

**Marin Academy**  
**Standards of Conduct**  
**(from MA Employee Handbook July 2022)**

**ARTICLE 7: STANDARDS OF CONDUCT**

**Section 7.1 Harassment**

Marin Academy is committed to maintaining a work environment that is free of discrimination. In keeping with this commitment, the School prohibits unlawful harassment by any employee, including any supervisor or co-worker, as well as students, vendors, clients, independent contractors, customers, parents, visitors, or guests. In compliance with California Senate Bill 1343, all employees are required to complete a one (1) hour Harassment training every two (2) years. Employees in a supervisory role are required to complete a two (2) hour Harassment training every two (2) years.

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as race, color, creed, religion, gender, gender identity, marital status, registered domestic partner status, age, national origin or ancestry, citizenship, physical or mental disability, pregnancy, medical condition including genetic characteristics, sexual orientation, or any other consideration made unlawful by federal, state, or local laws. All such harassment based on protected characteristics is unlawful. Marin Academy's anti-harassment policy also prohibits unlawful harassment based on the perception that anyone has any of those characteristics or is associated with a person who has or is perceived as having any of those characteristics. Marin Academy also prohibits retaliation for reporting or complaining about harassment as discussed below.

Marin Academy will not tolerate harassing conduct that affects tangible job benefits or academic status, that interferes unreasonably with an individual's work or academic performance, or that creates an intimidating, hostile, or offensive work or educational environment.

Prohibited harassment, disrespectful or unprofessional conduct includes, but is not limited to, the following behavior:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments
- Visual displays such as derogatory and/or sexually oriented posters, photography, cartoons, drawings or gestures
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of gender, race or any other protected basis
- Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors

- Retaliation for reporting or threatening to report harassment
- Communication via electronic media of any type that includes any conduct that is prohibited by state and/or federal law or by company policy.

Sexual harassment deserves special mention. It is the policy of the School to provide a working and educational environment free of sexual harassment. To accomplish this purpose, the School's sexual harassment policy is designed to secure, at the earliest level possible, an appropriate resolution to an allegation of sexual harassment.

Sexual harassment is unlawful and will not be tolerated at Marin Academy. It is improper for an employee, agent, student, parent, visitor, guest, party with which Marin Academy has a cooperative agreement, or any other party to engage in sexual harassment.

Definition of Sexual Harassment:

As defined by Education Code section 212.5, "Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the work or education setting, under the following conditions:

- Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress
- Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual
- The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment
- Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

Specifically, sexual harassment may occur as a pattern of degrading sexual speech or actions ranging from verbal or physical annoyances or distractions to deliberate intimidation and frank threats or sexual demands. Examples of conduct which may constitute sexual harassment include, but are not limited to:

- Suggestive or obscene letters, notes, e-mails, invitations, derogatory comments, slurs, jokes, epithets, assault, touching, impeding or blocking movement, leering, gestures, display of sexually suggestive objects or pictures, or cartoons
- Among peers, continuing to express sexual interest after being informed that the interest is unwelcome
- Within the educational environment, implying or actually withholding grades earned or deserved; suggesting a poor performance evaluation will be prepared;

or suggesting a scholarship recommendation or college application will be denied as a result of not receiving sexual favors

- Within the educational environment, engaging in sexual behavior to control, influence, or affect the educational opportunities, grades, or learning environment of a student
- Offering favors, educational benefits or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

Sexual conduct between adult employees and students is absolutely prohibited. Sexual advances, requests for sexual favors, expressions of sexual or “romantic” interest, or other verbal or physical conduct of a sexual nature between adult employees and students are strictly prohibited. This includes sexual behavior by an adult toward any student, even if they are 18 years of age or older. No sexual behavior invited or otherwise, by any employee toward students, will be tolerated.

Because of the trusting nature of the student/teacher relationship, these actions may interfere with an individual student’s progress at the School, or create an intimidating, hostile or offensive environment that is unacceptable. An appropriate educational environment must promote the psychological and emotional well-being of students. Thus, sexually stereotyped insults or demeaning comments also constitute prohibited sexual harassment.

Adults have an obligation to report to the Head of School any behavior they deem inappropriate. Adults need to recognize that because of the differences in power and role between adults and students, any type of sexual behavior toward young people creates in them tremendous conflict, embarrassment, and often silence. Adults in the community must therefore consider themselves protectors of each individual student.

The determination of what constitutes sexual harassment or other forms of prohibited harassment will depend on specific facts and the context in which the conduct occurs. Sexual harassment or any other prohibited harassment may take many forms. It can be subtle and indirect, or blatant and overt. It can occur between people of any gender, between peers, or between individuals in a hierarchical relationship. A single incident of prohibited harassment could result in discharge or expulsion, depending upon its severity.

#### Reporting Procedures:

Allegations of sexual harassment should be reported as soon as reasonably possible after the conduct in question has taken place.

Any student, faculty member, staff member or administrative employee who believes they have been sexually harassed by an employee, agent, or student of Marin Academy, should promptly report the facts of the incident(s) and name(s) of the individual(s) involved to the Head of School. If a student or employee is not comfortable speaking with the Head of School,

you are welcome to speak directly with the Chair of the Board of Trustees, or a Vice-Chair of the Board at any time. All employees, upon personal knowledge of an incident of sexual harassment, are obligated to report it immediately to the Head, Board Chair, or Board Vice-Chair. Failure to do so is a violation of this policy.

Students, staff, faculty, or administrators who feel aggrieved because of unwelcome conduct that may constitute sexual harassment are not required to inform the person engaging in such conduct that the conduct is unwanted, offensive and must stop, but are encouraged to do so, as that request might result in cessation of the offending conduct. An aggrieved student is not required to complain to their instructor if that instructor is the individual who is harassing the student.

#### Confidentiality:

An allegation of sexual harassment and the results of the investigation shall be kept confidential to the extent reasonably possible under the investigation process or in the event of any claim or lawsuit. Witnesses and those interviewed shall be informed of the confidential nature of the issues and the investigation and shall be informed that it will be a violation of this policy to disclose the allegation or the nature of the investigation to others and shall be subject to disciplinary action, up to and including discharge.

#### Retaliation is Prohibited:

The initiation of a good faith allegation of sexual harassment will not subject the individual reporting the incident or any witnesses to retaliation nor will it affect such persons' future business or educational dealings with Marin Academy, their employment, compensation, or work assignments, or, in the case of students, grades, class section or other matters pertaining to their status as a student of any Marin Academy programs. It shall be a violation of this policy to engage in such retaliation. An allegation of retaliation shall be considered as a separate incident, shall be investigated, and shall be subject to disciplinary action as defined in this policy.

#### Investigation Guidelines:

All investigations of allegations of sexual harassment or retaliation shall be handled promptly, in a serious, sensitive, and confidential manner, as provided in this policy.

- The Head or their designee shall inform the individual accused of sexual harassment of the allegation and that s/he will be given an opportunity to respond
- All parties, specifically including claimants and witnesses, will be promptly and fully informed of their rights pursuant to this policy, including the fact that complaints and witnesses will not be the subject of retaliation, nor will the confidential nature of the allegation and investigation be revealed, if reasonably possible
- The individual who reported the harassment will be informed of the outcome of the investigation, as will the accused.

#### Disciplinary Action:

When an allegation of sexual harassment is supported by the investigation and disciplinary action is necessary, the Head will determine what course of action is appropriate. Employees who violate this policy may be subject to discipline up to and including discharge. Students who violate this policy may be subject to discipline up to and including expulsion. Agents of Marin Academy and/or other parties who violate this policy may be subject to sanctions including termination of business relationships and contracts.

#### Further Information:

It is expected that questions may arise concerning the interpretation of the prohibition against sexual harassment, the methods, and procedures to be followed in the investigation of complaints, and the appropriateness of specific solutions in disposition of complaints. For assistance in these matters, please contact the Head of School, or in the event concern relates to the Head, please contact the Board Chair.

We encourage members of the Marin Academy community to use these procedures for resolving complaints of harassment including claims of sexual harassment, and we believe that this procedure is effective. However, if an employee thinks they have been harassed or that they have been retaliated against for resisting or complaining, employees may file a complaint with the California Department of Fair Employment and Housing ("DFEH"), or EEOC. DFEH investigates and prosecutes complaints of prohibited harassment in employment. The DFEH can be reached at 1-800-884-1684. The FEHC can be reached at (415) 436-6568.

### Section 7.2 Employee Conduct

Employees are expected to observe certain standards of job performance and good conduct. When performance or conduct does not meet School standards, Marin Academy may provide the employee a reasonable opportunity to correct the deficiency. Failure to make required corrections may result in discipline, up to and including discharge. However, Marin Academy reserves the right to discharge employees without giving them an opportunity to correct deficiencies depending on the nature or severity of the conduct, and consistent with its right to terminate employment at will.

The listing below is intended only to provide examples of the kind of conduct that is unacceptable and is not intended to constitute an all-inclusive list of the types of infractions that may result in discipline up to and including discharge.

Conduct that is not enumerated below, but that is unprofessional or potentially embarrassing, adversely affects or is otherwise detrimental to Marin Academy's interests, or the interests of its employees, students, or the public at large, may also result in disciplinary action, up to and including discharge.

#### Job Performance:

- Below average work quality or quantity
- Rudeness, inappropriate language, or lack of cooperation
- Excessive absenteeism, tardiness, or abuse of break and/or lunch privileges
- Failure to follow instructions or School procedures
- Failure to follow safety rules, to cooperate in safety inspections, or to promptly report all unsafe conditions encountered during work as required

Misconduct:

- Insubordination, including improper conduct toward a supervisor or refusal to perform assigned work
- Willful or negligent violation of safety and environmental rules and procedures
- Obtaining employment or employee benefits by giving false or misleading information, falsifying, or omitting any material information on your employment documents or records
- Weapons - Possession of, use, or sale of weapons such as firearms, knives, explosives, or any other instrument used as a weapon during work hours or at any time on School property or while operating a school vehicle
- Sleeping on the job
- Malicious or willful destruction or damage to Marin Academy property or supplies, or to the property of another employee, student, or visitor
- Misappropriation or unauthorized removal from Marin Academy premises of any School property, or the property of another employee, a student, or visitor
- Dishonesty of any kind in your relations with Marin Academy or its students
- Possession, use, sale, purchase, transportation or distribution of alcoholic beverages or illegal drugs on School property or while conducting Marin Academy business, or reporting for work under the influence of alcohol or illegal drugs
- Fighting on School property, or "horseplay" or any other action that is dangerous to others or to Marin Academy property, or that disrupts work

- Harassing, threatening, intimidating, or coercing another employee, a student, a parent or member of the public, at any time, including off-duty periods
- Giving Marin Academy products or services free of charge or at a discount to any person or in violation of School policies
- Pleading guilty to or being convicted of any crime other than a minor traffic violation or minor marijuana violation as defined by State law
- Unauthorized disclosure or use of any confidential information about Marin Academy or its employees, students, parents or donors, or any trade secrets that you have learned through your employment with Marin Academy
- Failure to return to work promptly after conclusion of an approved leave of absence
- Failure to observe the terms and conditions of all software agreements and/or licenses to which Marin Academy may be a party
- Unauthorized use of Marin Academy equipment
- Violation of any School policy, including any of the policies described in this Manual, as it is revised occasionally
- Displaying a demonstrated lack of compatibility with the School philosophy and educational procedures
- Gambling of any type on School property (including School vehicles), with the exception of those events specifically sanctioned by the School
- Misappropriation of School property, employee property, student property, or the property of any other individual. The School may also elect to bring criminal charges against the employee.

#### Attendance:

- Failure to report to work on time, observe the time limits for breaks and lunch periods or obtain approval to leave work early
- Failure to notify your supervisor/manager in advance of anticipated tardiness or absence
- Any documented pattern of abuse of sick leave

This description of prohibited conduct does not alter the School's policy of at-will employment. Either you or Marin Academy remain free to terminate the employment relationship at any time, with or without cause or advance notice, consistent with State law.

### Section 7.3 Employee Conduct – Use of Personal Social Networking Sites and Text

One of the challenges of the digital age is that everything we write or post online leaves a long-lasting and even permanent record that potentially can be seen by students, their families, and other members of Marin Academy's extended community. This is particularly true with social networking and media sites.

While the School respects the right of employees to use social media and networking sites, as well as personal websites and blogs, it is important that employees' personal use of these sites does not damage the School's reputation, its employees, or its students or their families. Employees should exercise care in setting appropriate boundaries between their personal and public online behavior, understanding that what is private in the digital world often has the possibility of becoming public, even without your knowledge or consent.

The School strongly encourages all employees to carefully review the privacy settings on any social media and networking sites they use (such as Facebook, Instagram, Twitter, Flickr, LinkedIn, etc.), and exercise care and good judgment when posting content and information on such sites. When using a social media site, an employee may not include current students as "friends," "followers," or any other similar terminology used by various sites. If an employee has a community that extends to persons who are parents, alums or other members of the Marin Academy community, s/he must exercise good judgment about any content that is shared on the site. Additionally, employees should adhere to the following guidelines, which are consistent with the School's workplace standards on harassment, student relationships, conduct, professional communication and confidentiality:

- An employee should not make statements that would violate any of the School's policies, including its policies concerning discrimination or harassment.
- The employee must uphold the School's value of respect for the individual and avoid making defamatory statements about the School, its employees, its students or their families.
- An employee may not disclose any confidential information of the School or confidential information obtained during the course of the employee's employment, about any individuals or organizations, including students and/or their families.

If the School believes that an employee's activity on a social networking site, blog or personal website may violate the School's policies, the School may request that the employee cease



such activity. Depending on the severity of the incident, the employee may be subject to disciplinary action.

Texting with students in the community must only be on the Ring Central application, not through personal text messages. Violation of this School policy may result in disciplinary action, up to and including discharge.