

Marin Academy Global Whistleblower Policy

Introduction and Purpose

Marin Academy requires all members of the School community to maintain high standards of ethical conduct at all times. As representatives of the School in various respects, trustees, employees, volunteers, students, and parents must practice honesty and integrity in fulfilling their responsibilities to the School and each other and must comply with School policies and community standards of conduct, and with laws and regulations governing the School.

News reports of violations of ethical standards and laws remind us that independent schools are not immune from lapses in honesty and integrity and that we must therefore foster and vigilantly maintain a culture that values and protects individuals who report such lapses. The School's Bylaws require appropriate whistleblower policies and Marin Academy has long included misconduct prohibitions and reporting provisions in its Employee and Student-Parent Handbooks and Board Policies and has taken enforcement of those policies very seriously. This Whistleblower Policy is not intended to supplant existing policies, and community members should look to those handbook sources for additional details about reporting various forms of misconduct. Those specific policies often include details about legal and reporting standards intended to comply with applicable laws and regulations (e.g., regarding sexual harassment prevention, financial fraud whistleblowing, etc.) In general, the strictest standards of conduct and reporting apply to maximally protect the School and its community members.

This global policy is meant to be widely published to confirm that *all* community members and *all* reporters, regardless of whether they are currently affiliated with the School, should feel safe to report serious concerns of all kinds so that the School can promptly and objectively investigate and effectively remedy any conduct that violates our policies, community standards, or the law.

Reportable Violations and No Retaliation

Following is a non-exclusive list of examples of suspected serious violations of School policies, community standards, laws, or regulations that trustees, employees, students, parents and other School community members, such as volunteers and alumni and their families, should report to the School via the channels described below. In general, School community members are expected to refrain from engaging in conduct contrary to "community standards," defined as the sentiment or standards of justice, honesty, or good morals of a school community, i.e., "moral turpitude." Such conduct could damage other members of the community and/or the interests or reputation of the School community in general, whether engaged in on or off duty, on or off School premises, or during or outside of work or school hours.

- Discrimination against, or harassment or bullying of, employees, students or other community members including electronic or social media “cyberbullying”;
- Neglect or abuse of a student of any age including sexual misconduct;
- Violence or threats of violence or imminent risk to safety;
- Use or abuse of drugs and/or alcohol in violation of School policies or law;
- Fraud or dishonesty including in connection with any School business or academic operations and financial or accounting matters;
- Conflicts of interest, i.e., situations in which an individual’s personal interest, financial or otherwise, could or does corrupt the motivation, decision-making, or conduct of that individual to the detriment of the School or any of its community members; and
- Retaliation against any member of the School community who in good faith reports a suspected violation of policies or law in compliance with this Whistleblower Policy or the policies in the Employee or Student-Parent Handbooks or Board Policies.

Basic Reporting Procedure

Any member of the School community should report any suspected serious violations of policies, community standards, or law, generally as follows:

- To the Head of School, for suspected violations not involving the Head of School;
- To a Board of Trustees member, for suspected violations involving the Head of School or a trustee, preferably to the Board Chair, the Vice Chair, the Finance Committee Chair, or the Audit Committee Chair, assuming the selected Chair is not involved in the suspected violation;
- Via channels described in the Employee Handbook or Student-Parent Handbook for reporting suspected violations of specific kinds, which channels also include alternative individuals or agencies to receive reports to alleviate any concern about having to report to an individual suspected of a violation; or
- To appropriate law enforcement authorities for any suspected serious violation of law or imminent threat to community safety or security.

Routine matters of concern not rising to the level of seriousness addressed by this Whistleblower Policy should be reported to the School's CFO, who oversees financial, operational, and neighborhood relations matters for the School. If the concern involves the CFO, please report to the Head of School or one of the above-listed Board of Trustees members.

Consequences for Violations of No Retaliation Policy

No School community member who in good faith reports a suspected policy or law violation or who in good faith participates as a witness in an investigation of a suspected violation shall suffer retaliation. Anyone who retaliates against someone who has in good faith reported a suspected violation or has participated in good faith as a witness in an investigation is subject to discipline up to and including separation from the School community.

Acting in Good Faith

The good faith of all School community members is essential to maintaining high standards of ethical conduct and the fairness of the process of reporting, investigating, and remedying suspected violations of policies, community standards, or laws. The School takes its good faith investigation and remediation obligations seriously and in turn requires that anyone reporting a suspected violation act in good faith and have reasonable grounds for believing the information disclosed indicates a potential violation of School policy or law, and that anyone participating as a witness in an investigation act in good faith by telling the whole truth. Any allegations or witness statements that prove not to be true and that prove to have been knowingly false or malicious will be viewed as a serious violation of this policy, potentially subjecting the false or malicious reporter or witness to discipline up to and including separation from the School community.

Confidentiality

Reports of suspected violations may be submitted on a confidential basis and will be kept confidential to the extent reasonably possible, consistent with the need to conduct adequate investigation, to comply with any applicable laws, and to provide accused individuals and the School their legal rights to understand the allegations and to present their defenses. In the course of an investigation it is generally necessary to question the accused violator and other witnesses about the reported events and circumstances. It may be possible for the accused or other witnesses to discern the identity of the reporter from the nature or factual context of the allegations. The accused and other witnesses are cautioned that retaliation against any reporter or other witnesses participating in the investigation in good faith is strictly prohibited and that any violation of the no retaliation policy could result in discipline up to and including separation from the School community.

Anonymous Reports

As evidenced by this policy, Marin Academy is committed to fostering mutual trust and making it safe for community members to report suspected violations without fear of retaliation and without need to remain anonymous. However, this policy also allows reporters to remain anonymous at their option. Anonymous reports will be investigated, although it is possible that investigation will be more difficult if the reporter does not provide adequate details in the initial report and/or is not available to provide additional details during the investigation, which in turn could affect the School's ability to make findings and take effective remedial action. It is possible that as a result of information provided in the anonymous report or by witnesses, the reporter's identity may be revealed to us during the course of an investigation. For example, other witnesses may provide information during the course of the investigation that may identify the reporter either by name or by factual context. The no retaliation provisions of this policy apply with equal force to protect anonymous reporters.

Handling of Reported Violations and Feedback to Reporters

The review and handling of reports of suspected violations depends on the nature of the reported violation and the factual circumstances. Depending on the nature of the concern, the School may conduct an objective internal investigation or may choose to engage an independent investigator to do so. The School may also choose, or be required, to notify appropriate law enforcement authorities. Subject to any legal constraints, and consistent with maintaining confidentiality, privacy and the integrity of the investigation to the maximum extent reasonably possible, the School will normally summarize for the reporter, if s/he has identified her or himself, and possibly for others in the community, the investigation findings and any remedial measures. The amount of contact between the reporter and the investigator(s) will depend upon the nature of the issue, the clarity of the information provided, and whether the reporter remains accessible for follow-up.

Anonymous Ethics Hotline

While the School hopes that the above policy and its Employee and Student-Parent Handbook and Board Policies reassure reporters about the safety of reporting suspected violations directly to the School through School channels, as an added measure of comfort the School has contracted with an outside vendor to provide an anonymous, independent hotline service available to all School community members. Every reasonable effort will be made by the hotline vendor to protect the reporter's identity. Please note that the information provided in a hotline report may be the basis of an internal and/or independent investigation into any allegations requiring investigation. It is therefore possible that as a result of the information provided in the hotline report or by witnesses, the reporter's identity may be revealed to us during the course of an investigation. For example, other witnesses may provide information during the course of the investigation that may identify the reporter either by name or by factual context.

All provisions of this Whistleblower Policy, including the protections against retaliation for reporting in good faith any suspected violations, apply with equal force to any reporters

who choose to report via the anonymous hotline vendor. As with anonymous reports made directly to the School, hotline reports will be investigated, although it is possible that investigation will be more difficult. And as with confidential reports made to the School, the reporter's identity, if it becomes known during investigation, will be kept confidential to the extent reasonably possible, consistent with the need to investigate, to comply with any applicable laws, and to provide accused individuals and the School their legal rights to understand the allegations and to present their defenses. The no retaliation provisions of this policy apply to protect reporters who choose to report via the hotline. The amount of contact between the hotline reporter and the investigator(s) will depend upon the nature of the issue, the clarity of information provided, and whether the reporter wishes to be contacted and remains accessible for follow-up.