

2017 Smith College Annual Clery Act Campus Security and Fire Safety Report

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Campus Police Department
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A Note to Our Readers:

This report has been prepared to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This document is available online at <https://www.mtholyoke.edu/sites/default/files/campuspolice/docs/ClerySmith.pdf>. This report is prepared in cooperation with the local law enforcement agencies surrounding our main campus and non-campus property sites, the offices of the Dean of the College, Dean of Students, Residence Life, Student Programs, Health and Counseling Services and Department of Athletics, among others. Each entity provided updated information on their educational efforts and programs in finalizing this document.

Campus crime, arrest, and referral statistics include those reported to the Campus Police Department, designated campus officials (including but not limited to directors, deans, department heads, etc.) and to local law enforcement agencies.

If you have any questions about anything contained in this report, please contact the Campus Police Department at x2490 (dial 413-585-2490 from off campus or from a cell phone.)

ABOUT THE COLLEGE & DEPARTMENT

STATEMENT OF NON-DISCRIMINATION

Smith College is committed to maintaining a diverse community in an atmosphere of mutual respect and appreciation of differences.

Smith College does not discriminate in its educational and employment policies on the bases of race, color, creed, religion, national/ethnic origin, sex, sexual orientation, age, or with regard to the bases outlined in the Veterans Readjustment Act and the Americans with Disabilities Act.

Smith's admission policies and practices are guided by the same principle, concerning women applying to the undergraduate program and all applicants to the graduate programs.

Smith College's Notice of Non-Discrimination can also be found at: <https://www.smith.edu/about-smith/smith-glance/notice-nondiscrimination>.

DEPARTMENT BIAS BASED PROFILING POLICY

It is Smith College's policy that, except in "suspect specific incidents," Campus Police officers are prohibited from considering the race, gender, national or ethnic origin, sexual orientation, or disability of members of the public in deciding to detain a person or stop a motor vehicle and in deciding upon the scope or substance of any law enforcement action.

CAMPUS POLICE AT A GLANCE

The Smith College Campus Police Department is part of a three-college Campus Police department collaborative, having combined its resources with the Hampshire College and Mount Holyoke College Campus Police departments. Our Smith staff are stationed at Smith College, but additional patrol and administrative resources are available through this collaborative.

Campus Police Administrative Office & Parking Office Hours:

Mon – Fri 8:30am – 4:00pm

Officers & Dispatchers are on duty 24 hours/day, 365 days/year

THE DEPARTMENT'S ENFORCEMENT AUTHORITY

Officers are authorized under Massachusetts General Law 22C, Section 63, to enforce federal and state laws and have the power to arrest, just like any other police force in Massachusetts.

The Department enforces the Massachusetts General Laws and protects life and property on campus by providing law enforcement and security and by responding to emergencies. Officers may additionally enforce violations of College rules and policy.

BACK-UP AID & EXTERNAL SUPPORT

The Department has back-up aid from and maintains telephone and radio contact with the Northampton Police Department. Campus Police handles most if not all criminal incidents that occur on Smith College property. This is based on an unwritten agreement with the Northampton Police Department.

Under Massachusetts law, the State Police are notified of any death on campus and can have jurisdiction over any criminal incident that occurs on campus. The Northampton Fire Department responds to fire and medical emergencies to supplement to department services.

While the Department maintains strong, cooperative relationships with the Northampton Police Department, the Massachusetts State Police, and other surrounding law enforcement entities, it does not maintain formal memoranda of understanding with these agencies.

CRIMES IN OR ON NON-CAMPUS BUILDINGS/PROPERTY

Statistics reported in the "on-campus" category include those crimes occurring on property owned or controlled by the campus that is within the contiguous geographic area of the campus. Crime statistics for this area are contained in the complete city statistics listed in this document.

Campus crime statistics include incidents that occurred at non-campus property. This property includes the Crew Team storage facility and the MacLeish Center for the Environment in the local area as well as property the college has control of in Geneva, Switzerland; Hamburg, Germany; Paris, France; and Florence, Italy. The international properties are used for housing and are associated with study abroad programs.

CENTRAL DISPATCH

The three college Campus Police Department collaborative utilizes a central dispatch center which provides dispatch services to all three campuses 24 hours a day, 365 days per year.

Dispatchers respond to routine and emergency calls, as well as monitoring fire and intrusion alarms for all three campuses and a number of security cameras. Dispatchers make notifications during emergencies and provide after-hours routing of calls for urgent maintenance issues. All dispatchers undergo an intensive field training program, receive standard training for emergency dispatchers and are certified by the national Association of Public-Safety Communications Officials (APCO).

POLICE ACCREDITATION

The Department is proud to be accredited by the Massachusetts Police Accreditation Commission. This status assures our communities that our department has met professional standards of conduct and service, and this department remains one of only a small number of departments in our region to have attained this status in the state.

HOW TO REPORT A CRIME OR EMERGENCY

The College encourages every member of the community—faculty, staff, students, and visitors—to report all crimes accurately and promptly. To report a crime or emergency on campus, members of the community should call the Campus Police Department. Professionally trained officers are available for response 24 hours a day, 7 days a week, 365 days a year. To report a crime off campus, dial 911 in most areas in the U.S.

Call Campus Police if you see...

- Suspicious behavior in or around a residence hall or other building – people looking in windows, trying to open windows, trying to access doors they do not have access to, etc.
- Anyone trying to open car doors or tampering with a motor vehicle.
- Vehicles parked with the motor running.
- Damaged doors or windows in residence halls or other buildings.
- Loiterers in dark or secluded areas.
- Someone peering into windows.
- Someone displaying a weapon.

Call Campus Police if you hear...

- Someone screaming.
- Breaking glass.
- A stranger trying to enter your building.
- A call for police.
- A call for help.
- Loud or obscene shouting indicating a disturbance.
- An explosion or gunshots.

If you notify Campus Police, the dispatcher will send officers (and ambulances, if necessary) to any section of the campus. Please try to have the following information for the dispatcher:

- What you see or hear.
- The address or location of the incident.
- The number of people involved.
- A description of the people involved.
- License numbers and descriptions of cars involved.
- The direction of fleeing suspects.

- Your name and address (if you wish to give it).

The behaviors listed above are non-exhaustive examples. Similarly, you do not have to have every piece of information listed above before contacting Campus Police. All of the information in this section is designated to be a helpful guide but, when in doubt, please contact Campus Police with your concerns.

CAMPUS SECURITY AUTHORITIES

The Campus Police Department is the campus agency required to compile Clery Act crime statistics for incidents reported on campus. While the Department encourages victims to report crimes occurring on the campus directly to Campus Police, we also collect crime data from other administrators on campus who are required to report crime statistics to the Campus Police Department for inclusion in the Annual Security and Fire Safety Report as well as for the issuance of Safety Alerts (see below). Such designated “Campus Security Authorities” are defined in the Clery Act as “any individual who has responsibility for campus security but who does not constitute a campus police or security department..., or who has significant responsibility for student and campus activities.” This includes, but is not limited to:

- The Dean of the College
- Dean of Students
- Director of Residence Life and Resident Advisors
- Title IX Coordinators and Deputy Coordinators
- Director of Athletics and Coaches
- Study Abroad & Field Study coordinators
- A number of other program directors
- Faculty and staff advisors to student groups and organizations
- Monitors at campus buildings and events
- Director of Health Services & Counseling Service

RESPONSIBILITIES OF CAMPUS SECURITY AUTHORITIES

Campus Security Authorities are required to inform the Campus Police Department of any criminal incidents reported to them so that these incidents can be recorded as statistics by the department and, where appropriate, be included in the College’s Annual Security and Fire Safety Report.

Incidents that pose a threat to the community must be reported to Campus Police immediately so a determination can be made as to whether or not an emergency notification must be made to the community.

Professional and pastoral counselors are explicitly not campus security authorities, which means they are exempt from the requirement to report crimes to Campus Police when that information is received by them while they are acting in that pastoral or counseling role. However, they are encouraged to provide non-identifying information to allow for inclusion in the annual crime statistics when it will not sacrifice victim confidentiality.

CONFIDENTIAL REPORTING POLICY

The Clery Act prescribes how the College collects and reports crime statistics and provides for confidential reporting of criminal incidents. Other laws and regulations mandate the College take action to stop sexual harassment, sexual assault, and other criminal acts. In those cases, the College will attempt to respect an individual's desire for confidentiality and will work to maintain the privacy of the individual to the degree possible. However, the College may be legally required to take action depending on the nature of the grievance or complaint and may not be able to honor the request for confidentiality. The individual will be informed if, in the course of satisfying this obligation, the College may be unable to comply with the request for confidentiality.

Generally speaking, a Campus Security Authority is not always required to disclose to Campus Police confidential information concerning an incident, such as information that would identify a victim of a crime who wishes for their identity to remain confidential. However, the crime must be reported to Campus Police immediately as a statistic only. Keep in mind, that Campus Security Authorities may also be responsible employees and, under Title IX and the Violence Against Women Act, may be required to provide more information than is otherwise required in their role as a Campus Security Authority.

CAMPUS CRIME STATISTICS REPORTING POLICIES

The Campus Police Department documents reports of crimes that occur on campus according to the Federal Bureau of Investigation Uniform Crime Reporting (NIBRS edition) Hate Crime Data collection guidelines and standards in accordance with state and federal law. Additionally, the Department annually reports statistics in accordance with Clery Act provisions.

Each year the Campus Police Department is responsible for preparing and posting an annual security report (this document) containing security policies and statistics. Annually, all enrolled students and current employees will receive a notice of the availability of the College's annual security report on the department's web site via the college's electronic announcements; paper notices are mailed to employees in departments not traditionally utilizing computers in their workspaces.

- This notice will include the exact web site address of the College's Clery Law-compliant publication as well as information that additional copies can be requested from the Campus Police Department during normal business hours.
- Notices are also provided to prospective students and staff through the Human Resources and Admissions offices.
- A copy of these statistics, which are contained in the annual security report, are available at the Campus Police Department during normal business hours and anytime on the department's website at <https://www.mtholyoke.edu/sites/default/files/campuspolice/docs/ClerySmith2017.pdf>.
- The Department annually submits its Clery Crime data on the Department of Education website. Data from our institution and others throughout the U.S. is available online at <http://ope.ed.gov/security/>.

SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, & STALKING

The College prohibits all forms of sexual misconduct, including sexual assault, domestic violence, dating violence, and stalking. For more information on other prohibited behavior, please refer to the Gender-Based and Sexual Misconduct Policy at <https://www.smith.edu/sao/handbook/policies/sexassault.php>.

In addition to crimes listed in this report, other forms of gender-based and sexual misconduct are prohibited by law and college policy. For information on other prohibited behavior, please refer to the Gender-Based and Sexual Misconduct Policy at <https://www.smith.edu/sao/handbook/policies/sexassault.php>.

RAPE AND OTHER SEXUAL ASSAULT

It is crucial that individuals report incidences of rape and sexual assault so that offenders can be apprehended and kept from repeating their actions.

WHAT IS SEXUAL ASSAULT?

Sexual assault can be broken into four categories: rape, forcible fondling (called indecent assault & battery in Massachusetts), incest, and statutory rape. Below are the UCR definitions of these crimes:

Rape: The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

Forcible Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: sexual intercourse with a person who is under the statutory age of consent (16 in Massachusetts).

What is Consent?

In Massachusetts, it is illegal to have sex under any circumstances with someone who is incapable of giving consent due to incapacity or impairment; incapacity or impairment may be caused by intoxication or drugs, or because a victim is underage, mentally impaired, unconscious, or asleep. For purposes of this policy, consent is an explicitly communicated, reversible, mutual agreement to which all parties are capable of making a decision.

For more information on the colleges policy on consent, please visit <https://www.smith.edu/sao/handbook/policies/sexassault.php> or <https://www.smith.edu/docs/Gender-Based-and-Sexual-Misconduct.pdf>.

WHAT SERVICES DOES CAMPUS POLICE PROVIDE TO SURVIVORS?

The Campus Police Department has officers who have received specialized training in handling and investigating such offenses.

- Officers will assist victims and survivors to ensure preservation of evidence and contact with appropriate medical and counseling services provided by both Smith College Schacht Center for Health and Wellness (medical and counseling services) and the Cooley Dickinson Hospital, and the UMASS Center for Women and Community or Safe Passage (outside domestic violence and sexual assault resources).
- Officers will assist survivors in notifying appropriate law enforcement authorities upon request.
- College staff will also advise survivors of their rights to counseling and other services offered by the College and the community.

Survivors are involved in all decisions about proceeding with criminal charges. If the survivor of a rape or sexual assault or a victim of domestic violence, dating violence, or stalking chooses to proceed in this manner, the Campus Police Department will provide assistance and guidance and will serve as a liaison with the District Attorney's Office.

The Campus Police Department has been designated to receive all reports of sexual assault and to report those centralized statistics to the community. Complaints regarding violations of rules of conduct by Smith College students may also be directed to the Dean of Students and processed in accordance with the College Conduct Board procedures.

Pursuant to Title IX, Smith College is committed to providing a campus environment free of sexual discrimination, sexual harassment, and sexual assault. Sexual assault is a form of sex discrimination that violates Title IX. Accordingly, anyone who has been assaulted may also contact the Title IX Coordinator at x2141. Campus Police will inform the Title IX Coordinator of all sexual harassment and sex offenses reported.

DOMESTIC & DATING VIOLENCE

Domestic and dating violence can happen to anyone at any time in any type of relationship. Campus Police is available to assist victims of on- and off-campus domestic or dating violence. Officers are trained to respond to victims' needs, including by helping them obtain restraining orders from the courts to prevent further violence. The College can also provide individuals with no-contact orders that are enforceable on the College campus instead of, or in addition to, a court-ordered restraining order. If someone is harming you, call Campus Police for help.

- Title IX Coordinator, Deans, Medical and Counseling Services, Safe Passage, and Victim Advocates at the Hampshire District Court are also resources.

WHAT ARE DOMESTIC VIOLENCE AND DATING VIOLENCE?

Note that these definitions comply with the Violence Against Women Act. State crime definitions may vary.

Domestic Violence: a felony or misdemeanor crime of violence committed—

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

Note: "Dating violence" is not a specifically-defined crime in Massachusetts, but is being used for the purposes of this report to meet federal Clery Act requirements. Statistics in this category are gathered from records for crimes which meet this Clery Act definition. However, other crimes may be involved, such as a sexual assault, assault or assault and battery, intimidation, harassment, etc.

STALKING & CYBER STALKING

Stalking and cyber stalking are behaviors prohibited by college policy and Massachusetts law. In Massachusetts such actions are felonies.

WHAT IS STALKING?

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

Anyone can be the victim of a stalker, including college students and employees from any economic, ethnic, or religious group. A few victims are picked at random by their stalker, but most stalking victims know their stalker, usually having had some type of present or past relationship. The perpetrator can be an intimate partner or former partner, classmate, roommate, or other acquaintance. A victim can be stalked for several days or for many years. The stalker's actions can also affect family, friends, and coworkers. Stalking and criminal harassment can be difficult to distinguish.

- If you or someone you know is experiencing a similar situation, please get help by contacting any of the resources listed (below) for more information.
- If you feel frightened or uncomfortable about someone's specific behavior, pay attention to your instincts! Seek help.
- If you are the victim of a stalker, in addition to getting help, let those close to you know about the situation; maintain logs of contacts received and retain any emails, letters, or communication; take basic steps for safety such as parking in well-lit areas, walking with a friend, etc.

Warning Signs of Abusive Behavior

Because relationships exist on a spectrum, it can be hard to tell when a behavior crosses the line from healthy to unhealthy or even abusive. Use these warning signs of abuse to see if your relationship is going in the wrong direction. If the person you have a relationship with:

- Is checking your cell phone or email without permission
- Is constantly putting you down
- Is extremely jealous or insecure
- Has an explosive temper
- Is isolating you from family or friends
- Is making false accusations
- Has mood swings
- Is physically hurting you in any way
- Is possessive
- Is telling you what to do

RISK REDUCTION FOR SEXUAL ASSAULTS

With no intent to victim-blame and recognizing that only those who commit sexual assault are responsible for rape or sexual assault, the following are some strategies to reduce one's risk of sexual assault or harassment

1. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
2. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
3. Make sure your cell phone is with you and charged and that you have cab money.
4. Isolation is a strategy of some assaulters. Meet new acquaintances in public places you are familiar with.
5. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
6. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
7. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
8. Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
9. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
10. If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
11. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.

REPORTING INCIDENCES OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT & STALKING

When an incident involving domestic violence, dating violence, sexual assault, or stalking occurs, the incident should be reported to Campus Police. | dial x **800** or 413-585-2490

Some victims/survivors may not feel comfortable reporting the situation to a Campus Police officer and may report the incident to:

- Title IX Coordinator
- Dean of Students
- Director of Residence Life
- Medical Services
- Counseling Services (confidential)

Any of these offices will offer survivors and victims the option to report the crime to the appropriate law enforcement agency (on campus and/or local) if the survivor/victim chooses to file a report. Filing a report does not mean the survivor/victim has to press charges, and survivors/victims may decline to notify law enforcement authorities.

Campus Police can provide and/or arrange for investigation and preservation of evidence for a survivor/victim (see **Maintaining Evidence** below), provide treatment of any injuries, arrange for any further medical treatment, and can assist a survivor/victim with legal remedies to assist the survivor/victim. Other offices can provide support and assist the survivor/victim with campus assistance when needed.

When a student or employee reports to the college that they have been a victim of dating violence, domestic violence, sexual assault, or stalking, whether on campus or off campus, they will be provided with a written explanation of their rights and options.

COLLEGE SUPPORT FOR SURVIVORS & VICTIMS

SAFETY MEASURES AND CAMPUS AND COURT ORDERS

- The College will provide written notification to and will work with the survivor/victim to put in place safety measures appropriate to the situation, regardless of whether the crime was reported to campus or local police, and regardless of whether the crime occurred on or off campus. These may include, and will be provided when appropriate and reasonably available:
- The College will assist the survivor/victim with notifying campus or local police
- The College will facilitate changes in transportation, as necessary.
- The College will facilitate changes in working conditions, as necessary.
- The College will issue campus No-Contact Directives, as requested.
- The College will issue Trespass Notices, as necessary
- The College will assist survivors in obtaining harassment prevention or domestic violence prevention order through the local court under Massachusetts General Laws ch. 258E or 209A.

HOUSING, ACADEMIC, AND OTHER CAMPUS CHANGES

The college will provide notice to and change, when requested, a survivor's/victim's academic, living, transportation, or workplace situation after an alleged offense if the survivor/victim requests such assistance and if such changes are reasonably available.

- Requests for these changes for students are coordinated through the Title IX Coordinator and the Dean of Students; for employee situations, these will be coordinated through the Human Resources office, and for faculty issues, the Provost's Office.
- The college will maintain as confidential any accommodations or protective measures provided to a survivor/victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

CONFIDENTIALITY OF SURVIVORS/VICTIMS

As stated under **Confidential Reporting**, the Department will not share the names of survivors/victims except as required by federal law, and only to those having a statutory requirement to receive identifying information in order to meet federal mandates to take specific actions to stop sexual harassment, sexual assault, and certain other crimes.

- The survivor's/victim's name in all reports of domestic violence, dating violence, sexual assault, and stalking is kept confidential and will not be released without their permission, except as required by law.
- All College officials, including deans and directors, will notify Campus Police personnel promptly if they receive a report of domestic violence, dating violence, sexual assault, or stalking. The Campus Police Department has been designated to receive all such reports and to report those centralized statistics to the community as well as to issue community notifications when these incidents cause a potential threat to the community or a portion thereof.

ASSISTANCE IN CONNECTING WITH EXTERNAL RESOURCES

Campus Police as well as the Title IX Coordinator, Dean of Students, Provost, and Office of Residence Life will assist survivors/victims (students, staff, and employees) in notifying and connecting with external resources, including the local police department, state police department, or personnel from the District Attorney's Office, include SafePlan and victim/witness staff only if the victim wishes to utilize those services. The survivor/victim has the right to decline notifying law enforcement. A decision to utilize law

enforcement or to decline to utilize law enforcement will not impact the College's obligations under the Campus Safety and Security Act, under Title IX, and under its own policies.

Confidential, sensitive care, examination, and treatment are available for students at Medical and Counseling Services*; students, faculty, and staff can receive 24 hour care at local hospitals or other medical facilities. The Campus Police dispatcher can assist a survivor/victim or friend in determining current hours and other options (including off-campus services such as Safe Passage and the UMASS Center for Women and Community by dialing x2490 (x 800 for emergencies.)

* SANE exams can be provided at Cooley Dickinson Hospital only.

MAINTAINING EVIDENCE IN CASES OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

An important part of the criminal investigation is the collection of physical evidence.

- Survivors of sexual assault should go to the Cooley Dickinson Hospital as soon as possible after the incident (without showering, douching, or changing first, although they should bring a change of clothes if possible). Specially-trained Sexual Assault Nurse Examiners will provide treatment and collect evidence that can be used later. If you choose to go forward with charges in the future, the hospital can then, with your permission, share your name with law enforcement.
- Victims of domestic violence, dating violence, or stalking should seek treatment through Health and Counseling Services or a local hospital. Medical staff will document injuries as part of the exam.
- Campus Police officers can assist with triage, documentation of injuries, and can request transportation to on- or off-campus health resources.
- Any evidence collected by police or SANE nurses will be used *only if the survivor chooses to prosecute*.
- Similarly, Campus Police investigators can collect evidence for victims of other domestic violence, dating violence, and stalking – along with other crimes - which will only be utilized if the victim chooses to pursue criminal charges.
- Preserve any text messages or other electronic or voice evidence. Provide investigators with any photos, items sent by the perpetrator, etc.

PROGRAMS ON CRIME AWARENESS & SAFETY TOOLS – SEXUAL MISCONDUCT AND GENERAL CRIMES

The Campus Police Department, in cooperation with the Office of Residence Life, makes sexual assault awareness programs available to every residence hall and student group. The following are offered regularly on campus:

- Orientation programs on sex offenses (with other departments; sessions are mandatory for new students)
- "Not Anymore" online training for all incoming and transfer students
- Training for residential staff
- Title IX and crime prevention house presentations as requested
- Sexual assault, domestic violence, dating violence, and stalking awareness information is included as part of first-year orientation and throughout the year
- Sexual Violence Prevention and Consent training
- Bystander Intervention Training
- Rape Aggression Defense (RAD) (voluntary; offered as requested)
- Gender-bias and sexual misconduct training for all supervisory staff members and new faculty members
- Online training for School for Social Work adjuncts
- Department training on sexual misconduct

General programs offered by the Campus Police Department, occasionally in conjunction with other departments include the following, all of which are provided when requested and are voluntary, to new and continuing students and employees.

- Workshops on self defense
- Crime awareness programs (often provided to a student group, campus house residents, or campus department)
- Services such as child seat installation
- Laptop engraving
- Active threat training
- Office security audits

COLLEGE CONDUCT AND DISCIPLINARY PROCEDURES

All criminal acts, including domestic violence, dating violence, sexual assaults, and stalking, as well as other crimes of violence or sexual harassment, that occur on the Smith campus will be investigated by Campus Police. When such crimes are of a sexual nature or otherwise violate the College's sexual misconduct policy, they can also be reported directly to the Title IX Coordinator if a survivor/victim does not feel comfortable reporting to Campus Police. Note that reports made to Campus Police must be provided to the Title IX Coordinator.

TITLE IX INVESTIGATIONS AND POLICE INVESTIGATIONS

The college will not wait for the conclusion of a criminal investigation or criminal proceeding to begin its Title IX investigation and, if needed, will take immediate steps to protect the student in the educational setting. Cooperation with law enforcement agencies may require the College to temporarily suspend its own investigation while the law enforcement agency gathers evidence. The College will promptly resume its own investigation as soon as it is notified that the law enforcement agency has completed its evidence gathering process. If the survivor or the district attorney chooses to pursue criminal charges based on the complaint of harassment or assault, the college may need to delay the fact-finding portion of a Title IX investigation while police are gathering evidence.

CRIMES ALLEGEDLY COMMITTED BY STUDENTS

Criminal acts including domestic violence, dating violence, sexual assault, and stalking allegedly committed by a Smith student can be reported to and adjudicated by a responsible employee on campus, including the College's Title IX Coordinator.

- Incidents reported to college officials and alleged to have been committed by a Smith student will be referred to the college student conduct system and fully investigated under Title IX.

POTENTIAL SANCTIONS - STUDENTS

The following are potential outcomes for those found to have violated the College's sexual misconduct policy, including by engaging in sexual assault, domestic violence, dating violence, and stalking: The following are the range of sanctions, with more severe conduct typically receiving more severe sanctions.

- Letter of warning
- Letter of reprimand
- Mandatory Educational Project
- Mandatory Written Apology
- Restitution: In money, or in kind, to the College or individual for a loss caused by the student charged.
- Permanent Loss or suspension of privileges for a specified time. For example:
- Removal from office or position of responsibility
- Removal from residence hall
- Residence probation
- Loss of a right or privilege on campus or to use College facilities.
- Disciplinary probation: A notice that states that further violations during a specified period of time will result in increased sanctions or an immediate mandatory leave from the College. Students on social probation are not in good standing with the College.
- Recommendation of separation: When the board determines that an appropriate sanction mandates a separation from the College; the board will make this recommendation in writing to the President of the college. The President will either approve the recommended sanction or determine appropriate alternative.

A disciplinary outcome letter is placed in the student's educational file in instances where the student is found responsible for the alleged violation. The release of conduct information is subject to the requirements of the Family Educational Rights and Privacy Act (FERPA), will be accessible to future employers, graduate schools, etc. when a student requests that information be provided them. [Student Handbook]

BEING AN ACTIVE BYSTANDER

Regardless of how close to the situation they are, bystanders have the power stop relationship and sexual violence, insensitivity, and oppression from occurring and to get help for people who have been affected.

Understand, we are not advocating that people risk their own safety in order to be an active bystander; we believe that the creation of the inclusive campus we want takes all members of the community to be involved in the work of change. Remember, there is a range of actions that are appropriate, depending on the situation.

WHAT CAN I DO IF I BELIEVE SOMEONE IS IN AN UNSAFE SITUATION?

- First, assess the situation to determine what kind of action, if any, might be appropriate and safe.
- Second, evaluate options and choose strategies for responding either at the time or later.
- Whether or how an Active Bystander takes action will depend on the situation. Such actions may include:
 - Explain to the victim that you are concerned for their safety and why – they may not recognize it, or may not realize they can get help.
 - Interrupt the behavior – if it is safe for the bystander, tell the victim that you have an important call for them, or that it is time for “that meeting”.
 - Calling for help when needed – residence life staff, Deans, and Campus Police are all available to help a victim identify and eliminate a dangerous situation. For immediate help, call Campus Police.
 - Support the victim – offer to accompany them to report the situation.
 - If the person is not willing to accept help, you can talk to the Title IX Coordinator, Dean of Students, or Campus Police for more strategies and how to support to help the victim, keeping in mind that all of these individuals are responsible employees who may need to respond to the information you share to ensure a safe campus.

Important Cautions:

- **Do not** engage a violent person and endanger your safety; step back and call Campus Police to respond
- For **immediate help** from Campus Police **dial x800** from a campus phone or (413) 585-2490 from a cell phone

MASSACHUSETTS SEX OFFENDER REGISTRY BOARD

<http://www.mass.gov/eopss/agencies/sorb/>

The Sex Offender Registry Board is the state agency responsible for keeping a database of convicted sex offenders and classifying each offender so that the public may receive information about dangerous sex offenders who live or work in each community. The goal of the Sex Offender Registry is to educate the public and to prevent further victimization. Members of our community may also contact the Northampton police department for information on sex offenders in that community.

NATIONAL SEX OFFENDER REGISTRY

<http://www.nsopw.gov/Core/Portal.aspx?AspxAutoDetectCookieSupport=1>

This site is provided as a public service by the U.S. Department of Justice. Using this site, interested members of the public have access to and may search participating state public information regarding the presence or location of offenders, who, in most cases, have been convicted of sexually-violent offenses against adults and children and certain sexual contact and other crimes against victims who are minors. The public can use this Web site to educate themselves about the possible presence of such offenders in their local communities.

FIVE COLLEGE EMERGENCY RESOURCES

If you are taking a course at, or are visiting one of the Five College institutions, their campus police departments are willing to help you if there is an emergency on their campus. The Five College campus police departments work cooperatively to support the students of our member institutions as they travel among the colleges.

Campus Police Departments

Amherst College Campus Police	413-542-2291
Hampshire College Campus Police	413-559-5424
Mount Holyoke College Campus Police	413-538-2304
Smith College Campus Police	413-585-2490
UMASS Campus Police	413-545-2121

Municipal Police Departments

Amherst Police	413-259-3000
Northampton Police	413-587-1100
South Hadley Police	413-538-8231

CLERY ACT CRIMES 2015 – 2017

These statistics are compiled from all incidents reported to Campus Police, as well as any third party reports forwarded by other campus officials, as well as any reported to police departments with concurrent jurisdiction over on campus and non-campus College property. They are compiled by the Campus Police Department.

Smith Crime Statistics	All On-Campus Property			Non-Campus Property			Public Property			Residential Only		
	2017	2016	2015	2017	2016	2015	2017	2016	2015	2017	2016	2015
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	4	0	1	0	0	0
Aggravated Assault	0	0	0	0	0	0	2	3	2	0	0	0
Motor Vehicle Theft	0	0	1	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	1	0	0	0	0	0
Burglary	11	5	6	0	0	1	0	0	0	3	3	5
Sex Offenses ⁽²⁾												
Rape	8	5	5	0	1	0	1	0	2	2	4	4
Fondling	1	2	0	0	0	1	2	3	1	0	1	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	3	0	0	0	0	0
VAWA Offenses												
Domestic Violence	2	1	0	0	0	0	0	0	0	1	1	0
Dating Violence	5	5	1	0	0	0	0	0	0	0	0	1
Stalking	3	2	2	0	0	0	0	0	0	1	2	2
Arrests & Disciplinary Actions												
Liquor Law Arrests	0	0	0	0	0	0	2	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	4	5	6	0	0	0	0	0	0	4	5	6
Drug Law Arrests	0	0	0	0	0	0	2	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2	10	6	0	0	0	0	0	0	2	10	6
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapons Possessions Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0

(1) The vehicle reported stolen in 2015 was also a golf cart

(2) One additional incident of assault & battery involving sexual comments that did not meet Clery crime definitions was reported in 2017

NOTES:

- Residential statistics are a *subset* of the total incidents reported on campus.
- Non-campus property includes: any college-owned property not within the direct jurisdiction of the campus proper.
- Public Property is the area immediately surrounding the campus, including the sidewalk on the campus side, the road, and the sidewalk on the non-campus side of the road.

FEDERAL LAW BIAS INCIDENTS

Colleges are required to report any crimes in the categories above that included any bias toward the victim’s race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability, as well as for the following additional crimes if they have a bias component: larceny (theft), simple assault, intimidation, vandalism and other crimes involving bodily injury.

Year	Number & Location		Category of Bias
2017	On Campus	0	No incidents meeting Clery Act hate crime definitions were reported. However, one incident involved anti-African-American comments, and another involved anti-Arab and anti-African-American comments
	In a Residence	0	
	Non-Campus	0	
	Public Property	0	
2016	On Campus	0	Several vandalism cases involving potential racial and sexual orientation bias were reported, but did not meet the Clery Act definitions of hate crimes.
	In a Residence	0	
	Non-Campus	0	
	Public Property	0	
2015	On Campus	0	
	In a Residence	0	
	Non-Campus	0	
	Public Property	2	Vandalism based on apparent racial bias, one based on apparent sexual orientation bias

EMERGENCY RESPONSE

Any emergency should be promptly reported to Campus Police by dialing **800 from a campus phone**, or by **cell phone dialing (413) 585-2490**. Inform Campus Police on the nature and location of the emergency and follow instructions provided..

Should a campus emergency exist, Campus Police will activate the Emergency Response Team. The college has a comprehensive emergency response plan that is activated any time an emergency occurs that will require emergency response team oversight to provide guidance for the College's response.

The College's Emergency Response Team assures appropriate response to any campus emergency. This team is made up of members of Campus Police, Facilities Management, Student Services, and other vital departments and meets regularly to plan campus emergency response, to conduct table-top and live drills to prepare for a variety of campus emergencies, assess and evaluate emergency plans and capabilities, and to debrief after any campus emergency. The Emergency Response Team also works with town police, fire and ambulance personnel to coordinate response efforts and to conduct joint drills.

BUILDING EVACUATION

Every person in a building where the fire alarm is sounding or when directed to do so by emergency officials, regardless of known or suspected cause, is required to evacuate immediately, including employees, students, visitors, and contractors. Persons evacuating must leave via the closest exit. Any equipment that could cause a fire should be turned off before exiting if it can be done quickly and safely. Exits are posted throughout each building.

Elevators: Elevators cannot be used by any person as a means of emergency evacuation. Elevators in most buildings are pre-set to return automatically to the bottom floor. Use of an elevator can result in opening on the fire floor, exposure to life-threatening levels of fire or gases, and being trapped in a malfunctioning elevator.

Evacuation for the Mobility and Visually Impaired: Persons with mobility impairment may be allowed to "defend in place" and not be required to evacuate if they are: (1) located above or below the level of building exit, and (2) physically cannot exit without assistance.

Definition of Mobility Impaired: Persons who use a wheelchair, crutches, canes, walkers, etc. Persons who are able to walk should exit if possible, but need to decide if they can safely descend the stairs. Those with emphysema, asthma, heart disease, and arthritis, depending on the situation, may also follow the guidelines for defending in place.

Visually Impaired: Persons who are visually impaired should, with the assistance of others, evacuate the building using the stairs, if they are familiar with their immediate surroundings and frequently traveled routes. If visually impaired persons are unfamiliar with the emergency evacuation route and assistance is not available, they should defend in place. To assist visually impaired persons:

- Announce the type of emergency.
- Offer your arm for guidance.
- Tell the person where you are going, obstacles you encounter.
- When you reach safety, ask if further help is needed.

Hearing Impaired: To alert people with hearing limitations:

- Turn lights on/off to gain the person's attention, or
 - Indicate directions with gestures, or
 - Write a note with evacuation directions.
-

PERSONS WITH DISABILITIES

Students with health concerns that may make it difficult to exit a building in an emergency should work with the Disability Services Office to develop a plan to ensure safe egress in the case of fire or other emergency forcing the evacuation of a campus building.

Assembly: Once outside the building, all occupants should proceed to the designated assembly areas for a roll call.

- Each organization is responsible for determining the assembly areas for all buildings that their participants and staff may be using, especially the housing areas.
 - These areas should be at least 25 feet away from the building and should leave access for emergency personnel to enter the building.
 - The building liaison and/or faculty/instructor will take the roll call and report back to the emergency coordinator.
 - The roll call is an important function as town emergency personnel responding to the incident need to determine if anyone is missing and may be in the building.
 - If students or employees are missing, **do not re-enter the building!** Notify emergency response personnel and/or the emergency coordinator and inform them of the missing person's name and last known location.
 - Re-entry into the area will be made only after clearance is given by the emergency coordinator or their designee.
-

CAMPUS-WIDE EVACUATION

1. Evacuation of all or part of the campus will be announced by the Campus Police Department or appropriate agency.
2. All persons (students and staff and their visitors) are to vacate immediately the area of campus in question and relocate to another part of the campus grounds or off campus as directed.
3. The college in collaboration with the other campuses in the Five College, Inc. has agreements and plans of mutual aid for relocation of residents should shelter be needed off campus.

Emergency Information and Drills Emergency Procedures are posted in each building and provided to new employees at orientation. All Smith College residential buildings have one fire drill each semester. Academic buildings generally have drills once per year.

EMERGENCY RESPONSE AND NOTIFICATION

Upon the confirmation of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of students or employees, and taking into account the safety of the campus community, Campus Police will notify the campus community, without delay, via the college's emergency notification system.

The notification will be made unless doing so would compromise efforts to assist a victim, contain the emergency, respond to the emergency, or otherwise mitigate the emergency. In cases of isolated emergencies that do not have the potential to affect a large portion of the campus, the Emergency Response Team may elect to limit the distribution of notifications to specific segments of the campus community. The Emergency Response Team will determine what information is appropriate to disseminate at different points in time and to which segments of the community.

Depending upon the situation, alerts may also be sent to the parent/guardian contacts within the emergency notification system as registered by students. The larger community can view information posted on the college website or provided to the media.

Emergency notifications can be simultaneously broadcast in multiple formats depending on the type of incident, such as:

- Voice messages to cell, office, and home phones
- Text messages to mobile devices capable of receiving text messages
- E-mails to all campus email addresses and an alternate provided by individuals

PROCESS TO CONFIRM THAT THERE IS A SIGNIFICANT EMERGENCY AND NOTIFICATION

On-duty officers notify command staff on duty or on call. The command staff member on duty or on call determines the alert level required (emergency notification, timely warning, other).

- Should the emergency pose an imminent danger to the community, or a segment of the community, the command staff member will, without delay, and based on the situation requiring the use of the notification system, determine the content of an alert and initiate the college's emergency notification system.
- Notification may only be delayed when, based on the professional judgment of responsible authorities, it would compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. In such cases, notification will be sent out as soon as immediate response and evaluation needs are met so members of the community receive the information promptly.
- Notifications will be worded with clear, concise instructions as to what actions members of the community should take to remain safe in the event of an emergency and may be crafted based on pre-set templates or crafted to meet the specific needs of the emergency.
- Plan activation begins at the determination of the Chief of Campus Police or his/her designee upon receipt of information of an emergency event or threat of an emergency.
- Based on confirmation from Campus Police and information obtained from local first responders and/or the National Weather Service, the Chief of Campus Police or his/her designee will assess the emergency and activate the emergency management plan to the extent necessary to control the situation.
- Notifications for some incidents may be limited to those affected by the emergency, for example loss of power in a specific building.

Every student and staff member is responsible for providing and maintaining their up-to-date emergency contact information by logging in to the Smith Portal at <https://portal.smith.edu> using your network username and password. When the portal page opens, click on BannerWeb, and update your emergency contact information. This allows you to be included most efficiently in emergency broadcasts via the emergency notification system. Full-scale tests of system are conducted and publicized at least annually.

More information about Smith's Emergency Notification System can be found online at:

http://www.smith.edu/campuspolice/crisis_notification.php.

TIMELY WARNING POLICY

In the event that a Clery Act crime that creates a serious or continuing threat to students and/or employees is reported in Clery geography, a "Campus Safety Alert" (timely warning) may be distributed by the Campus Police Chief or their designee. Decisions to issue a warning are made on a case-by-case basis considering the nature and circumstances of the crime and the danger posed to the community. Community members receiving reports of crimes or incidents requiring the issuance of a Timely Warning shall report such incidents to Campus Police.

- The Campus Police Department will post a campus-wide Timely Warning alert especially in all situations that could pose an immediate, serious, or continuing threat to the students, faculty, staff, and individuals in the community and is reported to a Campus Security Authority or the Campus Police Department.
- The substance of the Timely Warning is carefully determined. The Warning will be published via bulletin boards, emails, texts, or on the college's website to inform the college community of the known facts of an incident or to publicize patterns of criminal activity in order to assist members of the campus community in preventing further incidents.
- Campus Safety Alerts also include reminders of services available, such as walking or vehicle escorts, emergency phones, and other recommendations. It is irrelevant whether the victims or perpetrators of a crime are members of the campus community.

When issuing a Timely Warning, the names of the victims remain confidential. If information is known, and if the inclusion of such information would not compromise law enforcement efforts, Timely Warnings include a description of the crime, its location, and injuries, if any, to victim(s).

TESTING OF THE EMERGENCY MASS NOTIFICATION SYSTEM

The notification system will be tested at least once year. Tests may be announced or unannounced. Campus Police maintains a record of all tests conducted including date, time, description of the test, and whether it was announced or unannounced. At least once a year, the college will publicize its online procedures in conjunction with one of these tests. Residence hall evacuation drills are documented by Residence Life. Additional testing may be conducted as part of drills and exercises, or as necessary. More information about Smith's Emergency Notification System can be found online at:

http://www.smith.edu/campuspolice/crisis_notification.php.

EMERGENCY CONTACT INFORMATION

Emergency contact information is collected from each student and employee. To receive emergency messages through your cell phone, via text or voice, update your emergency contact information by logging on to BannerWeb; alternatively, update information through the Smith Portal: <http://portal.smith.edu> (log in with network username and password).

DAILY CRIME & FIRE INCIDENT LOGS

Daily logs are posted on the Campus Police Web site at http://www.smith.edu/campuspolice/crime_dailylog.php. Campus Police crime logs for the most recent 60 days are available for public inspection via the department's web site. Older logs will be made available within two business days of a request for inspection.

- The daily Campus Police logs detail incident and arrest reports (including nature of the incidents, incident and reporting dates, times, general locations, and dispositions, if known) that occur on campus or within the patrol jurisdiction of the Campus Police Department that are reported to Campus Police.
- In instances where the release of information would result in an adverse effect—such as jeopardize an ongoing criminal investigation or the safety of an individual, affect an individual's right to privacy, cause a suspect to flee or evade detection, or result in the destruction of evidence—information will not be released. However, once the adverse effect is no longer likely to occur, information will be released in the daily log consistent with existing state and federal laws.
- The information listed on the crime log will not jeopardize the confidentiality of victims/survivors.
- When changes in incident case statuses are known, the log will reflect such changes within two business days.
- The crime and fire log is published at: <https://www.smith.edu/about-smith/campus-police/crime-records-and-logs>, and the log is also available for inspection at the Campus Police office at 126 West Street during normal business hours.

ANNUAL CLERY ACT REPORT

Each year the Campus Police Department is responsible for preparing and posting a report containing security policies and statistics. Statistics are gathered from Campus Police reports, campus security authorities, and from local police departments. Policy statements are gathered from responsible offices.

- Annually all enrolled students and current employees will receive a notice of the availability of the College's annual security report on the department's web site via the campus eDigest.
- This notice will include the exact web site address of the College's Clery Law-compliant publication as well as information that additional copies can be requested from the Campus Police Department during normal business hours.
- Notices are also provided to prospective students and staff through the Human Resources and Admissions offices.
- Hard copies can be requested by contacting Campus Police at (413) 585-2490.

ACCESS TO CAMPUS BUILDINGS AND GROUNDS

The College has the right to restrict access to campus grounds, academic and administrative buildings, and campus houses, which are open to faculty, staff, students, and invited guests.

- Building hours are generally business days during class hours, and unauthorized individuals may be asked to leave.
- Campus Police has the authority to issue trespass notices to unauthorized people, which is usually done upon receipt of a complaint, and to arrest anyone returning to campus after receiving such a notice.
- Most academic buildings are secured and closed between 11:00 pm and 7:00 am. Campus Police checks that only people with authorization are in buildings after hours.
- Some academic buildings have nonpublic hours for members of the community.
- When a building has nonpublic hours, the outside doors are secured and members of the community (who have been authorized) can use their key to enter the building until closing time.
- Visitors and others may be asked to leave College buildings during nonpublic hours.
- During College recesses (low occupancy periods, holidays, etc.), all building hours are subject to change.
- Both academic and administrative buildings are generally secured at 6:00 pm on weekdays and closed on weekends and holidays during recesses. The card access privileges are limited in campus houses that are closed during recesses.
- Campus house student room doors and windows are provided with locking devices.
- During low-occupancy periods, Residence Life distributes to students who remain on campus information about safety protocols and specific emergency procedures.

ACCESS TO CAMPUS HOUSES

College campus houses are for Smith students and their guests. While there are no formal identification policies for guests, with the exception of campus house events, individuals may be asked for identification by campus house staff or other College officials.

- Guests who do not identify themselves and are not in compliance with College rules or regulations may be asked to leave campus or be trespassed.
- Campus house doors are always locked. Guests are allowed access by their student host.
- All guests must be escorted by their hosts. Guests must abide by the regulations of the campus house and the larger campus community while they are on campus.
- People who are not registered Smith College students are welcome as short-term guests of a registered student in accordance with the policy of the campus house or Residence Life.

- All non-Smith guests need to be escorted through-out the house during campus house parties.
- Each campus house will be given the responsibility to develop policy modifications per campus house floor or spontaneous events or special weekends as members of the community deem appropriate.. Policy modifications must confirm with campus policies and be discussed with the AC who has the final decision.

ACCESS TO CAMPUS PROGRAMS

Smith College is a member of the Five College Consortium (Amherst, Mount Holyoke, and Hampshire Colleges, and the University of Massachusetts) that shares some faculty, programs, and services. Students from the Five Colleges regularly attend member institution programs, classes, events, etc. Additionally, the campus welcomes visitors and guests to many programs and events.

SECURITY CONSIDERATIONS IN THE MAINTENANCE OF FACILITIES

Security is very important in the maintenance of campus facilities. The College's Department of Facilities Management processes repair orders on a priority system that places safety and security items as most important. Trees are cut back from lights, outdoor lighting is periodically, and shrubs are cut back from building entrances and paths on a regular basis. These items are also reviewed biannually during the campus lighting walk. Students are invited to join the Chief of Campus Police, the Dean of Residence Life, and members of Facilities Management as they walk the campus reviewing lighting, blue-light phone needs, and other security considerations.

OFF-CAMPUS PROPERTY & STUDENT ORGANIZATIONS

Reported crime statistics include incidents that occurred at non-campus property (property owned or operated by the college but not within the main campus's contiguous borders) including the MacLeish Field Station.

Smith College does not have any recognized off-campus student organizations (such as social sororities) or student organizations with off-campus housing facilities.

STUDENTS' AND EMPLOYEES' RESPONSIBILITIES UNDER THE LAW

Students have the same rights and responsibilities as other citizens and are expected to follow College policies and applicable federal, state, and local laws.

DRUGS AND ALCOHOL ON CAMPUS

Smith College follows the Federal Drug-Free Schools and Communities Act of 1986, as amended, and the Drug-Free Workplace Act of 1988, as amended, and complies with all current laws regarding the sale, use, and possession of illegal narcotics and alcohol. Smith College policies attempt to provide a healthy environment by preventing the use of illegal drugs or abuse of alcohol within the College community and in response to the federal drug-free legislation.

Smith College prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances and alcohol by any member of the faculty, staff, or student body on College property or at any College-sponsored function, whether on or off the campus, and requires the cooperation of the entire campus community in its pursuit to maintain a drug-free environment in all phases of campus life.

The legal drinking age in Massachusetts is 21. Possession of alcohol by or provision of alcohol to someone who is under 21 is against the law and against college policy.

Any faculty, staff member, or student who violates this prohibition, or who does not cooperate with the College in its attempts to maintain a drug-free environment, will face disciplinary action up to and including expulsion or dismissal from the College and may be required, as a condition of continuing the faculty/staff/student relationship with the College, to enroll at their own expense in a substance abuse counseling and treatment program.

In accordance with federal law, if you were convicted of a drug offense in any criminal proceeding while you were receiving federal student aid (such as grants, loans, or work-study) it may affect your eligibility for financial aid.

Refer to the Student Handbook <http://www.smith.edu/sao/handbook/policies/substanceuse3.php> and Appendix B below for more information about the federal, state, local, and campus sanctions against illegal drug and alcohol use and abuse, possession, distribution and dispensation offense.

In addition, the Drug-Free Workplace Act of 1988 requires any employee (including students working under the Federal Work Study Program) directly engaged in working at Smith College under provisions of a federal grant or a contract who is convicted under a criminal drug statute for conduct in the workplace (site for performance of work done in connection with a particular federal grant or contract) must report this conviction to the College no later than five days after the conviction.

- Once informed of such a conviction, the College is required by law to notify the federal contractor or grantor within ten days after an employee's conviction or within ten days after it has actual knowledge of such conviction, whichever is earlier.

Guidelines for community responsibility, specific rules and regulations governing the consumption of alcoholic beverages at College social functions, sanctions against infractions of the social honor code or violations of College policies by any member of the College community, and descriptions of campus drug and alcohol abuse programs are outlined in the Student Handbook, and the Faculty/Staff Handbook. If questions arise related to any of these guidelines or policies, direct them to the appropriate College department.

FIREARMS AND OTHER WEAPONS ON CAMPUS

In accordance with Massachusetts General Law Chapter 269 Section 10J, weapons are prohibited on the grounds of the College with the exception of law enforcement officers duly authorized to carry such weapons. No person shall be permitted to carry firearms or other weapons, concealed or not concealed, with or without a concealed weapon permit, while on properties owned or controlled by the College.

For the purposes of this policy, the term "weapons" includes, but is not limited to, firearms of any nature or description, including shotguns, rifles, pistols, and revolvers, paint ball guns, or BB/pellet guns; firearm replicas; ammunition; martial arts-type weapons; explosives (including fireworks); bows, crossbows, arrows; slingshots; switchblade knives, double-edged knives, hunting (pocket-style) knives with a blade length of three inches or greater; swords; pointed metal darts; pepper spray; or any other destructive device or instrument that may be used to do bodily injury or damage to property. In addition, items that may be used as weapons, whether or not they fit the definition above, will be subject to seizure.

Because these weapons may pose a clear risk to persons and property on the campus, violation of the regulations may result in administrative action from the college and/or prosecution under the appropriate state or federal laws.

PERSONAL SAFETY

Make it a habit to be cautious around campus, in buildings, and in transit. Campus Police hopes you will make the following steps part of your daily routine.

Around campus

- **Walk safely.** Don't walk alone at night, especially in dark, vacant areas. Avoid shortcuts. If you must walk alone, proceed directly to your destination on well-lit paths. Look alert; be aware of your surroundings. Leave buildings on the hour or the half-hour, when most people are walking. Ask a friend to walk with you.
- **Help others walk safely.** Team up with another person walking alone at night.
- **Don't jog alone** in remote areas during the day and never jog alone at night.
- **Carry a whistle** or other device that makes noise and keep it ready to use.
- **Don't hitchhike.** Ask a friend for a ride or use the Five College bus.
- **Report suspicious behavior** or circumstances to Campus Police.
- **Don't sunbathe in remote areas.**
- **Carry your cell phone.** Pre-program the Campus Police phone number (413) 585-2490.

In transit

- Watch for strangers around your car before entering your vehicle. Look around the vehicle from the ground up and front to back. Use caution when your vehicle is parked next to other cars or vans. Look inside your car before getting in.
- Play it safe on the road. While driving, keep doors locked and windows up. Do not pick up hitchhikers.
- If another driver harasses you, blow your horn continuously to attract attention and discourage the other driver. Don't make eye contact with the other driver. Drive to a police station or Campus Police if necessary.
- Park in a lighted area.
- Wear your seatbelt. Massachusetts has enacted a mandatory seatbelt law; failure to use your seatbelt could result in a fine.
- Keep your vehicle in good running condition, gas tank full, and make sure your vehicle has good tires.

SAFETY ON CAMPUS

Protection of property

- Take steps to protect your belongings. Most theft on campus is opportunistic—someone sees an unlocked room or vehicle and takes advantage. A surprising amount of theft takes place while the victim is on the floor but has just stepped out for a minute.

In an emergency

- Rehearse in your mind how you would react in an emergency so your response will be automatic if something should happen. Consider enrolling in a self-defense class offered by the Campus Police Department.

If you are followed...

- Remain calm.
- Cross the street and/or change direction
- Walk in lighted areas.

- Enter an open, lighted building.
- Use a blue light phone or dial 800 on campus, 911 when off campus. Cell phone users should dial 413-585-2490 to contact Campus Police.
- Know where emergency phones are on campus. Blue light emergency telephones are strategically placed in 78 locations on campus, including near the campus houses as well as the Lamont Bridge, the riding ring, Indoor Track and Tennis Facility parking lot and Ainsworth Gym lot.
- Go to the Campus Police office or the police station. If you do not know where a police station is located, go to a busy area, fire station, or hospital. Find a place where you can get help.

If you are attacked...

- Don't be passive; most attackers expect a passive victim.
- Do or say whatever you can to throw the assailant off guard—be creative.
- Attract attention—scream, break a window.
- Disarm the attacker—bite, punch, kick; grind a pen, keys, lighted cigarette, or knuckles into the top of the attacker's hand.
- Do whatever you can to break the hold, then run and scream.
- Use a blue light phone or dial 800 on campus or dial 413-585-2490 from a cell phone.

CRIME PREVENTION TIPS		
	Don't	Do
In Buildings	<ul style="list-style-type: none"> • Leave valuables visible in a room • Leave valuables unattended in an unlocked area, even briefly • Let strangers into a building • Prop open outside doors to any building 	<ul style="list-style-type: none"> • Lock your door • Keep your keys and access card on you at all times • If your access card is stolen, report it immediately • Participate in Operation Identification; we can help you engrave electronics and valuables. Call us for more information • Report strangers in your residence hall • Keep windows locked, particularly if you are on a ground level or your window opens to a fire escape • Report burned-out lights to Facilities Management (after hours to Campus Police)
Automobiles	<ul style="list-style-type: none"> • Leave valuables visible in your car – take them with you; if you cannot take them with you, lock them in your trunk • Leave GPS units OR their mounts in your car 	<ul style="list-style-type: none"> • Register your car with Campus Police • Park in well-lit areas • Remove keys and lock doors • Install anti-theft devices (locks, alarms) for ignition, steering wheel, and brake and clutch pedals. • Record serial numbers of mp3 players, cellular phones, GPS devices, satellite radios, and other easily removable accessories. Engrave valuables with your driver's license number. Call Campus Police for assistance. • Report suspicious activity to Campus Police such as people looking into or trying to get into cars.
Bicycles	<ul style="list-style-type: none"> • Leave your bicycle unlocked. • Use a hardened steel lock; lock the entire bicycle to a bike rack, including quick-release wheels 	<ul style="list-style-type: none"> • Register your bicycle with Campus Police; affix the issued decal to your bike. Unregistered bicycles are periodically removed from campus. • Notify Campus Police immediately if your bicycle is stolen

RUN-----HIDE-----FIGHT

Quickly determine the most reasonable way to protect your own safety. Students and visitors are likely to follow the lead of faculty and staff during an active shooter situation. Always flee first and hide second when possible.

1. Evacuate
 - a. Have an escape route and plan in mind
 - b. Keep your hands in plain sight
2. Hide out
 - a. Hide in an area out of the shooter's view
 - b. Lock the doors-most classrooms and lecture halls can be locked. All offices and residence hall rooms can be locked.
 - c. Blockade doors
3. Fight back
 - a. As a last resort and only when your life is in danger
 - b. Attempt to incapacitate the shooter

Call law enforcement when you safely may do so.

Campus Police | 413-585-2490 or x 800 from a campus phone

Northampton Police | 413-587-1100 or 9-1-1

Massachusetts State Police | 413-585-3000 or 9-1-1

What to do when law enforcement arrives:

- Remain calm and follow officers' instructions
- Immediately raise hands and spread fingers wide
- Keep hands visible at all times
- Avoid making sudden movements towards police or grabbing them
- Do not stop officers to ask for assistance or directions in evacuating; just proceed to the area from which officers are entering
- If possible provide law enforcement with the location, number, and description of the shooters

Make Campus Police a speed dial function on your cell phone.

Seconds count in emergencies

MISSING PERSON POLICIES AND PROCEDURES

The following policies regarding Missing Persons are being provided according to requirements of the 2008 Amendments to the Higher Education Opportunity Act.

REPORTING A PERSON MISSING

Any person (student, staff or faculty) believed to be missing from the campus unexpectedly shall be immediately reported to the Campus Police Department.

It is the policy of the Smith College that the Campus Police Department will investigate any report of a missing person that is filed by someone with knowledge of that student being missing or otherwise not where s/he is expected to be. This report may be filed by a parent/guardian or other family member of the person, by a roommate, a Student Affairs or Residential Life staff member (including student staff), Schacht Center for Health and Wellness staff, faculty member, employment supervisor, or anyone else with information that indicates the person is missing. Campus Police will conduct an initial investigation to determine if the person appears to be missing, or has simply changed her or his routine unexpectedly, and whether or not there is reason to believe the person is endangered.

Campus Police officers will check student's login records, class schedules, interview fellow students and faculty, and use other methods to determine the status of a missing person. From this initial investigation, the scope will continue to expand to make attempts to determine the location of the person reported missing to assure she/he is safe.

DESIGNATION OF A MISSING PERSON CONTACT

Smith College students can identify, through BannerWeb, a person that the College can contact in the event that the student is reported missing. This person would be contacted within 24 hours of a missing person report being filed with Campus Police.

This contact information is confidential and is shared only with College administrators who would have responsibility for making connections with emergency contacts in the event of a determined emergency (such as student services staff, Campus Police staff, etc.)

NOTIFICATIONS

Should Campus Police not be able to locate a student reported missing, Campus Police would then notify your designated 'missing person' emergency contact within twenty-four (24) hours of the report.

- In the event that no separate emergency contact is identified, a parent or guardian as listed in college records will be contacted. (See below for students under the age of 18.)
- Students should be sure that this contact knows how to reach the student in the case of an emergency, and have a general idea of the student's general daily routine and any travel plans.
- This person should be someone you trust to aid officers in determining your whereabouts, or verifying that further investigation and/or entry into national missing person databases is warranted.

Campus Police will also notify local law enforcement agencies within this 24 hour window, starting with the town sharing jurisdiction with the college, as well as any other agencies where the missing student may be.

STUDENTS UNDER THE AGE OF 18 AND NOT EMANCIPATED

For any student under the age of 18 who is not emancipated, the College must notify a custodial parent or guardian no later than 24 hours after the time the student is determined to be missing, in addition to notifying any missing person contact provided by that student.

For any situation in which a missing person is believed to be endangered, this notification will be made as early as possible while officers are continuing to investigate.

STUDENTS UNDER THE AGE OF 21

For students under 21, Suzanne's Law requires that student to be entered into the national missing person database as soon as it is determined that student is missing.

NOTIFICATIONS

Should a student be determined to be missing, within 24 hours of that determination, Campus Police will:

- Notify the Dean of Students
- Again contact the student's emergency contact and/or parent or guardian to update them on information known at that time, efforts made to locate the person, and to get further information that may lead to the location of the missing person. (In the case of a student under 18, the parent or guardian must be contacted regardless of who is listed as the student's emergency contact.)
- Notify Northampton Police as well as any the police in any other jurisdiction where the missing person may have gone.
- When circumstances indicate it would be useful, the State Police can activate and AMBER Alert.

FIRES AND FIRE PREVENTION

Fire prevention is the responsibility of all members of the Smith College community. Campus houses are particularly susceptible to fires, and students residing in the houses must carefully adhere to fire safety regulations.

FIRE EVACUATION POLICY

Every person in the building, including staff, faculty, students, visitors, and contractors where the fire alarm is sounding, regardless of known or suspected cause, is required to evacuate immediately. Persons evacuating must leave via the closest exit. Any equipment that could cause a fire should be turned off before exiting if it can be done quickly and safely. All occupants will assemble at a safe distance from the building and await further instructions from fire and/or Campus Police personnel. No occupant will re-enter a building until clearance is given by fire and/or Campus Police personnel.

College Policy on Reporting of Fires: Fire alarms for college-owned buildings ring directly to Campus Police dispatch at (413) 585-2490. However, any member of the community who becomes aware of any active or past fire must notify Campus Police immediately.

FIRE SAFETY POLICIES

Of all the safety concerns on campus, fire safety is where the student's action or inaction can have the greatest impact on other students and the community.

Hall staff are trained in fire evacuation policies. Training is available to new employees, and fire safety materials are maintained on the college's website.

PROHIBITED ITEMS IN CAMPUS HOUSES:

Violations include illegal appliances; objects obstructing corridors, stairways or sprinkler systems; cords of any type across doorways or under rugs; frayed cords; open flames and potentially hazardous decorations; smoke alarms that have been tampered with; and objects draped or hung from the sprinkler pipes, curtain rods, doorways, or tacked up on the walls. Students are required to clear hallways and public areas of personal items and be in compliance with the college's Health, Fire and Safety policy. Failure to comply

will result in those items being discarded, and fees will be assessed to the student(s), residents of the corridor, or the entire house and possible disciplinary action.

DECORATIONS

Material used in the decoration of any college building or student room must be either flame proofed or inherently nonflammable. Trees and wreaths are examples of flammable materials and are not allowed.

Items that cannot be used for decorations include: branches, live or dry wreaths, or any item made from highly combustible material.

A bulletin board and nametags are the only items allowed on the outside of the doors of student rooms. Other decorations in corridors, on walls or on student doors are forbidden. Students will be required to remove items from doors and/or walls adjacent to student rooms. Failure to comply with these policies may result in disciplinary actions or fees.

FLAMMABLE MATERIALS

Candles, incense, scented lamps and open flames of any kind except for cigarette lighters and matches are prohibited in houses and student rooms. Kerosene, gasoline, other flammable liquids or flammable covers, paper shades and decorations on light fixtures are strictly forbidden. In addition, halogen floor lamps are prohibited in student rooms and public spaces in the houses. Such items will be confiscated whether or not they are in use. Open-flame devices, such as candles, are extremely dangerous in a high-density, residential setting and are forbidden.

The college reserves the right to remove items in student rooms that violate safety regulations.

An exception may be granted to this policy for the purpose of allowing smudging, the private, religious or spiritual use of sage, sweet grass, or cedar smoke in accordance with their well-established manner of use within the Native American ceremonial traditions for the purpose of purification and prayer. Students must complete an Exception Request available from the Dean of Religious Life or designee. Upon approval, a student may privately generate a minimal amount of smoke using sage, sweet grass or cedar. Failure to observe the strict safety standards of this Exception Request Policy will result in revocation of the exception and sanctions already specified for violation of the Residential Life: Security & Safety Policies.

APPLIANCES

Radios/music players, clocks, speakers and/or speaker systems, amps and music accessories, television sets, lamps, hair dryers, humidifiers, electric blankets, computers, printers, DVD/BluRay players, and coffee pots that have UL approval, and lightweight refrigerators no larger than 3.5 cubic feet in capacity may be used in student rooms.

To ensure a safe and healthy environment, the following items are prohibited from all houses: air conditioners (unless approved by the Office of Disability Services), charcoal grills, crockpots, doughnut makers, electric fry pans, gas appliances, grills, halogen lamps, hamburger makers, hot plates, immersion heaters, refrigerators in excess of 3.5 cubic feet capacity, space heaters, toaster ovens, toasters, waffle irons and woks.

The college reserves the right to remove items in student rooms that violate safety regulations.

Irons may be used only at the ironing boards. Ironing boards are provided in the houses. Curling irons and flat irons are permitted, but must be unplugged and turned off after each use.

Permission to use ultraviolet and other sunlamps must be obtained from the Office of Disability Services.

Extension cords, no longer than six feet, must have the UL approval and must be in good condition. Cords that are not UL approved will be removed. Cords must not be run under rugs.

SMOKING

Smoking, vaping, and juuling any substance is not allowed in college-owned buildings (see [Smith College Smoking Policy](#)).

COMMUNITY RESPONSIBILITIES

Additionally, all members of the community are required to:

- Participate in all fire drills and promptly leave a building when the fire alarm sounds. Follow any instructions of Campus Police or fire officials during a drill or an actual alarm.
- Report any condition that creates a fire hazard (trash in the corridors or stairwells, missing fire extinguishers, blocked floor exits or stairwells, etc.) to Campus Police.
- Know where the fire extinguishers are located. Learn how to operate them. If you need training, contact the Facilities Management Department.
- Know the location of the fire alarms and how to activate them.
- Know where the nearest exits are and be prepared to use an alternative exit, if necessary. Plan how you would escape through each of these exits in case of a fire.
- Know the location of the fire stairwells.
- Never use an elevator to evacuate a building.
- If you become trapped, dial **800** from a campus phone or **(413) 585-2490** from a cell phone and alert the dispatcher to your location.

ACTION IN THE EVENT OF A FIRE

The following guidelines are issued to provide you with procedures that should be followed by everyone who either detects a fire or is responding to a fire alarm in a Smith College building.

SECTION A - UPON DISCOVERING A FIRE

- Go directly to the closest fire alarm pull station and activate the alarm. Activation of the alarm will alert other building residents to the imminence of fire and give them adequate time to evacuate safely. All houses have automatic fire alarm systems that go directly to Campus Police. From there the alarm is relayed to the Northampton Fire Department.
- As a backup to Step 1, immediately go to the nearest safe telephone and dial 800. Should the building alarm fail to activate, or the alarm not be relayed by the system, calling 800 alerts Campus Police, who will dispatch the fire department. When calling to report a fire, stay calm, give the location of the fire, the type of problem and your name and phone extension. Always call in a fire; never assume that it has been done by the automatic system.
- Firefighting is not recommended - evacuation is always the recommended course of action.
- All fires must be reported to and inspected by Campus Police who will notify the Northampton Fire Department even if extinguished by occupants.

SECTION B - EVACUATION FROM FIRE IN A RESIDENTIAL HOUSE

- Assume every alarm means a fire; always evacuate the building when the alarm goes off.
- Evacuate the building by the most direct, clear path.

- As you evacuate the building, attempt to alert other occupants to the fire hazard. Yelling, banging on doors, etc. as you exit should alert other residents.
- If the season demands, and if feasible, take a warm coat and shoes.
- If feasible, take a towel or cloth to cover mouth and nose in case of smoke.
- Close all windows and doors as you evacuate. Make sure all fire doors are closed
- Do not use elevators. Use only stairwells and fire escapes.
- Before opening any door, feel closed door for excessive heat, or look through safety window (if available) to passage beyond. If door is warm, or passage is unsafe, use an alternative exit.
- Do not attempt to pass through smoke. If you encounter smoke, retreat and seek an alternative exit.
- If you are trapped in smoke, stay low and crawl toward exit. Breathable air should be near the floor.
- Once outside, clear the building, by at least 100 feet, and move to an assembly point where the fire captain should take roll.
- If you believe someone is trapped in the building, notify the fire department or Campus Police immediately.
- Never attempt to reenter the building after evacuation.

SECTION C - DEFENSE IN PLACE

- Should you be unable to evacuate the building or should your exit paths be blocked, remain calm and do the following:
- Do not attempt to go through fire or smoke.
- Go back to your room or another safe environment with a window, and, if possible, a telephone.
- Close the door and pack the frame with towels, clothes, etc. (preferably wet) to retard smoke travel. Your major safety concern will probably be preventing smoke infiltration.
- If you have a phone, call Campus Police and give them your name and location. If a phone is unavailable, open the window and yell. If you have a brightly colored cloth, wave it.
- Do not hide in the closet or under the bed.
- If the room gets smoky, stay close to the floor; fresh air should be there. Keep window open to allow fresh air in. If necessary, hang your head out of the window to get fresh air.
- Above all, stay calm and rational; panic will only increase your danger.

SECTION D - IN CASE YOU CATCH FIRE

- Should you catch fire, stop, drop to the floor and roll. Rolling smothers the flames.
- Never run if you are on fire. Running fans the flames to a greater intensity.
- If you see someone on fire, help them to stop, drop and roll. Wrap them in a blanket to smother the flames.

CAMPUS FIRE STATISTICS

FIRE AND EVACUATION DRILL STATISTICS

Evacuation drills are conducted once a semester in residential buildings and periodically in other buildings. The purpose of these evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. Evacuation drills are used as a way to educate and train occupants on fire-safety issues specific to their building.

	2017	2016	2015
Residence Hall Evacuation Drills Conducted	95	48	92

RESIDENTIAL FIRES BY LOCATION 2015 - 2017

<i>Date</i>	<i>Time</i>	<i>Location</i>	<i>Cause</i>	<i># Deaths Reported</i>	<i># Injuries Reported</i>	<i>Value of Property Damage</i>
12/12/2017	4:01 pm	Lamont House	Cooking	0	0	Under \$100
09/30/2017	5:35 pm	Hopkins House	Cooking	0	0	Under \$100
09/15/2017	9:52 pm	Comstock House	Cooking	0	0	Under \$100
07/13/2016	4:27 am	Park House	Candle	0	0	Under \$100
05/09/2016	6:10 pm	Friedman	Accidental	0	0	Under \$100
03/28/2015	6:45 pm	Morris House	Candle	0	0	\$100

CAMPUS FIRE LOGS

A log of all fires and fire alarms in which there was a physical cause (i.e., smoke, heat, etc., rather than a faulty detector or system malfunction) are listed in the Campus Police online **Daily Crime & Fire Logs** within two business days of occurrence. Visit the Campus Police website at http://www.smith.edu/campuspolice/crime_dailylog.php for more information. When changes in the cause, or information about a campus fire become known to Campus Police, any updates will be made to the log within two business days of the status change.

STUDENT RESIDENCE HALL FIRE SAFETY AND SPRINKLER SYSTEMS

Below is a listing of residence hall fire safety systems. There are no immediate plans for system upgrades, however systems are constantly being reviewed.

Smith College Residential Fire Systems				
Building	Smoke Detectors	Heat Detectors	CO Detectors	Sprinkler System
Albright	X	X	X	Throughout the Building
Baldwin House	X	X	X	Throughout the Building
12 Bedford Terrace	X	X	X	n/a
26 Bedford Terrace	X	X	X	n/a
47 Belmont Avenue	X	X	X	n/a
Capen House	X	X	X	Throughout the Building
Chapin House	X	X	X	Throughout the Building; also Kitchen Hood Suppression System
Chase/Duckett House	X	X	X	Throughout the Building; also Kitchen Hood Suppression System
Comstock/Wilder House	X	X	X	Throughout the Building; also Kitchen Hood Suppression System. New panel being installed fall 2018.
Conway House	X	X	X	Throughout the Building
Cromwell House	X	X	X	Throughout the Building
Cushing/Emerson/Jordan House	X	X	X	Throughout the Building; also Kitchen Hood Suppression System in Cushing/Emerson Kitchen and Halon System in Jordan Phone Room
Cutter/Ziskind House	X	X	X	Throughout the Building; also Kitchen Hood Suppression System and Halon System in Cutter Phone Room
Dawes House	X	X	X	Throughout the Building
Decora House	X	X	X	Throughout the Building
150 Elm Street	X	X	X	Throughout the Building
Friedman Complex	X	X	X	Throughout the Building; Friedman A now on its own panel
Gardiner/Morrow/Wilson House	X	X	X	Throughout the Building; also Kitchen Hood Suppression System in Morrow/Wilson Kitchen
Gillett House	X	X	X	Throughout the Building; also Kitchen Hood Suppression System
44 Green Street	X	X	X	n/a
54 Green Street	X	X	X	n/a
Hashimy House	X	X	X	Throughout the Building
Haven House	X	X	X	Throughout the Building
Hopkins House	X	X	X	Throughout the Building
Hubbard House	X	X	X	Throughout the Building; also Kitchen Hood Suppression Systems
King/Scales House	X	X	X	Throughout the Building; also Kitchen Hood Suppression System in King Kitchen; new panel being installed fall 2018
Lamont House	X	X	X	Throughout the Building
Lawrence House	X	X	X	Throughout the Building
Machado House	X	X	X	Throughout the Building
Morris House	X	X	X	Throughout the Building
Ninomiya House	X	X	X	Throughout the Building
Northrop House	X	X	X	Throughout the Building; also Kitchen Hood Suppression System
Park House	X	X	X	Throughout the Building
Park Annex	X	X	X	Throughout the Building
Parsons House	X	X	X	Throughout the Building

Parsons Annex	X	X	X	Throughout the Building
Presidents House	X	X	X	Throughout the Building
Sessions House	X	X	X	Throughout the Building
Sessions Annex	X	X	X	Throughout the Building; new panel and system installed 9/2018
Talbot House	X	X	X	Throughout the Building
Tenney House	X	X	X	Throughout the Building
Tyler House	X	X	X	Throughout the Building; also Kitchen Hood Suppression System
Washburn House	X	X	X	Throughout the Building
Wesley House	X	X	X	Throughout the Building

General Information:

- All sprinkler and fire alarm systems are tested annually
- Kitchen hood suppression and Halon systems are tested semi-annually
- Fire drills are conducted twice a year
- Fire alarm systems report to Campus Police who immediately notifies the fire department.

EMERGENCY BLUE LIGHT PHONES

Blue light phone use is not restricted to emergencies; use them to report incidents or suspicious people, or to ask for assistance or an escort. Simply lift the receiver or push the red button on any blue light phone. The phone will signal Campus Police automatically and direct someone to you.



IMPORTANT PHONE NUMBERS

Campus Police 24 hours/day

Dial **x2490** from a **campus phone**; Dial **413-585-2490** from a **cell phone**

Emergencies

Dial **800** from a **campus phone**

<i>Resource</i>	<i>Phone</i>
Health and Counseling Services (during business hours)	413-585-2800
Counseling Services	413-585-2840
Student Affairs (Mon-Fri 8:30-5) (on weekends, call x2490 and the Campus Police Department will locate an area coordinator)	413-585-4940
Title IX Coordinator	413-585-2141
OneCard Office	413-585-3082
Office of Institutional Diversity	413-585-2141
Office of Human Resources, Employee Assistance Program (EAP)	413-585-2260

HELPFUL WEBSITES

<i>Resource</i>	<i>Website</i>
OneCard Office	http://www.smith.edu/its/onecard/
Campus Police	https://www.smith.edu/campuspolice/
Banner Web (update emergency contact info)	http://www.smith.edu/its/services/banner_bannerweb.html
Student Affairs	http://www.smith.edu/sao/
Health and Counseling Services	http://www.smith.edu/health/
Residence Life (housing policies & resources)	http://www.smith.edu/reslife/

DEFINITIONS OF CLERY ACT CRIMES

To aid in the understanding of the crimes reported in this document, we are providing the following definitions. These are based on Massachusetts law unless otherwise noted.

Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Arson

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Burglary

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Consent

In Massachusetts, it is illegal to have sex under any circumstances with someone who is incapable of giving consent due to incapacity or impairment; incapacity or impairment may be caused by intoxication or drugs, or because a victim is underage, mentally impaired, unconscious, or asleep. For purposes of this policy, consent is an explicitly communicated, reversible, mutual agreement to which all parties are capable of making a decision.

- Consent requires a "Yes" in response to requests for sexual acts.
- Silence is not consent.
- "No" is not consent.
- By law, a person is incapable of consent if he or she is unconscious, asleep or younger than 16 years old.
- A person may also be incapable of consent if he or she is intoxicated (i.e. drunk, high) or mentally incompetent.
- Submission is not necessarily consent. There is a fine line between persuasion and coercion. For example, having sex with someone who reasonably believes that there is a threat of force meets the legal definition of rape in Massachusetts.

Destruction/Damage/Vandalism of Property: To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

Dating Violence (definition from the federal Violence Against Women Act, amended 2013; there is not a specific crime defined as "dating violence" in Massachusetts)

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

- For the purpose of this definition, dating violence –
 - Includes, but is not limited to, sexual or physical abuse or the threat of such abuse
 - Does not include acts covered under the definition of domestic violence

Domestic Violence (from 2013 VAWA Act; the definition under Massachusetts law varies slightly)

A felony or misdemeanor crime of violence committed—

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Forcible Fondling

The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Hate Crimes

Hate crimes must also be reported by category of prejudice based on the following: Race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability. For the purpose of reporting the statistics with respect to the crime statistics that must be compiled in accordance under the categories of: On campus, on non-campus building or property; public property; and dorms/residences. Reportable hate crimes include crimes in the Clery crime categories with a bias component, as well as bias-involved larcenies (thefts), simple assault, intimidation, vandalism, and any other crime involving personal injury.

Incest

Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Intimidation

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack. Counted only in bias statistics.

Larceny (theft)

The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. Counted only in bias statistics.

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle.

Murder and Non-Negligent Manslaughter

The willful (non-negligent) killing of one human being by another.

Negligent Manslaughter

The killing of another person through gross negligence.

Rape (UCR definition)

The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

Robbery

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Sex Offenses-Forcible

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. Includes Rape & Forcible Fondling defined in this section.

Sex Offenses-Non-forcible

Unlawful, non-forcible sexual intercourse. Includes Incest & Statutory Rape defined in this section.

Simple Assault

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

Stalking

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to –
 - Fear for the person's safety or the safety of others, or
 - Suffer substantial emotional distress
- For the purpose of this definition –
 - Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly or indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property
 - Substantial emotional distress means significant suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling
 - Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim
- One incident of stalking is recorded for each year in which a course of conduct involving the same perpetrator and victim, and is recorded at the first location of the incident series

Statutory Rape

Non-forcible sexual intercourse with a person who is under the statutory age of consent (16 in Massachusetts)

FIRE SAFETY DEFINITIONS

These definitions come from the Department of Education Handbook for Campus Safety and Security.

Cause of fire

The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

Fire

Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Fire drill

A supervised practice of a mandatory evacuation of a building for a fire.

Fire-related injury

Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue, or escaping from the dangers of a fire. The term "person" may include students, faculty, staff, visitors, firefighters, or any other individuals.

Fire-related death

Any instance in which a person (1) is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or (2) dies within one year of injuries sustained as a result of a fire.

Fire-safety system

Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems; fire detection devices; stand-alone smoke alarms; devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

Value of property damage

The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

CAMPUS POLICE PHONE NUMBERS

Phone: (413) 585-2495

Emergencies: Dial x800 from a campus phone; Dial (413) 585-2495 from a cell phone

Physical Location

126 West Street (Facilities Management Building)

Find us on Social Media:



<http://www.facebook.com/pages/Campus-Police/121551621250949>



<http://www.flickr.com/photos/campuspolice>



https://twitter.com/Campus_Police

SMITH COLLEGE GENDER-BASED AND SEXUAL MISCONDUCT POLICY

Smith College seeks to maintain an environment that is free of conduct that unreasonably interferes with the academic and professional experience of any member of the community. Consistent with this commitment, the College complies with Title IX of the Education Amendments of 1972 (“Title IX”), which prohibits discrimination on the basis of sex in education programs and activities, Title VII of the Civil Rights Act of 1964 (“Title VII”), which prohibits sex discrimination in employment and relevant laws of the Commonwealth of Massachusetts, which prohibit sex discrimination in education and employment. Smith College also complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), as amended by relevant provisions of the Violence Against Women Reauthorization Act of 2013 (“VAWA”).

Gender-based and sexual misconduct on the College’s campus or in other settings related to the College’s educational or employment activities is a form of sex discrimination that is unlawful and unethical and is strictly prohibited by the College.

Under this Gender-Based and Sexual Misconduct Policy (“Policy”), the College will promptly respond to complaints of gender-based and sexual misconduct and, where it is determined that such misconduct has occurred, will take measures to eliminate the conduct, prevent its reoccurrence, address its effects and impose corrective action as appropriate.

I. SCOPE

This Policy applies to all members of the College community, including students, faculty, staff, and third parties.

This Policy applies to conduct prohibited by this Policy (“Prohibited Conduct”) when the conduct occurs on campus; in the context of any College program or activity, including College-sponsored study abroad programs; or in any location, if the conduct has continuing adverse effects on campus or in any College program or activity.

This Policy applies to all acts of gender-based and sexual misconduct between individuals, regardless of the sex, gender identity, gender expression, and/or sexual orientation of those individuals.

All members of the community including students, faculty, and staff are expected to cooperate fully in efforts to investigate and enforce this Policy.

II. NOTICE OF NONDISCRIMINATION

Smith College is committed to maintaining a diverse community in an atmosphere of mutual respect and appreciation of differences.

Smith College does not discriminate in its educational and employment policies on the basis of race, color, creed, religion, national/ethnic origin, sex, sexual orientation, age, or with regard to the bases outlined in the Veterans Readjustment Act and the Americans with Disabilities Act.

Under Title IX:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

The College's Title IX Coordinator is responsible for ensuring the College meets its Title IX obligations and will maintain oversight of the College's investigation, resolution and response to reports of gender-based and sexual misconduct.

Concerns about the College's application of Title IX may be directed to the Title IX Coordinator, Amy Hunter, Office of Inclusion, Diversity and Equity, 302 College Hall, 413-585-2141, ahunter65@smith.edu or the United States Department of Education Office for Civil Rights Boston Office, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921, 617-289-0111, OCR.Boston@ed.gov.

III. PROHIBITED CONDUCT AND DEFINITIONS

Smith College prohibits gender-based and sexual misconduct. For the purposes of this policy, gender-based and sexual misconduct are broadly defined to include acts of sexual or gender-based harassment, sexual assault, intimate partner violence, sexual exploitation, stalking, aiding or facilitating the commission of a violation, and retaliation ("Prohibited Conduct").

An attempt to engage in conduct that constitutes gender-based or sexual misconduct, as defined by this Policy, even if the attempt does not result in a completed act, may be treated itself as a violation of this Policy.

A. Sexual or Gender-Based Harassment

Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature when one of the following conditions are present:

(1) submission to or rejection of the conduct is made either explicitly or implicitly a term or condition of an individual's employment, evaluation of academic work, participation or enrollment (*quid pro quo*);

(2) submission to or rejection of the conduct is used as a basis for employment or educational decisions, placement services or evaluation of academic achievement (*quid pro quo*); or

(3) the conduct is sufficiently severe, persistent or pervasive that it unreasonably interferes with an individual's work or educational performance or denies or limits the individual's ability to participate or benefit from the College's employment or educational programs and/or activities by creating an intimidating, hostile or offensive working, academic, or social environment under both a subjective and an objective perspective (*hostile environment*).

Gender-based harassment includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex, gender identity, gender expression or sex-stereotyping, even if those acts do not involve conduct of a sexual nature when one of the above conditions, *quid pro quo* or *hostile environment*, are present:

B. Forms of Prohibited Sexual or Gender-Based Harassment

Sexual or gender-based harassment can take many forms. It does not have to be "directed" at a particular individual to constitute sexual or gender-based harassment. Conduct reported as sexual or gender-based harassment will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the questioned behavior. Although repeated incidents generally create a stronger claim of sexual or gender-based harassment, a single incident, even if isolated, can create a hostile environment if sufficiently serious. For example, a single instance of sexual assault may constitute sexual harassment. In general, the more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. In addition, conduct that was initially welcomed may develop into a form of sexual or gender-based harassment depending on the circumstances.

Although it is not possible to list all circumstances that constitute sexual or gender-based harassment, the following are some examples of conduct that may constitute sexual harassment depending on the totality of the circumstances:

- 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 websites;
- Unwelcome sexual epithets, sexual jokes, written oral references to sexual conduct, or references to one's own sex life;
- Unwelcome comments 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;

- Engaging in harassing conduct related to another’s sex, gender identity, gender expression, or sexual orientation that affects the workplace, or the educational environment, or affects others’ ability to compete for grades, research opportunities, academic or work assignments, compensation, and/or employment benefits.
- 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. Actual or promised benefits may relate to grades, academic assignments, research opportunities, favorable reviews and recommendations, salary increases, promotions, increased benefits, continued employment or enrollment, or any other benefit.
- Bullying or cyber-bullying based on sex or gender, gender identity, gender expression or sexual orientation.

C. Sexual Assault

Sexual assault, as defined under this Policy, includes both Non-Consensual Sexual Contact and Non-Consensual Sexual Penetration as defined below:

- i. **Non-Consensual Sexual Contact** is any intentional sexual touching, however slight, with any object or body part, by a person upon another person, that is without consent. Sexual contact includes intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, making another touch you or themselves with or on any of these body parts, or making you touch yourself; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals or other orifice, or disrobing of another person without consent.
- ii. **Non-Consensual Sexual Penetration** is having or attempting sexual penetration with another individual without consent. Sexual penetration includes oral-genital contact, or vaginal or anal penetration by a penis, tongue or finger or other object, no matter how slight the penetration or contact.

a. Consent

Consent to sexual activity is defined as: clear, unambiguous, mutual, and voluntary agreement between the participants to engage in specific sexual acts. Consent must be expressed affirmatively, either by a verbal statement (e.g., “yes”) or through mutually understandable conduct that plainly manifests affirmative consent (e.g., initiating contact, directing contact by hands or other body parts). Consent cannot be inferred from the absence of a “no.” Silence, passivity or lack of active resistance does not imply consent. When in doubt, ask. Any doubt about consent must be resolved before engaging in further sexual activity.

Consent must be clear, mutual and unambiguous for each participant throughout any sexual encounter. Consent to some types of sexual contact does not imply consent to others, nor does past consent to a given act imply ongoing or future consent. Consent is not to be inferred from an existing or previous dating or sexual relationship. Even in

the context of a relationship, there must be mutual consent to engage in sexual contact. Consent to engage in sexual contact with one person is not consent to sexual contact with any other person.

Consent can be withdrawn at any time through clear words or mutually understandable actions. Once consent is withdrawn, the sexual activity must stop immediately and all parties must obtain mutually expressed or clearly stated consent before continuing with further sexual activity.

Consent must be freely given. Consent cannot be obtained by intimidation, threat, coercion or force. Agreement given under intimidation, threat, force or coercion does not constitute consent.

Force is the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual activity. There is no requirement that a party resists the sexual advance or request, but resistance will be viewed as a clear demonstration of non-consent.

Coercing someone into sexual activity violates this Policy in the same way as physically forcing someone into sex. Coercion is the use of unreasonable pressure to compel another individual to initiate or continue sexual activity against an individual's will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats and blackmail. Examples of coercion include, but are not limited, threatening to "out" someone based on sexual orientation, gender identity, or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity.

Consent cannot be gained by taking advantage of the incapacitation of another person, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated. A person who engages in sexual activity with someone the individual knows or reasonably should know is incapable of making a rational, reasonable decision about whether to engage in sexual activity is in violation of this Policy.

A person who is incapacitated cannot consent to sexual contact. A person is incapacitated if they are asleep, unconscious, intermittently conscious, unaware that sexual contact is occurring, or lack the physical and/or mental ability to make informed, rational judgments about whether or not to engage in sexual activity.

A person may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition. Where alcohol or drug use is involved, incapacitation is a state beyond intoxication, inebriation, impairment in judgment or "drunkenness." Because the impact of alcohol or other drugs varies from person to person, evaluating whether an individual is incapacitated, and therefore unable to give consent, requires an assessment of whether the consumption of alcohol or other drugs has rendered the individual physically or mentally incapable of:

- Making decisions about the potential consequences of sexual contact;
- Appraising the nature of one's own conduct;
- Communicating consent to sexual contact; or
- Communicating unwillingness to engage in sexual contact.

Where an individual's level of impairment does not rise to incapacitation, it is still necessary to evaluate the impact of intoxication on consent. In evaluating whether consent was sought or given, the following factors may be relevant:

- Intoxication may impact one's ability to give consent and may lead to incapacitation;
- A person's level of intoxication is not always demonstrated by objective signs; however, some signs of intoxication may include slurred or incomprehensible speech; unsteady gait, difficulty walking or clumsiness; combativeness or emotional volatility; vomiting; incontinence, poor judgment and difficulty concentrating; and
- An individual's level of intoxication may change over a period of time based on a variety of subjective factors, including the amount of substance intake, speed of intake, body mass and metabolism.

No matter the level of an individual's intoxication, if that individual has not agreed to engage in sexual contact, there is no consent.

Voluntary intoxication by a respondent does not diminish the responsibility to obtain valid consent. The respondent's knowledge will be viewed from the perspective of a sober, reasonable person under the same circumstances.

In the commonwealth of Massachusetts, consent can never be given by minors under the age of 16.

D. Intimate Partner Violence

Intimate partner violence is violence committed by a person who is or has been in a social relationship of a romantic, intimate, domestic partner, spousal, sexual or dating nature with the person subject to the violence. It is also referred to as dating violence, domestic violence and relationship violence. Intimate partner violence includes behavior or physical force that intimidates, manipulates, isolates, frightens, terrorizes, coerces, threatens, hurts, injures or wounds an intimate partner. The existence of a romantic, intimate, domestic partner, spousal, sexual or dating relationship may be determined by factors such as the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Intimate partner violence does not require sexual contact between partners, but non-consensual sexual contact or unwelcome conduct, including the specific forms of gender-based and sexual misconduct prohibited by this Policy, may constitute forms of intimate partner violence.

E. Sexual Exploitation

Sexual exploitation is taking or attempting to take sexual advantage of another without consent for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. Examples of sexual exploitation include, but are not limited to:

1. Prostituting another person;
2. Non-consensual taking of pictures, video recording and/or audio recording of a sexual activity;
3. Non-consensual distribution of pictures, video recording, audio recording, or live-streaming of a sexual activity;
4. Allowing third parties to observe sexual activities without consent;
5. Engaging in voyeurism (watching private sexual activity without the consent of the participants or viewing another person's intimate parts (including genitalia, groin, breasts or buttocks) in a place where that person would have a reasonable expectation of privacy);
6. Exposing one's genitals in non-consensual circumstances;
7. Inducing another to expose their genitals under non-consensual circumstances;
or
8. Causing the incapacitation of another for the purpose of compromising that person's ability to consent to sexual activity.

F. Stalking

Stalking is a course of conduct involving more than one instance of unwelcome attention, harassment, physical or verbal contact, or any other course of conduct directed at a specific person, that could be reasonably regarded as likely to alarm or place the person in fear of bodily injury, or reasonably cause substantial emotional distress to the person. Stalking may include cyber-stalking, in which electronic media such as the internet, cell phone, texts, or other forms of electronic contact are used to make unwelcome contact with another person.

G. Retaliation

Retaliation is defined as taking or attempting adverse action against a person or group because that person or group participated in a good faith report or investigation under this Policy, whether as a complainant, respondent, witness, administrator or in any other role. Retaliation can be committed by any individual or group of individuals, not just the respondent or complainant. Retaliation can take many forms, including threats, intimidation, bullying, harassment, physical harm, emotional abuse, damage to or theft of property, and exclusion from a position, association or event, among others.

IV. PROHIBITED RELATIONSHIPS BY PERSONS IN AUTHORITY

A. Prohibition of Relationships between Faculty and Students and Staff and Students

Sexual relationships between faculty and College students are prohibited by the Policy on Sexual Relationships between Faculty and Students.

Romantic involvement or sexual relationships between staff (who are not student employees) and College students, even if consensual, are prohibited by this Policy.

These prohibitions will not affect the Tuition Assistance Benefit that the College offers to spouses of faculty and staff members.

V. UNDERSTANDING THE DIFFERENCE BETWEEN PRIVACY AND CONFIDENTIALITY

When disclosing information about gender-based or sexual misconduct to a College employee, all community members should be aware of how their information may be shared within the College based on the College's Title IX obligations, as well as the identity of confidential resources under state law. The following discussion on privacy and confidentiality may help a complainant make an informed choice.

The College recognizes that privacy is very important. All actions taken to investigate and resolve reports shall be conducted with as much privacy and discretion 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.

Privacy and confidentiality have distinct meanings under this Policy.

Privacy: Privacy generally means that information related to a report will only be shared with those College employees with a legitimate educational interest or with external individuals or entities only as permitted under College policy and applicable law. Members of the College community involved in reviewing a reported violation of this Policy are expected to fulfill their obligation to share information only on a need-to-know basis to fulfill the responsibilities of their position. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"). The privacy of an individual's medical and related records generally is protected by the Health Insurance Portability and Accountability Act ("HIPAA").

Confidentiality: Confidentiality means that information shared with campus or community professionals who have legal confidentiality will only be disclosed: 1) with the individual's expressed written permission; 2) where there is a continuing threat of serious harm to the patient/client or to others; 3) where there is suspected abuse or neglect of a minor; or, 4) as required by state law. An individual can seek confidential assistance and support by speaking with

specially designated confidential resources, both on campus and in the surrounding community.

Under this Policy, all faculty, staff, and administrators, student employees who have a responsibility for student welfare, and student volunteers who have a responsibility for student welfare are considered Responsible Employees under Title IX and are required to promptly report any acts of gender-based or sexual misconduct that they become aware of to the College's Title IX Coordinator. This includes information that is shared directly by a complainant or other individual, conduct that is observed, or other information that could reasonably raise a concern that gender-based or sexual misconduct may have occurred. While Responsible Employees may keep the information private, as above, they may not keep it confidential; all known information, including the names of the parties and any information about the details of the conduct must be shared with the Title IX Coordinator. As set forth later in this Policy, the Title IX Coordinator will consider the interests of the complainant in determining how to proceed in response to the report. Questions about employee reporting responsibilities, or the College's potential responses to a report, can be directed to the College's Title IX Coordinator.

VI. CONFIDENTIAL RESOURCES AND SUPPORT

While Smith encourages all College community members to promptly report all incidents of gender-based and sexual misconduct, the College recognizes that sometimes an individual may prefer to initially speak with someone in confidence. Accordingly, for members of the College community who do not want details of their report of gender-based or sexual misconduct to be shared with the College's Title IX Coordinator, the College offers on-campus mental health counselors, campus health service providers and the Dean of Religious Life as confidential resources. These resources are subject to confidentiality obligations that generally prohibit release of information without an individual's express consent, unless otherwise required by law.

If someone discloses gender-based or sexual misconduct to a College confidential resource, that confidential resource will not disclose to College officials any identifying information about the person subject to the misconduct or the person alleged to have committed the misconduct, but may provide the Title IX Coordinator with limited non-identifying information about the incident to permit the College to determine if the incident should be reported among the crime statistics the College is required to report under federal or state laws.

Ordinarily, reports made to individuals at the College designated as confidential resources will not be shared with law enforcement or any state agencies. However, there are limited exceptions to a confidential resource's legal ability to keep a report of gender-based or sexual misconduct confidential. For example, Massachusetts law requires the reporting of abuse of minors (under the age of 18). Further, if someone discloses to a confidential resource information suggesting they or someone else

presents an imminent threat or danger to harm themselves or others, confidentiality cannot be maintained.

In addition, Massachusetts General Laws chapter 112, §12A 1/2 requires medical personnel to report to the state and the police in the town where a rape or sexual assault occurred data concerning any and all cases of rape where the survivor seeks medical treatment. The data that must be reported does not include the survivor's name, address or other identifying information.

A. Confidential Resources

The following have been designated confidential resources pursuant to this Policy:

- Smith College Counseling Center for counseling services, free of charge. Counselors can be seen on an emergency basis during the academic year. Contact Information: 413-585-2840.
- Smith College Health Services for medical assistance and referrals. Contact information: 413-585-2811.
- In addition, the Dean of Religious Life is a confidential resource who will keep details of a report confidential upon request and subject to applicable law. Contact Information: 413-585-2750.

B. Off-Campus Resources and Support

Off-campus organizations can provide resources in response to a report of gender-based or sexual misconduct, including counseling, crisis intervention, and medical services. Some resources in the local area include:

- Cooley Dickinson Hospital (has Sexual Assault Nurse Examiner (SANE) program) Contact Information: 413-582-2000, open 24 hours.
- Center for Women and Community
University of Massachusetts, Amherst
Contact Information: 413-545-0800 or 1-888-337-0800, 24-hour hotline (anonymous and confidential).
- Sexual Assault Prevention and Survivor Services, Commonwealth of Massachusetts: Department of Public Health, provides resources including a list of rape crisis center hotlines and direct links to rape crises center websites. See website: <http://www.mass.gov/eohhs/gov/departments/dph/programs/community-health/dvip/violence/sapss/>.
- Safe Passage, provides a variety of support and advocacy services for women and children who have experienced domestic violence. 43 Center Street Suite

304, Northampton, MA 01060. Phone: (413) 586-1125. Hotline: (413) 586-5066 or TTY/TTD: (888) 345-5282. General email: info@safepass.org.

- Victim/Witness Assistance Unit, Northwestern District Attorney, Greenfield, MA
Contact Information: 413-774-3186.

VII. REPORTING ACTS OF GENDER-BASED AND SEXUAL MISCONDUCT

The College strongly encourages prompt reporting of conduct that may violate this policy. Prohibited Conduct may be reported to local law enforcement and/or the College. Any individual may make a report under this policy, and all individuals are encouraged to make a report, regardless of when or where the incident occurred, and to seek any necessary help from campus or community resources. This section of the Policy provides information concerning to whom individuals can report gender-based or sexual misconduct to ensure that the report will be brought to the attention of appropriate administrators for investigation and response.

A. Emergency/Immediate Report Options

The first priority for any individual should be personal safety and well-being. The College encourages all individuals to make a prompt report to law enforcement and/or seek immediate medical treatment in response to an incident in order to address immediate safety concerns and allow for the preservation of evidence and an immediate investigative response. The College will help any individual get to a safe place and will provide transportation to the hospital, coordination with law enforcement, and information about the College's resources and complaint processes.

B. Campus Reporting Options

All members of the College community are encouraged to report incidents of gender-based and sexual misconduct directly to the Title IX Coordinator. The College has appointed Amy Hunter, Office of Inclusion, Diversity and Equity to serve as the Title IX Coordinator. Any individual may contact the College's Title IX Coordinator by phone, email or in person at the following contact information:

Amy Hunter
Office of Inclusion, Diversity and Equity
302 College Hall
413-585-2141
Email: ahunter65@smith.edu

Undergraduate students may also report gender-based and sexual misconduct to the Dean of Students office at 413-585-4940. Graduate students may also report gender-based and sexual misconduct to the director of graduate students at 413-585-3017. School for Social Work students may also report misconduct to the associate dean at 413-585-7966. Staff may also report gender-based and sexual misconduct to Human Resources at 413-585-2288. Faculty may also report gender-based and sexual

misconduct to the Associate Provost and Dean for Academic Development at 413-585-3000.

Individuals who choose to report information to the Dean of Students, Department of Human Resources, Provost's Office, or Campus Police will receive immediate assistance from each of those departments. Each of these departments will refer the report to the Title IX Coordinator as part of the College's commitment to consistent, sensitive, trauma-informed and Title IX-compliant responses.

C. Reporting to Law Enforcement

The College encourages members of the College community to pursue criminal action for incidents of gender-based or sexual misconduct when the incident may also constitute a crime under the law of the jurisdiction where the incident occurred. Individuals have the right to notify law enforcement or decline to notify law enforcement and may do so directly to the appropriate agency. Reporting incidents of gender-based and sexual misconduct may help protect others from future victimization, apprehend the alleged assailant and maintain options regarding criminal prosecution.

A report to Campus Police can be filed by going to 126 West Street in the Facilities Building from 8:30 a.m. to 4:00 p.m., Monday through Friday, or by calling extension 2490 from a campus phone or 413-585-2490 from off-campus phones or cell phones, 24 hours a day, seven days a week. Campus Police and/or the Title IX Coordinator may assist the reporter in identifying the appropriate law enforcement agency if the incident occurred off-campus. Incidents of gender-based or sexual misconduct reported to the College's Office of Campus Safety ("Campus Safety"), will be shared with the local law enforcement agency with jurisdiction.

When an individual reports the incident to Campus Police, a Campus police officer will take a statement regarding what happened. Under Massachusetts law, the reporting individual may request that their identity be kept confidential in law enforcement records; however, because Campus Police are employees of the College, information about the report, including personally identifiable information, will be shared with the Title IX Coordinator. Filing a police report does not obligate the reporter to participate in criminal or campus proceedings.

To the extent permitted by law, the College will assist a reporting College community member with making a report to law enforcement and will cooperate with law enforcement agencies if the complainant decides to pursue law enforcement action. Proceedings under the College's Gender-Based and Sexual Misconduct Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus. Cooperation with law enforcement agencies may require the College to temporarily suspend its own investigation while the law enforcement agency gathers evidence. The College will promptly resume its own investigation as soon as it is notified that the law enforcement agency has completed its evidence gathering process.

The College's definitions of gender-based and sexual misconduct, and its process and standard of proof for finding a College community member responsible for gender-based or sexual misconduct, differ from those used in criminal prosecutions. Accordingly, a reporter may reasonably seek resolution through the College's complaint process, may pursue criminal action, may choose one but not the other, or may choose both. Law enforcement's determination whether to prosecute an individual alleged to have engaged in gender-based or sexual misconduct does not determine whether the College will conduct a Title IX investigation. However, the College may take into consideration any criminal disposition or any information shared by law enforcement in the investigation and resolution of the report of gender-based or sexual misconduct.

D. Timeline for Reporting

The College encourages individuals to report gender-based and sexual misconduct immediately in order to maximize the College's ability to respond promptly and equitably. Although prompt reporting helps the investigation process, the College does not limit the timeframe for reporting. The College cannot pursue disciplinary action against an individual who is no longer affiliated with the College. Under those circumstances, however, the College will help a complainant identify external reporting options, provide reasonably available support and resources, and take other steps designed to eliminate any hostile environment, prevent recurrence of the conduct, and address its effects.

E. Amnesty for Students Who Report Gender-Based or Sexual Misconduct

The College encourages reporting incidents of gender-based or sexual misconduct and seeks to remove any barriers to reporting by making the procedures for reporting transparent and straightforward. The College recognizes that Smith students who have been drinking or using drugs at the time of the incident may be hesitant to report gender-based or sexual misconduct because of potential consequences for their own alcohol or drug violations of the Code of Student Conduct. Students who report gender-based or sexual misconduct, either as a complainant or a witness, will not be subject to disciplinary action by the College for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such consumption did not and does not place the health or safety of any person at risk. The College may, nevertheless, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs. The amnesty policy applies only to the College's Code of Student Conduct process.

F. Retaliation

It is a violation of College policy to retaliate in any way against an individual or a group because the individual or group made a good faith report concerning a violation of this Policy, was the subject of a report, or otherwise participated in the College's investigation of such a report. Individuals who believe they have been subject to

retaliation should immediately report their concerns to the Title IX Coordinator. The College will take immediate and appropriate action to any report of retaliation and may pursue disciplinary action as appropriate. This disciplinary action may be separate and apart from the underlying conduct at issue, and a person may be found responsible for retaliation even if the underlying report is later not proven to be a violation of this Policy. The Title IX Coordinator will review all reports of retaliation and determine whether to impose immediate corrective action (including sanctions) or whether to refer the report for further investigation and resolution pursuant to the Investigation, Gender-Based and Sexual Misconduct Hearing Process for Student Respondents, or Sexual Misconduct Adjudication Process for Staff and Faculty sections of this Policy. In making this determination, the Title IX Coordinator may consult with other College administrators.

G. Bystander Intervention

The College expects all of its community members to take reasonable and prudent actions to prevent or stop an act of gender-based or sexual misconduct. Taking action may include direct intervention, calling law enforcement, or seeking assistance from a person in authority. Community members who choose to exercise this positive moral obligation will be supported by the College.

VIII. SMITH COLLEGE'S PROCEDURE FOR RESPONDING TO INCIDENTS OF GENDER-BASED AND SEXUAL MISCONDUCT

In all cases, the College will respond to reports of violations of this Policy in a prompt, fair and impartial manner. The College will also seek to balance trauma-informed practices with procedural due process considerations.

Every report received by a responsible employee of the College will be referred to the Title IX Coordinator, who will conduct an initial assessment. Following the initial assessment, the College may seek Voluntary Resolution of the report or pursue steps to investigate or otherwise determine what occurred. The goal of the investigation is to gather all relevant facts and determine if there is sufficient information to pursue disciplinary action. Disciplinary action against a student will be pursued according to the Hearing Process section of this Policy. Disciplinary action against an employee will be pursued according to the Gender-Based and Sexual Misconduct Adjudication Process for Staff and Faculty Respondents section of this Policy. Each resolution process is guided by the same principles of fairness and respect for all parties.

The College will work closely with complainants and respondents to ensure their ability to complete their academic program or professional responsibilities during the review of a reported violation of this Policy.

The College may amend or modify the procedures set forth in this Policy at any time if it determines such amendment or modification is warranted under the circumstances.

For the purposes of this Policy, the person who reports that they have been subject to gender-based or sexual misconduct or is the subject of such a report shall be referred to

as the “complainant.” The person against whom a report of gender-based or sexual misconduct is brought is referred to as the “respondent.” A person who reports an incident of gender-based or sexual misconduct, but who is not the subject of the report, is referred to as the “reporter.”

A. Initial Assessment

Upon receipt of a report of gender-based or sexual misconduct, the Title IX Coordinator will review the report and conduct an initial assessment of the reported conduct, the safety and emotional well-being of the complainant, the complainant’s expressed preference for resolution, and the necessity for any interim interventions to protect the safety of the campus community. This will typically involve a preliminary meeting between the complainant or reporter and the Title IX Coordinator. The Title IX Coordinator may also consult with other College administrators, including the Dean of Students, Campus Police, the Department of Human Resources and the Provost’s Office. As part of the initial assessment, the College will:

- Assess the nature and circumstances of the reported conduct
- Address immediate physical safety & emotional well-being
- Discuss the complainant’s expressed preference for manner of resolution and any barriers to proceeding
- Notify the complainant of the right to contact or decline to contact law enforcement if the conduct is criminal in nature, and if requested, assist them with notifying law enforcement
- Notify the complainant of the availability of medical treatment to address physical and mental health concerns and to preserve evidence
- Notify the complainant of the importance of preservation of evidence
- Evaluate required actions under the Clery Act, including entering the report into the College’s daily crime log if required and issuing a timely warning as appropriate
- Provide the complainant with information about on- and off-campus resources
- Notify the complainant of the range of reasonably available interim interventions
- Provide the complainant with an explanation of the procedural options, including voluntary resolution and disciplinary action (through an investigation and hearing)
- Inform the complainant of the right to have an advisor of their choosing to assist them throughout the investigation and resolution of the complaint, including accompanying the complainant to any meeting or proceeding under this Policy
- Assess for pattern evidence or other similar conduct by the respondent
- Explain the College’s policy prohibiting retaliation

The initial review will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made, and the Title IX Coordinator has sufficient information to determine the best course of action. If the Title IX Coordinator determines that additional information is required to make this determination, the Title IX Coordinator will direct the gathering of the additional

information. If the Title IX Coordinator decides that an investigation is warranted, the College will proceed as described in the Investigation section below.

B. Review of Complainant Requests for Anonymity or Not to Proceed with Investigation

If the complainant requests anonymity or asks that the report of gender-based or sexual misconduct not be pursued, the College will, before taking any further investigative steps, forward that information, along with all available information about the report, to the Title IX Coordinator who will decide whether the College must proceed with an investigation.

In making such a determination, the Title IX Coordinator will review of the totality of the known circumstances, and will be guided by a consideration of the following factors:

- The available facts and circumstances and context of the report;
- The impact on the complainant's emotional well-being or safety by proceeding (or not proceeding) with an investigation;
- Whether the respondent has prior arrests, is the subject of prior reports and/or complaints related to any form of Prohibited Conduct, or has any history of violent behavior;
- Whether the respondent has a history of failing to comply with any College No-Contact directive, other College interim interventions or similar impositions, and/or any civil protective order;
- Whether the respondent has threatened to commit violence or any form of Prohibited Conduct;
- Whether the Prohibited Conduct involved multiple respondents;
- Whether the Prohibited Conduct involved physical violence;
- Whether the report reveals a pattern of Prohibited Conduct by the respondent, by a particular group or organization, around a particular recurring event or activity, or at a particular location;
- Whether the Prohibited Conduct was facilitated through the use of "date-rape" or similar drugs or intoxicants;
- Whether the Prohibited Conduct involved the use of a weapon;
- Whether the Prohibited Conduct occurred while the complainant was unconscious, physically helpless or unaware that the Prohibited Conduct was occurring;
- The respective ages and roles of the complainant and respondent, including whether the complainant is (or was at the time of the Prohibited Conduct) a minor (under 18);
- Whether any other aggravating circumstances or signs of predatory behavior are present;
- Whether the College possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence); and,
- The right of the respondent to receive notice and an opportunity to meaningfully respond to relevant information before disciplinary action is sought.

The Title IX Coordinator is charged with balancing the College's commitment to supporting victim/survivor-centered practices with its equally strong commitment to providing fair and impartial process to the respondent and promoting a safe College community.

In reviewing complainant requests for anonymity or requests not to pursue an investigation, the Title IX Coordinator will consider the wishes of the complainant, the risk that declining to investigate might jeopardize the safety of the complainant or any members of the Smith community, and Smith's responsibility to provide a safe and nondiscriminatory environment for all College community members. The College will seek to respect the request of the complainant and where it cannot do so, it will consult with the complainant and keep the complainant informed about the chosen course of action. The College will not compel the Complainant to participate in an investigation where the complainant has requested that the College not pursue the investigation. In all cases, the final decision on whether, how, and to what extent the College will maintain the complainant's confidentiality or conduct an investigation, and whether other measures will be taken in connection with a report of a violation of this Policy, rests with the Title IX Coordinator.

The College's ability to investigate and pursue disciplinary action may be limited when the identity of the respondent is unknown or when a complainant requests that their identity not be revealed to the respondent.

C. Interim Interventions

To achieve the goals of this Policy, upon receipt of a report of gender-based or sexual misconduct, the College will implement interim interventions, as may be reasonable and appropriate for the individuals involved and for the larger College community. These measures may be both remedial (designed to address a complainant's safety and well-being and continued access to educational opportunities) or protective (involving action against a respondent). The College will determine the necessity and scope of any interim interventions.

Complainants seeking an interim intervention should speak with the Title IX Coordinator, who will evaluate and coordinate such requests on the behalf of the complainant. Interim remedial interventions and campus resources are always available to support a complainant regardless of the course of action chosen or their level of participation in College proceedings. Protective measures, which involve restricting the rights of a respondent, may require participation in an investigation. When implementing interim interventions, consistent with available information to support the reasonableness of the request, the College will seek to minimize the burden on the individuals seeking the intervention. These interim interventions may be kept in place until the end of any investigation and/or until further notice from the College.

Even when a complainant or respondent does not specifically request an interim intervention, the College may choose to implement such an intervention at its discretion to ensure the safety of any individual or the College community. Interim interventions may be modified by the College as circumstances change or new information is available.

The College offers a range of interim interventions, including, but are not limited to, letters instructing the respondent (or, where appropriate, a restriction on both parties) not to contact the complainant; separation of or modification to the complainant's or the respondent's academic, employment, extra-curricular, and living situations; academic accommodations or modifications, including access to tutoring, rescheduling of exams or assignments, the ability to drop a course without penalty; assistance setting up initial appointments for counseling and/or medical services; providing an escort; assistance in evaluating implications for financial aid, immigration or visa status; assistance in obtaining a civil order of protection; and other interventions tailored to the involved parties.

Where the report of gender-based or sexual misconduct poses an ongoing risk of harm to the safety or well-being of an individual or members of the campus community, the College may place an individual or organization on interim suspension or impose leave for an employee. Pending resolution of the complaint, the individual or organization may be denied access to campus. When interim suspension or leave is imposed, the College will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

The College will maintain the privacy of any remedial and protective measures provided under this policy to the extent practicable. The Title IX Coordinator shall maintain information about interim interventions in their file regarding the gender-based or sexual misconduct. All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim intervention. The College will take prompt and responsive action to enforce interim interventions.

D. Voluntary Resolution

The College recognizes that voluntary resolution options may, if implemented consistently with institutional values and legal obligations, be an appropriate means of addressing some forms of Prohibited Conduct reported under this Policy. Voluntary resolution options are designed to eliminate the conduct at issue, prevent its recurrence, and remedy its effects in a manner that meets the expressed preference of the complainant and the safety and welfare of the campus community.

In some forms of voluntary resolution, the remedies imposed will focus on supporting the complainant with no participation or involvement by the respondent. Depending on the type of action taken under voluntary resolution, it may be possible for a complainant to maintain anonymity. In other forms of voluntary resolution, the respondent may

agree to participate. Voluntary resolution typically does not involve disciplinary action against a respondent, unless agreed upon by all parties.

Voluntary resolution is not appropriate for all forms of Prohibited Conduct, and the Title IX Coordinator retains the discretion to determine which cases are appropriate for voluntary resolution. If a complainant requests voluntary resolution, and the Title IX Coordinator concludes that voluntary resolution is appropriate based on the factors outlined in the Initial Assessment, the College will take appropriate action by imposing individual and community remedies designed to maximize the complainant's access to all employment, educational, and extracurricular opportunities and benefits at the University and to eliminate a potential hostile environment. The outcomes of voluntary resolution conversations are mutually developed and agreed upon by parties involved.

Voluntary resolution may include: implementing interim interventions, conducting targeted or broad-based educational programming or training for relevant individuals or groups; service options; permanent interventions; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; communication with the respondent by the Title IX Coordinator and/or the Dean of Students; other forms of restorative justice options; and any other remedy that can be tailored to the involved individuals to achieve the goals of the policy. Voluntary resolution may also include conflict mediation or a restorative conference with a trained College community member selected by the Dean of Students. However, the College will never use mediation or any method of face-to-face resolution to resolve a report of Sexual Assault.

A complainant may request to end voluntary resolution and pursue an investigation at any time. Similarly, the College may determine to end voluntary resolution at any time where appropriate. Pursuing voluntary resolution does not later preclude resolution through formal adjudication process, unless disciplinary action has been imposed and all parties agree that the voluntary resolution is final. Because the outcomes of voluntary resolution conversations are mutually developed and agreed upon by parties involved, an appeal of the process and its result is not permitted. If the parties are unable to agree on a voluntary resolution, the matter will be referred by the Dean of Students or designee for investigation and resolution. Both the complainant and the respondent have the right to withdraw from voluntary resolution at any time and begin a formal investigation. No statements made during the voluntary resolution process may be submitted to or considered in the investigation or by the Hearing Board.

In order to fairly assess pattern or systemic behavior, the Title IX Coordinator will maintain records of all reports and conduct referred for voluntary resolution. The time frame for completion of voluntary resolution may vary, but the University will seek to initiate action within thirty (30) work days of the complainant's request.

E. Investigation

The Title IX Coordinator will determine the most effective method of investigating the report of a violation of this Policy. The Title IX Coordinator may investigate reports of Prohibited Conduct or designate an investigator of the Title IX Coordinator's choosing to conduct a prompt, thorough, fair and impartial investigation. Any investigator used by the College, whether internal or external, will be impartial, free from any conflict of interest, and have received annual and specific training on investigating Prohibited Conduct. Investigators do not function as advocates or support persons for complainants or respondents. Investigators may, however, identify issues of concern and refer the parties to the Title IX Coordinator for assistance in obtaining resources.

The College will afford both the complainant and respondent a full and fair opportunity to be heard, including the opportunity to identify witnesses and other evidence. The parties may choose to provide a written statement, and other supporting materials regarding the matter under review. However, it is the responsibility of the College, not the complainant or respondent, to gather the relevant evidence to the extent reasonably available. The investigator or designee will provide timely updates, as appropriate or requested, about the timing and status of the Investigation.

Both the complainant and respondent will receive written notice that an investigation has been initiated. The notice will include a concise summary of the conduct, and the potential policy violations, the name and contact information of the assigned investigator and an overview of the investigation procedures. The investigator may amend the potential charges as part of the investigative process if additional information is disclosed that would suggest the existence of additional policy violations. At the conclusion of the process, the complainant and respondent are entitled to equal and timely access to all information that will be considered in the Investigation.

In conducting an investigation, the investigator may meet separately with the complainant (if participating), respondent, and reporter (if applicable), and other pertinent witnesses. Witnesses must have observed the acts in question or have information relevant to the incident and cannot be participating solely to speak about an individual's character. The investigator may also consider relevant physical and medical evidence, relevant communications between the parties, and other relevant information offered by either party or discovered independently by the investigator.

In general, a party's medical and counseling records are confidential and not accessible to the investigator unless a party voluntarily chooses to share those records with the investigator. Any records shared with the investigator will become part of the investigative file and available for review by either party. The investigator may consult an expert to evaluate the relevance and probative value of any medical or counseling records.

All parties and witnesses are expected to provide truthful information in any proceeding under this policy. Knowingly providing false or misleading information is a violation of

College policy and can subject a student or employee to disciplinary action. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

The investigator will determine the relevance of any proffered information. In general, the investigator will not consider statements of personal opinion, rather than direct observations or reasonable inferences from the facts, or statements as to any party's general reputation for any character trait, including honesty or chastity.

Complainants or respondents may choose to participate or decline to participate in the process. However, even if a complainant or respondent declines to participate, the College may continue to investigate the matter and issue findings based on available information. Absent compelling circumstances, witnesses, both students and employees, are expected to participate in the process.

The investigator and Title IX Coordinator have the discretion to consolidate multiple reports against a respondent into one Investigation and resolution if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident.

The College will maintain appropriate investigative files and will document the provision of interim measures, investigative steps and information gathered in the Investigation.

F. Evidence of Prior Sexual History or Pattern Evidence

The complainant or respondent's character or reputation with respect to other sexual activity is never relevant and will not be considered as evidence. However, prior sexual history may be considered under the following circumstances:

(1) Where there was a prior or ongoing relationship between the complainant and respondent, and the respondent asserts that consent was sought and given, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. As noted in other sections of the policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent.

(2) Where there is evidence of a pattern or conduct similar in nature by the respondent, either before or after the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant to the investigator or Hearing Board's determination of responsibility and/or assigning of a sanction. The determination of relevance will be based on an assessment of whether the prior or subsequent incident was substantially similar to the present allegation or the information indicates a pattern of behavior and substantial conformity with that pattern by the respondent.

(3) In addition, other conduct by either party may, under limited circumstances, be relevant to establish intent, motive, absence of mistake, to explain an injury or physical finding, or another ground deemed probative by the investigator.

If either party wishes to bring forth information concerning the other party's sexual history, other acts or pattern evidence in the hearing, such information must be brought to the attention of the investigator during the Investigation. Where the investigator intends to consider evidence of prior sexual history as part of the Investigation, the investigator will provide written notice to the parties and allow them the opportunity to challenge its inclusion. The investigator may consult with the Dean of Students or Title IX Coordinator in making the determination of relevance or probative value. Relevant evidence of prior sexual history must be based on direct information, not rumor, hearsay, speculation or conjecture.

G. Acceptance of Responsibility

If a student respondent admits to a violation, the Title IX Coordinator in their discretion may forego an investigation and refer the matter directly to the Hearing Board to issue a sanction as described in the Hearing Process section of the Policy.

If a faculty or staff respondent admits to a violation, the Title IX Coordinator in their discretion may forego an investigation and refer the matter directly to adjudication pursuant to the Gender-Based and Sexual Misconduct Adjudication Process for Staff and Faculty Respondents section of this Policy.

H. Withdrawal or Report

If a complainant or reporter withdraws the report, the Title IX Coordinator will assess whether sufficient evidence of misconduct exists to support completing an investigation. The Title IX Coordinator will consider the factors set forth in the section regarding Review of Complainant Requests for Anonymity or Not to Proceed with Investigation in making this determination, including whether prior reports have been made against the respondent and whether there may be an ongoing health or safety threat to the College community. The College's decision to proceed in investigating a student member of the community when the complainant or reporter has withdrawn the report shall be made by the Title IX Coordinator but will take the complainant's wishes into consideration. If the Title IX Coordinator determines that no action will be taken against the respondent because the report has been withdrawn, a file concerning the withdrawn report will be maintained by the Title IX Coordinator, so that the matter can be re-opened if, among other things, independent evidence of misconduct by the respondent comes to the College's attention, which the Title IX Coordinator determines warrants re-opening the investigation.

I. Standard of Proof

Findings of responsibility for conduct prohibited by this Policy will be made using the preponderance of the evidence standard. This standard requires the information

supporting a finding of responsibility to be more convincing than the information in opposition to it. Under this standard, individuals are presumed to not have engaged in prohibited conduct unless a preponderance of the evidence supports a finding that the prohibited conduct occurred and the respondent was responsible for it.

J. Advisors

Throughout the process, both the complainant and the respondent have the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. The advisor may be any individual selected by the complainant or respondent, including an attorney at the party's own expense. The advisor shall have no active participation role during any meeting or proceeding related to the review of the reported gender-based or sexual misconduct and is there solely to observe, provide support and advise the complainant or respondent. To serve as an advisor, the individual will be required to meet with the Title IX Coordinator or designee in advance of participating in the Investigation to understand the expectations of the role, privacy, and appropriate decorum. The Title IX Coordinator has the right at all times to determine what constitutes appropriate behavior on the part of an advisor. Any person who serves as an advisor should plan to make themselves available for meetings throughout the process, as the advisor's unavailability will not serve as a basis to significantly delay the proceedings.

K. Timeframe for Resolution

Upon receipt of a report, the College will strive to complete the investigation and disciplinary process within sixty (60) calendar days. The time for any appeal is not included in the sixty (60) days. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fairness with promptness. In general, any timeframe in this Policy may be extended for good cause, described below, with notice to the complainant and respondent of the delay and the reason for the delay.

For the purposes of this Policy, a "work" day is a day where the College is open and conducting regular College operations. Work days do not include weekends, holidays that close the College, and days where emergency conditions result in College closure.

Timeframes may be extended for good cause, which may exist if additional time is necessary to ensure the integrity and completeness of the investigation, comply with a request by law enforcement for temporary delay to gather evidence for a criminal investigation, accommodate the availability of witnesses, account for College breaks or vacations, account for complexities of a case, including the number of witnesses and volume of information provided by the parties, or for other legitimate reasons. The Title IX Coordinator will notify the parties in writing of any extension of this timeframe and the reason for such extension.

IX. INVESTIGATION FINDINGS

A. Preliminary Investigation Report

Once an investigation is completed, the investigator will prepare a preliminary written Investigation Report, with a summary and synthesis of the relevant facts determined through the Investigation, but without findings. The Investigation Report will include summaries of interviews with the complainant, respondent, reporter, any witnesses and refer to or attach other relevant information reviewed by the investigator, including, but not limited to, photographs of relevant sites, physical and medical evidence (as available), and communications between the parties. Both parties will have equal and timely access to all information gathered in the Investigation that will be used in the resolution of the report.

The investigator shall submit the preliminary written Investigation Report to the Title IX Coordinator for review. The Title IX Coordinator may suggest additional clarification, the gathering of additional evidence, or other changes as appropriate. If the Title IX Coordinator conducts the investigation, the Title IX Coordinator shall submit the draft written Investigation Report to the Chief Diversity Officer.

Both the complainant and respondent will have the opportunity to submit comments, feedback, any proposed corrections and any additional information, including the identity of additional witnesses or evidence for the investigator to pursue to the investigator within five (5) work days after receiving the draft for review.

B. Final Investigation Report

Following the receipt of any proposed corrections, or after the five (5) day review period has lapsed without comment, the investigator will conduct any additional investigation as appropriate, consult with the Title IX Coordinator, and prepare a final Investigation Report that includes the investigator's findings, by a preponderance of the evidence, as to whether the respondent violated any provisions of the Smith College Gender-Based and Sexual Misconduct Policy and the rationale in support of the findings.

The investigator's final written Investigation Report will generally contain, at a minimum:

1. A summary of the investigation;
2. The investigator's findings, and
3. A summary of the investigator's rationale in support of the findings.

The Title IX Coordinator will review the final Investigation Report and send a summary of the findings simultaneously to the complainant and respondent. Both parties will have the opportunity to view the final Investigation Report. A complainant who has declined to participate in the Investigation will be provided with all notice and related correspondence, unless they notify the Title IX Coordinator that they do not wish to receive such correspondence.

Where the Title IX Coordinator serves as the investigator of a violation of this Policy, the Chief Diversity Officer will assume responsibility for the oversight of the investigation, including review of the draft and final Investigation Report.

After the investigation concludes, the Title IX Coordinator will refer the matter for resolution as appropriate in accordance with this Policy. Except for reports that are eligible for the Voluntary Resolution section of this Policy, reported violations of this Policy by a student respondent will be resolved in accordance with the Gender-Based and Sexual Misconduct Hearing Process for Student Respondents and reported violations of this Policy by a faculty or staff respondent will be resolved in accordance with the Gender-Based and Sexual Misconduct Adjudication Process for Staff and Faculty.

X. GENDER-BASED AND SEXUAL MISCONDUCT HEARING PROCESS FOR STUDENT RESPONDENTS

A. Acceptance or Rejection of Investigation Report

If the complainant and the respondent both accept the findings in the Investigation Report and the report contains a finding of responsibility of the respondent for violating the Policy, the matter will be referred to the Hearing Board to determine appropriate sanctions. If either or both the complainant or respondent reject the findings in the Investigation Report and request a hearing, the investigator's determination as to responsibility (or non-responsibility) will be reviewed by the Hearing Board in accordance with the Gender-Based and Sexual Misconduct Hearing Process for Student Respondents to determine if the respondent is responsible for a violation of this Policy. The complainant and respondent must request a hearing in writing to the Title IX Coordinator within three (3) work days of the receiving the Investigation Report.

B. Hearing Board Composition

Hearings to address reports of gender-based or sexual misconduct shall be conducted by the Hearing Board, except that the Dean of Students may conduct a hearing if a full Hearing Board cannot reasonably be convened. The Hearing Board for a particular hearing is comprised of three persons who are drawn from a pool of trained individuals from within the Five College Consortium community. The composition of the panel will be determined by the Dean of Students and may consist of faculty and staff from other members of the Five College Consortium. No College students shall serve on the Hearing Board.

All Hearing Board members will receive annual training regarding issues relating to gender-based and sexual misconduct, including how to conduct a hearing process for a report of gender-based and sexual misconduct, as well as training on the College's policies and procedures. The Dean of Students or designee will serve as the non-voting chairperson and advisor to the Hearing Board.

C. Notice of Hearing

The Dean of Students or designee will deliver a written Notice of Hearing to the complainant and the respondent electronically or by hand delivery. The Notice of Hearing will identify the date, time and place of the hearing and identify the persons serving on the Hearing Board. The Notice of Hearing will be sent at least seven (7) calendar days prior to the hearing date.

D. Pre-Hearing Procedures

1. Meeting with Complainant and Respondent

As soon as possible after issuing the Notice of Hearing, the Dean of Students or designee will seek to meet individually with complainant (if participating) and respondent and their respective support persons and/or advisors to discuss the hearing process and answer any questions.

2. Request to Reschedule Hearing

Either party may request to reschedule the hearing for academic, health-related, or other legitimate reasons. Requests to reschedule must come directly from the complainant or respondent, must be submitted to the Dean of Students at least three (3) calendar days prior to hearing, whenever possible, and must explain the reason for the request. The Dean of Students will decide whether to grant any such request.

3. Request to Remove Board Member

The complainant and respondent may submit written requests to the Dean of Students asking that a member of the Hearing Board be removed if the complainant or respondent believes there are reasonable articulable grounds of actual bias or conflict of interest, or otherwise an inability to be fair and impartial. Absent extenuating circumstances, the written request must be received by the Dean of Students within three calendar (3) days following delivery of the Notice of Hearing and must identify the grounds for the requested removal. The Dean of Students will decide whether to grant any such request.

If the Dean of Students removes a member of the Hearing Board in response to a request from the complainant or respondent, the Dean of Students will issue an updated Notice of Hearing identifying the new board members. The complainant and the respondent will have the opportunity to review the request in accordance with this section, and the process will repeat until a three person panel is formed.

E. The Hearing Process

The complainant (if participating) and respondent will both have the opportunity to appear in person before the Hearing Board on the date and time designated on the

Hearing Notice and may present an oral statement to the Hearing Board regarding the reported violation(s) of the Policy. The complainant(s) and respondent(s) will not be present at the hearing at the same time. The complainant and respondent will be given the opportunity to hear the other party's statement by audio or video means, but not in person. If the complainant or respondent are unable or choose not to attend the hearing, the hearing will proceed even in the absence of one or both of the parties. The investigator must also appear before the Hearing Board.

The Hearing Board will be provided with a copy of the Investigation Report in sufficient time before the hearing to allow a thorough review. During the hearing, the Hearing Board may ask questions of the investigator, complainant, and respondent regarding the reported violation(s) of the Policy.

The complainant and respondent may not directly question one another or the investigator during the Hearing. The complainant and respondent may submit proposed questions for the other party to the Hearing Board. The Hearing Board will review the questions and determine, in its discretion, whether to ask the questions.

In lieu of or in addition to appearing at the hearing, either party may also submit to the Hearing Board a written statement outlining their understanding of what occurred, the impact it has had on them, or other information relevant to the Hearing Board's decision regarding whether the respondent was responsible for violating the Policy and/or appropriate sanctions for such violation.

F. Standard of Review

The Hearing Board will review the final Investigation Report to determine whether (1) the investigation was conducted in a fair, impartial and reliable manner, (2) the information is sufficient to support the factual findings, and (3) there is a rational basis, applying a preponderance of the evidence standard, for the recommended finding(s) of responsibility or no responsibility. In conducting this review, the Hearing Board may accept or reject the investigator's finding in whole or in part, may request that further investigation be undertaken by the same or another investigator, and/or may request that a de novo investigation be conducted. The Hearing Board may not conduct its own investigation.

G. Hearing Outcome

After the Hearing Board has concluded its review of the final Investigation Report, any attachments to the Investigation Report, the statements of the complainant and respondent, the responses to any questions posed during the hearing, and any additional information shared at the hearing, the Hearing Board shall either affirm or reject the investigator's finding(s).

If the Hearing Board concludes that the respondent violated College policy, the Hearing Board will determine sanctions in accordance with the Sanctions section below.

H. Sanctions

If the Hearing Board finds the respondent responsible for violations of the Gender-Based and Sexual Misconduct Policy and/or other College policies, or if the parties both accept an investigator's finding of a violation of College policy, the Hearing Board will evaluate appropriate sanctions to address the misconduct, prevent its recurrence, and remedy its effects. Some behavior is so harmful to the College community or so deleterious to the educational process that it may require serious sanctions or interventions, such as removal from College housing, removal from specific courses or activities or suspension or expulsion from the College.

In determining the appropriate sanction(s), the Hearing Board may consider a number of factors including: the harm suffered by the complainant; the risk to either the complainant or the community posed by the respondent; the impact of the violation(s) on the College community; any previous conduct violations by the respondent; any mitigating or aggravating circumstances; and the information contained in any written statement submitted by the complainant and respondent to the Hearing Board in accordance with the Hearing Process. The Hearing Board may consult with the Title IX Coordinator or designee in reaching its determination of appropriate sanctions.

Following is a list of all possible sanctions for student respondents:

- **Formal Reprimand:** A formal written censure that the student has violated College policy and that future violations of College policy may result in further disciplinary action, up to, and including, suspension or expulsion from the College.
- **Disciplinary Probation:** This sanction will be in effect for a specified period of time determined by the Hearing Board. Should a student be found responsible for another violation of this Policy or of the Code of Student Conduct during the probationary period, the Hearing Panel will be made aware of the student's standing on disciplinary probation and may impose additional sanctions to reflect a repeated offense. A student's status on disciplinary probation may have an impact on their ability to participate in certain activities connected with or related to the College both on and off campus.
- **Apology:** Letters of apology to individuals, houses, and/or the entire Smith community designed to help the respondent assess the effects of their policy violation(s). These letters will be maintained as part of the respondent's disciplinary record for as long as the record is maintained.
- **Loss of authority:** Removal from appointed or elected office or position of authority.
- **Restriction from employment at the College:** Prohibition of, or limitation of College employment.

- Restorative Project: A project specifically designed to lead the Respondent to understand the harm done to the complainant and the community, to accept the responsibility for that harm, and to repair that harm, if possible.
- College House Transfer or College House Removal: Placement in another room or College house, or removal from a College house. Housing transfers or removals may be temporary or permanent depending on the circumstances.
- Professional Assessment: Completion of a professional assessment that could help the student or the College ascertain the student's ongoing supervision or support needed to successfully participate in the College community. The cost of professional assessment will be paid by the respondent.
- Removal from specific courses or activities: Suspension or transfer from courses or activities sponsored by or affiliated with the College for a specified period of time.
- Removal or non-renewal of College sponsored academic scholarship.
- No Contact Directive: Restriction from entering specific College areas and/or from all forms of contact with certain person(s).
- Suspension: The rights and privileges of being a student at the College are suspended for a specified period of time. The individual may not participate in academic or extracurricular activities, is required to leave Smith's campus, and restricted from College property. As part of the suspension, a respondent who later seeks re-admittance to the College may be required to complete a project specifically designed to help the respondent assess the violation(s) of College policy, and to prevent recurrence of the behavior.
- Dismissal: The respondent is no longer a student at Smith College and must leave the campus. An individual who has been dismissed from the College may be eligible to apply for readmission, but should not expect the application to be considered for a minimum of one full semester after dismissal. The individual seeking readmission may be required to provide supporting documentation sufficient to satisfactorily demonstrate to the College readiness to resume the college career and fulfill standards of responsible conduct and citizenship at Smith. The College may deny any application for readmission in its discretion.
- Permanent separation: The respondent is no longer a student at Smith College and must leave the campus. The student is not eligible for readmission.

In addition to the sanctions imposed on the respondent, the College may initiate additional corrective action or remedial measures in response to a report to seek to

eliminate the misconduct identified in the report, prevent its recurrence, or remedy its effects. Examples of additional actions may include, but are not limited to, the following:

- Requesting or requiring a College entity or organization to conduct training for its staff or members;
- Making involved parties aware of available academic support services;
- Making involved parties aware of available counseling or medical services;
- Arranging, where possible, for a party to re-take or withdraw from a course without penalty, and;
- Revising College policies, practices or services in light of information learned about climate, trends, patterns and culture.

I. Notice of Outcome

Generally, the Hearing Board will notify the Dean of Students of the result of the hearing and any sanction(s) imposed. The Dean of Students will then simultaneously send the respondent and the complainant written notice of the outcome of the hearing and sanction(s) within three (3) work days from the date the Hearing Board notifies the Dean of Students that it has concluded its deliberations, absent extenuating circumstances.

The notice of outcome will include the findings, the sanction, the rationale for each, and the time frames and process for appealing the outcome.

J. Appeal Process

Either party may appeal within seven (7) calendar days of receiving notice of the outcome from the Dean of Students. The appeal must be made in writing to the Dean of Students and must explain the grounds for the appeal. If either the respondent or complainant appeals, the Dean of Students will notify the other party in writing that an appeal has been submitted, and the other party will have three (3) work days to submit a response in writing if they choose to do so.

K. Grounds for Appeal

The only grounds for appeal are (1) new evidence that was not available at the time of the hearing, and (2) a substantial error in procedure that substantially affected the outcome of the hearing. Disagreement with the Hearing Board's decision or sanctions is not, by itself, grounds for an appeal.

L. Scope of Review

The appeal is an impartial review of the information considered by the Hearing Board. The appeal is not a new investigation of the report. The Appeal will be heard by The Dean of the College, who is a trained and impartial adjudicator. The Dean of the College may affirm, reject or modify the decision of the Hearing Board, or may direct the

Hearing Board to reconsider certain findings. The Title IX Coordinator will communicate the outcome of the appeal to the parties within three (3) work days

M. Records Maintained

An audio-recording of the hearing and any documents or other evidence presented at the hearing will serve as the record of the hearing proceedings and will be maintained by the Dean of Students as part of the respondent's conduct record for as long as the conduct record is maintained. Notes and records of the proceedings will be disposed of after the appeal period has expired.

If a student has been found responsible by the Hearing Board for violating this Policy, the violations will be considered by the College in the review of any later reported conduct issues by the respondent, including the evaluation of appropriate sanctions if the respondent is found responsible for subsequent violations of College policies.

XI. GENDER-BASED AND SEXUAL MISCONDUCT RESOLUTION PROCESS FOR STAFF AND FACULTY RESPONDENTS

When the investigator has completed the investigation, the findings will be shared with the complainant and the respondent. It may also be shared with other College administrators on a need-to-know basis and to the extent appropriate in the discretion of the Title IX Coordinator and in consultation with appropriate College administrators.

If the investigator reaches a finding that a faculty or staff respondent violated this Policy, the College will take corrective action appropriate to the circumstances. The list of all potential corrective actions includes written warnings, required counseling, training, probation, suspension, or termination, and other such other forms of disciplinary action as the College deems appropriate. Both the respondent and the complainant will receive written notice of the final outcome of the College's review and written notice of corrective action imposed on the respondent. There is no right to appeal.

XII. TRAINING, PREVENTION AND AWARENESS PROGRAMS

The College provides training to students and employees to ensure they understand this Policy and the topics and issues related to maintaining an education and employment environment free from harassment and discrimination.

The College is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. Incoming students and new employees receive primary prevention and awareness programming as part of their orientation, and returning students and current employees receive ongoing training and related education.

XIII. COMMITMENT TO ACADEMIC FREEDOM

As an academic institution, teaching, conducting research, and learning are subject to the protections of 'academic freedom' as described in the College's Statement on Academic Freedom and Freedom of Expression. 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.

This policy replaces and supersedes all policies on sexual harassment and sexual assault.

APPENDIX B – DRUG AND ALCOHOL POLICIES AND PENALTIES

The next pages outline state and federal laws regarding drugs and alcohol.

POSSESSION OF MARIJUANA

While possession of an ounce or less of marijuana was changed to a civil offense in Massachusetts (i.e., carrying a fine), it is still **against Federal law** to possess marijuana on college campuses. Possession of marijuana-related paraphernalia also remains illegal under state and federal law. Students in possession of marijuana or paraphernalia face, minimally, referral to the Deans.

Medical Marijuana: Marijuana: Students with prescriptions for medical marijuana should contact the Office of Disability Services to register and develop a reasonable accommodation plan involving responsible off-campus use.

Smith College Policy on Substance Abuse and Substance Use

This policy reflects a collegewide 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. 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.

Health Risks

The use of drugs and alcohol has both physical and psychological repercussions. Such substances can interfere with memory, sensation and perception, and impair the brain’s ability to synthesize information. Regular users develop tolerance and physical dependence. The psychological dependence occurs when the substance becomes central to the user’s life and decision making.

Alcohol consumption may cause a number of marked changes in behavior. Even low doses may significantly impair the judgment and coordination required to drive a car safely. Low to moderate doses of alcohol may increase the incidence of a variety of aggressive acts, including physical attacks. Moderate to high doses of alcohol may cause marked impairments in higher mental functions, severely altering a person’s ability to learn and remember information. Very high doses may cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol may produce the effects just described.

Repeated use of drugs and alcohol can lead to dependence. Sudden cessation of substance intake can produce withdrawal symptoms, including severe anxiety, tremors, hallucinations and convulsions. Substance withdrawal can be life threatening. Long-term consumption of substances, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs, such as the brain and liver.

Women who use controlled substances during pregnancy may give birth to infants with fetal alcohol or drug syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics. A chart of the effects of use of certain controlled substances is attached. More information is available at www.usdoj.gov/dea/concern/concern.htm.

Sanctions

The buildings and residences of the college are not beyond the reach of the law and are not sanctuaries from state and federal law enforcement. Members of the administration will not obstruct such enforcement. 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. 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. The information below is a brief summary of Massachusetts law. It is not legal advice and readers should refer to the actual law for complete information.

Illegal Offense	Sanction	Statute
Using, altering, selling or distributing false ID or driver’s license	Up to \$200 fine or up to 3 months’ imprisonment	MA Gen Law 138 §34B
Transporting alcoholic beverages in a vehicle by driver under 21 years of age	Up to \$50 fine for first offense; up to \$150 fine for subsequent offenses AND suspension of driver’s license for 90 days	MA General Law 138 §34C
Furnishing alcoholic beverages to another under 21 years of age	Up to \$2,000 fine and/or up to 1 year imprisonment	MA General Law 138 §34
Making, stealing, altering, forging or counterfeiting a driver’s license or identification card or for possessing or using such a license or identification card	Fine up to \$500 or up to five years in prison; immediate suspension of driver’s license for up to 1 year	MA General Law 90 §24B
Purchasing or attempting to purchase alcoholic beverages if under 21 years of age, including using a false ID	Fine of \$300 and suspension of driver’s license for 180 days	MA General Law 138 §34A
Having an “open container” of alcohol as a passenger in a vehicle	Fine of \$100 up to \$500	MA General Law 90 §24I
Driving under the influence, if under the age of 21, is driving with a blood alcohol level of .02 as a percentage by weight of alcohol in the blood	Fines not less than \$500 and up to \$5,000; mandatory suspension of license for 180 days and up to 1 year and/or up to 2.5 years’ imprisonment for the first offense. Subsequent offenses carry significantly higher penalties.	MA General Law 90 §24 (1) (a) and §24P

Driving under the influence, if over the age of 21, is driving with a blood alcohol level of .08 as a percentage by weight of alcohol in the blood	Fines not less than \$500 and up to \$5,000; suspension of license for 1 year and/or up to 2.5 years' imprisonment for the first offense. Subsequent offenses carry significantly higher penalties.	MA General Law 90 §24 (1)(a)
Refusal to submit to a breathalyzer test	Immediate suspension of a driver's license for minimum of 180 days. If under 21 years of age OR previously convicted of driving under the influence, immediate suspension of driver's license for 3 years or longer.	MA General Law 90 §24(1)(f) (1)
Causing serious bodily harm while driving under the influence of alcohol	2.5 to 10 years' imprisonment and a fine up to \$5,000; revocation of driver's license for 2 years	MA General Law 90 §24L

Federal, state and local sanctions for unlawful possession or distribution of illicit drugs range from probation and forfeiture of property to fines and imprisonment. For example, the sanctions against an individual for distribution of, or possession with intent to distribute, controlled substances include imprisonment for several years up to a maximum of life imprisonment, with fines up to \$4 million. Sanctions can increase for repeat offenders or for offenses resulting in death or serious bodily harm, and can be doubled for each of the following occurrences: distribution to persons under 18 years of age, distribution within 1,000 feet of a school, including the College Campus School, or employing someone under 18 in the distribution. Attempt or conspiracy to commit a crime can be treated as severely as the intended offense. Many of the state and federal statutes that prohibit the illegal distribution of controlled substances provide for minimum mandatory prison sentences. Conviction for violation of any state or federal drug law can lead to ineligibility for any federal benefit, including grants and loans. Thus a student can make herself ineligible for student loans through drug conviction.

All students should be aware that current federal statutes permit notification of parent(s) regarding a student's violation of the college's controlled substance policy. Both designated college administrators and judicial boards may recommend to the dean of students that parental/legal guardian notification occur. The dean of students will make a final determination of the appropriateness of notification, carrying it out if deemed appropriate. (The dean of students may notify parent[s]/legal guardian[s] without a designated college administrator's or judicial board's recommendation if she possesses information that would support this step.) Each student should be forewarned that parental/legal guardian notification may occur if a student is found responsible for a violation of the college's controlled substance policy.

Massachusetts makes it illegal to be in a place where heroin is kept and to be "in the company" of a person known to possess heroin. Any person in the presence of heroin, such as at a private party or a dormitory suite, risks conviction of a serious drug offense. Sale and possession of "drug paraphernalia" is illegal in Massachusetts.

More complete tables of federal sanctions for illegal drug activity are attached.

The director of human resources must be notified by an affected employee of any criminal drug statute conviction for a violation *occurring in the workplace* no later than five days after the conviction. The college will then notify the federal funding agency involved, if any, within 10 days after receipt of such notice.

Education and Counseling

In order to promote an environment free of substance abuse, the college supports an active program of community awareness and education. This program extends to the misuse or abuse of controlled substances including prescription drugs, alcohol and other harmful substances. The college also offers assistance with confidential counseling. Students, faculty and staff are encouraged to refer individuals who appear to be troubled by drug or alcohol use to one of these resources. For students, such counseling is available through the Counseling Service (extension 2840). Students who are concerned about their own or others' use of such substances may seek advice and counsel from appropriate college resources without fear of breach of normal rules of confidentiality or fear of punishment. The Employee Assistance Program (EAP) offers confidential counseling for employees confronting substance abuse. Employees or supervisors can contact the EAP at 1 (800) 828-6025. The Office of Human Resources (extension 2270) may be contacted for information on the EAP program.

In addition to the confidential counseling services mentioned above, several national hotlines can provide information and referral:

INFORMATION ON LOCAL 12-STEP PROGRAMS (24 HOUR)

Alcoholics Anonymous 1 (413) 532-2111*

Al-Anon and Ala-teen..... 1 (413) 782-3406
(Al-Anon is open to anyone whose life has been affected by another person's drinking)

Narcotics Anonymous 1 (800) 481-6871

National Alcohol and Drug Abuse

24-Hour Helpline 1 (800) 252-6465

** local call from Northampton*

This policy will be reviewed at least biennially to assess its effectiveness, to implement appropriate changes and to ensure that the disciplinary sanctions discussed are consistently enforced.

Revised: 12/17; Reviewed: 10/17



Controlled Substances—Uses and Effects

	Class*	Trade or Other Names	Medical Uses	Dependence (Physical/Psycho.)	
NARCOTICS					
Opium	II III V	Dovers powder, Paregoric,	Analgesic, antidiarrheal	High	High
Morphine	II III	Morphine, MS-Contin, Roxanol, Roxanol-SR	Analgesic, antitussive	High	High
Codeine	II III V	Tylenol w/Codeine, Empirin w/Codeine, Robitussin A-C, Fiorinal w/Codeine	Analgesic, antitussive	Mod.	Mod.
Heroin	I	Diacetylmorphine, Horse, Smack	None	High	High
Hydro- morphine	II	Dilaudid	Analgesic	High	High
Meperidine (Pethidine)	II	Demerol, Mepergan	Analgesic	High	High
Methodone	II	Dolophine, Methadone, Methadose	Analgesic	High	High-low
Other narcotics	I II III IV V	Numorphan, Percodan, Percocet, Tylox, Tussionex, Fentanyl, Darvon, Lomotil, Talwin	Analgesic, antidiarrheal, antitussive	High-low	High-low
DEPRESSANTS					
Chloral Hydrate	IV	Noctec	Hypnotic	Mod.	Mod.
Barbiturates	II III IV	Amytal, Butisol, Fiorinal, Lotusate, Nembutal, Seconal, Tuinal, Phenobarbital	Anesthetic, anticonvulsant, sedative, hypnotic, veterinary euthanasia agent	High-mod.	High-mod.
Benzodiazepines	IV	Ativan, Dalmane, Diazepam, Librium, Xanax, Serax, Valium, Tranxene, Verstran, Versed, Halcion, Paxipam, Restoril	Antianxiety, anticonvulsant, sedative, hypnotic	Low	Low
Methaqualone	I	Quaalude	Sedative, hypnotic	High	High
Glutethimide	III	Doriden	Sedative, hypnotic	High	Mod.
Other depressants	III IV	Equanil, Miltown, Noludar, Placidyl, Valmid	Antianxiety, sedative, hypnotic	Mod.	Mod.
STIMULANTS					
Cocaine	II	Coke, Flake, Snow, Crack	Local anesthetic	Possible	High
Amphetamines	II	Biphentamine, Delcobese, Desoxyn, Dexedrine, Obetrol	Attention deficit disorders, narcolepsy, weight control	Possible	High
Phenmetrazine	II	Preludin	Weight control	Possible	High
Methylphenidate	II	Ritalin	Attention deficit disorders, narcolepsy	Possible	Mod.
Other stimulants	III IV	Adipex, Cylert, Didrex, Ionamin, Melfiat, Plegine, Sanorex, Tenuate, Tepanil, Prelu-2	Weight control	Possible	High
HALLUCINOGENS					
LSD	I	Acid, Microdot	None	None	Unknown
Mescaline, Peyote	I	Mexc, Buttons, Cactus	None	None	Unknown
Amphetamine variants	I	2,5-DMA, PMA, STP, MDA, MDMA, TMA, DOM, DOB	None	Unknown	Unknown
Phencyclidine	II	PCP, Angel Dust, Hog	None	Unknown	High
Phencyclidine analogues	I	PCE, PCPy, TCP	None	Unknown	High
Other hallucinogens	I	Bufotenine, logaine, DMT, DET, Psilocybin, Psitocyn	None	None	Unknown
CANNABIS					
Marijuana	I	Pot, Acapulco Gold, Grass, Reefer, Sinsemilla, Thai Sticks	None	Unknown	Mod.
Tetrahydro- cannabinol	I II	THC, Marinol	Cancer chemotherapy, antinauseant	Unknown	Mod.
Hashish	I	Hash	None	Unknown	Mod.
Hashish oil	I	Hash Oil	None	Unknown	Mod.

* "Class" refers to one of the five schedules of controlled substances established by the federal Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended 21 U.S.C. Section 801 and following.

Tolerance	Duration Hours	Usual Method of Administration	Possible Effects	Effects of Overdose	Withdrawal Syndrome
NARCOTICS					
Yes	3-6	Oral, smoked	Euphoria, drowsiness, respiratory depression, constricted pupils, nausea	Slow and shallow breathing, clammy skin, convulsions, coma, possible death	Watery eyes, runny nose, yawning, loss of appetite, irritability tremors, panic, cramps, nausea chills, sweating
Yes	3-6	Oral, smoked, injected			
Yes	3-6	Oral, injected			
Yes	3-6	Injected, sniffed, smoked			
Yes	3-6	Oral, injected			
Yes	3-6	Oral, injected			
Yes	12-24	Oral, injected			
Yes	Varies	Oral, injected			

DEPRESSANTS					
Yes	5-8	Oral	Slurred speech, disorientation, drunken behavior without odor of alcohol	Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death	Anxiety, insomnia, tremors, delirium, convulsions, possible death
Yes	1-16	Oral			
Yes	4-8	Oral			
Yes	4-8	Oral			
Yes	4-8	Oral			

STIMULANTS					
Yes	1-2	Sniffed, smoked, injected	Increased alertness, excitation, euphoria, increased pulse rate & blood pressure, insomnia, loss of appetite	Agitation, increase in body temp., hallucinations, convulsions, possible death	Apathy, long periods of sleep, irritability, depression, disorientation
Yes	2-4	Oral, injected			
Yes	2-4	Oral, injected			
Yes	2-4	Oral, injected			
Yes	2-4	Oral, injected			
Yes	2-4	Oral, injected			

HALLUCINOGENS					
Yes	8-12	Oral	Illusions and hallucinations, poor perception of time and distance	Longer and intense "trip" episodes, psychosis, possible death	Withdrawal syndrome not reported
Yes	8-12	Oral			
Yes	Varies	Oral, injected			
Yes	Days	Smoked, oral, injected			
Yes	Days	Smoked, oral, injected			
Possible	Varies	Smoked, oral, injected			

CANNABIS					
Yes	2-4	Smoked, oral	Euphoria, relaxed inhibitions, increased appetite, disorientated behavior	Fatigue, paranoia, possible psychosis	Insomnia, hyperactivity and decreased appetite
Yes	2-4	Smoked, oral			
Yes	2-4	Smoked, oral			
Yes	2-4	Smoked, oral			

Federal Trafficking Penalties

CSA	Penalty (Second Offense)		Penalty (First Offense)	Quantity	Drug	Penalty (First Offense)		Penalty (Second Offense)																					
	Not less than 10 years. Not more than life.	If death or serious injury, not less than life.				Not less than 5 years. Not more than 40 years.	10-99 gm pure or 100-999 gm mixture	Methamphetamine	100 gm or more pure or 1 kg or more mixture	Not less than 10 years. Not more than life.	Not less than 20 years. Not more than life.																		
I and	If death or serious injury, not less than life.	If death or serious injury, not less than 20 years. Not more than life.	Not more than 40 years.	500-4,999 gm mixture	Cocaine	5 kg or more mixture	If death or serious injury, not less than 20 years. Not more than life.	If death or serious injury, not less than 20 years. Not more than life.	Not less than 10 years. Not more than life.																				
				5-49 gm mixture		Cocaine Base				50 gm or more mixture																			
II	Fine of not more than \$4 million individual, \$10 million other than individual.	Fine of not more than \$2 million individual, \$5 million other than individual.	Not more than 5 years.	10-99 gm pure or 100-999 gm mixture	PCP	100 gm or more pure or 1 kg or more mixture	If death or serious injury, not less than 20 years. Not more than life.	If death or serious injury, not less than 20 years. Not more than life.	Not less than 10 years. Not more than life.																				
				1-9 gm mixture		LSD				10 gm or more mixture																			
				40-399 gm mixture	Fentanyl	400 gm or more mixture																							
				10-99 gm mixture	Fentanyl Analogue	100 gm or more mixture																							
<table border="1"> <thead> <tr> <th>Drug</th> <th>Quantity</th> <th>Penalty (First Offense)</th> <th>Penalty (Second Offense)</th> </tr> </thead> <tbody> <tr> <td>Others +</td> <td>Any</td> <td>Not more than 20 years. If death or serious injury, not less than 20 years, not more than life. Fine \$1 million individual, \$5 million other than individual.</td> <td>Not more than 30 years. If death or serious injury, life. Fine \$2 million individual, \$10 million other than individual.</td> </tr> <tr> <td>III*</td> <td>Any</td> <td>Not more than 5 years. Fine not more than \$250,000 individual, \$1 million other than individual.</td> <td>Not more than 30 years. If death or serious injury, life. Fine \$2 million individual, \$10 million other than individual.</td> </tr> <tr> <td>IV</td> <td>Any</td> <td>Not more than 3 years. Fine not more than \$250,000 individual, \$1 million other than individual.</td> <td>Not more than 30 years. If death or serious injury, life. Fine \$2 million individual, \$10 million other than individual.</td> </tr> <tr> <td>V</td> <td>Any</td> <td>Not more than 1 year. Fine not more than \$100,000 individual, \$250,000 other than individual.</td> <td>Not more than 30 years. If death or serious injury, life. Fine \$2 million individual, \$10 million other than individual.</td> </tr> </tbody> </table>										Drug	Quantity	Penalty (First Offense)	Penalty (Second Offense)	Others +	Any	Not more than 20 years. If death or serious injury, not less than 20 years, not more than life. Fine \$1 million individual, \$5 million other than individual.	Not more than 30 years. If death or serious injury, life. Fine \$2 million individual, \$10 million other than individual.	III*	Any	Not more than 5 years. Fine not more than \$250,000 individual, \$1 million other than individual.	Not more than 30 years. If death or serious injury, life. Fine \$2 million individual, \$10 million other than individual.	IV	Any	Not more than 3 years. Fine not more than \$250,000 individual, \$1 million other than individual.	Not more than 30 years. If death or serious injury, life. Fine \$2 million individual, \$10 million other than individual.	V	Any	Not more than 1 year. Fine not more than \$100,000 individual, \$250,000 other than individual.	Not more than 30 years. If death or serious injury, life. Fine \$2 million individual, \$10 million other than individual.
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+ Law does not include marijuana, hashish or hash oil.
 * Includes anabolic steroids as of February 27, 1991.

Federal Trafficking Penalties—Marijuana

Description		Quantity	Penalty (First Offense)	Penalty (Second Offense)
Marijuana	1,000 kg or more mixture or 1,000 or more plants	Not less than 10 years, not more than life. If death or serious injury, not less than 20 years, not more than life. Fine not more than \$4 million individual, \$10 million other than individual.	Not less than 20 years, not more than life. If death or serious injury, not more than life. Fine not more than \$8 million individual, \$20 million other than individual.	
Marijuana	100–999 kg mixture or 100–999 plants	Not less than 5 years, not more than 40 years. If death or serious injury, not less than 20 years, not more than life. Fine not more than \$2 million individual, \$5 million other than individual.	Not less than 10 years, not more than life. If death or serious injury, not more than life. Fine not more than \$4 million individual, \$10 million other than individual.	
Marijuana	50–99 kg mixture or 50–99 plants	Not more than 20 years. If death or serious injury, not less than 20 years, not more than life. Fine \$1 million individual, \$5 million other than individual.	Not more than 30 years. If death or serious injury, not more than life. Fine \$2 million individual, \$10 million other than individual.	
Marijuana	Less than 50 kg mixture	Not more than 5 years. Fine not more than \$250,000 individual, \$1 million other than individual.	Not more than 10 years. Fine \$500,000 individual, \$2 million other than individual.	
Hashish	10 kg or more			
Hashish oil	1 kg or more			