



2024-2025 Pitzer Student Handbook

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Code of Student Conduct



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Preamble

Pitzer College has a high respect for individuality among its students and acknowledges the right to explore, clarify and adopt individual values. The College makes no attempt to stand in loco parentis or to be responsible for the total life of its students. The College does, however, have the responsibility of encouraging an atmosphere where students, staff and faculty can safely and effectively pursue the goals of education and community living. All students are responsible for their own behavior and how this behavior impacts the community. The Code of Student Conduct seeks to protect the rights of the individual and the rights of the community with fairness, integrity and respect for the goals of all.

The Pitzer College Code of Student Conduct sets out definitions of rules and fair procedures within the Pitzer community. As members of this community, students are required to abide by all the policies and procedures of Pitzer College and The Claremont Colleges as well as all local, state and federal laws. It is each student's responsibility to be aware of the content of the Code of Student Conduct as well as other policies of the College, which are published in the Student Handbook.

This Code is reviewed periodically by the Judicial Council to reflect changes in community standards and is then adopted by College Council. Judicial Council shall have authority to make changes to the Code in order to comply with federal and state laws without College Council approval. However, when such changes are made, Judicial Council shall bring the changes to the attention of College Council, for approval in a timely fashion, and notice will be sent to students, faculty, and staff regarding the required changes.

Disciplinary authority for the Code of Student Conduct originates in the Board of Trustees, the President and the By-Laws of the College. The Judicial Council has the authority and responsibility to conduct hearings on charges of violations of the Pitzer College Code of Student Conduct, while the Office of Student Affairs (located in Scott Hall 120) is responsible for the administration of residential life policies, conducting administrative reviews, and for enforcing the disciplinary policies of the College.

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I. Definition of Terms

1. The term "charge" means a written statement of the provisions of the Student Code alleged to be violated and the factual circumstances surrounding the alleged violation.
2. The term "College" means Pitzer College.

3. The term "College-owned property" includes land, buildings, facilities and other property owned jointly or individually by any of The Claremont Colleges or property of any facility or institution owned by or affiliated with The Claremont Colleges.
4. The term "complainant" refers to the individual(s) initiating a complaint of a violation of the Code of Student Conduct, which may or may not result in a charge.
5. The term "complaint" means the set of circumstances or events reported to or being investigated by the Dean of Students Office, which may or may not lead to a written charge.
6. The "Dean of Students" is the official or the designees of the College appointed by the Pitzer College President and empowered by the Judicial Council through the College By-Laws to be responsible for administration of the Code.
7. The term "faculty member" means any person hired by Pitzer College and appointed by recommendation of the Faculty Executive Committee to conduct classroom or teaching activities.
8. The term "intercollegiate policy" means any of the several jointly adopted policies of The Claremont Colleges, which guide but do not supersede the procedures and policies of Pitzer College
9. The term "Judicial Council" means the group of both faculty members appointed by the Pitzer College Faculty Executive Committee, staff members appointed by the Staff Council, and student members elected by the student body of Pitzer College, who are authorized to hold hearings to determine whether a student has violated the Code of Student Conduct and to impose sanctions.
10. The term "judicial proceeding" means the procedures of a student disciplinary action, (either a Judicial Council hearing or Administrative Review) after a formal charge of a specific alleged violation of the Code of Student Conduct is made.
11. The term "may" is used in the permissive sense.
12. The term "member of The Claremont Colleges community" includes any person who is a student, faculty, or staff member, College official or any other person employed by the College(s).
13. The term "policy" is defined as the written regulations of the College as found in, but not limited to, the "Code of Student Conduct," the Student Handbook and the College Catalogue.

14. The term "respondent" refers to the person against whom an alleged violation of the Code of Student Conduct is charged.
15. The term "shall" is used in the imperative sense.
16. The term "student," for the purposes of the Code of Student Conduct, means an individual for whom the College maintains student records, and who a) is enrolled in or registered in an academic program or course of the College; b) has completed the immediately preceding term and is eligible for reenrollment, including the recess periods between academic terms; or c) is on an approved leave of absence. The Pitzer Code of Student Conduct also applies to a) applicants who become students, for offenses committed as part of their application process; b) applicants who become students, for offenses committed on campus and/or while participating in College related events or activities that take place following a student's submittal of the application through their official enrollment; and c) former students for offenses committed while a student.

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II. Judicial Authority

A. Investigation and Resolution of Disputes

1. *Investigation*

The Dean of Students is responsible for enforcement of the Code of Student Conduct and for ensuring that the rights of all students are upheld. When a complaint is made against a student, the Dean of Students shall conduct an investigation to determine if the alleged violation(s) has merit. If the alleged violation(s) is found to have merit, it will be addressed through different measures depending on the severity of the case. Any student against whom there might be a charge of a violation of the Code of Student Conduct has all the rights enumerated in Section VI of this code. In addition to these rights, the Dean of Students will provide the student(s) who is (are) being investigated or charged with access to the Code of Student Conduct.

2. *Resolution of Disputes*

A student charged with violating the Code of Student Conduct has the right to have a hearing before the Judicial Council for any alleged violation. However, in cases of alleged minor violations, complaints can often be resolved without a full Judicial Council hearing. Generally, there are three levels of disciplinary action de-

pending on the seriousness of the alleged violation. Additionally, there are circumstances when mediation may be the appropriate resolution procedure.

a. Residential Life

Complaints about student behavior and reports of alleged violations of residential life policies, such as noise policy, guest policy, pets, room changes, furnishings, etc. normally are first addressed by Office of Student Affairs staff. Such complaints are reviewed by a Residence Director and/ or Associate Dean of Students and examined in a conference with the student(s). Attempts at conflict mediation and reconciliation as well as resolution by imposition of sanctions for admitted violations may make unnecessary a formal judicial proceeding and bringing a charge. Resolution may entail a variety of responses, including no action, a warning, an educational or community service assignment, a fine, residential probation, restitution or some combination, depending on the severity of the case. A respondent may appeal the decision of the residence life staff to the Dean of Students. The appeal must be made in writing, and must be made within five class days of written notification to the student of the residence life staff member's decision. Grounds for appeal include violations of the student's rights as set forth in the Code of Student Conduct, insufficient or compelling new evidence, and/or severity of the sanction.

b. Administrative Review

In the event of repeated complaints regarding the same person or in cases of somewhat more serious alleged violations, but where the potential sanction would not usually be suspension or expulsion, the respondent has the choice of either an administrative review within the Dean of Students Office or to have the case heard by the Judicial Council. An administrative review offers privacy and possibility of negotiation of the case. If the student chooses an administrative review, the student does not have the right to a hearing before Judicial Council for the same alleged violation(s). If the student decides to have the case reviewed by Judicial Council, a charge is issued and a date and time is set for the Judicial Council hearing.

If the respondent chooses to have an administrative review, the Dean of Students will notify the respondent in writing of the alleged violation(s) including the specific circumstances or behaviors alleged to have violated that

policy or regulation. The review will include individual interview(s) with the respondent, the complainant, the alleged victim, any witnesses and the review of other documentation or materials relevant to the case. Advisers to the respondent, complainant, or alleged victim may be consulted beforehand, but will not be permitted to be present during the administrative review. The official who conducts the review will make a decision based on a preponderance of the evidence. That is, is it more likely than not that the respondent(s) is responsible for violating the Code of Student Conduct.

i. Finding of Responsibility

When a student is found responsible for a violation through an administrative review, the Dean of Students Office may impose sanctions. The range of sanctions that may be imposed includes, but is not limited to: community service, educational sanctions, referral to drug or alcohol counseling or rehabilitation, warning, probation, monetary fines, restitution, revoking of on-campus privileges (including on-campus housing), but does not include expulsion or suspension from the College. The respondent will be notified in writing of the results of the review. When a violation of the Code of Student Conduct is determined in an administrative review and sanction is imposed by the Dean of Students Office, appeal, if any, is submitted to the Vice President of Student Affairs. (See Section VII. E.). Grounds of appeal include violations of the student's rights as set forth in the Code of Student Conduct, insufficient or compelling new evidence, and/or severity of the sanction.

ii. Admitted Violations

When a student chooses the administrative review option and admits to the charge and to responsibility for a violation of the Code of Student Conduct (and it does not warrant suspension or expulsion), the Dean of Students Office may impose sanctions. If the student is not satisfied with the sanctions, the student can appeal to the Judicial Council for review of the appropriateness of the sanctions only.

All appeal cases brought before and heard by the Judicial Council shall be final and not subject to appeal to the President.

c. Judicial Council

Cases in which the possible sanction could be suspension or expulsion from the College or cases in which the student has chosen to have the case reviewed by Judicial Council will be referred directly to the Judicial Council by the Dean of Students Office (See Section VII for complete information on the Judicial Council hearing procedures).

Note: If a hearing to consider an alleged violation(s) is submitted to the Judicial Council, whether because it is chosen by the respondent or referred by the Dean of Students Office, the hearing procedures described in Section VII below will apply. In either case, preparation of charges and notification of the Judicial Council Chair will be the responsibility of the Dean of Students Office.

d. Mediation

Under circumstances of student behavior leading to conflict between two or more persons, mediation may be the recommended method of recourse. Mediation is intended to allow the parties involved to discuss their respective understandings of the incident through the assistance of a trained professional. Mediation is designed to encourage each person to be honest and direct with the other and to accept personal responsibility where appropriate. Its goal is to facilitate the resolution of the incident to the satisfaction of both parties involved and to produce a written agreement that is binding on both parties. Mediation is not a procedural option for cases of sexual misconduct. Requests for mediation should be filed with the Dean of Students by the complainant and/ or respondent and both parties must agree to enter into mediation. In addition, the Dean or their designee must agree that mediation is a desirable method for resolution of the case. All parties have to agree to the choice of the mediator. If the process proves unsatisfactory at any time during the mediation before an agreement is reached, the complainant may pursue other courses of action, such as filing a formal complaint against the respondent with the College.

The only parties present at the mediation session(s) are the individuals involved in the incident, an adviser of their choosing, and an experienced,

trained, or licensed non-student mediator. The parties shall be offered the opportunity to participate without physically facing each other, and if so requested, the mediator shall work out an acceptable arrangement. The mediator will listen to the parties and work with them to develop a written agreement on the key issues emerging from the incident(s), which may include an activity or restraints on behavior by which one or both parties agree to abide following the mediation. The outcome will be communicated to the Dean of Students or their designee within five class days. The written agreement will be kept in both students' discipline files located in the Office of Student Affairs and may be used for purposes of sanctioning in subsequent judicial matters.

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III. Proscribed Conduct

Violations of the Code of Student Conduct include:

A. Academic Dishonesty

Any member of the Pitzer community who is aware of academic dishonesty by a student has the responsibility to try to halt it, either by intervening immediately, or by speaking with the person committing it and by reporting it to the Dean of Students Office for possible referral to Judicial Council. If an instructor concludes that the standards of academic honesty have been disregarded, it is that instructor's responsibility to make the information available to the student, to report the incident to the Dean of Students Office and to tell the student that a report is being made. The faculty member may handle the case and impose any academic penalty including failure in the course. The faculty member should report the outcome to the Dean of Students Office. If a student disputes the incident or the severity of the penalty, the student may have a hearing before Judicial Council (See Faculty Decision Student Appeal below).

1. Cheating

No Pitzer student may intentionally use or attempt to use unauthorized materials, information, or study aids in an academic exercise or examination.

2. Claiming Credit Falsely

Intentional fraud, in which a student seeks to claim credit for the work or effort of another without authorization or uses unauthorized materials or fabricated infor-

mation in any academic exercise. Academic dishonesty can include forgery of academic documents, intentionally impeding or damaging the academic work of others or assisting other students in acts of dishonesty.

3. Coercion of Grading or Evaluation of Coursework

Threatening personal or professional repercussions or discipline against an instructor to coerce the instructor to change a grade or otherwise evaluate the student's work by criteria not directly reflective of coursework.

4. Facilitating Academic Dishonesty

Intentionally or knowingly helping or attempting to help another to violate this code of academic integrity.

5. Multiple Submissions

Multiple submissions includes, but is not limited to, the resubmission in identical or similar form by a student of any work which has been previously submitted for credit, whether at Pitzer or any other school, college, or university in one course to fulfill the requirements of a second course, without the informed permission/consent of the instructor of the second course. It also includes the submission for credit of work, in identical or similar form, in concurrent courses, without the permission/consent of the instructors of both courses.

6. Plagiarism

No Pitzer student shall appropriate the work of another or another - for example, parts of passages of another's writings, the ideas and language of another, the artistic compositions of another - and pass them off as their own work. Students may not use extracts from books, journals, or other sources without citation.

Faculty Decision Student Appeal

A student who wishes to challenge a faculty's determination in violation of academic dishonesty or the severity of the penalty may appeal to the Judicial Council. The appeal must:

- Be made in writing within thirty calendar days of the faculty's notice to the student;
- State specific grounds for any claim that the finding of responsibility was unwarranted or the penalty unjust; and

- Exception - students going abroad or on leave of absence have thirty calendar days from the beginning of the semester upon their return for an appeal if the review hearing is not able to be completed within the semester of the occurrence.
- Be delivered to the Office of Student Affairs.

A Dean will work with the Judicial Council Chair to notify the faculty of the student's appeal. Evidence and arguments relevant to the appeal will be presented to the Judicial Council, faculty member and the petitioning student. The appeal hearing will follow normal Judicial Council hearing procedures as outlined in the Code.

Under normal circumstances, the review hearing should be scheduled for a date not fewer than 5 or more than 25 class days from the time of the petitioner's formal appeal. The Judicial Council shall inform both the petitioner and the faculty member of the time, place and date of the review hearing.

Under extreme circumstances, either the respondent or the complainant may request waiver of the time limit for a hearing in writing to the Judicial Council Chair. A decision on the request will be made by the Judicial Council. All parties will then be notified of the date, time and location of the rescheduled hearing.

All academic appeal cases brought before and heard by the Judicial Council shall be final and not subject to appeal to the President. Decisions of the Judicial Council, on appeal, may differ from and/or include sanctions imposed by the faculty member.

B. Knowingly aiding another person in any violation of the Code of Student Conduct

No student shall knowingly aid another person in the violation of any rules contained in this Student Handbook.

C. Misuse, theft, or abuse of College computer time or accounts

D. Offenses against persons and property:

1. Harassment

a. General Harassment

Unlawful harassment is conduct that creates an intimidating, offensive, or hostile working or academic environment, or that interferes with work or academic performance based on a person's protected status, including race, color, national origin, ancestry, sex (which includes harassment based on gender, pregnancy, childbirth, or related medical conditions), sexual orientation, gender identity and expression, age, religion, physical or mental disability, medical condition, marital

status, veteran status, family care leave status, or other status protected by antidiscrimination and anti-harassment statutes, such as Titles VII or IX of the Civil Rights Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, and the California Fair Employment and Housing Act. Such harassment can be physical, verbal, or visual. Harassment can be committed by employers, coworkers, fellow students, and third parties. Generally, statements and/or conduct legitimately and reasonably related to the College's mission of education do not constitute harassment. (Refer to the [Discrimination and Harassment Policies and Procedures](#) for the complete policy.)

b. Sexual Harassment

Sexual harassment may be either "quid pro quo" harassment, that is sexual advances or requests for sexual favors 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. Sexually harassing conduct need not be motivated by sexual desire. (Refer to the [Discrimination and Harassment Policies and Procedures](#) for the complete policy.)

2. *Hazing Policy*

a. Policy Statement

Hazing can be psychologically and/or physically harmful to individuals, can damage organizations and teams, and undermines the educational mission and values of Pitzer College. Hazing is strictly prohibited by Pitzer College policy and California state law (Sections 32050 (245.6) and 32051 of the California Education Code and Section 48900 q of the California Penal Code). No student, College employee or volunteer, student organization, or athletic team, shall conduct or condone hazing activities. Violations of this policy will result in disciplinary action. If you have knowledge of hazing or potential hazing activities you should contact the Dean of Students Office who will investigate and take

action to stop the conduct.

b. Definition

Any act or the creation of a situation that tends to endanger the mental or physical health or safety of a student; an act or the creation of a situation which tends to humiliate or degrade a student; or an act or creation of a situation which destroys or removes public or private property when these are part of initiation, admission into, affiliation with or continued membership in a group or organization. An act or a situation becomes hazing when an organization creates the dangerous, illegal, or humiliating situation and exposes students to it.

A level of coercion is often involved in hazing; an individual being hazed may not feel they can opt out of participation because of peer pressure or a desire to belong or “fit in” to the group. Because of the socially coercive nature of hazing, this definition of hazing applies whether or not the participants consent to such activity or perceive the activity as “voluntary.”

Hazing does not include actions or situations that are part of officially sanctioned and supervised College activities such as athletic training and conditioning.

An individual can be responsible for violating this policy for soliciting, directing, aiding, or otherwise participating actively or passively in activities which violate this policy.

c. Examples

Hazing activities often involve alcohol; however, activities need not involve alcohol to violate this policy. Common examples of behaviors that can be hazing include, but are not limited to, the following:

- Engaging in or simulating sexual act
- Threatening to physically restrain someone or actually restraining them
- Assigning unreasonable chores or acts of servitude
- Causing excessive exercise, sleep deprivation or excessive fatigue
- Interfering with an individual's personal hygiene

- Requiring the wearing of specific apparel or acting in a way that is conspicuous and may cause the individual embarrassment or ridicule
- Degrading or humiliating games and activities, including paddling
- Activities that would unreasonably interfere with students' other activities or obligations (academic, extracurricular, family, religious, etc.)
- Physical threats or abuse of any kind including throwing objects or substances at an individual
- Encouraging or requiring a person to consume alcohol, drugs, or foreign or unusual substances, including consumption of large quantities
- Encouraging the use of alcohol or illegal drugs
- Forcing a student into a violation of the law or College policy such as indecent exposure, theft, or trespassing

The College will use a "reasonable person" standard when evaluating such conduct and its potential effects. The determination of whether a particular activity constitutes hazing will depend on the circumstances and context in which that activity is occurring. Some key questions which are used to evaluate whether an activity is hazing include:

- Was a person or group being singled out because of their status with the group or team?
- Was there a risk of physical or psychological discomfort or harm as a result of the activity? Was the activity demeaning, abusive or dangerous?
- Was there a level of coercion and/or peer pressure involved? How easily was someone able to opt out of the activity?
- Did the current members refuse to do what the new members were asked to do?
- Did the activity or activities interfere with the participants' other activities or obligations (academic, extracurricular, family, religious, etc.)?
- Was alcohol involved?
- Was there a sexual element to the activity?
- Did any of the activities violate College policy or federal, state or local law?

d. How to Avoid Hazing

There are many positive ways to welcome new members into a group or team.

Team coaches or the Dean of Students staff can assist you in identifying such activities which can help build cohesiveness and foster teamwork. When you are considering an activity associated with membership in an organization or team ask yourself: Would you feel comfortable describing the activity to others (parents, grandparents, College official, law enforcement, etc.)? If you would be hesitant to describe the activity to others then the activity may constitute hazing and the group would be best served in participating in a different activity.

3. Interference with College Activities

No Pitzer student shall act in an unauthorized way to make impossible the satisfaction of any physical condition necessary for the success of any authorized activity on College-owned property (by College-owned property we understand property owned jointly or individually by any of The Claremont Colleges, or property of any facility or institution owned by or affiliated with the Colleges.) Note: The intent of this policy is not to supersede the College Demonstration Policy as outlined in the handbook.

4. Physical Assault

No Pitzer student shall assault, hit, punch, or otherwise physically injure any person.

5. Property Offenses

No Pitzer student shall steal, embezzle, damage, or endanger the property or otherwise violate the property rights of others while on College-owned or operated property. This includes the properties owned and operated by any Claremont College.

6. Stalking

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to: (1) feel fear for their safety or the safety of others, or (2) suffer substantial emotional distress. Stalking includes behaviors or activities occurring on more than one occasion that collectively instill fear in a victim, and/or threaten their safety, mental health, or physical health. (See the [Discrimination and Harassment Policies and Procedures](#) for the complete Stalking Policy.)

7. Threatening or Endangering Conduct

No Pitzer student shall threaten or endanger the safety and/or well-being of any person.

8. Weapons

Possession, use, storage, or manufacture of firearms, ammunition, explosives, knives (for which its primary manufactured purpose is not for food use or preparation) and other weapons capable of causing bodily injury are prohibited on campus.

E. Providing false information

No Pitzer student shall knowingly provide false information in relation to the implementation or enforcement of any College policies, rules or regulations. This includes, but is not limited to, forging instructor or adviser signatures or add-drop sheets or petitions, giving false or misleading information to College employees and committees, and knowingly giving false testimony to Judicial Council in the course of a hearing.

F. Refusal of Compliance

No Pitzer student shall fail to present identification or comply with reasonable directions of a College official or other Claremont College official acting in the performance of their duties while on College property.

G. Sexual Misconduct

1. Non-consensual sexual contact

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

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.

2. *Non-consensual sexual intercourse*

Non-consensual sexual intercourse is:

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

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.

3. *Intimate Partner Violence:* The following alleged conduct will be addressed through the Complaint Procedures outlined in this document when the conduct is gender-based.

- a. Dating violence (as defined by the Violence Against Women Act) is violence committed by a person
 - i. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - ii. 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 Violence Against Women Act) 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 personal acts under the domestic or family violence laws of the jurisdiction.

4. *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 their 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:

- i. Invasion of sexual privacy;
- ii. Prostituting another person;
- iii. Non-consensual video or audio-taping of sexual activity;
- iv. Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- v. Engaging in voyeurism;
- vi. Knowingly transmitting a sexually transmitted infection, a sexually transmitted disease, or HIV to another person;
- vii. Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- viii. Sexually-based stalking.

5. *Sexual Assault:* "Sexual assault" (as defined by the Violence Against Women Act) 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 effective consent of the other individual involved. Sexual activity is any touching of a sexual or other intimate part of a person for the purpose of gratifying sexual desire of either party. This includes coerced touching of the actor by the victim as well as the touching of the victim by the actor, whether directly or through clothing.

Consent Defined: Effective consent is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable and clear 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. The legal age of consent in the state of California is 18 years.

- Consent to any one form of sexual activity does not imply consent to any other form(s) of sexual activity.

- A previous relationship or prior consent does not imply consent to future sexual acts.
- 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.

1. *Force and Coercion:* Consent obtained through force is not effective 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.

2. *Capacity/Incapacitation:* Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing effective consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction). Sexual activity with someone who one should have known to be - or based on the circumstances should reasonably have 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.

i. Incapacity due to alcohol or other substances: 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.

ii. 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.

H. Violating College policies and relevant laws described in the Student Handbook

This includes, but is not limited to, policies on:

1. Alcoholic beverages: See the [College Alcohol and Drug Policy](#) section of this handbook and the section on **state and local alcohol laws**.

Students are always encouraged to seek immediate and appropriate assistance and medical attention in alcohol or other drug related emergencies.

Students that experience an alcohol and/or other drug related hospitalization will not be subject to punitive measures; this does not preclude educational or rehabilitative measures.

Students who appropriately and cooperatively assist another student in receiving medical attention will not be subject to disciplinary proceedings for their actions.

2. Computer Use Policy (See [Computer User Agreement](#))

3. Fire and Safety: (See [Fire Safety Regulations](#))

4. Illegal drugs: (See [College Alcohol and Drug Policy](#) section of this handbook)

5. Other College or Claremont Colleges Policies

6. Outdoor art: (See [Public Art Policy](#))

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IV. Special Powers

A. Campus Emergency Policy

The President of Pitzer College, and in the President's absence the Dean of Faculty or Vice President for Administration, shall have authority to make appropriate decisions regarding any emergency that may arise on campus and to employ such means including the employment of counsel for this purpose.

B. Interim Suspension

Any student who, in the judgment of the Dean of Students or their designee, presents a clear and present danger to the health, safety, and/or welfare of the College community is subject to suspension from the College by the Dean of Students or their designee on

an interim basis, pending a hearing by the Judicial Council. Such a suspension does not prejudge that a violation has occurred. Interim suspension will be followed by speedy access to a full and fair hearing.

1. Appeals

A student whom a Dean of Students or their designee has placed on interim suspension pending a hearing may appeal such suspension to the President. The President shall issue their decision on such an appeal to the student in writing.

2. Circumstance for Lifting of Interim Suspension

Should Judicial Council in a hearing find that no violation of the Student Code occurred, the interim suspension shall be lifted.

C. Search of Rooms

Pitzer College respects the privacy of members of the College community. However, the College reserves the right to conduct searches of residence hall rooms if reasonable cause exists to believe that (1) activity is taking place which is detrimental to the health, safety, or welfare of the Pitzer College Community, or (2) that activity is taking place which constitutes a violation of the Code of Student Conduct.

Determination of reasonable cause is to be made by the Dean of Students or their designee. Every effort will be made to have present the student whose room is being searched. In addition, rooms may be entered for routine cleaning services and/or to inspect or repair plumbing, electrical, heating and cooling systems, or room furnishings.

D. Violations of Law

Whether through administrative or Judicial Council action, the College reserves the right to impose sanctions against students for conduct that may violate any federal, state, or local law on or off campus, even though such crimes may also be tried in the local courts. When a student is charged with a legal violation and College disciplinary action is also taken, campus proceedings may be carried out prior to, simultaneously with or following civil or criminal proceedings. The College's proceedings are not bound by any determinations of fact or law made in any civil or criminal proceedings.

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V. The College Judicial Council

A. Jurisdiction

The Judicial Council shall hold hearings, make determinations of fact and impose sanctions on any Pitzer College student determined to be in violation of the Code of Student Conduct. The Judicial Council shall have appellate jurisdiction in academic dishonesty cases and in administrative review cases where the student has admitted to violating the Code.

1. *Complaints*

Any person may bring a complaint against a Pitzer student to the Pitzer Dean of Students Office. The Dean of Students Office will attempt to resolve the case, if possible, including in some instances offering the respondent the option of having an administrative review (see Section II.A.2.b). If the complaint cannot be resolved, or if the respondent or the Dean of Students elects a Judicial Council hearing, the Dean of Students will forward the case by preparing a written charge to the Judicial Council.

Note: Complaints by students against faculty and staff follow different processes depending on the type of complaint. For instance, complaints against faculty and staff members involving allegations of harassment, sexual violence, or discrimination follow the complaint procedures outline in the **Discrimination and Harassment Policies and Procedures**. Office of Student Affairs staff can be very helpful in directing students to the appropriate policy when filing complaints.

2. *Intercampus complaints*

When Pitzer students are on the campus of another of The Claremont Colleges, they are expected to respect the regulations of that College as well as those of their own College. If a student of another College violates the regulations of the host College, judicial action may be brought against that student at their home college. The name of any students concerned, along with all pertinent information, will be sent to the Dean of Students of the College involved.

3. *Notice*

In cases coming before the Judicial Council, the Dean of Students Office shall formulate the charge, which shall be a written statement giving the relevant regulation or policy that has been allegedly violated and the specific behavior or sequence of behaviors alleged to have violated that regulation or policy. The respon-

dent will receive written notice of any violation according to the procedures outlined in Section VII.B.

4. *Temporary actions*

As a temporary measure, the administration of the host College may, at its own discretion, prohibit a student from coming onto its campus until judicial proceeding at the student's home college is complete. Such a prohibition shall be communicated to the student through that student's home college at the request of the host College.

B. Composition

The College Judicial Council shall consist of at least five student members, at least five faculty members, and at least five members of the staff. Student members must be in good academic and disciplinary standing, not subject to recall (who shall be elected by the student body). Faculty members will be selected by the Faculty Executive Committee. Members of the staff will be selected by Staff Council Representatives in consultation with the Office of Student Affairs. As much as possible, faculty, staff, and student members should represent the diversity of the student population. To that effect Student Senate should make every effort to seek appropriate gender balance and ethnic and other forms of diversity in the slate of student candidates for Judicial Council. Similarly, faculty and staff members should be chosen with the goal of ensuring approximate gender balance and ethnic diversity. The Chair and Alternate Chair shall be elected from among the voting membership of the Council. If the Chair and Alternate Chair are unable to serve due to a conflict of interest, Judicial Council may elect an ad hoc Chair for the purposes of a particular hearing. A Dean from the Office of Student Affairs will sit with the Council as an adviser on process and to represent the views of the College.

1. *Assembly notice*

Prior to the hearing, the respondent and the complainant will be notified of the names of those members of the Judicial Council who will be hearing the case. If either objects to any member or members of the board, the student may write to the Dean of Students requesting that those members be replaced. The letter must include an explanation for the objections. Removal from the hearing board will occur if and only if the Dean is convinced after investigating that absence of impartiality

would result in an unfair hearing by allowing that member/those members of the Judicial Council to adjudicate the incident. Requests for removal shall not be revealed to members of the Judicial Council. If there are insufficient numbers of faculty or students to reach a quorum, the Dean of Faculty and the Dean of Students shall appoint an ad hoc replacement from among the faculty or students who have received Judicial Council training before the hearing.

2. Quorum

Five members shall constitute a quorum of the Judicial Council for the purpose of meeting. For a hearing panel, a quorum shall consist of five members, including at least one faculty member, one staff member, and one student member.

C. Other

1. Reports

The Judicial Council shall report at least once per year to the College Council the numbers and types of cases heard, the difficulties it has encountered, the recommendations made and sanctions imposed, the appeals made to the President, and the decisions of the President. These reports are for the purpose of informing the Pitzer community of the general nature of its judicial matters and shall avoid identifying the persons involved.

2. Training

The Dean of Students Office shall design and be responsible for providing ongoing comprehensive training, in consultation with appropriate professional external agencies, in sexual misconduct, hate crimes, and other relevant topics to members of the Judicial Council.

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VI. Rights of Students Charged. (Bylaws, Art. VII. Sec. 7.7) Each respondent involved in a judicial proceeding shall have the following rights:

- Right to be presumed innocent until proven guilty.
- Right to be informed, in writing, of the charges against her/him and in sufficient time to prepare for judicial proceedings.
- Right to a speedy hearing or administrative procedure.

- Right to have a formal hearing before Judicial Council for any alleged violation of the Code of Student Conduct.
- Right to a hearing separate from that of another respondent.
- Right to be assisted in her/his defense during a Judicial Council hearing by an adviser of her/his choice who must be a student, faculty, or staff member of The Claremont Colleges.
- Right to consult an adviser of her/his choice prior to an administrative hearing, who is a member of The Claremont Colleges and is knowledgeable about the Code of Student Conduct.
- Right to face the person who has brought complaints against him/her (the “complainant”).
- Right to refuse to respond to questions that are self-incriminating.
- Right to call material and up to two character witnesses from the College community.
- Right to be free from a re-hearing for the same alleged violation.
- Right to be free of penalty or sanction if found not responsible for violation of the Student Code.
- Right to reconsideration of a decision on specific grounds (grounds for appeal are violation of a student's rights as set forth in the Code of Student Conduct, insufficient or compelling new information, and/or severity of the sanction).

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VII. Judicial Council Hearing Procedures

I. Purpose

The following are guidelines for conduct of Pitzer College Judicial Council hearings. This process does not intend to duplicate or imitate criminal or civil legal procedures.

Instead, the guidelines are meant: (a) to provide just and prompt investigations and constructive resolutions of complaints alleging violations of Pitzer College Code of Student Conduct, and (b) to provide fair treatment for all parties involved in disputes, namely those who have complaints as well as those against whom complaints are made.

II. Pre-Hearing Procedures

1. *Notification*

Complaints of alleged violations that are being referred to Judicial Council for a hearing shall be written and delivered to the accused student, the complainant,

and Judicial Council Chair by the Dean of Students Office. The copy to the respondent will constitute the student's formal notification of the charge(s) against themselves and the intent to hold a Judicial Council hearing. This written notification will include the complaint(s) against the respondent; the specific policies and portions of the Code of Student Conduct the respondent has allegedly violated; the student's rights as guaranteed in Article VII. Section 7.7. Pitzer College Bylaws; the nature of the information which will be presented against the student, as well as any written or recorded statements obtained during the Dean of Students Office investigation, and the sanctions which could be applied if the student were found in violation of the Code of Student Conduct.

2. Advisers

The respondent has the right to have an adviser, who must be a current member of the Claremont Colleges. However, in cases of sexual misconduct, the respondent has the right to an adviser of their choosing, which may include an adviser who is not a member of the Claremont Colleges. If the charges are serious enough that sanctions might result in suspension or expulsion from the College, the respondent is particularly advised to select an adviser to be present during the Judicial Council hearing. Advisers may not address the Judicial Council or pose questions to any participants in the hearing process. The sole responsibility of the adviser is to provide support and guidance to the student for whom they have chosen to advise. Advisers may not, at any time during the hearing, serve as a representative for or speak for the respondent or complainant. In cases involving allegations of sexual harassment or sexual misconduct, complainants will be afforded the same right to an adviser.

3. Scheduling

With the assistance of the Dean of Students Office, the Judicial Council Chair sets a date for the hearing. Under normal circumstances the hearing should be scheduled for a date not fewer than five and no more than twenty-five class days from the time the respondent was first formally notified of the charge(s) against themselves. The Dean of Students Office shall inform both the respondent and the complainant(s) of the time, place and date of the hearing. It is the responsibility of each party to inform their respective advisers of this information. The complainant(s) will have available to them all information sent to the respondent by the Judicial Council Chair at the same time as the respondent is notified.

4. *Time limit exception*

Under extreme circumstances, either the respondent or the complainant may request waiver of the time limit for a hearing in writing to the Judicial Council Chair. A decision on the request will be made by the Judicial Council. All parties will then be notified of the date, time and location of the rescheduled hearing.

III. Hearing Procedures

1. *Admissible information*

Judicial Council shall consider only information introduced at the hearing, before Council. Normally this will include a written statement from the complainant, from the respondent, and from any witnesses; it may also include responses to questions given during the hearing. Written statements will be considered only when the witness making the statement appears before the Judicial Council to answer questions about the statement. Character witnesses, if any, may state their knowledge of the character of the student for whom they are serving as a witness, and must refrain from comments on the character of other parties in the case.

2. *Hearing Attendance*

The person(s) bringing the complaint and the respondent shall have the right to be present during presentation of evidence and questioning of witnesses. The respondent shall have the right to be accompanied by an adviser of their choice.

a. Respondent

The respondent shall be informed of their rights and shall have an opportunity to speak and to present information on their own behalf. Should the respondent, having been properly notified of the date, time and place of the hearing, fail to appear at the time and place specified, the hearing shall proceed in the same manner as if the respondent were present, unless the Judicial Council decides by majority vote to postpone the hearing.

b. Complainant

In all Sexual Misconduct and Sexual Harassment cases, the complainant shall be offered the opportunity to participate in the hearing without directly facing the respondent. If so requested, the Judicial Council Chair shall make appropriate arrangements. For example, the room may be partitioned so that the complainant and the respondent do not see each other. The respondent

and the complainant shall have the opportunity to hear the testimony, have questions asked of the other party during the hearing process, and to hear responses.

c. Judicial Council Members

No member of Judicial Council shall join or rejoin deliberations after a hearing has begun. No member may be excused from a hearing once it has begun except for good cause and by a majority vote of the other members present, and then only if such action does not violate the quorum provisions of Section V.B.1. above. No member of Judicial Council who has not been present for the entire hearing shall participate in the decision or in subsequent discussion of sanctions.

d. Witnesses

Witnesses may participate in a hearing by physical presence, telephone conference, or video conference. Only one witness shall be allowed in a Judicial Council hearing at any one time. Advisers may also be called as a witness during a hearing. Witnesses, unless they are also serving as an adviser, may only be present during the hearing when they are called to testify.

3. Disruptive Behavior

No actions shall be taken in a Judicial Council hearing which would impede the orderly conduct of the hearing. Disruption of the Judicial Council is a violation of the Code of Student Conduct. The Chair may call for a recess of the hearing in the case of disruptive conduct, and the Chair may remove from the hearing witnesses, advisers, respondents, and complainants, for repeated disruptive behavior. The hearing may proceed if parties to the hearing are removed for repeated disruptive behavior.

4. General hearing process

Normally, the hearing conforms to the following order of procedure:

- a. Presentation of the written charge from the Dean of Students Office, questions from Judicial Council members to the Dean of Students designee and/or the complainant(s) regarding the complaint.
- b. Statements of witnesses on behalf of the complainant(s); questions from Council members to the witnesses.

- c. Statement of the respondent; questions from Council members to the respondent.
- d. Statements of witnesses on behalf of the respondent; questions from Judicial Council members to the witnesses.
- e. At the option of the Council, a second round of questioning of the complainant(s) and any supporting witnesses a majority of the Council wishes to hear in rebuttal.
- f. At the option of the Council, a second round of questioning of the respondent and any supporting witnesses a majority of the Council wishes to hear in rebuttal.
- g. Close of the hearing.
- h. Deliberation. Judicial Council hearing deliberations shall be closed to all parties of the hearing and shall include only Council members participating in the present hearing and the Dean of Students staff representative.

5. *Recess*

The Chair may at any time recess a hearing to provide for gathering additional information or simply to provide a break in the hearing or deliberation. A recess may be called to suspend a hearing to resume at a later date.

6. *Record Keeping*

A verbatim record (such as a digital recording) shall be made of every Judicial Council hearing for the purposes of appeal review only. This verbatim record shall be kept in the Dean of Students Office and shall remain confidential. The digital record shall be destroyed after the deadline for appeal has passed, or if the student appeals, after the final decision is made by the President.

7. *Questioning*

All questions during the hearing shall be asked by or to Judicial Council members. The purpose of the hearing is not to conduct a trial but to gain as full and fair an account as possible about the alleged violation and to determine whether a violation of the Code of Student Conduct has occurred. The respondent and the complainant(s) shall have the right to suggest questions to the Chair to be asked by Judicial Council members, but only Judicial Council members shall directly question the respondent, complainant, or the witnesses. The Chair, in consultation with

the Judicial Council, may modify the question process to facilitate the proceedings. The Chair may exclude irrelevant and unduly repetitious information.

8. Closed hearings

The hearing shall be closed to the public and outside spectators.

IV. Decision and Sanctions

1. Standard of Proof

The decisions of the Judicial Council shall be based on a standard of a preponderance of the evidence. In other words, the Judicial Council must show that it is more likely than not that the student is responsible for the alleged misconduct.

2. Consideration of Information

The decisions of the Judicial Council shall be based solely upon information introduced at the hearing before the Council. The direct statement of a witness, including the complainant, the alleged victim, and the respondent may be taken as evidence of any act. Statements made by any witness must be evaluated for bias, plausibility, credibility, and consistency along with other available information. Any relevant information may be admitted if it is the type on which reasonable persons are accustomed to rely in the conduct of serious affairs. Unruly, irrelevant or unduly repetitious information may be ruled out of order by the Chair.

3. Sanctions

If the Judicial Council finds that a violation of the Code of Student Conduct has occurred, Judicial Council will determine the appropriate sanctions.

The sanctions may include remedial or corrective actions as warranted. In determining appropriate sanctions when violations of the Student Code of Conduct are addressed, the College attempts to take an educational response. Students found responsible for misconduct under the Student Code of Conduct are assigned educational sanctions appropriate to the situation. Sanctions are fashioned in such a manner that will redirect behavior that is incongruent with the Code of Conduct, encourage responsible judgment and ethical reasoning, protect the community's rights and property, and discourage similar misconduct as deemed appropriate based upon the nature of the violation. The following list of sanctions is illustrative rather than exhaustive, and the College reserves the right to impose other sanctions or to combine sanctions as it deems appropriate:

- Warning - A written notification that a violation of the Code of Student Conduct occurred and that any further responsible finding of misconduct may result in more severe disciplinary action. Warnings are for a designated period of time, typically one calendar year. Warnings are recorded for internal purposes. A student who receives a warning is still considered in good standing at the College, with the warning being disclosed only with the student's written consent
- Conduct Probation - A written notification that indicates a serious and active response to a violation of the Code of Student Code. Probation is for a designated period of time and includes the probability of more severe sanctions, including suspension or expulsion from the College, if found responsible for additional violations of the Code of Student Conduct.
- Educational and/or Restorative Activities - Imposition of one or more restorative remedies to encourage a Respondent to develop insight about the prohibited conduct, learn about the impact of that prohibited conduct on the Complainant and the College community, and identify how to prevent that prohibited conduct in the future. This may include community service, mandatory participation in training, education and/or prevention programs related to the prohibited conduct, and/or educational program engagement regarding relevant behavior such as substance use.
- Loss of privileges - Denial of the use of certain College facilities or the right to participate in certain activities, events, and programs or to exercise certain privileges for a designated period of time. This includes contact restrictions, access to certain areas of campus, and College-sponsored events.
- Residential Adjustments - Relocation or removal from campus residence halls for a specified period of time. This can include room reassignment, restrictions on access to specific halls, and removal of a student from all College operated housing. The College may take such action for remedial rather than disciplinary purposes.
- 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 extracurricular activities and may be barred from

all College-owned property. Students who are suspended may not be on campus without specific, written permission of the Dean of Students.

Suspension is for a designated period of time and includes the probability of more severe sanctions, including expulsion, if found responsible for additional violations of the Code of Student Conduct. A Student Affairs hold is placed on the student's record during the period of suspension. The hold will be lifted once the period of suspension has expired and the Dean of Students has confirmed that other conditions of sanctions have been met.

When the hold is lifted, the complainant will be notified by the Office of Student Affairs.

- 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.

In considering the appropriate sanction(s), Judicial Council should be guided by a number of considerations, including:

1. the severity, persistence or pervasiveness of the prohibited conduct;
2. the respondent's prior discipline history including any prior determination of responsibility for the same or similar conduct;
3. how the College has sanctioned similar incidents in the past;
4. the nature and violence (if applicable) of the conduct at issue;
5. the impact of the conduct on the complainant, and their desired sanctions, if known;
6. the impact of the conduct on the community, its members, or its property;
7. whether the respondent has accepted responsibility;
8. whether the respondent is reasonably likely to engage in the conduct in the future;
9. the maintenance of a safe, nondiscriminatory and respectful environment conducive to learning; and
10. any other mitigating or aggravating circumstances, including the College's core values.

Judicial Council 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 com-

plainant and any witnesses from retaliation; 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.

At this phase of deliberation only, the Office of Student Affairs will provide the Council with historical information on the past conduct record of the respondent and the history of sanctions in similar cases. No information regarding prior disciplinary action (with the exceptions in cases of sexual misconduct or sexual harassment noted in VII.E of the Complaint Procedures of the Discrimination and Harassment Policies and Procedures) may be disclosed by the Dean of Students or designee during a hearing process, until and if the Council makes a decision that the student violated College policy.

4. Voting

The decisions of the Judicial Council and its imposition of sanctions shall be reached in closed session by a majority vote. The Chair shall vote only in case of a tie.

5. Notification of decision

The respondent shall be notified in writing, within five class days following the hearing, of the Judicial Council's decision and recommended sanctions, if any. Written notification shall include a summary of the reasons for the decision, an explanation of any sanctions imposed, and notification of appeal options. In cases of sexual misconduct, the complainant will be provided a copy simultaneously of the same. In cases of sexual harassment, the complainant will be notified of the outcome and any sanctions that directly relate to the complainant. Furthermore, the College will offer counseling services and academic support to all parties involved.

6. Completion of sanction

When a sanction requires a period of time for completion, the deadline for completion shall be specified. The respondent must report to a designee of the Dean of Students when the student has completed the sanction. The case is not complete until the sanction has been completed and cleared by the Dean of Students Office. The Judicial Council will not monitor or reconsider a sanction once it is imposed. Failure to complete required sanctions is a violation of policy and may result in additional sanctions.

V. Appeals Procedure

All appeal cases brought before and heard by the Judicial Council shall be final and not subject to appeal. Cases heard by the Judicial Council that are not appeal cases, and Administrative Review cases with a finding on responsibility, are subject to the following appeal procedures. On specific grounds, the respondent may appeal the determination of responsibility or sanctions(s). Appeals must be made in writing and must be submitted to the Vice President of Student Affairs within five class days of written notification to the student of the Judicial Council's decision. For sexual misconduct and sexual harassment charges only, the complainant has the same right as the respondent to appeal. For sexual misconduct and sexual harassment charges only, the Vice President of Student Affairs will notify and provide a copy of the appeal to the other party within three class days upon receipt of an appeal. That party shall then have an opportunity to respond in writing to the appeal; any response must be submitted within five class days from receipt of the appeal.

1. Grounds of appeal

Grounds of appeal include violations of the student's rights as set forth in the Code of Student Conduct, insufficient or compelling new evidence, and/or severity of the sanction.

2. Determinations

Student Affairs and the Associate Dean of Faculty with the responsibility for diversity in Academic Affairs. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the verbatim record of the initial hearing, copies of documents submitted during the hearing, and the written appeal and written response (if any). Review of these materials shall be for one or more of the following purposes:

a. New evidence

To consider whether there is sufficient new evidence that could affect the finding of the hearing and that was unavailable and could not have been made available through the appellant's diligent efforts at the time of the original hearing.

b. Fairness

To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, was in conformity with prescribed procedures, and gave the complainant a reasonable opportunity to prepare and

present evidence that a violation occurred and the respondent reasonable opportunity to prepare and present a rebuttal of these allegations.

c. Sufficient evidence

To determine whether the decision reached regarding the charged student was based on a preponderance of the evidence.

d. Appropriateness of Sanctions

To determine whether the sanction(s) imposed was appropriate for the violation.

The Vice President of Student Affairs and the Associate Dean of Faculty shall confer in making a decision on appeal. In order modify a decision, modify sanctions, or return the case to Judicial Council, the Vice President of Student Affairs and the Associate Dean of Faculty must concur. If not, the original decision and sanction stands.

In the case of new evidence, they can return the case to Judicial Council to assess the weight and effect of the new information and render a determination after considering the new facts.

In the case of procedural error that materially affected the outcome of the hearing (related to Fairness or Sufficient Evidence above), the Vice President of Student Affairs and the Associate Dean of Faculty will return the case to Judicial Council for additional review or forward the case for a new hearing, which may be heard by an alternate hearing panel if they find that to be appropriate.

3. *Decision notification*

No more than ten class days from the date the response is submitted or the final date for submission of the response (whichever is earlier), the Vice President of Student Affairs shall communicate the decision on the appeal to the respondent and the Judicial Council Chair. In cases of sexual harassment and sexual misconduct, the Vice President of Student Affairs shall also communicate the decision on the appeal to the complainant. If the imposed sanction is modified in any way, the Vice President of Student Affairs shall communicate that fact and the reasons for making such a modification to the respondent and the Judicial Council Chair, and,

in the cases of sexual harassment and sexual misconduct, to the complainant. The decision on the appeal shall be final.

VI. Confidentiality

All information pertaining to investigations and hearing proceedings is confidential and shall comply with the Family Educational Rights and Privacy Act.

VII. Community Notification

Within five class days after completion of a judicial hearing and appeal (if any) to the President, the Judicial Council may publicly inform the Pitzer community (and, in cases involving complainants from the other Claremont Colleges, the home colleges of said complainants) of its decision, sanctions imposed and the action of the President. In cases in which the respondent has been found in violation of the Code of Student Conduct, publicity (including the name of the student) shall be at the discretion of the President. In cases in which the respondent was found not to have violated the code, such publicity shall be at the discretion of the respondent.

VIII. Records and Enforcement of Disciplinary Action

1. Records of Judicial Council decisions and sanctions shall become part of the student's disciplinary files (those maintained in the Dean of Students Office) and shall be kept for a period of seven (7) years after the student's graduation or separation from the College.
2. Judicial Council proceedings shall continue against an accused student if the student withdraws from the College after being notified of a conduct complaint.
3. No student shall be graduated while a complaint brought against the student is pending before Judicial Council. No student shall be graduated without first fulfilling the terms of a disciplinary sanction.
4. The Dean of Students Office shall be responsible for enforcing disciplinary sanctions.
5. Any student on whom a sanction has been imposed may include in their student record a written response concerning the decision and sanction.
6. Notification of expulsion from the College for disciplinary reasons will be noted on the academic transcript.

Additional Information and Resources

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

An individual who wishes for the details of the incident to remain completely confidential may speak with certain College officials who, by law, may maintain confidentiality and may not disclose the details of an incident. These officials include:

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

Individuals who have experienced sexual misconduct, including sexual assault may also seek confidential support at The Claremont Colleges or from a local or national rape crisis hotline, including:

The EmPOWER Center (located on Scripps' campus)
1030 N. Dartmouth Ave.
909-607-0690 (confidential counselor) FMI: 7csupportandprevention.com

Project Sister Sexual Assault 24/7 Crisis Hotline (Claremont, CA)
800-656-4673, 909-626-HELP (909-626-4357)

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

This version of the Code of Student Conduct was approved by Pitzer College Council, April 9, 2015.

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