

THE HOTCHKISS SCHOOL
CODE OF ETHICAL CONDUCT FOR EMPLOYEES IN RELATION TO STUDENTS

This Code of Conduct is intended to provide guidance to all members of the Hotchkiss School community regarding appropriate interactions between adults and students. Although it is not intended to be an exhaustive list of expectations and prohibited behavior, it should serve as a reminder that the actions of faculty, staff and residents of The Hotchkiss School (such as residential faculty spouses/partners and/or adult dependent children) should at all times be above reproach, governed by common sense, and taken with the best interests of the students and the School in mind.

General Principles

As employees and/or residents of this learning and teaching community, we recognize that we have special responsibilities and duties of care for our students. We understand and accept fully the trust placed in us by our students and their families. We recognize that learning occurs best in a boarding school when trust and a sense of security are systemic within our community.

In situations that raise concerns about the wellbeing or safety of any member of our community, it is our responsibility to utilize the available resources of the School to address the situation urgently.

In light of the above:

- We promote a culture of dignity and respect within our community;
- We pledge to nurture the wellbeing and safety of our students at all times, always to be focused on these interests, and ready to act on them;
- We acknowledge that the inherent imbalance of power in our relationships with students requires us to maintain healthy boundaries in our interactions with them. In the behavioral domain, we adhere strictly to those sections of the Employee Handbook, especially but not only the prohibition on all forms of sexual or romantic contact, that have always been explicit about such interactions;
- In the verbal domain, we observe appropriate boundaries in spoken and written, including electronic communication. In this last regard, we acknowledge and uphold the specific clauses of the Acceptable Use Policy that refer specifically to electronic communication.

Standards of Behavior

Employees and Hotchkiss residents should at all times act in accordance with the General Principles stated above. It is not possible to create an exhaustive list of standards for behavior to cover every potential situation involving conduct with students. The following are examples of behavioral standards to help guide employees when engaging with students.

When interacting with students, whether in person or otherwise, employees and residents must at all times:

- Be alert to the imbalance of power that exists in relationships between adults and students and never abuse it. This imbalance can continue after the student has graduated from The Hotchkiss School.
- Establish and maintain healthy boundaries with students and refrain from any conduct that places the interests of the adult ahead of the student's interests.
- Conduct themselves as role models for students.

- Operate in a manner consistent with the mission of the school and which reflects well on the school.
- Set appropriate limits with students and encourage their growth, learning and autonomy.
- Refer students in need of counseling or other health services or attention to the appropriate professional.

The following conduct by employees and Hotchkiss residents is prohibited:

- Any sexual, romantic or dating relationship with students; any activity with students that could be considered sexual or romantic in nature; or any sexual, romantic or unduly familiar behavior or communications (including inappropriate personal stories and history) with students whether in person or indirectly through the use of email, telephone, social networking or other media.
- Engaging in, participating in or condoning in any way the use of alcohol or illegal drugs by students.
- Sharing or disclosing any information concerning a student, other than on a need to know basis, to any person not specifically authorized to receive such information. This includes, but is not limited to, information concerning educational assessments, test scores, grades, behavior, mental or physical health, and family background or finances.

Principles and Guidelines for Responding to alleged infractions of the CEC

Investigations into employee and student conduct are highly sensitive matters and must be handled with prudence, responsibility, diligence and care with the best interests of students and respect for individuals as guiding principles.

Concerns, responses, and investigations regarding alleged infraction of the *The Hotchkiss School Code of Ethical Conduct for Employees in Relation to Students* (CEC) and alleged student infractions of the School's policies that deal with harassment, including sexual misconduct and sexual harassment, are conducted by the Dean of Students, Dean of Student Health, Director of Human Resources, and/or the Dean of Faculty. Specific policies can be found in the *Hotchkiss Almanac* under Community Regulations and in the Employee Handbook.

The CCC include the following people:

- Associate Head of School, Dean of Faculty, Tom Drake
- Associate Head of School, Dean of Students, Kate Jones
- Dean of Student Health, Quincy McLaughlin (Coordinator)
- Director of Human Resources, Laurie Ross (Coordinator)

Members of the larger advisory body of the Community Conduct Council (CCC) may also be called upon to assist in responding to and investigating alleged infractions of the CEC, including:

- Dean of Academic Life, Merrilee Mardon
- Class Dean, Christy Cooper
- Dean of Residential Life, Heather Perrenoud

The CCC may also consult with the following as needed, including:

- Consulting School Psychiatrist
- Legal Counsel and external investigators
- United Educators, for insurance claim purposes
- Medical Counsel
- Director of Information Technology
- Information Technology Specialists

Reporting

Community members who, on the basis of their own or someone else's experience, wish to report a concern or register a complaint with the CCC regarding alleged violations of either the CEC or the School's harassment policies as stated in the *Hotchkiss Almanac* or *Employee Handbook* are encouraged to contact the Coordinators of the CCC, the DOF or DOS. Alternately, any community member with such a concern or complaint may speak to any trusted adult, with the expectation that a member of the CCC will be notified of the concern or complaint in a timely manner.

Investigation Process

The CCC promptly and impartially investigates complaints of conduct that appear to be in breach of the CEC or the harassment policy as stated in the *Almanac*.

The CCC seeks to ensure the safety and well-being of all participants at each step of its investigation and remediation processes, and seeks to protect the privacy of all involved in an investigation to the

extent it is possible to do so. During an investigatory process, the CCC will maintain confidentiality to the extent, in its judgment, the situation permits.

Candor and honesty are required of all participants, including witnesses. Failure to cooperate in an investigation, including making misrepresentations to its members or withholding relevant information, may result in disciplinary action up to and including termination of employment or place in school.

Although the School's Community Conduct Council (CCC) will coordinate the initial assessment of a complaint, the School's process of responding to complaints of sexual assault and/or sexual misconduct may include the involvement of an external professional investigator who will assist the School in evaluating the event.

Findings and Recommendations

If the CCC determines that a violation of the CEC (Code of Ethical Conduct) or harassment policy has occurred, they will recommend an appropriate response to the Head of School. In making the final determination about corrective and/or remedial action, the Head of School is not bound by either the findings or recommendations of the CCC.

Records of investigations will be confidential and accessible only on a need-to-know basis as determined by the Head of School in accordance with applicable law and school policies.

Implementation of Findings

When it is determined that a violation has occurred, Hotchkiss will take appropriate corrective and/or remedial action with the primary objective of eliminating the offending conduct.

In a case in which a faculty member is the subject of the complaint, the Dean of Faculty, in conjunction with the Director of Human Resources, will coordinate the investigation and response, and implement corrective action if need be. For a case in which a staff member is the subject of the complaint, the appropriate supervisor, in conjunction with the Director of Human Resources, will coordinate the investigation and response, and implement corrective action if need be. In a case in which a student is the subject of the complaint, the Associate Head of School, Dean of Students, in conjunction with the Dean of Student Health will coordinate the investigation and response, and implement corrective action or disciplinary response if need be. In the case that the Head of School or a member of the Board of Trustees is the subject of the complaint, the matter will be referred to the Board President.

Completing the Investigation and Archiving

The Coordinators will generate an administrative report with findings and recommendations to be shared with the respondent to be maintained by Human Resources and separate from the employee file or student's record. Interview notes and transcriptions will be kept in files maintained by Human Resources and copied to the School's legal counsel.

Retaliation and False Charges

Retaliation against an individual for reporting a good faith complaint or against anyone who participates in an investigation will not be tolerated. Retaliation includes adverse actions which are perceived by a reasonable person as retaliatory. Complaints of retaliation will be investigated and addressed separately from the underlying complaint.

Any person who knowingly makes a false charge may be subject to disciplinary action up to and including termination of employment or place in school.

Roles and Functions

- Head of School
 - Ex officio member of the CCC
 - Is kept apprised of all cases by the DOF, DOS, DHR, or DSH.
 - Receives and approves the final determination about any corrective or remedial action imposed by the School, not necessarily bound by the findings or recommendations of the CCC.

- Coordinators
 - Director of Human Resources and Dean of Student Health
 - Ensure swift response to complaints and concerns
 - Ensure a thorough, complete and fair investigation
 - Works in conjunction with DOS and DOF to ascertain the facts of the case
 - Conducts investigation in conjunction with DOS and DOF and creates and keeps reports of written findings in secure location
 - Serve as objective guides to the DOS and/or DOF, fact finders
 - Reviews cases with team members during debriefing meetings
 - Provides input to team members to reach resolution
 - Liaise with the Department of Children and Families (DCF) and law enforcement, and make reports or cause reports to be made as needed and appropriate.
 - Maintain written record of all cases and ensure copies of cases forwarded to legal consultants as needed.
 - Makes recommendation to the Head of School.

- CCC members as Fact Finders
 - In conjunction with the DHR and DSH, the DOS and/or DOF conduct investigations and interviews, and communicate follow up, outcomes, and follow up to complainants and respondents.
 - With the Coordinators, conduct a review of all cases, and consult with the Head of School.
 - Liaise with the Department of Children and Families (DCF) and police, and file cases as is appropriate.