

CHAPTER 1: GENERAL POLICIES

Equal Employment Opportunity

Section 100

Smith College is committed to creating an environment open to all individuals without unlawful discrimination on the basis of age, race, color, national origin/ancestry, religion, sex or gender, sexual orientation, mental or physical disability, genetic information, or veteran status/membership in the uniformed services. The college affirms its commitment by holding all employees responsible for upholding this principle and recognizing their legal obligations under applicable federal and state statutes.

Smith College employees carry out this commitment by:

1. Lawfully administering all employment policies;
2. Addressing and not tolerating unlawful harassment in the workplace;
3. Addressing and not tolerating unprofessional conduct in the workplace.
4. Recruiting, hiring, training, and promoting persons in all job classifications, without unlawful regard to age, race, color, national origin/ancestry, religion, sex or gender, sexual orientation, mental or physical disability, genetic information, or veteran status/membership in the uniformed services; and
5. Making all employment decisions consistent with the principles underlying equal employment opportunity.

Commitment to Academic Freedom

As an academic institution, teaching, doing research, and learning are subject to the protections of 'academic freedom' as described in the college's policy on academic freedom. Actions or words used in the context of the academic curriculum and teaching environments that serve legitimate and reasonable educational purposes will not be evaluated as harassment or unlawful discrimination because of the principles underlying academic freedom.

Equal Opportunity Policy Complaint Procedure

The college has created the following guidelines and procedures for the resolution of complaints alleging violation of this Equal Opportunity Policy.

I. Pre-Complaint Resolution Strategies

In a diverse community, disagreements and conflicts of various degrees of seriousness are inevitable. Many issues are best resolved informally, by direct communication between the individuals involved, or with the help of mediation by a third party. However, such a strategy may be inappropriate when the conduct is severe or when the

person responsible for the alleged behavior holds a position of authority. Under these circumstances the complainant is encouraged to use the formal complaint procedure. The following members of the college community are available to discuss complaints or concerns under this policy: all supervisors or department heads, the Executive Director of Human Resources, the Human Resources Manager of Employee Relations and Recruitment, the Dean of the School for Social Work, the Director of Institutional Diversity and the Ombudsperson.

These persons are prepared to assist with the assessment of a concern and to explain the options and resources available for resolving concerns. Questions are encouraged; merely discussing an incident in this way does not commit an individual to making a complaint. After discussion with one or more of these persons, the complainant may: pursue the matter on her or his own; ask the Director of Institutional Diversity to discuss the matter with the person who engaged in the conduct; ask one of the specialists listed below to mediate; or proceed to the formal complaint process described below. The Director of Institutional Diversity will provide advice to all parties on the substantive issues involved and the means for addressing the complaint and its possible resolution. Should one of these persons undertake to mediate, she or he will so inform the Director of Institutional Diversity.

The matter will be considered resolved when there is an agreed resolution acceptable to all parties. A written record of the resolution and any other relevant documents will be maintained by the Office of Institutional Diversity and will not become part of a personnel file. Failure to respond to a complaint, or refusal to participate in informal mediation, shall not be introduced as a consideration during any formal proceedings that might arise.

Informal resolution may not be appropriate when the behavior complained of is so egregious as to constitute a violation of policy that could result in disciplinary action. After learning about a situation from the complainant, any of the above listed persons may determine that an investigation into the complaint is merited even if the complainant does not file a formal complaint.

II. Formal Complaint Procedures

When the College receives a formal complaint under this policy it will promptly investigate the allegation in a fair and expeditious manner. Every effort will be made to proceed while maintaining confidentiality to the extent practicable under the circumstances. If it is determined that this policy has been violated the college will act promptly to eliminate the offending conduct, and where appropriate will impose disciplinary action.

Procedure

If a complainant believes the Equal Opportunity Policy has been violated and informal resolution is not appropriate, or has not been successful, s/he should report the incident promptly to his/her supervisor or department head, the Executive Director of Human Resources, the Human Resources Manager of Employee Relations and Recruitment, the

Dean of the School for Social Work, or the Director of Institutional Diversity. In order to aid in the fairness of this process, formal complaints should be filed within 7 (seven) calendar days of the offending or questionable action or behavior.

This procedure does NOT cover allegations of sexual harassment. For sexual harassment complaints, please see the Sexual Harassment Policy in this handbook http://www.smith.edu/hr/handbook_103.php

The following is an outline of the procedure generally followed once a complaint has been brought to the attention of the college:

- A prompt and impartial investigation of the complaint is conducted. This investigation will consist of (but will not necessarily be limited to) interviews of the individual who made the complaint, of the person or persons against whom the complaint was made and of other individuals who may have witnessed the reported incident or incidents.
- Upon completion of the investigation, the person who conducted the investigation will meet individually with the person who made the complaint and the individual or individuals against whom the complaint was made, to prepare the results of the investigation and, where a remedy is determined to be appropriate, to inform the parties of the steps that will be taken to remedy the situation.

Disciplinary Action

In the event the investigation results in a finding that this policy has been violated, further action will be taken, including disciplinary action such as but not limited to reprimand, change in work assignment, mandatory training or suspension and/or immediate termination.

Confidentiality

All actions taken to investigate and resolve complaints through this procedure shall be conducted with as much privacy, discretion and confidentiality as possible, without compromising the thoroughness and fairness of the investigation. All persons involved should treat the situation with respect. To conduct a thorough investigation, the investigator(s) may discuss the complaint with witnesses and those persons involved in or affected by the complaint, and those persons necessary to assist in the investigation or to implement appropriate disciplinary actions.

No Retaliation for Filing a Complaint

Retaliation against an individual for making a complaint or for assisting in the investigation of such a complaint will not be tolerated. Any acts of retaliation will be subject to disciplinary action. If an individual involved in an investigation believes

s/he has been retaliated against s/he should contact one of the on-campus resources listed.

III. College Investigators of Complaints

Naomi Miller
Assistant to the President/Director of Institutional Diversity
X2141

Carolyn Jacobs
Dean, School for Social Work
X7977

Larry Hunt
Executive Director of Human Resources
X2262

Jenny Silver
Manager of Employment and Employee Relations
X2288

IV. State and Federal Agency Complaints

In addition to the above, an individual who believes he or she has been subjected to illegal discrimination may file a formal complaint with the government agencies listed below. Using the College's complaint process does not prohibit an individual from filing a complaint with either of these agencies. Claims filed with MCAD or EEOC must be filed within 300 days from the date of the alleged violation.

Massachusetts Commission Against Discrimination (MCAD)
436 Dwight Street, Rm 220
Springfield, MA 01103
Telephone: (413) 739-2145

U. S. Equal Employment Opportunity Commission (EEOC)
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Telephone: (617) 565-3200

Below is an excerpt from the Common Ground Working Recommendations Report (September 2006). To view the complete report, please visit <http://www.smith.edu/oid/commonground/>

Vision

As a central element of its commitment to excellence, Smith College seeks to provide an environment that fosters the recruitment and success of a diverse student, faculty, and staff community.

Diversity Principles

- Power and privilege influence access to opportunities and resources, according to distinctions among people based on race, age, ethnicity, gender, sexual orientation, social class, religion, and disability.
- Within any given community, people will have multiple and complex social identities that both connect them to and differentiate them from others.
- Valuing diversity requires not simply an acknowledgement of differences, but a commitment to overcoming inequities and fostering a hospitable and respectful community.

Diversity Goals

Diversity initiatives at the college have three goals:

1. to enable all to recognize and learn about the varied traditions, backgrounds, and capacities that members of the community bring to the college, and to recognize that each member has something to teach and something to learn;
2. to foster critical thought about equality, inequality, power, and privilege in society;
3. and, finally, to reduce (as much as is possible) inequalities in the college community that are based on such differences.

Please also see the Code of Conduct - Fair Employment Practices and Diversity for more information.

Smith College is committed both philosophically and legally to assuring access to all college programs and services. The college pursues the goal of equal access through proactive institutional planning and barrier removal, as well as through the provision of reasonable and appropriate accommodations to students, staff, and faculty with documented disabilities.

The Office of Disability Services assists students, faculty, and staff with special needs or disabilities. The office coordinates accommodations for employees, including physical modifications, special equipment, sign language interpreters, etc. Questions about accommodations and services for staff should be directed to the Office of Human Resources or the Director of Disability Services. For more information, go to <http://www.smith.edu/ods/> or call (413) 585-2071 (Voice) or (413) 585-2072 (TTY).

Smith College is committed to maintaining an environment free of discrimination or forms of harassment that unreasonably interfere with the security, well-being, or academic experience of any member of the community. Sexual harassment on campus or in other settings related to College employment or enrollment, is unlawful, as well as unethical, and will not be tolerated. The College will respond promptly to formal complaints of sexual harassment, and, where it is determined that sexual harassment has occurred, will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate. This policy applies to all activities of the College, including Smith sponsored study abroad programs.

While this policy sets forth the College's goal of promoting a work and educational environment that is free from harassment, the policy is not designed or intended to limit the College's authority to discipline or take remedial action for conduct that the College deems inappropriate or unacceptable, regardless of whether that conduct satisfies the legal definition of harassment.

Definition of Sexual Harassment

Both federal and state laws define and prohibit sexual harassment in employment and in the provision of educational services to students. In Massachusetts, the legal definition of sexual harassment is as follows: "sexual harassment" means sexual advances, requests for sexual favors and verbal or physical conduct of a sexual nature when:

- a. submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or enrollment or is used as a basis for employment or educational decisions, placement services or evaluation of academic achievement; or
- b. such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work or educational performance by creating an intimidating, hostile, humiliating or sexually offensive work or educational environment.

Under these definitions, direct or implied requests by a supervisor, professor, athletic coach or trainer, or other individual responsible for work or academic evaluations for sexual favors in exchange for actual or promised job or academic benefits constitutes sexual harassment. Benefits include grades, academic assignments, research opportunities, favorable reviews and recommendations, salary increases, promotions, increased benefits and continued employment or enrollment.

Sexual harassment can occur between individuals of the same gender and regardless of sexual orientation. The same standards that apply to harassment between individuals of the opposite sex apply to harassment involving individuals of the same sex.

The legal definition of sexual harassment is broad, and, in addition to the above examples, other sexually-oriented conduct may also constitute sexual harassment. Whether intended or not by the person engaging in the conduct, sexually-oriented conduct that is unwelcome and has the effect of creating an environment that is hostile, offensive, intimidating or humiliating to another on the basis of sex may also constitute sexual harassment.

Commitment to Academic Freedom

As an academic institution, teaching, doing research, and learning are subject to the protections of 'academic freedom' as described in the College's policy on academic freedom. (See related matters at the end of this policy.) Actions or words used in the context of the academic curriculum and teaching environments that serve legitimate and reasonable educational purposes will not be evaluated as sexual harassment or other unlawful discrimination because of the principles underlying academic freedom.

Examples of Conduct

While it is not possible to list all circumstances that constitute sexual harassment, the following are some examples of conduct that may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances - whether they involve physical touching or not;
- Threats or insinuations that a person's employment, wages, academic grade, promotional opportunities, classroom work assignments or other conditions of employment or academic life may be adversely affected by not submitting to sexual advances;
- Dissemination of sexually explicit voicemail, email, graphics, downloaded material or web sites;
- Unwelcome sexual epithets, sexual jokes, written or oral references to sexual conduct, gossip regarding one's sex life;
- Unwelcome comment about an individual's sexual activity;
- Displaying sexually suggestive objects, pictures or cartoons;
- Unwelcome leering, sexual behavior, or sexual gestures;
- Unwelcome inquiries into another's sexual experiences;
- Unwelcome discussion of one's sexual activities;
- Creating a hostile environment for others by engaging in harassing conduct that affects the workplace, or the teaching or research environment, or affects others' ability to compete for grades, research opportunities, academic or work assignments, compensation, and/or employment benefits. In addition to the conduct described above, romantic involvement (even if consensual) between supervisors and subordinates or between a faculty member and a student may create a hostile environment.

Depending on the totality of the circumstances and the nature of the complaint, the fact that a relationship began as a consensual relationship may NOT be a defense to a claim of sexual harassment.

Informal Resolution and Opportunities to ask Questions

An individual who believes he or she has been subjected to sexual harassment is advised to make it clear to the offender that such behavior is offensive. Early informal methods are often effective in correcting questionable behavior or resolving incidents of possible harassment. See the resources link at www.smith.edu/sao/sexualharassmentresources/ for contact information of specialists and others who can help an individual decide what to do and, as appropriate, help an individual through the process of both informal and formal resolution.

By bringing the matter immediately to the attention of a supervisor, the Director of Institutional Diversity, the Dean of Students, the Dean of the School for Social Work, the Associate Provost, or the Executive Director of Human Resources, the College can assure that prompt efforts will be made to help assess the situation, and determine what informal or formal steps are necessary.

Responding to a Complainant

If you have supervisory responsibilities, as do academic department chairs and managers, and possible harassment or other violations of this policy are reported to you, whether or not the person making the report is personally affected, you must immediately advise the Director of Institutional Diversity. This reporting will result in an evaluation of how best to respond and can include informal resolution, intervention, or filing of a formal complaint (see below).

If you are a faculty member who receives information from a person who believes that she or he is being or has been sexually harassed your obligation is to consult with someone who has been trained in sexual harassment awareness and response www.smith.edu/sao/sexualharassmentresources/. Be aware that the complainant's interest in confidentiality and the reputation of the respondent are of equal importance at every stage of considering information shared. Depending on the totality of the circumstances and the nature of the complaint, and especially if the complainant is a student, information may have to be shared with the Director of Institutional Diversity.

Formal Complaint

An individual who believes that he or she has been subjected to harassment may file a formal complaint with the College. This may be done in writing or orally by contacting the Director of Institutional Diversity (413-585-2141). If the Director is unavailable or if circumstances make it more appropriate, the complaint may be filed with the Executive Director of Human Resources (413-585-2260), or the Dean of Students (413-585-4940), or the Dean of the School for Social Work (413-585-7977), or the Associate Provost (413-585-3000), or the Director of Public Safety (413-585-2490). These individuals are also available to discuss any concerns related to sexual harassment and to provide information about the College's policy on harassment and its complaint process.

Complaint Investigation

When the College receives a formal complaint, it will promptly investigate the allegation. An investigator will determine facts that support findings about the complaint. The investigation generally will include interviews with: (1) the complainant; (2) the respondent; (3) witnesses (if any and if deemed necessary by the College); and others as determined by the investigator.

All employees and students are expected to cooperate fully in efforts to investigate and enforce this policy. When the College has completed the investigation, the findings of the investigation will be shared with the complainant, the respondent, and others involved to the extent appropriate.

Investigators of sexual harassment complaints include the Director of Institutional Diversity, the Executive Director of Human Resources, the Dean of the School for Social Work, the Dean of Students, the Associate Provost, and the Director of Public Safety. There may be circumstances in which one of these investigators will appoint another person to conduct the investigation.

Confidentiality

The College recognizes that confidentiality is very important. All actions taken to investigate and resolve complaints shall be conducted with as much privacy, discretion, and confidentiality as possible without compromising the thoroughness and fairness of the investigation. All persons involved in an investigation are expected to treat the process with respect and to hold information confidentially. Information about individual complaints and their disposition will be shared only on a “need to know” basis. However, even informal efforts to end harassment may require that an accused harasser learn of the identity of the complainant. The College will work closely with students or employees to ensure their ability to complete their academic program or continue to work during all stages of handling an informal or formal complaint of sexual harassment.

Disciplinary Action

If it is determined that an employee or student has engaged in sexual harassment or other inappropriate conduct, the College will take action appropriate under the circumstances. Such action may include written warnings, required counseling, probation, suspension, termination, or expulsion, and it may include such other forms of disciplinary action, as the College deems appropriate. Likewise if it is determined that a complainant invoked the investigatory process in bad faith or knowingly presented false or misleading information, appropriate disciplinary action may be taken.

No Retaliation for Filing or Assisting with a Complaint of Sexual Harassment

Retaliation against any individual for making a good faith complaint of sexual harassment or for assisting in good faith in the investigation of such a complaint is illegal and will not be tolerated. All acts of retaliation are subject to disciplinary action. Individuals who believe they have been subject to retaliation should immediately report their concerns to the Director of Institutional Diversity.

Commitment to Awareness and Response Training

The College provides regular sexual harassment awareness and response training programs for supervisors and individuals identified with responsibilities in this policy. Additionally, the College informs the community about what constitutes sexual harassment and our moral and ethical commitment to ending sexual harassment.

State and Federal Agency Complaints

In addition to the above, an individual who believes he or she has been subjected to harassment may file a formal complaint with government agencies with jurisdiction. Using the College's complaint process does not prohibit an individual from filing a complaint with any of these agencies. Claims filed with MCAD or EEOC must be filed within 300 days from the date of the alleged violation.

Massachusetts Commission Against Discrimination (MCAD)
436 Dwight Street, Rm 220
Springfield, MA 01103
Telephone: (413) 739-2145

U. S. Equal Employment Opportunity Commission (EEOC)
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Telephone: (617) 565-3200

Complaints from students may also be filed with the U.S. Department of Education's Office of Civil Rights within 180 days from the date of the alleged violation.

U.S. Department of Education
Office for Civil Rights
33 Arch Street, Suite 900
Boston, MA 02110-1491
Telephone: 617-289-0111

Related Matters

Sexual Assault or Rape: <http://www.smith.edu/sao/sexualassaultresources/>

Statement of Principle on Sexual Relations Between Faculty and Students, Faculty Code Appendix H: <http://www.smith.edu/deanoffaculty/code/CODENEW.pdf>

Statement of Academic Freedom and Freedom of Expression, Faculty Code Appendix A: <http://www.smith.edu/deanoffaculty/code/CODENEW.pdf>

This policy replaces and supersedes all prior policies of the College on sexual harassment.

Approved by President Carol T. Christ, March 9, 2007

It is the college's intent to avoid conflicts between interests of the college and the personal interests of faculty and staff members. Therefore, when any college business transaction under consideration presents the potential for a conflict of interest, the faculty or staff member concerned shall not be involved in the transaction, and the college shall act in accordance with the guidelines below.

A conflict of interest is defined as incompatibility between an individual's private interests and his or her duties or actions as a college employee.

- A potential for conflict of interest exists where a college faculty or staff member, or a close relative or member of that person's household, is an officer, director, employee, proprietor, partner, trustee, or stockholder in, or stands personally to profit in a material way from, an organization seeking to do business with the college.
- A potential for conflict of interest also exists when a college faculty or staff member has an interest in an organization which is in competition with a firm doing business with the college and the faculty or staff member's position gives him/her access to proprietary or other privileged information which could benefit the firm in which he/she has an interest.
- Those involved in the design, conduct, or reporting of research or educational activities supported by outside funding must disclose to the Vice President for Finance and Administration all financial interests they may have (including those of relatives or members of their household) (i) that would reasonably appear to be affected by the research or educational activities that are funded or are proposed for funding; (-ii) in entities whose financial interests would reasonably appear to be affected by their research activities.

College business transactions include but are not limited to procurement of goods and services (including consulting and contractual services), disposition of college materials or property, and agreements for the provision of services or use of college facilities or space.

Any college faculty or staff member, who is or is to be involved in a college business transaction in which a potential for conflict of interest exists, on his or her own part or on the part of another college employee, is required to promptly report such potential conflict to the Executive Director of Human Resources or the Vice President for Finance and Administration.

The Board of Trustees Policy on Conflicts of Interest requires an annual disclosure of financial interests. Employees with responsibilities for major contracting and financial relationships will also be asked to comply with this policy to complete an annual disclosure statement.

Please also see the Code of Conduct - Conflicts of Interest for more information.

Employment of Relatives

Smith College is committed to hiring diverse, qualified candidates and to providing opportunity for transfer and advancement for employees in good standing. The college is equally committed to avoiding conflicts of interest and the appearance of favoritism and/or bias.

Smith College does not prohibit the employment of individuals with significant relationships within the college community. Significant relationships may include personal or family. It does, however, prohibit the supervision of an employee by an individual with whom he/she has a significant relationship who has or may have the ability to influence salary, promotion, work assignments, or other working conditions. Please also see the Code of Conduct - Nepotism for more information.

If an employee becomes involved in a significant relationship with another employee where there is supervisory responsibility, or if through reorganization or transfer an individual reports to someone with whom he/she has a significant relationship, both parties have an obligation to inform the Executive Director of Human Resources, who will work with the supervisor to resolve the conflict.

The News Office within the Office of College Relations disseminates information about Smith College to the news media, which includes print and broadcast media with local, regional, national and international audiences. If the News Office determines information may be released, it will direct a reporter to the appropriate employee for that information. Any Smith employee contacted by a member of the media should confirm that the person already has spoken with someone in the News Office before releasing information. Employees may also request to be added to the "News Tracker," a listing of recent media coverage that mentions Smith faculty, students, alumnae and staff, and is distributed by e-mail three times a week. Employees who are interviewed are asked to inform the News Office about the story so that the coverage can be included in the News Tracker and filed.

For more information, visit <http://www.smith.edu/newsoffice/>

Smith College is a charitable entity subject to federal, state, and local laws and regulations regarding political and campaign activities. While all members of the college community are free to express political opinions and engage in political activities, it is important that they do so only in their individual capacities and avoid even the appearance that they are speaking or acting for the college in political matters.

Notwithstanding the above, the college does not seek to inhibit the expression of personal political views by any individual in the college community. Faculty, students, and staff may support candidates for office or in furtherance of political causes. There is no restriction on discussion of political issues or teaching of politics or campaign-related topics.

This policy statement addresses campaigns for political office and provides specific guidelines on activities related to campaigns. It also addresses how individuals can avoid having their personal opinions appear to be those of the college as an entity. The following statements provide the foundation for the more specific guidelines:

- Individuals taking political positions for themselves or groups with which they are associated, but not as representatives of the college, should clearly indicate, by words and actions, that their positions are not those of the college and are not being taken in an official capacity on behalf of the college.
- During election campaigns, auditoriums or other facilities may be used by the college, or groups affiliated with the college, for public forums provided that all legally qualified candidates for a public office, or for the nomination of a particular party, are invited and given equal access and opportunity to speak.
- The college is legally prohibited from endorsing candidates for political office or making any contribution of money, goods, or services to candidates; therefore, it is important that no person intentionally or unintentionally cause the college to make such an endorsement or contribution.

The Office of College Relations, in consultation with the Office of the President, interprets and applies these policies and guidelines. All questions on whether planned activities are consistent with the college's obligations should be addressed directly to the Executive Director of Public Affairs.

For further information, please visit <http://www.smith.edu/cccp/political.php>

Use of the Smith College Name and the Seal

Neither the name nor seal of the college or of any of its departments may be used on letters or other materials intended for partisan political purposes.

Solicitation, canvassing, and leafleting on college premises are limited in accordance with the guidelines outlined below. The policy is not intended to infringe on the rights of members of the college as individuals to freely express and exchange views and to associate with others. Rather, the policy is intended to ensure the continuity of college work and operations; to avoid the misuse of college facilities or resources in ways which would impair its nonprofit, nonsectarian, independent, and nonpolitical status; and to preserve both the fact and the appearance of the college's impartiality. See also the college's Political & Campaign Activities Policy at <http://www.smith.edu/cccp/political.php>

Non-Employees

Non-college individuals, groups, or organizations are not permitted to engage in solicitation of any kind, nor may they distribute written material of any kind on college property, except as provided for in official contractual or purchase order arrangements or as explicitly authorized by the Controller (413-585-2200) or the Student Affairs Office (413-585-4940).

Employees

College employees may not engage in solicitation or canvassing of any kind, including solicitation for membership or subscriptions, during working time. In addition, employees may not distribute leaflets or written materials of any kind during working time or at any time in work areas, or in areas where distribution of such materials disrupts services. Working time means the time employees are actually engaged in work and does not include authorized meal time or break time.

Employees may not use their college positions or the college's facilities, letterhead, communications media (including campus or electronic mail), or other resources for purposes of political or other solicitation or canvassing.

The President may provide an exception to permit the use of college staff time and resources for canvassing for contributions, and the use of voluntary payroll withholding, to collect for charitable, educational, or related programs (standing approval has been given for United Way and Service Organizations of Smith), or for programs directly sponsored by the college.

Please also see the Code of Conduct – Lobbying and the Electronic Mail Policy for additional information.

The college's Records Management Policy is available at <http://www.smith.edu/libraries/libs/archives/records>

Please also see the Code of Conduct - Accuracy of Records and Reporting, Confidential Information, and Compliance with Contractual, Grant, and Other Obligations for additional information.

Access to and Release of Confidential Information

Some employees have access to confidential information regarding the college or personal data about faculty, staff, or students. Handling and maintaining the security of such data is one of an employee's most important responsibilities. Special care must be taken not to divulge or inadvertently reveal confidential information to anyone, including over the telephone.

An employee should never release any confidential information without clearance from her or his department head. Questions regarding the release of confidential information should be directed to the department head or the Office of Human Resources.

The Family Educational Rights and Privacy Act of 1974, as amended, sets forth requirements regarding the privacy of student records. The purpose of the act is to give students and former students access to their official records at the college, to provide an opportunity to correct inaccurate or misleading statements and to ensure that records are not released to unauthorized persons without the consent of the student. For further information, please visit <http://www.smith.edu/registrar/privacy.php>.

This policy reflects a college-wide commitment to an environment free of drug and alcohol abuse through (1) education and counseling programs, and (2) the prohibition of illegal or imprudent use of drugs or alcohol. The college prohibits the unlawful manufacture, distribution, dispensing, possession, and use of controlled substances. Controlled substances include, but are not limited to, narcotics, barbiturates, amphetamines, cocaine, marijuana, anabolic steroids, and misused prescription or legal drugs or alcohol. As used in this policy, the words “substance” and “controlled substance” include alcoholic beverages. Those who use controlled substances or illicitly use or abuse legal substances, including but not limited to alcohol, are in violation of the law and of this Smith College policy. Compliance with this policy is a condition of employment and/or enrollment at the college. All members of the Smith College community are expected to be familiar with and abide by the principles and details of this policy.

When the conduct of a member of the college community on college property or during a college activity, wherever it may occur, is in violation of this policy, the college will take appropriate action, up to and including expulsion, termination of employment, and referral for prosecution. Please also see **Alcohol and Drug Problems (Link to Section 211)**.

When appropriate, the Office of Human Resources may make referrals to the Employee Assistance Program, or employees may wish to consult the EAP independently. This policy supplements, and does not replace, other regulations, policies, standards, and expectations regarding the conduct of college students and employees. Nothing in this policy shall be construed to remove or otherwise affect those protections normally afforded to all employees and students. For additional information on the laws and penalties for possession and distribution of controlled substances, see [LINK TO Policy on Substance Abuse and Substance Use PDF ON OUR SITE](#)

Smith College recognizes that using tobacco products is harmful to the health of tobacco users and that exposure to secondhand smoke poses a health risk to nonsmokers. This policy has been enacted to address these health concerns and to provide a smoke-free workplace for all members of the college community.

Smoking is prohibited in all college-owned student residences and all academic and administrative buildings. All smoking by faculty, staff, students, and visitors is limited to outdoor areas more than 20 feet from any academic, administrative, or residential building. Smoking is also prohibited in college-owned vehicles.

The college is committed to providing educational programs to assist its employees and students in making healthy lifestyle choices. Employees who are interested in smoking cessation programs may obtain information from the Office of Human Resources.

It is the responsibility of each member of the college community to comply with the provisions of the Smoking Policy. Individuals who have questions or concerns about the policy should contact the Office of Human Resources or the Office of Student Affairs.

For the College's Smoking Policy, please visit <http://www.smith.edu/cccp/smoking.php> for additional information.

The College is responsible for the actions of its employees, agents, officers and directors when they are acting within the scope of their duties for the college.

When an employee is involved in a situation that creates a claim against the College, the College will generally indemnify the employee except under a very limited number of circumstances. This general rule is applied when as the employee's actions were related to and clearly within the expectations of their duties as an employee, and the employee acted in good faith, without criminal or other misconduct, and with the reasonable belief that his/her action was in the best interests of the college.

Indemnification assures that the employee will be represented by legal counsel and the reasonable expenses of the representation along with the damages that may ultimately be paid will be borne by the College. If an employee is individually named as a defendant in a lawsuit by the claimant, the Trustees must affirmatively vote to indemnify the employee.

The Five College Risk Manager is the primary officer of the College concerned with liability issues and insurance. The risk manager addresses questions related to indemnification clauses and insurance provisions in contracts, release and waiver forms for participation in events, insurance coverage questions and risk assessment. The risk manager can be reached at 413-538-2731.

If you are sued in your capacity as an employee or if you are involved in or aware of a situation that you believe might give rise to a claim, it is important to speak with the College's general counsel, at 413-585-2135 as soon as possible. The general counsel can help you anticipate what is likely to happen and will ensure that your interests and those of the College are represented. It is important that you NOT make statements, oral or written, regarding any situation that might give rise to a claim or action without first discussing the matter with the College's general counsel.

Please also see Code of Conduct - Compliance with Laws and Regulations