

Settlement Agreement

This settlement agreement (“**Agreement**”) between Pomona College (“**Pomona**” or “**the College**”), on the one hand, and the Anti-Defamation League, The Louis D. Brandeis Center for Human Rights Under Law, Hillel International, and Arnold & Porter Kaye Scholer LLP, on the other (collectively, the “**Complainants**”), is intended to resolve all allegations that were raised or could have been raised in any forum by the United States Department of Education, Office for Civil Rights (“**OCR**”) in Case Number 09-24-2321. Pomona and the Complainants (collectively, the “**Parties**”) agree to resolve the dispute between the Parties with the shared and common goal of creating a safe and welcoming environment for all students—including Jewish and Israeli students—on Pomona’s campus. Consistent with the College’s shared commitment to the values of free speech and academic freedom, and the College’s commitment to never tolerate harassment or discrimination, including against its Jewish and Israeli students, and to enforce its Non-Discrimination Policy and all other College policies referenced herein to the fullest extent, the Parties acknowledge that Pomona has voluntarily undertaken certain efforts and initiatives to address this goal. And Pomona acknowledges that, for many Jewish students, Zionism is an integral part of their identity and their ethnic and ancestral heritage. These students have the right to openly express identification with Israel. The College will safeguard the abilities of these students, as well as all students, to participate in College-sponsored activities free from discrimination and harassment. The College also acknowledges that many Jewish students experience anti-Zionism as an attack on their Jewish identity, ethnicity, religion, and/or ancestry, which means these students experience anti-Zionism as antisemitism, and the College commits to protect them from such conduct that rises to the level of harassment and discrimination on this basis.

Pomona hereby commits to additional efforts and initiatives in this Agreement, which will be implemented in full during the Spring 2026 academic semester and will remain in effect for four consecutive academic semesters, concluding at the end of the Spring 2028 semester (the “**Settlement Period**”), except as otherwise specified in this Agreement, according to the following terms:

I. Policies and Procedures.

- A. Non-Discrimination Policy. The College previously updated its Non-Discrimination Policy in December 2023 to include additional examples of prohibited conduct that could constitute disparate treatment or harassment based on shared ancestry, including Jewish identity. The College shall add the following additional language reflecting Executive Order (“**EO**”) 13899 on its website where the explanation of antisemitism below is set forth; specifically, on the Non-Discrimination (Workplace and Student-Related Matters) Policy page, and the Shared

Ancestry Discrimination Resources page (the “**Shared Ancestry Website**”):

In determining in complaint investigations whether conduct is antisemitic, the College will consider: (1) the International Holocaust Remembrance Alliance’s “Working Definition of Antisemitism” (the “**IHRA Definition**”); and (2) its contemporary examples, to the extent that any examples might be useful as evidence of discriminatory intent, found here: <https://holocaustremembrance.com/resources/working-definition-antisemitism>. For more information, please see “Non-Discrimination Policy: Frequently Asked Questions,” available at <https://www.pomona.edu/shared-ancestry-discrimination-resources/faq>.

See infra Section I.B.2.

- B. The College shall include in its list of categories that are protected by state and federal laws: “national or ethnic origin (including actual or perceived shared ancestry or ethnic characteristics).”
1. In its training and investigation standards, the College shall update its examples of potential violations of its Non-Discrimination Policy based on shared ancestry, ethnicity, and religion to include the following: “blaming an individual based on their actual or perceived shared ancestral identity as Jews or Israelis (e.g., imputing responsibility to a Jewish student for actions taken by Israel).”
 2. Consistent with current applicable law, and pursuant to EOs 13899 and 14188, when reviewing complaints of alleged antisemitic harassment or discrimination, the College shall consider and incorporate into any training and its concurrently-prepared “Non-Discrimination Policy: Frequently Asked Questions” (“**FAQs**”) (attached hereto as “**Exhibit A**”) the IHRA Definition and a reference to its contemporary examples¹ “where useful as ‘evidence of discriminatory intent,’” and without diminishing or infringing any right protected under the Constitution and/or the laws of the United

¹ See Working definition of antisemitism, IHRA, <https://holocaustremembrance.com/resources/working-definition-antisemitism> (last visited Dec. 8, 2025).

States and California.² The provisions in this Agreement and the FAQs relating to the applicability of the IHRA Definition, including its contemporary examples, will not expire at the end of the two-year Settlement Period; these provisions shall remain active for a minimum of one additional academic year, through the end of the Spring 2029 semester.

3. The College shall publicly recognize and incorporate the following statement from *The U.S. National Strategy to Counter Antisemitism* (May 25, 2023) into its Title VI training materials: “Jewish students and educators are targeted for derision and exclusion on college campuses, often because of their real or perceived views about the State of Israel. When Jews are targeted because of their beliefs or their identity, when Israel is singled out because of anti-Jewish hatred, that is antisemitism. And that is unacceptable.”³
4. The College shall add to its Non-Discrimination Policy, FAQs, and related trainings the following examples of activities that could violate the Non-Discrimination Policy:
 - a. Refusing to work with each other, or the application of any type of “litmus test” for participation in any academic activity, based on any protected category.
 - b. Targeting someone for harassment or intimidation on the basis of their identity, their religious attire, their name, their spoken language, or their accent.
 - c. Ostracism based on identity, such as refusing entry to an open event.
 - d. Use or dissemination of disparaging stereotypes or tropes about protected groups.
 - e. Calls for genocide of an entire people or group.

² OCR, Dep’t of Educ., *Questions and Answers on Executive Order 13899 (Combating Anti-Semitism) and OCR’s Enforcement of Title VI of the Civil Rights Act of 1964* (Jan. 19, 2021), <https://www.ed.gov/media/document/faqs-executive-order-13899-combating-anti-semitism-and-ocrs-enforcement-of-title-vi-of-civil-rights-act-of-1964-2021-33939.pdf>, at 3.

³ *The U.S. National Strategy to Counter Antisemitism*, The White House (May 25, 2023), <https://bidenwhitehouse.archives.gov/wp-content/uploads/2023/05/U.S.-National-Strategy-to-Counter-Antisemitism.pdf>, at 9.

Also, a version of the following will be added to the Speech Code:

Using code words, like “Zionist,” does not eliminate the possibility that student speech violates this Policy. Speech or conduct that would violate Pomona’s Non-Discrimination Policy if targeted at Jewish or Israeli people also violates the policy if targeted at Zionists on the basis of their actual or perceived Jewish or Israeli shared ancestry.

The College will add the following to its trainings and the FAQs to identify examples of conduct that could violate the Non-Discrimination Policy if based on shared ancestry:

- a. Actions taken against someone based on their field of study, course enrollment, or study abroad participation could provide evidence of discriminatory motive for purposes of investigation of alleged antisemitism—for example, vandalizing the office doors in a particular department tied to the study of a country or region.
 - b. “Zionist” is often used as a codeword for “Jew,” and depending on the factual circumstances, may be evidence of antisemitic intent.
 - c. Excluding Zionists from an open event, calling for the death of Zionists, applying a “no Zionist” litmus test for participation in any Pomona activity, using or disseminating tropes, stereotypes, and conspiracies about Zionists (e.g., “Zionists control the media”), demanding a person who is or is perceived to be Jewish or Israeli to state a position on Israel or Zionism, minimizing or denying the Holocaust, or invoking Holocaust imagery or symbols to harass or discriminate.
5. Complaints that an individual has been harassed or bullied because of their association with or support for other individuals who are themselves being targeted because of their shared ancestry or other protected status will be investigated by College administrators and adjudicated by a sub-committee of the Student Affairs Committee (“SAC”) comprised of three College administrators and two faculty members.
- C. Time, Place, and Manner Policies. The College previously updated its time, place, and manner policies in an attempt to place reasonable limitations on the hours and conduct of demonstrations on campus, and

the College has attempted to exercise reasonable enforcement of the time, place, and manner policies, in alignment with the College's primary goal of education and equal access thereto, including by, at times, following the College's emergency response protocols. The College commits to the following further updates of its time, place, and manner restrictions and consistent enforcement of the same:

1. The College shall update the Pomona Flyer Policy and the Pomona Event Registration Policy to include a link to Engage or the relevant resource such that clubs/organizations can: (1) obtain the necessary approvals; and (2) properly register their flyers and/or events and event space. The College shall further update the Pomona Flyer and Event Registration Policies to provide for an adequate approval mechanism of advertising events by the College.
 - a. The College shall update the Pomona Flyer Policy and the Pomona Event Registration Policy to make clear that any postings displaying or events promoting threats, obscenity, defamation, invasion of privacy, unlawful harassment, or violation of Pomona's policies, rules, procedures, or the Pomona College Student Code are strictly prohibited.
2. The College shall update the Pomona Flyer Policy ("[p]osters, tents, and other physical flyers/advertising related to events, activities, or initiatives of unreasonable duration may not be approved") to clarify: (1) what the College considers to be an "unreasonable duration"; and (2) in what circumstances "[p]osters, tents and other physical flyers/advertising" "may not be approved" (emphasis added).

D. Other Policies and Procedures.

1. With respect to Hillel International's Campus Climate Initiative ("CCI"), subject to the legal, confidentiality, and privacy protections/promises discussed with the Parties and pursuant to the NORC at the University of Chicago's confidentiality agreement, the College commits to continuing as a full participant in the CCI program, which will include incorporating mutually agreed upon CCI survey questions into the College's already-planned climate survey, the legal policy review, and could also entail some form of focus groups and/or surveys of Jewish students. Hillel International and the Complainants agree to maintain flexibility regarding the specific requirements of the Climate Assessment. *See infra* Section IV.
2. The Parties acknowledge that Pomona has already incorporated into its Faculty Handbook the American Association of University

Professors’ (“AAUP”) Principles on Academic Freedom and will include examples cautioning faculty not to pressure students to engage in political activism and/or cancel classes to promote attendance at campus demonstrations.

3. Pomona further agrees to amend and update its current ID policy’s provisions relevant to masking/concealment to clarify compliance requirements, disciplinary sanctions, and potential exceptions. Specifically, Pomona shall implement and enforce a ban on masked protests, similar to the University of Virginia’s “Concealment of Identity” policy, and consistent with California Penal Code Section 185.⁴
4. Pomona agrees to update its Encampment Policy to further define “encampment” and provide examples of what is not permitted on campus.

II. Appointment/Engagement of Administrator with Title VI Process/Programming Responsibilities. The College shall appoint or engage an individual (e.g., a Civil Rights and/or Title VI Coordinator) who will demonstrate expertise and sensitivity to all aspects of Title VI campus harassment or discrimination, including antisemitism based on shared ancestry, ethnicity, or religion. This individual will oversee compliance with Title VI, including ensuring that the College responds adequately and consistently to allegations of harassment and/or discrimination based on all protected traits. The College shall update its “Diversity at Pomona” website to include a link to “Report a Title VI Incident” (as it currently does for members of the Pomona community to “Report a Title IX Incident”), which reports shall be shared promptly with this individual. This individual will be tasked with coordinating the College’s compliance with Title VI and its evaluation and adjudication of Title VI complaints, akin to the independence of the College’s Title IX Coordinators. The provisions in this Agreement and the FAQs relating to the Civil Rights and/or Title VI Coordinator will not expire at the end of the two-year Settlement Period; these provisions shall remain active for a minimum of one additional academic year, through the end of the Spring 2029 semester.

III. Training.

- A. Investigator and Bias Report/Response Team (“BRT”) Training. The College shall provide expert-facilitated training for the College’s Civil Rights and/or Title VI Coordinator and the members of the BRT

⁴ See *UVA Policy SEC-008: Concealment of Identity*, UVA (Aug. 26, 2024), <https://uvapolicy.virginia.edu/policy/SEC-008>; see also CA Penal Code § 185 (2023).

regarding: (1) Jewish identity (including education and understanding about the Jewish experience and the Jewish people as both a religious community and an ethnic group that also shares a common ancestry and heritage rooted in Israel); and (2) antisemitism (to familiarize the College community with traditional and contemporary antisemitic stereotypes and conspiracy theories, including the most common manifestations of antisemitism based on shared ancestry, ethnicity, or religion, so the campus community can identify and respond to antisemitic incidents on campus in the future). The training will include examples of conduct that may constitute harassment or discrimination against Jewish or Israeli students based on their Zionism as an integral part of their shared ancestral, ethnic, and/or religious identity. Without limiting the College's ability to use additional examples, the Parties agree the training will include the examples of speech and conduct that may violate Pomona's Non-Discrimination Policy if directed toward Jews, Israelis, or Zionists of actual or perceived Jewish shared ancestry, *see supra* Section I.B.4, and will cover the IHRA Definition, including its contemporary examples, agreed to herein.⁵ The College agrees to have the Brandeis University President's Initiative on Antisemitism provide this training.

1. The Civil Rights/Title VI Coordinator will, in turn, provide relevant training and/or written materials on these topics to any third-party investigator(s) assigned to review complaints of potential antisemitic discrimination and to the members of the subcommittee of the SAC, discussed in Section I.B.5 of this Agreement.

B. Students and College Personnel Training.

1. The College shall mandate annual training for all students, faculty, and staff ("**Title VI training**"), in addition to facilitating other training addressing harassment or discrimination based on race, color, and national origin, including shared ancestry and ethnic characteristics. The Title VI training will explain prohibited antisemitic harassment based on shared ancestry, ethnicity, or national origin; provide examples of antisemitic harassment or discrimination based on shared ancestry, ethnicity, religion, or national origin; and explain the College's applicable policies and procedures, how to report harassment, steps the College will take in response to alleged harassment or discrimination, and notice as to how to access the College's Non-Discrimination Policy and Discrimination and Harassment Investigation and Response Procedures. The Title VI training will include examples discussed in

⁵ *See supra* Section I.A. *Non-Discrimination Policy*.

this Agreement, including reference to the IHRA Definition and its contemporary examples, for training purposes, and in the context of the FAQs, as further set forth in this Agreement.

2. The College shall offer additional training/guidance to faculty on pedagogy and delivery, how to lead discussion and foster an inclusive classroom, and how to teach students how to think instead of what to think.
3. The College shall mandate additional enhanced training on Title VI annually for the student members of the Associated Students of Pomona College (“ASPC”), the Judicial Council (“JBoard”), and the executive boards of Pomona’s registered student organizations (“RSOs”), which will describe the responsibilities of RSOs and those organizations’ members, including not to harass or discriminate against other student organizations and/or students based on any protected category, including but not limited to, their actual or perceived shared ancestry, ethnicity, religion, or national origin. This enhanced training will also cover the IHRA Definition, including its contemporary examples, discussed herein, of conduct that could violate the Non-Discrimination Policy if based on shared ancestry. The training will emphasize that the nondiscrimination statement currently set forth in the ASPC and RSOs’ bylaws incorporates protections against discrimination on the basis of shared ancestry, ethnicity, religion, or national origin. Pomona will seek recommendations from local Jewish community organizations, including Hillel International, the Anti-Defamation League, The Louis D. Brandeis Center for Human Rights Under Law, and the Jewish Federation regarding the individual(s) or entity conducting this Title VI Training.

IV. **Climate Assessment.** The College has scheduled a climate survey to be administered during the 2025-2026 academic year for purposes of assessing the campus environment and commits, as part of its full participation in CCI, discussed in Section I.D.1 above, to enhancing questions specific to whether an individual has experienced or witnessed shared ancestry discrimination, such as antisemitic harassment or discrimination based on shared ancestry, ethnicity, religion, or national origin. The College shall prepare an executive summary of the survey results for the entire Pomona community and will make this summary of the survey results publicly available on Pomona’s website.

V. **Programming.**

- A. For each academic year during the Settlement Period, Pomona shall offer lectures and/or workshops related to the historical antecedents

and modern manifestations of antisemitism and the connections between Judaism, Jewish identity, Israel, and Zionism. The College will facilitate, support, and advertise programming on Jewish identity, including the Zionist component of Jewish identity.

- B. The College shall extend an invitation to the Claremont Hillel Executive Director to participate in and meet new students at orientation programming, to the extent other organizations are permitted to have representatives attend such events, or other community leaders are included in the programming.

VI. Online Resources.

- A. Shared Ancestry Website. The College previously created a Shared Ancestry Website. The College commits to further update its examples of antisemitism on the Shared Ancestry Website to be consistent with its updates to the Non-Discrimination Policy.
- B. Reporting & Responding to Bias-Related Incidents Website. The College commits to update its Reporting & Responding to Bias-Related Incidents Website:
 - 1. The College shall update the list of protected characteristics on this website to be consistent with and reflect all characteristics recognized in its Non-Discrimination Policy.
 - 2. The College shall update the “Free Speech Requirements and Bias-Incidents” section of this website to state a commitment that, even if the College must refrain from taking disciplinary action against those who are afforded the protections of free speech, the College will take appropriate steps to support students and other community members who are victimized by offending speech that targets them based on their actual or perceived identity. In each such instance that is investigated as a complaint under the Non-Discrimination Policy or as a bias incident, but determined to be protected hate speech and not subject to discipline, the College will “communicate its opposition to stereotypical, derogatory opinions; provide counseling and support for students affected by harassment; or take steps to establish a welcoming and respectful school campus, which could include making clear that the school values, and is determined to fully include in the campus community, students of all races,

colors, [] national origins,”⁶ and religions. The College commits to treating antisemitic incidents and speech (including anti-Zionist incidents and speech based on actual or perceived shared ancestry) with the same seriousness and urgency as incidents and speech targeting other Legally Protected Characteristics. The College shall also make clear that individuals can and will be disciplined if, based on the totality of the circumstances, their speech is subjectively and objectively offensive and is so severe or pervasive that it creates a hostile environment for Jewish or Israeli students based on their actual or perceived shared ancestry, national origin, or religion that limits, prevents, or interferes with their ability to participate fully and/or access educational opportunities on campus due to their race, color, national origin, shared ancestry, or any other Legally Protected Characteristic under the College’s Non-Discrimination Policy.

3. Under the College’s Shared Ancestry website, the College shall add hyperlinks to: (1) the IHRA Definition, including its contemporary examples; (2) EOs 13899 and 14188; and (3) relevant OCR guidance on Title VI harassment and discrimination based on shared ancestry, including:

- OCR, Dep’t of Educ., *Questions and Answers on Executive Order 13899 (Combating Anti-Semitism) and OCR’s Enforcement of Title VI of the Civil Rights Act of 1964* (Jan. 19, 2021), <https://www.ed.gov/media/document/faqs-executive-order-13899-combating-anti-semitism-and-ocrs-enforcement-of-title-vi-of-civil-rights-act-of-1964-2021-33939.pdf>; and
- OCR, Dep’t of Educ., *Dear Colleague Letter* (Sept. 13, 2004), <https://www.ed.gov/media/document/religious-rights2004pdf>.

VII. Jewish Life and Antisemitism Advisory Council. The College commits to establishing an Advisory Council on Jewish Life and Antisemitism (“**Advisory Council**”) consisting of Jewish student leaders (chosen through a membership selection process mutually acceptable to the Parties), staff, and outside community stakeholders,⁷ such as the Claremont Hillel Executive Director and

⁶ OCR, Dep’t of Educ., *Dear Colleague Letter* (May 7, 2024), <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-202405-shared-ancestry.pdf>, at 3.

⁷ In light of significant student and employee privacy concerns, outside community stakeholders will receive non-confidential information to facilitate their participation in the Advisory Council.

Chabad of the Claremont Colleges leadership, who will work directly with appropriate Pomona administrators to create programming and activities to improve the campus climate for the benefit of all students, faculty, and staff.

Pomona College leadership will issue a formal charge to all members of the Advisory Council defining its purpose and expectations associated with professionalism, collegiality, and respectful discourse. This formal charge shall include working in good faith to support the requirements set forth in this Agreement. All members, including outside community stakeholders, will be held to these standards.

Among its responsibilities, this Advisory Council shall be responsible for:

- A. Promoting the understanding of Jewish history, culture, the Holocaust, the history of Israel, and the evolution of antisemitism; and
- B. Proposing and helping support initiatives to educate Pomona students and faculty about antisemitism, including antisemitism that targets Jewish shared ancestry relative to Israel.

This Advisory Council shall have an escalating chain of responsibility that extends directly to the Office of the President or another College-wide, high-level administrator. Relatedly, Pomona's leadership will meet with students and leaders of Jewish organizations on campus, such as Chabad and Hillel, each semester to discuss community needs and concerns for Jewish and Israeli students. The College shall also work with and consult the other Claremont Colleges and the Claremont Colleges Consortium ("**Consortium**") regarding these needs, concerns, and enforcement measures to discuss collaborative means to help ensure they will be implemented effectively and successfully to address the hostile environment for Jewish and Israeli students on campus.

All outside community stakeholder members of the Advisory Council will receive the same information pertaining to the defined work of the Advisory Council as Pomona College employee members receive in that membership capacity, except information which cannot be shared due to legal and privacy concerns and any information the employee members have knowledge of through the requirements of their responsibilities associated with their respective positions at the College.

VIII. Institutional Messaging.

Consistent with the College's values, the rejection of antisemitism and other forms of hate, and the College's prior written communications to the campus community rejecting the singling out of Israel for boycott, the President of Pomona College shall affirm in a written message to the campus community

that the College rejects discrimination and harassment not only if motivated by antisemitism but also by anti-Zionism.

IX. Cooperation with The Claremont Colleges. The Parties acknowledge that the members of the Consortium are independent institutions that collaborate as a consortium and maintain some shared policies. The College, however, commits to initiating discussions and making a good faith effort to work with the other Claremont Colleges and the Consortium toward adopting the following policy and practice revisions and enhancements:

1. Updating the Claremont Colleges Policy on Demonstrations to provide examples of “[**n**]on-peaceful actions or demonstrations” and “[**d**]isruptive actions or demonstrations” (emphases added).
2. Updating and consistently enforcing the Claremont Colleges Policy on Demonstrations to, among other time, place, and manner restrictions:
 - a. Require permits or other permissions in advance of protests or demonstrations;
 - b. Make clear that all protests or demonstrations exceeding a certain number or threshold of people may only take place in certain designated areas on campus (and subject to required permits);
 - c. Prohibit protests or demonstrations from blocking walkways and entrances and/or taking place inside residence halls;
 - d. Prohibit protests or demonstrations from taking place on campus between 12 AM and 6 AM or inside any campus building outside of that building’s regular business hours (i.e., 8 AM – 5 PM, unless otherwise indicated);
 - e. Prohibit bullhorns, speakers, and other sound-magnification devices from being used near classrooms, residence halls, or libraries, or in any manner that disrupts regular College programs or activities;
 - f. Prohibit protesters from erecting permanent or semi-permanent structures, consistent with the Pomona Encampment Policy;
 - g. Prohibit protests or demonstrations that promote threats, obscenity, defamation, invasion of privacy, unlawful

harassment, or that violate Pomona's policies, rules, procedures, or the Pomona College Student Code;

- h. Require protesters to provide Pomona identification to Campus Safety officers, other authorized College employees upon request, and/or law enforcement officers, consistent with the Pomona Encampment Policy; and
- i. Require protesters, protests, and demonstrations to disperse when instructed to do so by an authorized College official (i.e., the President, Campus Safety officers, etc.), consistent with the Pomona Encampment Policy.

X. Resolution of Case. The Parties agree that this Agreement resolves all of the allegations in Case Number 09-24-2321, as well as any other known or suspected allegations, claims, and demands that could have been asserted in this matter by the Complainants against Pomona College, as described in Sections X.A (Release of Claims) and X.B (Release of Unknown Claims), *see infra*, as of the date the Parties execute this Agreement.

- A. Release of Claims. In exchange for Pomona's promises contained in this Agreement, Complainants, for themselves and their heirs, successors and assigns, hereby releases and discharges Pomona, its past, present and future officers, directors, trustees, representatives, owners, partners, subsidiaries, parent companies, affiliates, joint venturers, predecessors, managers, shareholders, servants, successors-in-interest, assigns, current and former employees, agents, insurers, attorneys and all persons or entities acting in concert with or affiliated with any of them (the "**Released Parties**") from any and all causes of action, claims, demands, costs and expenses, or damages, whether known or unknown, which were raised or could have been raised in any forum under Case Number 09-24-2321. This Release of Claims is not intended to encompass claims that cannot legally be released by private agreement.
- B. Release of Unknown Claims. Complainants agree and understand that they may have claims against the Released Parties of which, at the time of the execution of this Agreement, they have no knowledge or suspicion, but agree and represent that this Agreement extends to all claims that were raised or could have been raised in any forum under Case Number 09-24-2321 against the Released Parties, whether or not known, claimed, or suspected by Complainants as of the date of this Agreement. It is also understood and agreed that the Release of Claims includes not only claims presently known to Complainants but also includes all unknown or unanticipated claims, rights, demands,

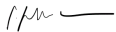
actions, obligations, liabilities, and causes of action of any and every kind, nature, and character whatsoever, which would otherwise come within the scope of the claims that were raised or could have been raised in any forum under Case Number 09-24-2321 against the Released Parties. Therefore, Complainants knowingly and voluntarily waive any and all rights or benefits which they may now have, or in the future may have, under the terms of Section 1542 of the California Civil Code, which provides as follows:

1542. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release and that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

- XI. Non-Admission.** Nothing in this Agreement constitutes an admission that the College has engaged in or been found responsible for any violations of Title VI of the Civil Rights Act or any other wrongful conduct under state or federal law.
- XII. Media.** Notwithstanding any agreements between the Parties regarding confidentiality, each Party may truthfully and accurately describe or share with others this Agreement, the process leading up to it (while still maintaining confidentiality of the mediation process), and the Party's own view of the terms. The Parties agree that Pomona College will be given the opportunity to provide notice to its campus community prior to any public communication or announcement by any other Party to this agreement; provided, however, that Pomona College shall issue such notice within twenty-four (24) hours of full execution by all Parties of this Settlement Agreement.
- XIII. Enforcement Provision.** To the extent the Parties have a dispute regarding the terms of this Agreement, the Parties agree to first seek to resolve the matter among themselves and, if that does not resolve the dispute, to mediate the dispute before a mutually agreed-upon mediator. Nothing in this Agreement precludes the Complainants from filing a new complaint with OCR for an alleged breach of this Agreement.

[Signatures to Follow]

Signed and agreed to by:

DocuSigned by:

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Pomona College
Date: December 10, 2025

Signed by:

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The Anti-Defamation League
Date: December 10, 2025

DocuSigned by:

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Hillel International
Date: December 10, 2025

Signed by:

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The Louis D. Brandeis Center for Human
Rights Under Law
Date: December 10, 2025

DocuSigned by:

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Arnold & Porter Kaye Scholer LLP
(*Counsel for Hillel International*)
Date: December 10, 2025

EXHIBIT A

Non-Discrimination Policy: Frequently Asked Questions

Pomona College (“the College”) is committed to providing an environment where every member of the community can participate fully in the life of the College, whether studying, teaching, learning, or accessing the many other opportunities at Pomona. To ensure clarity of understanding regarding the College’s Non-Discrimination Policy (Workplace and Student-Related Matters) (“**Policy**”) and the Discrimination and Harassment Investigation and Response Procedures (“**Procedures**”) associated with ensuring a learning and working environment free from unlawful discrimination and harassment, we have put together this list of frequently asked questions. Please note that this Policy and these Procedures do not apply to sexual harassment reports covered by the TCC Interim Policy on Title IX Sexual Harassment, Other Sex-Based Misconduct, and Retaliation and/or the Pomona College Sexual Harassment Policy for Staff and Faculty.

If students have additional questions, please contact the Office of Student Affairs, studentaffairs@pomona.edu. If faculty or staff have additional questions, please contact the Office of Human Resources, pomonahr@pomona.edu.

1. What are the “Policy” and “Procedures”?

The “Policy” and “Procedures” are two sections of a policy and one set of procedures that provide information on how the College responds to allegations of harassment and discrimination on the basis of Legally Protected Characteristics (*see below*). You can find the Policy [here](#) and the Procedures [here](#).

2. To whom does the Policy apply?

Collectively, the Policy applies to current members of the College community, including faculty, staff, students, those with an official capacity at the College (such as Trustees, guest lecturers, volunteers), and third parties, such as campus visitors and vendors who may have contact with members of the College community either on the College’s campus or at other College events and programs.

3. What is the purpose of the “Policy” and “Procedures”?

The Policy aims to ensure that members of the community are not, on the basis of Legally Protected Characteristics, denied access to the College workplace or Pomona College programs or activities or subjected to severe or pervasive harassment. The Procedures provide a process through which members of the community who believe they have been harmed by a violation of the Policy can file a complaint.

4. What are the Legally Protected Characteristics?

“Legally Protected Characteristics” encompass all of the categories that are protected by state and federal employment laws, including: sex (including pregnancy, childbirth and related medical conditions, breastfeeding, and conditions related to breastfeeding), gender identity and expression, pregnancy, reproductive health decision-making, religion (including religious dress and grooming practices), creed, color, race (including traits historically associated with race, including but not limited to hair texture and protective hairstyles), national or ethnic origin (including actual or perceived shared ancestry or ethnic characteristics), citizenship or residency in a country with a dominant religion or distinct religious identity, sexual orientation, medical condition, physical or mental disability, age (age 40 and over), marital status, registered domestic partner status, military and/or veteran status, genetic characteristics and information or any other basis prohibited by state or federal law.

The College also recognizes that discrimination and harassment may occur in an intersectional manner. Intersectional discrimination and harassment occur when discrimination or harassment is based on a combination of interconnected protected statuses. A non-exhaustive list of examples of intersectional discrimination and harassment is below.

- *Antisemitism can be a form of intersectional discrimination or harassment based on religion, **shared ancestry**, and/or **national origin**. Antisemitism may manifest as engaging in any of the following conduct against an individual because the individual is or is perceived to be Jewish or because the individual is or is perceived to be from Israel: repeatedly using antisemitic slurs; defacing an individual’s property with a hateful symbol or word (e.g., a swastika); denying an individual access to or refusing to allow an individual to participate in any program sponsored or hosted by the College; using force or intimidation to obstruct the path of an individual; or refusing to grant an individual a benefit to which they are entitled (e.g., a letter of recommendation). Evidence of an individual’s perceived protected status may include, for example, association with Israel or with a Jewish organization, wearing religious attire (e.g., a kippah), or displaying a religious symbol associated with Judaism (e.g., a star of David). In determining whether conduct is antisemitic, the College will consider: (1) the International Holocaust Remembrance Alliance’s Definition of Antisemitism (the “IHRA Definition”) and (2) its contemporary examples, to the extent that any examples might be useful as evidence of discriminatory intent, found here: <https://holocaustremembrance.com/resources/working-definition-antisemitism>.*

- *Islamophobia can be a form of intersectional discrimination or harassment based on religion, **shared ancestry**, and/or **national origin**. Islamophobia may manifest as repeated incidents of slurs based on an individual's actual or perceived protected status; blaming an individual for actions of other individuals of their actual or perceived shared identity as Middle Eastern or Muslim (e.g., calling an individual a "terrorist"); exclusion or discriminatory harassment based on wearing or not wearing a hijab; or denying an individual access to or refusing to allow an individual to participate in any program sponsored or hosted by the College because of their actual or perceived protected characteristic.*
- *Discrimination or harassment based on **age** and **disability** can be another form of intersectional discrimination or harassment, which may manifest as acting on assumptions about an individual's inability to participate in an educational activity based on their **age** and **disability** or using patronizing language toward an older individual with a disability, even when not engaging in similar behavior towards an older individual without a **disability** or younger individual with a **disability**.*
- *Discrimination or harassment based on **race** and **gender** can be another form of intersectional discrimination or harassment, which may manifest as applying different expectations for behavior to women of color or acting on stereotypes about characteristics of particular groups of women of color, even when not engaging in similar behavior towards men of color or white women.*

5. What does the Policy address?

The Policy prohibits discriminatory conduct and, in particular, *discrimination* and *discriminatory harassment* based on one or more protected characteristics.

Discrimination is singling out or targeting an individual(s) for less favorable or different treatment because of their protected category.

Discriminatory harassment is unwelcome and offensive conduct based on an individual's or group's protected category that is so severe or pervasive, and objectively offensive, that it creates a work, educational, or living environment that a reasonable person would consider intimidating, hostile, or abusive and denies the individual an equal opportunity to participate in the benefits of the workplace or the College's programs or activities.

In assessing claims made under the Policy, the College also follows the [Speech Code's](#) guarantees of free speech for students and academic freedom for faculty as described in the Faculty Handbook.

Ordinarily, it will not violate the Policy for members of the College community to make controversial statements in the course of academic work or in scholarship; express disagreement with another person's political views; or criticize a government's policy or the political leaders of a country.

6. What are examples of conduct that may violate the Policy?

Under the Policy, conduct constitutes harassment when it is so persistent, repetitive, pervasive, or severe that it has the purpose or effect of substantially interfering with the workplace or educational environment. When a factfinder considers a complaint, the factfinder will examine all the relevant circumstances, including, among other things, what the conduct was and how often and for how long it occurred; whether the conduct was targeted to a particular person or persons; whether the conduct occurred in the context of academic discourse; or whether the conduct represented a credible threat of violence.

The Policy includes, among its protected categories, religion, national origin, and shared ancestry or ethnic characteristics. For many Jewish people, Zionism is a part of their Jewish identity. Conduct that would violate the Policy if targeting Jewish or Israeli people can also violate the Policy if directed toward Zionists on the basis of their actual or perceived religion, national origin, and shared ancestry or ethnic characteristics.

The Policy and Procedures ensure that all complaints of harassment and discrimination are treated equally regardless of protected characteristic, that complaints involving one protected characteristic are addressed in the same manner and with the same urgency as complaints involving another protected class, and that policies are applied equally to all students. Furthermore, the College's Civil Rights and/or Title VI Coordinator will ensure that Title VI and College policies will be enforced equally, applying a single standard for all students. Subject to the College's protections for free speech and academic freedom and provided that the required elements under the Procedures are met, the following are instructive examples of conduct that may violate the Policy, provided that the conduct meets the requirements for discriminatory treatment or discriminatory harassment.

- Verbal abuse or use of antisemitic, racist, sexist, homophobic, anti-Arab, Islamophobic, anti-LDS, or anti-Catholic slurs or hostile behavior, which could include insulting, teasing, mocking, degrading, or ridiculing or denying the

ancestral history of another person or group, including but not limited to, displays or electronic transmission of derogatory, demeaning, or hostile materials based on one or more actual or perceived Legally Protected Characteristics (e.g., Jewish, Israeli, Arab, or Muslim identity).

- Denying access to or refusing to allow an individual to participate in a program or activity of the College, including, for example, refusing to grant a student some expected benefit (e.g., a letter of recommendation) or denying admission into an open event because of how an individual looks (e.g., because the individual has or lacks stereotypical physical features of a certain ethnic group or conforms or fails to conform to gender stereotypes) or dresses (e.g., because the individual wears religious or ethnic attire such as a cross, kippah, Star of David, turban, hijab or kufi); or on the basis of the individual's language (e.g., because the individual speaks a particular language or English with a certain accent); or on the basis of the individual's actual or perceived national origin, religious or ancestral identity; or the individual's actual or perceived association with an ethnic, cultural or religious organization or ethnic, cultural or religious student club or political organization or political student club; or because that individual actually has or is perceived to have a particular shared ancestry or be from a particular country or region.
- Treating a person differently based on the country, world region, or place where a person or their ancestors come from or are perceived to come from; or due to a person's English proficiency; or based on certain perceptions of, which may be described as hatred toward, religious and ethnic groups, such as Jewish, Muslim, Hindu, Sikh, Christian, Arab, Hispanic, or Latinx students.
- Physical assault, intimidation, or stalking on the basis of one or more protected or perceived Legally Protected Characteristics.
- Inappropriate physical contact (e.g., forcibly removing another individual's religious or ethnic jewelry or clothing), comments, questions, advances, epithets, or demands based on one or more protected or perceived Legally Protected Characteristics.
- Accusing an individual of supporting genocide based solely on their race, ancestry, national origin, ethnicity, religion, or other Legally Protected Characteristics.
- Accusing an individual of being a terrorist or terrorist sympathizer, or urging them to self-harm, based solely on their race, ethnicity, religion, or other Legally Protected Characteristics. However, this does not preclude such

accusations regarding being a terrorist sympathizer against individuals who express support for terrorism or terrorist organizations through their conduct or speech.

- Refusing to work with each other, or the application of any type of “litmus test” for participation in any academic activity, based on any Legally Protected Characteristics.
- Targeting someone for harassment or intimidation on the basis of their identity, their religious attire, their name, their language spoken, or their accent.
- Use or dissemination of tropes about protected groups.
- Calls for genocide of an entire people or group.
- Actions taken against someone based on their field of study, course enrollment, or study abroad participation could provide evidence of discriminatory motive for purposes of investigation of alleged antisemitism—for example, vandalizing the office doors in a particular department tied to the study of a country or region.

7. Does the Policy address Zionism?

The College addresses conduct violations, not good faith political debates. However, the Policy does provide protections against discrimination and harassment on the basis of shared ancestry, which can include Zionism. Some examples of conduct that could violate the Policy if based on actual or perceived Jewish shared ancestry include:

- The use of “Zionist,” which can be often used as a codeword for ‘Jew,’ and depending on the factual circumstances may be evidence of antisemitic intent (in other words, using code words, like “Zionist,” does not eliminate the possibility that student speech violates the Policy).
- Excluding Zionists from an open event, calling for the death of Zionists, applying a “no Zionist” litmus test for participation in any College activity, using or disseminating tropes, stereotypes, and conspiracies about Zionists (e.g., “Zionists control the media”), demanding a person who is or is perceived to be Jewish or Israeli to state a position on Israel or Zionism, minimizing or denying the Holocaust, or invoking Holocaust imagery or symbols to harass or discriminate.

8. Is discrimination based on antisemitism and Islamophobia impermissible under the Policy?

Yes. As above, the Policy's Legally Protected Characteristics (e.g., race, national origin, religion, etc.) establish protections for members of the College community from discrimination or discriminatory harassment based on antisemitism and Islamophobia.

"Antisemitism" is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities. Certain manifestations of anti-Zionism can also amount to antisemitism. Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel, similar to that leveled against any other country, cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for "why things go wrong." It may be expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

"Islamophobia" is a fear, prejudice, or hatred of Muslims that leads to provocation, hostility, and intolerance by means of threatening, harassment, abuse, incitement, and intimidation of Muslims and non-Muslims, both in the online and offline world.

9. How does the definition of antisemitism used in the Policy relate to the definition of antisemitism used by the U.S. Department of Education?

The Policy and Procedures encompass the College's compliance with Title VI of the Civil Rights Act of 1964 (Title VI), and the College considers the U.S. Department of Education's Office for Civil Rights' (OCR) guidance in complying with Title VI. The definition of antisemitism used by the College in the Policy is the same definition of antisemitism used by OCR. When evaluating Title VI complaints, the College, like OCR, uses the IHRA Definition, including its contemporary examples "where useful as 'evidence of discriminatory intent.'"

10. What is the IHRA framework on which the U.S. Department of Education relies?

IHRA adopted the following working definition of antisemitism:

"Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals

and/or their property, toward Jewish community institutions and religious facilities.”

For more information about examples OCR identifies as relevant *to the extent that they are useful in determining discriminatory intent*, please see the Appendix to OCR’s January 19, 2021 Questions and Answers on Executive Order 13899 (Combating Anti-Semitism) and OCR’s Enforcement of Title VI of the Civil Rights Act of 1964 (“Q&A”).

11. Is the Policy consistent with the College’s protections for free speech and academic freedom?

Yes.¹ The Policy is consistent with the College’s Speech Code, which provides:

Pomona College believes that free speech is critical to Pomona’s mission as an educational institution, and therefore, the norm is that speech and other forms of expression are protected.

Protected Speech

The First Amendment protects the exercise of free speech in ways that sometimes make us uncomfortable, and our courts have consistently applied the First Amendment to protect speech that is insulting, outrageous and offensive. The First Amendment protects most speech that is commonly considered “hate speech.” Under California’s Leonard Law, the College cannot discipline a student for speech that would otherwise be protected under the First Amendment, even when members of the College community find it offensive or repugnant. This includes wearing political messages or slogans on a hat, shirt, or other clothing.

Hate Speech

Contrary to a widely held misconception, “hate speech” is generally protected by the First Amendment. This has been established law for over a hundred years. Only if the speech fits within one of the categories of unprotected speech can it serve as a basis for disciplinary action against the speaker.

*The term “hate speech” often refers to speech that insults or demeans a person or group of people on the basis of attributes such as race, religion, ethnic origin, shared ancestry, sexual orientation, disability or gender. While the College **condemns** speech of this kind, there is no “hate speech” exception to the First Amendment; under California*

¹ This is also consistent with existing federal guidance, which states that federal agencies “shall not diminish or infringe upon any right protected under Federal law or under the First Amendment.” Q&A, pp.2-3.

law, the College is only permitted to discipline a student on the basis of speech if the content or manner of the expression falls into one of the categories described below as “unprotected speech”.

Unprotected Speech

Certain limited categories of speech and other forms of expression are unprotected by the First Amendment and would constitute a violation of the Student Code subject to a disciplinary response:

- ***Speech that constitutes harassment*** *as specifically defined in the College’s Non-Discrimination Policy Regarding Student-Related Matters, i.e., speech based on one or more Legally Protected Characteristics, and so persistent, repetitive, pervasive or severe that it has the purpose or effect of substantially interfering with or materially limiting a reasonable person’s ability to participate in or benefit from the College’s educational programs or activities.*
 - *Using code words, like “Zionist,” does not eliminate the possibility that student speech violates this Policy. Speech or conduct that would violate Pomona’s Non-Discrimination Policy if targeted at Jewish or Israeli people also violates the policy if targeted at Zionists on the basis of their actual or perceived Jewish or Israeli shared ancestry.*
- ***Speech that constitutes fighting words.*** *To constitute fighting words, the speech must meet all of the following three criteria. First, the speech must be addressed at a specific individual or particular group of individuals. Second, the speech must be abusive rather than a communication of ideas. Third, when considered objectively, the speech must be likely to provoke a violent reaction.*
- ***Speech that incites imminent lawless action.*** *To constitute incitement of imminent lawless action, the speech must meet all of the following three criteria. First, the speech must advocate for, or attempt to cause, lawless action in the near future. Lawless action includes, but is not limited to, violence or the destruction of property. Second, when considered objectively, the speech, in context, must be likely to produce such lawless action. Third, the speaker must intend to cause such lawless action.*
- ***Speech that constitutes a true threat.*** *To constitute a true threat, the speech must communicate a serious intent to harm a specific person or a particular group of persons. While the speaker does not necessarily have to intend to carry out the threat, the speech must (1) cause the individual to subjectively fear for*

their physical safety and (2) cause a reasonable person in their situation to feel the same level of fear in order to qualify as a true threat.

- ***Speech that materially limits the College's educational function.*** *Examples of speech that constitute a material limitation of the College's educational function include but are not limited to speech outside of a classroom or dedicated educational setting that is so loud as to disrupt a classroom or similar learning environment, protests that block access to a classroom or educational setting or hinder or prevent a scheduled class from convening.*
- ***Speech/material that constitutes obscenity.*** *To constitute obscenity, speech must: appeal to prurient interest, depict sexual conduct in a patently offensive way, and, taken as a whole, lack serious literary, artistic, political, or scientific value.*
- ***Speech that infringes on the First Amendment rights of others through coercive disruption,*** *defined as the physical interference with others' peaceful exercise of free speech. Examples of this "heckler's veto" are physically blocking access to a speaking event, physical intimidation of a speaker, and noise-making that prevents a speaker from being heard. If this type of conduct occurs during any College-sanctioned activity or function, the College reserves the right to restore conditions under which free speech can flourish. Any student who engages in coercive disruption may be removed and subject to disciplinary action.*

The Policy is also consistent with the principles of academic freedom as included in the Faculty Handbook:

So it is that in all matters of educational policy and administrative procedure Pomona College adheres to the principle of academic freedom as defined by the American Association of University Professors and the Association of American Colleges in 1940:

a) Teachers are entitled to full freedom in research and in the publication of the result, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

b) Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject. Limitations of academic freedom because of religious

or other aims of the institution should be clearly stated in writing at the time of the appointment.

c) College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence, they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinion of others, and should make every effort to indicate that they are not speaking for the institution.

The Policy does not conflict with or override the protections pertaining to free speech and academic freedom.

12. Does the Policy prevent exposure to uncomfortable or challenging conversations?

No. The free interchange of ideas is vital to the College's primary function of discovering and disseminating ideas through research, teaching, and learning. Uncomfortable and challenging conversations—including the expression of unpopular or disagreeable views—are a normal part of College life.

When Pomona College interprets and applies the Policy, it does so with an awareness of the College's commitment to academic freedom and open inquiry, which means that the College encourages reasoned dissent and the free exchange of ideas, beliefs, and opinions, including on controversies.

For example, the Arab-Israeli and Israeli-Palestinian conflicts may generate tense discussions that lead to *conduct* that violates this Policy. The College addresses conduct violations, not reasoned differences of opinion. Ordinarily, it will not violate the Policy for members of the College community to make controversial statements in the course of academic work or in scholarship; express disagreement with another person's political views; or criticize a government's policy or the political leaders of a country.

13. Does the College have a policy against retaliation?

Yes. Retaliation is prohibited against an individual for raising a good-faith allegation, for cooperating in an investigation of such an allegation, for opposing prohibited conduct, for denying or defending oneself against an allegation, or for offering or providing support to an individual who makes or may make a good-faith report of misconduct.