

Institutional Responses to Legal Issues

Eric Winter

Azusa Pacific University

The University of Pennsylvania, a private research university, ranks in the top 10 of U.S. News & World Report's 2010 national university rankings. Located in Philadelphia, PA, the university is home to 10,275 full-time undergraduates of whom 98.9% are from the top 10 percent of their high school class, 37.6% are students of color, and 51.8% are women.

Pomona College, a private liberal arts college, ranks in the top 10 of U.S. News & World Report's 2010 liberal arts rankings. Located in Pomona, CA, the college is home to 1,530 full-time undergraduates of whom 86% are from the top 10 percent of their high school class, 44% are students of color, and 50% are women.

Pomona College's policy on the confidentiality of student records mentions their compliance with FERPA and explains various pieces of the Family Educational Rights and Privacy Act as it relates to students. The policy describes what a student record is and is not, informs students of their right to review and amend their student records, and states that students must consent to the release of their information. Also, the policy informs that there is directory information that does not need consent and that college officials can access non-directory information on a need to know basis. The college makes sure FERPA is followed when working with outside entities. Students can complain to the federal government if they feel their rights are violated in any way.

The University of Pennsylvania's policy on the confidentiality of student records, like Pomona's, defines what a student record is and is not, what directory information is, and states that students have a right to review and refine their record. They also mention school officials accessing student information without consent when there are legitimate educational interests. Both Pomona and Penn are consistent in their policies, probably because both revolve around FERPA. Being that both policies comply with and outline a federal law, neither raises concern.

Penn seemingly takes a more proactive role in their student records policy than Pomona though. Penn specifically sites the university's desire to annually tell parents and students about FERPA so that students can know their rights and file a complaint if necessary. I am assuming Penn provides programming beyond the student handbook to educate parents and students about FERPA. With student records policy, Pomona's philosophy is that students can gain enough information on it from the written word, while Penn feels students need educating beyond the handbook. Penn's large institution size may influence their desire to proactively advertise and explain their student records policy.

For their sexual harassment policy, Penn defines the act as a threat to status, an interference with work, and the creation of an intimidating environment. Each situation, however, will be reviewed with context considered to determine whether sexual harassment took place. Penn stated the need for civility and respect amongst the campus community.

While Penn had a specific section on sexual harassment, Pomona included their policy in a broader harassment section. Their definition of sexual harassment is based off of the federal Equal Employment Opportunity Commission as affecting the terms of employment and work performance. Sexual harassment is deemed so if it is offensive to a reasonable person of the same gender. Both Pomona and Penn stress the severity of sexual harassment and both state that cases will be evaluated on an individual basis. This expresses a philosophy of innocent until proven guilty. They are consistent in their policies with no areas of concern except that Pomona should consider giving their sexual harassment policy a section of its own in the student handbook, so it can be found easier.

In their alcohol policy, Pomona states that each member and the entire community are responsible for the health and wellbeing of individual students. The college also believes

responsible alcohol use is compatible with healthy adult behavior and they take a therapeutic approach to violations. While they comply with federal, state, and local laws, the college stresses that hard alcohol will have enhanced sanctions. Sanctions will not be imposed on students who seek or receive medical attention though. Drinking is banned until the beginning of second week of classes; this is known as a substance free opening. Students are able to register parties and social events that serve alcohol, however, only students are allowed to attend and guests must have passes.

At Penn they stress individual and shared responsibility to foster education and growth as well. Alcohol should not be given to those under 21 and those who are clearly drunk. They abide by federal, state, and local laws, but no hard alcohol is allowed at registered on-campus events and no large servings of alcohol such as kegs are permitted. No student seeking help will be in trouble, or a student seeking to help another student. Penn and Pomona are consistent in their alcohol policies and neither have areas of concern. Both schools express a philosophy that believes college students are capable of healthy behaviors when it comes to the consumption alcohol, yet both set policies in place to assist this in happening. Also, both advise that it is the communal and individual effort to keep everyone safe. One practical way they help this happen is through their Good Samaritan policies.

Penn considers hazing a reckless or intentional act or situation that hurts the physical and mental health of students and their safety through humiliation and degradation. It may also involve removing or destroying public and/or private property. The university lists specific hazing tactics and has a policy on pledging, exhibiting a philosophy that Penn does not tolerate any kind of hazing.

Pomona also considers hazing an act or situation that hurts a student's physical and mental health and safety. Hazing is a way to humiliate or degrade a student, and often incorporates removing or destroying public and/or private property. The policy states that it is a misdemeanor for people and organizations that haze and a felony for hazing that results in death or physical/mental injury. Pomona and Penn are consistent in their hazing policies. Penn does have a section in their handbook dedicated to hazing while Pomona mentions hazing deep inside their student code of conduct. Also, Penn lists specific example of hazing, attempting to guide students as to what they cannot do as well as combat students who may argue the definition of hazing. Pomona's philosophy trusts students more in their interpretation of hazing and this may be an area of concern.

For their sexual assault policy, Pomona defines that consent must be a reasonable verbal or non verbal agreement to engage or continue and the person must be conscious. Also, consent can be withdrawn. The policy lists six degrees of sexual offenses in detail, the first degree being the worst. Their overall policy is titled "sexual assault and misconduct."

At Penn, their title is "acquaintance rape and sexual violence." They define it as engaging in sexual activity against one's will or without consent. It is not consent if the person is unable to make reasonable judgment. Penn's policy title seems more up to date acknowledging that most sexual assault on college campuses is acquaintance rape. Also, Pomona may be too relaxed in using the word 'misconduct.' Penn's use of 'violence' emphasizes the severity of the situation and hurt involved with sexual assault. An area of concern with Penn though is that they do not list specific examples of sexual assault in their policy like Pomona does with their list of six degrees. However both policies are consistent in their approach to sexual assault.

Appendix

Confidentiality of student records

Pomona College

Student Records Policy

Disclosure of Information from Education Records

Under the federal Family Educational Rights and Privacy Act (FERPA), as amended, students at Pomona College have the following rights in regard to education records maintained by the College.

(1) Students have the right to inspect and review their education records, subject to certain limitations. Education records are defined as records in any format that are directly related to the student and are maintained by the College. The College maintains such education records in various offices throughout the College. Requests for the inspection and review of education records must be submitted directly to the custodian of the record, following the policies and procedures of the office in whose custody the record is maintained. Education records do not include such things as medical treatment records made or maintained by a physician, psychiatrist, psychologist or other professional or paraprofessional; employment records (where the student's employment is not contingent on being a student, and the record is used only in relation to employment); records created and maintained by the College's law enforcement unit for law enforcement purposes; information (such as alumni records) obtained after the person is no longer a student at the College and which does not relate to the person as a student; and personal notes or records about a student made by a member of the faculty, administration or staff, if the notes are not accessible or revealed to any other person except someone acting as a temporary substitute for the person who made the notes.

(2) Students have the right to seek to amend their education records to correct inaccurate information. In compliance with College policy, individual offices have established procedures for challenging the content of education records. Students may also submit a written request for correction of a particular education record to the Dean of Students. If a requested amendment or correction to the record is not made, the student may insert into the records a written statement respecting the contested contents. Disputes over the assignment of grades are not covered by these provisions. Students with concerns about the assignment of individual grades are referred to the Policy on Disputed Grades.

(3) The College will not release personally identifiable information in an education record without the student's prior written consent. (Some examples of personally identifiable information are grades, exam scores, grade point average, test scores (e.g. SAT, GRE), disciplinary status, birth date, gender, religious affiliation, citizenship, ethnicity, marital status, social security number, and student identification number.) This information may be released to parents only with the student's written authorization (or if the parent can establish that the student is a dependent for tax purposes). Such authorization remains in effect until cancelled in writing by the student.

(4) Students have the right to file a complaint with the Federal Policy Compliance Office, a division of the US Department of Education, for any alleged violation of their rights under FERPA. Complaints should be submitted in writing to: Family Policy Compliance Office, US

Department of Education, 400 Maryland Avenue SW, Washington DC 202025920. In compliance with FERPA, Pomona College has designated the following items of information as directory information that may be released without the prior consent of the student: name and student user name; local and permanent address; local, cellular, and permanent phone number; e-mail address; major field of study; dates of attendance; enrollment status; class level; expected date of graduation; degrees and awards received; most recent previous institution attended; participation in officially recognized activities and sports; and the height and weight of members of athletic teams. Students may request that the College restrict the release of directory information by submitting a written request to the Registrar's Office. Such restrictions remain in effect until cancelled in writing by the student. Directory information required for course or classroom participation may not be withheld from faculty and students connected with the particular course. In addition, enrollment as a student and attendance at or participation in classes and other College activities constitutes an agreement by the student to the College's use and distribution of the student's image or voice in photographs, videotapes, audiotapes, and electronic reproductions of such classes and other College activities.

As permitted by FERPA, College officials have access to student directory and non-directory information when a legitimate educational interest exists for specific education records. A legitimate educational interest exists when the College has determined that a College official needs to know specific information to accomplish academic, instructional, advisory, administrative, research, supervisory, disciplinary or other educational responsibilities assigned by the College. College officials may include employees, faculty, staff, trustees, counsel, designated representatives of the College, and contracted agents and agencies of the College. Pomona College may outsource some operations requiring the disclosure of information from education records. Providers of such services include the National Student Clearinghouse. College officials, including contracted service providers, who receive education records must comply with all FERPA regulations regarding redisclosure and the privacy of such education records. In addition, under FERPA, and in compliance with other federal, state and local regulations, the College may disclose information from education records to parents and to other third parties and entities in specific situations and under certain conditions. Among these situations are the following: to officials of another school where the student seeks or intends to enroll; in connection with the student's request for or receipt of financial aid; to certain federal, state or local government authorities in connection with the audit or evaluation of educational programs; to US military recruiters; to certain entities conducting studies or audits on behalf of the College; to professional and other educational accrediting organizations in connection with their functions; in response to court orders and subpoenas; to appropriate parties where health and safety are at risk, in order to protect the student and others; to the alleged victim of a crime of violence (and in some cases, others), the final results of any College disciplinary proceeding; and to the parents or legal guardian of a student under the age of 21, any finding of violation of any law or College policy regarding the use or possession of alcohol or other controlled substances.

Confidentiality of student records

University of Pennsylvania

Confidentiality

Student Records

The following guidelines represent the policy of the University concerning the confidentiality of student records. This policy has been revised to reflect current interpretations of the Family Educational Rights and Privacy Act of 1974, as amended (hereafter referred to as the "Act"). It is intended to serve as the written statement of policy and upon annual publication and dissemination as the notice of rights required by the regulation implementing the Act (45 C.F.R. Sections 99.5 and 99.6). University policy, however, confers greater privacy rights in certain areas than does federal law, and these guidelines contain more than the federally mandated information with respect to such policy.

The following sections set forth specific University policy concerning (A) informing individuals in attendance of their rights under the Act, the implementing regulation, and University guidelines, (B) permitting students to inspect and review their records, (C) not disclosing personally identifiable information from the records of a student or an applicant for admission without his or her prior written consent, (D) maintaining a record of disclosures of personally identifiable information from the records of a student and permitting a student to inspect that record, and (E) providing a student with an opportunity to seek the correction of his or her records through a request to amend his or her records or a hearing.

I. Informing Individuals in Attendance of Their Rights

It is University policy annually to inform individuals in attendance at the University and their parents of their rights under the Act, the implementing regulation, and University guidelines, and of their right to file complaints concerning alleged failures by the University to comply with the requirements of the Act and of the implementing regulation.

II. Permitting Students to Inspect and Review Records

A. Persons Entitled to Inspect and Review Records

University policy follows the Act in permitting individuals who are or who have ever been in attendance at the University (hereafter referred to as "students") to inspect and review records in certain circumstances.

B. Records Subject to Inspection and Review

Records subject to inspection and review are, in general, those that are directly related to a student and that are maintained by the University or a party acting for the University. Such records specifically include the files of an admission office.

C. Records and Information Not Subject to Inspection and Review

Records and information that are not subject to inspection and review include, but are not limited to:

Records of instructional, supervisory, and administrative personnel and educational personnel and educational personnel ancillary thereto that are in the sole possession of the maker thereof and are not accessible or revealed to any other individual except a substitute.

Records of a law enforcement unit of the University provided that certain conditions imposed by the Act with respect to maintenance disclosure are met.

Records relating to a student that are created and maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting or assisting in his or her professional capacity and that are created, maintained, or used only in connection with the provision of treatment to the student and are not disclosed to anyone other than individuals providing that treatment. Such records can be reviewed, however, by a physician or other appropriate professional of the student's choice.

Financial records and statements of the parents of students or any information contained therein, except with the written permission of the parent or parents whose records and statements are at issue.

Confidential letters and statements of recommendation that were placed in a student's records prior to January 1, 1975, either pursuant to a solicitation containing a written assurance, or with a documented understanding of confidentiality and that are used only for the purpose for which they were specifically intended.

Confidential letters and statements of recommendation respecting admission to an educational institution, application for employment, or the receipt of an honor or honorary recognition that were placed in a student's records after January 1, 1975 and as to which the student has executed a written waiver of his or her right to inspect and review; provided that the University uses the letters and statements only for the purpose for which they were originally intended and notifies the student upon request of the names of all individuals providing such letters and statements.

Records and information other than the letters and statements referred to in Subparagraph II.C.6 above as to which the student has executed a written waiver of his or her right to inspect and review.

Those portions of a student's records that contain information on other students.

D. Waivers

A student may waive any of his or her rights under the Act and under these guidelines, including the right to inspect and review records. Such a waiver may be made with respect to specified classes of records and persons or institutions, but it must be made in writing and signed by the student.

In no case may a student be required by the University to waive his or her rights under the Act or under these guidelines. A student, however, may find it appropriate to do so for a number of reasons, and when a University service solicits an appraisal on behalf of a student seeking admission to further study or seeking employment, it will notify the individual requested to provide an appraisal whether the student has waived his or her right to inspect and review the appraisal.

E. Procedure with Respect to Inspection and Review of Records

Requests to inspect and review a student's records should be made in writing (whether or not the student personally appears) and addressed to the official responsible for those records.

The official responsible for the records in question will determine whether or not the University will honor such a request within a reasonable period of time. In doubtful cases, the request should be referred for decision to the General Counsel.

The University will comply with requests to inspect and review a student's records that it has determined to honor within a reasonable period of time but in no case more than forty-five days after the request was made.

The University may require the presence of a University official during the inspection and review of a student's records.

Copies of those student records that are subject to inspection and review may be obtained, with the exceptions noted hereafter, upon payment of a fee of 25 cents per page, except that the charge for an official transcript is four dollars (\$5). The University will deny a request for a copy of a student's records in circumstances leading officials to believe that making a copy obtainable to the student would (i) impose a greater financial and administrative burden on the University than would inspection and review of the records themselves, or (ii) undermine substantial institutional interest, including the protection of the privacy of third parties. In

addition, the University reserves the right to withhold a copy of a student's grades and transcript until he or she has paid in full all of his or her financial obligations to the University.

The University will respond to reasonable requests from students for explanations and interpretations of records inspected and reviewed hereunder.

F. Types and Locations of Records

A listing of the types and locations of records (as defined in Subparagraphs II.B. and II.C. stated previously) maintained by the University and the titles and addresses of the officials responsible for those records may be reviewed by a student at the Office of the Registrar, the office of the school or department in which a student is enrolled, and the office of a student's major field of study. In addition, the University Health Service maintains such records, as do placement offices whose services have been used by students.

G. Retention and Destruction of Records

The Act does not preclude the destruction of records unless there is an outstanding request to inspect and review them. Attention is directed, however, to guidelines on the retention and destruction of records of undergraduate students, which were promulgated in August 1975.

In addition, there may be other legal and institutional constraints *; in cases of doubt those responsible for the records in question should contact the General Counsel.

* For instance, the Pennsylvania Fair Educational Opportunities Act renders it an unfair educational practice for an educational institution to "fail to preserve for a period of three years any records, documents and data dealing with or pertaining to the admission, rejection, expulsion or suspension of students. . ." 24 P.S. 500(a) (5).

III. Not Disclosing Personally Identifiable Information

A. Persons to Whom University Policy Applies

Except as noted hereafter, the protection against disclosure of personally identifiable information afforded by University policy extends to the records of students (as defined in Subparagraph II.A) and of applicants for admission. To this extent, University policy is broader than required by the Act, which applies only to individuals who are or who have been in attendance at the University.

Neither the Act nor these guidelines apply with respect to the records of deceased persons. The person responsible for such records, however, should exercise informed discretion in responding to requests for disclosures and should ensure that the person making the request has a legitimate interest in the information and that the privacy interests of third parties are considered.

B. Records and Information Protected

The records to which University policy against disclosures (as set forth hereafter) applies are those defined in Subparagraphs II.B and II.C above, but include as well such records pertaining to applicants for admission.

"Personally identifiable information" means that the data or information include (a) the name of the individual, (b) the address of the individual, (c) a personal identifier such as the individual's social security number, or (d) a list of personal characteristics or other information that would make the individual's identity easily traceable.

C. Consent Required

Except as noted in Subparagraphs III.D and III.E, personally identifiable information may not be disclosed from the records of a student or of an applicant for admission without the individual's prior written consent. Such consent shall be signed and dated and include a specification of the records or information to be disclosed, the purpose(s) of the disclosure, and the party or class of parties to whom the disclosures may be made.

D. Consent Not Required

The University generally will not permit disclosure of personally identifiable information from the records of a student (or of an applicant for admission) without prior written consent. Personally identifiable information may, but need not, except in the circumstances described in Subparagraphs II.D and (4) and (6), be disclosed from the records of a student or of an applicant for admission without that individual's prior written consent to the following individuals or institutions, or in the following circumstances:

School officials who have been determined by the University to have legitimate educational interests.

- a. "School officials" means employees of the University, including faculty, staff, part-time employees, and those performing work for the University under proper authorization.
- b. In determining whether a school official has "legitimate educational interests" in personally identifiable

information in the records of a student or of an applicant for admission, the University will consider whether the information in question is required or would be helpful to the official in the performance of his or duties for, or in the pursuit of an enterprise sanctioned by, the University.

c. Custodians of information will establish control procedures to ensure that these limitations are observed.

Officials of another school in which a student or applicant for admission seeks or intends to enroll.

A person who submits a written affirmation that he or she is the parent of a student or applicant for admission and that the student is a dependent within the meaning of Section 152 of the Internal Revenue Code of 1954. In general, the University does not make records available to a student's parents.

State and local officials or authorities to whom information is specifically required to be reported or disclosed pursuant to a state statute adopted prior to November 19, 1974.

In connection with financial aid for which a student or applicant for admission has applied or which he or she has received, but only for such purposes as determining eligibility for financial aid, the amount of financial aid, and the conditions that will be imposed, or for enforcing the terms or conditions of financial aid.

To comply with a judicial order or lawfully issued subpoena, provided, in the case of a student, that the University makes a reasonable effort to notify him or her in advance of compliance. If disclosure of personally identifiable information is made hereunder, it shall be limited to that information in which the individual seeking disclosure is determined, by the person responsible for the records, to have a legitimate interest. In addition, disclosure of personally identifiable information is permitted in certain limited circumstances to federal, state, and local officials and to organizations carrying out studies or accrediting functions. When a request from such an official or organization, or judicial order or subpoena, is received, the recipient should contact the General Counsel.

E. Directory Information

The University designates as directory information, which may be disclosed from records relating to a student or applicant for admission without his or her consent, a student's or applicant's name, address (local, home or electronic mail), telephone number, date and place of birth, major field of study, participation in officially recognized activities (including social and honorary fraternities) and sports, weight and height if a member of an athletic team, dates of attendance, degrees and awards received, and previous educational institutions attended.

Public notice of these categories and of the right of an individual in attendance to refuse to permit the designation of any or all of them as directory information with respect to him or her will be given annually. Failure to respond to such notice will result in the routine disclosure of one or more of the designated categories of personally identifiable information. The University will continue to exercise informed discretion in responding to requests for information contained in records maintained by it that relate directly to students.

F. Limitation on Redisclosure

Except for disclosures of directory information, the University will inform a party to whom a disclosure of personally identifiable information from the records of a student is made that disclosure is made only on the condition that the party will not disclose the information to any other party without the student's prior written consent.

IV. Maintaining a Record of Disclosures

Except with respect to disclosures to a student or pursuant to his or her written consent, requests by or disclosures to school officials with legitimate educational interests, and disclosures of directory information, the official responsible for the records of a student (as defined in Subparagraph II.A) will maintain with these records, as part of his or her control procedures, a record that indicates (a) the parties who have requested or obtained personally identifiable information and (b) the legitimate interests these parties had in requesting or obtaining the information, which may be inspected by the student.

V. Providing an Opportunity to Seek Correction

A. A student (as defined in Subparagraph II.A) who believes that information contained in his or her educational records is inaccurate or misleading or violates his or her privacy or other rights may request that the University amend them, and the University will decide whether to do so within a reasonable period of time.

B. If the University declines to amend the student's records, it will so inform him or her and inform him or her of his or her right to a hearing.

C. The University will, on written record, provide an opportunity for a hearing in order to challenge the content of a

student's records. A hearing, however, may not be requested by a student to contest the assignment of a grade. D. If as a result of a hearing the University determines that a student's challenge is without merit, the student will have the right, and will be so informed, to place in his or her records a statement setting forth any reasons for disagreeing with the University's decision. Students have a right to file complaints concerning alleged failures by the University to comply with the requirements of the Act and the implementing regulation. Such complaints should be addressed to the Family Educational Rights and Privacy Act Office (FERPA), U.S. Department of Education, 400 Maryland Avenue, S.W., Washington D.C. 20202-4605. Students and applicants for admission are encouraged to bring their complaints regarding the implementation of University policy to the attention of the General Counsel. Copies of these guidelines are available at the Office of the Registrar, 221 Franklin Building.

Student Directory Information

The Student Directory published by the University of Pennsylvania contains the following information for each student: name, local address, local phone, home address, school, expected year of degree, and (if applicable) code name of social fraternity.

Any student can withhold permission for the publication of the telephone number and home, local and electronic mail addresses by checking the appropriate box on the fall term student Personal Data Form and filing that form with the Office of the Registrar by the end of the first week in September.

In addition, each student has the right to withhold permission for any listing at all in the Student Directory. To exercise this right, the student must notify the registrar in writing by the end of July that his or her name is not to be included in the Student Directory. Such letters of notification must include full identification (name, social security number, and school within the University).

Parent Notification

Pennsylvania is a large, diverse, coeducational, urban University community. It offers tremendous freedom to the individual and expects that each member of the University community will carry his or her share of its responsibilities. The University does not take on a parental role in relation to its students but rather assumes that students can live as young adults who can make their own decisions and take basic responsibility for their own lives. Thus, most communication from the University is directed to the student; only in cases of extreme emergency are parents or guardians notified about a student's activities. The University has adopted the following policy regarding notification:

A. In cases involving serious injury and in emergency situations, the University may notify the parents or guardians of a student. Further, in such situations, the University will notify the individual(s) designated by the student.

B. In an emergency situation in which rape has been committed, the victim will be asked whether notification of others should occur. All rape cases are handled according to special procedures developed by the Department of Public Safety, described in the Safer Living guide distributed to all students.

C. The Director of the Office of Student Conduct may disclose to the parents or legal guardians of a student under the age of 21 information regarding the student's violation of any University policy governing the use or possession of alcohol or drugs when any of the following circumstances are present:

The student has had previous, significant drug- or alcohol-related violations;

The student has committed a violation which was accompanied by other serious misconduct involving personal injury to him- or herself, others, or damage to property; or

The student's violation could result in a separation either from the University or from the College Houses.

A student whose parents or guardians are to be notified under any of these circumstances will be informed before such notification occurs and given an opportunity to initiate contact with his or her parents.

D. In other than emergency situations and situations involving notification regarding alcohol or drug violations, a decision to notify parents or guardians about a student's activities will be made by the Office of the Vice Provost for University Life, or another senior student affairs officer, after consultation with the student's school office, if appropriate. Other offices, such as Counseling and Psychological Services, also may be consulted as appropriate. Examples of these other situations which may warrant parental notification include medical leaves of absence, emotional difficulties, and missing persons.

*Sexual harassment**Pomona College*

Sexual harassment, like other forms of harassment, clearly endangers an atmosphere of civility and respect and is not tolerated at Pomona College. In addition to the types of conduct summarized above, sexual harassment can include unwelcome conduct such as sexual advances, unwanted touching, and conversation containing sexual comments.

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

Sexual harassment may be described as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, living environment at the College, or participation in a College activity; or

(2) Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or

(3) Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance by creating an intimidating, abusive or hostile educational, employment, or living environment at the College.

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

*Sexual harassment**University of Pennsylvania***Sexual Harassment Policy****I. Conduct**

Our community depends on trust and civility. A willingness to recognize the dignity and worth of each person at the University is essential to our mission.

It is the responsibility of each person on campus to respect the personal dignity of others. We expect members of our University community to demonstrate a basic generosity of spirit that precludes expressions of bigotry.

Penn properly celebrates the diversity of its community. We come to Penn from many different backgrounds and include different races, religions, sexual orientations, and ethnic ancestries. Learning to understand the differences among us, as well as the similarities, is an important dimension of education, one that continues for a lifetime.

Tolerance alone, however, is not enough. Respect and understanding also are needed. We should delight in our differences, and should seek to appreciate the richness and personal growth which our diversity provides to us as members of this community.

The University is committed to freedom of thought, discourse and speech, and the attainment of the highest quality of academic and educational pursuits and daily work. Policies and regulations implementing this commitment include the Statement on Academic Freedom and Responsibility, the Guidelines on Open Expression, and the Code of Academic Integrity.

The University also has established policies on behaviors that interfere with these freedoms. Foremost among these policies is the University's Statement on Non-Discrimination, which prohibits discrimination on the basis of race, color, sex, sexual preference, religion, national or ethnic origin, handicap or disability.

The University also has adopted the following policy concerning sexual harassment. The terms "harassment" and "sexual harassment" as used throughout are defined as a matter of University policy, and are not necessarily identical or limited to the uses of that term in external sources, including governmental guidelines or regulations.

II. Purposes and Definitions**A. Purposes**

For many years the University has stressed that sexual harassment is not tolerated at Penn. As an employer and as an educational institution, the University is committed to eradicating sexual harassment.

Sexual harassment in any context is reprehensible and is a matter of particular concern to an academic community in

which students, faculty, and staff must rely on strong bonds of intellectual trust and dependence.

B. Definitions

For the purposes of University policy, the term “sexual harassment” refers to any unwanted sexual attention that:

1. Involves a stated or implicit threat to the victim’s academic or employment status;
2. Has the purpose or effect of interfering with an individual’s academic or work performance; and/or;
3. Creates an intimidating or offensive academic, living or work environment.

The University regards such behavior, whether verbal or physical, as a violation of the standards of conduct required of all persons associated with the institution. Accordingly, those inflicting such behavior on others are subject to the full range of internal institutional disciplinary actions, including separation from the University. Likewise, acts of retaliation will be subject to the same range of disciplinary actions.

As noted in the *Handbook for Faculty and Academic Administrators, Policies and Procedures*, the *Academic Bulletin*, and other University publications, persons engaged in such harassment within the University setting are subject to the full range of internal institutional disciplinary actions, including separation from the institution.

Not every act that might be offensive to an individual or a group necessarily will be considered as harassment and/or a violation of the University’s standard of conduct. In determining whether an act constitutes harassment, the totality of the circumstances that pertain to any given incident in its context must be carefully reviewed and due consideration must be given to the protection of individual rights, freedom of speech, academic freedom and advocacy.

Alcohol use

Pomona College

Alcohol Policy

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

Our intent is to ensure the safety of our students and to ensure that the College’s environment remains conducive to the intellectual, cultural and social learning and growth that is the College’s mission. Pomona College takes a therapeutic approach when working with students involved in alcohol policy violations. Every effort is made to connect students with appropriate resources on campus. Pomona College employs a Drug and Alcohol Counselor with whom students may speak in strict confidence. Jasa Cocke is located in Wig hall and her extension is 78763. The alcohol policy was written by the Student Affairs Committee on which students, faculty, and administrators serve together. The Student Affairs Committee has final authority over the regulations that govern student life at Pomona College. Pomona College complies with and enforces all federal, state, and local laws governing alcohol consumption and distribution.

I. Regulations

1. Students 21 years of age and older are permitted to possess and drink alcoholic beverages at Pomona but may not distribute, furnish, or serve alcohol to people under 21 years of age or to obviously intoxicated persons of any age.
2. Students under 21 years of age may not consume, possess, distribute, or sell any alcoholic beverage.
3. Pomona students who live off campus are bound by this policy.
4. Because of the dangers it poses, possession or consumption of hard alcohol is viewed with special disfavor by the College. Hard alcohol is not allowed in south campus residence halls. Students of any age who violate college policies while using or distributing hard alcohol will face enhanced sanctions.

Virtually all of the alcohol poisoning cases on the Pomona College campus involve hard alcohol consumption.

5. Operating a motorized vehicle, a bicycle or a skateboard on Claremont Colleges' property while under the influence of alcohol is prohibited. **Motorized vehicles include cars, golf carts and motorcycles, among other vehicles.**

6. Excessive consumption of alcohol is often a contributing factor in violations of other important college policies. These policies include those addressing vandalism, noise, and misuse of fire safety equipment. The involvement of alcohol in such violations may be considered a compounding factor by Deans and Judicial Boards in assigning

sanctions.

7. Unsafe drinking behavior, especially drinking games and contests, will be subject to sanctions. The College strongly discourages "front-loading" and "doing shots" of hard alcohol because these behaviors maximize the dangers associated with intoxication and the risk of alcohol poisoning.

"Front-loading" is the consumption of large amounts of alcohol in a short period of time prior to attending a social event.

8. Public drunkenness is not permitted.

9. Students may not drink alcoholic beverages in public areas on campus, except at officially registered parties and social events at which those over 21 years of age may be served. Campus social events are officially registered with the Office of the Campus Center and are subject to the conditions outlined in the Party and Social Event Regulations below.

10. Open containers of alcohol or cups containing alcoholic drinks may not be carried around campus or in public spaces in the residence halls.

11. Private gatherings in residence hall rooms that infringe on public space or become a public nuisance will be dispersed and sanctioned. Students who host such parties are responsible for the behavior of those who attend.

12. Kegs and other common containers of alcohol, with the exception of bottles of wine, are prohibited in residence halls and in all other areas of the campus, except when officially registered. Kegs may not be registered in residential spaces.

Common containers of alcohol include kegs, kegerators, pony kegs, punch bowls, water coolers, and other such containers obviously meant to serve a large number of individuals.

13. Pomona College operates under a "Good Samaritan" policy. Each Pomona student shares responsibility for the safety and welfare of their fellow students. Failing to seek assistance for a fellow student who appears to be dangerously drunk will result in sanctions.

In medical emergencies, students should always seek help from College officials (Resident Advisors, Deans or Campus Safety). Sanctions will not be imposed on students who seek or receive medical attention.

14. The entire Pomona College community is responsible for the well-being of prospective students visiting the campus. Giving or offering drugs or alcohol to a prospective student will result in sanctions.

15. From the time that students arrive on campus in August until the beginning of the second week of classes, the College does not permit alcoholic beverages to be served or consumed on campus. During this time, students may not have open containers of alcohol in their room or in their possession. This period is known as "Substance-Free Opening." All students, regardless of age or class standing, are required to observe Substance Free Opening.

16. Brewing beer, distilling alcohol, or fermenting wine is not permitted on campus.

II. Party and Social Events

Regulation

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

A. The following regulations apply to ALL registered events

1. Beer and wine are the only alcoholic beverages that may be served or consumed at registered events.
2. Beer includes all fermented beverages with an alcohol content of up to 6% Wine includes champagne and other sparkling wines with alcohol content of up to 14%.
3. Alcohol may not be purchased with funds collected as mandatory fees by the College, including all fees turned over to the ASPC by the College for the purpose of supporting student activities.
4. Alcoholic beverages may not be sold at any campus event without an appropriate State license.
5. Alcoholic beverages may not be served at registered events that are open to the general public.
6. Events at which alcohol is served may not be registered during reading days or during the final examination period.
7. Consumption or possession of alcohol at athletic events is prohibited.
8. Alcohol may not be served at study breaks. A study break is an event that is limited in duration (1-2 hours)

and intended to provide a time to relax after studying.

9. Individuals are prohibited from bringing their own alcoholic beverages to any registered event or from taking alcoholic beverages out of events or social functions.

10. The number of people attending a registered event who may legally drink will determine the amount of alcoholic beverages available.

B. The following regulations apply only to registered events held in PUBLIC SPACE

1. Locations in which this category of events may currently be registered include: Smith Campus Center locations (Edmunds Ballroom, the Courtyard, Doms Social Room); Sontag Greek Theater; Eversole Courtyard; Walker Courtyards; Clark V Courtyards; Clark I Courtyards; Harwood Courtyard; Bixby Plaza; Seaver Theater Courtyard; the lobby of Bridges Auditorium; Frank Dining Hall; and Frary Dining Hall.

2. Events at which alcohol is served must be registered with and approved by the Office of the Campus Center and Student Programs in Suite 244 of the Smith Campus Center, ext 18610.

3. Only students of The Claremont Colleges who present valid College identification cards and their guests with guest passes are permitted to attend registered events. Guest passes may be obtained at any Resident Advisor desk, at the Office of Campus Life, or at the Smith Campus Center Building Manager's window.

4. Students of the Claremont Colleges must show their college-issued ID card, as proof of age, at the point of alcohol service. Guests of students, who possess a valid Guest Pass, must show their Driver's License with their Guest Pass, at the point of alcohol service.

5. Registered events in public space must have one or more of the College's servers on duty at all times to serve alcohol.

Servers ensure that only those are served who:

- a) are 21 years of age or older
- b) possess identification that confirms their age
- c) are not intoxicated.

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

6. Campus Safety Officers must be hired for the duration of public events at which alcohol is served. Campus Safety Officers are hired by the Office of the Campus Center and Student Programs after an event is registered.

7. All registered events in public space must have a host or hosts who are present for the duration of the event. If alcohol is served, at least one host must be 21 years of age or older. Hosts contact the Office of the Campus Center and Student Programs to arrange appropriate numbers of servers and Campus Safety officers and to ensure that the party does not begin or continue without their presence. Hosts are also responsible for ending the event at the agreed upon time and for ensuring clean-up of the event site.

8. High-quality non-alcoholic beverages and attractive food must be readily available and accessible at social events throughout the duration of the event.

C. Advertising Alcohol

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

Electronic media (such as the Digester) in which social events are advertised on the Pomona campus (but not the other four undergraduate campuses) may include reference to the type of alcohol being served. For example, events which are wine tasting, wine and cheese receptions, champaign brunches, Oktoberfest, etc. may be noted as such, but alcohol may not be the focus of publicity.

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

- 1. Advertising may specify the type of alcohol being served (for example, wine, champagne, sake) but it may not specify brands.
- 2. Advertising may not specify the quantity of alcohol present.
- 3. Advertising may not portray drinking as a solution to personal or academic problems of students or as an enhancement to social, sexual, or academic status, nor may it be portrayed as the central purpose of the event.

4. Advertising may not encourage drinking or make reference to drunkenness.
5. Posters, banners, flyers, and other print media which are designed to be displayed on campus and in public may not mention alcohol when advertising parties, or other events.

D. The following regulations apply only to registered PRIVATE EVENTS

1. Students over 21 years of age who have participated in the College's host safety training program may register wine, a single ponykeg or a single keg of beer for a social event in the spaces that the college designates annually.
2. Events of this nature may occur only on Friday and Saturday nights for up to four hours in duration, anytime between 5:00 PM and 2:00 AM. They must be registered with and approved by the Office of Campus Center and Student Programs at least 24 hours in advance.
3. The student registering the event shall be considered the event host. Hosts must:
 - A) Ensure that no student who is obviously intoxicated or under 21 years of age is served
 - B) Assume responsibility for the conduct of party guests (including those with guest passes)
 - C) Ensure that the event does not violate the College noise policy
 - D) Ensure that the event does not spill over into public space
 - E) Ensure that the event is not excessively crowded
 - F) Be present and sufficiently sober to carry out all hosting obligations for the duration of the event. Hosts who fail to fulfill any of these obligations will no longer be permitted to register an event and will face sanctions.
4. Private parties may not be advertised. Any beer or wine served at private parties must be provided and paid for by the host(s).

Alcohol use

University of Pennsylvania

The University Alcohol and Drug Policy

Introduction

The University Alcohol and Drug Policy, like other standards of conduct applicable to the University community, is intended to further the educational mission of the University of Pennsylvania. The University is committed to fostering an environment that promotes the acquisition of knowledge and nurtures the growth of the individual. Each member of our intellectual community is responsible for his or her own actions and is expected to contribute to the Penn community and to respect the rights of others to participate in the academic and social life of the University. The following alcohol and drug policy, with its emphasis on individual and shared responsibility, healthy and informed decision-making, maintaining a caring environment, and the promotion of genuine dialogue, is adopted in this spirit.

This 1999 University Alcohol and Drug Policy supercedes and replaces both the previous Alcohol and Drug policy and the Greek Alcohol Management policy.

Students, staff and faculty may be subject to additional requirements and procedures set forth by their respective schools or departments, and which may be stated in handbooks generated by those entities.

The University of Pennsylvania prohibits the unlawful manufacture, distribution, dispensation, sale, possession or use of any drug by any of its students, employees in its workplace, on its premises or as part of any of its activities. This policy is intended to supplement and not limit the provisions of the University's Drug-Free Workplace policy.

General Rules Governing the Use of Alcohol

The University of Pennsylvania seeks to encourage and sustain an academic environment that respects individual freedom and promotes the health, safety and welfare of all members of its community. In keeping with these objectives, the University has established the following policy governing the possession, sale and consumption of alcoholic beverages by members of the University community, and conforming to the laws of the Commonwealth of Pennsylvania. Penn's alcohol policy and programs are intended to encourage its members to make responsible decisions about the use of alcoholic beverages, and to promote safe, legal, and healthy patterns of social interaction.

The University of Pennsylvania prohibits:

The possession and/or consumption of alcoholic beverages by persons under the age of twenty-

one on property owned or controlled by the University or as part of any University activity.

The intentional and knowing selling, or intentional and knowing furnishing (as defined by Pennsylvania law) of alcoholic beverages to persons under the age of twenty-one or to persons obviously inebriated on property owned or controlled by the University or as part of any University activity. Pennsylvania law currently defines "furnish" as "to supply, give, or provide to, or allow a minor to possess on premises or property owned or controlled by the person charged."

The consumption of alcoholic beverages by all University students and employees so as to adversely affect academic or job performance and/or endanger the physical well-being of other persons and/or oneself, and/or which leads to damage of property.

The possession, sale, distribution, promotion or consumption of an alcoholic beverage in a manner that constitutes a violation of federal, state or local law, including the sale, directly or indirectly, of any alcoholic beverages at a premise or by an entity not licensed for such sales on property owned or controlled by the University or as part of any University activity.

The University of Pennsylvania permits the lawful keeping and consumption, in moderation, of alcoholic beverages on its property or property under its control by persons of legal drinking age (21 years or older).

In cases of intoxication and/or alcohol poisoning, the primary concern is the health and safety of the individual(s) involved. Individuals are strongly encouraged to call for medical assistance for themselves or for a friend/acquaintance who is dangerously intoxicated. No student seeking medical treatment for an alcohol or other drug-related overdose will be subject to University discipline for the sole violation of using or possessing alcohol or drugs. This policy shall extend to another student seeking help for the intoxicated student.

Vice Provosts, Vice Presidents, Deans, and heads of administrative and residential units have the authority and responsibility to govern the use of alcohol in areas they control, both indoors and out, and to approve or disapprove of plans designed to ensure that (at events where alcohol will be served in such areas) only legal age individuals will have access to such alcohol. Further, those hosting such events must take reasonable steps to ensure that the acquisition, distribution and consumption of alcohol otherwise complies with applicable law and University policy.

At any event at which alcohol will be served, sufficient quantities of non-alcoholic beverages and food must also be available to guests without cost.

Consistent with Pennsylvania law, advertisements of social events shall not promote nor describe the availability of alcoholic beverages nor promote the consumption of alcohol by minors.

Ordinarily, consumption of alcoholic beverages in outdoor public areas such as walkways, building steps and porches, unenclosed patios, green spaces, and the like is not permitted regardless of the age of the drinker. However, appropriate administrators may grant exceptions to this guideline on an event-by-event basis. Exceptions will be granted only for those events where an overwhelming majority of those reasonably expected to attend an event are of legal drinking age. Events for which exceptions have been granted must be limited to areas that are clearly demarcated and in which it is possible to exercise adequate control of access to and consumption of alcohol.

Kegs of any amount of beer are not allowed in any University-managed undergraduate residence.

Rules Governing Alcohol Use at Registered Undergraduate Social Events

In order to minimize the risk of alcohol abuse, promote compliance with the law, and encourage students to make responsible decisions about the use of alcohol, the following rules are designed to control the volume and nature of

alcohol products available and, ultimately, reduce the risk of alcohol-related incidents that pose a threat to the health and welfare of students and colleagues.

Undergraduate student organizations¹, which intend to sponsor either on-campus or Third Party Vendor events at which it is anticipated alcohol will be served and consumed, must register the event with the Vice Provost for University Life at least one week in advance of the event. Failure to **register an on-campus (.pdf form) or Third Party Vendor event at which alcohol is served** does not exempt student organizations from the applicability of these rules.

Undergraduate student organizations that are hosting Third Party Vendor events must register the event with VPUL and strictly comply with the Third Party Vendor checklist.²

UPPD approval must be obtained for any parties, including alcohol free parties, that will have:

More than 400 guests,

Outside area/yard, and/or

Live band

The party organizers must email UPPD for approval before they submit the registration form to the Office of Alcohol and Other Drug Policy Initiatives. An email link to the appropriate people at UPPD can be found on the website with the party registration form, <http://www.vpul.upenn.edu/alcohol/forms/on-campus-form.htm>

The organizers of events must have adequate means for identifying of-age drinkers (e.g. picture identification plus hand-stamps/wrist bracelets, etc.)

Hard alcohol is prohibited at all registered on-campus undergraduate events. Hard alcohol is permitted only at Third Party Vendor events where conditions specified on the Third Party Vendor checklist are met.

Service of alcohol at all on-campus registered events must end no later than 1 a.m.; events may continue until 2 a.m.

Undergraduate student organizations hosting on-campus events at which alcohol is served are responsible for assuring that alcohol is served and consumed lawfully and safely.* To comply with this expectation undergraduate student organizations must adhere to the following conditions:

No oversized or common source containers of any sort [including but not limited to kegs, punchbowls, beer balls, party balls] are permitted at any on-campus party;

Only individuals with valid proof of legal drinking age may be served alcohol; alcohol may not be served to any visibly intoxicated person, regardless of age;

Alcohol may be served only from a controlled, designated area by sober, trained, of-age bartenders who are unaffiliated with the host organization. For the duration of registered events, individual members of host organizations may not entertain guests in private areas, including private bedrooms. Party attendance is restricted to the public area designated for the party. This means that individual members of a host organization may not serve alcohol in their private rooms for the duration of registered events, even if those in the room are of legal drinking age;

No undergraduate organization, student activity, or student government funds may be used to purchase alcohol for any party;

Drinking contests or games of any sort are expressly prohibited

* The amount of alcohol available at an event should not exceed a ratio of more than four (4) alcoholic drinks (premium beer, table wine, or wine coolers) per of-age person attending the event. One drink = 12oz. of premium beer (alcohol content of less than 6% by volume) or 4-5oz. of (unfortified) table wine or a standard serving size wine cooler (usually 10oz.)

All registered events, either on-campus or at Third Party Vendors, must have appropriately trained bartenders who are unaffiliated with the host organization and who are at least 21 years of age.

At all registered events, whether on-campus or at Third Party Vendors, the host organization must identify trained, non-alcohol-consuming host monitors. There shall be at least one such host monitor for each 30 guests. Each academic year, the host monitors must demonstrate to the Director of the Office of Alcohol & Other Drug Program Initiatives that they have a clear understanding of the University's alcohol and drug policies and that they have participated in training or taken other steps to develop the ability to, wherever possible (1) handle emergency situations, (2) respond to alcohol-related medical concerns, (3) identify and intervene with overly intoxicated guests, whether or not they require medical treatment, (4) and carry out preventive safety measures regarding the controlled service of alcohol. These host monitors must be identified prior to the event and must be visually identifiable (e.g. armband, t-shirt or other visible designation of host monitor status) during the event to those in attendance.

University trained and appointed monitors will assist in assuring that University policy is followed at all on-campus events.

The organizers of events must properly dispose of partially filled and empty alcohol containers at the conclusion of the event.

The University supports the enforcement of all University, local, state and federal policies and laws by retail and wholesale distributors of alcohol on or near campus.

It is understood that in addition to University policy and state law, many University undergraduate student organizations are subject to policies regarding the possession and consumption of alcohol imposed by a parent organization. If the policies governing an individual organization impose more restrictive regulations regarding alcohol possession and consumption it will be necessary for that organization to follow its parent organization's policies or risk sanctions. If, however, the parent organization permits the possession or consumption of alcohol where otherwise prohibited by University policy, the organization must comply with the University's policy, notwithstanding its parent organization's rules.

Violators of this policy will be subject to University disciplinary procedures.

Hazing

Pomona College

Hazing. Hazing is prohibited. Definition: an 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.

(Effective January 1, 2007 the State of California amended the law governing hazing and included it not in the State Education Code but in the State Penal Code. The new law prescribes misdemeanor penalties for people or organizations who haze and felony penalties for hazing that results in death, bodily injury or psychological injury. The law allows the individual who is hazed to bring civil action against any person or organization involved in hazing.

Hazing is defined as any method of initiation or pre-initiation into a student organizations or student body. Hazing that results in serious bodily injury, death or serious physical harm is a felony under the law. Hazing that does not result in serious bodily injury, death, or psychological harm is punishable by law with a fine of not less than \$100 nor more than \$5000, or imprisonment in the county jail for not more than one year, or both.)

*Hazing**University of Pennsylvania***Antihazing Regulations**

The following Regulations apply to all University students and student groups.

The University is an association of equals who, in working together, comprise a scholarly community. Hazing is inconsistent with the goals and purposes of the University and is explicitly forbidden.

I. Hazing: Definition

A. For purposes of these regulations, and consistent with the Anti-Hazing Law of Pennsylvania, hazing means any action or situation (1) which recklessly or intentionally endangers the mental or physical health or safety of a student or (2) which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, an organization operating under the sanction of, or recognized as an organization by, the University including, without limitation, fraternities and sororities (an "Organization"). For purposes of these regulations, any activity as described herein upon which the initiation or admission into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding.

B.* "Hazing" refers to any activity expected of someone joining a group (or to maintain full status in a group) that humiliates, degrades or risks emotional and/or physical harm, regardless of the person's willingness to participate. In years past, hazing practices were typically considered harmless pranks or comical antics associated with young men in college fraternities.

Today we know that hazing extends far beyond college fraternities and is experienced by boys/men and girls/women in school groups, university organizations, athletic teams, the military, and other social and professional organizations. Hazing is a complex social problem that is shaped by power dynamics operating in a group and/or organization and within a particular cultural context.

Hazing activities are generally considered to be: physically abusive, hazardous, and/or sexually violating. The specific behaviors or activities within these categories vary widely among participants, groups and settings. While alcohol use is common in many types of hazing, other examples of typical hazing practices include: personal servitude; sleep deprivation and restrictions on personal hygiene; yelling, swearing and insulting new members/rookies; being forced to wear embarrassing or humiliating attire in public; consumption of vile substances or smearing of such on one's skin; brandings; physical beatings; binge drinking and drinking games; sexual simulation and sexual assault."

Some examples of common hazing practices are listed below. However, NOT ALL HAZING activities are listed here.

- Deception
- Assigning demerits
- Silence periods with implied threats for violation
- Deprivation of privileges granted to other members
- Requiring new members to perform duties not assigned to other members
- Socially isolating new members
- Line-ups and Drills/Tests on meaningless information
- Name calling
- Requiring new members to refer to other members with titles (e.g. "Mr.," "Miss") while they are identified with demeaning terms
- Expecting certain items to always be in one's possession
- Verbal abuse

Threats or implied threats
 Asking new members to wear embarrassing or humiliating attire
 Stunt or skit nights with degrading, crude, or humiliating acts
 Expecting new members to perform personal service to other members such as carrying books, errands, cooking, cleaning etc
 Sleep deprivation
 Sexual simulations
 Expecting new members to be deprived of maintaining a normal schedule of bodily cleanliness.
 Be expected to harass others Forced or coerced alcohol or other drug consumption
 Beating, paddling, or other forms of assault
 Branding
 Forced or coerced ingestion of vile substances or concoctions
 Burning
 Water intoxication
 Expecting abuse or mistreatment of animals
 Public nudity
 Expecting illegal activity
 Bondage
 Abductions/kidnaps
 Exposure to cold weather or extreme heat without appropriate protection
 Confiscation of identification/PennCards, room keys, and cell phones.
 Carrying irrelevant objects (bricks, lunch boxes, etc.)
 Restrictions limiting students' ability to contact parents and University personnel
 Required silence * (Language in Section B adapted from Stophazing.org).

C. There are time and place limitations on all fraternity and sorority pledging activities. For purposes of this section, pledging is activity that is unique to a pledge and performed as a requirement of membership in a fraternity or sorority.

There shall be no pledging activities between midnight and 8:00 a.m. Sunday through Thursday. This rule will be strictly enforced.

Pledging activities shall not occupy more than ten hours per week, excluding study hours and community service.

The length of pledging shall be limited to the time period set forth in National Interfraternity Council, National Panhellenic Conference, or National Pan-Hellenic Council Guidelines or as prescribed by the national headquarters of each University of Pennsylvania affiliated chapter.

Any pledging practices including raids, treasure hunts and scavenger hunts taking place outside of the chapter house are prohibited. The residence halls, in particular, are off limits to the pledge activities of Organizations.

With one exception, pledges may not be sent on trips. Pledges may voluntarily visit other chapters of a fraternity with the express approval of the Chapter Advisor. The Director of Fraternity and Sorority Affairs shall be notified of the prior approval in writing. Approval should be granted only when the trip has been sanctioned by a national officer of the fraternity, when adequate funds, transportation and supervision are provided, and when the purpose of the trip is of a constructive nature.

Sexual assault

Pomona College

Sexual Assault and Misconduct Policy

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

Definition of Consent

Consent requires a verbal or non-verbal agreement to engage in or continue to engage in sexual activity. A

subjective belief that consent exists shall not be sufficient, the belief must be reasonable under the circumstances. Consent cannot be obtained by means of duress, force, violence, or fear of bodily injury on the person of another. This includes a person using his or her authority over another person to coerce that person to participate in a sexual act, or using a threat, direct or implied, to coerce another person to participate in a sexual act.

Consent cannot be obtained from a person who is unconscious.

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

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

Definition of the Offenses

Sexual Offense, Degree One: An act of sexual intercourse, oral copulation, or penetration by a foreign object (including digital penetration) accomplished with a person under the following circumstances: 1. Where it is accomplished against the person's will by means of duress, force, violence, or fear of bodily injury on the person of another. 2. When the person at the time is unconscious.

Sexual Offense, Degree Two: An act of sexual intercourse, oral copulation or penetration by a foreign object (including digital penetration) accomplished without consent.

Sexual Offense, Degree Three: An act of sexual intercourse, oral copulation, or penetration by a foreign object (including digital penetration) accomplished with a person who is incapacitated by any intoxicating or anesthetic substance, or any controlled substances, and the student's prior consumption of drugs or alcohol was known to the respondent because the respondent played a role in getting him or her to an intoxicated state.

Sexual Offense, Degree Four: An act of sexual intercourse, oral copulation, or penetration by a foreign object (including digital penetration) accomplished with a person who is incapacitated by any intoxicating or anesthetic substance, or any controlled substance when the individual's prior consumption of drugs or alcohol was known by the respondent but the respondent did not play a role in getting the person to an incapacitated state.

Sexual Offense, Degree Five: An act of touching or cornering another person in a sexual manner under the following circumstances: 1. Where it is accomplished against the person's will by means of duress, force, violence, or fear of bodily injury on the person of another. 2. When the person at the time is unconscious.

Sexual Offense, Degree Six: An act of touching or cornering another person in a sexual manner without consent.

Sexual assault

University of Pennsylvania

Acquaintance Rape and Sexual Violence Policy

I. Introduction

The University of Pennsylvania seeks a safe and healthy environment for all community members and visitors. Thus, Penn has developed the following policy on acquaintance rape/sexual violence to set forth definitions, to reaffirm Penn's commitment to providing resources and processes for prevention, education, support, reporting, adjudication, protection from retaliation, and to identify the range of sanctions. The University will also provide multiple access points for collection of information about incidents and a clear process for dissemination of acquaintance rape/sexual violence statistics to the community. The University needs a specific policy on rape and sexual violence because the prevalence of rape and sexual violence on college campuses is alarming. Statistics compel universities throughout the country to acknowledge that significant numbers of their members have been raped or will be raped. Given Penn's history of providing national leadership with respect to rape and sexual assault education and counseling, it is timely for Penn to continue this role by adopting a specific policy on acquaintance rape and sexual violence. The personal trauma experienced by victims/survivors and the nature and consequences of this crime undermines the trust essential to the process of education and the mission of the University. This crime also conflicts with our very basic standards of behavior. Indeed, this form of sexual violence is particularly damaging to our community because victims/survivors often are acquainted with and must continue to interact with their assailants. Moreover, for many men and women it is difficult to define this behavior as rape.

II. Definition

Acquaintance rape is a form of sexual violence. For the purpose of this policy, acquaintance rape/sexual violence is defined as any act in which a member of the university community forces another with whom he or she is acquainted to engage in sexual activity against her or his will or without her or his consent. Assent shall not constitute consent if it is given by a person who because of youth, mental disability or intoxication is unable to make a reasonable judgment concerning the nature of or harmfulness of the activity. This policy applies to groups as well as individuals.

III. Intervention

The University of Pennsylvania will provide resources to support victims/survivors, will utilize University fact-finding and disciplinary procedures with appropriate jurisdiction, will publish annual statistics on incidents of acquaintance rape and other forms of sexual violence, and will provide comprehensive education for the prevention of sexual violence including acquaintance rape at the University of Pennsylvania. Incidents reported to the appropriate departments will be addressed promptly and will be treated confidentially. In addition, the University will, as appropriate, inform members of the Penn community when an incident has been so reported. The procedures which implement this policy will take into account the need to investigate charges which may be filed and the right to confidentiality of all involved parties. When appropriate, after an incident occurs, outreach and support to faculty, students and staff affected by the particular incident will be part of Penn's response. This support may include release time, leaves, or other accommodations.