving is prohibited. Employees may not talk on the phone, text, or internet surf on electronic devices while operating an electric cart.

*Licensed carts:* Electric carts with California license plates shall travel in the regular traffic lane in the appropriate direction as other vehicles. Carts may pull close to the curb when driving to allow fast moving vehicles to pass. If a bicyclist is in the bike lane, the electric vehicle shall move into the regular traffic lane and pass the cyclist safely. Electric vehicles shall not operate on public sidewalks, except when crossing the sidewalk is necessary to enter a driveway.

*Unlicensed carts:* Electric Carts without California license plates are not allowed west of College Avenue and are prohibited from operating on public streets or public sidewalks.

*Exceptions for unlicensed carts:* Leaving the Physical Plant's west driveway, across 1<sup>st</sup> Street and entering College property at Amherst and crossing 6<sup>th</sup> Street at College Way.

Carts should not be driven or parked on turf or other landscaped areas.

Any employee who is under the influence of or who is impaired in any way by alcohol or illegal or controlled substances may not drive a cart. Violation of this "zero tolerance" policy shall be grounds for immediate termination of employment.

The maximum number of occupants for an electric cart is the number of seats provided by the manufacturer. In a licensed cart, the driver and all passengers must be properly restrained by a safety belt when traveling on city streets.

When operating an electric cart at night, headlights are mandatory.

No cart owned by Pomona College, except the escort service cart, may be used to transport an intoxicated person. If such a transport is requested, the cart driver should contact the Escort Service or Campus Safety to transport the person in question.

The Escort Service shall be trained in using a cart to transport an intoxicated individual. The Escort Service must use a cart with seat belts and ensure that the intoxicated person is at all times in her or his seat with the seat belt fastened when the cart is moving.

Any accident involving the cart, any cart damage, property damage or any cart malfunction must be reported to the cart operator's supervisor immediately, but no later than 24 hours from the occurrence of the incident.



## **POMONA COLLEGE PROPERTY**

All Pomona College property located on campus or otherwise assigned to an employee, including, but not limited to, offices, desks, desk drawers, file cabinets, closets, lockers, voice-mail, e-mail, computers, computer disks and disk drives, and network space belongs solely to Pomona College and should be used and treated accordingly. Employees should not rely on or have any expectation of privacy in connection with such property, and employees are discouraged from bringing personal and/or valuable items to work. College supervisors are entitled to access College property on an as-needed basis, with or without an employee's prior knowledge or approval.

## **APPROPRIATE USE OF CAMPUS COMPUTING AND NETWORK RESOURCES**

An overall guiding mission of The Claremont Colleges is education in an environment where the free exchange of ideas is encouraged and protected. The Claremont Colleges make available computing and network facilities (CNF) resources for use by the Colleges' students, faculty and staff. These services are provided for educational purposes and to carry out the legitimate business of the Colleges.

The Colleges and members of the college communities are expected to observe Federal, State and local laws that govern computer and telecommunications use, as well as the Colleges' regulations and policies.

Computing and network facilities resources users are required to use these resources within the Colleges' standards of conduct. Individuals with expert knowledge of information systems or who make extensive use of these facilities, or with a position of trust regarding these facilities will be held accountable to a higher standard.

Responsible, considerate, and ethical behavior expected by the Colleges extends to use of computing and network facilities resources, and networks throughout the world to which electronic access is been provided.

The full policy on Appropriate Use is available on the ITS website.

## **WORKPLACE CONFRONTATION/VIOLENCE POLICY**

Pomona College is committed to providing a safe and healthful work environment for its campus community. This policy specifically addresses issues of violence, hostility, intimidation, and the like, that may occur in the workplace. As such, any act or omission of actions that results in actual violence, threats of violence, hostility, or intimidation of others on campus is prohibited. Employees engaging

in such acts will be subject to immediate disciplinary action up to and including termination, and may also be subject to civil or criminal penalties as prescribed by law.

Employees who believe they have been subjected to, witnesses of, or have first-hand knowledge of actions involving violent, hostile or intimidating acts that have occurred on campus, or have substantial reason to believe that such actions may occur, are encouraged to immediately report such information to the Assistant Vice President, Human Resources. In the case of an imminent threat, employees are asked to notify Campus Safety immediately at extension 72000.

For purposes of this policy, violent, hostile and intimidating behavior includes, but is not limited to:

- The actual or implied threat of harm to an individual, or group of individuals;
- The possession of weapons of any kind, on College property, or the brandishing of any object that may reasonably be construed as a weapon (excludes law enforcement officers acting under color of authority);
- Angry or disruptive behavior that is not consistent with the Pomona College environment conducive to work and study;
- Acts of retaliation;
- Malicious or intentional disregard for the physical safety or well-being of others;
- The willful destruction of College property or personal property belonging to another as a means of expressing anger or intimidation; and
- The commission of a felony or misdemeanor on Pomona College property, or during a College-sponsored event for which the College is responsible, regardless of location, or any other conduct that a reasonable person would perceive as hostile, intimidating or constituting a threat of violence.

To assist the College in its efforts to maintain a violence-free workplace, employees are strongly encouraged to notify the Human Resources Department about any restraining order in effect or any potentially violent situation outside of work that could result in violence in the workplace. Employees who become aware of any other workplace security hazards or who have suggestions for increasing security in the workplace, should also speak with the Human Resources Department. Employees making reports as encouraged by this policy will not be retaliated against, and the College will not tolerate any such retaliation.

## SECTION VI - EMPLOYEE ACTIVITIES AND SERVICES

### ATHLETIC EVENTS

Employees are encouraged to attend the intercollegiate events on campus. There is no charge for any of the SCIAC or varsity games played during the regular season. Tickets are required for championship games (NCAA). For information on game schedules for Pomona-Pitzer call extension 18016; for CMS (CMC-HMC-Scripps) games, call extension 72904.

### ATHLETIC FACILITIES

A valid Pomona College ID card will allow employees access and privileges at Rains Center, the athletic facility of the College. Upon presentation of a Rains Center card (which is available on-site), an employee's eligible dependents will also be able to use the athletic facilities free of charge. With a few exceptions, Rains Center privileges are available only to Pomona and Pitzer College employees and their eligible dependents. Employees at other campuses may use the Center for a fee on a semester basis, but their limited privileges are not extended to their dependents. "Recreational Access and Hours" may be found in the Appendices section of this handbook.

### @POMONA

Monthly, the College website covers news about faculty and staff activities and achievements during the academic year. If employees would like to share a recent work-related accomplishment, please call the Communications Office at extension 18503.

### CAMPUS SAFETY OFFICE

The function of The Claremont Colleges Department of Campus Safety is to protect life and property, to help maintain an environment conducive to the academic endeavors of the Colleges, to enforce vehicle and parking regulations and to perform other related duties. Located at 251 E. 11th Street, it also houses an ATM that can process withdrawals only. Normal business hours are from 8:30 a.m. to 4:30 p.m. each weekday, but personnel are on duty 24 hours a day to handle calls for service at extensions 18179 or 72677. **For on-campus emergencies, call extension 72000.**

## **COOP FOUNTAIN**

Operated by the Associated Students, Pomona College (ASPC), the “Coop” is located in the Smith Campus Center. With the compliments of the Coop Fountain staff, members of the faculty and staff may enjoy free coffee, tea and soft drinks. For Fountain hours, please call extension 73293.

## **COOP STORE**

The ASPC also operates the Coop Store, which is the sole distributor of Pomona College memorabilia and clothing. It is also located in the Smith Campus Center. For Store hours, please call extension 72264.

## **DISCOUNT AMUSEMENT TICKETS/ENTERTAINMENT PACKET**

The Card Center in the Honnold/Mudd Library maintains discount cards for many recreational attractions, such as Universal Studios, Movieland Wax Museum, Sea World, Knott's Berry Farm, Magic Mountain and others. Discount tickets to local movie theaters are also available through the Smith Campus Center, extension 18610.

## **DUPLICATING SERVICES**

The Duplicating Services Office is centrally located to offer high-volume copying. Duplicating Services produces books, posters, class handouts, class schedules, promotional flyers and official College business cards for faculty, staff and students. Binding and FAX services are also available. In addition to the main copier, there are a number of satellite copiers in various departments throughout the campus.

## **FACULTY/STAFF FITNESS AND WELLNESS PROGRAM (FSFW)**

Pomona College faculty and staff are eligible to participate in the Pomona College Faculty/Staff Fitness and Wellness Program (FSFW). The Physical Education Department and Human Resources jointly sponsor this program. To learn more about our program and to view the current FSFW schedule, click on the “athletics” link on the Pomona homepage to find an updated class schedule and other helpful information. Also, at the beginning of each semester the FSFW program hosts a kick-off lunch. This is a good time to learn about the various opportunities and to meet the instructors. Look for announcements via email.

Pomona faculty and staff members are also welcome to participate in Physical Education activity courses (provided space is available) and intramurals. Schedule information is available on the Pomona website (just follow the link to “athletics”, then to “Physical Education” or to “Intramurals”). Please contact the individual instructors or the IM Director for additional information.

**FACILITY ACCESS:** Pomona College faculty and staff, their spouses/partners and dependents, are eligible for recreational facility use during regularly scheduled hours in Voelkel Gym, Memorial Gym, The Rains Center Weight Training and Aerobic Fitness Rooms, Sessions Racquetball and Squash Courts, the Haldeman and Pendleton Swimming Pools, and the Pauley and Rogers Tennis Courts.

For identification purposes in gaining entry into the facilities, faculty and staff may use their Pomona College picture ID cards. Spouses/partners and dependents will be issued Rains Center ID cards upon request (first, please go to Human Resources and pick up a copy of the "Dependent Certification" form and then submit a completed form to the upstairs office of Rains Center during business hours).

Employees may also access current facility hours and various schedules by clicking on the Pomona home page “athletics” link. For more information, call the HR Office at 18175 or the Rains Centers at 18428.

## **HUNTLEY BOOKSTORE**

Located at the northwest corner of East Eighth Street and Dartmouth Avenue, Huntley Bookstore is one of the joint services shared by all The Claremont Colleges. The bookstore carries textbooks and a wide variety of general titles in paper and hardback editions. Huntley also has office supplies, children’s books, art supplies, stationery, gifts, cards, clothing, drug and sundry items.

## **KSPC – 88.7FM**

With studios located in the lower level of Thatcher Music Building, KSPC, the College’s radio station, offers “alternative radio” with well-balanced programming. KSPC’s partnership with the HR Office includes public-service announcements informing listeners about jobs on the Pomona campus. For additional information, please call extension 18157 or visit the station website at [www.kspc.org](http://www.kspc.org).

## **LIBRARIES OF THE CLAREMONT COLLEGES**

As a regular employee of Pomona College with a valid College ID card, employees can have access and borrowing privileges at all campus libraries. The center of the library system is Honnold/Mudd Library located at the end of North College Way and flanked by Dartmouth Avenue to the west and Columbia Street on the east. The total library collection makes more than 2,500,000 volumes available to students, faculty, and staff. In addition to the Honnold/Mudd Library, the libraries serving the Colleges are the Norman F. Sprague Library on the HMC campus, the Ella Strong Denison Library on the Scripps campus, and the Seeley G. Mudd Science Library on the Pomona campus. Cooperating libraries include the Educational Resource and Information Center and George G. Stone Center for Children's Books at Claremont Graduate University, the Rancho Santa Ana Botanic Garden Library and the Library at the School of Theology at Claremont.

## **LOST AND FOUND**

A central lost-and-found for the campuses is located at Campus Safety, 251 East Eleventh Street.

## **MAIL SERVICES**

College mail is handled by two offices: "Mail Services," located in Sumner Hall, which serves academic and administrative offices at Pomona College; and "Student Mail Center," located in Smith Campus Center, which is dedicated entirely to Pomona College student mail. Both CUC's Central Mail Service and Pomona's Mail Services Office are restricted to official College communications. Use of campus mail services for personal or political correspondence is not permitted. "Central Mail Service," a CUC unit located at 101 S. Mills Avenue, is responsible for delivering mail between campuses.

## **OPENING CONVOCATION**

To welcome the Fall semester of the new academic year, an annual opening convocation is held at 11 a.m. on the first Tuesday after classes begin. The convocation is held in Bridges Hall of Music (commonly referred to as "Little Bridges"). During this hour-long program, the President greets all members of the faculty, staff and students (especially the entering class of first-year students). Other speakers are the President of the Associated Students, Pomona College (ASPC) and a member of the faculty or administration who delivers the keynote address. Employees are encouraged to attend the

convocation in order to share the experience of a Pomona College tradition and a sense of community.

## **PARKING AND VEHICLE REGISTRATION**

If employees intend to park on campus, vehicle registration with Campus Safety is mandatory and should be done within an employee's first week at work. To register a vehicle with Campus Safety, present an employee ID card and current DMV registration. Employees will be issued a parking sticker for the current academic year that entitles employees to park in designated parking spaces throughout The Claremont Colleges. Employees retain full responsibility for their vehicles and for any liability or damage claims resulting from possession or operation of a motor vehicle on campus. A copy of the parking and vehicle registration regulations may be found on the CUC web site. Annual campus vehicle registration is conducted on the College campus every September.

## **STAFF COUNCIL**

The Staff Council of Pomona College is a vehicle for consultation between staff and responsible administrators in the interest of effective communication among the campus community. Activities include social gatherings, Staff Forums for discussion of concerns and interests regarding practices and procedures affecting staff, and monthly meetings of the Council members. The Council also provides assistance to the administration in terms of selecting staff to serve on College committees. Information on the Staff Council is available on the Pomona College web site.

## **STAFF APPRECIATION LUNCHEON**

To honor members of the staff who have served the College for 5, 10, 15, 20, 30 or more years, the HR Department sponsors an annual "Staff Appreciation" luncheon. This College-wide event is an excellent opportunity to meet employees from other departments.

## **STAFF & FACULTY DIRECTORY**

Staff & Faculty Directory of all active employees at The Claremont Colleges is maintained online through the Claremont University Consortium including campus addresses and telephone numbers. Campus maps for The Claremont Colleges is found on each respective College's web pages.

## **TELEPHONES**

The Claremont Colleges own a private telephone system. Instructions for its use, as well as campus telephone extensions, are provided by Claremont University Consortium. For information on campus numbers that are not listed in the Staff & Faculty Directory, call extension 73344 on any campus telephone. If there are any problems with any campus telephone, or there is a need to request repairs or assistance, dial extension 18188 and ask the operator for assistance.

Emergency campus telephones may also be found throughout the campus. They are marked by posts with blue lights. Pay telephones may also be found in the following locations on campus: Haldeman Pool, Hahn Building, Mudd-Blaisdell, Oldenburg Center, Pauley Tennis Courts, Pendleton Dance Studio, Seaver Theatre, Seeley G. Mudd Science Library, Smith Campus Center, Sumner Hall, Thatcher Building, and Walton Commons.

## **THE STUDENT LIFE**

The oldest College newspaper in Southern California, this is produced weekly by a staff of students, and is available every Friday during the academic year at various locations throughout the campus.

## **TRIP REDUCTION INCENTIVE PLAN (TRIP)**

In compliance with regulations of the South Coast Air Quality Management District (SCAQMD), the College has an approved Transportation Reduction Incentive Plan (TRiP) or rideshare program. Regular employees (both faculty and staff) may claim TRIP incentive credit of \$2.00 per day that an employee is scheduled to work, if the employee commutes at least 51% of the trip using an alternative form of transportation other than a single-driver vehicle. This includes, but is not limited to, bicycle, walking, commuter train, or other form of public transportation. It does not include commuting one-way to work then not commuting at the end of the shift. Employees may not claim TRIP incentive credit for days they do not qualify, and may not claim TRIP incentive credit on days that they do not come to work (i.e. work from home, sick day, vacation day, holiday). The TRIP Incentive Credit is not available to temporary employees.





## **APPENDICES**

# APPENDIX A

## WHAT TO DO WHEN INJURED AT WORK

- **NOTIFY A SUPERVISOR AND HUMAN RESOURCES IMMEDIATELY**, even if the injured person does not wish to receive medical treatment.
- If medical treatment is requested, **NOTIFY THE DISABILITY OFFICE AT 18847 or 73943.**

**EMPLOYEES MUST FIRST OBTAIN AUTHORIZATION FROM THE DISABILITY OFFICE OR HUMAN RESOURCES OFFICER BEFORE RECEIVING MEDICAL TREATMENT FOR ANY WORK-RELATED INJURY.**

- For any injury occurring after hours, weekends or holidays, notify the injured person's supervisor and Human Resources immediately.
- An "Employee's Report of Accident" and a "Supervisor's Report of Accident" MUST be completed as soon as possible and submitted to the Disability Office at 101 S. Mills Avenue, with a copy to the Human Resources Office.

### **IN CASE OF SERIOUS LIFE-THREATENING INJURY OR ILLNESS, CALL CAMPUS SAFETY AT 72000 OR 911:**

- **Indicate nature of emergency and**
- **Give exact location of victim.**

Campus Safety will call paramedics **IF** warranted and/or come to the scene and provide the necessary emergency treatment.

If there are any questions concerning these procedures, call the Disability Office at 18847 or 73943.

# APPENDIX B

## **Appropriate Use Policy**

The Claremont Colleges Policy  
Regarding Appropriate Use of  
Campus Computing and Network Resources

An overall guiding mission of The Claremont Colleges is education in an environment where the free exchange of ideas is encouraged and protected. The Claremont Colleges make available computing and network facilities (CNF) resources for use by the Colleges students, faculty and staff. These services are provided for educational purposes and to carry out the legitimate business of the Colleges.

The Colleges and members of the college communities are expected to observe Federal, State and local laws that govern computer and telecommunications use, as well as the Colleges regulations and policies.

Computing and network facilities resources users are required to use these resources within the Colleges standards of conduct. Individuals with expert knowledge of information systems or who make extensive use of these facilities, or with a position of trust regarding these facilities will be held accountable to a higher standard.

Responsible, considerate, and ethical behavior expected by the Colleges extends to use of computing and network facilities resources, and networks throughout the world to which electronic access has been provided. These CNF resources include but are not limited to:

- Computers and associated peripheral devices;
- Campus video cable;
- Classroom presentation systems;
- Voice messaging equipment;
- Data networking equipment systems, including remote and wireless access;
- Computer software;
- Electronically stored institutional data and messages;
- All other similar resources owned, controlled, and/or operated by the Colleges;
- and
- Services to maintain these resources.

## **Ownership**

The Colleges retain absolute ownership rights of the CNF resources. Such resources are not owned by a department or by any individual. CNF resources leased, licensed, or purchased under research contracts or grants, are administered under the terms of this Policy for as long as they remain within the lawful possession or control of the Colleges. CNF resources provided to on-campus residences are also owned, operated and provided by the Colleges.

### **Access to Resources**

Access to CNF resources is a privilege, which is allowed only to the Colleges authorized personnel and students. All users must understand and abide by the responsibilities that come with the privilege of use. Such responsibilities include, but are not limited to, the following:

1. You must understand and comply with all applicable federal, state, and local laws.
2. You must not intentionally seek information about, browse, copy, or modify non-public files belonging to other people, whether at a Claremont College or elsewhere.
3. You are authorized to use only computer resources and information to which you have legitimately been granted access. Sharing your passwords with others is expressly forbidden. Any attempt to gain unauthorized access to any computer system, resource or information is expressly forbidden. If you encounter or observe a gap in system or network security, immediately report the gap to the manager of that system.
4. Each College's Policy on Harassment applies as equally to electronic displays and communications as to the more traditional (e.g., oral and written) means of display and communication.
5. Messages, sentiments, and declarations sent as electronic mail or postings must meet the same standards for distribution or display as physical (paper) documents would on college property.
6. Unsolicited mailings and unauthorized mass mailings from campus networks or computing resources (i.e., spam) are prohibited. Each campus may have specific policies regarding the use of existing group mailing lists (e.g., all-students or all-faculty). Contact your campus IT organization for details regarding these policies.

7. Spoofing, or attempts to spoof or falsify e-mail, network or other information used to identify the source, destination or other information about a communication, data or information is prohibited.
8. You must not degrade computing or network performance in any way that could prevent others from meeting their educational or College business goals.
9. You must conform to laws and Colleges policies regarding protection of intellectual property, including laws and policies regarding copyright, patents, and trademarks. When the content and distribution of an electronic communication would exceed fair use as defined by the federal Copyright Act of 1976, users of campus computing or networking resources shall secure appropriate permission to distribute protected material in any form, including text, photographic images, audio, video, graphic illustrations, and computer software.
10. You must not use campus computing or networking resources or personal computing resources accessed through campus network facilities to collect, store or distribute information or materials, or to participate in activities that are in violation of federal, state or local laws.
11. You must not use campus computing or networking resources or personal computing resources accessed through campus network facilities to collect, store or distribute information or materials in violation of other Colleges policies or guidelines. These include, but are not limited to, policies and guidelines regarding intellectual property and sexual or other forms of harassment.
12. You must not create or willfully disseminate computer viruses. You must employ appropriate virus protection methods to avoid damaging CNF resources.
13. Use of CNF resources for advertising, selling, and soliciting is prohibited without the prior written consent of the Colleges, and use of CNF resources for commercial purposes or for personal financial gain is prohibited. Faculty, students or staff who have questions about the legitimacy of a particular use should discuss it with the appropriate members of the IT staff on their home campus.
14. The disclosure of individually identifiable non-directory information to non-university personnel is protected by the Family Educational Rights and Privacy Act of 1974 (FERPA). The disclosure of financial or personnel records that are owned by the Colleges without permission or to unauthorized persons is not permitted and may be prosecuted under California Penal Code 502.
15. Willful or unauthorized misuse or disclosure of information owned by the Colleges will also constitute just cause for disciplinary action, including dismissal from school and/or termination of employment regardless of whether criminal or

civil penalties are imposed. It is also expected that any user will report suspected abuses of CNF resources. Failure to do so may subject the individual to loss of CNF access and/or the disciplinary action referred to above.

The respective Information Technology organization of one of the Claremont Colleges may immediately suspend service to an individual or computer found to be significantly degrading the usability of the network or other computer systems. Inappropriate use will be referred to the appropriate College authority to take action, which may result in dismissal from school and/or termination of employment.

### **Passwords/Security Codes**

Individuals entrusted with or that inadvertently discover logins and passwords are expected to guard them responsibly. These passwords are not to be shared with others. The same policy applies to door codes for restricted-access rooms/areas. Those who need logins or door codes can make a formal request to the administrator of those codes/passwords.

Note: The provisions of this Policy apply to the institutions comprising The Claremont Colleges, including the Claremont University Consortium.

### **Supplemental Information to the Appropriate Use Policy File Confidentiality**

Your documents, files and electronic mail stored on a College-owned networked computer or server are normally accessible only by you. However, any file or document placed on a College-owned computer or network is subject to access pursuant to this Policy, and thus, should not be regarded as private or confidential. The system managers at both CINE (Claremont Intercollegiate Network Effort) and within the individual campus IT organizations have the ability to monitor traffic and directly view any file as it moves across the network, and they must occasionally do so to manage campus network resources. In short, files may be monitored without notice in the ordinary course of business to ensure the smooth operation of the network. All staff members working in information technology have clear guidelines that prohibit violations of privacy and confidentiality and, in the normal course of their work, they do not view the contents of user files or e-mail. However, you should be aware that authorized College personnel will take appropriate steps to investigate when there is a suspicion of inappropriate use of campus computing or networking resources. This may include monitoring network traffic, its contents, and examining files on any computer system connected to the network.

You should also know that all files on shared (i.e., networked) systems, including e-mail servers, are backed up periodically on schedules determined by each

College. Backup tapes are preserved for lengths of time also determined by individual College operating procedures. These tapes can be used to restore files that you have deleted accidentally. This means that the files on the tapes are also available to someone else with reason and authority to retrieve them.

## **Network Monitoring**

Troubleshooting on the campus network, as well as planning for enhancements, requires the collection of detailed data on network traffic. CINE regularly runs monitoring software that records and reports on the data that is transported across the campus networks. The reports include the origin and destination addresses, and other characteristics of files, including the URLs of the World Wide Web sites that are contacted. This data is accessed and used only by authorized IT staff members responsible for network performance, operations and planning. You should also be aware that many Web host machines on the Internet collect and log information about you and your identity when you visit their sites. This information may include, but is not limited to, information about the computer you are using, its address, and your e-mail address.

Many educational and business activities at the Colleges require network access to resources on the Internet. To ensure adequate bandwidth to these sites for the Colleges primary educational and business purposes, CINE and campus IT staff may restrict the amount of traffic to particular sites and the amount of traffic of specific types.

From time to time these network monitoring activities may allow systems managers to identify individuals whose activities downgrade the performance of the campus network or a segment of the network, or which appear to violate the general guidelines for appropriate use of campus computing and network resources. In such instances, a CINE staff member or a member of your own College's IT staff may ask you to cease these activities. If you continue such activities, or if they include illegal activities, appropriate College authorities may be notified. In extreme cases, network privileges may be revoked on an interim basis pending resolution of the issue. The individual campuses determine specific corrective or disciplinary actions.

# APPENDIX C

## Pomona College Meal Break Waiver Form

Employee Name: \_\_\_\_\_

Waiver Effective Date: \_\_\_\_\_

I understand that under California Labor Law, after a work period of 5 hours, I am entitled to receive an unpaid meal break of not less than 30 minutes during which I am relieved of all duties.

I give my consent that I may waive my 30-minute unpaid meal break only when my work and/or scheduled shift will be completed in 6 hours or less in one workday. I understand that if my shift exceeds 6 hours, I am **required** to take an unpaid meal break of at least 30 minutes.

In order for this waiver to be valid, my supervisor must also authorize the waiver in writing by signing below.

### **Employee Authorization**

Employee  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### **Supervisor Authorization**

Supervisor  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_



# APPENDIX D

## **Sexual Misconduct, Harassment, and Discrimination Policy and Procedures**

Approved by the Board of Trustees

May 13, 2017

### **I. INTRODUCTION**

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

The College embraces its responsibility to increase awareness of sexual misconduct, prevent its occurrence, diligently investigate complaints of sexual misconduct and retaliation, support survivors, deal fairly with those accused of sexual misconduct and firmly with offenders, and comply with Title IX of the Higher Education Amendments of 1972 (“Title IX”); Title VII of the Civil Rights Act of 1964 (“Title VII”); Violence Against Women Reauthorization Act of 2013 (“VAWA”); the Campus SaVE Act and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) as well as the California statutes.

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

This Policy has the following goals:

- It identifies the conduct prohibited by the College. If a person engages in such conduct, the College will take steps to determine the person’s responsibility and, if determined to be responsible, to impose appropriate sanctions against the person. In addition, the Policy provides the College with the means to protect the College community from a person who the College reasonably believes, based upon evidence, presents a danger to members of the College community.
- It sets forth in reasonable detail the procedures that the College will follow in the event any member of the College community is or believes

himself or herself to be the victim of sexual misconduct, harassment, or discrimination. The procedures are grouped into four categories: (i) reporting, (ii) intake and initial review, (iii) investigation, and (iv) hearings and sanctions. The procedures are designed to be fair and impartial and to resolve complaints promptly and equitably for the parties involved and the College community. This description of the procedures are designed to provide members of the College community with information about what to expect if a report alleging a violation of this Policy is made to the College.

- It provides information about some of the medical, psychological and other resources available to persons who are the victims of sexual misconduct, discrimination or harassment. The College is committed to expanding resources, and a detailed list of the most current resources is maintained on the Pomona College website here.
- It promotes prevention of sexual misconduct in the first instance as the best policy for the Pomona College Community. To that end, the College provides education and training for its students, faculty and staff on a regular basis, recognizing that there are things individuals can do to proactively reduce the risk of experiencing sexual violence. While the College recommends that all members of the Community review and follow that training to help prevent sexual misconduct, the College also recognizes that it is never a victim's fault if someone else takes sexual advantage of that person.

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

## **II. SCOPE OF POLICY**

This Policy applies to all Pomona College faculty, staff, and students. Students employed by the College will considered students for purposes of this Policy. This Policy also applies to third parties (such as campus visitors or vendors) who may have contact with members of the College community either on the College's campus or at other College events and programs. If the alleged perpetrator (hereafter referred to as "Respondent") is an employee or student from one of the other Claremont Colleges or the Claremont University Consortium ("CUC"), the College will investigate the matter and take steps to stop the conduct and remedy its affects to the extent reasonably possible. However, the relevant procedures related to any disciplinary action against the

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

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

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

### **III. STATEMENT OF PROHIBITED CONDUCT UNDER THIS POLICY**

#### **A. Summary**

- This Policy prohibits Sexual Misconduct that is either Non-Consensual Sexual Contact or Non-Consensual Sexual Intercourse.
- This Policy prohibits Dating Violence, Domestic Violence, Stalking and Hazing when any of those types of conduct is gender-based.
- This Policy prohibits Sexual Misconduct in the form of Sexual Exploitation.

- This Policy prohibits Discrimination on the basis of gender.
- This Policy prohibits Retaliation against any person who is exercising his or her rights under this Policy.
- This Policy prohibits False Reporting of reports of violations of this Policy.

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

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

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

**B. Definitions of Prohibited Conduct**

1. Sexual Misconduct

The College defines sexual misconduct as any of the following:

- a. Non-Consensual Sexual Contact (or attempts to commit same)

Non-Consensual Sexual Contact is:

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

Sexual contact includes: Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

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

- b. Non-Consensual Sexual Intercourse (or attempts to commit same)

Non-Consensual Sexual Intercourse is:

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

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

Nonconsensual sexual contact and nonconsensual sexual intercourse are often referred to as “sexual assault.” As defined by the federal Violence Against Women Act, sexual assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Generally, a sexual assault has been committed when an individual engages in sexual activity without the explicit consent of the other individual involved, including when the individual lacks capacity to consent. In this Policy, sexual activity is any touching of a sexual or other intimate part of a person either for the purpose of asserting power or gratifying sexual desire of either party. This includes coerced touching of the Respondent by the Complainant as well as the touching of the Complainant by the Respondent, whether directly or through clothing. Accordingly, for purposes of the College’s policies, sexual assault falls within the College’s definition for sexual misconduct.

## 2. Other Conduct When Gender-Based

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

- a. Dating Violence

As defined by the VAWA, dating violence is violence committed by a person

- 1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

- 2) where the existence of such a relationship shall be determined based on a consideration of (1) the length of the relationship, (2) the type of the relationship, and (3) the frequency of interaction between the persons involved in the relationship.

- b. Domestic Violence

As defined by the VAWA, domestic violence is the use of physical, sexual or emotional abuse or threats to control another person who is a current or former spouse or other intimate partner. It includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

- c. [Stalking](#) as defined by the College Stalking Policy as set forth in the College's Disciplinary Policies and Procedures and as also found in the College's Student Code.
- d. [Hazing](#) as defined by the College Hazing Policy as set forth in the College's Disciplinary Policies and Procedures and as also found in the College's Student Code.

3. Sexual Exploitation:

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

- a. Invasion of sexual privacy;
- b. Prostituting another person;
- c. Non-consensual video or audio-taping of sexual activity;
- d. Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);

- e. Engaging in voyeurism;
- f. Knowingly transmitting a sexually transmitted infection, a sexually transmitted disease, or HIV to another person;
- g. Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- h. Sexually-based stalking;
- i. Knowingly contributing to the incapacitation of another person where such incapacitation is a contributing factor to that person being subjected to another form of sexual misconduct.

#### 4. Sexual Harassment

Sexual harassment may be either "quid pro quo" harassment, that is sexual advances or requests for sexual favors where submission is made an explicit or implicit term or condition of an individual's employment or education or where submission or rejection is used as the basis for making employment or educational decisions affecting an individual; or "environmental" harassment, where the individual is subjected to a hostile or intimidating environment, in which verbal or physical conduct, because of its severity and/or persistence, is likely to interfere with an individual's work or education, or to affect adversely an individual's living conditions. Occasional compliments that are generally accepted as not offensive or other generally accepted social behavior, on the other hand, do not constitute sexual harassment.

Examples of sexual harassment may include such conduct as:

- a. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendations;
- b. Direct propositions of a sexual nature;
- c. Subtle pressure for sexual activity, an element of which may be repeated requests for private meetings without an academic and employment purpose;
- d. A pattern of conduct that would discomfort or humiliate, or both, a reasonable person at whom the conduct was directed that includes one or more of the following: (1) unnecessary touching, patting, hugging, or brushing against a person's body; (2) remarks of a sexual nature about a person's clothing or body, whether or not intended to be complimentary; (3) remarks about sexual activity or speculations about previous sexual experience; or (4) other

- comments of a sexual nature, including sexually explicit statements, questions, jokes or anecdotes;
- e. Certain visual displays of sexually-oriented images outside the educational context;
  - f. Letters, notes or electronic mail containing comments, words or images as described in (e) above.

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

## 5. Sex Discrimination

Sex discrimination involves treating someone unfavorably because of that person's sex (gender). Sex discrimination also can involve treating someone less favorably because of his or her connection with an organization or group that is generally associated with people of a certain sex.

### C. Definition of "Consent"

California law defines consent as "affirmative, conscious, and voluntary." Consent is active, not passive, and is clear, knowing and voluntary. Consent is positive sexual permission; silence, without more, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable and affirmative permission regarding willingness to engage in (and the conditions of) sexual activity. In order to give effective consent, one must be of legal age and have the capacity to give consent:

1. The legal age of consent in the state of California is 18 years.
2. Consent to any one form of sexual activity does not imply consent to any other form(s) of sexual activity.
3. A previous relationship or prior consent does not imply consent to future sexual acts.
4. Consent can be withdrawn. Thus, even if a person agreed to sexual interaction or continued sexual interaction, that person has the right to change their mind, irrespective of how much sexual interaction may have already taken place.
5. Force and Coercion: Consent obtained through force is not consent. Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force includes the use of threats, intimidation (implied threats) and/or coercion to produce



consent. Coercion is unreasonable pressure for sexual activity (“Have sex with me or I’ll hit you. Okay, don’t hit me; I’ll do what you want.”). Coercive behavior differs from seductive behavior based on the type of pressure used to get consent. When someone makes it clear that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

NOTE: There is no requirement that a party resists a sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force, however, is not demonstrated by the absence of resistance.

6. Capacity/Incapacitation: Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). Sexual activity with someone who is known to be -- or based on the circumstances should reasonably have been known to be -- mentally or physically incapacitated (i.e. by alcohol or other drug use, unconsciousness, asleep, or blacked out), constitutes a violation of this Policy.
  - a. Incapacitation due to alcohol or other drugs: Because alcohol or other drug use can place an individual’s capacity to consent in question, sober sex is less likely to raise such questions. Being under the influence of alcohol or other drugs does not in and of itself indicate incapacitation. When alcohol or other drugs, including date rape drugs (such as Rohypnol, Ketamine, GHB, etc.), are involved, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (the who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Administering a date rape drug to another individual is a violation of this Policy. More information on these drugs can be found at <http://www.911rape.org/>.
  - b. Incapacitation due to other reasons: This Policy also covers a person whose incapacity results from mental or physical disabilities, sleep, unconsciousness, or involuntary physical restraint.

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

These procedures govern the reporting, initial review, investigation, and resolution of complaints of alleged violations of this Policy when they involve Pomona College students, faculty, staff, and/or third-party Respondent.

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

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

###### **1. Reporting to the College**

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

###### Title IX Coordinator

Daren Mooko, Associate Dean  
909-621-8017; Email: [daren.mooko@pomona.edu](mailto:daren.mooko@pomona.edu)  
Office: Alexander 102

###### Deputy Title IX Coordinators:

Lisa Beckett, Professor of Physical Education and Associate Director of Athletics  
909-621-8428; Email: [lisa.beckett@pomona.edu](mailto:lisa.beckett@pomona.edu)  
Office: Rains Center 225

Fernando Lozano, Associate Professor of Economics and Associate Dean of the College  
909-621-8518; Email: [fernando.lozano@pomona.edu](mailto:fernando.lozano@pomona.edu)  
Office: Carnegie Building 215

Ellie Ash-Bala, Associate Dean, Student Affairs; Director, Smith Campus Center  
909-621-8611; Email: [ellie.ash-bala@pomona.edu](mailto:ellie.ash-bala@pomona.edu)  
Office: Smith Campus Center Suite 244

Brenda Rushforth, Assistant Vice President/CHRO  
909-607-1686; Email: [brenda.rushforth@pomona.edu](mailto:brenda.rushforth@pomona.edu)

## Office: Pendleton Building

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

### On-Call Dean:

Students can always reach an on-call dean 24 hours a day by calling Campus Safety (909-607-2000) and having the on-call dean called.

### Law Enforcement:

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

In addition, individuals may also directly report sexual violence at any time after an incident by contacting CPD:

570 West Bonita Avenue  
909-399-5411

### Callisto:

Callisto, an online option for reporting sexual assaults, is an independent, third-party reporting system designed to allow individuals to confidentially complete an incident report online. Specifically, this system allows survivors to confidentially complete an incident report online, receive a clear explanation of their reporting options and either directly submit the report to the chosen College official or place a hold on submitting their report until someone else reports the same assailant, or to save their report with a timestamp, which allows the individual to review and submit the report later with an accurate indication of the original report time. Callisto has been live since August 2015 at Pomona College. For more information, please visit the [Project Callisto website](#).

Prompt reporting is encouraged, because facts often become more difficult to establish as times passes. However, the College will investigate and take appropriate action in response to all reports regardless of when the alleged conduct occurred. The ability of the College to respond to the conduct is limited if the Respondent is no longer a member of the College community. If a College staff member, faculty member or student leaves the College with a pending complaint against them, they will not be permitted to return to the College until the case is resolved through these procedures.

## 2. Confidentiality of Reports to the College

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

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

Complainants and Respondents are not prohibited from sharing details of complaints with family/partner, counsel, or a support person/advisor below, who may support or assist the parties in presenting their case. Those persons are also expected to maintain the same level of confidentiality as Complainants and Respondents and the College will provide a writing regarding confidentiality to Complainants and Respondents so that they can deliver it to such persons.

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

If at any point the Complainant requests confidentiality with respect to the Respondent and/or decides not to pursue action by the College, the College will make all reasonable attempts to comply with this request. In these situations, the College's ability to investigate and respond to the conduct may be limited. The College is required to weigh the Complainant's request for confidentiality with the

College's commitment to provide a reasonably safe and non-discriminatory environment. If the College cannot maintain a Complainant's confidentiality, the Complainant will be notified by the Title IX Coordinator.

### 3. Confidential Resources at the College and in the Community

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

Project Sister Rape Crisis Counselor at the Claremont Colleges, EmPOWER Center. The EmPOWER Center has limited counseling hours; call the number below or check the [Pomona College Sexual Assault: Pomona College Processes & Resources](#) website.

1030 Dartmouth Ave  
909-607-0690

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

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

Members of the Clergy including the McAlister Center chaplains.  
McAlister Center for Religious Activities  
919 North Columbia Avenue  
909-621-8685

Pomona College Ombuds Office: Conchita Serri  
Harvard Building/McCarthy Building Suite 103  
Campus Email: [conchita.serri@pomona.edu](mailto:conchita.serri@pomona.edu)  
Private/Secure Email:  
[PomonaCollegeOmbuds@hotmail.com](mailto:PomonaCollegeOmbuds@hotmail.com)  
909-621-2328

### Alternative Resources

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

#### Pomona College Advocates

Campus Email: [advocates@pomona.edu](mailto:advocates@pomona.edu)

909-503-7972

Advocates are a trained student group who are available through on-call system to assist students who have experienced sexual assault or misconduct on a 24/7 basis. The Advocates can be contacted at any stage of the processes discussed herein. They are a College designated confidential resource, but do not have legal confidentiality

Project Sister Sexual Assault 24/7 Crisis Hotline (Claremont, CA):  
909-626-HELP (909-626-4357)

House of Ruth (24/7 Crisis Hotline for Domestic violence support)  
877-988-5559

National Sexual Assault 24/7 Crisis Hotline (RAINN):  
800-656-HOPE

### **B. Retaliation Policy**

Retaliation is defined as the taking of an adverse action by any student, faculty or staff member against another individual as a result of that individual's exercise of a right under this Policy, including participation in the reporting, investigation or hearing as provided in this Policy. Retaliation includes adverse actions intended to improperly deter involvement of another in these procedures set forth in this Policy, and may involve actions intended either to intimidate or to penalize individuals for their participation. Retaliation is strictly prohibited by law and this Policy; any person who is found to have engaged in retaliation shall be subject to disciplinary action. Persons who believe that they have been retaliated against for making a complaint/report or for cooperating in an investigation or hearing should immediately contact the Title IX Coordinator. A complaint filed in good faith under this Policy shall not constitute retaliation.

### **C. False Reporting Policy**

It is a violation of College policy to file a knowingly false complaint under this Policy of alleged discrimination, harassment and/or sexual misconduct. A complaint by an individual against another based on the filing of a knowingly false complaint may be pursued using the steps followed for sexual misconduct harassment, and discrimination, harassment, and sexual misconduct related complaints as outlined in this Policy and may be filed only after there is

completion of the underlying complaint. A complaint filed in good faith under this provision shall not constitute a false report. A finding of no responsibility is not, by itself, evidence that the underlying complaint was not filed in good faith.

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

1. The Title IX Coordinator's Intake and Initial Review

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

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

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

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

2. Support Person/Advisor

The Complainant and Respondent may each have a support person of their choosing present with them at all meetings and any hearing associated with a complaint and in which the respective individual is participating. The support person can be the advisor of choice of the student, and can include a current member of the Claremont Colleges community or an external support person, including a lawyer. The support person cannot have involvement in the

underlying case. The support person may attend, but shall not participate in, meetings or the hearing. Because this is an administrative process, any legal counsel present as the party's support person during any related proceedings, including, but not limited to, investigatory interviews, hearing, or any other related discussion or meeting, shall be permitted only in a non-participatory advisory role.

In addition, at least three days (72 hours) prior to any hearing, the Complainant and Respondent may each notify the Title IX Coordinator that both a support person and advisor/lawyer will be present during the hearing (no more than two individuals in total); the request should be in writing and should identify the persons the Complainant or Respondent wishes to be present during the hearing. Again, both the support person and advisor/lawyer shall be permitted only in a non-participatory advisory role.

### 3. Case Manager

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

### 4. Interim Measures and Support Resources

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

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



A Complainant or Respondent may request a “no-contact” letter or other protection. Not all of the measures listed in this section will be necessary in every case. If an individual identifies an interim measure that is not already provided by the College, the College will consider whether the request can be granted. In those instances where interim measures affect both a Complainant and Respondent, the College will minimize the burden on the Complainant wherever appropriate.

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

Other interim measures and available support services may include:

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

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

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

The Title IX Coordinator and Title IX Coordinator’s Team will take all reasonable steps to respond to a complaint consistent with a Complainant’s requests for confidentiality. However, the team’s ability to do so may be limited based on the

nature of a Complainant's request. For example if a Complainant requests that the Complainant's name or other identifiable information not be shared with the Respondent or that no formal action be taken, the College may be limited in its ability to fully respond to the complaint. The College will balance the Complainant's requests with its responsibility to provide a safe and non-discriminatory environment for all College community members and to afford a Respondent fundamental fairness.

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

## 6. Conclusion of the Initial Review

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

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

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

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

### **E. Time Frames for Resolution**

The College seeks to resolve all reports of violations of this Policy, especially those involving sexual misconduct, within sixty (60) calendar days of the initial intake of the complaint by the Title IX Coordinator or its designee. The College seeks to complete the investigation phase, including the Investigation Report, in thirty (30) calendar days, and the post-investigation response and hearing process, though not including the appeals processes, in thirty (30) calendar days. The Policy also includes other specific deadlines which fall within the 60 day time frame. The College seeks to complete any appeals processes within forty (40) calendar days. While all time frames expressed in this Policy are not rigid requirements, they are meant to be followed except upon showing of good cause. Circumstances may arise that require the extension of time frames.

Circumstances that may require the extension of time frames include the

complexity of the allegations, the number of witnesses involved, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances. The College will seek, if possible, to continue investigations or scheduling of hearings during breaks, or if the student is on leave or off-campus due to study abroad or other reasons. Due to the time frame expectations for these kinds of cases, the College acknowledges that academic deadlines, and curricular and/or co-curricular commitments may have to be delayed or not met; they do not constitute bases or rationales for delay. As the College recognizes that the investigation and adjudicative processes take precedence over academic deadlines and/or commitments, the College will provide academic accommodations, including reduction of course loads and other accommodations.

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

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

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

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

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

In cases involving potential criminal misconduct, individuals are encouraged to file a report with the CPD by calling 911 or contacting CPD directly:

570 West Bonita Avenue  
909-399-5411

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

## 2. Compliance with California Education Code Section 67383

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

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

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

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

DFEH Los Angeles Office  
611 W. Sixth Street, Suite 1500  
Los Angeles, CA 90017  
(213) 439-6799

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

Office for Civil Rights (OCR)  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012  
TDD#: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

## G. Truthfulness

All participants in an investigation and/or hearing are expected to cooperate fully and provide only truthful statements and responses in all meetings and/or

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

#### H. Investigation Procedures

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

1. Complaints Involving Allegations of Sexual Misconduct, including Sexual Assault Against Student Respondents
  - a. Appointment of Investigators

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

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

b. Appointment of External Adjudicator

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

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

c. Expert Consultation(s)

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

d. Investigation Overview

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

After concluding their investigation, the Investigators will draft an Investigation Report summarizing witnesses interviewed, evidentiary materials gathered, and conclusions concerning any violations of College policy. The Investigation

Report shall identify the evidence considered material to the Investigators' recommendation that the case should or should not move forward to a hearing, and will provide explanation of the Investigators' characterization of evidence for purposes of reaching their conclusion. The Investigators will normally complete their investigation and deliver the Investigation Report to the Title IX Coordinator within 30 calendar days.

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

e. Post-Investigation Meetings with Parties

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

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

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



receipt of either the Statement of Alleged Policy Violation or Results Notification Memorandum. Exceptions to the seven-day period will be limited and rare.

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

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

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

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

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

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

g. Respondent Takes Responsibility: Overview

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

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

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

h. Appeal of Results Notification Memorandum

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

2. Complaints Involving Allegations of Sexual Misconduct, including Sexual Assault, Against Faculty and Staff Respondents

a. Appointment of Investigators

The Title IX Coordinator will select one external investigator, and may select one internal investigator employed by Pomona College, both chosen from a pool of investigators trained in the College's policies and procedures, trauma-informed

response, Title IX investigations, and the dynamics of sexual harassment and sexual violence; however, where one of the involved parties is from a different Claremont College, a single external investigator may be selected. The Investigator(s) will meet with the Complainant to review the complaint, related policies, and these procedures.

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

b. Expert Consultation(s)

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

c. Investigation Overview

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

After concluding their investigation, the Investigator(s) will draft an Investigation Report summarizing witnesses interviewed, evidentiary materials gathered, and conclusions concerning any violations of College policy. The Investigation Report shall identify the evidence considered material to the Investigators' conclusion that it is more likely than not or less likely than not that a College policy violation occurred, and will provide explanation of the Investigators' characterization of evidence for purposes of reaching their conclusion. The Investigator(s) will normally complete their investigation and deliver the Investigation Report to the Title IX Coordinator within 30 calendar days.

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

d. Post-Investigation Meetings with Parties

In cases involving faculty respondent(s), as well as cases involving staff respondents that also implicate a student as a complainant or respondent, the Title IX Coordinator will then meet with the Complainant and Respondent, separately, to discuss the content of the Statement of Policy Violations or the Results Notification Memorandum and to provide them with copies of the document along with copies of the Investigators' report (redacted if appropriate).

In all other cases involving staff respondents, once the Investigation Report is completed, the Title IX Coordinator reserves the right to prepare an Investigation Summary, which summarizes the Investigation Report, and provide only the Investigation Summary to the Complainant and Respondent along with the relevant Statement of Policy Violations or the Results Notification Memorandum.

To protect the integrity of the College's various investigatory and/or hearing processes, these documents shall be kept confidential by the parties involved and not shared with witnesses or persons not involved in the matter. However, Complainants and Respondents are not prohibited from sharing these documents with family, counsel, or a support person/advisor. Neither the Complainant nor the Respondent are required to meet with the Title IX Coordinator, and may decline to do so.

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

After meeting with the Title IX Coordinator to review the conclusions of the investigation, and/or after receiving either the Statement of Policy Violation or Results Notification Memorandum, either party may submit a written response to the Title IX Coordinator for review by the College's External Adjudicator to

request that the External Adjudicator to overturn the determination of the Title IX Coordinator's assessment based on (i) improper investigative procedures and/or (ii) the discovery of new evidence that was not reasonably available at the time of the investigation interviews.

Such written responses, if any, must be submitted within seven (7) calendar days after receipt of either the Statement of Policy Violation or Results Notification Memorandum. Exceptions to the seven-day period will be limited and rare. Any party asserting improper investigative procedures should outline additional steps that party believes are necessary for a proper investigation, including:

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

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

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

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

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

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

f. Respondent Takes Responsibility: Overview

If the Respondent takes responsibility, then the Title IX Coordinator will forward the documents to the appropriate Vice President for a determination of sanctions. The Vice President will determine sanctions in consultation with the Title IX Coordinator and/or the College's Office of Human Resources and in conformity with this Policy. In so doing, the Respondent's prior conduct shall be taken into account when determining a sanction.

The Complainant will be informed of the Respondent's decision to take responsibility, and has the opportunity to submit an Impact Statement for consideration by the Vice President. Similarly, the Respondent has the opportunity to submit a Mitigation Statement following their decision to take responsibility for the violation(s). The Impact and Mitigation Statements, each no longer than 1,500 words, must be submitted within three (3) calendar days.

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

All submissions should be sent to the Title IX Coordinator. The Title IX Coordinator will provide any statement(s) to the appropriate Vice President. The Vice President will then have fourteen (14) calendar days to reach a determination of sanctions.

g. Appeal of Results Notification Memorandum

In response to a Results Notification Memorandum, the Complainant may appeal the Title IX Investigators' determination to the External Adjudicator. Any written response to the Results Notification Memorandum will be forwarded by the Title IX Coordinator to the External Adjudicator for review and analysis, along with the Investigation Report and supporting evidence. As above, the External Adjudicator has seven (7) calendar days from its appointment and receipt of these documents to review these documents and make any of the following

decisions: (i) if the underlying Investigation Report had concluded that it was more likely than not that a policy violation had occurred and the Title IX Coordinator disagreed and had issued a Results Notification Memorandum, the External Adjudicator may affirm the Investigator's conclusion that it was more likely than not that a policy violation occurred and forward the underlying complaint and Investigation Report to the appropriate Vice President for a determination of sanctions; (ii) if the underlying Investigation Report had concluded that it was less likely than not that a policy violation had occurred, and the Title IX Coordinator agreed, the External Adjudicator may disagree and send the matter back for further investigation; or (iii) review and reject claims of improper investigative procedure/new evidence. The decision of the External Adjudicator may not be appealed, and any further appeals by either party in any other internal process may not be based on the ground of improper investigative procedures.

h. Response by the Parties to the Statement of Policy Violation and Review by appropriate Vice President

After meeting with the Title IX Coordinator to review the conclusions of the investigation, and/or after receiving the Statement of Policy Violation (following resolution of an appeal to the External Adjudicator (if any)), each party may submit a separate Impact or Mitigation statement, no longer than 1,500 words, to the Title IX Coordinator for review by the appropriate Vice President for a determination of sanctions. The Impact Statement is a written statement describing the impact of the Respondent's conduct on the Complainant and expressing a preference about the sanction(s) to be imposed. The Mitigation Statement is a written statement explaining any factors that the Respondent believes should mitigate or otherwise be considered in determining the sanctions(s) imposed.

Sanctions for a violation of these policies by faculty, staff and third-party respondents may range from a warning, suspension, campus ban(s), or termination, as appropriate. Nothing in this Policy alters an employee's at will employment status. Intermediate sanctions may include suspension or required attendance at training courses and seminars, among other things. In appropriate cases, the relevant Vice President may temporarily suspend an individual (with or without pay, if the individual is a member of the College's staff) accused of violating this policy pending an investigation. Other interim steps, such as separating the Complainant and Respondent or modifying work schedules, may also be employed while the investigation is in progress. The College will also take steps to prevent recurrence of any discrimination or harassing conduct and will also take steps to correct any discriminatory effects on the Complainant(s) or other students, faculty, staff, or contractors, if appropriate.

In addition, the Respondent's prior conduct shall be taken into account when

recommending a sanction. For staff and faculty respondents, the appropriate Vice President may consult with the College's Office of Human Resources if appropriate to ensure consistency of sanctions/discipline and will have access to the complete record of the case in order to determine any sanctions to be imposed or corrective action to be taken. The Vice President may consider any or all of the following in determining sanctions to be imposed on the violator:

- (1) the impact of the conduct on the Complainant;
- (2) the impact of the conduct on the community, its members, or its property;
- (3) the Respondent's prior discipline history;
- (4) how the College has sanctioned similar incidents in the past;
- (5) the nature and violence of the conduct at issue;
- (6) whether the Respondent has accepted responsibility;
- (7) whether the Respondent is reasonably likely to engage in the conduct in the future based on pattern and practice evidence heard and considered by the investigator;
- (8) the need to deter similar conduct by others; and
- (9) any other mitigating or aggravating circumstances, including the College's values.

The appropriate Vice President will communicate the decision to the Title IX Coordinator and the parties within two weeks. The Complainant's copy of the report of the details of the sanction(s) imposed on Respondent, if any, may be limited in the copy of the panel's report given to Complainant due to Respondent's FERPA or other applicable rights to privacy concerning educational or work records. The relevant Vice President will also enter the decision into the Respondent's file. It is the College's intent that the sanction(s) imposed will be implemented immediately; however, any decision rendered may be subject to applicable grievance and arbitration procedures of any applicable collective bargaining agreement.

Pursuant to the Faculty Handbook, termination of a tenured appointment, or of a term appointment before its expiration occurs only for adequate cause. For faculty respondents, if the Vice President for Academic Affairs/Dean of the College determines that dismissal is appropriate, he/she will consult the procedures of the "Pomona College Dismissal Policy" found in the Faculty Handbook, and initiate related proceedings as appropriate. In applying these procedures, the finding that the policy has been violated will not be revisited. The sole decision is whether the specific policy violation constitutes acts sufficient to support adequate cause for termination or dismissal. If the Respondent is a member of the executive staff of the President, the President will serve as the disciplinary authority to determine sanctions. If the President is the Respondent, the Chair of the Board of Trustees will serve as the disciplinary authority to determine sanctions.



3. Complaints Involving Gender-Based Discrimination/Harassment and No Allegations of Sexual Misconduct

a. Initial Intake of Complaint

Upon receipt of a complaint of gender-based discrimination/harassment with no allegations of sexual misconduct, the Title IX Coordinator or its designee will consult with the Complainant. The Title IX Coordinator or its designee will obtain consent from the Complainant before beginning an investigation.

b. Initial Determinations by Title IX Coordinator

The Title IX Coordinator, or its designee, may, after speaking with Complainant, determine that the conduct complained about clearly does not constitute sexual harassment or sex discrimination and so inform the Complainant. The Title IX Coordinator or its designee may also determine that although the conduct does not constitute sexual harassment or sex discrimination, if left unchecked, it could develop into sexual harassment or sex discrimination. In this case, the Title IX Coordinator or its designee will speak with the individual(s) engaging in this conduct and/or take other steps to prevent such harassment or discrimination from occurring.

c. Expert Consultation(s)

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

d. Informal Resolution by Title IX Coordinator or Mediator

In some circumstances, where both parties are amenable, the College may choose informal resolution as an alternative to the hearing process provided in this Policy. This alternative process will adhere to Title IX standards.

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

1. A meeting of the Title IX Coordinator or Deputy Title IX Coordinator, the Complainant, and the Respondent; and/or
2. A meeting between the Title IX Coordinator or Deputy Title IX Coordinator and the Respondent; and/or
3. A recommendation of training courses or seminars for either

- principal; and/or
4. Referral of the case to a mediator who has both legal and/or personnel relations experience. The mediator will discuss the issues with both principals and seek appropriate actions by the principals involved to reach an acceptable resolution.

None of the informal resolution alternatives above are options for resolution in cases involving allegations of sexual assault. This informal procedure is intended to resolve actual or perceived instances of harassment and discrimination through agreement and mutual understanding between the parties involved without the need for more formal action by the College. Mediation will normally be completed within four weeks although it may take longer.

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

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

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

- e. Investigation and Hearing Process Before External Adjudicator

In all cases where informal resolution attempts are not made or have failed, and where there are disputes to resolve, the Title IX Coordinator will refer the case to investigation and, where appropriate, set the case for hearing before the External Adjudicator for student respondents as set forth in this Policy. For faculty, staff and third-party respondents, the Title IX Coordinator will refer cases to investigation, and, where appropriate, forward the case for a determination of sanctions/further proceedings as set forth in this Policy. For student respondents, the procedure for formal hearings will normally be completed within 60 calendar days of receipt of the Complainant's written statement or a written statement by the Title IX Coordinator, although the process may sometimes take

longer.

## **V. HEARING PROCEDURES INVOLVING STUDENT RESPONDENTS**

### **A. Hearings Before External Adjudicator: Overview**

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

### **B. Role of Title IX Coordinator**

The Title IX Coordinator will refer the written complaint, if any, the Statement of Alleged Policy Violations, the Investigation Report, and the response, if any, to the External Adjudicator. The External Adjudicator is supported by the Title IX Coordinator, who will be present during the hearing, to serve as a resource for the External Adjudicator on issues of policy and procedure, and to see that policy and procedure are appropriately followed throughout the hearing. In that role, the Title IX Coordinator may request that the College's legal counsel be present during any meeting or hearing. If the External Adjudicator determines, by a preponderance of the evidence, that the Respondent has violated the Policy, the External Adjudicator, in consultation with the Title IX Coordinator, will determine the appropriate sanction.

### **C. Scope of Hearing**

The External Adjudicator may only find responsibility for claims or supporting allegations that appear on the Statement of Alleged Policy Violations prepared by the Title IX Coordinator. In cases involving complaints against students where related complaints are submitted to the Title IX Coordinator and the Dean of Students Office pursuant to the Student Code, the investigation and/or hearing of both the sexual misconduct, harassment and/or discrimination complaint and the Student Code violation(s) will be decided by the External Adjudicator, as discussed herein.

## D. Hearing Protocols

### 1. Timing

The External Adjudicator will conduct a prompt, thorough, and unbiased hearing. Hearings will be held as soon as practicable, normally within two weeks of circulation of the Investigation Report, including between semesters due to the availability of witnesses, etc. The parties will receive notice of any delay of convening a hearing.

### 2. Review and Consideration of Evidence

The External Adjudicator will base its determination whether behavior constitutes sexual misconduct, harassment, and/or discrimination under this Policy on the evidence presented. With respect to other violations of the Student Code, the External Adjudicator will consult with the student dean advising the Judicial Council. The External Adjudicator will invite the Complainant and Respondent to appear before it, and will hear and question witnesses, if there are any. The Complainant and Respondent may be present at the hearing if they choose or they may choose to participate in the hearing remotely. However, neither party shall be allowed to directly question or cross-examine the other during the hearing. Five (5) calendar days prior to the hearing, questions, if any, shall be submitted to the External Adjudicator by both parties in writing, who will then decide whether those questions are relevant to the matter and in compliance with Title IX requirements; this does not preclude either party from submitting additional written questions during the hearing for the External Adjudicator's consideration.

In addition, five (5) calendar days prior to the hearing, the parties shall, for the External Adjudicator's consideration, the names of any material witnesses, if any, they suggest be called and a summary of information each witness would provide through his/her testimony. (Character witnesses are not permitted.) Names of witnesses provided by the complainant/respondent will be shared with the other party. Further, the Complainant shall be offered the opportunity to participate in the hearing without being in the presence of the Respondent, or accommodations can be made so the Complainant may participate in the hearing without facing the Respondent. The External Adjudicator will conduct a hearing and will review whatever information it deems necessary to assist it in reaching a determination as to the merits of the charge, including information obtained by the Investigators during the investigation.

### 3. Review and Consideration of "New" Evidence

If the External Adjudicator determines that "new" evidence that did not come to light during the investigation has been presented during the hearing, the External Adjudicator may adjourn the hearing for a period that the External Adjudicator

deems appropriate to enable the Complainant and/or Respondent to respond to such evidence. Evidence is considered “new” only if the External Adjudicator finds the evidence is relevant and important and could not with a reasonable effort have been discovered earlier by the party and provided to the investigator.

#### 4. Confidentiality of Proceedings

The hearings will be closed, except to the Complainant and the Respondent, their respective advisor/support person and their respective Case Manager. The advisor/support person may consult with the party during the hearing but may not address the External Adjudicator. Once the hearings have ended and the process of deliberation has begun, the meeting will be closed to all but the External Adjudicator and the Title IX Coordinator.

#### 5. Impact and Mitigation Statements

Within two (2) calendar days of the close of the hearing, either party may submit a separate Impact or Mitigation statement, no longer than 1,500 words, that will only be read and considered by the External Adjudicator upon a finding of responsibility. These statements should be sent to the Title IX Coordinator, who will forward the submissions to the External Adjudicator upon a finding of responsibility. Upon a finding of responsibility, the Title IX Coordinator will also ensure that each of the parties will receive any statement submitted by the other party.

The Impact Statement is a written statement describing the impact of the Respondent’s conduct on the Complainant and expressing a preference about the sanction(s) to be imposed. The Mitigation Statement is a written statement explaining any factors that the Respondent believes should mitigate or otherwise be considered in determining the sanctions(s) imposed.

#### 6. Decisions by External Adjudicator

Decisions of the External Adjudicator following the hearing will be limited to the following issues: (i) whether a violation of this Policy has occurred; and (ii) upon a finding of responsibility, an appropriate sanction. As soon as a decision on the case is reached, it will be summarized in a writing containing factual findings and the basis for the conclusion, prepared by the External Adjudicator within 10 calendar days of the hearing.

#### 7. Determination of Sanctions by External Adjudicator

The External Adjudicator, upon a finding of responsibility, shall determine sanctions for student Respondents. The sanctions may include remedial or corrective actions as warranted (including, but not limited to, extension of or expansion or any interim measures already in place). In general:

- Expulsion is the expected sanction for any student who is determined to have committed sexual assault involving sexual penetration and force and/or incapacity.
- Any determination of responsibility for committing sexual assault involving sexual penetration without force or incapacitation may result in a sanction ranging from suspension of no less than one-year or the Complainant's remaining tenure on campus (whichever is longer) to expulsion.
- Any determination of responsibility for committing sexual assault involving sexual contact may result in a sanction ranging from conduct probation up to expulsion.
- Any determination of responsibility for engaging in any other prohibited form of conduct may result in a sanction ranging from conduct warning to expulsion.

The External Adjudicator will not deviate from the range of recommended outcomes unless compelling justification exists to do so. The External Adjudicator may issue a single sanction or a combination of sanctions. In considering the appropriate sanction within the recommended outcomes, the External Adjudicator will consider the following factors:

- (1) the impact of the conduct on the Complainant;
- (2) the impact of the conduct on the community, its members, or its property;
- (3) the Respondent's prior discipline history;
- (4) how the College has sanctioned similar incidents in the past;
- (5) the nature and violence of the conduct at issue;
- (6) whether the Respondent has accepted responsibility;
- (7) whether the Respondent is reasonably likely to engage in the conduct in the future based on pattern and practice evidence heard and considered by the investigator and/or External Adjudicator;
- (8) the need to deter similar conduct by others; and
- (9) any other mitigating or aggravating circumstances, including the College's values.

Absent compelling justifications, if the Respondent has previously been found responsible under College policy to have engaged in the same or similar conduct in the past, the sanction will be expulsion.

The following list of sanctions is illustrative rather than exhaustive, and the College reserves the right to impose other reasonable sanctions or to combine sanctions as it deems appropriate:

Conduct Warning—A written notification that a violation of the Student Code occurred and that any further responsible finding of misconduct may result in

more severe disciplinary action. Warnings are typically recorded for internal purposes only and are not considered part of a student's permanent student conduct record. Though disclosed with a student's signed consent, a student who receives a warning is still considered in good standing at the College.

Conduct Probation—A written notification that indicates a serious and active response to a violation of the Student Code. Probation is for a designated period of time and includes the probability of more severe sanctions, if found responsible for additional violations of the Student Code, including suspension or expulsion from the College. Notification of probation is considered a change in status and will normally be sent to parents. Probation may also include restrictions from certain activities, such as registered parties, or all activities with alcohol.

Loss of Privileges—Denial of the use of certain College facilities or the right to participate in certain activities or to exercise certain privileges for a designated period of time.

Residential Relocation or Suspension from Housing—Relocation is the reassignment of a student from one living space to another. Residential Suspension is the removal of a student from on-campus housing. Relocation and Residential Suspension are typically accompanied by the loss of privileges regarding the visitation to specific residential areas for a specified period of time. The College may take such action for remedial, rather than disciplinary purposes. These actions may also be part of interim measures.

Educational Requirements/Referrals—The College reserves the right to impose counseling or substance assessments or other required educational sanctions.

College Suspension—The separation of a student from the College for a specified period of time, after which the student is eligible to return. Conditions for re-enrollment may be required and will be included in the notification of suspension.

During the period of suspension, the student may not participate in College academic, co-curricular, or extra-curricular activities; may be banned from all property owned or operated by the College, as well as the other Claremont Colleges. Students who are suspended may not be on campus without specific, written permission of the Dean of Students or designee.

Suspension is for a designated period of time and includes the probability of more severe sanctions, including expulsion, if found responsible for violations of the Student Code. Notification of suspension will normally be sent to parents, as it results in a change of status.

Expulsion—Expulsion is the permanent separation of the student from the College. Students who have been expelled may not be on campus without specific, written permission from the dean of students or designee. Notification of expulsion will normally be sent to parents, as it results in a change of status.

#### 8. Other Remedial Decisions by External Adjudicator

The External Adjudicator should also consider other remedial actions that may be taken to address and resolve any incident of discrimination or harassment and to prevent the recurrence of any discrimination, including strategies to protect the Complainant and any witnesses from retaliation; provide counseling for the Complainant; other steps to address any impact on the Complainant, any witnesses, and the broader student body; and any other necessary steps reasonably calculated to prevent future occurrences of harassment.

#### 9. Transmission of External Adjudicator's Decision and Report

In the case of student Respondents, the External Adjudicator will communicate their decision and hearing report in writing to the Title IX Coordinator within 10 calendar days. The External Adjudicator and Title IX Coordinator may communicate during this period if there any outstanding issues that require clarification or explication. Once the decision and report by the External Adjudicator is received by the Title IX Coordinator, the Title IX Coordinator will inform each of the parties simultaneously and provide in writing the decision and hearing report. The Complainant's copy of the decision, report and details of the sanction(s) imposed on the Respondent, if any, may be limited in the copy of the External Adjudicator's report given to Complainant due to Respondent's FERPA or other applicable privacy rights. A copy of the decision and report will also be provided to the Vice President for Student Affairs/Dean of Students who will also enter the decision into the Respondent's record and will be placed in permanent confidential records in the Dean of Students office and available to the Title IX Coordinator and External Adjudicators.

The sanction(s) imposed will be implemented immediately and will be in effect pending the outcome of any appeal.

### **VI. APPEAL PROCEDURES INVOLVING STUDENT RESPONDENTS**

Either party may appeal the determination of responsibility or sanction(s) by the External Adjudicator in writing to the Vice President for Student Affairs/Dean of Students or its designee. The appeal must be filed within 10 calendar days of receiving the written notice of outcome.

Dissatisfaction with the outcome of the hearing is not grounds for appeal. The limited grounds for appeal are as follows:



**A. Improper Hearing Procedure.**

The party may appeal if the procedures outlined in the Policy are violated. The Vice President/Dean of Students shall consider

- a. Whether provisions of the Policy were violated in such a clear manner as to deny the appealing party consideration of the party's position during the hearing; and
- b. Consideration of the party's position would have led to a different finding concerning the alleged violation of the Policy.

**B. New Evidence.**

During the standard hearing process, sufficient time is allowed to gather all available evidence. However, in extraordinary circumstances a party may appeal if new evidence becomes available. The Vice President/Dean of Students shall consider

- a. Whether the evidence was genuinely unavailable and could not have been made available through the appellant's diligent efforts at the time of the original hearing; and
- b. Whether the evidence would have led to a different conclusion had it been available.

**C. Sanctions.**

The sanctions imposed were grossly disproportionate to the violation committed.

Requests for appeal and responses to the same shall not exceed 5,000 words (approximately 20 pages double-spaced). Non-conforming submissions will not be considered beyond the first 20 pages. Late submissions will not be accepted. The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for the appeal. Upon receipt of an appeal, the Vice President/Dean of Students will notify and provide a copy of the appeal to the other party. That party shall then have an opportunity to respond in writing to the appeal; any response must be submitted within five (5) calendar days from receipt of the appeal.

The appeal consideration will be conducted in an impartial manner by the Vice President/Dean of Students. In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The appeal is not a new review of the underlying matter. The Vice President/Dean of

Students shall consider the merits of an appeal only on the basis of the three (3) grounds for appeal and supporting information provided in the written request for appeal and the record of the original hearing. The Vice President/Dean of Students can affirm the original findings, alter the findings, and/or alter the sanctions, depending on the basis of the requested appeal.

If the appeal is granted based on procedural error(s) that materially affected the outcome of the hearing, the Vice President/Dean of Students will return the case to the External Adjudicator for additional review or forward the case for a new hearing, which may be heard by an alternate External Adjudicator if the Dean of Students finds that to be appropriate.

In the case of new and relevant information, the Vice President/Dean of Students can recommend that the case be returned to the original adjudicator to assess the weight and effect of the new information and render a determination after considering the new facts.

Absent extenuating circumstances, the Vice President/Dean of Students will simultaneously and in writing communicate the result of the appeal to the Complainant and Respondent within 30 calendar days from the date of the submission of all appeal documents by both parties. Appeal decisions are final.

The parties will receive notice of any delay of written notice of any appeal decision. Any sanctions imposed shall remain in effect while the appeal is being considered. In cases where the appeal results in reinstatement to the College or of privileges, all reasonable attempts will be made to restore the individual to their prior status, recognizing that some opportunities lost may be irretrievable.

## **VII. SPECIAL PROVISIONS**

### **A. Attempted Violations:**

In most circumstances, the College will treat attempted conduct as if that conduct had been completed.

### **B. College as Complainant:**

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

### **C. Alcohol and substance use:**

The use of alcohol or other drugs will never function as a defense for any behavior that violates College policy.

**D. Good Samaritan Policy:**

Sanctions related to alcohol or drug policy violations will not be imposed on individuals cooperating in an investigation or hearing.

**E. Past Sexual History:**

The past sexual history of a party will generally not be admissible by the other party in an investigation or hearing unless such information is determined to be highly relevant by the Title IX Coordinator. If the party believes the past sexual history of the other party is relevant to the investigation and/or hearing they must submit a written request to the Title IX Coordinator explaining the nature of the information and why the information is relevant to the investigation and/or hearing. The External Adjudicator, in consultation with the Title IX Coordinator, will review the request and render a decision.

**F. Respondent's Prior Conduct History:**

Generally, any previous College policy violation(s) by the Respondent are generally not admissible as information about the present allegation. However, the Title IX Coordinator may supply information about previous behavior and/or complaints to the Investigator(s) or the External Adjudicator if:

1. The Respondent was previously found to be responsible for a similar violation; or
2. The information indicates a pattern of behavior by the Respondent and substantial conformity with the present allegation.

A Respondent's prior conduct will be taken into consideration by the External Adjudicator or appropriate vice president (when applicable) when determining what sanction(s) to recommend or impose. See the section on Sanctions.

**G. Recording of Proceedings**

The College will audio record the hearing, but will not record any related deliberations by the External Adjudicator. The College will maintain a copy of that recording and will provide the parties with a copy of that recording, as well as a transcript of that recording, upon request. The recording and any related transcript are subject to the same protections as other documents related to the hearing and may not be shared or disclosed outside of the parties and their support persons. The parties and any support persons present are not permitted to record the proceedings under any circumstances.

## **H. Record Retention**

The Title IX Coordinator will review and retain copies of all reports generated as result of investigations. These records will be kept confidential to the extent permitted by law. Records of investigations and hearings are maintained by the College for five (5) years as indicated below.

If the Respondent is a student, the records will be maintained for five (5) years past the student's graduation or if the student leaves the College before graduation, for five (5) years past their original expected graduation date.

## **VIII. RIGHTS OF PARTIES INVOLVED IN A PROCEEDING UNDER THESE POLICIES**

### **A. Complainants are afforded the following rights:**

1. To be treated with respect, dignity, and sensitivity throughout the process.
2. To be advised and informed of the support services available from the College, including, but not limited to, the Case Manager, and those provided by the Project Sister rape crisis counselor, Monsour Counseling and Psychological Services.
3. For student Complainants, to confidentiality and protection under the Family Education Rights and Privacy Act (FERPA). For all Complainants, the College will make all reasonable efforts to ensure the preservation of privacy, restricting access to information to those with a legitimate need to know.
4. To be informed of the College's Policy and procedures related to discrimination, harassment, and sexual misconduct.
5. To a prompt and thorough investigation of the allegation(s).
6. To challenge the appointment of the Investigator(s) or the External Adjudicator if a conflict of interest is present.
7. To participate or decline to participate in the process related to a discrimination, harassment, and/or sexual misconduct complaint with the understanding that the process may continue without their involvement and that the Investigator and/or External Adjudicator will determine an outcome with the information available to it.
8. To appeal the decisions and/or sanctions made pursuant to this Policy.
9. To be notified, in writing, of the case resolution – including the outcome of any appeal.

10. To report the incident to law enforcement or civil authorities if one wishes to do so.
11. To understand that information collected in this process may/could be subpoenaed for a criminal or civil proceeding.
12. To have a support person/advisor.
13. To have a Case Manager.

**B.** Respondents are afforded the following rights:

1. To be treated with respect, dignity, and sensitivity throughout the process.
2. To seek support services through the College, including, but not limited to, the Case Manager and those through Monsour Counseling and Psychological Services.
3. For student Respondents, to confidentiality and protection under the Family Education Rights and Privacy Act (FERPA). For all Respondents, the College will make all reasonable efforts to ensure the preservation of privacy, restricting access to information to those with a legitimate need to know.
4. To be informed of the College's Policy and procedures related to discrimination, harassment, and sexual misconduct.
5. To a prompt and thorough investigation of the allegation(s).
6. To challenge the appointment of the Investigator(s) or the External Adjudicator if a conflict of interest is present.
7. To participate or decline to participate in the review procedure, with the understanding that the process will continue regardless and the Investigator and/or External Adjudicator will determine an outcome with the information available to it.
8. For student and faculty Respondents, to appeal the decision and/or sanctions made pursuant to this Policy.
9. To be notified, in writing, of the case resolution – including the outcome of the appeal.
10. To understand that information collected in this process may be subpoenaed in criminal or civil proceedings.
11. To have a support person/advisor.
12. To have a Case Manager.

## **IX. THE COLLEGE'S EXTERNAL REPORTING OBLIGATIONS**

### **A. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ( the "Clery Act")**

#### **1. Statistical Reporting:**

Certain College officials have a duty to report certain misconduct for federal statistical reporting purposes. All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include: student/conduct affairs, campus law enforcement, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

#### **2. Timely Warning:**

Complainants should also be aware that College administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. For purposes of the Timely Warning requirement, the College will not disclose a Complainant's name. However, the College will provide enough information for community members to make safety decisions in light of the danger. The reporters for timely warning purposes are exactly the same as detailed in the paragraph above.

### **B. FERPA**

The outcome of a campus hearing is part of the educational record of the Respondent, if they are a student, and the employee record if they are a faculty or staff member. The educational records of students are protected from release under a federal law, FERPA. The College complies with FERPA regulations regarding the privacy of student records and observes the following exceptions to FERPA as mandated by the Clery Act:

- The Complainant(s) in a non-consensual sexual contact/intercourse incident have the right to be informed of

the finding, and sanction(s) of the investigation or hearing, in writing, except that any documents prepared for or as a result of any investigation and/or hearing shall remain protected from re-disclosure.

- The Complainant(s) in sexual exploitation, sexual harassment, stalking, relationship violence and any other gender-based offense have the right to be informed of the finding, in writing, and to be informed of any sanction(s) that directly relate to them, and to essential facts supporting the outcome when the outcome is “responsible” (and the underlying offense is a crime of violence as defined below and in 34 C.F.R. 99.39) and/or it is equitable to share the essential findings with all parties.
- The College may release publicly the name, nature of the violation and the sanction(s) for any student who is found in violation of a College policy that is a “crime of violence,” including: arson, burglary, robbery, criminal homicide, sex offenses, assault, intimidation (which may encompass stalking and/or bullying), hazing, destruction/damage/vandalism of property and kidnapping/abduction. The College will release this information to the Complainant in any of these offenses regardless of the outcome.

## **X. SEXUAL MISCONDUCT PREVENTION AND RISK REDUCTION**

### **A. Prevention:**

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner and yourself. These suggestions may help you avoid committing a nonconsensual sexual act and reduce your risk of being accused of sexual misconduct:

1. Clearly communicate your intentions to your sexual partner and give them a chance to clearly communicate their intentions to you.
2. Understand and respect personal boundaries. Do not pressure a potential partner.
3. **DON'T MAKE ASSUMPTIONS** about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you **DO NOT** have consent and you should stop.
4. If you think you are receiving unclear or conflicting messages from your partner, this is a clear indication that you should stop, defuse any sexual tension and communicate better.

5. Don't take advantage of someone's drunkenness, drugged, or otherwise incapacitated state, even if they did it to themselves.
6. Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
7. Understand that consent to some form of sexual behavior does not automatically equal consent to any other form of sexual behavior.
8. Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language. If you are not sure, stop.

**B. Risk Reduction**

Risk reduction tips can, unintentionally, take victim-blaming tone. With no intention to victim-blame, and with recognition that only those who commit sexual violence are responsible for such conduct, these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act.

1. If you have sexual limits, make them known as early as possible.
2. If you do not want to engage in a particular activity, tell the other person "NO" clearly and firmly.
3. Try to remove yourself from the physical presence of a sexual aggressor, if you can do so safely.
4. If someone is nearby, ask for help or if it is safe to do so, text or call someone.
5. Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
6. Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to enter a dangerous situation. Respect them when they do.



## APPENDIX A: Overview of Initial Review Checklist

During the Title IX Process, the Title IX Coordinator or its designee(s) will:

- assess the nature and circumstances of the allegation;
- address immediate physical safety and emotional well-being of the Complainant and the College community;
- discuss with the Complainant the range of interim measures and remedies, including options for no-contact orders, changes in living, academic, transportation, working situations;
- provide the Complainant with information about on- and off-campus resources, including the College-appointed support options, and visa and immigration assistance, as appropriate;
- provide information about their student financial aid options, as appropriate;
- obtain the Complainant's expressed preference for the manner of resolution and assess any barriers to proceeding;
- provide the Complainant with an explanation of the anticipated time frames for the resolution process if the Complainant wished to move to an investigation;
- provide the Complainant with an explanation of the limitations on the College's response should the Complainant choose to remain anonymous;
- provide information about a sexual assault and harassment policy Case Manager and information about an adviser of their choice, including legal counsel;
- determine if concerns exist for discrimination or harassment based on other protected classes;
- explain the College's policies for confidentiality and prohibiting retaliation, as described in the Policy and provide a writing explaining confidentiality;
- explain the difference between confidential and non-confidential resources;
- assess the reported conduct for the need for a timely warning notice under federal law;
- determine if pattern of evidence or other similar conduct by Respondent exists;
- determine if any issues of academic freedom exist, which may be reviewed by the Dean of the College or designee;

- submit non-identifying information about the report to Campus Safety for entry into the College's daily crime log if the report includes a Clery-reportable crime;
- provide the Complainant with a written explanation of the Complainant's rights and options as set forth in this Policy, including, but not limited to:
  - the right to report, or decline to report, the incident to law enforcement if the conduct is potentially criminal in nature. The College is available to assist in this process;
  - the right to obtain a "no-contact" order from the College, or local authorities;
  - the right and importance of seeking medical treatment to address physical health and to preserve evidence;
  - the right to file a complaint through the applicable internal complaint resolution process;
  - the right to receive an explanation of the internal complaint resolution process and the preponderance of the evidence standard of proof used to resolve the complaint ("more likely than not");
  - the right to be provided a prompt, fair, and impartial investigation and resolution; and
  - the right to receive an explanation of the possible sanctions against Respondents.
- provide the Respondent with a written explanation of the Respondent's rights and options as set forth in this Policy, including, but not limited to:
  - the right to participate, or decline to participate, in any investigation and hearing;
  - discuss with the Respondent the range of interim measures and remedies, including options for no-contact orders, changes in living, academic, transportation, working situations;
  - provide the Respondent with information about on- and off-campus resources, including the College-appointed support options, and visa and immigration assistance, as appropriate;

- the right to receive an explanation of the internal complaint resolution process and the preponderance of the evidence standard of proof used to resolve the complaint (“more likely than not”);
- the right to be provided a prompt, fair, and impartial investigation and resolution; and
- the right to receive an explanation of the possible sanctions against Respondents.

# APPENDIX E

## Discrimination and Harassment Investigation and Response Procedures

APPROVED BY THE BOARD OF TRUSTEES  
MAY 13, 2017

### **XI. INTRODUCTION**

Pomona College is committed to maintaining an environment of mutual respect among its students, faculty, staff and other members of the Pomona College and the Claremont Colleges community. All forms of discrimination and harassment, whether on the basis of sex, gender identity and expression, pregnancy, religion, creed, color, race, national or ethnic origin, ancestry, sexual orientation, medical condition, physical or mental disability, age, marital status, veteran status, family care leave status, genetic characteristics and information, or any other basis described in the College's Non-Discrimination Policy or otherwise prohibited by state or federal law, undermine that foundation of respect and violate the sense of community vital to the College's educational mission.

These Discrimination and Harassment Investigation and Response Procedures ("Procedures") reinforce the College's Non-Discrimination Policy's strict prohibition of discrimination against, or the harassment of, any individual at the College or at College activities occurring away from campus, including but not limited to all individuals regularly or temporarily employed, studying, or with an official capacity at Pomona College (such as Trustees, guest lecturers, volunteers, and contractors). Persons violating the Non-Discrimination Policy will be subject to disciplinary action up to and including discharge from employment, or expulsion from the College. Nothing in this Policy alters an employee's at will employment status.

Certain types of discrimination and harassment complaints will be addressed under some of the College's other policies. Sexual misconduct offenses, which are a form of sexual harassment, are exclusively processed pursuant to the College's Sexual Misconduct, Harassment and Discrimination Policy and Procedures ("Sexual Misconduct Policy"). Gender discrimination involves treating someone unfavorably on the basis of that person's gender. When a complaint contains both sexual misconduct or gender discrimination claims as

well as other claims of harassment and discrimination (e.g., race, religion, national origin), all related complaints will be investigated and adjudicated (if appropriate) under the College's Sexual Misconduct Policy.

It is the responsibility of all faculty, staff and students at the College to ensure compliance with the Non-Discrimination Policy. Individuals who believe they are being harassed or discriminated against, have observed harassment of, or discrimination against, another person at the College, or believe such conduct has occurred, should immediately report the incident following these Procedures.

Because harassment and discrimination can also constitute violations of federal and state law (Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and/or Section 12940 of the State of California Government Code), individuals who feel that they have been subjected to harassment or discrimination may, in addition to notifying the College by using the complaint reporting procedures below, file a complaint with the appropriate state or federal agencies, as detailed below.

Consistent with California Education Code Section 94367, the definition of harassment contained in this policy and its application to student speech shall be subject to the limitations of the First Amendment to the United States Constitution and Article 1, Section 2 of the California Constitution.

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

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

## **XII. SCOPE OF PROCEDURES**

These Procedures apply to all Pomona College faculty, staff, students, and third parties, such as campus visitors and vendors who may have contact with members of the College community either on the College's campus or at other College events and programs. Students employed by the College will be considered students for purposes of these Procedures. If the subject of the complaint (hereafter referred to as "Respondent") is an employee or student from one of the

other Claremont Colleges or the Claremont University Consortium (“CUC”), the College will investigate the matter and take steps to stop the conduct and remedy its affects to the extent reasonably possible; however, procedures related to any disciplinary action against the Respondent will be those of the Respondent’s home institution. Throughout the complaint, investigation and/or disciplinary process, the College will maintain its authority to take action to ensure the rights of the parties. In addition, as to Respondents who at any time were previously enrolled at the College, the College’s jurisdiction and disciplinary procedures extend to harassment and discrimination which occurs on Claremont Colleges premises, at an activity sponsored by any of the Claremont Colleges, and conduct which occurs off campus, even if it occurs outside of an academic term or when the student is not otherwise enrolled at the College. Moreover, the College retains the authority to administer this Policy with respect to any such conduct by a student Respondent (while a student) even if the student subsequently graduates, withdraws, takes leave, or is otherwise absent from the College, and even if the College does not learn of such conduct until after the student graduates, withdraws, takes leave, or is otherwise absent from the College.

These Procedures are administrative in nature and are separate and distinct from the criminal and civil legal systems. A complainant who uses these Procedures is not precluded from pursuing legal action now or in the future. If the conduct in question is alleged to be a violation of both College policy and public law, the College will proceed with its normal process, regardless of action or inaction by outside authorities. Decisions made or sanctions imposed through these or other College procedures are not subject to change because criminal or civil charges arising from the same conduct are dismissed, reduced, or rejected in favor of or against the Respondent, unless otherwise compelled by a court of competent jurisdiction.

In the event of a conflict with any other Claremont Colleges policy, these Procedures will prevail. Changes to these Procedures may be made with the approval of the Board of Trustees and/or the President.

### **XIII. PROHIBITED CONDUCT UNDER NON-DISCRIMINATION POLICY**

These Procedures specifically apply to **Discrimination, Harassment or Retaliation** prohibited on any basis described in the College’s Non-Discrimination Policy or otherwise prohibited by state or federal law.

Discrimination involves treating someone unfavorably on the basis of any of the characteristics enumerated in the College’s Non-Discrimination Policy. Discrimination also can involve treating someone less favorably because of his or her connection with an organization or group that is generally associated with people sharing any of these characteristics.

Harassment refers to unwelcome behavior that is offensive, fails to respect the rights of others and interferes with work effectiveness. Forms of harassment under the Non-Discrimination Policy include, but are not limited to the following:

- a. Verbal: Innuendos, epithets, derogatory slurs, off-color jokes, threats, suggestive or insulting sounds.
- b. Visual/Non-Verbal: Derogatory posters, cartoons or drawings; offensive emails, objects or pictures; graphic commentaries; obscene gestures.
- c. Physical: Unwanted physical contact including touching; interference with an individual's normal work or movement; assault.

#### **XIV. PROCEDURES FOR INITIATING HARASSMENT AND DISCRIMINATION COMPLAINTS**

These Procedures govern the reporting, initial review, investigation, and resolution of complaints of alleged violations of the Non-Discrimination Policy (not otherwise within the scope of the Sexual Misconduct Policy) when they involve Pomona College students, faculty, staff, and/or third-party Respondents.

##### **A. Reporting Alleged Harassment and/or Discrimination**

Individuals who believe they have been subjected to harassment and/or discrimination, or have witnessed such conduct, are encouraged to report such conduct immediately to the following College representatives:

Harassment and Discrimination Grievance Coordinator ("Grievance Coordinator")

**Brenda Rushforth, Assistant Vice President/CHRO  
909-607-1686; Email: [brenda.rushforth@pomona.edu](mailto:brenda.rushforth@pomona.edu)  
Office: Pendleton Building**

Grievance Intake Officers ("Intake Officers"):

**Lisa Beckett, Professor of Physical Education and  
Associate Director of Athletics  
909-621-8428; Email: [lisa.beckett@pomona.edu](mailto:lisa.beckett@pomona.edu)  
Office: Rains Center 225**

**Fernando Lozano, Associate Professor of Economics  
and Associate Dean of the College  
909-621-8518; Email: [fernando.lozano@pomona.edu](mailto:fernando.lozano@pomona.edu)  
Office: Carnegie Building 215**

**Ellie Ash-Bala, Associate Dean, Student Affairs;  
Director, Smith Campus Center  
909-621-8611; Email: [ellie.ash-bala@pomona.edu](mailto:ellie.ash-bala@pomona.edu)**

**Office: Smith Campus Center Suite 244**

**B. Evaluation of Complaint for Possible Violation of the Sexual Misconduct Policy**

In appropriate circumstances, Intake Officers will confer with the Title IX Coordinator who will determine if the complaint brought under these Procedures implicates elements of the College's Sexual Misconduct Policy. If the Title IX Coordinator determines that the complaint involves the Sexual Misconduct Policy, then all aspects of the complaint (including other claims of harassment and/or discrimination outside the scope of the Sexual Misconduct Policy) will be investigated and adjudicated (as appropriate) under the College's Sexual Misconduct Policy.

**C. Expectations of Privacy**

The College will make all reasonable efforts to maintain the privacy of the parties involved in an investigation for a complaint as well as the privacy of the details of an investigation and, except where permitted by law, the sanctions imposed. This may include redacting private, sensitive information unrelated to the facts and circumstances of the case pursuant to the federal Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) and other privacy protections, as well as the College's instant Procedures. In cases involving students, all documents provided as part of an investigation may not be disclosed to any other party under FERPA as such documents constitute education records which may not be disclosed outside of the proceedings, except as may be required or authorized by law. All investigations will be considered private matters that will not be discussed outside the process; this includes any witnesses.

Complainants and Respondents are not prohibited from sharing details of complaints with their family/partner. Those persons are also expected to maintain the same level of privacy as Complainants and Respondents.

**D. Retaliation Policy**

Retaliation is defined as the taking of an adverse action by any student, faculty or staff member against another individual as a result of that individual's exercise of a right under these Procedures, including participation in the reporting, investigation or disciplinary process. Retaliation includes adverse actions intended to improperly deter involvement of another in these Procedures, and may involve actions intended either to intimidate or to penalize individuals for their participation. Retaliation is strictly prohibited by law and by various College policies; any person who is found to have engaged in retaliation shall be subject to disciplinary action. Persons who believe that they have been retaliated



against for making a complaint/report or for cooperating in an investigation or disciplinary process should immediately contact the Grievance Coordinator.

A complaint filed in good faith under these Procedures shall not constitute retaliation. A complaint by an individual against another based on the filing of a knowingly false complaint may be pursued using the steps followed for harassment and discrimination-related complaints as outlined in these Procedures and may be filed only after there is completion of the underlying complaint. However, it is a violation of these Procedures to file a knowingly false complaint of alleged discrimination and/or harassment.

**E. The Grievance Coordinator's Intake and Initial Review of a Complaint**

1. The Grievance Coordinator and Grievance Coordinator's Team

The Grievance Coordinator's primary jobs are to administer these Procedures in order: (i) to provide equitable and prompt resolution of complaints and (ii) to uphold the College's Non-Discrimination Policy. At any time, the Grievance Coordinator may appoint a designee to fulfill some or all of its duties as set forth in these Procedures.

Although a report may come in through many sources, the College is committed to ensuring that all reports of harassment and/or discrimination are referred to the Grievance Coordinator, ensuring consistent application of these Procedures.

The Grievance Coordinator may enlist the Grievance Coordinator's Team to assist in the review, investigation, and/or resolution of the complaint. Members of this team include the Grievance Coordinator, its designee and intake officers. At any point during the process, from initial intake through the final resolution, the Grievance Coordinator and the Grievance Coordinator's Team may consult with appropriate experts or with the College's legal counsel.

Depending on the relationship of the Complainant and the Respondent to the College (student, staff, faculty, or other) and the nature of the complaint, additional Grievance Coordinator's Team members may include representatives from other Pomona or CUC offices as necessary, such as Campus Safety, Dean of Students, Dean of the College, or the College's Office of Human Resources. The members of this Team oversee the resolution of the reported harassment or discrimination through these Procedures.

2. Meeting with Complainant

The first step of the Initial Review will typically include an initial meeting between the Complainant and the Grievance Coordinator or a member of the Grievance Coordinator's Team. The purpose of the meeting is to gain a basic understanding of the nature and circumstances of the complaint; it is not intended to be a full investigation interview. At this meeting, the Complainant will be provided with information about resources and procedural options (including informal resolution/mediation options, if appropriate).

### 3. Interim Measures

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

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

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

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

#### 4. Conclusion of the Initial Review

At the completion of the Initial Review, the Grievance Coordinator will determine whether to refer the report for further investigation. The Complainant may choose not to go forward with an investigation; however, the College has the discretion to take any measures that ensure that any discrimination or harassment is remedied.

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

The Grievance Coordinator will separately inform the Complainant and the Respondent that retaliation is prohibited by law under the Title VII, and California state law (e.g., Fair Employment and Housing Act), as well as College policy.

NOTE: Student Respondents will not be eligible to be considered for graduation until the completion of the entire process, including investigation and disciplinary review (if applicable). In such circumstances, fair and reasonable efforts will be made to expedite the process, including seeking the cooperation of all parties.

#### **F. Reporting Options Outside of the College: State and Federal Enforcement Agencies**

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

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

In addition to the College's internal remedies, staff, faculty and students should also be aware that the agencies below investigate and prosecute complaints of prohibited harassment and discrimination in employment and the broader campus environment (as appropriate). These agencies may be contacted at the addresses listed below:

#### **Equal Employment Opportunity Commission (EEOC) Los Angeles District Office**

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

**Department of Fair Employment and Housing (DFEH) Los Angeles Office**

611 W. Sixth Street, Suite 1500  
Los Angeles, CA 90017  
(213) 439-6799

2. Prohibited Harassment and Discrimination - Reporting to Federal Enforcement Agencies

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

**Office for Civil Rights (OCR)**

400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012  
TDD#: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)<mailto:OCR@ed.gov>  
Web: <http://www.ed.gov/ocr>

**XV. INVESTIGATION PROCEDURES FOR DISCRIMINATION/HARASSMENT COMPLAINTS (NON-GENDER-BASED)**

The following procedures apply once a determination has been made by the Grievance Coordinator to proceed with an investigation, and where appropriate, disciplinary review. These procedures will normally be completed within 90 calendar days of receipt of the Complainant's written statement or a written statement by the Grievance Coordinator, although the process may sometimes take longer.

**A. Appointment of Investigators**

The Grievance Coordinator will select investigator(s), who may either be external, third-party or an internal investigator employed by the College.

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

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

### **B. Written Statement by Complainant**

As part of the investigation process, the Grievance Coordinator or other investigator may ask, but may not require, the Complainant to submit a signed, written statement concerning the allegations. This statement should contain all relevant details, such as the names of the people involved, the names of any witnesses, and the times and locations of the alleged discriminatory or harassing behavior.

### **C. Investigation Structure**

In conducting an investigation, the Investigator will be particularly sensitive to concerns regarding retaliation relating to an individual's participation in the process as a party or witness. The Investigator will conduct interviews as needed with all appropriate individuals, including the Complainant and Respondent, and will gather any pertinent evidentiary materials.

After concluding the investigation, the Investigator will draft an Investigation Report summarizing witnesses interviewed, evidentiary materials gathered, and conclusions concerning any violations of College policy. The Investigation Report shall identify the evidence (or lack thereof) considered material to the Investigator's finding(s). The Investigator shall use the preponderance of the evidence standard of proof in resolving the complaint ("more likely than not").

#### **1. Cases Involving Student and Faculty Respondents**

Once the Investigation Report is completed, the Grievance Coordinator will provide a copy of the Investigation Report to the parties for review (redacted if appropriate).

After receiving the Investigation Report, the parties may submit a written response to the Grievance Coordinator for transmission to the College's Investigator. Such written responses, if any, must be submitted within seven (7) calendar days after receipt of Investigation Report. Exceptions to the seven-day period will be limited and rare.

Through this written response, either party may identify improper investigative procedures and/or the discovery of new evidence that was not reasonably available at the time of the investigation interviews. Any party asserting improper investigative procedures should outline additional steps that party believes are

necessary for a proper investigation, including:

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

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

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

Any response to the Investigation Report shall not exceed 5,000 words (approximately 20 pages, double-spaced). The Grievance Coordinator will also ensure that each of the parties will receive any response submitted by the other party. Late submissions will not be accepted.

The Investigator has seven (7) calendar days from receipt of these documents to review these submitted responses and related documents and make a determination of whether there were improper investigative procedures and/or whether there is new evidence, as defined in this section of the Policy, and make any of following decisions: (i) revise the Investigation Report; (ii) conduct further investigation; or (iii) review and reject claims of improper investigative procedures/new evidence.

If the Investigator confirms that it is more likely than not that a respondent is responsible for violating College policy, the Investigator prepares a Statement of Policy Violation, which will summarize why the College believes it is more likely than not that the alleged conduct did occur and the Respondent is responsible for violating College policy. If the Investigator confirms that it is less likely than not that respondent is not responsible for violation College policy, the Investigator prepares a Results Notification Memorandum, which will summarize why the College believes it is more likely than not that the alleged conduct did not occur and the Respondent is not responsible for violating College policies.

## 2. Cases Involving Staff Respondents

In cases involving staff respondents, once the Investigation Report is completed, the Grievance Coordinator will prepare an Investigation Summary, which summarizes the Investigation Report, and will provide only the Investigation Summary to the Complainant and Respondent.

**D. Disciplinary Review by Appropriate Vice President**

If the Investigation Report/Statement of Policy Violation concludes that that the alleged conduct did occur and the Respondent is responsible for violating College policy, the Grievance Coordinator will forward the Investigation Report and/or Investigation Summary for review by the appropriate Vice President for review and a determination of sanctions:

- the Vice President/Dean of Students will conduct this review for student respondents;
- the relevant Vice President for the particular business unit/division of the College will conduct this review for staff/third respondents;
- the Vice President for Academic Affairs/Dean of the College will conduct this review for faculty respondents.

Sanctions for a violation of these policies may range from a warning, suspension (with or without pay, if the individual is an employee of the College), campus ban(s), or expulsion/termination, as appropriate. Intermediate sanctions may include suspension or required attendance at training courses and seminars, among other things. The College will also take steps to prevent recurrence of any discrimination or harassing conduct and to correct any discriminatory effects on the Complainant(s) or other students, faculty, staff, or contractors, if appropriate.

The appropriate Vice President may consult with Grievance Coordinator and/or the College's Human Resources Department if appropriate to ensure consistency of sanctions/discipline and will have access to the complete record of the case in order to determine any sanctions to be imposed or corrective action to be taken. In addition, the Respondent's prior disciplinary conduct shall be taken into account when recommending a sanction.

The appropriate Vice President will communicate the decision in a notice to the Grievance Coordinator and the parties within two weeks. The Complainant's notice of the details of the sanction(s) imposed on Respondent, if any, may be limited due to Respondent's FERPA or other applicable rights to privacy concerning educational or work records.

If appropriate, the appropriate Vice President will also enter the decision into the Respondent's personnel file (if an employee) or academic record (if a student). It is the College's intent that the sanction(s) imposed will be implemented



immediately; however, any decision rendered may be subject to grievance and arbitration procedures of any applicable collective bargaining agreement. If the Respondent is a member of the executive staff of the President, the President will serve as the disciplinary authority to determine sanctions. If the President is the Respondent, the Chair of the Board of Trustees will serve as the disciplinary authority to determine sanctions.

## **XVI. SPECIAL PROVISIONS**

### **A. College as Complainant:**

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

### **B. Alcohol and substance use:**

The use of alcohol or other drugs will never function as a defense for any behavior that violates College policy.

### **C. Good Samaritan Policy:**

Sanctions related to alcohol or drug policy violations will not be imposed on students cooperating in an investigation or hearing.

### **D. Record Retention**

The Grievance Coordinator will review and retain copies of all Investigation Reports generated as result of investigations. These records will be kept confidential to the extent permitted by law. Records of investigations and disciplinary review are maintained by the College for five (5) years as indicated below.

If the Respondent is a student and there is a finding of responsibility for a Policy violation, the records will be maintained for five (5) years past the student's graduation or if the student leaves the College before graduation, for five (5) years past their original expected graduation date.